

**Before the Far North District Council
Independent Hearing Panel**

UNDER The Resource Management Act 1991

IN THE MATTER of the submissions and further submission made by Mataka Residents Association Incorporated on the Proposed Far North District Plan

AND

IN THE MATTER of Hearing 15B: New Special Purpose Zone topic

**Statement of Evidence of Peter Raymond Hall on behalf of
Mataka Residents Association Incorporated
(Planning)**

Dated: 12 May 2025

STATEMENT OF EVIDENCE OF PETER RAYMOND HALL

EXECUTIVE SUMMARY

1. My Name is Peter Raymond Hall. I present this planning evidence on behalf the Mataka Residents Association Incorporated (**Matakā**) in relation to Matakā Station.
2. Matakā Station is a conservation and farm estate on the Purerua Peninsula at the northern end of the Bay of Islands. It comprises a 30-lot residential development with an operational sheep and cattle farm and a large private conservation estate totalling approximately 1075 hectares.
3. The Matakā submission to the Proposed District Plan (**PDP**)¹ sought the insertion of a new Special Purpose Zone for the "Matakā Station Precinct" under 'Part 3 – Area Specific Matters' of the Proposed Plan.
4. I support the outcome of a bespoke spatial layer for Matakā Station for the reasons I set out in the body of my evidence, including:
 - a. Matakā Station presents a complex arrangement of land uses and ownership structure not practically managed by simply its Rural Production Zone and overlays alone;
 - b. Matakā Station is quite different from other rural-residential lifestyle developments, with its very low density of residential development, land reserved for conservation purposes, and farm operating over the balance of the property. These characteristics warrant an integrated and comprehensive resource management approach for Matakā as a whole; and
 - c. Bespoke planning provisions provide appropriate recognition of the existing and consented environment at Matakā, including that established through the previous subdivision consents and conditions to be complied with as required by instruments on the titles. They allow certain PDP provisions to be tailored to reduce consenting burden and risk.
5. Following the analysis as set out in my evidence, I recommend a precinct rather than the National Planning Standard (**NPS**) alternatives of a special purpose zone or a development area.

¹ Submission# 230

6. I drafted the proposed Matakā Station Precinct provisions (**the Precinct**) included with my evidence at **Attachment One**. In doing so and as set out in my evidence, I have considered the Precinct against the matters set out in Minute 14 from the Independent Hearing Panel.
7. I describe in my evidence the Precinct provisions which include the Precinct Plan, and its specific objectives, policies and rules. These are intended to augment the underlying Rural Production zone, and provide outcomes better tailored to the particular mix of farming, residential and conservation activities at Matakā. The Precinct provisions also provide certainty, particularly in relation to the development of unbuilt residential sites. The same applies to the overlay provisions which apply to Matakā, with the Precinct providing for greater certainty of consenting outcome, with both enabling provisions and particular restrictions, compared to the PDP (including as proposed to be modified in Far North District Council (**Council**) officer's s42A Reports presented to PDP hearings to date).
8. The Matakā Station Precinct is entirely consistent with the PDP strategic direction. Including those strategic objectives for the rural environment which seek to foster and protect rural activities. A particular characteristic of Matakā Station is the compatibility of the farm use with the residential and conservation uses. I also consider that Matakā Station is a model for the PDP environmental prosperity strategic objectives, whereby in accordance with these, it has fostered a culture of stewardship that increases biodiversity (with a particularly notable density of kiwi), with that outcome secured by obligations on property titles. The Precinct reinforces these outcomes through policies, rules on house site location and assessment matters as I describe.
9. I assess the Precinct against the 'higher order' planning documents (New Zealand Coastal Policy Statement 2010 (**NZCPS**), other relevant National Policy Statements, National Planning Standards 2009 (**NPS**) and Regional Policy Statement for Northland (**RPS**), where I conclude that the Precinct properly gives effect to these as required by s75 (3) of the RMA 1991. I also assess the Precinct against the Proposed Regional Plan for Northland where I conclude that the Precinct is consistent with its provisions as required by s75 (4) of the RMA 1991.
10. Finally, as included at **Attachment Two** to my evidence, I have undertaken an evaluation of the Precinct as required by Section 32AA of the RMA. That evaluation concludes that the objectives of Precinct are the most appropriate way to achieve the sustainable management purpose of the RMA 1991, and that, as compared to

the alternative options of doing nothing (ie relying on the PDP as notified), or the PDP as it has variously been proposed to be amended by s42A Officers recommendations to PDP hearings, the proposed Precinct is the most appropriate way to achieve the objectives.

QUALIFICATIONS AND EXPERIENCE

11. I hold the qualifications of Bachelor of Planning from the University of Auckland and am a full member of the New Zealand Planning Institute. I have over 30 years' planning experience. During this time, I have had positions in local government (the former Auckland City Council) and as a consultant planner.
12. I am a director of Peter Hall Planning Limited, a planning consultancy I established in 2019. Immediately prior to that I was a Director, member of the Board and Partner at Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects.
13. I have undertaken a wide range of consenting and planning policy work throughout New Zealand.
14. Over the last number of years, I have prepared submissions and presented evidence to hearing panels across a range of topics to various District Plan reviews, including the Auckland Unitary Plan, the Hamilton District Plan, the Waikato District Plan, the New Plymouth District Plan and the Thames Coromandel District Plan.
15. I have had extensive experience in providing planning advice, preparing resource consent applications and appearing before council and Environment Consent hearings for sensitive rural coastal development projects. Typically, these projects transition former marginal or unproductive farmland or pine forests into new sustainable land uses, including through subdivision for rural lifestyle lots, which brings with it greatly improved biodiversity outcomes. These projects include the Tara Iti and Te Ārai Links developments north of Auckland, Te Punga Station on the Coromandel, Wiroa Station and Ōmarino in the Bay of Islands.
16. I also provide advice clients on properties at a smaller scale, including, in relation to the Far North in recent years, planning advice and obtaining consents for subdivision and development in the coastal environment and outstanding landscapes such as Ōmarino, Pāroa Bay Station, Mataka Station and the Matauri Trustee Limited Opounui Farm property. This work has provided me with a very good understanding of the planning issues in the district and I am very familiar with

the Far North Operative District Plan (**Operative Plan**) provisions and the differences between those and the equivalent provisions in the PDP.

17. In my work, I have been involved in the preparation of several precincts in district plans, and subsequent consenting. These have included the Te Arai North Precinct (location of the Tara Iti Golf Course) and the Te Arai South Precinct (location of the Te Arai Links Golf Course), which were inserted into the Auckland Unitary Plan following submissions from my respective clients. More recently, I prepared Plan Change 15 to the Hamilton District Plan on behalf of Tainui Group Holdings Limited, which proposes a new "Tuumata Residential Precinct" at Ruakura in Hamilton.
18. I am currently a Trustee of the Shorebirds Trust, which was established to oversee conservation efforts associated with the Tara Iti. This is relevant to the matters covered in this hearing because that work is a direct outcome of the Te Arai North and South Precincts, whereby the limited development enabled by those precincts (including golf and residential) provide the income stream for that ongoing conservation work.
19. I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have read and agreed to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

ROLE IN THE PROJECT AND SCOPE OF EVIDENCE

20. I was engaged by Matakā in 2023 to prepare its further submission on the PDP and then present planning evidence on its behalf to the PDP hearings. The primary submission by Matakā seeking a new Special Purpose Zone for the "Matakā Station Precinct", with associated amendments to overlay provisions, was prepared by others. I support the relief sought in that primary submission.
21. During the course of preparing for the PDP hearings, I visited Matakā Station twice during 2024, looking at house sites, conservation efforts and the common facilities.
22. I have previously visited Matakā on a number of occasions since 2008 when I was first engaged by an owner of a property (Lot 24) to prepare a resource consent application for a new dwelling. Since that time, I have advised on several other dwelling proposals at Mataka. This work has given me a good understanding of the consent framework and conditions on development that apply there.

23. I have presented planning evidence on behalf of Matakā (and other submitters) at the following PDP hearings:
- (a) **Hearing One:** Strategic Direction and Part 1 /General / Miscellaneous Topics;
 - (b) **Hearing Four:** Natural Environment Values & Coastal Environment; and
 - (c) **Hearing Nine:** Rural, Horticulture & Horticulture Processing.
24. I drafted the proposed Precinct provisions included with my evidence at **Attachment One**.
25. I address the following in my evidence:
- (a) The relief sought in Matakā's submission on the PDP.
 - (b) The consenting background to Matakā Station and its structure, including a summary of the various instruments on the titles at Matakā relevant to the consideration of the Precinct approach.
 - (c) The PDP as it applies to Matakā Station and its consenting implications on future use and development.
 - (d) Why a Precinct is proposed as a method for regulating land use and development at Matakā, compared to the alternative spatial layer of a Special Purpose Zone or Development Area.
 - (e) An explanation of the various provisions of the proposed Matakā Station Precinct, including the structural and drafting approach, its objectives, policies and rules and why these have been applied.
 - (f) An assessment of the Precinct against the criteria set out in Minute 14 from the Independent Hearings Panel (**Minute 14**),² including: how the request for a Precinct is consistent with the PDP strategic direction, how the request "gives effect to" higher order documents in accordance with section 75(3) of the RMA 1991, and an assessment of site suitability and potential effects.
 - (g) A Section 32AA RMA 1991 evaluation of the Precinct (included at **Attachment Two** to my evidence).

² Final Minute 14 of the Independent Hearings Panel, Rezoning Criteria and Process, 2 December 2024.

MATAKĀ SUBMISSION TO THE PROPOSED FAR NORTH DISTRICT PLAN

26. The Matakā submission³ to the PDP sought the insertion of a new Special Purpose Zone for the “Matakā Station Precinct” under ‘Part 3 – Area Specific Matters’ of the Proposed Plan, including appropriate objectives, policies and rules, with associated amendments to the Coastal Environment Overlay, High Natural Character Overlay, Outstanding Natural Landscape overlay and Rural Production zone.
27. The submission set out how the previous subdivision consent applications and consents granted for Matakā Station treated the outcomes sought for Matakā Station as an integrated and long-term scheme. As noted in the submission, the members of Matakā who are landowners, purchased lots in reliance on their ability to construct a residential dwelling within buildable areas identified on the consented scheme.
28. The submission sets out the concerns with the consenting burden and risk from the PDP for Matakā and its current and future owners. The proposed default to non-complying activity status for the construction of a house in the ONL was noted as being particularly problematic as it would require a wholesale reassessment of the appropriateness to build on an approved building platform on the site.

MATAKĀ BACKGROUND AND CONSENTS

Matakā Station

29. Matakā Station comprises 31 separate titles, 30 of which are for residential use and one of which (Lot 32 DP 323083 and Lot 43 DP 363154 held on RT 320619) is owned collectively by Matakā and used for purposes associated with the farm operation including a shearing shed, sheep and cattle yards, various related sheds and outbuildings, a manager’s residency and a staff residency.
30. Property sizes at Matakā Station range in size between 20.0098ha and 57.4180ha. I have included at **Attachment Three** to my evidence a table showing the legal description, title reference, size, ownership and record of applicable instruments for each property.
31. Figure 3 “Mataka Station Precinct – Property Legal Descriptions” included in Attachment 1 of Mr Goodwin’s evidence shows and labels these lots that make up Matakā Station.

³ Submission# 230.

32. According to the Association rules (**Rules**), within each property, each owner is entitled to construct one dwelling together with ancillary buildings on a designated house site and a guest or manager's house (subject to the owner conforming with all applicable planning requirements and securing any applicable consents from all relevant territorial authorities).
33. Landowners hold the titles making up the whole of Matakā Station reserving use of their residential site and leasing to Matakā the balance of their lots for farming and conservation uses. Each property is sold subject to the farming lease.
34. Buildings and landscaping must be designed within the parameters of the Matakā Design Guidelines as described in the evidence of Mr Goodwin.⁴ Owners may fence off from the farmland an area of up to 4 ha of land immediately adjacent to and surrounding their house site for gardens or parkland surrounding each owner's house.
35. These are the common facility areas at Mataka, being the existing beach lodge building at Matakā Beach, and the boat sheds at Whale Bay.
36. Covenants and easements are permanently attached to the Records of Title for all properties on Matakā Station. These legal instruments and the associated rules govern features such as common access, maintenance of roads, the beach lodge, boatsheds and other common facilities.
37. In summary, the instruments on the titles provide that:
 - a. each owner will grant access to the other owners over the common areas to enable all owners to use and enjoy Matakā Station;
 - b. each owner will grant access to Matakā over their respective properties (excluding house sites and extended house site areas) to enable Matakā to carry out its functions including the maintenance of the infrastructure and the communal facilities and the creation of such further improvements as Matakā may elect in the future;
 - c. certain properties are subject to specific land covenants to provide for the planting of trees to screen house sites from neighbouring properties or for the relevant owner to acknowledge that certain communal facilities will be located on their property, such as the beach lodge and boatsheds; and

⁴ Statement of evidence of Mr Goodwin at paragraphs 48 to 52.

- d. each owner is required to belong to the Association and to observe and perform the obligations of a member including the restrictions on the use of individual properties and the payment of levies in respect of maintenance.

Consent Background

38. Mr Williams describes the background to Mataka in his evidence. Mr Goodwin also describes the visual assessments that were undertaken for Stage One and Stage Two to inform the design of the Matakā subdivision scheme. These subdivision consent identify a house site on each of the 30 titles. Land use consents, as required, are then to be sought for the construction of a house on each of these approved house sites.
39. I include in my evidence at **Attachment Four** a table summarising the subdivision consents, which include these two main stages, plus various amendments and the final stage three. Behind this table also in **Attachment Four** is a copy of these subdivision consents.
40. Consent for Stage One (RC-2010428), granted to Matakā Station Limited on 12 February 2001, was for the creation of 29 lots, of which 22 would be residential building sites, together with the provision of infrastructure services of physical access by formation of roads and rights-of-way, reticulated power and telecommunications.
41. Consent for Stage Two (RC-2041080), granted to Matakā Station Limited on 16 September 2004, was to subdivide four existing titles to create eight additional house sites, two reserves and 10 balance farm allotments.
42. The final subdivision consent (RC-2060092) in this series (referred to in the application documents as "Stage Three")⁵ was granted to Matakā Station Limited on 13 December 2005 and was to subdivide four titles to create a total of five titles. This was subject to amalgamation conditions.
43. This final subdivision consent as it was described in the application, "*relocate(d) 2 building sites previously approved in terms of the Stage 2 approval to rural lots within the estate*", specifically "*from Lots 28 and 30 to Lots 31 and 35*".⁶

⁵ Wendell Taylor Associates Ltd, Application for Resource Consent dated 19 July 2005.

⁶ Ibid.

44. The Stage One application was accompanied by a Landscape and Visual Assessment prepared by D J Scott Associates.
45. The Stage One application was also accompanied by an Archaeological Survey and Assessment Report by Dianne Harlow of Architage.⁷
46. The Stage Two application which identified the additional eight house sites was accompanied by a Landscape and Visual Assessment prepared by John Goodwin (of Boffa Miskell).
47. This application included an updated archaeological assessment by Dianne Harlow of the new house sites.

Consent Notices

48. As required by conditions of the above subdivision consents, consent notices under section 221 of the RMA 1991 have been registered on the titles of the subject lots and apply ongoing obligations and restrictions in respect to land use.
49. Consent notice 5667663.3 applies to the Stage One titles and consent notice 6447651.5 applies to the Stage Two titles. Both of these Consent Notices are included at **Attachment Five** to this evidence.
50. These consent notices apply ongoing obligations on owners of properties at Matakā Station in relation to the following matters:
 - a. earthworks (notification of iwi and accidental discovery protocols);
 - b. prohibitions on the destruction of archaeological sites;
 - c. requirements for archaeological survey prior to works within proximity to an archaeological site;
 - d. prohibitions on keeping of cats and mustelids and requirements to limit the number and confine dogs to owners' exclusive use areas;
 - e. a minimum set back of 10 metres from archaeological sites; obligations to minimise cut faces during earthworks and replant;
 - f. services to be underground;

⁷ Archaeological Survey and Assessment Report for Resource Consent Application for Mataka Ltd, Dianne Harlow January 2000.

- g. obligations to establish and maintain an effective possum and goat eradication programme;
 - h. obligations to conserve all conservation areas shown on DP 323083 (Stage One) or as shown on the Boffa Miskell Limited Matakā Station Stage 2 Subdivision Landscape Rehabilitation and Management Plan, dated January 2005 (Stage Two); and
 - i. obligations to preserve landscape areas shown the DJ Scott Associates plan dated December 2000.
51. Of relevance to the development controls proposed for the Matakā Station Precinct, these consent notices for both stages also include conditions on the location and design for houses.
52. Consent notice 5667663.3 which applies to Stage One titles has condition 4 as follows:
- "4. The registered proprietor of each lot on deposited plan 323083 may erect one (1) dwelling house together with accessory buildings, including water storage facilities, except as may be provided by subsequent resource consent or where the provisions of the District Plan applicable to the lot allow any additional building as a permitted activity. The dwelling houses and accessory buildings shall be located as shown on the Lands and Survey plan reference 5670/12 dated 24 February 2003 and shall be consistent with the relevant design criteria in the applicable District plan". (emphasis added)*
53. I include at **Attachment Six**, the Lands and Survey plan reference 5670/12 dated 24 February 2003 referred to in this condition, showing the locations of the approved Stage One house sites.
54. Consent notice 6447651.5 which applies to Stage Two titles has condition 4 as follows:
- "5. The registered proprietor of each lot on deposited plan 346321 may erect one (1) dwelling house together with accessory buildings, including water storage facilities, except as may be provided by a subsequent resource consent or where the provisions of the District Plan applicable to the lot allow any additional building as a permitted activity. The dwelling houses and accessory buildings shall be located and be designed in accordance with the detailed house design information as shown in the Mataka Station Stage II Subdivision,*

Assessment of Landscape and Visual Effects report prepared by Boffa Miskell, dated May 2004. Any building consent application shall be accompanied by a statement from a registered architect or a suitably qualified landscape architect that the dwelling is in accordance with the design criteria. Any building consent application shall also be accompanied by a detailed landscaping plan based on the "Detailed House Site Design" contained in the Boffa Miskell report. The registered proprietor of a lot shall ensure that all plantings on that lot shall be undertaken within the first planting season following completion of the exterior of the dwelling and be maintained by the registered proprietor, on a continuing basis thereafter. (emphasis added)

55. I include also at **Attachment Six**, the Boffa Miskell plans dated May 2004 referred to in condition 4 of consent notice 6447651.5, showing the locations of the approved Stage Two house sites, plus additional design requirements (such as maximum heights above finished floor levels (**FFLs**) which I discuss further below in this evidence).

THE PDP AS IT APPLIES TO MATAKĀ STATION

56. Matakā Station is zoned Rural Production in the PDP. The Outstanding Natural landscape (**ONL**) and Coastal Environment (**CE**) overlays apply to the coastal edges of the property, and in most cases follow the same extent as each other on the property.
57. The High Natural Character (**HNC**) overlay is mapped over discrete areas of vegetation. Generally, these are on the more established vegetation, although that is not exclusively the case in some instances from my examination of the mapping the HNC, with it applying to some areas of relatively open land, and as I understand it also, to some more recently planted areas.
58. Part of the Rangihoua Heritage Area applies to Matakā Station, with that otherwise centred around the adjoining heritage reserve land described in the evidence of Mr Williams.⁸ Specifically, the western part of Lot 16 DP 323083, a tiny sliver of Lot 17 DP 323083, a section of Lot 25, 32-33 DP 346421 and Lot 26, 34 DP 346421 (but not the house sites on these lots). Only the existing house on Lot 27 DP346421 within Matakā Station is identified being within the Rangihoua Heritage Area.

⁸ Statement of evidence of Mr Williams at paragraphs 54 and 55

59. Mr Goodwin attaches to his evidence at Figure 4 in Attachment 1 a map showing the extent of these overlays over Mataka.
60. I have undertaken an analysis of the consenting impact on Matakā Station of the PDP as notified, and also as proposed to be modified in the s42A Reporting Officer's recommendations to the relevant zone and overlay hearings. I include this analysis in summary table form at **Attachment Seven** to my evidence, colour coded as to activity status.
61. In brief, the effect of the CE and ONL overlays in particular in the notified version of the PDP would result in a considerable consenting burden and risk to activities at Matakā Station; including
- a. New buildings in the ONL greater than 25m² and not ancillary to farming would require consent as a non-complying activity.⁹ (The majority of consented house sites at Matakā are in the (generally corresponding) ONL and CE overlays).
 - b. Building heights are limited to 5m above rolling ground in both the CE and ONL and require consent as a non-complying activity to exceed this limit in the ONL.¹⁰
 - c. Minor dwellings require consent as a controlled activity in the Rural Production.¹¹
 - d. Repair or maintenance if not for a listed activity would require consent as discretionary activity in the ONL and CE.¹²
 - e. Earthworks of any practical scale required for the formation of building platforms or driveways would require consent as a non-complying if over 400m² (over a 10-year period) in the CE and if over 50m² (over the life of the plan) in the ONL.¹³
 - f. Farming requires consent as a non-complying activity if in an ONL.¹⁴

⁹ Rule NFL-R1.

¹⁰ Standard NFL-S1.

¹¹ Rule RPROZ-R19.

¹² Rule CE-R2 and Rule NFL-R2.

¹³ Rule CE-R3/Standard CE-S3 and Rule NFL-R3/Standard NFL-S3.

¹⁴ Rule NFL-R6.

THE REASONS FOR A BESPOKE SPATIAL LAYER IN THE PDP FOR MATAKĀ

62. In the Section 32AA Evaluation attached to my evidence, I examine the principal three options for planning provisions for Matakā Station. These are:
- a. **Option 1: Do Nothing** (ie PDP as notified, with reliance of existing consents only for use and development at Mataka);
 - b. **Option 2: Proposed Plan as variously modified by s42A Report** (including Officer Right of Reply recommendations to date); and
 - c. **Option 3: Adopt bespoke planning provisions for Matakā Station.** My evidence at paragraphs 64-90 below also considers three sub-options for Option 3 relating to the type of bespoke planning provisions being Option 3A: Special Purpose Zone (**SPZ**), Option 3B: Development Area or Option 3: Precinct.
63. I propose the adoption of bespoke planning provisions for Matakā Station through a new spatial layer in the PDP (specifically the Matakā Station Precinct as at my **Attachment One**). In summary my reasons for proposing a bespoke planning solution are:
- a. Matakā Station presents a complex arrangement of land uses and ownership structure, has a size, significance and setting, and enduring outcomes that do not apply to the generality of sites in the District, and are not practically managed by simply zone and overlay alone.
 - b. Matakā Station is quite different from other rural-residential lifestyle developments, with its very low density of residential development, land reserved for conservation purposes, and farm operating over the balance of the property. These characteristics warrant an integrated and comprehensive resource management approach for Matakā as a whole through a suite of bespoke planning provisions, particularly given the overlapping patterns of land use and environmental and heritage values, including those set out in the PDP overlays. The alternative ad-hoc application of the PDP zone and overlay provisions on a site by site basis, fails to take into account and appropriately manage the characteristics and values of the Matakā Station as a whole, such as the already well-established framework of vegetation, extensive private roading network, and identification through comprehensive landscape

assessments done in the past of appropriate house sites, as I describe further below.

- c. Bespoke planning provisions provide appropriate recognition of the existing and consented environment at Mataka, including that established through the previous subdivision consents and conditions to be complied with as required by instruments on the titles. These include the identification of a limited number of house sites and ongoing obligations for protection and enhancement.
- d. A bespoke planning solution allows certain PDP provisions to be tailored to reduce consenting burden and risk, having had regard to the particular characteristics at Mataka, coupled with the design control process described in the evidence of Mr Goodwin.
- e. In addition to enabling land use outcomes, a bespoke planning solution responds to the special values at Matakā and, where appropriate, establishes particular restrictions in response to these. Such measures include limitations on the density of development, location of house sites in areas identified to be appropriate from a landscape perspective and that avoid archaeological sites, and adoption of controls limiting the heights of buildings. Such measures provide certainty as to outcome that the values at Matakā Station will be appropriately managed.
- f. As described in the evidence of Mr Williams, bespoke planning provisions provide the necessary certainty also for landowners at Mataka, which is extremely important to the financial well-being of the place. This in turn is critical to the success of outcomes he described, including the considerable annual spend on property maintenance and conservation.¹⁵

SELECTION OF APPROPRIATE SPATIAL TOOL

64. As discussed above, I also considered the appropriateness of the alternatives of either a SPZ or a Development Area spatial layer, having regard to how those are described and defined in the National Planning Standards 2009 (**NPS**) and the associated MfE guidance.¹⁶

¹⁵ Statement of evidence of Mr Williams at paragraph 61

¹⁶ *Guidance for 12. District Spatial Layers Standard and 8. Zone Framework Standard*, Published in April 2019 by the Ministry for the Environment.

65. I am aware also of the consideration of the application of these spatial layers to the Horticulture Zone or Precinct that occurred through Hearing 9, and I have read the Council officer's 42A Right of Reply dated 3 March 2025 and analysis of this question therein at paragraphs 24 to 32. In that instance, the reporting officer recommended that a Precinct is the most appropriate spatial layer to replace the Horticulture Zone – with that approach not utilised in the PDP up until that point. The reasons stated included that a Precinct will allow for some of the underlying RPZ provisions to apply but would contain more restrictive or permissive provisions as needed to achieve the outcome of prioritising the needs of the horticultural industry over sensitive activities and development/subdivision aspirations in certain areas.¹⁷
66. As described further below, I have based the structure and drafting of the Precinct on the proposed new Horticulture Precinct as that was attached to the Reporting Officer's supplementary written right of reply 11 March 2025.
67. In the sections below I summarise my assessment of these alternative approaches of a Option 3A: SPZ, Option 3B: Development Area or a Option 3C: Precinct.

Option 3A: Special Purpose Zone Option

68. I considered the option of a Special Purpose Zone for Matakā against the criteria for Special Purpose Zones from Chapter 8 Zone Framework Standard of the National Planning Standard 2019 (**NPS**). The mandatory direction given here in relation to the use of Special Purpose Zones is as follows:

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 .¹⁸

(Emphasis added)

¹⁷ Para 30, section 42A Report Officer's written right of reply 3 March 2025 Hearing 9 – Rural, Horticulture and Horticulture Processing

¹⁸ Chapter 8 Zone Framework Standard, NPS

69. In my opinion, the specific characteristics of Matakā Station meets criteria a. and b. for the adoption of an SPZ. However, with respect to criterion c. I conclude through this evidence that a combination of other spatial layers (namely, a combination of the proposed Matakā Station Precinct, the Rural Production Zone and the overlays - as the rules are proposed to be modified), present a practical and appropriate alternative management regime.
70. With reference to criterion a. above, I consider that the land use and anticipated outcomes at Matakā are significant to the district, region and country, including for the reasons that:
- a. The size of Matakā Station, its prominent location at the northern entrance to the Bay of Islands, and its outstanding landscape and high natural character values are of significance to the district and region.
 - b. The scale of Matakā Station presents a significant opportunity to restore ecological values and natural character of this coastal environment, an outcome of district and regional significance as sought in various planning documents as I describe further in my evidence.
 - c. Matakā Station has considerable cultural and historic significance, being associated with Māori occupation from at least the 14th century AD, early European contact and settlement. The station is adjacent to Rangihoua Pā and a significant number of archaeological sites, including pā sites, have been identified within the station. Maunga Matakā is the highest point within the station and is one of five pou (boundary markers) for Ngāpuhi.¹⁹ These factors contribute to outcomes for Matakā Station being of district, regional and national significance.
 - d. Matakā Station supports a population of North Island Brown Kiwi, at particularly high densities. Land use outcomes which support and enhance this population are an outcome of district, regional and national significance.
 - e. As described in the evidence of Mr Williams, Matakā Station makes a significant contribution to the economy of the district, both through rating revenue and money spent on local goods and services, and employment.

¹⁹ Statement of Evidence of Te Hurihanga Rihari to the Waitangi Tribunal (Wai 1508 and Wai 1757) para 26, and Far North District Plan Review Historic Heritage Stage Two Rapid Assessments, Prepared for the Council, June 2020, Plan Heritage Ltd: Heritage Area – Rangihoua Assessment page 66.

71. With reference to criterion b. above, both the land use activities and anticipated outcomes are impractical to be managed through another zone. In this regard I consider that of the zones proposed in the notified version of the PDP the Rural Production Zone is the most closely aligned to the existing and proposed land uses enabled by the Matakā Station Scheme because of its enablement of at least one key aspect of the Matakā land use mix, being farming. However, the proposed Rural Production Zone is strongly weighed towards primary production and its supporting activities, with little recognition in its objectives, policies and provisions of farming activities working in tandem with rural-residential activities and conservation activities as occur at Matakā Station,²⁰ nor incentivising those activities. Furthermore, the land use outcomes at Matakā Station are compromised significantly by the consenting restrictions presented in the overlays, particularly the ONL, where for example the establishment of a dwelling and associated earthworks is a non-complying activity. The Rural Production Zone, particularly when combined with the overlays, are impractical for managing the particular range and mix of land use outcomes already consented and further anticipated for Matakā. These do not provide the necessary nuance to respond to the particular characteristics and values at Matakā.
72. Finally, with respect to criterion c. above, as I note above, I have concluded that the land use and anticipated outcomes at Matakā can be managed through a combination of spatial layers - comprising the zone, overlays and the Precinct as I have recommended it.

Development Area Option

73. I have discussed the option of the alternative spatial layer of a Development Area with, Mr Jerome Wyeth, Council's Reporting Planner on Hearing 15B and understand from this discussion that the alternative spatial layer of Development Areas is being explored for other rezoning requests. I do not favour the use of a Development Area for Matakā Station, principally because in my opinion, this method tends towards managing a transition in land use rather than an enduring outcome such as sought for Matakā Station.
74. In Part 1 "General Approach" of the PDP, where describing the general approach and organisation of the PDP, "Development Area" is described as follows:

²⁰ For example, Rural Production Zone Policy RPROZ-P5 "Avoid land use that does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone"

“Development Areas – these are areas arrived at through spatial planning processes such as structure plans or future development strategies that apply to determine future land use or development. There are currently no development areas included in the District Plan”.

75. “Development Area” is described in Part 1 “Relationships between spatial layers” of the PDP as follows:

“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. The District Plan does not currently contain any development areas”.

76. Apart from the references to the District Plan not having any development areas in the quote above, the NPS has the same description of Development Area (i.e. the PDP has directly imported the NPS wording).²¹
77. I note from these descriptions that a feature of a Development Area is that 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.
78. While I accept this is not a mandatory feature of a Development Area (*“the development areas spatial layer is generally removed”*), I do consider that this spatial layer tends towards the development of new greenfields or brownfields land, where a wholesale land use change is directed through techniques such as a structure plans. That might involve techniques such as staging of development and provision of infrastructure. Once development is completed in accordance with that structure plan, then the Development Area becomes redundant, and as described above in the PDP and NPS, it can be removed and the underlying zoning guides ongoing land use thereafter. Examples include the Mangawhai Hills Development Area in the Kaipara District Plan and the Port Nikau Development Area in the Whangarei District Plan.

²¹ At Table 18 in Chapter 12 District Spatial Layers Standard.

79. I favour a Precinct over a Development Area for Matakā Station because the outcomes already established at Matakā Station, and sought to be furthered by a bespoke spatial layer in the PDP, are intended to be enduring. The transitional phase of development, establishing the road network, protected conservation areas, infrastructure and services is complete. What is required now is a spatial layer that continues to run with the land and provides certainty of outcome including for future construction of houses, common facilities and farming, and not a regime to guide development that will be removed when a desired end state is met.
80. I further consider that the term, "Development Area" does not ring true for Matakā with its strong conservation, heritage and farming focus.

Precinct Option

81. The NPS defines "Precinct" as follows: ²²

"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 the underlying zone(s)".

82. There is no definition or description of Precinct currently in the PDP, however my expectation is were there to be (for example through for example the adoption of the proposed new Horticulture Precinct), the definition would likely simply adopt this one above from the NPS.

83. The Ministry for the Environment Guidance for Chapter 12 of the NPS "District Spatial Layers Standard and 8. Zone Framework Standard" (**MfE Guidance**) states the following in relation to Precincts :²³

"Precincts apply to a defined area where the description(s) of the underlying zone(s) and majority of provisions (especially objectives and policies) are still applicable and are relevant. A precinct introduces a collection of new provisions. Precincts are therefore dependent on the underlying zone(s) and their policy frameworks.

Precincts will likely become one of the most commonly used tools to achieve area-specific planning responses, particularly to manage areas, activities and

²² Table 18 in Chapter 12 District Spatial Layers Standard

²³ Page 3, Guidance for 12. District Spatial Layers Standard and 8. Zone Framework Standard, Published April 2019

development that revises or modifies the policy framework and outcomes sought by the underlying zone(s).

Overlays may also apply to an area identified as a precinct, and should override provisions to the extent of any conflict, as mentioned above.

The provisions of a precinct may be more or less restrictive than the underlying zone provisions.

Precinct chapters may specify more detailed relationships between the precinct and the zone, for example, whether the precinct doesn't apply in certain times or circumstances.

Precincts may include reference to a design guide or other supporting material included by reference or as part of the plan.

Precincts could include detailed requirements for development such as the provision of infrastructure, or other requirements. An example of other requirements would be subdivision and ecological controls to provide an environmental baseline for growth, as long as these provisions are not time-bound or part of a high-level development plan for the area – that is a development area function”.

84. With reference to the above guidance, I support the adoption of a precinct because:
- a. The majority of underlying Rural Production Zone provisions (especially objectives and policies) are still applicable and are relevant to Mataka, with the particular exceptions and refinements in rules as proposed to be introduced by the Matakā Station Precinct.
 - b. The Precinct will achieve an “area-specific planning response”, managing an area, activities and development that revises or modifies the policy framework and outcomes sought by the Rural Production Zone.
 - c. Overlays also apply to the Precinct, with any conflict between these layers resolved through the provisions as discussed further below.
 - d. The provisions of the Precinct are both more and less restrictive than the underlying Rural Production Zone provisions.
 - e. The Precinct specifies the relationship between the precinct and the Rural Production Zone, including where the Precinct provisions take precedence over

the Rural Production Zone, and where the provision of that zone otherwise apply.

f. As detailed in the Description of the Precinct Provisions below, the Precinct includes detailed requirements for development.

85. The approach to managing conflict between overlay provisions and zone or precinct provisions is discussed further in the MfE Guidance when discussing overlays.²⁴ Here it is noted that the extent of any conflict between provisions, overlay provisions “would typically” override zone and precinct provisions as I have highlighted below:

To the extent of any conflict between provisions, overlay provisions would typically override zone and precinct provisions. Where no conflict exists, overlay provisions are to be considered in addition to zone and precinct provisions. They don't replace wholesale the zone and precinct provisions.

If a council doesn't want an overlay to override a specific zone provision, for example if a viewshaft doesn't affect commercial zone buildings on street corners, this should be included in the overlay provisions for certainty. This way the overlay remains higher in the spatial layers hierarchy, and the overlay provisions state how the underlying zone rules are applied in that instance” (emphasis added).

86. My reading of the MfE Guidance in this respect is that the default position is that overlay provisions would override zone and precinct provisions unless stated otherwise in the precinct provisions (and there is no inherent difficulty from a planning perspective in precinct provisions providing for such an override or a more nuanced or tailored application of the relevant provisions).

87. I describe further below in my evidence and in my s32AA Evaluation how the structure of the Precinct is such that its provisions continue to achieve the objectives of the relevant overlays, but in a way that certain rules are tailored to the specific characteristics and values present of Matakā Station. This is such that any conflict is resolved through the application of site-specific rules in the Precinct while retaining the objectives and policies of the relevant overlay. As discussed in my evidence, the Matakā Precinct provisions identify which rules from the overlay have been ‘imported’ and adapted in this manner.

²⁴ Chapter 12, Page 2 and 3, Ibid.

88. The MfE Guidance includes also the heading "*Precinct or additional special purpose zone?*", providing some further guidance in relation to that question which I have considered here in recommending the Matakā Station Precinct.²⁵
89. The guidance here asks two further questions to assist in this evaluation: "*To what extent are the underlying zone provisions relevant?*" and "*What would be the most appropriate zone if the activity was removed, shut down or relocated from the site?*".
90. My Section 32AA Evaluation addresses the first question of to what extent the underlying zone provisions are relevant, where it concludes that they are in many respects, but are required to be adapted. With respect to the second question, the guidance here identifies a scenario where a particular land use shuts down and in which case what would be the most appropriate zone to manage the area into the future? That question is not particularly relevant in this instance.

DESCRIPTION OF THE PRECINCT PROVISIONS

Structural Approach

91. The objectives and policies in the Matakā Station add to those in the underlying Rural Production Zone in relation to Mataka. They set out more specific outcomes for the Precinct than the Rural Production Zone objectives and policies. In particular, and as described further below in evidence, the objectives and policies of the Precinct set out specific outcomes in relation to the particular characteristics and values at Matakā Station, and the specific conservation, residential, farming and private recreation outcomes that exist there. This is while enhancing and protecting the special values of the place, including its landscape, natural character, historic heritage, cultural and habitat values.
92. These Precinct objectives and policies sit alongside those of the Rural Production Zone, which apply also and where the underlying Rural Production Zone objectives and policies are not in conflict with the proposed precinct provision. The outcomes of the Rural Production Zone, which in the notified PDP are focussed on ensuring availability for primary production activities,²⁶ and protecting the rural character and amenity of a rural working environment²⁷ will continue to be met with the

²⁵ Chapter 12, Page 7, Ibid.

²⁶ Objective RPROZ-O1.

²⁷ Objective RPROZ-O4.

Precinct. Matakā presents a particular circumstance here, whereby farm and rural production activities operate extensively over the property, complementing the residential and conservation outcomes, and not in conflict with these. In this respect, the farming aspect of the property is very much supported by the Rural Production Zone objectives and policies, and these do not need to be repeated in the Precinct provisions. As discussed above, this is one of the reasons why a precinct has been selected as the method for managing land use and development at Mataka: it applies in addition to and not in full substitution to the underlying Rural Production Zone, a circumstance that works particularly well for Mataka.

93. Consistent with the explanation of the relationship between spatial layers, overlays still apply to the Precinct, and identify distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.²⁸ Specifically, the CE, ONL, HNC and (in small part) Rangihoua Heritage Area overlays variously apply across parts of the Precinct. These each have their own objectives and policies, which seek more specific outcomes in relation to mapped areas. These objectives and policies still apply. As set out in my evidence below, the specific provisions of the Precinct have been designed to continue to implement these objectives and policies, but in a tailored way that takes into account the specific outcomes sought for Matakā and the existing circumstances of the place.
94. In the event there was conflict between the Rural Production Zone or the overlay objectives and policies and those of the Precinct, then the Precinct would prevail: it providing more specific direction for the management of resources therein.
95. With respect to rules and consistent with the above approach, the Rural Production Rules apply, together with the rules of the Precinct - except where specifically identified. An example is the maximum height standard of the Precinct which applies more restrictive height controls than those in the Rural Production Zone. Another example is the provision for Visitor Accommodation in the Precinct, whereby the specific standards from the Rural Production Zone have been adapted to suit the particular arrangement of landholding and access at Mataka.
96. The "Overview" section of the Mataka Station Precinct sets out this application of the rules, specifying that the rules and standards of the underlying Rural Production zone apply in addition to the provisions of the Precinct, except in with respect to the rules specifically listed. In addition, this section specifies that the underlying Rural Production zone rules apply when the Precinct does not include a rule for the

²⁸ PDP Part 1 - Relationships between spatial layers.

same activity, to recognise the fact that there are other Rural Production Zone rules which apply and which are not, and do not need to be, listed in the Precinct.

97. The Precinct also sets out the specific rules from the CE and ONL overlays that do not apply within the Precinct, namely rules relating to: new buildings or structures and extensions or alterations to existing buildings or structures; earthworks or indigenous vegetation clearance; farming; maximum height; colours and materials; and setbacks from MHWS. As described later in my evidence, these are replaced with bespoke rules for the Precinct. An example here is the Precinct rules providing for a single dwelling and minor residential unit as a controlled activity on a House Site specifically identified on the Precinct Plan 1 (house sites which have already been approved by the previous subdivision consents), including in situations where such house sites are in the CE and ONL overlays.
98. The Overview section of the Precinct provisions also explains this, setting out that in the specified instances, the Precinct provisions prevail over certain provisions in the Coastal Environment and Natural Features and Landscapes chapters, and then listing those specific provisions.
99. Finally, the remaining General District-Wide provisions of the PDP continue to apply to without modification, referencing as they do in some instances particular rules for the Rural Production Zone. These include provisions in relation to the natural hazards in the coastal environment, light, noise, signs, earthworks, transport and temporary activities.

Drafting Approach

100. The Precinct provisions have been drafted based on the proposed Horticulture Precinct presented in March 2025 with the Officer's Right of Reply to Hearing 9 – that being the only example of a Precinct to date proposed to be incorporated into the PDP.²⁹
101. The Precinct consists of a suite of Matakā Station provisions and a Precinct Plan (**Precinct Plan 1**) (which is a common approach to Precincts used in other district plans). The Precinct Plan shows the boundary of the precinct, and other information necessary where spatial definition is required by the rules, as I explain further below.

²⁹ Appendix 1 – Officers Recommended Amendments to the Horticulture Zone chapter – redrafted as a Horticulture Precinct chapter, Proposed: 11/03/2025.

102. The drafting approach I have adopted follows the PDP as notified, with no presumption that any recommendations in an Officers Section 42A or Right of Reply Report to a hearing will be adopted. In this regard, the PDP as notified is the only 'live' plan, and I cannot make any predictions about what recommendations the Independent Hearing Panel will make to the Council at the conclusion of the hearings.
103. In saying this, I have noted in my evidence any relevant potential effect of changes recommended in Officers Section 42A or Right of Reply Reports on topics heard already. This potential 'middle position' between the PDP as notified and the Precinct provisions I have drafted is evaluated at Option 2 in my Section 32AA assessment at **Attachment Two**. My conclusion is that, while recommendations in Officers Section 42A or Right of Reply Reports go some way, even if fully adopted they do not negate the need for the Matakā Station Precinct.
104. As noted above, the Precinct lists the particular rules from the overlays which do not apply within the Precinct. For completeness, consequential cross reference changes will need to be made in the final drafting of the overlay rules as listed back to the Precinct to specify that these rules do not apply.
105. The drafting approach I have used for the Precinct is otherwise entirely consistent with that used elsewhere in the PDP, adopting the same structure, abbreviations and drafting standards as those are apparent to me from the PDP.³⁰
106. For the time being, I have adopted an "X" for the chapter reference used throughout the Precinct (eg PREC~~X~~ - Matakā Station Precinct, objective PREC~~X~~-O1 etc), with that needing to be replaced with the correct sequential number in the final drafting of the PDP at the conclusion of the hearings.
107. I have also adopted the macron in Matakā, cross referencing the sources I footnote below.³¹

³⁰ Consistent with the PDP, this includes all references to ONL in the PDP not using the articles "an" or "the" (Note also that ONL as used is plural i.e. outstanding natural landscapes).

³¹ Sources for "Matakā": Ngāti Tōrehina ki Matakā website: <https://ngatitohina.com>
Statement of Evidence of Te Hurihanga Rihari to the Waitangi Tribunal (Wai 1508 and Wai 1757) para 26
Far North District Plan Review Historic Heritage Stage Two Rapid Assessments, Prepared for the Council, June 2020, Plan Heritage Ltd: Heritage Area – Rangihoua Assessment page 66.

Precinct Plan 1

108. Precinct Plan 1 shows the following:
- a. The boundary of the Precinct.
 - b. House sites as referred to in the Precinct Rules and numbered according to the table set out in standard PRECX-S1 Maximum height.
 - c. The spatial extent of Areas 1, 2 and 3.
 - d. Key geographic features for ease of reference.
 - e. Land parcels within and adjoining the Precinct.
109. This is the only precinct plan intended to accompany the Precinct provisions.
110. It is intended that this Precinct Plan also be incorporated into the PDP as a GIS spatial layer, so that the overlays and other spatial layers can be read in conjunction with the Precinct Plan. For this reason, the Precinct Plan does not replicate the overlays or other spatial layers.
111. To assist understanding and for the purposes of the hearing, a version of this combined Precinct Plan and overlays has been prepared and is attached to Mr Goodwin's evidence as Figure 4.
112. Similarly, as a GIS layer the spatial extent of Areas 1, 2 and 3 will be able to be zoomed in – these being very small at the scale of the Precinct Plan.
113. Again, to assist the hearing, close ups of these areas have also been included in Attachment 1 of the evidence of Mr Goodwin as Figure 1a, set on an aerial photograph base.
114. The boundaries of the Precinct follow the cadastral boundaries of Matakā Station. This excludes the Crown land held under s129 Land Act 1924 (Parcel 4861315) which runs as a narrow coastal strip around the eastern edge of Matakā Station. This strip was zoned Conservation in the Operative District Plan and inadvertently this zoning was not carried through into the PDP, with it zoned Rural Production. A Council submission to the PDP³² sought that this be rezoned Natural Open Space.

³² S368.099.

Matakā through its further submission supported this,³³ to the extent that the rezoning to Natural Open Space is confined to this parcel only. It is understood that this matter will be heard as part of Hearing 15C - Rezoning General. The Natural Open Space zone generally applies to public land that is administered by government agencies and includes a variety of parks and historic reserves.³⁴ In my view this zoning is appropriate and the Precinct compatible with it as an adjoining zoning.

115. With respect to the Precinct mapping no conflict arises here, with the Precinct not mapped over this Crown Parcel 4861315.
116. The Precinct also excludes a narrow hydro parcel³⁵ adjacent to Rangihoua Road and opposite lot 43 (Parcel ID 6637027), which divides Lot 25, 32-33 Deposited Plan 346421 and Lot 26, 34 Deposited Plan 346421, but is not within Matakā Station ownership.
117. The coastal strip Crown land held under Parcel 4861315 and the hydro parcel adjacent to Rangihoua Road are shown at **Attachment Eight** to my evidence.

Overview Section

118. The "Overview Section" for the Precinct describes Matakā Station and its considerable cultural and historic significance. The scale of Matakā Station is described as presenting a significant opportunity to restore ecological values and natural character of this coastal environment at the northern entrance to the Bay of Islands. The purpose of the Precinct is also described in this section as being "*to enable the continued joint management of the land for farming and conservation purposes, while providing for limited residential development and common facilities within identified areas*".
119. The Overview section also describes the physical characteristics of Matakā Station, and the sensitively sited house sites and associated mitigation planting.
120. As described above, the Overview section also sets out the 'mechanics' of the Precinct provisions in relation to zoning and other spatial layers in the PDP.

³³ FS143.75.

³⁴ PDP, Natural open space zone "Overview".

³⁵ LINZ Cadastral Survey Guidelines: Defined as a primary parcel defining the residual or balance portion of the bed of a lake, river, stream or the sea. These parcels are deemed to be crown owned without appellation or title.

Matakā Station Precinct Objectives

121. The objectives for the Precinct are as follows:

PRECX-01 *The rugged beauty and quality of the environment at Matakā Station is protected and enhanced.*

PRECX-02 *Land use and development within the Matakā Station precinct is undertaken in a way that enhances and protects:*

- a. landscape values;*
- b. the natural character of the coastal environment;*
- c. historic heritage and cultural values; and*
- d. habitat for kiwi and other indigenous fauna.*

PRECX-03 *Land within Matakā Station precinct is used for farming, conservation activities, residential activities, recreation activities and leisure activities.*

PRECX-04 *New residential units, minor residential units and buildings or structures for recreation activities are designed to be integrated with the characteristics, qualities and values of ONL and natural character of the coastal environment”.*

122. Objective PRECX-01 is a fundamental overall outcome for Matakā Station, with the protection and enhancement of the environment fundamental to its purpose. “Rugged beauty” has been chosen as an apt description of this dramatic coastal environment. The “protection” and “enhancement” directives of this policy then drive the approach to house siting, mitigation and maintenance of planting undertaken already and as secured further by the provisions below.

123. Objective PRECX-02 set sets out the outcomes expected to be achieved with land use and development at Mataka. Consistent with Objective PRECX-01, the directive is to enhance and protect the specific values set out: these being the values which strongly define Mataka. Included here is the enhancement and protection of habitat for kiwi and other indigenous fauna. Kiwi in particular are identified here, given the

significance of the place as habitat, and the success to date in enhancing that, as described in the evidence of Mr Williams.

124. Objective PRECX-O3 describes the particular land uses that occur at Matakā Station, as provided for by the Precinct; namely farming, conservation activities, residential activities, recreation activities and leisure activities. This objective is important to clearly state the land uses which occur now and will continue to occur through the Precinct provisions.
125. Objective PRECX-O4 references the obligation for new residential units, minor residential units and buildings or structures for recreation activities to “be integrated with” the characteristics, qualities and values of ONL and natural character of the coastal environment. This is intended to provide more specific direction for buildings and structures and not replace the applicable CE and ONL objectives, which as set out above, continue to apply.

Matakā Station Precinct Policies

126. The policies for the Precinct are as follows:

***PRECX-P1** Enable the development of residential units, minor residential units and buildings or structures for recreation activities in general accordance with Precinct Plan 1.*

***PRECX-P2** Enable the ongoing operation of farming activities.*

***PRECX-P3** Limit development within the precinct to protect natural character and the characteristics, qualities and values that make ONL outstanding.*

***PRECX-P4** Encourage and support active management of pest plants and pest animals, including possums, goats and mustelids.*

***PRECX- P5** Require landowners to manage pets to avoid risks to threatened indigenous species and kiwi, including by avoiding the introduction of pets into the high-density kiwi areas.*

***PRECX-P6** Manage effects on historic heritage and cultural values when undertaking earthworks by:*

- a. *adhering to accidental discovery protocols for sensitive material;*

b. undertaking appropriate actions in accordance with mātauranga and tikanga Māori when managing effects on cultural values.

127. By referencing development in general accordance with the Precinct Plan 1, policy PRECX-P1 achieves the full objective set above. As discussed above in the consenting history section of my evidence, the location of house sites on Precinct Plan 1 has been determined at the time of subdivision by expert landscape assessment to protect the rugged beauty and quality of the environment at Matakā Station (Objective PRECX-O1), protect the particular values of the place (Objective PRECX-O2), ensure the land is used for its intended purpose (Objective PRECX-O3), and ensure integration with the characteristics, qualities and values of ONL and natural character of the coastal environment (Objective PRECX-O4). Further integration will occur through design and mitigation planting as house sites are developed, with this policy being further implemented by the building design assessment method, height, material and colour controls and rules on earthworks and vegetation removal discussed below in this evidence.
128. I have drafted Policy PRECX- P5 as an obligation to avoid risks to threatened indigenous species "and kiwi" on the basis that the North Island Brown Kiwi, which is the species at Mataka no longer has a threatened status, having been reclassified by the Department of Conservation from "At Risk - Declining" to "Not Threatened."³⁶
129. Policy PRECX-P2 is recognition of the importance of farming to the land use mix and revenue stream for Mataka, directing that farming there be 'enabled'.
130. Policy PRECX-P3 recognises that the success of Matakā relies on its low level of density, with open space (pasture and native vegetation) predominant over built form. Accordingly, the directive here is to "limit development", with that being implemented by the residential density rule, adherence of dwellings and minor dwellings to the house sites shown on Precinct Plan 1 and the limited spatial application of the recreation buildings areas A, B and C where these occur in overlays.
131. Policy PRECX-P4 seeks to encourage and support active management of pest plants and pest animals, including possums, goats and mustelids. This recognises the significant continuing ongoing effort and spend in this regard, which is set out in the evidence of Mr Williams.³⁷ The policy therefore supports the continuation of

³⁶ The North Island brown kiwi is no longer threatened, having been reclassified from "At Risk - Declining" to "Not Threatened. Source: Conservation status of birds in Aotearoa New Zealand, 2021, DOC

³⁷ Statement of evidence of Mr Williams at paragraph 61.

this programme. It also is more targeted to the particular species of focus at Matakā than perhaps the equivalent more generic policies of the PDP.³⁸ The policy is implemented by the consent notices on the titles I discussed above which include obligations to establish and maintain an effective possum and goat eradication programme.

132. Policy PRECX- P5 builds on Policy PRECX-P4; requiring landowners to manage pets to avoid risks to threatened indigenous species, including by avoiding the introduction of pets into high-density kiwi areas. This is currently given effect to by the consent notices on the titles at Matakā I discussed above which include a prohibition on keeping of cats and mustelids and requirements to limit the number and confine dogs to owners' exclusive use areas.
133. Policy PRECX-P6 seeks to manage effects on historic heritage and cultural values when undertaking earthworks. This is achieved through adhering to accidental discovery protocols³⁹ and the inclusion as a matters of discretion the effects on any archaeological site at Precinct Rule PRECX-R9.

PRECX-R1 New buildings or structures, and extensions or alterations to existing buildings or structures

Permitted Activity Rules PER1 – PER-4

134. Rule PRECX-R1 New buildings or structures, and extensions or alterations to existing buildings or structures establishes four permitted activity rules and one controlled activity rule in relation to Mataka. These rules replace their equivalent rules in the ONL and CE.⁴⁰
135. PER-1 provides a permitted activity rule for buildings not used for residential activity in the Precinct, which comply with the Rural Production Zone maximum height limits (where in the Rural Production Zone). If in the ONL or CE they are required to comply with the heights and colours and material standards set out in the Precinct Standards. This rule generally follows the same 'split' in activity status that would otherwise apply in the PDP, with relatively permissive provisions for buildings in the

³⁸ For example the generic policy IB-P7 in the Ecosystems and indigenous biodiversity chapter of the PDP to "*Encourage and support active management of pest plants and pest animals*".

³⁹ Accidental discovery protocols are a requirement of consent notices and applicable in any event to all earthworks within the district by virtue of Standard EW-S3 "*Accidental discovery protocol*" from Part 2 General District-Wide matters – Earthworks of the PDP. These consent notices at Matakā also have an obligation for a 10m setback from archaeological sites.

⁴⁰ Rules NFL-R1 and CE-R1.

Rural Production Zone (where no overlays apply) in recognition of the need to provide for the full range of farm and associated buildings within that zone. Additional size, colours and height restrictions apply to buildings in the ONL and CE overlays. Here, buildings not used for residential purposes in the ONL and CE overlays are limited as a permitted activity to 50m² and 100m² with a 5m height limit. A restricted discretionary activity consent is required to exceed these limits.

136. PER-2 provides for extensions or alterations to a lawfully established building or structure within ONL or the coastal environment as a permitted activity, where that is no greater than 30% of the GFA and complies with the maximum permitted height limits set out in standard PRECX-S1 of the Precinct. This is similar to the equivalent provision in the PDP overlays, with the exception that provision is made for 30% rather than 20%.
137. PER-3 makes particular provision for any new building or structure, or extension or alteration to an existing building or structure on Lot 31 DP 367766 or Lot 35 DP 363154 within the Precinct. These titles were established in Stage 3 of the Matakā Station subdivision and, although residential lots, the related consents do not specify that house sites are limited to a specific area. This was in recognition of the fact that when these lots were subdivided, they were in the then Operative Plan Rural Production Zone and not subject to any outstanding landscape overlay. This is still the case in the PDP, with only a tiny sliver of the eastern side of lot 31 and a very small portion of the southern western corner of lot 35 in the CE, and the lots otherwise inland rural lots.
138. As set out in PER-3 by cross reference, new houses on Lot 31 DP 367766 or Lot 35 DP 363154 may be built to the same height limit (12m), height in relation to boundary and coverage controls that otherwise apply under the Rural Production Zone.⁴¹
139. PER-4 makes particular provision for new buildings or structures, or extension or alteration to an existing buildings or structures where those are for workers accommodation on Lot 43 DP 363154, which is the Matakā Residents Association lot. The height, height in relation to boundary and coverage controls that otherwise apply under the Rural Production Zone also apply to such buildings.

Controlled Activity Rule CON-1: Single residential unit or a minor residential unit on a House Site identified on Precinct Plan 1

⁴¹ Rules RPROZ-S1, S2 and S3.

140. Precinct Rule CON-1 applies a controlled activity to a single residential unit or a minor residential unit on a House Site identified on Precinct Plan 1.
141. This rule recognises that the suitability of these house sites has been confirmed already by comprehensive landscape evaluation, being the DJ Scott Associates assessment for Stage One and the Boffa Miskell assessment for Stage Two.
142. The default to non-complying or discretionary activity as in the PDP as notified (for the ONL and CE respectively) would require a wholesale reassessment of the appropriateness to build on these already approved building platforms. It would impose considerable unnecessary cost and risk to current owners, including costs and risk associated with potential notification, in a situation where a building platform and the principle of a building on that platform has already been confirmed as being appropriate and lawfully established through these subdivision consent processes.
143. In my opinion, a controlled activity status is appropriate because it allows the Council to assess and impose conditions on the attributes of building and design form that have the most influence on achieving an outcome where building is appropriately integrated with the natural environment of Matakā Station while still giving landowners certainty that they will be able to build. In that regard, these attributes are recorded in the matters of control set out; namely:
 - a. the location, scale (including height) and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;
 - b. the means of integrating the building, structure or activity into the landscape, including through planting;
 - c. the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and
 - d. any mitigation measures proposed.
144. These are a targeted set of matters of control for buildings for a residential unit or minor residential unit on a defined building platform. These recognise that fundamental issues of the appropriateness of the house site have already been dealt with at the subdivision stages, including identification of suitable building platforms, provision of legal and physical access to lots by way of the network of internal roads at Matakā and implementation of site-wide mitigation such as planting.

145. This rule also specifies that new buildings or structures, and extensions or alterations to existing buildings or structures that are a controlled activity under rule CON-1 shall be precluded from public or limited notification unless special circumstances apply.⁴² While I note that this applies as a matter of law under the RMA 1991, the specific inclusion here provides the benefit of further certainty, particularly against a backdrop of future changes to planning legislation.
146. I acknowledge that the 42A Officer's Reports and Right of Reply Reports for the Hearing 4 for Natural Character, Natural Features & Landscapes and Coastal Environment, recommended a very similar approach as I have set out above for building on sites already identified by way of an existing subdivision. In my view, a slightly more targeted approach is justified within the Precinct to provide greater certainty and align to the outcomes of the specific landscape assessments that have confirmed the suitability of these house site locations. In the case of the Precinct, direct reference can be (and is) made to the actual house site locations identified on the Precinct Plan 1, rather than the necessarily generic reference in the 42A Reports to simply defined building platforms.

Discretionary Activity status when compliance not achieved with CON-1, except where PRECX-R8 applies

147. Where new buildings or structures are located outside of the House Sites identified on Precinct Plan 1, and where within an ONL or CE, then a full discretionary activity consent is required. In my opinion a discretionary activity assessment is appropriate because this allows for a full assessment of buildings outside the already identified house sites under s104 of the RMA 1991, including having regard to any actual and potential effects on the environment of allowing the activity, any relevant provisions of the District Plan and applicable other documents such as the NZCPS and RPS
148. With reference to relevant policies of the PDP, the discretionary activity status still allows consideration of the directive policies set by NFL-P2 (avoid adverse effects on ONL in the coastal environment) and NFL-P3 (avoid significant adverse effects on ONL outside the coastal environment).
149. Important also here is the overriding objective that the ONL are protected from *inappropriate* land use and development. That, in my opinion, warrants a merits-

⁴² Notification of controlled activities is precluded under s 95A(5)(b)(i) in relation to public notification and 95B(6)(b) in relation to limited notification.

based assessment as to the appropriateness of a new building or structure outside of the identified house sites on Precinct Plan 1, as would take place in a discretionary activity assessment.

150. The objectives and policies of the Natural Features and Landscapes Chapter of the PDP, reflect those of the NZCPS and RPS. They do not present a policy construction which precludes or assumes against new buildings or structures in the ONL in coastal environments – particularly recognising that some ONLs are lived-in and/or modified landscapes and there may be a reasonable expectation to build a new dwelling or re-build an existing dwelling.
151. I note also that, locating dwellings and minor units outside of the identified house sites would require a discretionary activity consent in any event at present, by virtue of the two Consent Notice conditions I set out above in this evidence.⁴³ Specifically, these conditions require the dwelling houses and accessory buildings to be located on the house site locations identified in the plan and report referenced respectively. Locating such building outside of the identified locations would require a variation to the particular Consent Notice that applies, and an application to vary a Consent Notice under section 221(3) of the RMA 1991 is a discretionary activity.
152. Where the maximum height limit is exceeded, then by virtue of CON-2, a restricted discretionary consent is required. I discuss below in my evidence under the “Maximum height standard” heading, the suitability of the restricted discretionary activity status and matters of discretion applicable for considering applications to exceed the maximum height limit.

Restricted Discretionary Activity Rule PRECX-R8 New buildings or structures, and extensions or alterations to existing buildings or structures within Areas 1, 2 or 3 shown on Precinct Plan 1.

153. Specific provision is made for new buildings or structures and alterations and additions in the limited areas mapped as Areas 1, 2 and 3 on Precinct Plan 1. These are the common facility areas at Mataka, being the existing beach lodge building (Area 1) at Matakā Beach, and the existing boat sheds (Area 2) and an area potentially for new boat sheds (Area 3) both at Whale Bay. These areas are all

⁴³ Condition 4 of Consent Notice 5667663.3 (Stage One house sites) and Condition 5 of Consent Notice 6447651.5 (Stage One house sites).

within the ONL and CE overlays, with the beach lodge being also set within a relatively large area of HNC.⁴⁴

154. The intent of Restricted Discretionary Activity Rule PRECX-R8 is to provide for new buildings or structures, including extensions or alterations to existing buildings or structures, where such buildings are used for a recreation activity within these limited identified areas. The Precinct rule here replaces rules that would otherwise apply from the ONL, CE and HNC overlays.
155. The term "recreation activity" is defined in the PDP as "*means the use of land, water bodies and/or buildings for the purpose of the active or passive enjoyment of organised sports (excluding motorsport), recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not*" (emphasis added).
156. This activity classification would apply to these communal facilities at Matakā Station. With reference to the definition above, those being uses of land and buildings for the enjoyment of private recreation and leisure activities.
157. To ensure that development within these identified areas meets the objectives and policies of the applicable overlays, matters of discretion are provided as follows:
 - a. *The location, scale (including height) and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;*
 - b. *the means of integrating the building or structure into the landscape, through planting;*
 - c. *the height of any retaining walls, their colour and whether planting is necessary to mitigate their visual effects;*
 - d. *any mitigation measures proposed;*
 - e. *effects on the characteristics, qualities and values that make ONL outstanding;*
and

⁴⁴ HNC Reference: 256. *Description: Hillslopes with kanuka dominant shrubland & low forest. Mixed broadleaved shrubland & low forest in the valleys. By the shoreline there is spinifex sandfield (dune).*

f. the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity.

158. In my opinion, these allow for a full scope of assessment of relevant values. With reference to the relevant ONL and CE objectives and policies that apply here, this includes consideration of the effects on the characteristics, qualities and values that make ONL outstanding, and the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity. That would allow for a full assessment of the appropriateness of a new recreation building in these locations, including its design, height, materials and colours and landscaping.
159. These assessment criteria are coupled with the discrete and limited application of this exception to the CE and ONL rules that would otherwise apply to buildings and structures outside of the identified house sites: applying as it does only to areas A, B and C on Precinct Plan 1. As well as being mapped to limited areas only (and Area A and B being occupied by buildings already), the identified areas are at low points on the property (ie not visually prominent and backdropped by vegetation and landform).
160. This rule only applies this specific exception to the existing and planned common facilities that are within the ONL, CE and HNC overlays. Elsewhere within the Precinct where no such overlays apply, then the underlying Rural Production Zone would allow for the development of new recreation activities as a permitted activity, subject to the normal standards such as height and coverage that apply under that zone.

Residential Activity

161. Rule PRECX-R2 Residential activity applies a permitted density of one dwelling per 20ha to the Precinct, in addition to allowing a minor residential unit for each lot. This minimum permitted density of 20ha for dwellings has been selected because residential lot sizes range between 20.0098ha and 57.4180ha at Mataka, and the need to provide for at least one dwelling per lot.
162. A discretionary activity allowance of a maximum of two dwelling per lot has been specified in PRECX-R2. This recognises that the Precinct has already been subdivided into relatively large titles at a low density. Even if the 12 existing titles over 40ha were to have two dwellings as a permitted activity under this rule, then

the rural open nature of the Precinct would still remain. This is further reinforced by topography and vegetation pattern whereby the apparent effect of density is readily absorbed. The rural open nature of the Precinct is further reinforced by the farming activity and the fact that it operates over the property as a whole, plus the controls on building design.

163. This provision recognises the allowance under the Matakā Association Rules that a dwelling and a caretaker's or manager's dwelling can be erected on each lot. Such a dwelling would normally be larger than the 65m² minor dwelling otherwise allowed, providing the sufficient size for the caretakers or managers to be a proper house, including the potential for occupancy by a family. This provision also recognises the fact that some owners do not occupy their properties year-round and the desirability of having permanent occupancy on a site for maintenance and security.
164. In recognition that no assessment has been necessarily undertaken of the suitability of the second dwelling, I consider that a discretionary activity would appropriately allow for all relevant matters to be taken into account, including effects on the ONL and CE of the house site location where applicable.
165. Where the number of dwellings exceeds two per site a non-complying activity consent would be triggered under PRECX-R2.

Minor residential units

166. Permitted Activity Rule PRECX-R3 "Minor residential unit" is proposed. While this is similar to the minor residential unit rule RPROZR19 from the Rural Production Zone, it differs in several areas in the Precinct as follows:
 - a. Minor residential units are proposed to be permitted activities (subject to compliance with the standards) in the Matata Station Precinct as opposed to controlled activities in the Rural Production Zone of the PDP as notified .⁴⁵
 - b. Two standards from the Rural Production Zone of the PDP as notified applying to minor residential units are not adopted; being the site area per minor residential

⁴⁵ I acknowledge here the proposed change from a controlled activity to a permitted activity for minor residential units in the Rural Production Zone as set out in the Rural Wide Issues and the Rural Production Zone Report Appendix 1.1 – Officers Recommended Amendments to the Rural Production Chapter (4/11/2024). However consistent with the approach taken in my evidence and with drafting the Matakā Station Precinct Provisions, I drafted with reference to the PDP as notified and not made any assumptions as to the outcome of the hearings.

unit is at least one hectare and the separation distance between the minor residential unit and the principal residential unit not exceeding 15m.

167. The restriction of a one-hectare minimum site area per minor residential unit, is superfluous in the Matakā context where no sites of this size exist. Secondly, the requirement for a separation distance between the minor residential unit and the principal residential unit not exceeding 15m has not been adopted due to the desirability to provide for the option of separation between such uses on a site: this is particularly desirable where the minor residential unit was occupied by a caretaker or similar, separate from the owner's residence.

Earthworks or indigenous vegetation clearance

168. Rule PRECX-R4 Earthworks or indigenous vegetation clearance makes specific provision for earthworks and indigenous vegetation clearance within the CE and ONL. This applies in addition to the earthworks rule which apply in Part 2 of the PDP,⁴⁶ but in replacement of the earthworks or indigenous vegetation clearance rules which apply in the CE and ONL overlays.⁴⁷
169. Consistent with those overlay rules, certain exceptions applied such as for the operation, repair and maintenance of existing lawfully established structures and facilities. I have included in Rule PRECX-R4 additional exceptions consistent with those that I sought in my evidence to Hearing 4,⁴⁸ namely for: earthworks and vegetation removal for the maintenance of planted indigenous vegetation within domestic gardens; the formation of walking tracks within the limits specified; and for the maintenance or reinstatement of pasture through the removal of the regenerating vegetation species specified.
170. I note from the s42A Officers Right of Reply to Hearing 4 that these amendments as I sought are generally agreed with by the officers, with the exception that the allowance for the maintenance or reinstatement of pasture (a) not apply areas of the ONL in the coastal environment and (b) be limited to vegetation there less than 5 years old and less than 3m in height.
171. As I set out in my evidence to Hearing 4, the pasture exclusion provides for maintenance and reinstatement of farmland where that has recently been colonised

⁴⁶ PDP, Part 2 –General District-Wide Matters – Earthworks.

⁴⁷ NFL-R3 and CE-R3 Respectively.

⁴⁸ Statement of Evidence of Peter Hall to Hearing Four: Natural Environment Values & Coastal Environment, 22 July 2024.

by indigenous vegetation that is not susceptible to grazing. The management of pastureland in this manner is a normal part of farming practice. In the case of Mataka, which is a mosaic of planted and fenced pasture in both the CE and the ONL overlays, this is an important allowance for the purposes of maintenance and reinstatement of open areas. With the limits on age and size of the vegetation types specified (manuka, kanuka, tree ferns or scattered rushes), it is anticipated that there is a low likelihood of adverse effects.

172. The standards setting the limits for permitted earthworks or indigenous vegetation clearance I discuss below.

PRECX-R9 Earthworks or indigenous vegetation clearance: House Sites and Areas 1, 2 and 3.

173. Specific earthworks and vegetation removal activities associated with the construction of a building or structure and its associated curtilage within a House Site or Area 1, 2 or 3 on Precinct Plan 1, and the associated construction of accessways are provided for as a Restricted Discretionary Activity under Rule PRECX-R9, where these are in the CE or ONL overlays. These are set out in restricted discretionary rules RDIS-1 to RDIS-4.
174. The purpose of these specific provisions is to avoid the need for restrictive consent activity status to develop locations that have already been confirmed as acceptable by subdivision and/or are discretely mapped. This deliberately departs from the earthworks and vegetation removal rules that would otherwise apply in the CE and ONL overlays, which would trigger discretionary or non-complying consents to exceed the minimal thresholds allowed. Broadly, however, and as discussed further in the paragraphs below, the need for consent and assessment of such earthworks is still required in the Precinct provisions, only that the activity status is restricted discretionary. In recognition that earthworks and vegetation removal can still have adverse effects on the characteristics, qualities and values that make ONL outstanding, and the characteristics, qualities and values of the coastal environment, these matters are included as 'matters of discretion'.
175. Of particular note however when considering the provisions is their limited application only to the identified areas within the Precinct. A particular characteristic of Matakā is the fact that it already has an extensive network of well-formed and resilient roads: serving the lots and the areas identified as Areas 1, 2 and 3. This means that the effects of earthworks or vegetation clearance associated with wholesale road building need not be of concern, with that infrastructure

already well established. The provisions can therefore be targeted to the formation of new driveways to house sites from this already existing internal road network.

176. Another characteristic is the siting already of house sites in open areas to avoid areas of established indigenous vegetation as is evident on the Precinct Plan 1. This means that the development of these house sites, by its nature, will have minimal effects on indigenous vegetation within the Precinct and certainly not at a scale to impact on the landscape and coastal values of the place.
177. For each of the restricted discretionary activities listed at RDIS-1 to RDIS-4, the following matters of discretion apply:
 - a. The effects on the characteristics, qualities and values that make ONL outstanding;
 - b. the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity;
 - c. the scale and extent of earthworks for the construction of a building and/or access to a House Site and its associated curtilage shown on Precinct Plan 1;
 - d. the scale and extent of earthworks for the construction of a building and/or accessway to Areas 1, 2 or 3 shown on Precinct Plan 1;
 - e. any mitigation measures; and
 - f. the positive effects of the activity.

Restricted Discretionary Activity Rules RDIS-1 – RDIS-4 (applying to those parts of the Precinct within an ONL or CE overlay)

178. RDIS-1 applies a restricted discretionary activity status to earthworks for the construction of a building or structure and its associated curtilage within a House Site or Area 1, 2 or 3 shown on Precinct Plan 1.
179. As with RDIS-2 and RDIS-3, these activities are not subject to the maximum thresholds for earthworks set out in standard PRECX-S3 of the Precinct provisions. Doing so would negate the effectiveness of the rule, whereby these thresholds (eg 50m² in an ONL) will always be exceeded by any house or driveway construction project. Such thresholds would also negate the activity status under PRECX-R1,

whereby a single residential unit or a minor residential unit on a House Site identified on Precinct Plan 1 is otherwise a controlled activity.

180. The assessment matters that I have set out above that apply to such applications will ensure a full and appropriate suite of matters will be considered with such applications.
181. RDIS-2 applies a restricted discretionary activity status to earthworks for the construction of accessways to a House Site shown on Precinct Plan 1.
182. As I describe above, such accessways at Matakā are each not of a significant distance, connecting as they do to the main existing internal roading network. In saying this, it is recognised that driveways can if poorly aligned on contours and with unmitigated large cut faces, have adverse landscape and visual effects that endure beyond the duration of the earthworks themselves. The matters of discretion will provide proper cover here, and include an assessment of any mitigation measures proposed.
183. RDIS-3 applies a restricted discretionary activity status to earthworks for the construction of accessways to Area 1, 2 or 3.
184. Given that Areas 1 (the beach lodge) and 2 (the boat sheds) are directly served at present by existing roads, this rule would only apply where discrete roading upgrades were required to serve new any new development within those areas. Area 3 is new and for a possible future extension to the boat sheds. However, Area 3 directly adjoins the main road to the existing boat sheds and so would only require minimal new access formation to serve future boatsheds within it.
185. RDIS-4 applies a restricted discretionary activity status to any indigenous vegetation clearance for a House Site, accessway or within Areas 1, 2 or 3, where that complies with standard PRECX-S3 (50m² in an ONL or HNC per site /400m² outside of an HNC).
186. This rule anticipates that, as I describe above, the House Sites are generally free from existing indigenous vegetation and so it is appropriate to apply the removal thresholds set out in standard PRECX-S3 of the Precinct provisions.
187. A discretionary activity status applies to earthworks or indigenous vegetation clearance not meeting rules RDIS-1 to RDIS-4. For the same reasons as I have set out above when discussing rule PRECX-R1 applying to new buildings, I consider a

discretionary activity assessment appropriate: allowing as it does all relevant matters to be taken into account by the Council.

Farming

188. Permitted activity rule PRECX-R5 Farming is proposed. As discussed in the evidence of Mr Williams, farming is a key part to land management at Mataka, including as it does an operational sheep and cattle farm. The permitted activity status for farming avoids costly consenting processes. It also recognises that the open nature of pasture areas of Matakā is a defining characteristic worthy of preservation – including where that is in an area of ONL or HNC.
189. As notified, the PDP has very restrictive rules for farming in overlay areas applying by way of rule NFL-R6 Farming (a non-complying activity if in the ONL also in the CE) and CE-R4 Farming (for the coastal environment a discretionary activity if in a HNC).⁴⁹
190. I discussed the issue of providing for farming in the ONL overlays in my evidence to Hearing 4, where I concluded that I supported the deletion of Rule NFL-R6 “Farming” which as notified would have made farming a non-complying activity within the ONL where in the CE. As is the case at Matakā Station, this was because farming can be a defining characteristic of an ONL, the effects of farming are better managed by other rules where required, and the rule as notified would have imposed significant compliance costs on existing farms where resource consents could have been required for every new aspect of a farming operation.
191. Where, as is the case at Matakā Station, the farming operation is existing and well-established, I do not consider there needs to be a distinction between “existing” and “new” farming in the provisions, as was recommended to apply otherwise to the areas of HNC or ONC in the s42A Officers Right of Reply Report to Hearing 4. With some areas at Matakā identified as HNC being in pasture, coupled with the extensive physical (fencing) and legal (consent notice conditions) that apply to areas of vegetation, in my view it is appropriate to make farming a permitted activity in the CE also, including within areas of HNC. For this reason, the Precinct

⁴⁹ I acknowledge the s42A Report - Natural Features and Landscapes to delete rule NFL-R6 Farming, such that farming would be a permitted activity in the ONL and ONF, and the Officer’s Right of Reply in relation to the Coastal Environment whereby farming is a permitted activity if is a lawfully established activity in the coastal environment, with only the new farming activity required to be located outside high or outstanding natural character areas. Were these to be introduced, then need for the Farming rule in the Precinct could be re-considered.

specifies that rules NFL-R6 Farming and CE-R4 Farming do not apply: replacing those with a permitted activity Precinct Rule for farming at PRECX-R5. A protection is afforded by the Precinct provisions here whereby vegetation clearance is limited to 50m² per site within any 10-year period within an HNC, except as provided for by the non-farming activities as set out in PRECX-R9 and unless specified as an exception under PRECX-R4.

Worker accommodation

192. Permitted activity rule PRECX-R6 Worker accommodation recognises that provision is necessary for workers living on the Matakā Station property – both permanently and temporarily. This includes farm workers; however, also could include contractors temporarily working on the construction and maintenance of houses at Matakā Station. The ability to house such workers on the property reduces travel time and costs and for farm management is a necessary part of the role. This is especially important in the Matakā Station context given the size of Matakā Station and the travel distances to this relatively isolated part of the District.
193. In order to avoid a proliferation of workers accommodation units on each of the lots at Matakā it is proposed by way of standard PER-1 to limit the allowance for this worker accommodation to the MRA lot only (Lot 43 DP 363154 on the opposite side of Rangihoua Road).
194. The standards associated with rule PRECX-R6 Worker accommodation also require such workers accommodation to be associated with activities within the precinct (PER-2) and limit the occupancy to 10 workers (PER-3).⁵⁰
195. Where compliance is not met with these locational and other standards then a restricted discretionary consent is required. Those matters of assessment appropriately ensure rural character and amenity is maintained, including for example an assessment of the "*a. effects on the rural character and amenity of the surrounding area*" and "*b. Visual mitigation measures such as landscaping or other screening*".

⁵⁰ There is no definition of 'worker' in the PDP, therefore as I explain in my evidence, with the necessary amendments the rule and introduction into the Precinct, this term can apply to either a worker permanently or temporarily on site (such as a contractor).

196. This rule differs from the provision for "Seasonal worker accommodation" recommended in the to be included as a permitted activity in the s42A Rural Production Right of Reply Report.⁵¹
197. Notably, the provision at Matakā is not limited to "seasonal" worker accommodation only, noting that the demand is different at Mataka: either being all year round or associated with a particular construction project. In addition, the requirement that the accommodation comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities is deleted in respect of Mataka. Any concern here that the provision of workers accommodation operates as de-facto residential density is more effectively dealt with by the limitation of the rule at Matakā only to lot 43, coupled with the obligation that workers only work within the Precinct itself.
198. Another important distinction between the rule as proposed in the Precinct and that in the s42A Rural Production Right of Reply Report, is that the latter limits such accommodation to being associated with a farming or forestry activity located on the same "landholding" used for that operation. At Mataka, the farm property comprises many separate landholdings in separate ownerships, and this type of limitation would not work. It is for this reason that PRECX-R6 in the Precinct adopts the requirements for workers accommodation to be associated with activities within the "precinct".

Visitor accommodation

199. The Precinct includes rule PRECX-R7 Visitor accommodation as a permitted activity standard. It is the same as that from the Rural Production Zone in respect to the requirement to be within residential units or minor residential units and not exceeding an occupancy of 10 guests per night;⁵² however removes the requirement for the visitor accommodation site not to share access with another site.⁵³ This adaptation of the Rural Production Zone rule is necessary in respect to Matakā due the fact that all sites share accessways within the property. The effect of otherwise retaining the requirement from the Rural Production Zone would be to trigger a discretionary consent for every visitor accommodation activity within the Precinct.

⁵¹ Hearing 9: Section 42A Right of Reply Appendix 1 – Officers Recommended Amendments to the Rural Production Chapter, dated 17/02/2025.

⁵² Rule RPROZ-R4, PER-1 and PER-2.

⁵³ Rule RPROZ-R4, PER-3

200. The adaptation of the rule in this manner and inclusion within the Precinct at PRECX-R7 Visitor accommodation appropriately recognises the particular access arrangements within the Precinct. Issues around internal amenity effects on other residents within the Precinct are dealt with firstly by the large sites and separation between properties, secondly by the provision of access via the main network of roads rather than shared driveways and thirdly by the Matakā Association Rules themselves and obligations on maintaining quiet enjoyment of properties.

Maximum height standard

201. Maximum height standard PRECX-S1 applies specific height limits to the Matakā Station Precinct. The house sites are specified in the table in standard PRECX-S1, with those house site numbers corresponding to the lot numbers at Mataka.⁵⁴
202. This standard applies height limits differently as follows:
- a. The Stage One house sites identified in the D J Scott Associates landscape assessment are given a 6m height limit above ground level. This applies to house sites 1-13, 15-18, and 20. It replaces the 8m height limit that applied under the Operative District Plan where such sites were in the General Coastal Zone or in the 12m height limit where such sites were in the Rural Production Zone. For these sites, no lower height limit was previously specified by consent notice, although the suitability of a particular building height would have been assessed through the Matakā design review process and resource consent application where that was required.
 - b. Stage One house sites 21 and 22 are given a 9m height limit. These house sites are located back from the coast on the property and outside of any overlay.
 - c. House sites 19 and 23 are given a 5m height limit above natural ground level or finished ground height, whichever results in the height of the building being lower when measured above sea level (reflecting the wording of condition 12 of Stage One consent notice 5667663.5).
 - d. Stage Two house sites are given height limits of either 5m or 6m, depending on what was specified in the Boffa Miskell landscape assessment in support

⁵⁴ For this reason, there is no house site 28 shown in the height table, that lot being vested previously as part of the Rangihoua Heritage Reserve.

of that stage. These are specified above RL levels, aligning with those in the Matakā Station Stage II Subdivision, Assessment of Landscape and Visual Effects report prepared by Boffa Miskell, dated May 2004 (compliance with which is required by consent notice condition as I detailed at the beginning of my evidence).

203. A 5m or 6m height limit has been determined as appropriate for all but two sites because this provides for a single level building, taking into account the effect of the rolling height limit on sloping sites. This height limit would allow a degree of flexibility to provide for sloping roofs and reduce resource consent requirements particularly on sloping sites, as are common at Mataka, where application of this rolling height with a lower height can impact across the front face of a building.
204. I have coupled this specified height limit with another standard in PRECX-S1, which specifies that apart from lot 21 and 22 where 9m is permitted, buildings can be no more than one storey, provided that a building may step down a slope. This additional provision is intended to ensure buildings are still single storey, which I understand from the landscape evidence of Mr Goodwin is a desired outcome in the ONL and CE overlays.
205. I understand that the PDP otherwise would apply a 5m height limit to buildings in the ONL and CE. In the case of Matakā Station, and as is further described in the evidence of Mr Goodwin, the specific height limits in standard PRECX-S1 are appropriate because they:
 - a. Ensure a single level outcome is maintained where that is appropriate in the Precinct;
 - b. They are appropriate within the context of the site and its setting; and
 - c. In the case of certain sites have been determined with specific reference to the characteristics and values of a site at subdivision stage, and reflect consent notice conditions on property titles.
206. The alternative of either relying on the zone or overlay heights would be neither effective nor efficient in achieving the objectives of the PDP, including those of the Matakā Station Precinct. In this regard, the much higher Rural Production Zone height limits would result in built form inappropriate for the location (it is noted that more restrictive height limits also apply in the Precinct under this standard to house sites outside of the overlays where in the Rural Production Zone). Relying on the height limits in the ONL and CE would not take into account the assessments

done for certain sites, whereby the application of a 5m rolling height limit there would likely trigger a non-complying activity resource consent there under the PDP overlay provisions.

207. Standard PRECX-S1 includes the same exceptions to the height limit as I sought for the CE and ONL overlays in my evidence to Hearing 4 (solar and water heating components, chimney structures, satellite dishes and aerials and architectural features – all of the specified dimensions). I note from the s42A Officers Right of Reply to Hearing 4 that these exceptions were recommended to be applied to the CE and ONL overlay height limits and my inclusion here is consistent with that.⁵⁵
208. No height limits apply to Areas 1, 2 and 3, with the acceptability of any future recreational buildings there (including scale and height) being a matter of discretion in a restricted discretionary resource consent application under rule PRECX-R8 as I described above.
209. A default height limit of 5m has been applied to any new building or structure within ONL or the CE that is not at a House site or within Areas 1, 2 or 3, with the default of 12m (or 6m for artificial crop protection) applying to any new building or structure outside of these overlays, by virtue of the Rural Production Zone applying there according to PRECX-R1 PER-1.⁵⁶

Colours and materials standard

210. The building colours and materials standard for the Precinct at standard PRECX-S2 adopts the same standard as that from Natural features and landscapes rule NFL-S2 and coastal environment rule CE-S2.⁵⁷ These require buildings to either be constructed of natural materials, have no more than 30% reflectance and, if painted, have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette, or the equivalent.
211. Consistent with the approach otherwise taken in the PDP, the Precinct applies these standards to buildings in the ONL or CE overlays.

⁵⁵ Officer's written right of reply 23 August 2024 Hearing 4 – Coastal Environment, Natural Features and Landscapes, Natural Character.

⁵⁶ Under the Rural Production Zone standard RPROZ-S1, the maximum height of a building or structure, or extension or alteration to an existing building or structure is 12m above ground level, except that artificial crop protection and support structures shall not exceed a height of 6m above ground level.

⁵⁷ Both colors and materials rules NFL-S2 and CE-S2, as proposed to be amended in the Section 42A Officers Officer's written right of reply to Hearing 4, dated 23 August 2024.

212. As confirmed in the evidence of Mr Goodwin, these are appropriate standards for buildings in the ONL or CE overlays.

Earthworks or indigenous vegetation clearance standard

213. Standard PRECX-S3 Earthworks or indigenous vegetation clearance sets the permitted threshold limits, which align with those presented in the s42A Officers Right of Reply to Hearing 4.⁵⁸

214. I have added references to these threshold allowances being 'per site' within this standard to avoid any mis-reading that they were intended to apply as thresholds across the Precinct as a whole.

215. These thresholds do not apply to the restricted discretionary activity allowances under PRECX-R9 I described above, for the construction of a building or structure and its associated curtilage and accessway to or within a House Site or Area 1, 2 or 3. The exception here is indigenous vegetation clearance within ONL or the CE for a House Site, accessway or within Areas 1, 2 or 3, which is required to comply with standard PRECX-S3. Nor do they apply to earthworks or vegetation clearance outside of the ONL or CE within the precinct.

Setback from MHWS standard

216. Standard PRECX-S4 Setback from MHWS is the same as that in the Rural Production Zone, but is included in the Precinct Provisions so that all the relevant standards that are cross referenced are included in one place for the Precinct for ease of usability.

Other Rural Production Zone Activities

217. The remainder of the Rural Production Zone activities are appropriate to apply to the Precinct, without any modifications required. These are activities normally associated with and provided for in rural environments. These are the following permitted activities in the Rural Production Zone:

- b. RPROZ-R2 Impermeable surface coverage (15%).
- c. RPROZ-R5 Home Business.

⁵⁸ Officer's written right of reply 23 August 2024 Hearing 4 – Coastal Environment, Natural Features and Landscapes, Natural Character

- d. RPROZ-R6 Educational facility.
 - e. RPROZ-R8 Conservation activity.
 - f. RPROZ-R9 Recreational activity.
 - g. RPROZ-R10 Rural produce retail.
 - h. RPROZ-R11 Rural produce manufacturing.
 - i. RPROZ-R12 Farm quarry.
 - j. RPROZ-R14 Cemeteries / Urupā.
 - k. RPROZ-R15 Plantation forestry and plantation forestry activity.
 - l. RPROZ-R16 Additions or alterations to an existing Community Facility.
 - m. RPROZ-R17 Emergency service facility.
 - n. RPROZ-R18 Mineral prospecting and exploration
218. As noted above, the nature of a precinct as a spatial layer in the PDP is such that the objectives, policies, rules and standards of the underlying Rural Production Zone apply in addition to the provisions of the Mataka Matakā Station Precinct. I have reviewed each of these rules as set out above and, although they may not all be activities necessarily sought to be provided at Matakā (eg. additions or alterations to an existing community facility) there is no good reason to specifically exclude them from the Precinct or include any particular adaptations for Mataka.
219. In contrast, some of these underlying zone provisions remain very important to Mataka, such as the permitted activity status for conservation activities at rule RPROZ-R8.⁵⁹ Applying a consistent approach according to the PDP structure, and drafting of the precinct provisions, there is no need however to specifically include

⁵⁹ Conservation Activities are defined in the PDP as: *“means the use of land for activities undertaken for the purposes of maintaining, protecting and/or enhancing the natural, historic and/or ecological values of a natural or historic resource. It may include activities which assist to enhance the public's appreciation and recreational enjoyment of the resource and includes:*

- a. *planting;*
- b. *pest and weed control;*
- c. *plant and tree nurseries; and*
- d. *track construction.”*

such an activity in the Precinct, because it can appropriately remain in the underlying zone without the need for any adaptation.

220. The exception to the above is the inclusion of Catteries and Dog Boarding Kennels, which is a permitted activity in the Rural Production Zone.⁶⁰ This is clearly not an activity anticipated, nor desired, at Mataka, as it would run up against the strong conservation objectives of the place and covenant conditions. As such, the Precinct needs to deal with it in some manner by specific provision, and I have included it in the Precinct as a prohibited activity at rule PRECX-R 10.
221. Lastly, I note in respect of plantation forestry and plantation forestry activity, while this activity is otherwise permitted in the underlying Rural Production Zone, it is managed differently in the overlays (eg a non-complying activity in the ONL where in the coastal environment⁶¹). The Mataka Station Precinct provisions do not change this activity status that applies under the overlays.

PANEL MINUTE 14 GUIDANCE CRITERIA FOR REZONING SUBMISSIONS

222. Minute 14 from the Independent Hearings Panel sets out the evaluation criteria both for general rezoning requests and for special purpose zone requests.
223. Although these are not specifically tailored to requests for new Precincts, I have used the criteria for new zoning requests set out in Minute 14 as the basis for analysis of the Matakā Station Precinct.

Strategic direction of the PDP

How the rezoning request is consistent with the PDP strategic direction (refer Hearing 1)

224. The Precinct is entirely consistent with the PDP strategic direction. With reference to the specific objectives set out in the PDP Strategic Direction chapter, the Precinct aligns with the objectives under the headings as follows:
- a. "Cultural Prosperity", specifically the objective "*SD-CP-04 The district's historic heritage is identified and managed to ensure its long-term protection for current and future generations*". In this regard, the archaeological assessment work and consultation with tangata whenua undertaken to date as described in the evidence of Mr Williams resulted in the careful identification of house sites and

⁶⁰ RPROZ-R13.

⁶¹ NFL-R5.

significant heritage benefits such as a provision of access to Rangihoua and Marsden Cross. This is reinforced with the ongoing obligations on matters such as avoidance of archaeological sites and accidental discovery rules during earthworks which will ensure the ongoing protection of historic heritage.

- b. "Social prosperity", which although are pitched at a wider community level will still meet the objective "*SD-SP-O3 Encourage opportunities for fulfilment of the community's cultural, social, environmental, and economic wellbeing*", at least in respect to the social prosperity of the MRA members, including through the provision of communal recreation facilities as enabled by the Precinct.
- c. "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*". In this regard, providing for the ownership opportunity as at Matakā attracts high-earning people which contribute to the local economy, and enables the retention of highly motivated, educated and skilled people in the District. Use and development of sites within the Precinct supports local enterprises such as builders and other trades. These benefits are discussed further in the evidence of Mr Williams.
- d. "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 Precinct.
- e. "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*". As discussed earlier in my evidence, a particular characteristic of Matakā Station is the compatibility of the farm use with the residential and conservation uses. The internal structure of Matakā Station is such that these other uses have no negative impact on the efficient and effective operation of the primary production

activities on the site. As I also discuss further below in my evidence, there is no highly productive land at Matakā Station as that term is defined in the National Policy Statement for Highly Productive Land 2022 (**NPS:HPL**). Noting that the as-notified version of the PDP includes also Land Use Capability Class 4 land, and that there are some pockets of this at Mataka, the objective to protect highly productive land from inappropriate development will continue to be met, with that land farmed.

- f. "Environmental prosperity", including "*SD-EP-01 A culture of stewardship in the community that increases the district's biodiversity and environmental sustainability*", "*SD-EP-03 Active management of ecosystems to protect, maintain and increase indigenous biodiversity for future generations*", "*SD-EP-05 The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations*" and "*SD-EP-06 Areas of significant indigenous vegetation and significant habitats of indigenous fauna and protected for current and future generations*". In my opinion, Matakā Station is a model for these outcomes. It has fostered a culture of stewardship that increases biodiversity, with that outcome secured by obligations on property titles as described by Mr Williams. These outcomes include the active management of ecosystems at considerable annual expense, in the knowledge that passive management (ie fencing only and not the extensive pest and predator control) would in ecological terms see biodiversity go backwards, as described in the evidence of Mr Williams.⁶² The natural character of the coastal environment and outstanding landscapes at Matakā are managed in a way that their values have been enhanced through planting and protection, and not just left as they are. The significance of Matakā as a habitat of indigenous fauna, kiwi in particular, is described also by Mr Williams, including the highly successful efforts to ensure their long-term protection for future generations.

225. Having reviewed these objectives, I conclude there is strong alignment and can find no instances where the Precinct will be inconsistent with the strategic direction of the PDP.

226. I note also that the Strategic Directions Overview section of the PDP, describes that the District Plan helps Council achieve the community outcomes set out in the District's Strategy titled "Far North 2100". This strategy is based on the Council and

⁶² Statement of evidence of Mr Williams at paragraph 31.

Community vision of "He Whenua Rangatira — a district of sustainable prosperity and wellbeing".

227. Far North 2100 notes that that rugged hill and mountain ranges present challenges in terms of access and land management. Ways to protect the natural environment are set out on page 20 of the document, including ensuring that *"landowners and Kaitiaki reap the benefits from protecting and creating areas of natural vegetation that support native flora and fauna..."*. *"Making use of the strategic advantage of the environment, climate, soils culture and people of the Far North"* is included under the heading *"Promoting resilient economic growth for sustainable prosperity"*. I note also on page 22, *"the active management of indigenous biodiversity including protecting indigenous vegetation, significant natural areas and outstanding natural landscapes and features from the adverse effects of human activity and introduced species including predators"*. These are all outcomes which the proposed Precinct strongly aligns with also.

Alignment with zone outcomes

When rezoning request relates to existing PDP zone, an assessment of how the proposal is aligned with the objectives, policies and intended outcomes for the zone

228. This criterion is no doubt suited more to the application of an existing PDP zone to a new area as sought by a submission. I have however commented in relation to the, which will continue to apply in addition to the Matakā Station Precinct.
229. A detailed analysis of alignment with the Precinct is set out in my Section 32AA Evaluation at **Attachment Two**. At an objectives and policies level, and in respect to the majority of its provisions, the is suitable to continue to apply at Mataka. I note here that a key outcome for the Rural Production zone is that it is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.⁶³ Another is that the rural character and amenity associated with a rural working environment is maintained.⁶⁴ As I describe above, the particular combination of farming with the residential and conservation outcomes at Mataka, will ensure these outcomes are met in relation to the property.
230. While, as I set out in my evidence to Hearing 9, I believe these objectives for the should on a district-wide basis have wider recognition for non-productive activities

⁶³ Rural Production Zone Objective RPROZ-O1.

⁶⁴ Rural Production Zone Objective RPROZ-O4.

also in rural areas,⁶⁵ the Precinct provisions achieve this in relation to Matakā Station – providing as they do for the existing mix of farming, conservation activities, residential activities, recreation activities and leisure activities there.

Higher order direction

231. *How the request "gives effect to" higher order documents in accordance with section 75(3) of the RMA? Consideration of all relevant national policy statements, the national planning standards, and the Northland Regional Policy Statement.* Section 75(3) of the RMA 1991 specifies that a district plan must give effect to—

- (a) any national policy statement; and
- (b) any New Zealand coastal policy statement; and
- (ba) a national planning standard; and
- (c) any regional policy statement.

232. I assess the Precinct in relation to each of these higher order policy directions below, starting with the RPS on the basis that it implements with greater specificity the other national directions listed.

Regional Policy Statement for Northland (May 2016)

233. The RPS covers the management of natural and physical resources in the Northland Region, and provides the broad direction and framework for managing the region's natural and physical resources.

234. The following objectives and their associated policies and methods are of relevance to the consideration of the Precinct:

- 3.4 Indigenous ecosystems and biodiversity
- 3.5 Enabling economic wellbeing
- 3.6 Economic activities – reverse sensitivity and sterilisation
- 3.8 Regional form

⁶⁵ Section sections 9.0 and 10.0 Statement of Evidence of Peter Hall to Hearing Nine: Rural, Horticulture & Horticulture Processing.

3.14 Natural character, outstanding natural features, outstanding natural landscapes and historic heritage

3.15 Active management.

Indigenous Biodiversity

235. Objective 3.4 on indigenous ecosystems and biodiversity seeks to "*safeguard Northland's ecological integrity by:*

a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;

b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and

c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species".

236. Policy 4.4.1 of the RPS seeks to achieve this objective by maintaining and protecting significant ecological areas and habitats. This RPS policy reflects policy 11 of the NZCPS with a tiered protection structure. It requires the avoidance of adverse effects on certain classes of biodiversity in the coastal environment (indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists); areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5; and areas set aside for full or partial protection of indigenous biodiversity under other legislation). Outside the coastal environment it specifies the avoidance of significant adverse effects and avoidance, remedy, or mitigation of other adverse effects of subdivision, use and development.

237. The Precinct gives effect to this policy by ensuring identified house sites generally avoid areas of native vegetation on the property, irrespective of their ecological value and whether or not they are in the coastal environment. Precinct policy PRECX- P5 from the Precinct requires landowners to manage pets to avoid risks to threatened indigenous species and kiwi, including by avoiding the introduction of pets into high-density kiwi areas. This Precinct policy reinforces the existing consent notice conditions discussed earlier in my evidence which has prohibitions on keeping of cats and mustelids and requirements to limit the number and confine dogs to owners' exclusive use areas. The kiwi numbers discussed in the evidence

of Mr Williams is evidence of the success of this approach that would be reinforced by this Policy PRECX- P5.

238. The Precinct works in tandem with other objectives and policies of the PDP relating to ecosystems and indigenous biodiversity, including those set out in Part 2 - Ecosystems and indigenous biodiversity. Regard would be had to these when assessing a discretionary or non-complying activity under the Precinct provisions (such as a second dwelling on an as-yet un-identified house site as a discretionary activity under Precinct rule PRECX-R2). Under restricted discretionary Precinct rule PRECX-R9, which applies to indigenous vegetation clearance within the ONL or CE, a specified matter for discretion is the effects on the quality and extent of indigenous biodiversity.
239. Policy 4.7.1 of the RPS promotes active management. It specifies that plan provisions and the resource consent process, recognise and promote the positive effects of the following activities that contribute to active management relevant to indigenous biodiversity:
- a) Pest control, particularly where it will complement an existing pest control project / programme;*
 - b) Soil conservation / erosion control;*
 -*
 - h) Exclusion of stock from waterways and areas of significant indigenous vegetation and / or significant habitats of indigenous fauna;*
 - i) Protection of indigenous biodiversity values identified under Policy 4.4.1, outstanding natural character, outstanding natural landscapes or outstanding natural features either through legal means or physical works;*
 - k) Restoration or creation of natural habitat and processes, including ecological corridors in association with indigenous biodiversity values identified under Policy 4.4.1, particularly wetlands and / or wetland sequences;*
 - l) Restoration of natural processes in marine and freshwater habitats.*
240. All of these outcomes are implemented at Matakā Station. Mr Williams has described the extensive pest control programme. The planting of steep coastal faces that has occurred promotes soil conservation and manages erosion. Stock are excluded from waterways on the property by fencing. Indigenous biodiversity

values identified under RPS Policy 4.4.1 are protected in the manner described above.

241. The planting and fencing that has occurred on the property since the original subdivision has linked previous disparate areas of remnant vegetation, assisting in the restoration and creation of natural habitat. Fencing of the ponds and wetlands on the property has assisted with the restoration of natural processes in freshwater habitats.
242. The encouragement and support of active management of pest plants and pest animals reinforces existing practices at Matakā, and the obligations of the consent notices I have described earlier in my evidence (including obligations to establish and maintain an effective possum and goat eradication programme). Pest and predator control goes beyond just these two species with a strong focus also on pest plant species such as moth plant.
243. As described in the evidence of Mr Williams, these outcomes are funded by a considerable spend for conservation purposes by Matakā. As he further describes, having certainty in planning provisions is fundamental to the ongoing success of the Matakā scheme, which provides the revenue stream for these activities.
244. The Precinct provisions respond to this link between planning certainty and ongoing positive environmental outcomes by enabling the development of residential units, minor residential units and buildings or structures for recreation activities (Policy PRECX-P1) and encouraging and supporting active management of pest plants and pest animals, including possums, goats and mustelids (Policy PRECX-P4). This enabling Precinct policy is implemented by the controlled activity status of new buildings and structures for residential and minor dwellings on an identified building platform (rule PRECX-R1) and the identification and restricted discretionary activity allowance for recreational activities in areas 1, 2 and 3 PRECX-R8 (rule PRECX-R8), where these are in the ONL and/or CE.

Enabling economic wellbeing

245. Objective 3.5 of the RPS seeks that 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. This is implemented principally by RPS policies relating to catchment management, and water quality and quantity management. These are not of strongly relevance to

the Precinct provisions, with farm water provided by way of dams, and water supply for residences from roof and tank supply.

246. Of more relevance from the policies that implement this objective is 6.1 of the RPS "Efficient and effective planning". This policy specifies that "*Regional and district plans shall:*

(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;

(b) Be as consistent as possible;

(c) Be as simple as possible;

(d) Use or support good management practices;

(e) Minimise compliance costs and enable audited self-management where it is efficient and effective;

(f) Enable the aspects of subdivision, use and development that complies with the Regional Policy Statement; and

(g) Focus on effects and where suitable use performance standards.

247. These directives for efficient and effective regulation underpin the Precinct, as follows:

- i. With respect to (a) above, as is concluded in the s32AA analysis, compared to the alternatives, the Precinct approach of bespoke planning provisions is the most efficient and effective way to achieve the objectives of the PDP, having regard to the existing structures at Matakā (including consents, instruments on the title, existing infrastructure, Resident's Association Rules etc) and the particular characteristics and values of the place.
- ii. With respect to (c) above, a principal of simplicity and useability underpins the Precinct, whereby the resource management values relevant to Matakā can be understood in one place (the Precinct "Overview" Section), the interplay of provisions specified (including the hierarchy of Precinct, zone and overlay provisions in the Overview Section), and the main rules relating to land use at

Matakā able to be read more or less in one place.⁶⁶ Similarly, a Precinct approach, which operates by identifying departures from zone or overlay provisions is simple and efficient compared to including an new zone with the same effect

- iii. With respect to (e) above, the outcome of minimising consenting costs is emphasised in the s32AA analysis when comparing the Precinct approach to the other options evaluated. Here, the Precinct approach of minimising compliance costs by enabling development on already approved building platforms (subject to specified matters of control and standards such as height, materials and colours), minimises consenting costs and risk, by not requiring a wholesale revaluation of the appropriateness of buildings at these locations as would be required under the alternatives evaluated (including as a non-complying activity in the ONL for both buildings and associated earthworks and access).
- iv. With reference to "(f)" above, my conclusion in this evidence is that the nature and scale of subdivision, use and development that would be enabled at Matakā in accordance with Precinct is consistent with, and would give effect to the RPS.
- v. Finally, with reference to "(g)" above, the standards and matters of control/assessment matters in the Precinct are very much focussed on effects of activities that will occur at Matakā in accordance with the Precinct provisions, and within the context of the Matakā environment. An example here is the height controls at Standard PRECX-S1 whereby specific allowances are made for appropriate heights on building platforms according to the landscape and visual analysis already undertaken at subdivision stage. Another is earthworks and indigenous vegetation rules at PRECX-R4, whereby specific allowances are made for the fact that building platforms generally avoid areas of indigenous vegetation and that earthworks rules can be tailored to the effects of building on building platforms and the driveway access to these, rather than 'bulk' land modification (in recognition of the existence of the extensive an well-formed existing roading at Matakā).

Economic activities

248. Objective 3.11 of the RPS on Economic activities – reverse sensitivity and sterilisation seeks that the viability of land and activities important for Northland's

⁶⁶ Accepting the application of the Rural Production Zone provisions to some less commonly occurring activities, and of course the General Provisions of the District Plan on matters such as noise, lighting, temporary activities etc.

economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on (of relevance to Matakā) reverse sensitivity for existing primary production activities. As discussed above, no such adverse effects arise through the Precinct provisions.

249. As discussed earlier in my evidence, the Precinct enables the particular mix of land uses at Matakā, which provides for complementary farming, residential and conservation outcomes, without given rise to reverse sensitivity effects.
250. The same applies in relation to potential reverse sensitivity effects on land adjoining the Precinct. The closest house site to the land to the north is house site 1 (some 150m from the nearest Precinct boundary), with the next closest here being house site 2 (some 550m from this same boundary). These buffers are more than adequate to manage any reverse sensitivity effects to land uses on this adjoining property. In addition, the predominantly steep coastal land to the north on the property adjoining house site 1 is unlikely to accommodate activities likely to be constrained by a dwelling at this location.
251. House sites 25, 26 and 27 are in closer proximity to the adjoining land to the south, being the Rangihoua heritage area, however a combination of intervening landform and vegetation, coupled with the use of the heritage area itself, means that the Precinct does not give rise to any particular reverse sensitivity effects there.
252. The incorporation of Precinct Plan 1 into the Precinct gives greater certainty as to the location of different activities (residential, farming, conservation etc) at Mataka Station to give confidence that these buffers and topography provided for within Precinct Plan 1 will effectively mitigate any potential reverse sensitivity effects from the mix of land uses.

Regional form

253. Objective 3.11 on Regional Form seeks that Northland has sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices. Implementing this objective is Policy 5.1.1 "Planned and coordinated development" which specifies that subdivision, use and development should be located, designed and built in a coordinated manner according to a number of directions. I have set these out below as relevant to Matakā and commented under each.

(a) *Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;*

254. Although these Guidelines are specified as directing 'new' subdivision, use and development, with many also focussed on urban development, some have relevance to Matakā. These include "(l) Seek to maintain or improve outstanding landscape and natural character values and provide for the protection of significant historic and cultural heritage from inappropriate subdivision, use and development" and "(m) Protect significant ecological areas and species, and where possible enhance indigenous biological diversity". These outcomes are discussed above and below in my evidence. They are given effect to by the Precinct Plan which identifies house sites which avoid archaeological sites and areas of vegetation and have been determined by landscape assessment to be appropriate in the context of the coastal environment and ONL. They are also given effect to by either the restricted discretionary (with appropriate assessment matters) or discretionary activity status for buildings outside of these areas where in the ONL or CE (accepting the allowance for small non-residential buildings consistent with that provided for otherwise in the PDP, as proposed to be amended by s42A Officers Right of Reply to Hearing 4)

(c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;

255. The Precinct provisions directly deal with the potential cumulative effects of use and development at Matakā by specifying a limited number of house sites providing for a dwelling on each and a discretionary activity regime for a second dwelling on each, and thereafter non-complying.

(e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;

256. As discussed above, no such adverse effects arise through the Precinct provisions.

(f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities;

257. Again, as discussed above, the Precinct enables the continuation of primary production activities at Matakā. In any event, no land at Matakā is identified as highly versatile.

Natural character, outstanding natural features, outstanding natural landscapes and historic heritage

258. Objective 3.14 "Natural character, outstanding natural features, outstanding natural landscapes and historic heritage" seeks to *"Identify and protect from inappropriate subdivision, use and development;*

(a) The qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins;

(b) The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes;

(c) The integrity of historic heritage.

259. Associated Policy 4.6.1 *"Managing effects on the characteristics and qualities natural character, natural features and landscapes"* is of particular relevance to the Precinct given parts of it are within the CE and ONL. I have set this policy out in full below [PH to fix up formatting of this quoted policy]

(1) In the coastal environment:

a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes.

b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods which may achieve this include:

(i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and

(ii) In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and

(iii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised.

(2) Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of outstanding natural features and outstanding natural landscapes and the natural character of freshwater bodies. Methods which may achieve this include:

a) In outstanding natural landscapes, requiring that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins;

b) In outstanding natural features, requiring that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature;

c) Minimising, indigenous vegetation clearance and modification (including earthworks / disturbance and structures) to natural wetlands, the beds of lakes, rivers and their margins.

(3) When considering whether there are any adverse effects on the characteristics and qualities⁶⁷ of the natural character, natural features and landscape values in terms of (1)(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of (1)(b) and (2), and in determining the character, intensity and scale of the adverse effects:

a) Recognise that a minor or transitory effect may not be an adverse effect;

b) Recognise that many areas contain ongoing use and development that:

⁶⁷ For areas that have been mapped, the worksheets referred to in Appendix 1 of the RPS identify characteristics and qualities.

(i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established

(ii) May be dynamic, diverse or seasonal;

c) Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects; and

d) Have regard to any restoration and enhancement on the characteristics and qualities of that area of natural character, natural features and/or natural landscape.

260. I step through the constituent parts of Policy 4.6.1 in turn below in my evidence.
261. In accordance with Policy 15 of the NZCPS, the above RPS policy firstly adopts the strong "avoidance" directive for subdivision, use and development on the "characteristics and qualities which make up" an ONL. Secondly that when considering whether there are any adverse effects on the characteristics and qualities of the ONL, recognise that many areas contain ongoing use and development that were present when the area was identified as high or outstanding or have subsequently been lawfully established. Thirdly, that regard should be had to any restoration and enhancement on the characteristics and qualities of that area of natural character, natural features and/or natural landscape. Fourthly, that and in determining the character, intensity and scale of the adverse effects, recognition that a minor or transitory effect may not be an adverse effect.
262. Mr Goodwin has evaluated the Precinct in relation to the characteristics and qualities which make up the ONL here. These are recorded in the NRC Assessment Sheet 31 on the ONL titled "Purerua Peninsula – Wairoa Bay to Rocky Point and Related Islands". Mr Goodwin concludes that the provision of house sites and associated development and mitigation, enabled by the original subdivisions, and as now represented in the Precinct, remains appropriate development in this ONL.
263. The Precinct provisions respond here in a range of ways including through Policy PRECX-P3 "*Limit(ing) development within the precinct to protect natural character and the characteristics, qualities and values that make ONL outstanding*", which is in turn implemented by rules relating to use and development in the ONL including:
- a. buildings and structures on identified house sites (PRECX-R1) as a controlled activity,

- b. new recreation buildings or structures, and extensions or alterations to existing buildings or structures within Areas 1, 2 or 3 (PRECX-R8) as a restricted discretionary activity, and
 - c. Earthworks or indigenous vegetation clearance (PRECX-R9) as a restricted discretionary activity.
264. The recognition in policy 4.6.1 above of ongoing use and development that were present when the area was identified as outstanding, is important here, as that is the very situation that applies. While an “Outstanding Landscape Unit” was identified around the coastal perimeter of Matakā Station and an “Outstanding Landscape Feature” was identified at the time of the original stage 1 subdivision (refer 2003 Stage 1 Plan at **Attachment Six** to this evidence), the identification of the ONL as we see it today in the PDP, with its wider inland extent, only occurred in February 2014⁶⁸ – well after Matakā was consented and established.
265. The Precinct recognises and provides for the ongoing use and development of Matakā in accordance with its consents, within this ONL. Included here is farming, which pre-dated any identification of outstanding landscape units on the property through planning processes. By virtue of large parts of the ONL being in pasture when it was identified in 2014, this would have to be regarded as an existing use, whose continuation should be recognised in provisions relating to the ONL. The Precinct responds accordingly, with farming a permitted activity at rule PRECX-R5, irrespective of whether in an ONL or not.
266. Regard should be had to restoration and enhancement on the characteristics and qualities of that area of natural character and natural landscape at Matakā under RPS Policy 4.6.1. This restoration and enhancement outcome was a key plank to the original establishment of the Matakā scheme, and can only endure through continued effort on fence maintenance and pest and predator control (including plant pests). The net effect has been towards the restoration of natural character at Matakā Station, with those Precinct policies I describe above promoting its continuation.
267. Finally, in recognition that a minor or transitory effect may not be an adverse effect on an ONL, the Precinct makes certain provision for activities to occur within the ONL, where they are of minor effect. These include the provision for permitted

⁶⁸ Refer Northland Regional Landscape Assessment Worksheet, Unit Name “Purerua Peninsula – Wairoa Bay to Rocky Point and Related Islands”, Final Version following Council decisions – February 2014.

earthworks or indigenous vegetation clearance activities at PRECX-R4 (eg. maintenance of planted indigenous vegetation within domestic gardens, formation of walking tracks, maintenance or reinstatement of pasture, within the specified limits).

268. Policy 4.6.2 "Maintaining the integrity of heritage resources" which also implements Objective 3.14, is on the integrity of historic heritage resources that have been identified in plans in accordance with Policy 4.5.3 and Method 4.5.4(3) of the RPS (ie specifically identified heritage resources). Other than the small extent of the Rangihoua Heritage Area I identified above in my evidence, no such heritage resources are identified on the property through either the RPS or the PDP. That said, and as I described earlier, the identification of house sites to avoid archaeological sites identified by prior assessment, and provision around accidental discovery, align with the general outcome sought by this objective. As noted earlier also, the provisions of the Rangihoua Heritage Area continue to apply to those properties within the Precinct affected, irrespective of the Precinct provisions.
269. In summary, in my opinion the proposed Precinct gives effect to all of the relevant objective policies in the RPS relating to natural character, outstanding natural features, outstanding natural landscapes and historic heritage (including those objectives and policies that are strongly directive).

Active management

270. Objective 3.15 Active Management of the RPS is of particular relevance to Matakā with its private conservation initiatives. The objective is as follows:

1 *"Maintain and / or improve;*

(a) The natural character of the coastal environment and fresh water bodies and their margins;

(b) Outstanding natural features and outstanding natural landscapes;

(c) Historic heritage;

(d) Areas of significant indigenous vegetation and significant habitats of indigenous fauna (including those within estuaries and harbours);

(e) Public access to the coast; and

(f) Fresh and coastal water quality

by supporting, enabling and positively recognising active management arising from the efforts of landowners, individuals, iwi, hapū and community groups”.

271. This objective is implemented by RPS policy 4.4 *“Maintaining and enhancing indigenous ecosystems and species”* and policy 4.7 *“Supporting management and improvement”*, which I discussed earlier.
272. Policy 4.7.2 provides some further direction here as follows: *“Support landowners, iwi, hapū, and community efforts to actively manage or improve key aspects of the environment especially where there is willing collaboration between participants and those efforts are directed at one or more of the activities in Policy 4.7.1”.*
273. How this is to be implemented in district plans is specified in method 4.7.4 which at (2) states *“Regional and district plans will include objectives policies and methods to promote activities identified in Policy 4.7.1”.* I discussed above at the activities at Matakā that contribute to active management relevant to indigenous biodiversity, as those are framed in Policy 4.7.4. As I concluded there, the Precinct provides for the certainty in planning outcome, which Mr Williams describes as fundamental to the ongoing success of the Matakā scheme, which in turn ensures these outcomes.
274. Overall, I conclude that the Precinct fully gives effect to the RPS for the reasons I set out above. I do not consider that there are any relevant objectives and policies in the RPS that the Precinct does not give effect to so, in my view, there is no need to consider how policies should be weighted or tensions reconciled. My conclusion here recognises that other provisions of the PDP do so also (as proposed to be amended in the s42A Officers Right of Reply to Hearing 4), including in relation to the CE, ONL and historic heritage, and I have explained earlier in my evidence the relationship between these other layers and the Precinct.

New Zealand Coastal Policy Statement 2010

275. As I have identified above, the RPS implements the NZCPS through the various policies I have identified. Included also in the explanation of Policy 4.6.1 of the RPS is reference to the decision of the Supreme Court in *King Salmon (Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd [2014] NZSC 38)* (**King Salmon**). In this explanation section, the RPS states that Policy 4.6.1 gives effect to the NZCPS taking into account *King Salmon* and I would agree.
276. The following objectives of the NZCPS are of particular relevance to the Precinct:

Objective 1 To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:....

Objective 2: To preserve the natural character of the coastal environment and protect natural features and landscape values through...

Objective 3: To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:...

Objective 6: To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:....

277. The relevant policies from the NZCPS which implement these are:

Policy 2 The Treaty of Waitangi, tangata whenua and Māori

Policy 6 Activities in the Coastal Environment

Policy 11 indigenous Biological Diversity (Biodiversity)

Policy 13 Preservation of Natural Character

Policy 14 Restoration of Natural Character

Policy 15 Natural Features and Landscape

Policy 17 Historic Heritage Identification and Protection.

With the exception of Policy 2 and 6, I have discussed these above as they are implemented through the RPS.

278. NZCPS Policy 2 requires recognition that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations, and opportunities should be provided for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment. Mr Williams has discussed in his evidence⁶⁹ the role of tangata whenua in the development of stage 1 and 2 of the Matakā scheme, and the ongoing relationship takes practical effect through the

⁶⁹ Statement of evidence of Mr Williams at Paras 49 to 59.

protection of archaeological sites, access to Matakā Station, and involvement in tangata whenua in the design review process as described by Mr Goodwin.⁷⁰ In my opinion this approach thoroughly implements the outcomes for tangata whenua as envisaged by the NZCPS in relation to private land development. The Precinct responds through its controls on house site location, matters of assessment in relation to restricted discretionary activities and provision for full discretionary assessment in the instances identified.

279. With respect to NZCPS Policy 6 on activities in the Coastal Environment, the Precinct accords with these outcomes by:
- a. not being a sprawling or sporadic pattern of settlement and urban growth⁷¹ (given its minimal density and maintenance of open space);
 - b. giving proper consideration to how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects⁷² (through the siting of house sites already as shown on Precinct Plan 1 and through height, materials and colour controls);
 - c. setting back development from the coastal marine area and waterbodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment⁷³ (through application of the building setback controls at PRECX-S4, and through identification of the house sites on Precinct Plan 1 which are set back from the coastal marine area and water bodies); and
 - d. buffering areas and sites of significant indigenous biological diversity, or historic heritage value⁷⁴ (again through identification of house sites, coupled with existing consent notice obligations for a minimum set back of 10 metres from archaeological sites as discussed above in my evidence).

Other National Policy Statements

280. The following other national policy statements are of some relevance to the Precinct:

⁷⁰ Statement of evidence of Mr Goodwin at Para 50 to 54

⁷¹ NZCPS Policy 6.1.3.

⁷² Policy 6.1.8.

⁷³ Policy 6.1.9.

⁷⁴ Policy 6.1.9.

- a. National Policy Statement for Highly Productive Land 2022 (Amended August 2024) **(NPS:HPL)**.
 - b. National Policy Statement for Indigenous Biodiversity (as amended in October 2024) **(NPS:IB)**.
 - c. National Policy Statement for Freshwater Management 2020 **(NPS:FM)**.
281. The NPS: HPL sets out the objective and policies for the management of highly productive land under the RMA 1991. As is the current case, where highly productive land has not been mapped across the region by the NRC, the interim definition from section 3.5(7) of the NPS: HPL applies. This classifies highly productive land as land that is zoned general rural or rural production and is either LUC 1, 2 or 3 land. As shown on Figure 7 attached to Mr Goodwin’s evidence, there is no LUC 1, 2 or 3 land at Matakā, therefore the restrictions on rezoning, use and development from its policies do not apply. In any event, the Precinct promotes the continued productive use of the farmland at Matakā, irrespective of its LUC classification.
282. 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.
283. 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.⁷⁵ Included in the ways to achieve this in this objective is by *"recognising people and communities, including landowners, as stewards of indigenous biodiversity"*.
284. This objective and certain policies apply even where SNAs have not been identified.
285. NPS NPS:IB:IB Policy 5 requires that indigenous biodiversity is managed in an integrated way, within and across administrative boundaries. The Precinct approach promotes this integrated management of indigenous biodiversity, across Matakā as a whole, as opposed to a site by site basis. This Matakā-wide approach to the management of indigenous biodiversity is of course an obligation following the original subdivision, and secured through consent notices. Nevertheless,

⁷⁵ 2.1 Objective, NPS:IB.

Precinct policy PRECX-P4 (active management) and PRECX- P5 (avoid risks to threatened indigenous species) secures this as a site-specific district plan policy.

286. NPS:IB Policy 9 provides that certain established activities are provided for within and outside SNAs. Although no SNAs are identified, there is policy recognition here that certain established activities can continue.
287. 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, a core outcome of Matakā has been and will continue to be the restoration of indigenous biodiversity, and the Precinct promotes this outcome.
288. NPS: FM, as implemented through the National Environmental Standard and the Regional Plan for Northland, has ongoing obligations on the farm operation such as fencing of water ways and erodible land and farm plans, however because these requirements are implemented by other planning instruments there is no need for repetition on the Precinct (nor would that be appropriate given different responsibilities district and regional councils have in respect to the NPS:FM). In terms of the land uses provided for in the Precinct, at a general level because house sites and their accessways are located on high land and the main road is already in place, there would seldom, if ever, be a situation where the provisions of the NPS: FM required consideration in the development of a house site or its accessway in relation to wetlands and watercourses. Were that not to be the case, then there is nothing in the Precinct that avoids the need for regional consents for works or discharges in proximity to wetlands and watercourses.

The National Planning Standard

289. As I discussed earlier in my evidence, the Precinct method has been selected as a spatial layer available under the NPS, and with reference to the relevant MFE Guidelines for spatial layers and my s32AA analysis, is the most appropriate way to achieve the objectives of the PDP at Matakā.
290. By drafting in accordance with the structure and standards of the PDP, the Precinct aligns with the structure and standards from the NPS.

Regional Plan

291. Section 75(4) of the RMA specifies that a district plan must not be inconsistent with a regional plan for any matter specified in section 30(1) "*Functions of regional councils under this Act*".

292. I have reviewed the Precinct in relation to the Proposed Regional Plan for Northland (February 2024)⁷⁶ (**NRP**) and comment on those objectives and policies of relevance below.
293. NRP Policy D.1.1 sets out when a resource consent application must include in its assessment of environmental effects an analysis of the effects of an activity on tāngata whenua and their taonga. Those matters would come into play, where relevant, in the discretionary and non-complying activity assessments specified in the Precinct.
294. NRP Policy D.2.16 requires the management of the adverse effects of activities on Historic Heritage by avoiding significant adverse effects on the characteristics, qualities and values that contribute to Historic Heritage. The maintenance of the Rangihoua Heritage Area over the Precinct ensures this outcome in relation to the heritage resources there.
295. NRP Policies D.2.17 and D.2.18 require that the adverse effects of activities on Natural Character, Outstanding Natural Landscapes and Outstanding Natural Features, and on Indigenous Biodiversity are managed according to the same prescription from the RPS above. As concluded above in my evidence, the Precinct achieves these outcomes.
296. In respect of these and the other policies in the NRP in relation to air, land and water, the Precinct is consistent.

Reasons for the request

The reasons for the rezoning request, including an assessment of why the notified zoning is not appropriate for the subject land.

297. The reasons for the request to include a Precinct are set out under that heading above in my evidence.
298. An assessment of why the notified PDP zoning (and overlays) is not appropriate is set out in my evidence above and in my section 32AA Evaluation at **Attachment Two**.

⁷⁶ I understand from the NRC website that all outstanding Council is taking steps to make the Proposed Regional Plan fully operative

Assessment of site suitability and potential effects of rezoning

Assessment of site suitability and potential effects of rezoning, including an assessment of

- *The risks from natural hazards.*
- *Effects on any natural environment values, historic heritage, coastal environment, or other PDP overlay.*
- *Effects on surrounding sites, including compatibility of the rezoning with surrounding land-uses and potential reverse sensitivity effects.*

299. The fundamental suitability of the sites for development according to the Matakā Scheme has been confirmed through previous work done at subdivision stages. Nothing has changed since those subdivisions were approved in relation to my understanding of hazardous risk that would mean such development was no longer appropriate.

300. The Precinct does not exacerbate any risks from natural hazards. I have examined the Natural Hazards and Risks Overlays from the PDP, which include coastal erosion, coastal flooding and river flood risk at various scenarios. The steep coastal cliffs of Matakā mean that these constraints are confined to the coastline only and affect no house sites or accessways thereto.

301. Of the development areas identified, only area A (beach lodge) has a minor incursion of the coastal flood zones (Coastal Flood Hazard Zone 2: 100 Year Scenario⁷⁷ and Coastal Flood Hazard Zone 3: 100 Year + Rapid Sea Level Rise Scenario⁷⁸) into a very small coastal most corner of the mapped areas A. Future development can either avoid those areas, or locate there with suitable finished floor levels. Even if recreation activities were to develop in these mapped coastal flood zone areas, it would not be out of step with PDP policies on coastal hazards as they are set out in Part 2 – Natural Hazards.⁷⁹ Here, avoidance is required for “vulnerable activities” (residential activities etc) and only where they are within a High Risk Coastal Hazard Area,⁸⁰ which these mapped areas are not.

⁷⁷ Extent of the 100-year ARI static water level at 2080 including 1.2 m sea level rise.

⁷⁸ Extent of the 100-year ARI static water level at 2080 including 1.5 m sea level rise.

⁷⁹ PDP Coastal Hazard Policy NH-P7.

⁸⁰ Means areas of coastal erosion hazard and coastal flooding hazard mapped by the Northland Regional Council and included in the District Plan maps as Coastal Flood Hazard Zone 1 (CFHZ1) and Coastal Erosion Hazard Zone 1.

302. As is normal practice at subdivision stage, geotechnical assessments have confirmed the general suitability of house sites,⁸¹ with the specifics to be determined at building consent stage. Preliminary assessments were also undertaken then for purposes of storm water and wastewater disposal, with the general conclusion being that the large sites provide ample opportunity for on-site treatment and disposal of wastewater and soakage for stormwater.
303. The effects on natural environment values, historic heritage, and the coastal environment, are discussed in the sections below.
304. I discuss above in my evidence the effects on any natural environment values, historic heritage, coastal environment, and other PDP overlays.
305. Also as I discuss in my evidence, the land uses enabled by the Precinct are compatible with surrounding existing land-uses and do not give rise to any reverse sensitivity effects. This compatibility is evidenced by the fact that the land uses at Matakā Station are well-established and sit comfortably with their surrounding rural environment.
306. I note also here the Special Purpose Zone sought by MLP LLC in its submission to the PDP in relation to The Landing at 623 Rangihoua Road, Purerua Peninsula,⁸² to the west of Matakā. That submission seeks a special purpose zone and/or structure plan in accordance with previous resource consents that have established development entitlements together with landscape and biodiversity benefits. Mataka is a further submitter in support of MLP LLC submission to the PDP,⁸³ and I am of the opinion that both developments are entirely compatible from a planning perspective.

⁸¹ Including Richardson Stevens Consultants Limited, Proposed Subdivision – Matakā Ltd, Suitability for Residential Development, 2 February 2000.

⁸² S183.001

⁸³ FS143.80

Consultation and further submissions

Any consultation undertaken with key stakeholders or tangata whenua in relation to the rezoning request.

A list of any further submissions on the rezoning request and a response to those further submissions.

307. Consultation was instigated prior to my involvement by Matakā with the Council in respect to the PDP and its impacts on Matakā Station⁸⁴ following the lodgement of its submission seeking a Special Purpose Zone for the "Matakā Station Precinct". The issues were discussed, with recognition of the successes of the Matakā scheme.
308. As noted earlier in my evidence, I discussed with the reporting officer for the subject hearing Mr Wyeth, the spatial layer to apply where a Special Purpose Zone has been applied. Following this discussion, my further investigation into the matter, including research in relation to the NPS and associated guidance, led me to the conclusion that a Precinct is most appropriate for Matakā.
309. Mr Williams has in his evidence set out the ongoing relationships with tangata whenua.
310. From my search of the Council's Further Submission online database, the following further submissions were lodged in relation to the Matakā submission:
- FS165.9 Paradise Found Developments Limited - Support
- FS272.1 Nicole Way and Christopher Huljich – Support
- FS566.560 – Kapiro Conservation Trust (**Kapiro**) – Oppose.
311. Kapiro submitted in opposition to the entire Matakā submission and the only reason given is "*Oppose to the extent that the submission is inconsistent with our original submission*".⁸⁵ I have read the original submissions by Kapiro⁸⁶ and can find no reference in those to Matakā, as such I am unable to comment further, without presuming the outcomes Kapiro was seeking in its primary submissions.

⁸⁴ Meeting on 16 Nov 2022 with Mr Williams, Donald Chandler (Matakā Manager) and Vijay Lala (planning consultant) on behalf of Matakā, meeting with Greg Wilson, Pat Killalea, and Andrew McPhee from the Council.

⁸⁵ This single further submission FS566.568 from the Kapiro Conservation Trust was coded by the Council against multiple Matakā submission points (S230.001-S230.013), notwithstanding that only one further submission was made.

⁸⁶ Submissions 442, 443, 444, 445, 446, 447, 448 and 449.

Section 32AA evaluation

How the rezoning request is a more appropriate, effective and efficient way to achieve the PDP objectives (compared to the notified zoning) in accordance with section 32AA of the RMA

312. As included at **Attachment Two** to my evidence, I have undertaken an evaluation of the Precinct as required by Section 32AA of the RMA. That evaluation concludes that:
- (a) the objectives of the Precinct are the most appropriate way to achieve the sustainable management purpose of the RMA 1991, when considered in combination with others in the PDP, and
 - (b) as compared to the alternative options of doing nothing (ie relying on the PDP as notified), or the PDP as it has variously been proposed to be amended by s42A Officers recommendations to hearings, the Precinct is the most appropriate way to achieve the objectives.
313. In particular, the Precinct approach of bespoke planning provisions is the most efficient and effective way to achieve the objectives, having regard to the natural and physical resources at Matakā Station, the particular characteristics and values of the place, the current and anticipated activities, and the existing management structures at Matakā Station (including consents, instruments on the title, existing infrastructure, Resident's Association Rules etc).

CONCLUSION

314. In my opinion, the Precinct provides a sound and necessary planning framework for the management of land use and development at Matakā Station. It meets the various RMA statutory requirements, including those applicable to the adoption of alternative spatial layers as set out in the NPS.
315. The Precinct provides appropriate recognition of the existing and consented environment at Matakā, including that established through the previous subdivision consents and conditions to be complied with as required by instruments on the titles. It provides appropriate safeguards for the protection of the special characteristics and values that make Matakā a special place, as recognised by the PDP through its overlays. It enables and promotes the ongoing conservation initiatives at Matakā. It also provides for certainty, not only certainty to develop in accordance with existing subdivision consents and landowner expectations, but also certainty of environmental outcomes.

Peter Raymond Hall
12 May 2025

ATTACHMENT ONE: MATAKĀ STATION PRECINCT

PRECX - Matakā Station precinct

Drafting notes:

1. All cross-references are to provisions in the PDP as notified.
2. All references to ONL in the PDP do not use articles "an" or "the". Note also that ONL is plural i.e. outstanding natural landscapes.
3. Amendments and consequential changes are required to other chapters.

Overview

Matakā Station is a conservation and farm estate on the Purerua Peninsula at the northern end of the Bay of Islands. It comprises a 30-lot residential development with an operational sheep and cattle farm and a large private conservation estate totalling approximately 1075 hectares. The farm, conservation areas and common areas are managed by a residents' association. The conservation areas are approximately 350 hectares and are home to one of the most significant kiwi populations in New Zealand.

Matakā Station has considerable cultural and historic significance, being associated with Māori occupation from at least the 14th century AD, early European contact and settlement. The station is adjacent to Rangihoua Pā and a significant number of archaeological sites, including pā sites, have been identified within the station. Maunga Matakā is the highest point within the station and is one of five pou (boundary markers) for Ngāpuhi.

The scale of Matakā Station presents a significant opportunity to restore ecological values and natural character of this coastal environment at the northern entrance to the Bay of Islands. The purpose of the Matakā Station precinct is to enable the continued joint management of the land for farming and conservation purposes, while providing for limited residential development and common facilities within identified areas. This joint management approach is necessary to support ongoing predator control and existing extensive indigenous vegetation, which in turn will continue to contribute to the protection of kiwi and other fauna, allowing these populations to flourish.

The station has nearly 13 kilometres of coastline. It contains areas of very steep topography, with coastal cliffs, spurs and ridgelines with inland areas of undulating and more gently sloping land. The precinct provides for 30 house sites and the construction of access to these house sites. The house sites have been sensitively sited to be set back from the immediate coastal edge or are sited further inland. Existing vegetation provides mitigation and together with the topography and revegetation, serves to visually integrate development with the environment.

The zoning of the land within the precinct is Rural Production. The objectives, policies, rules and standards of the underlying Rural Production zone apply in addition to the provisions of the precinct, except that:

- All precinct rules with the same activity description prevail over the equivalent Rural Production zone rules.
- Rural Production zone standards RPROZ-S2 and RPROZ-S5 apply to the precinct. RPROZ-S1 Maximum height applies to parts of the precinct not within ONL or the coastal environment; it does not apply to buildings or structures on a House Site or within Areas 1, 2 or 3 shown on Precinct Plan 1. For the avoidance of doubt, PRECX-S1 prevails over RPROZ-S1 in relation to new buildings or structures and extensions or alterations to existing buildings or structures for a residential unit or minor residential unit.

The underlying Rural Production zone rules apply when the precinct does not include a rule for the same activity.

The coastal fringe of the precinct is within the coastal environment and areas of high natural character and outstanding natural landscape are identified within much of the coastal environment. The objectives and policies in the Natural Features and Landscapes and Coastal Environment chapters apply in addition to the provisions of the precinct. In the specified instances, the precinct provisions prevail over certain provisions in

the Coastal Environment and Natural Features and Landscapes chapters. The following provisions do not apply within the precinct:

- NFL-R1 New buildings or structures, and extensions or alterations to existing buildings or structures; NFL-R3 Earthworks or indigenous vegetation clearance; NFL-R6 Farming; RNFL-S1 Maximum height; NFL-S2 Colours and materials and NFL-S3 Earthworks or indigenous vegetation clearance.
- CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures; CE-R3 Earthworks or indigenous vegetation clearance; CE-R4 Farming; CE-S1 Maximum height; CE-S2 Colours and materials; CE-S3 Earthworks or indigenous vegetation clearance; and CE-S4 Setback from MHWS.

All other District-Wide objectives, policies, rules and standards apply.

| Objectives | |
|-----------------|---|
| PRECX-O1 | The rugged beauty and quality of the environment at Matakā Station is protected and enhanced. |
| PRECX-O2 | Land use and development within the Matakā Station precinct is undertaken in a way that enhances and protects: <ol style="list-style-type: none"> a. landscape values; b. the natural character of the coastal environment; c. historic heritage and cultural values; and d. habitat for kiwi and other indigenous fauna. |
| PRECX-O3 | Land within Matakā Station precinct is used for farming, conservation activities, residential activities, recreation activities and leisure activities. |
| PRECX-O4 | New residential units, minor residential units and buildings or structures for recreation activities are designed to be integrated with the characteristics, qualities and values of ONL and natural character of the coastal environment. |

| Policies | |
|-----------------|---|
| PRECX-P1 | Enable the development of residential units, minor residential units and buildings or structures for recreation activities in general accordance with Precinct Plan 1. |
| PRECX-P2 | Enable the ongoing operation of farming activities. |
| PRECX-P3 | Limit development within the precinct to protect natural character and the characteristics, qualities and values that make ONL outstanding. |
| PRECX-P4 | Encourage and support active management of pest plants and pest animals, including possums, goats and mustelids. |
| PRECX-P5 | Require landowners to manage pets to avoid risks to threatened indigenous species and kiwi, including by avoiding the introduction of pets into high-density kiwi areas. |
| PRECX-P6 | Manage effects on historic heritage and cultural values when undertaking earthworks by: <ol style="list-style-type: none"> a. adhering to accidental discovery protocols for sensitive material; b. undertaking appropriate actions in accordance with mātauranga and tikanga Māori when managing effects on cultural values. |

Rules

Notes:

1. The rules in Part 2 – District-Wide Matters apply in addition to these rules, except that the following do not apply:
 - a. NFL-R1 New buildings or structures, and extensions or alterations to existing buildings or structures; NFL-R3 Earthworks or indigenous vegetation clearance; NFL-R6 Farming; NFL-S1 Maximum height; NFL-S2 Colours and materials and NFL-S3 Earthworks or indigenous vegetation clearance.
 - b. CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures; CE-R3 Earthworks or indigenous vegetation clearance; CE-R4 Farming; CE-S1 Maximum height; CE-S2 Colours and materials; CE-S3 Earthworks or indigenous vegetation clearance; and CE-S4 Setback from MHWS.

| PRECX-R1 | New buildings or structures, and extensions or alterations to existing buildings or structures | |
|---------------------------------------|---|--|
| <p>Matakā Station Precinct</p> | <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Any new building or structure if it:</p> <ol style="list-style-type: none"> 1. is not used for a residential activity; 2. is not provided for under PRECX-R8; 3. complies with RPROZ-S1 Maximum height if it is not within ONL or the coastal environment; 4. complies with standards: <ol style="list-style-type: none"> a. RPROZ-S2 Height in relation to boundary; b. RPROZ-S5 Building or structure coverage; 5. complies with PRECX-S1 Maximum Height and PRECX-S2 Colours and Materials if it is within ONL or the coastal environment; 6. complies with PRECX-S4 Setbacks from MHWS; 7. is no greater than 50m² if it is within ONL; and 8. is no greater than 100m² if it is within the coastal environment. <p>PER-2 Any extension or alteration to a lawfully established building or structure:</p> <ol style="list-style-type: none"> 1. complies with PRECX-S1 Maximum Height; 2. complies with RPROZ-S2 Height in relation to boundary; and 3. complies with RPROZ-S5 Building or structure coverage. 4. is no greater than 30% of the GFA of the | <p>Activity status when compliance not achieved with PER-1:</p> <p>Controlled</p> <p>Where:</p> <p>Any new building or structure if it is:</p> <p>CON-1 A single residential unit or a minor residential unit on a House Site identified on Precinct Plan 1.</p> <p>CON-2 Complies with PRECX-S1 Maximum height.</p> <p>Matters of control are reserved over:</p> <ol style="list-style-type: none"> a. the location, scale (including height) and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence; b. the means of integrating the building, structure or activity into the landscape, including through planting; c. the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and d. any mitigation measures proposed. <p>New buildings or structures, and extensions or alterations to existing buildings or structures that are a controlled activity under rule CON-1 and CON-2 shall be precluded from public or limited notification unless special circumstances apply.</p> |

| | | |
|---------------------------------------|---|--|
| | <p>existing lawfully established building or structure if it is within ONL or the coastal environment; and</p> <p>5. complies with PRECX-S2 Colours and Materials if it is within ONL or the coastal environment.</p> <p>PER-3 Any new building or structure, or extension or alteration to an existing building or structure on Lot 31 DP 367766 or Lot 35 DP 363154 if it:</p> <ol style="list-style-type: none"> 1. is a single residential unit or a minor residential unit; and 2. complies with standards: <ol style="list-style-type: none"> a. RPROZ-S1 Maximum height; b. RPROZ-S2 Height in relation to boundary; and c. RPROZ-S5 Building or structure coverage. <p>PER-4 Any new building or structure, or extension of alteration to an existing building or structure on Lot 43 DP 363154 if it:</p> <ol style="list-style-type: none"> 1. is used for worker accommodation; and 2. complies with standards: <ol style="list-style-type: none"> a. RPROZ-S1 Maximum height; b. RPROZ-S2 Height in relation to boundary; and c. RPROZ-S5 Building or structure coverage. | <p>Activity status when compliance not achieved with PER-1 or PER-2; and PREC-R8 does not apply: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. the effects on the characteristics, qualities and values that make ONL outstanding; b. the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity; c. the positive effects of the activity; and d. any mitigation measures proposed. <p>Activity status where compliance not achieved with PER3 or PER-4: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. the location, scale (including height) and design of buildings, having regard to their visual prominence; b. the means of integrating the building, structure or activity into the landscape, including through planting; c. the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and d. any mitigation measures proposed. <p>Activity status when compliance not achieved with CON-2, except where PRECX-R8 applies: Restricted discretionary (matters of discretion at PRECX-S1)</p> <p>Activity status when compliance not achieved with CON-1, except where PRECX-R8 applies: Discretionary</p> |
| <p>PRECX-R2</p> | <p>Residential activity</p> | |
| <p>Matakā Station precinct</p> | <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The site area per residential unit is at least 20ha.</p> <p>PER-1 does not apply to:</p> | <p>Activity status where compliance not achieved with PER-1: Discretionary</p> <p>Where:</p> <p>DIS-1 The site area per residential unit is at least 8ha.</p> <p>DIS-2 The number of residential units on a site does not</p> |

| | | |
|--------------------------------|---|--|
| | <ol style="list-style-type: none"> 1. a single residential unit located on a site less than 20ha. 2. A minor residential unit in accordance with PRECX-R3. | <p>exceed two.</p> <p>Activity status where compliance not achieved with DIS-1 or DIS-2:</p> <p>Non-complying</p> |
| PRECX-R3 | Minor residential unit | |
| Matakā Station precinct | <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The number of minor residential units on a site does not exceed one.</p> <p>PER-2 The minor residential unit shares vehicle access with the principal residential unit.</p> <p>PER-3 The minor residential unit:</p> <ol style="list-style-type: none"> 1. Does not exceed a GFA of 65m²; and 2. With an optional attached garage or carport that does not exceed GFA of 18m², where the garage or carport is used for vehicle storage, general storage and laundry facilities. | <p>Activity status where compliance not achieved with PER-2:</p> <p>Discretionary</p> <p>Activity status where compliance not achieved with PER-1 or PER-3:</p> <p>Non-complying</p> |
| PRECX-R4 | Earthworks or indigenous vegetation clearance | |
| Matakā Station precinct | <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Earthworks or indigenous vegetation clearance within ONL or the Coastal Environment are compliant with PRECX-S3 and are not provided for under PRECX-R9; or are:</p> <ol style="list-style-type: none"> 1. for the operation, repair and maintenance of existing lawfully established: <ul style="list-style-type: none"> • fences • network utilities • tracks, driveways, roads and access ways • formed carparks • board walks • boat ramps 2. required to provide for safe and reasonable clearance for existing overhead power lines; or 3. to address an immediate risk to the health and safety of the public; or 4. clearance for the control of pests for biosecurity reasons; or | <p>Activity status when compliance not achieved with PER-1:</p> <p>Discretionary</p> |

| | | |
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| | <ol style="list-style-type: none"> 5. for the sustainable non-commercial harvest of plant material for rongoā Māori, or 6. to maintain firebreaks to manage fire risk; or 7. to remove vegetation as directed by Fire and Emergency New Zealand due to fire risk, or 8. to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area; or 9. for the construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m; or 10. for any upgrade of existing electricity network utilities permitted by rule NFL-R1; or 11. for maintenance of planted indigenous vegetation within domestic gardens, including the removal and replacement of plants; or 12. the formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth; or 13. for maintenance or reinstatement of pasture through the removal of regenerating manuka (<i>Leptospermum scoparium</i> var. <i>scoparium</i>) or kanuka (<i>Kunzea robusta</i>) tree ferns or scattered rushes in pasture where the vegetation to be cleared is less than 10 years old and less than 3m in height. | |
| PRECX-R5 | Farming | |
| Matakā Station precinct | Activity status: Permitted | Activity status where compliance is not achieved: Not applicable |
| PRECX-R6 | Worker accommodation | |
| Matakā Station precinct | <p>Activity Status: Permitted</p> <p>Where:</p> <p>PER-1 It is located on Lot 43 DP 363154.</p> <p>PER-2 It is associated with activities within the precinct.</p> <p>PER-3 The occupancy does not exceed 10 workers.</p> | <p>Activity status where compliance not achieved with PER-1, PER-2 or PER-3:</p> <p>Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. Effects on the rural character and amenity of the surrounding area; b. Visual mitigation measures such as landscaping or other screening; c. Servicing requirements; d. The layout and siting of buildings and parking areas. |

| | | |
|--------------------------------|--|--|
| PRECX-R7 | Visitor accommodation | |
| Matakā Station precinct | <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The visitor accommodation is within a residential unit, accessory building or minor residential unit.</p> <p>PER-2 The occupancy does not exceed 10 guests per night.</p> | <p>Activity status where compliance not achieved with PER-1 or PER-2:</p> <p>Discretionary</p> |
| PRECX-R8 | New buildings or structures, and extensions or alterations to existing buildings or structures within Areas 1, 2 or 3 shown on Precinct Plan 1 | |
| Matakā Station precinct | <p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 The building or structures, including extensions or alterations to existing buildings or structures are for recreation activity.</p> <p>RDIS-2 The buildings or structures, including extensions or alterations to existing buildings or structures comply with the following standards:</p> <ol style="list-style-type: none"> a. PRECX-S2 Colours and Materials; and b. PRECX-S4 Setbacks from MHWS. <p>The matters of discretion are:</p> <ol style="list-style-type: none"> a. The location, scale (including height) and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence; b. the means of integrating the building or structure into the landscape, through planting; c. the height of any retaining walls, their colour and whether planting is necessary to mitigate their visual effects; d. any mitigation measures proposed; e. effects on the characteristics, qualities and values that make ONL outstanding; and f. the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity. | <p>Activity status where compliance not achieved with RDIS-1 and/or RDIS-2:</p> <p>Discretionary</p> |

| PRECX-R9 | Earthworks or indigenous vegetation clearance | |
|-------------------------|---|--|
| Matakā Station precinct | <p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1 The earthworks are within ONL or the coastal environment and are for the construction of a building or structure and its associated curtilage within a House Site or Area 1, 2 or 3 shown on Precinct Plan 1.</p> <p>RDIS-2 The earthworks are within ONL or the coastal environment and are for the construction of accessways to a House Site shown on Precinct Plan 1.</p> <p>RDIS-3 The earthworks are within ONL or the coastal environment and are for the construction of accessways to Area 1, 2 or 3 shown on Precinct Plan 1.</p> <p>RDIS-4 Any indigenous vegetation clearance within ONL or the coastal environment for a House Site, accessway or within Areas 1, 2 or 3 shown on Precinct Plan 1 and comply with standard PRECX-S3.</p> <p>The matters of discretion are:</p> <ol style="list-style-type: none"> the effects on the characteristics, qualities and values that make ONL outstanding; the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity; the scale and extent of earthworks for the construction of a building and/or access to a House Site and its associated curtilage shown on Precinct Plan 1; the scale and extent of earthworks for the construction of a building and/or accessway to Areas 1, 2 or 3 shown on Precinct Plan 1; any adverse effects on any archaeological site; any mitigation measures; and the positive effects of the activity. <p>Note: the District-Wide Earthworks rules apply outside ONL and the coastal environment.</p> | <p>Activity status where compliance not achieved with RDIS-1, RDIS-2, RDIS-3 or RDIS-4:</p> <p>Discretionary</p> |
| PRECX-R10 | Catteries and dog boarding kennels | |
| Matakā Station precinct | <p>Activity status: Prohibited</p> | <p>Activity status where compliance not achieved:</p> <p>Not applicable</p> |

| Standards | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------------------------|--|------------|----------------|-------|-----------------------|----|---|---------|-----------------------|----|---|----|-----------------------|----|-----------------------|----|-----------------------|----|---|----|---|----|--|----|---|----|--|----|---|---|
| PRECX-S1 | Maximum height | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Matakā Station precinct | <p>1. The maximum height of any new building or structure for a residential activity or any ancillary activity at a House Site shown on Precinct Plan 1 must:</p> <ul style="list-style-type: none"> a. be no more than one storey, provided that a building may step down a slope and buildings on lots 21 and 22 may be more than one storey; and b. comply with the maximum height for the relevant house site specified in the table below: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">House site</th> <th style="text-align: left;">Maximum height</th> </tr> </thead> <tbody> <tr> <td>1 -13</td> <td>6m above ground level</td> </tr> <tr> <td>14</td> <td>5m above a finished floor level of 210.0m</td> </tr> <tr> <td>15 - 18</td> <td>6m above ground level</td> </tr> <tr> <td>19</td> <td>5m above natural ground level or finished ground height, whichever results in the height of the building being lower when measured above sea level.</td> </tr> <tr> <td>20</td> <td>6m above ground level</td> </tr> <tr> <td>21</td> <td>9m above ground level</td> </tr> <tr> <td>22</td> <td>9m above ground level</td> </tr> <tr> <td>23</td> <td>5m above natural ground level or finished ground height, whichever results in the height of the building being lower when measured above sea level.</td> </tr> <tr> <td>24</td> <td>5m above a finished floor level of 210.0m</td> </tr> <tr> <td>25</td> <td>5m above a finished floor level of 99.0m</td> </tr> <tr> <td>26</td> <td>6m above a finished floor level of 112.0m</td> </tr> <tr> <td>27</td> <td>5m above a finished floor level of 96.0m</td> </tr> <tr> <td>29</td> <td>6m above a finished floor level of 139.0m</td> </tr> </tbody> </table> <p>Note: there is no house site 28.</p> <p>2. The maximum height of any new building or structure within ONL or the coastal environment that is not at a House site or within Areas 1, 2 or 3 shown on Precinct Plan 1 is 5m above ground level.</p> <p>3. Where a building or structure is lawfully established, any extension must not exceed the height of the existing building or structure above ground level.</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> i. solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation; or ii. chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or iii. satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; or iv. architectural features (e.g. finials, spires) that do not exceed 1m in height on any elevation. | House site | Maximum height | 1 -13 | 6m above ground level | 14 | 5m above a finished floor level of 210.0m | 15 - 18 | 6m above ground level | 19 | 5m above natural ground level or finished ground height, whichever results in the height of the building being lower when measured above sea level. | 20 | 6m above ground level | 21 | 9m above ground level | 22 | 9m above ground level | 23 | 5m above natural ground level or finished ground height, whichever results in the height of the building being lower when measured above sea level. | 24 | 5m above a finished floor level of 210.0m | 25 | 5m above a finished floor level of 99.0m | 26 | 6m above a finished floor level of 112.0m | 27 | 5m above a finished floor level of 96.0m | 29 | 6m above a finished floor level of 139.0m | <p>Where the standard is not met, matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the location, scale (including height) and design of buildings, having regard to their visual prominence; b. the means of integrating the building, structure or activity into the landscape, including through planting; c. the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and d. any mitigation measures proposed. |
| House site | Maximum height | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 -13 | 6m above ground level | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | 5m above a finished floor level of 210.0m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 - 18 | 6m above ground level | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 19 | 5m above natural ground level or finished ground height, whichever results in the height of the building being lower when measured above sea level. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6m above ground level | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 9m above ground level | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 22 | 9m above ground level | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 23 | 5m above natural ground level or finished ground height, whichever results in the height of the building being lower when measured above sea level. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 24 | 5m above a finished floor level of 210.0m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 25 | 5m above a finished floor level of 99.0m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 6m above a finished floor level of 112.0m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 27 | 5m above a finished floor level of 96.0m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 29 | 6m above a finished floor level of 139.0m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| PRECX-S2 | Colours and materials | |
|-------------------------|--|--|
| Matakā Station precinct | <p>The exterior surfaces of new buildings within ONL or coastal environment shall:</p> <ol style="list-style-type: none"> 1. be constructed of natural materials and/or finished to achieve a reflectance value no greater than 30%; and 2. if the exterior is painted, have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in Appendix X. | |
| PRECX-S3 | Earthworks or indigenous vegetation clearance | |
| Matakā Station precinct | <ol style="list-style-type: none"> 1. Any earthworks within ONL or the coastal environment must (where relevant): <ol style="list-style-type: none"> a. not exceed a total area per site of: <ol style="list-style-type: none"> i. 50m² within a calendar year within ONL or an area of high natural character; or ii. 100m² within a calendar year within the coastal environment in an area outside ONL or area of high natural character. b. not exceed a cut height or fill depth of 1m; and c. screen any exposed faces visible from a public place. 2. Any indigenous vegetation clearance within ONL or the coastal environment must not exceed a total area per site of: <ol style="list-style-type: none"> a. 50m² in ONL or an area of high natural character within any 10 year period; or b. 400m² within any 10-year period within the coastal environment outside an area of high natural character. | <p>Where the standard is not met, matters of discretion are restricted to: Not applicable</p> |
| PRECX-S4 | Setback from MHWS | |
| Matakā Station precinct | <p>New buildings and structures and/or extension or alteration to an existing building or structure must be setback at least 30m from MHWS.</p> | <p>Where the standard is not met, matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. the natural character of the coastal environment; b. screening, planting and landscaping on the site; c. the design and siting of the building or structure having regard to their visual prominence; d. natural hazard mitigation and site constraints. |

Precinct Plan 1



ATTACHMENT TWO: SECTION 32AA RMA 1991 EVALUATION

SECTION 32AA RMA 1991 EVALUATION: MATAKĀ STATION PRECINCT

1. Section 32AA of the RMA 1991 requires that a further evaluation is required only for any changes that have been made to, or are proposed for, the proposal since the original section 32 evaluation report for the proposal was completed. This must be undertaken in accordance with section 32(1) to (4) of the RMA.
2. Section 32(1)(a) of the RMA specifies that an evaluation report required under this Act must –
 - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act.*
3. The purpose of the RMA 1991 as set out in section 5 is to promote the “sustainable management” of natural and physical resources.
4. As set out in section 5(2), sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

ASSESSMENT OF MATAKĀ STATION PRECINCT OBJECTIVES AGAINST PART 2 OF THE RMA 1991

5. In this case, the objectives of the proposal being evaluated are those objectives as set out in Objectives PRECX-O1 to PRECX-O4 of the proposed Matakā Station Precinct (**the Precinct**), coupled with the other objectives of the PDP as notified.
6. Given the structure of the precinct provisions, which apply in conjunction with those of the Rural Production Zone and the various overlays (except where the rules specify otherwise), and the identified features and values of Matakā as discussed in my evidence, the objectives of the Rural Production Zone and the overlays have particular relevance to the proposal (notably the objectives of the coastal

environment, heritage area overlays, ecosystems and indigenous biodiversity and natural character and landscapes).

7. The objectives of the Strategic Directions Chapter (as I identify in my evidence), Rural Production Zone (RPROZ-O1 to RPROZ-O4), Heritage Area Overlay (HA-O1), Ecosystems and indigenous biodiversity (IB-01 to IB-05) and Natural features and landscapes (NFL-01 to NFL-03) have all been evaluated in their respective section 32 Reports prepared by the Council, and I do not repeat this evaluation here, suffice to say that generally, and unless I have stated otherwise in evidence presented to hearings on these topics, I concur with the conclusions that these objectives are appropriate to achieve the purpose of this Act, with reference to section 32 of the RMA.
8. Of note here are the amendments to the Natural features and landscapes NFL-01 to NFL-03 objectives, which were recommended to be changed in the Officers s42A Report to Hearing 4 to align with the requirements of the NZCPS and RPS (including by recasting NFL-01 such that "*ONF and ONL are protected from inappropriate land use and development*" and deleting NFL-02 which required "consistency" of land use with the characteristics and qualities of a landscape or feature). As per my evidence to Hearing 4, I support those amendments.⁸⁷
9. Also of note are the amendments to coastal environment objectives CE-O1 to CE-O3, which were also recommended to be amended in the Officers s42A Report to Hearing 4. In my opinion these are a better reflection of the NZCPS and RPS and I concur with the conclusions of the 42A Report that these objectives are appropriate to achieve the purpose of the RMA.
10. I note in particular here the changes recommended here to CE-O1 in the 42A Report that the natural character of the coastal environment is "*preserved and protected from inappropriate land use and subdivision*" and to CE-O2 that land use and subdivision in the coastal environment is "*compatible*" with the surrounding land use. As I set out in my evidence, the land use provided for by the Precinct is appropriate in my opinion in the coastal environment and is entirely compatible with surrounding land use.
11. When considering this set of objectives therefore in relation to 32(1)(a), my conclusions below are on the basis of the objectives of the PDP as notified, except

⁸⁷ Statement of Evidence of Peter Raymond Hall: Hearing 4: Natural Environment Values & Coastal Environment (Attachment 1) (22 July 2024)

where those are proposed to be amended as I describe in the preceding two paragraphs.

12. The objectives for the Precinct are as follows:

PRECX-01

The rugged beauty and quality of the environment at Matakā Station is protected and enhanced.

PRECX-02

Land use and development within the Matakā Station precinct is undertaken in a way that enhances and protects:

- a. landscape values;*
- b. the natural character of the coastal environment;*
- c. historic heritage and cultural values; and*
- d. habitat for kiwi and other indigenous fauna.*

PRECX-03

Land within Matakā Station precinct is used for farming, conservation activities, residential activities, recreation activities and leisure activities.

PRECX-04

New residential units, minor residential units and buildings or structures for recreation activities are designed to be integrated with the characteristics, qualities and values of ONL and natural character of the coastal environment.

13. These present specific objectives for Matakā Station, which recognise its particular natural and physical resources, as distinct from the generality of sites and locations in the district. These natural and physical resources include:

- i. The scale and prominence of Matakā Station which presents a significant opportunity to restore ecological values and natural character of this coastal environment at the northern entrance to the Bay of Islands;
- ii. The existing consented environment, which provides for particular opportunities and obligations as I describe in my evidence;
- iii. The need to manage the land in an integrated way, including opportunity to enable the continued joint management of the land for farming and conservation purposes, while providing for limited residential development and common facilities within identified areas;
- iv. The considerable cultural and historic significance of Matakā and its environs; and
- v. The outstanding natural landscape and natural character values as identified in the PDP.

14. The set of objectives for the Precinct respond to these values and characteristics as I describe below.
15. Objective PRECX-O1 is a fundamental overall outcome for Matakā Station, with the protection and enhancement of the environment fundamental to its purpose. "Rugged beauty" has been chosen as an apt description of this dramatic coastal environment. The "protection" and "enhancement" directives of this policy then drive the approach to house siting, mitigation and maintenance of planting undertaken already and as secured further by the provisions of the Precinct.
16. This objective achieves the sustainable management purpose of the RMA by providing for the protection of the particular natural resources at Matakā (notably its rugged beauty and quality of the environment). These resources are protected, while a limited scope of use and development is enabled in accordance with the already approved Matakā scheme. This prescription for management is the most appropriate way to achieve the purpose of the RMA, because it appropriately balances use and protection, targeted to the particular characteristics of Matakā.
17. Objective PRECX-O2 set sets out the outcomes expected to be achieved with land use and development at Matakā. Consistent with Objective PRECX-O1, the directive is to enhance and protect the specific values set out: these being the values which strongly define Matakā. Included here is the enhancement and protection of habitat for kiwi and other indigenous fauna. Kiwi in particular are identified here, given the significance of the place as habitat, and the success to date in enhancing that.
18. This objective achieves the sustainable management purpose of the RMA by being targeted to the specific resources of Matakā and responding to those in a way that will safeguard the life-supporting capacity of ecosystems, while avoiding, remedying, or mitigating adverse effects of activities on the environment through the requirement to "enhance" and "protect". The objective also achieves the "enablement" component of the RMA purpose by allowing people and communities to provide for their social, economic, and cultural well-being. This is through recognition in the objective that land use and development be undertaken in a certain way. As described in my evidence and in that of Mr Williams, without that enablement aspect, the positive environmental outcomes at Matakā are compromised.
19. Objective PRECX-O3 describes the particular land uses that occur at Matakā Station, as provided for by the Precinct; namely farming, conservation activities, residential activities, recreation activities and leisure activities. This objective is important to

clearly state the land uses which occur now and will continue to occur through the Precinct provisions.

20. This objective achieves the sustainable management purpose of the RMA by including a clear prescription of suitable land uses at Matakā, which have been developed and implemented to be a sustainable land use outcome. This is in contrast to the previous status quo as described by Mr Williams in his evidence, whereby the ecological values of the place were being eroded prior to the establishment of the Matakā scheme. The particular mix of farming, conservation activities, residential activities, recreation activities and leisure activities specified in this objective provide a recipe for sustainable land use, which has had proven success (including revegetation and habitat protection).
21. Objective PRECX-O4 references the obligation for new residential units, minor residential units and buildings or structures for recreation activities to “be integrated with” the characteristics, qualities and values of ONL and natural character of the coastal environment. This is intended to provide more specific direction for buildings and structures and not replace the applicable CE and ONL objectives.
22. This objective recognises the appropriateness of land uses that are fundamental to the success of the Matakā scheme (and which in the case of house sites have already been approved), while protecting those portions of the land that are within HNC, ONL and CE. PRECX-O4 enables buildings or structures for residential activities, minor residential units and recreation activities but only where they are designed to integrate with the characteristics, qualities and values of ONL and natural character of the coastal environment.
23. These objectives collectively recognise and provide for the specific values under section 6 that are present on the site: the natural character of the coastal environment under s6(a); outstanding natural landscapes under s6(b); significant habitats of indigenous fauna under s6(c); the relationship of Māori and their culture and traditions with their ancestral lands under s6(e); and historic heritage under s6(f).
24. The objectives have particular regard to the ethic of stewardship under s7(aa); the efficient use and development of natural and physical resources under s7(b); the maintenance and enhancement of amenity values under s7(c); the intrinsic values of ecosystems under s7(d); and the maintenance and enhancement of the quality of the environment under s7(f).

25. The outcome of protecting and enhancing the environment at Matakā is achieved through the ethic of stewardship of the collective landowners, who work together to enhance Matakā Station and continue ongoing pest and predator control programmes.
26. The principles of the Treaty of Waitangi are taken into account through the objectives, which collectively, seek the outcome of protecting the environment at Matakā Station, which includes Maungā Matakā. As described by Mr Williams in his evidence, Matakā has had a strong and enduring relationship with Ngāti Torehina over the last 25 years. Mr Williams has discussed in his evidence⁸⁸ the role of Ngāti Torehina in the development of stages 1 and 2 of the Matakā scheme, and the ongoing relationship takes practical effect through the protection of archaeological sites, access to Matakā Station, and involvement in tangata whenua in the design review process as described by Mr Goodwin.⁸⁹
27. In addition, there are a significant number of archaeological sites on Matakā Station. Archaeological assessments and consultation with tangata whenua undertaken to date has resulted in ongoing obligations to protect areas of historic heritage and cultural values.
28. Overall, those objectives as set out in Objectives PRECX-O1 to PRECX-O4 of the Precinct, coupled with the other objectives of the PDP as notified as I qualify above, work in tandem to achieve the purpose of the RMA. The specific Precinct objectives are appropriate to achieve the purpose of the RMA because they more directly respond to the particular natural and physical resources of Matakā, which enables sustainable management outcomes to be better promoted and achieved.

ASSESSMENT OF MATAKĀ STATION PRECINCT PROVISIONS AGAINST THE OBJECTIVES

29. Section 32(b) specifies that an evaluation report required under the RMA must –
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) identifying other reasonably practicable options for achieving the objectives; and*

⁸⁸ Statement of evidence of Mr Williams

⁸⁹ Statement of evidence of Mr Goodwin

(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and

(iii) summarising the reasons for deciding on the provisions;...

30. For the purposes of this assessment, the provisions of the Precinct have been grouped thematically based on the main outcomes sought to continue at Matakā Station:
- a) Land uses, including residential, recreation and farming;
 - b) Development activities, including building standards, earthworks for building platforms and driveway construction;
 - c) Protection and enhancement of indigenous biodiversity; and
 - d) Protection of other specific values and characteristics of Matakā, including heritage, archaeology, and areas of ONL and HNC.
31. The following three options have been evaluated against these themes:
- (a) **Option 1: Do Nothing** (i.e. PDP as notified, with reliance of existing consents only for use and development at Matakā);
 - (b) **Option 2: Proposed Plan as variously modified by s42A Reports** (including Officer Right of Reply recommendations to date); and
 - (c) **Option 3: Adopt bespoke planning provisions for Matakā Station (specifically the Matakā Station Precinct).**
32. The Proposed Plan as variously modified by s42A Reports has been assessed as an option at Option 2 because various amendments have been proposed here which make somewhat better provision for existing established activities (including farming and approved subdivision). By their nature the amendments are to the PDP as a whole and do not of course have any specific recognition for the particular characteristics of Matakā Station as are promoted in the Precinct.
33. The adoption of the Precinct approach for Matakā Station follows the analysis as set out in my evidence to hearing 15B where I consider also the alternative spatial tools of a Special Purpose Zone or a Development Area. I conclude there that a Precinct is the most appropriate. I also consider that this approach is the most

efficient as it reduces duplication within the PDP as compared to using a new zone to achieve the same outcome.

34. The 'provisions' in terms of this evaluation comprise the policies and the rules. The rules are referred to below in my analysis. For ease of reference, the policies for the Precinct are as follows:

"PRECX-P1 *Enable the development of residential units, minor residential units and buildings or structures for recreation activities in general accordance with Precinct Plan 1.*

PRECX-P2 *Enable the ongoing operation of farming activities.*

PRECX-P3 *Limit development within the precinct to protect natural character and the characteristics, qualities and values that make ONL outstanding.*

PRECX-P4 *Encourage and support active management of pest plants and pest animals, including possums, goats and mustelids.*

PRECX- P5 *Require landowners to manage pets to avoid risks to threatened indigenous species and kiwi, including by avoiding the introduction of pets into the high-density kiwi areas.*

PRECX-P6 *Manage effects on historic heritage and cultural values when undertaking earthworks by:*

c. adhering to accidental discovery protocols for sensitive material;

d. undertaking appropriate actions in accordance with mātauranga and tikanga Māori when managing effects on cultural values.

Theme 1: Land uses, including residential, recreation and farming

Option 1 Do Nothing

35. Option 1 enables residential units and visitor accommodation as a permitted activity (Rules RPROZ-R3 and RPROZ-R4) in the Rural Production Zone, however this activity status is cancelled by the application of a non-complying activity status for buildings for residential activities in the ONL (Rule NFL-R1) and a discretionary activity for buildings in the CE (Rule CE-R1). Minor residential units require a controlled activity resource consent (Rule RPROZ-R19). As such, many of new

residential buildings on house sites approved under previous resource consents at Matakā would be required to obtain resource consent as a non-complying activity due to their location within the ONL overlay, noting that in the case of Matakā Station, this generally corresponds also with the CE line.

36. Visitor accommodation (limited to an occupancy of 10 guests per night at Matakā Station) would fall to a discretionary activity in each case due to the requirement for the visitor accommodation site not to share access with another site (Rule RPROZ-R4, PER-1 and PER-2).
37. Farming would be enabled as a permitted activity at Matakā Station where it is not within the high natural character area or ONL (Rule RPROZ-R7, CE-R4 and NFL-R6). Resource consent as a non-complying activity would be required for farming activity within the outstanding natural landscape overlay and coastal environment (Rule NFL-R6). New farm tracks and associated earthworks would be a non-complying activity (Rule NFL-R3, which only provides for the repair and maintenance of existing farm tracks). The clearance of indigenous vegetation in an ONL for the purposes of maintaining pasture is a non-complying activity if over 50m² over the life of the District Plan (Rule NFL-R3/Standard NFL-S3).
38. No provision is made for farm workers or second dwellings for managers or caretakers under the PDP as notified (apart from minor dwellings not exceeding 65m²). These would require either a discretionary or a non-complying activity resource consent at Matakā under RPROZ-R3, depending on the size of the site.
39. In summary therefore, the effect of the PDP as notified is to require resource consents for many of the key land uses at Matakā, including significantly as a non-complying activity for any change to the farming operation in the ONL, and for any new house on an already approved building platform within the ONL.
40. The policies associated with these provisions are principally driven from the Coastal environment and Natural features and landscapes chapters. These prescribe the avoidance of adverse effects of land use and subdivision on the characteristics and qualities of ONL and ONF within the coastal environment (NFL-P2). No particular recognition of existing consented land uses in ONL or the CE is made in this policy set, apart from farming in the ONL where some provision is made at a policy level (NFL-P4), including where the use forms part of the characteristics and qualities that established the landscape or feature. Policy NFL-P7 as notified sets the very high hurdle of “prohibiting” land use that would result in “any loss of” and/or destruction of the characteristics and qualities of an ONL.

41. The Rural Production Zone policies otherwise establish strong support for rural productive land uses, although these do not override these overlay policies discussed above (for example RPROZ-P1). The range of potential non-productive land uses as occur at Matakā, including the residential and recreational activity, is potentially limited however by strongly directive Policy RPROZ-P5 which is "*avoid land use that... does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone*".
42. I discussed "functional need" in my evidence to Hearing 9.⁹⁰ Here I noted that it becomes problematic, and a question of case-by-case interpretation, when applying "functional need" to those other complementary and compatible activities such as occur at Matakā. I noted in my evidence to Hearing 9 the example of a visitor accommodation and rural lifestyle subdivision with environmental benefit. These activities may derive particular benefits from a rural location, but arguably do not have a functional need to be there when considering the definition of that term in the PDP.

Option 2 Proposed Plan as variously modified by s42A Reports

43. The amendments recommended in the various s42A Reports recognise the existence of certain approved subdivisions in the CE and ONL where these are as-yet not fully built, providing for new residential buildings as a controlled activity 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 (under Rule CE-R1 and NFL-R1).
44. This amendment goes some way to addressing the consenting risk and burden for new houses at Matakā, however as I describe below in this evaluation, this is nullified by the non-complying activity status in the ONL which would invariably arise from driveway and building platform earthworks, together with the blanket height controls which do not take into account the particular characteristics of landform Matakā, nor the opportunities for mitigation, and the resultant non-complying activity status for exceedances to height in the ONL, which I read as a consequence of not meeting the height standards cross referenced in Rule NFL-R1.
45. Apart from relatively small buildings for non-residential uses in the ONL (less than 50m²) the amendments would still require new development and buildings for

⁹⁰ Statement of Evidence of Peter Raymond Hall – Hearing 9: Rural, Horticulture & Horticulture Processing, 18 November 2024

buildings for recreation activities such as a beach lodge or boat sheds to obtain consent as a discretionary activity if in the CE (Rule CE-R1) as a non-complying activity in in an ONL (NFL-R1). Extensions or alterations up to 20% of the GFA of the existing beach lodge and boat shed buildings could be undertaken as a permitted activity.

46. The s42A Report to Hearing 9 Rural made certain recommendations in respect to other rural activities to provide for minor residential units as a permitted activity and seasonal workers accommodation. As I set out in my evidence, minor residential units are only a permitted activity if it has a separation distance of 15m or less from the principal unit (Rule RPROZ-R19), which would not provide for a desirable level of separation from dwellings. Where this not achieved, a discretionary activity resource consent is required. Seasonal workers accommodation is provided only for that type of employee (ie not farm workers or contractors) and because they are required to work on the same landholding, would not apply to Matakā whereby the Station is comprised of multiple landholdings.
47. The requirement for functional need remains in the Rural Production Zone policy RPROZ-P5, which as I note in that discussion, would raise questions in my opinion in respect of any discretionary or non-complying resource consent application for a non-productive use in the Rural Production Zone.
48. Various improvements are made to the policies of the Natural features and landscapes and coastal environment chapters, including at NFL-P4 to "*Recognise that lawfully established activities form part of ONL and ONF and allow these activities to continue without undue restriction*". While that has been carried down to farming activities in the ONL, and also to the recognition of the construction of a dwelling on an already approved house, it has not been fully carried down into the earthworks rules I discuss above which would trigger a non-complying activity consent for the associated construction of a building platform and driveway. The recommendations here are also to remove the prohibition on land use that would result in "any loss of" and/or destruction of the characteristics and qualities of an ONL.

Option 3 The Matakā Station Precinct

49. The relevant provisions from the Precinct relating to land uses, including residential, recreation and farming are as follows:
 - (a) Policies PRECX-P1 and PRECX-P2

- (b) PRECX-R1 New buildings or structures, and extensions or alterations to existing buildings or structures
 - (c) PRECX-R2 Residential activity
 - (d) PRECX-R5 Farming
 - (e) PRECX-R6 Worker accommodation
 - (f) PRECX-R7 Visitor accommodation
 - (g) PRECX-R8 New buildings or structures, and extensions or alterations to existing buildings or structures within Areas 1, 2 or 3 shown on Precinct Plan 1
50. Policy PRECX-P1 enables the development of residential units, minor residential units and buildings or structures for recreation activities in general accordance with Precinct Plan 1. As discussed in the consenting history section of my evidence, the location of house sites on Precinct Plan 1 has been determined at the time of subdivision by expert landscape assessment to protect the rugged beauty and quality of the environment at Matakā Station (Objective PRECX-O1), protect the particular values of the place (Objective PRECX-O2), ensure the land is used for its intended purpose (Objective PRECX-O3), and ensure integration with the characteristics, qualities and values of ONL and natural character of the coastal environment (Objective PRECX-O4). The policy therefore recognises and provides for the specific characteristics of Matakā.
51. Policy PRECX-P2 is recognition of the importance of farming to the land use mix and revenue stream for Mataka, directing that farming there be 'enabled'.
52. The Precinct rules enable/provide for development and buildings for residential units on an approved house site shown on Precinct Plan 1 as a controlled activity under PRECX-R1. Buildings for a residential unit or minor residential unit that are not on a House Site shown on Precinct Plan 1 require a discretionary activity resource consent. This recognises that the activity status of the residential use and the construction of that are intertwined, and that any provision to enable the continued development of residential uses at Matakā, needs to be supported by development controls with a similar purpose.
53. Earthworks for the construction of a building or structure and its associated curtilage within a House Site or Area 1, 2 or 3 shown on Precinct Plan 1 are a restricted discretionary activity, where that occurs in an ONL or CE. This deliberately

departs from the earthworks and vegetation removal rules that would otherwise apply in the CE and ONL overlays under the PDP (including as modified by the s42A Reports), which would trigger discretionary or non-complying consents to exceed the very small thresholds allowed. The need for consent and assessment of such earthworks is still required in the Precinct provisions, only that the activity status is restricted discretionary with targeted matters of discretion.

54. Earthworks and indigenous vegetation clearance associated within ONL or the coastal environment for the construction of a building within a House Site or accessways to a House Site shown on Precinct Plan 1 required restricted discretionary activity resource consent, provided that indigenous vegetation clearance is limited to the maximum total areas specified in PRECX-S3. Earthworks associated with a building or structure within an ONL or the coastal environment that is not associated with a House Site or accessway to a House Site shown on Precinct Plan 1 requires a discretionary activity resource consent.
55. Precinct rule PRECX-R6 Worker accommodation recognises that provision is necessary for workers living on the Matakā Station property – both permanently and temporarily. This includes farm workers; however, also could include contractors temporarily working on the construction and maintenance of houses at Matakā Station. In order to avoid a proliferation of workers accommodation units on each of the lots at Matakā it is proposed by way of standard PER-1 to limit the allowance for this worker accommodation to the MRA lot only (Lot 43 DP 363154 on the opposite side of Rangihoua Road).
56. The Precinct includes rule PRECX-R7 Visitor accommodation as a permitted activity standard. It is the same as that from the Rural Production Zone in respect to the requirement to be within residential units or minor residential units and not exceeding an occupancy of 10 guests per night ;⁹¹ however removes the requirement for the visitor accommodation site not to share access with another site. The adaptation of the rule in this manner and inclusion within the Matakā Station Precinct at PRECX-R7 Visitor accommodation appropriately recognises the particular access arrangements within the Precinct.
57. In specifying the “enablement” of residential units, minor residential units and buildings or structures for recreation activities under Precinct Policy PRECX-P1, while at the same time enabling the ongoing operation of farming activities under PRECX-P2, there is no question as to the suitable mix of land uses at Matakā that

⁹¹ Rule RPROZ-R4, PER-1 and PER-2.

might otherwise arise under the functional need test in the PDP Rural Production Zone I discussed above.

58. Similarly, the enabling directive of Precinct Policy PRECX-P1 points firmly to the Precinct Plan and the house sites shown thereon, providing policy recognition of the confirmed appropriateness of those.

Benefits – economic, environmental, cultural and social

59. Options 1, 2 and 3 all provide the benefit of certainty of policy and rules in respect to farming activities outside the ONL and CE (HNC) overlays – in turn that provides for economic benefits: reducing consenting costs and burden and allowing farming to continue and innovate. However, as I set out above, this is not so under Option 1 in the PDP as notified where farming is non-complying within a ONL and CE.
60. In a general sense, the restrictive consenting regime for uses and associated development in the ONL and CE under Options 1 and 2 can be seen to provide environmental benefit, in the sense that the environment is “protected”. Such a protection regime however does not recognise that in respect of indigenous biodiversity and the ability to restore natural character, such a protection regime is in fact going backwards where active management is in fact required (and specified under the RPS as I explain in my evidence).
61. As described in the evidence of Mr Williams, Matakā Station makes a significant contribution to the economy of the district, both through rating revenue and money spent on local goods and services, and employment. Option 3 supports this outcome through the enablement of the Matakā scheme.
62. Option 3 provides the benefit of certainty for landowners at Matakā that the future construction of houses on lots previously approved for residential development will be approved due to the controlled activity status. Certainty is also provided in relation to the most appropriate locations for buildings for residential units and minor residential units to reflect previous landscape visual assessments, which will enhance and protect natural character and landscape, historic heritage and cultural values. In comparison, options 1 and 2 do not provide the benefit of certainty in relation to the location of House Sites for new buildings, or the extension/alterations to existing buildings.
63. Option 3 also provides the benefit of certainty of environmental outcome, with its inclusion of a Precinct Plan and associated objectives, policies and rules to guide development towards the identified specific locations, which in the case of the

house sites, have been determined to avoid sites of cultural importance and areas of vegetation.

64. Finally, additional benefit is provided by the non-notification clause for controlled activities at PRECX-R1. That only applies to a single residential unit or a minor residential unit on a House Site identified on Precinct Plan 1, which complies with the height limits, however, avoids risks of time and cost for a landowner when building a new house where those qualifiers are met, including in the event of change to planning legislation.

Costs – economic, environmental, cultural and social

65. Under options 1 and 2, the costs associated with preparing (landowner) and assessing (Council) resource consent applications for either non-complying or discretionary activities would be considerably higher than those required for controlled or restricted discretionary activities provided under Option 3 due to the breadth of matters that would require assessment. By way of example here, where a new dwelling invariably triggered the non-complying resource consent requirement for earthworks in the ONL, this activity status would apply to the activity as a whole. The matters of discretion are not limited meaning that a full range of matters would need to be addressed in the application, with no certainty as to outcome. In my experience, such application costs can be upwards of \$100,000 for a new dwelling allowing for all the necessary technical reports. Moreover, is the risk associated with either notification and decline, and that being on a house site where previous subdivision has confirmed its suitability, and which carries a range of environmental protection and enhancement obligations already through consent notices as I explain in my evidence.
66. The costs associated with applications for non-complying farming operations in the ONL and HNC under Option 1 are a little more difficult to quantify and would depend on the applicability of existing use rights to any new aspect of a farming operation.
67. Due to the particular characteristics of Matakā, the environmental and cultural costs associated with the suite of provisions in Option 3 are minimised. Of particular note here is the general avoidance of features as I have described earlier in the specified location of house sites, together with the existence of an extensive network of roading already, minimising the potential effect of new earthworks and any vegetation removal.

68. Finally, Option 1 and 2 have a significant element of cost and risk with respect to the continued integrated management of Matakā Station if some of the previously approved house sites were unable to be built upon. As described by Mr Williams, this would have financial impacts on the ongoing financial viability of pest control and conservation activities.

Efficiency and Effectiveness

69. In minimising costs and targeting provisions to particular natural and physical resources of Matakā, Option 3 is more efficient than Option 1 or 2. Included here is the recognition inherent in Option 3 of the existing consented environment at Matakā, and the inefficiencies of having to re-litigate that for house site development. Option 3 also recognises the current and anticipated activities within the Precinct, and the existing management structures at Matakā Station (including consents, instruments on the title, existing infrastructure, Resident's Association Rules etc). This means its provisions can be targeted to those activities and their potential effects.
70. By identifying appropriate areas where the house sites and common facilities for recreation activities (such as the beach lodge and boat sheds) and limiting these to discrete areas, together with appropriate matters of discretion, ensures relevant environmental effects can be assessed through the resource consent, but that these are efficiently targeted in respect of relevant matters including landscape and visual effects. Such matters of control (for house sites) and discretion (for recreation within areas 1, 2 and 3) have been selected as being effective to manage the effects of the particular activities provided for here.
71. In respect to farming and other activities, refining the generally applicable land use controls, as occurs in Option 3 is efficient as it recognises the actual and planned land use within the Precinct, and effective because it targets rules to these particular activities (for example limiting the workers accommodation allowance to the Matakā Association lot 43 only).

Risks

72. There are no known risks due to uncertain or insufficient information. This is particularly the case at Matakā Station where both the work that informed the original subdivision consent, coupled with over 20 years of land management experience of the property that followed, have provided a full understanding of the natural and physical resources of the property.

73. These characteristics of Matakā Station mean that Option 3 provisions can apply, without the risk of unforeseen activities or outcomes that might otherwise apply to the generality of sites in the district.

Conclusions

74. Having regard to the above, Option 3 is most appropriate way to achieve the objectives of the Precinct and PDP relating to land uses, including residential, recreation and farming, because it:
- i. Efficiently and effectively enables the Matakā Scheme in accordance with its particular mix of farming, conservation activities, residential activities, recreation activities and leisure activities (PRECX-03).
 - ii. Still ensures the Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations (RPROZ-O1) and maintains the rural character and amenity associated with a rural working environment (RPROZ-O4), but in a way that recognises the particular mix of land uses at Matakā Station and there internal and external compatibility.
 - iii. Appropriately protects the identified values of the place with a tailored set of provisions, including in relation to the ONL, in doing so ensures that the ONL is protected from inappropriate land use and development (NFL-01).

Theme 2: Development activities, including building standards, earthworks for building platforms and driveway construction

Option 1 Do Nothing

75. As I discussed above, under Option 1 the earthworks and indigenous vegetation clearance for the formation of building platforms and driveways to many house sites approved under previous resource consents would require non-complying resource consent within the CE and ONL (Rules CE-R3, NFL-R3 and Standards CE-S3 and NFL-S3. The minimal permitted allowances for earthworks and indigenous vegetation referenced in the standards are based on a m2 amounts which would be exceeded in all cases for house site and driveway development.
76. The application of the 5m rolling height limit within the ONL and CE would likely trigger non-complying activity resource consents for buildings for new residential

units and minor residential units (NFL-S1 and CE-S1), where the 5m rolling height limit applies to sloping sites as is often the case at Matakā.

77. No provision is made for roof top projections under the PDP as notified, meaning these would trigger a resource consent with an activity status of either non-complying or discretionary, depending on whether in the ONL or CE.
78. Ambiguous rules relating to repair and maintenance in the CE and ONL would potentially trigger a discretionary activity consent for a form of repair and maintenance not specifically listed.
79. As discussed above, the related policies from the PDP as notified are principally driven from the Coastal environment and Natural features and landscapes chapters. These prescribe the avoidance of adverse effects of land use and subdivision on the characteristics and qualities of ONL and ONF within the coastal environment and include the very high hurdle of “prohibiting” land use that would result in “any loss of” and/or destruction of the characteristics and qualities of an ONL.

Option 2 Proposed Plan as variously modified by s42A Reports

80. While allowances have been made for certain roof top projections above the height limits in the s42A Report, the maintenance of the 5m rolling height limit within the ONL and CE would still likely trigger discretionary activity resource consent within the CE (CE-S1) and non-complying activity resource consent within ONL (NFL-S1) at Matakā for the reasons I set out under Option 1.
81. Earthworks and indigenous vegetation clearance for the formation of building platforms and driveways for many house sites approved under previous resource consents would require restricted discretionary resource consent within the CE (Rule CE-R3 and Standard CE-S3) and non-complying activity consent within the ONL (Rule NFL-R3 and Standard NFL-S3). Many undeveloped sites at Matakā are within the ONL.
82. As I discussed above under Theme 1, various improvements have been recommended to the related policies which direct these rules.

Option 3 The Matakā Station Precinct

83. The provisions of Option 3 relevant to development activities, including building standards, earthworks for building platforms and driveway construction are as follows:

- (a) PRECX-P1 and PRECX-P3
 - (b) PRECX-R1 New buildings or structures, and extensions or alterations to existing buildings or structures
 - (c) PRECX-R4 Earthworks or indigenous vegetation clearance
 - (d) PRECX-R8 New buildings or structures, and extensions or alterations to existing buildings or structures within Areas 1, 2 or 3 shown on Precinct Plan 1
 - (e) PRECX-R9 Earthworks or indigenous vegetation clearance
 - (f) PRECX-S1 Maximum height
 - (g) PRECX-S2 Colours and materials
 - (h) PRECX-S3 Earthworks or indigenous vegetation clearance
 - (i) PRECX-S4 Setback from MHWS
84. PRECX-R1 PER-1 provides a permitted activity rule for buildings not used for residential activity in the Precinct, which comply with the Rural Production Zone maximum height limits (where in the Rural Production Zone). If in the ONL or CE they are required to comply with the heights and colours and material standards set out in the Precinct Standards. This rule generally follows the same 'split' in activity status that would otherwise apply in the PDP, with relatively permissive provisions for buildings in the Rural Production Zone (where no overlays apply) in recognition of the need to provide for the full range of farm and associated buildings within that zone. Additional size, colours and height restrictions apply to buildings in the ONL and CE overlays. Here, buildings not used for residential purposes in the ONL and CE overlays are limited as a permitted activity to 50m² and 100m² with a 5m height limit. A restricted discretionary activity consent is required to exceed these limits.
85. PER-3 makes particular provision for any new building or structure, or extension or alteration to an existing building or structure on Lot 31 DP 367766 or Lot 35 DP 363154 within the Precinct. These titles were established in Stage 3 of the Matakā Station subdivision and, although residential lots, the related consents do not specify that house sites are limited to a specific area.
86. PER-4 makes particular provision for new buildings or structures, or extension or alteration to an existing buildings or structures where those are for workers

accommodation on Lot 43 DP 363154, which is the Matakā Residents Association lot. The height, height in relation to boundary and coverage controls that otherwise apply under the Rural Production Zone also apply to such buildings.

87. Precinct Rule CON-1 which applies a controlled activity to a single residential unit or a minor residential unit on a House Site identified on Precinct Plan 1, is subject to compliance with the height rules I describe below.
88. Restricted Discretionary Activity status is applied under PRECX-R1 to exceed the specified height limits with matters of discretion set out in PRECX-S1.
89. Site specific height limits apply under PRECX-S1, based on previous landscape and visual assessments for the underlying subdivision. This standard applies height limits differently according to whether that was assessed in the original subdivision. A 5m or 6m height limit has been determined as appropriate for all but two sites because this provides for a single level building, taking into account the effect of the rolling height limit on sloping sites. This height limit would allow a degree of flexibility to provide for sloping roofs and reduce resource consent requirements particularly on sloping sites, as are common at Mataka, where application of this rolling height with a lower height can impact across the front face of a building. An additional provision is made to ensure buildings are still single storey, which I understand from the landscape evidence of Mr Goodwin is the desired outcome in the ONL and CE overlays.
90. No height limits apply to Areas 1, 2 and 3, with the acceptability of any future recreational buildings there (including scale and height) being a matter of discretion in a restricted discretionary resource consent application under rule PRECX-R8.
91. A default height limit of 5m has been applied to any new building or structure within ONL or the CE that is not at a House site or within Areas 1, 2 or 3, with the default of 12m (or 6m for artificial crop protection) applying to any new building or structure outside of these overlays, by virtue of the Rural Production Zone applying there according to PRECX-R1 PER-1.
92. Standard PRECX-S3 Earthworks or indigenous vegetation clearance sets the permitted threshold limits, which align with those presented in the s42A Officers Right of Reply to Hearing 4. I have added references to these threshold allowances being 'per site' within this standard to avoid any mis-reading that they were intended to apply as thresholds across the Precinct as a whole. These thresholds do not apply to the restricted discretionary activity allowances under PRECX-R9 for the

construction of a building or structure and its associated curtilage and accessway to or within a House Site or Area 1, 2 or 3.

Benefits – economic, environmental, cultural and social

93. Options 1, 2 and 3 provide different degree of benefit in the form of certainty that the appropriateness of buildings and structures within the ONL and coastal environment will be assessed to ensure natural character and landscape, historic heritage and cultural values are protected and where relevant, preserved or enhanced.
94. Option 3 provides the greatest level of economic benefit however because it enables development at Matakā in accordance with its consented outcomes. Environmental and cultural benefits are enabled also through the particular restrictions for controlled or restricted discretionary development to within specified locations on the Precinct Plan and not generally.

Costs – economic, environmental, cultural and social

95. The costs associated with preparing resource consent applications for either non-complying or discretionary activities under Options 1 and 2 would be higher than those required for controlled or restricted discretionary activities under Option 3 due to the breadth of matters that would require assessment as I have identified above.

Efficiency and Effectiveness

96. Option 3 is more efficient and effective in achieving all four objectives of the precinct. By identifying House Sites on Precinct Plan 1 and applying associated rules and standards for buildings, earthworks and vegetation clearance associated with residential units, this option facilitates the ongoing collective management of the entire landholding. This in turn is the most efficient and effective way to continue conservation activities, including the enhancement and protection of habitat for kiwi and other indigenous fauna.
97. Option 3 is more efficient and effective in achieving the objectives for the precinct. Relying on the height limits in the ONL and CE would not take into account the landscape visual assessments done for certain house sites at the time of subdivision. It is not efficient to require reassessment of work already undertaken (and particularly so, relying on Mr Goodwin's evidence, when such assessments remain appropriate in today's context).

98. The specification for a single level irrespective of the numerical height limit in metres is a very effective way of achieving the outcome considered desirable in the CE and ONL.
99. The alternatives under Option 1 or 2 of either relying on the zone or overlay heights would be neither effective nor efficient in achieving the objectives of the PDP, including those of the Matakā Station Precinct. In this regard, the much higher Rural Production Zone height limits where no overlay applies would result in built form inappropriate for the location (it is noted that more restrictive height limits also apply in the Precinct under this standard to house sites outside of the overlays where in the Rural Production Zone). Relying on the height limits in the ONL and CE would not take into account the assessments done for certain sites, whereby the application of a 5m rolling height limit there would likely trigger a non-complying activity resource consent under the PDP overlay provisions.
100. The much higher Rural Production Zone height limits applying to House Sites not within ONL or CE under Option 1 or 2, would result in built form inappropriate for the location, which would not achieve the precinct objectives PRECX-O1, PRECX-O2 and PRECX-O4. Options 2 and 3 are not the most efficient way to achieve objective PRECX-O1 and to protect and enhance the quality of the environment at Matakā Station.

Risks

101. There are no known risks due to uncertain or insufficient information, and as noted above the natural and physical resources at Matakā Station and the mechanisms required to sustainably manage these resources are well understood.

Conclusions

102. Having regard to the above, Option 3 is most appropriate way to achieve the objectives of the Precinct and PDP relating to development activities, including building standards, earthworks for building platforms and driveway construction, because it:
 - i. Efficiently and effectively takes into account and responds to the landscape visual assessments done for certain house sites at the time of subdivision, the particular characteristics and values of the place, the current and anticipated activities, and the existing management structures at Matakā Station (including consents, instruments on the title, existing infrastructure, Resident's Association Rules etc) (PRECX-O2 and PRECX-O4).

- ii. Appropriately protects the identified values of the place with a tailored set of provisions, including in relation to the ONL, in doing so ensures that the ONL is protected from inappropriate land use and development (NFL-01).

Theme 3: Protection and Enhancement of Indigenous Biodiversity

Option 1 Do Nothing

- 103. This option would permit planting (rule RPROZ-R8). The construction of tracks for conservation purposes would be permitted outside CE and ONL. Catteries and dog boarding kennels would be permitted (Rule RPROZ-R13).
- 104. Other than earthworks or indigenous vegetation clearance for biosecurity reasons in the ONL (NFL-R3), no other real allowance is made for earthworks or indigenous vegetation clearance associated with conservation purposes such as tracking.
- 105. The Rural Production Zone has no specific policies which seek to require or encourage conservation outcomes. These are found at a general level in the Natural features and landscapes chapter at NFL-P6 "*Encourage the restoration and enhancement of ONL and ONF where it is consistent with the characteristics and qualities*", the Ecosystems and indigenous biodiversity chapter at IB-P7 "*Encourage and support active management of pest plants and pest animals*" and coastal environment chapter at CE-P8 "*Encourage the restoration and enhancement of the natural character of the coastal environment*".

Option 2 Proposed Plan as variously modified by s42A Reports

- 106. The amendments would permit planting (rule RPROZ-R8). The construction of tracks up to specified limits would be permitted in the CE and ONL under the s42A Officers Right of Reply Report.
- 107. The policy setting around conservation remain similar with ONL policy NFL-P6 "*Encourage the restoration and enhancement of ONL and ONF*" modified to remove reference for the need for that to be consistent with the characteristics and qualities (in doing so removing what in effect is a status quo only holding position for the ONL and ONF).

Option 3

- 108. The relevant provisions for Option 3 are as follows:

- (a) PRECX-P4 and PRECX-P5
 - (b) PRECX-R4 Earthworks or indigenous vegetation clearance
 - (c) PRECX-R10 Catteries and dog boarding kennels
 - (d) PRECX-S3 Earthworks or indigenous vegetation clearance
109. The precinct provisions enable and provide for conservation activities. Associated earthworks and indigenous vegetation clearance is permitted, with exceptions for operation, repair and maintenance of lawfully established structures such as fences, tracks and access ways. Catteries and dog boarding kennels would be a prohibited activity.
110. Policy PRECX-P4 seeks to encourage and support active management of pest plants and pest animals, including possums, goats and mustelids. This recognises the significant continuing ongoing effort and spend in this regard, which is set out in the evidence of Mr Williams. The policy therefore supports the continuation of this programme. It also is more targeted to the particular species of focus at Matakā than the equivalent more generic policies of the PDP. The policy is implemented by the consent notices on the titles I discuss in my evidence which include obligations to establish and maintain an effective possum and goat eradication programme.
111. Policy PRECX- P5 builds on Policy PRECX-P4; requiring landowners to manage pets to avoid risks to threatened indigenous species, including by avoiding the introduction of pets into high-density kiwi areas. This is currently given effect to by the consent notices on the titles at Matakā that I discuss in my evidence, which include a prohibition on keeping of cats and mustelids and requirements to limit the number and confine dogs to owners' exclusive use areas.

Benefits – economic, environmental, cultural and social

112. Options 1, 2 and 3 all provide benefits in ensuring conservation activities may continue at Matakā Station, with some limitations in the case of Option 1 due to the inability to construct tracks for conservation purposes in the ONL.
113. Option 3 provides the greatest level of benefit as it reinforces at a policy level the conservation outcomes that are currently being achieved at Matakā Station through the collective management of pest control and land management practices. It provides for earthworks associated with the maintenance of existing tracks, driveways, roads and access ways within ONL and the Coastal Environment as a

permitted activity. This aids in the continued conservation activities which include planting and pest control. It also prevents the introduction of cats and dogs in boarding kennels, which will maintain the integrity of habitat for kiwi and indigenous species.

Costs – economic, environmental, cultural and social

114. Options 1 and 2 would potentially result in environmental costs in enabling the establishment of boarding kennels for cats and dogs that could pose a significant risk to indigenous species.

Efficiency and Effectiveness

115. The options are reasonably even in terms of efficiency in respect to conservation outcomes, however Option 3 is more effective in that its policy basis is targeted to the particular species of focus at Matakā than the equivalent more generic policies of the PDP

Risks

116. There are no known risks due to uncertain or insufficient information, with the focus of conservation outcomes well understood including the effectiveness of particular methods at Matakā Station.

Conclusions

117. Having regard to the above, all options are relatively even in respect to the general promotion in the PDP that the restoration and enhancement of indigenous biodiversity is “promoted” (IB-O5). However Option 3 is more effective in the “enabling” aspect of this objective in that the conservation efforts at Matakā are implemented through the continued success of the scheme, which is a fundamental purpose of the Precinct. In addition the policy basis of the Precinct with respect to conservation is targeted to the particular species of focus at Matakā than the equivalent more generic policies of the PDP.

Protection of other specific values and characteristics of Matakā, including heritage, archaeology, and areas of ONL and HNC.

Option 1 Do Nothing

118. The PDP has a strong protection focus in its policies and rules in relation to the CE and ONL as I have outlined above in this evaluation.
119. The general earthworks rules in the General Provisions include an accidental discovery standard (EW-S3) which applies to permitted activities in relation to an archaeological site, Māori cultural artefact/taonga tuturu etc.
120. In relation to Rangihoua, the heritage area overlay chapter has a full suite of policy and rule protections. For the Rangihoua Heritage Area which applies over a small part of the Precinct, these policies at HA-P14 require that *"The archaic value of the landforms and objects of historic significance at Rangihoua, and their context is retained by limiting the location, type, scale and nature of buildings or structures, including any additions or alterations"* and at Policy HA-P15 that *"The significant land features Rangihoua Pā, Te Pahi's Entrepot, Oihi and Te Puna and their connections are protected by the control of scale, form, colour and location of buildings or structures, including additions or alterations"*.

Option 2 Proposed Plan as variously modified by s42A Reports

121. This policy direction remains generally the same in the s42A Report⁹² to the provisions relating to the Rangihoua Heritage Area to be heard as part of Hearing 12 Historic and Cultural Values later in May.
122. I have discussed above in my evidence the amendments to the ONL and CE overlay policies and rules as variously recommended in the s42A reports.

Option 3

123. The relevant provisions for Option 3 are as follows:
 - (a) Policies PRECX-P1, PRECX-P3, PREC-P6
 - (b) PRECX-R1 New buildings or structures, and extensions or alterations to existing buildings or structures

⁹² Sectio 42A Report, Heritage Area Overlay and Historic Heritage chapters, dated 28 April 2025

- (c) PRECX-R4 Earthworks or indigenous vegetation clearance
 - (d) PRECX-R9 Earthworks or indigenous vegetation clearance
 - (e) PRECX-S3 Earthworks or indigenous vegetation clearance
124. As I have noted above, policy PRECX-P1 protect the particular values of the place and ensures integration with the characteristics, qualities and values of ONL and natural character of the coastal environment.
125. The precinct provisions enable/provide for farming and buildings for farming activities, including workers accommodation. Buildings for farm activity are permitted within the ONL where they are up to 50m² and 100m² within the coastal environment. Earthworks and indigenous vegetation clearance within the ONL or the Coastal Environment are permitted where with maintenance or reinstatement of pasture.
126. Policy PRECX-P3 recognises that the success of Matakā relies on its low level of density, with open space (pasture and native vegetation) predominant over built form. Accordingly, the directive here is to "limit development". The Precinct provisions respond here in a range of ways including:
- a. buildings and structures on identified house sites (PRECX-R1) as a controlled activity,
 - b. new recreation buildings or structures, and extensions or alterations to existing buildings or structures within Areas 1, 2 or 3 (PRECX-R8) as a restricted discretionary activity, and
 - c. Earthworks or indigenous vegetation clearance (PRECX-R9) as a restricted discretionary activity.
127. Policy PRECX-P6 seeks to manage effects on historic heritage and cultural values when undertaking earthworks. This is achieved through adhering to accidental discovery protocols⁹³ and the inclusion as a matter of discretion the effects on any archaeological site at Precinct Rule PRECX-R9. The Rangihoua Heritage Area provisions and accidental discovery protocols apply in addition to the Precinct.

⁹³ Accidental discovery protocols are a requirement of consent notices and applicable in any event to all earthworks within the district by virtue of Standard EW-S3 "Accidental discovery protocol" from Part 2 General District-Wide matters – Earthworks of the PDP. These consent notices at Matakā also have an obligation for a 10m setback from archaeological sites.

Benefits – economic, environmental, cultural and social

128. Options 1, 2 and 3 all provide benefits in protecting other specific values and characteristics of Matakā, including heritage, archaeology, and areas of ONL and HNC. This includes through the consistent application of the Rangihoua Heritage Area provisions and accidental discovery protocols over all three options.
129. Option 3 provides the greatest level of environmental and cultural benefit by specifying where house sites can be located on the Precinct Plan (with those being determined through archaeological investigation and engagement with tangata whenua in the past to ensure avoidance of areas of sensitivity) and then applying a full discretionary activity consent if outside these areas.

Costs – economic, environmental, cultural and social

130. The costs associated with preparing resource consent applications for applications under all of the options would be similar in respect to heritage and archaeology. Option 1 and 2 have greater costs than Option 3 in respect to CE and ONL overlays, whereby as I described above they would trigger the need for development of a house site and its driveway on an already approved building site, and given the activity status and policy basis, require a wholesale revaluation of the appropriateness of that activity.

Efficiency and Effectiveness

131. In minimising costs and targeting provisions to particular natural and physical resources of Matakā, Option 3 is more efficient than Option 1 or 2. Included here is the recognition inherent in Option 3 of the existing consented environment at Matakā, and the inefficiencies of having to re-litigate that for house site development. Provisions can be and are targeted the activities and their potential effects provided for by the Precinct.
132. By identifying appropriate areas where the house sites and common facilities for recreation activities (such as the beach lodge and boat sheds) and limiting these to discrete areas, together with appropriate matters of discretion, relevant environmental effects can be assessed through the resource consent, but that these are efficiently targeted in respect of relevant matters including landscape and visual effects. Such matters of control (for house sites) and discretion (for recreation within areas 1, 2 and 3) have been selected as being effective to manage the effects of the particular activities provided for here.

133. The provisions relating to earthworks and vegetation clearance under Option 3 are also efficient and effective in that they take into account the environment at Matakā, including one of established roading, building platforms which avoid areas of vegetation and existing protections on vegetation through legal instruments on the title. In light of this, there is no need for an 'anticipate any outcome' regulatory regime as there may be elsewhere in the district.

Conclusions

134. In minimising costs and targeting provisions to particular natural and physical resources of Matakā Station, Option 3 is the most appropriate way to achieve the objectives. Included here is the recognition inherent in Option 3 of the existing consented environment at Matakā, and the inefficiencies of having to re-litigate that for house site development. Recognition is also given to the particular characteristics and values of Matakā Station, the current and anticipated activities, and the existing management structures there which all serve to ensure appropriate protections for specific values and characteristics of Matakā Station, including heritage, archaeology, and areas of ONL and HNC. These are not relied on, but are reinforced through the Precinct provision.

OVERALL 32AA CONCLUSIONS

135. For the reasons set out above, this 32AA evaluation concludes that:
- (a) the objectives of the Precinct are the most appropriate way to achieve the sustainable management purpose of the RMA 1991, when considered in combination with the PDP, and
 - (b) that, as compared to the alternative options of doing nothing (ie relying on the PDP as notified), or the PDP as it has variously been proposed to be amended by s42A Officers recommendations to hearings, the Precinct is the most appropriate way to achieve the objectives.
136. In particular, the Precinct approach of bespoke planning provisions is the most efficient and effective way to achieve the objectives, having regard to the natural and physical resources at Matakā Station, the particular characteristics and values of the place, the current and anticipated activities, and the existing management structures at Matakā Station (including consents, instruments on the title, existing infrastructure, Resident's Association Rules etc).

ATTACHMENT THREE: SUMMARY OF TITLES

Matakā Station- Summary of titles and current instruments

| Precinct Plan 1 | Legal description | Title ref | Title issued | Area | Instruments | Instrument Type |
|---|--------------------|-----------|--------------|--------|---|---|
| House Site 1 | Lot 1 DP 323083 | 92521 | 22/07/2003 | 32.349 | 5667663.5 6447651.10 6447651.4 5667663.9 5667663.10 5692519.7 | Consent notice Covenant Covenant Easement Easement Encumbrance |
| House Site 2 | Lot 2 DP 323083 | 92522 | 22/07/2003 | 55.002 | 5667663.5 6447651.10 6447651.4 5667663.8 5667663.9 5692519.10 5789158.4 | Consent notice Covenant Covenant Easement Easement Easement Encumbrance |
| House Site 3 Area 1 Beach lodge | Lot 3 DP 323083 | 92523 | 22/07/2003 | 47.697 | 5667663.5 6447651.10 6447651.4 5667663.8 5667663.9 5692519.10 5692215.3 12652611.1 | Consent notice Covenant Covenant Easement Easement Easement Encumbrance Profit a Prendre |
| House Site 4 | Lot 4 DP 323083 | 92524 | 22/07/2003 | 57.418 | 5667663.5 6447651.10 6447651.4 5667663.8 5667663.9 5692519.10 5725412.3 | Consent notice Covenant Covenant Easement Easement Easement Encumbrance |
| House Site 5 | Lot 5 DP 323083 | 92525 | 22/07/2003 | 50.033 | 5667663.5 6447651.10 6447651.4 5667663.9 5692519.10 5918593.4 | Consent notice Covenant Covenant Easement Easement Encumbrance |
| House Site 6 | Lot 6 DP 420614 | 604158 | 27/06/2016 | 50.264 | 5667663.5 6447651.10 6447651.4 | Consent notice Covenant Covenant |

Matakā Station- Summary of titles and current instruments

| Precinct Plan 1 | Legal description | Title ref | Title issued | Area | Instruments | Instrument Type |
|-----------------|---------------------|-----------|--------------|--------|--|---|
| | | | | | 5667663.8 5667663.9 5667663.10 10463184.6 10463184.7 5692480.3 12652611.1 7145803.1 | Easement Easement Easement Easement Easement Encumbrance Profit a Prendre Building Act 2004 s73(1)(c) & 73(3) |
| House Site 7 | Lot 7 DP 420614 | 604159 | 27/06/2016 | 50.565 | 5667663.5 6447651.10 6447651.4 5667663.8 5667663.9 5667663.10 10463184.6 10463184.7 6447651.8 5715708.3 12652611.1 | Consent notice Covenant Covenant Easement Easement Easement Easement Easement Easement Encumbrance Profit a Prendre |
| House Site 8 | Lot 8 DP 323083 | 92528 | 22/07/2003 | 20.175 | 5667663.5 6447651.10 6447651.4 5667663.9 5667663.10 5715697.3 12652611.1 | Consent notice Covenant Covenant Easement Easement Encumbrance Profit a Prendre |
| House Site 9 | Lot 9 DP 323083 | 92529 | 22/07/2003 | 20.838 | 5667663.5 6447651.10 6447651.4 5667663.8 5667663.9 5667663.10 6677790.3 12652611.1 | Consent notice Covenant Covenant Easement Easement Easement Encumbrance Profit a Prendre |
| House Site 10 | Lot 10 DP 346421 | 190763 | 7/06/2005 | 20.02 | 5667663.5 6447651.5 | Consent notice Consent notice |

Matakā Station- Summary of titles and current instruments

| Precinct Plan 1 | Legal description | Title ref | Title issued | Area | Instruments | Instrument Type |
|-----------------|---------------------|-----------|--------------|---------|---|--|
| | | | | | 6447651.10 6447651.4 5667663.8 5667663.9 5667663.10 6513066.3 | Covenant Covenant Easement Easement Easement Encumbrance |
| House Site 11 | Lot 11 DP 323083 | 92531 | 22/07/2003 | 20.535 | 5667663.5 6447651.10 6447651.4 5667663.9 5667663.10 6088612.3 12652611.1 | Consent notice Covenant Covenant Easement Easement Encumbrance Profit a Prendre |
| House Site 12 | Lot 12 DP 323083 | 92532 | 22/07/2003 | 24.412 | 5667663.5 6447651.10 6447651.4 5667663.9 5667663.10 5699466.3 12652611.1 | Consent notice Covenant Covenant Easement Easement Encumbrance Profit a Prendre |
| House Site 13 | Lot 13 DP 323083 | 92533 | 22/07/2003 | 26.888 | 5667663.5 6447651.10 6447651.4 5667663.8 5667663.9 5667663.10 5898231.4 | Consent notice Covenant Covenant Easement Easement Easement Encumbrance |
| House Site 14 | Lot 14 DP 346421 | 190764 | 7/06/2005 | 20.0098 | 5667663.5 6447651.5 6447651.10 6447651.4 5667663.8 5667663.9 5667663.10 6447651.8 6447651.9 | Consent notice Consent notice Covenant Covenant Easement Easement Easement Easement Easement |

Matakā Station- Summary of titles and current instruments

| Precinct Plan 1 | Legal description | Title ref | Title issued | Area | Instruments | Instrument Type |
|---|---------------------|-----------|--------------|--------|---|---|
| House Site 15 Area 2 Boat sheds Area 3 Boat sheds | Lot 15 DP 323083 | 92534 | 22/07/2003 | 20.132 | 5667663.5 6447651.10 6447651.4 5667663.8 5667663.9 5667663.10 5733812.3 12652611.1 | Consent notice Covenant Covenant Easement Easement Easement Encumbrance Profit a Prendre |
| House Site 16 | Lot 16 DP 323083 | 92535 | 22/07/2003 | 20.245 | 5667663.5 6447651.10 6447651.4 5667663.9 5667663.10 5694761.3 12652611.1 | Consent notice Covenant Covenant Easement Easement Encumbrance Profit a Prendre |
| House Site 17 | Lot 17 DP 323083 | 92536 | 22/07/2003 | 22.116 | 5667663.5 6447651.10 6447651.4 5667663.8 5667663.9 5667663.10 5701406.3 12652611.1 | Consent notice Covenant Covenant Easement Easement Easement Encumbrance Profit a Prendre |
| House Site 18 | Lot 18 DP 323083 | 92537 | 22/07/2003 | 20.764 | 5667663.5 6447651.10 6447651.4 5667663.8 5667663.9 5667663.10 5692217.3 12652611.1 | Consent notice Covenant Covenant Easement Easement Easement Encumbrance Profit a Prendre |
| House Site 19 | Lot 19 DP 323083 | 92538 | 22/07/2003 | 20.485 | 5667663.5 12884760.1 6447651.4 5667663.8 5667663.9 5667663.10 | Consent notice Consent notice variation Covenant Covenant Easement Easement Encumbrance |

Matakā Station- Summary of titles and current instruments

| Precinct Plan 1 | Legal description | Title ref | Title issued | Area | Instruments | Instrument Type |
|-----------------|---------------------|-----------|--------------|---------|---|---|
| | | | | | 5704711.3 12652611.1 | Profit a Prendre |
| House Site 20 | Lot 20 DP 323083 | 92539 | 22/07/2003 | 51.172 | 5667663.5 6447651.10 6447651.4 5667663.8 5667663.9 5667663.10 6447651.8 5746122.5 | Consent notice Covenant Covenant Easement Easement Easement Easement Encumbrance |
| House Site 21 | Lot 21 DP 323083 | 92540 | 22/07/2003 | 50.275 | 5667663.5 6447651.10 6447651.4 5667663.8 5667663.9 5667663.10 6281720.1 | Consent notice Covenant Covenant Easement Easement Easement Encumbrance |
| House Site 22 | Lot 22 DP 323083 | 92541 | 22/07/2003 | 53.429 | 5667663.5 6447651.10 6447651.4 5667663.9 5667663.10 5733023.6 | Consent notice Covenant Covenant Easement Easement Encumbrance |
| House Site 23 | Lot 23 DP 323083 | 320618 | 7/11/2006 | 20.83 | 5667663.5 6447651.5 6447651.10 6447651.4 5667663.9 5667663.10 7198783.3 12652611.1 | Consent notice Consent notice Covenant Covenant Easement Easement Encumbrance Profit a Prendre |
| House Site 24 | Lot 24 DP 346421 | 190765 | 7/06/2005 | 20.0915 | 5667663.5 6447651.5 6447651.10 6447651.4 5667663.8 5667663.9 | Consent notice Consent notice Covenant Covenant Easement Easement |

Matakā Station- Summary of titles and current instruments

| Precinct Plan 1 | Legal description | Title ref | Title issued | Area | Instruments | Instrument Type |
|-----------------|-------------------------------|-----------|--------------|---------|--|---|
| | | | | | 5667663.10 6447651.8 6447651.9 9387192.1 6972275.4 | Easement Easement Easement Easement Encumbrance |
| House Site 25 | Lot 25, 32-33 DP 346421 | 190756 | 7/06/2005 | 50.033 | 5667663.5 6447651.5 6447651.10 6447651.4 5667663.9 5667663.10 6447651.8 6447651.9 9387192.1 6532427.4 12652611.1 | Consent notice Consent notice Covenant Covenant Easement Easement Easement Easement Easement Encumbrance Forestry right |
| House Site 26 | Lot 26, 34 DP 346421 | 190757 | 7/06/2005 | 50.356 | 5667663.5 6447651.5 6447651.10 6447651.4 5667663.9 5667663.10 6447651.8 6447651.9 6716157.3 | Consent notice Consent notice Covenant Covenant Easement Easement Easement Easement Encumbrance |
| House Site 27 | Lot 27 DP346421 | 190766 | 7/06/2005 | 20.091 | 5667663.5 6447651.5 6447651.10 6447651.4 5667663.7 5667663.9 5667663.10 6447651.8 6447651.9 6447651.10 6641791.3 | Consent notice Consent notice Covenant Covenant Easement Easement Easement Easement Easement Easement Encumbrance |
| House Site 29 | Lot 29 DP 346421 | 190768 | 7/06/2005 | 50.0297 | 5667663.5 6447651.5 | Consent notice Consent notice |

Matakā Station- Summary of titles and current instruments

| Precinct Plan 1 | Legal description | Title ref | Title issued | Area | Instruments | Instrument Type |
|---|---------------------------------------|-----------|--------------|---------|---|---|
| | | | | | 6447651.10 6447651.4 5667663.8 5667663.9 5667663.10 6447651.8 6447651.9 9387192.1 7015151.1 8563134.1 8577097.1 | Covenant Covenant Easement Easement Easement Easement Easement Easement Encumbrance Encumbrance Encumbrance variation |
| House Site not shown on Precinct Plan 1 | Lot 31 DP 367766 and Lot 9 DP72577 | 275324 | 29/03/2006 | 32.99 | 5667663.5 6447651.5 6447651.10 5667663.9 5667663.10 7060516.2 | Consent notice Consent notice Covenant Easement Easement Encumbrance |
| House Site not shown on Precinct Plan 1 | Lot 35 DP 363154 | 257218 | 10/07/2006 | 53.579 | 5667663.5 6447651.5 6447651.10 6447651.4 | Consent notice Consent notice Covenant Covenant |
| Farm Lot | Lot 32 DP 323083 and Lot 43 DP 363154 | 320619 | 7/11/2006 | 21.2599 | 5667663.5 6447651.5 6447651.10 6447651.4 5667663.9 5667663.10 8992945.1 | Consent notice Consent notice Covenant Covenant Easement Easement Esplanade strip |

ATTACHMENT FOUR: MATAKĀ CONSENT HISTORY

| Reference | Date Approved | Summary |
|--|-------------------|---|
| 2010428-RMASUB (Stage one) | 12 February 2001. | Application RC2010428 to create a total of 29 lots (of which 22 were for residential purposes) |
| 2020211-RMASUB | 20 November 2001 | Application RC 2020211 to amend conditions of RC 2020428 under s127. Amended condition 4 to require lots 23-25 inclusive and lots 27 and 29 to be amalgamated in one CT as part of the Farm Holding. |
| 2030467-RMAVAR | 23 December 2002 | Application RC 2030467 to change conditions of subdivision consent RC 2020428. Amended condition 4 (amalgamation condition) to read: <i>That proposed lots 14, 24, 25, 27, 29, 30, 32 & 33 be amalgamated in one CT as part of the farm holding.</i> NOTE: these lots include what is now lots 31-35 Adds condition 17A as follows: <i>Development on Lots 19 & 23 shall be limited to one building only and shall be within the identified building area as shown on the survey plan.</i> |
| 2030988-RMAOTH | 30 May 2003 | Application RC 2030988 under s125 and s127. Amended condition 17A as follows: <i>Development on Lots 19 & 23 shall be limited to one building only of not more than 500m² per lot and shall be within the identified building area as shown on the survey plan. The buildings on Lots 19 & 23 shall be located below the ridgeline behind the building site and shall not exceed a height of 5 metres above natural ground level or finished ground height..</i> |
| 2041080-RMASUB (Stage two) | 16 September 2004 | Application RC 2041080 to subdivide titles to create eight additional house sites, two reserves and 10 balance farm allotments. Condition 4 amalgamation condition requires the following lots to be held together: <ul style="list-style-type: none"> - Lots 25, 32 & 33 - Lots 26 & 34 - Lots 35, 36, 38 & 39 and Lots 23 and 27 DP 323083 - Lots 37 heron and Lot 10 DP 72577 and Lot 32 DP 323083 |
| 2060092-RMASUB (Stage three) | 13 December 2005 | Subdivision of Lots 9&10 DP 72517, Lots 30, 31, 35-39 DP 34621 & Lot 27 DP 3230833 contains in certification of title references 190759, 190760, 190758 & 28C/841 to create a total of five certificates of title, subject to the following amalgamation conditions: <ul style="list-style-type: none"> - That Lots 30, 36, 38, 39 & 42 be held together in the same certificate of title. - That Lots 9 & 31 hereon be held in the same certificate of title. - That Lot 43 hereon and lots 23 & 32 DP 323083 be held in the same certificate of title. |

FAR NORTH DISTRICT COUNCIL

IN THE MATTER of the Resource
Management Act 1991:

AND

IN THE MATTER of an application
under the aforesaid Act, 1991
by MATAKA LTD



RCPAD

APPLICATION NUMBER RC 2000558

HEARINGS APPLICATION TO OBJECT TO CONDITIONS OF CONSENT.

The property in respect of which the application is made, is situated at PURERUA
PENINSULA, BAY OF ISLANDS

HEARING

Before the Hearings Committee of the Far North District Council, on the 22 MAY
2000

DECISION

"THAT PURSUANT TO SECTION 357 OF THE RESOURCE
MANAGEMENT ACT 1991 (THE ACT), COUNCIL:

1. UPHOLDS THE OBJECTION TO CONDITIONS 1(C), 1(D), 6, 5(D) &
16
2. UPHOLDS IN PART THE OBJECTION TO CONDITIONS 2 & 5(A),
AND
3. DISMISSES THE OBJECTION TO CONDITION 1(B), 14, & 5(C) BY
MATAKA LTD TO CONDITIONS OF THE SUBDIVISION CONSENT (REF.
2000588) TO SUBDIVIDE PT SEC. 5 BLK V & PT SEC. 12 BLK IX
KERIKERI SD, SEC 2 BLK IX BAY OF ISLANDS SD & OLC 20, PTS OLC
21, LOT 10 DP 90149 AND PT SEC. 4 TE PUNA OLC NO. 21 TO CREATE A
TOTAL OF 22 LOTS INCLUDING 2 LOTS OF ROAD TO VEST FROM NINE
EXISTING CERTIFICATES OF TITLE FOR THE FOLLOWING REASONS:
 1. THE REQUIREMENT TO VEST RESERVE AND ACCESS TO WIWIKI
BEACH IS CONSIDERED TO BE UNREASONABLE DUE TO THE
LARGE AMOUNT OF CONTRIBUTION AND IS LIKELY TO BE ULTRA
VIRES.
 2. THE PARKING REQUIREMENT NEEDS AMENDMENT DUE TO THE
PROVISION OF VEHICULAR ACCESS TO THE BOUNDARY OF THE
SITE ADJACENT TO MARSDEN CROSS
 3. IT IS NOT REASONABLE TO RESTRICT THE NUMBER OF
DWELLINGS PER SITE WITHOUT THE PROVISIO THAT MORE THAN

ONE MAY BE ERECTED IF DISTRICT PLAN RULES ALLOW SUCH DEVELOPMENT OR A RESOURCE CONSENT IS OBTAINED.

4. THE REQUIRED ROADING STANDARD IS CONSISTENT WITH DISTRICT PLAN RULES AND SHOULD REMAIN.
5. PUBLIC ACCESS TO MARSDEN CROSS WILL BE PROVIDED ALONG WITH PROTECTION TO ADDITIONAL AREAS OF NATIVE VEGETATION.

THE AMENDED CONDITIONS OF CONSENT ARE AS FOLLOWS:

1. THE SUBDIVISION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE SCHEME OF SUBDIVISION PREPARED HODGES & ELRICK, PLAN REFERENCE NO. 4822 WITH THE FOLLOWING AMENDMENTS:
 - (A) PROPOSED LOT 10, RESERVE TO VEST SHALL BE SHOWN AS PART OF LOTS 11 & 12. ✓
 - (B) EASEMENTS IN FAVOUR OF THE PUBLIC TO PROVIDE PRACTICAL VEHICLE ACCESS TO THE BOUNDARY OF PROPOSED LOT 20 AND PT. OLC 21 AND CARPARKING AT THAT POINT. THE ACCESS SHALL BE SUBJECT TO CONDITIONS AS ATTACHED TO THIS APPROVAL AND TITLED "MATAKA LIMITED RC 2000388 CONDITIONS PERTAINING TO PUBLIC ACCESS OVER RIGHT-OF-WAY G". ✓
 - (C) DELETED.
 - (D) DELETED.
2. THE CONSENT HOLDER SHALL HAVE ENDORSED ON THE SURVEY PLAN UNDER A SCHEDULE OF MEMORANDUM OF ENDORSEMENTS THE RIGHT OF WAY EASEMENTS SHOWN AS A-K, THE ACCESS EASEMENT REQUIRED BY CONDITION 1(B) OF THIS APPROVAL, AND EASEMENTS FOR TELECOMMUNICATIONS AND ELECTRICITY.
3. PURSUANT TO SECTION 220(1)(B)(III) OF THE ACT THE CONSENT HOLDER SHALL HAVE ENDORSED ON THE SURVEY PLAN THE FOLLOWING AMALGAMATION CONDITION:

THAT LOT 16 BE AMALGAMATED WITH LOT 17 HEREON AND ONE CERTIFICATE OF TITLE BE ISSUED TO INCLUDE BOTH PARCELS (SEE A635129)
4. THAT PRIOR TO ANY EARTHWORKS COMMENCING ON-SITE THE APPLICANT SHALL ADVISE IWI AND INVITE THEM TO BE PRESENT DURING SUCH WORK. IF DURING EARTHWORKS ANY KOIWI OR OTHER ARCHAEOLOGICAL REMAINS BE UNCOVERED, WORK SHALL CEASE AND THE IWI AND NEW ZEALAND HISTORIC PLACES TRUST BE ADVISED IMMEDIATELY.
5. THE APPLICANT SHALL:

FORM THE CARRIAGEWAY ON LOTS 13 & 22 (ROAD TO VEST) IN ACCORDANCE WITH THE COUNCIL'S ENGINEERING STANDARDS AND GUIDELINES FOR A TYPE A RURAL ROAD. THE ACCESSWAY SHALL INCLUDE SUFFICIENT AREA FOR

MANOEUVRING AND TURNING OF VEHICLES AT THE POINT OF TERMINATION.

- (A) UPGRADE RIGHT-OF-WAY G TO PROVIDE A FORMED AND METALLED CARRIAGEWAY TO A 5.5 METRE WIDE FINISHED METALLED WIDTH TO A PUBLIC CARPARKING AREA TO BE LOCATED ADJOINING PT OLC 21. THE PARKING AREA SHALL BE CONSTRUCTED TO AN ALL WEATHER STANDARD AND ACCOMMODATE A MINIMUM OF 6 CARS.
 - (B) UPGRADE ALL OTHER RIGHTS-OF-WAY (INCLUDING THE BALANCE OF RIGHT OF WAY G) TO PROVIDE A 3.5 METRE METALLED CARRIAGEWAY WITH PASSING BAYS ON ALL BLIND CORNERS OR AT A MINIMUM OF 100 METRE SPACINGS.
 - (C) THE CARRIAGEWAY IS TO CONSIST OF A MINIMUM OF 150MM OF COMPACTED HARDFILL PLUS A SUITABLE RUNNING COURSE. ALL GRADIENTS STEEPER THAN 1:8 ARE TO BE SEALED OR CONCRETED AND NO RIGHT-OF-WAY SHALL HAVE A GRADIENT STEEPER THAN 1:5.
 - (D) PROVIDE CERTIFICATION FROM A REGISTERED ENGINEER THAT ALL WORK REQUIRED BY CONDITIONS 5(A), (B) AND (C) HAVE BEEN COMPLETED.
- 6 ONE (1) DWELLING HOUSE TOGETHER WITH ACCESSORY BUILDINGS INCLUDING WATER STORAGE FACILITIES MAY BE ESTABLISHED ON EACH LOT IN THE SUBDIVISION, EXCEPT AS MAY BE PROVIDED BY A SUBSEQUENT RESOURCE CONSENT OR WHERE THE DISTRICT PLAN PROVISIONS ALLOW AS A PERMITTED ACTIVITY. THE DWELLING HOUSES AND ACCESSORY BUILDINGS SHALL BE LOCATED AS SHOWN ON THE PLAN OF SUBDIVISION (SHEET 3) AND SHALL BE CONSISTENT WITH THE DESIGN CRITERIA IN THE TRANSITIONAL DISTRICT PLAN, BAY OF ISLANDS COMPONENT PARTS 103.2.(5) & 103.3.2.(3).
7. ANY BUILDING DEVELOPMENT SHALL BE SO LOCATED TO BE AT LEAST 10 METRES FROM ANY ARCHAEOLOGICAL SITES. DETAILS OF ARCHAEOLOGICAL SITES IN PROXIMITY OF BUILDING AREAS ARE CONTAINED IN THE ARCHITAGE REPORT PREPARED BY DIANNE HARLOW, DATED JANUARY 2000 AND SUBMITTED WITH THE APPLICATION.
8. ALL ELECTRICITY, TELECOMMUNICATION, AND OTHER UTILITY SERVICES SHALL BE UNDERGROUND, SAVE THAT THE ELECTRICITY SUPPLIED TO EACH LOT MAY BE SUPPLIED FROM AN EXISTING OVERHEAD SUPPLY.
9. ANY EARTHWORKS REQUIRED TO CONSTRUCT ACCESSWAYS TO BUILDING SITES SHALL BE SO DESIGNED TO CAUSE MINIMAL IMPACTS ON THE LANDSCAPE AND ANY EXPOSED CUTS SHALL BE REGRASSED OR PLANTED IN NATIVE VEGETATION.
- 10 AN EFFECTIVE POSSUM CONTROL AND GOAT ERADICATION PROGRAMME SHALL BE ESTABLISHED IN CONSULTATION WITH AND TO THE SATISFACTION OF THE ENVIRONMENTAL SERVICES MANAGER (ESM) AND THEREAFTER BE MAINTAINED

BY OR ON BEHALF OF THE OWNERS OF EACH OF THE LOTS TO MINIMISE DAMAGE TO EXISTING AND REGENERATING INDIGENOUS VEGETATION (E.G. POHUTUKAWA). IN DECEMBER OF EACH YEAR THE REGISTERED PROPRIETOR OF EACH OF THE LOTS IN THE SUBDIVISION SHALL PROVIDE A REPORT TO THE ESM ON THE POSSUM AND GOAT ERADICATION WORK THAT HAS BEEN DONE ON THE SUBJECT LOT BY REFERENCE TO THE APPROVED ERADICATION PROGRAMME.

- 11 ALL CONSERVATION AREAS AS SHOWN ON SHEET 3 OF THE SUBMITTED PLANS AND THE TWO AREAS CONTAINED IN LOTS 4 & 16 AS SHOWN ON SHEET 5 PLAN 4822 AND SUBMITTED AS PART OF THE OBJECTION TO CONDITIONS, SHALL BE FENCED WITH A MINIMUM OF A POST AND SEVEN WIRE, FIVE BATTEN FENCE TO PREVENT UNDERGRAZING.
- 12 THAT ALL CONSERVATION AREAS AS SHOWN ON SHEET 3 OF THE SUBMITTED PLANS AND THE TWO AREAS CONTAINED IN LOTS 4 & 16 AS SHOWN ON SHEET 5 OF PLAN 4822 AND SUBMITTED AS PART OF THE OBJECTION TO CONDITIONS, SHALL BE PRESERVED BY THE OWNER AND THE OWNER SHALL NOT WITHOUT THE PRIOR WRITTEN APPROVAL OF THE COUNCIL, AND THEN ONLY IN STRICT COMPLIANCE WITH ANY OF THE CONDITIONS IMPOSED BY THE COUNCIL, CUT DOWN, DAMAGE OR DESTROY ANY OF THE CONSERVATION AREAS OR SUFFER OR PERMIT THE CUTTING DOWN, DAMAGING OR DESTRUCTION OF THE TREES, BUSH OR OTHER FEATURES COMPRISING THE CONSERVATION AREAS. THE OWNER SHALL NOT BE IN BREACH OF THIS PROHIBITION IF ANY OF THE TREES, BUSH OR FEATURES WITHIN THE CONSERVATION AREA DIE FROM NATURAL CAUSES NOT ATTRIBUTED TO ANY ACT OR DEFAULT BY OR ON BEHALF OF THE OWNER OR FOR WHICH THE OWNER IS RESPONSIBLE. ALL FENCING REQUIRED AS A CONDITION OF CONSENT SHALL BE MAINTAINED IN LIVESTOCK PROOF CONDITION.
- 13 CONDITIONS NUMBERED 4,5,6,7,8,& 10 ARE CONDITIONS THAT MUST BE COMPLIED WITH ON A CONTINUING BASIS BY THE SUBDIVIDING OWNER AND ITS SUCCESSORS IN TITLE, AND A CONSENT NOTICE PURSUANT TO SECTION 221 OF THE ACT SHALL BE ENTERED INTO BY THE SUBDIVIDING OWNER. SUCH CONSENT NOTICES SHALL BE PREPARED AT THE APPLICANT'S EXPENSE AND TO THE REASONABLE SATISFACTION OF COUNCIL'S SOLICITOR.
- 14 PROVIDE EVIDENCE THAT A PEDESTRIAN EASEMENT TO THE SATISFACTION OF THE ENVIRONMENTAL SERVICES MANAGER HAS BEEN CREATED OVER PT OLC 21 TO GIVE ACCESS TO MARSDEN CROSS RESERVE FROM OTHER EASEMENTS REQUIRED AS PART OF THIS CONSENT.
15. THE TERMS AND CONDITIONS OF THIS CONSENT SHALL BE PERFORMED AT ALL TIMES AT THE COST IN ALL RESPECTS OF THE APPLICANT OR ITS SUCCESSORS IN TITLE (AS THE CASE MAY BE).
16. A CERTIFICATE PURSUANT TO SECTION 224 (C) OF THE ACT WILL NOT BE ISSUED UNTIL ALL WORK REQUIRED BY

CONDITIONS 5(D) & 9 HAVE BEEN COMPLETED AND CONSENT NOTICES REQUIRED BY CONDITION 13 HAVE BEEN ENTERED INTO.

COUNCIL FURTHER RESOLVES:

THAT PURSUANT TO SECTION 321(3)(C) OF THE LOCAL GOVERNMENT ACT 1974 THE COUNCIL RESOLVES THAT IT IS SATISFIED THAT IT IS SATISFIED THAT IN RESPECT OF LOTS 1 – 5, 9, 11, 12, 15 & 16 ON SUBDIVISION PLAN NO. 4822, ADEQUATE ACCESS TO THE ALLOTMENTS IS PROVIDED BY AN EASEMENT OF RIGHT-OF-WAY RUNNING WITH THE LAND AND APPURTENANT TO THE ALLOTMENTS, SUCH THAT SUBSECTION (1) OF SECTION 321 OF THE ACT SHALL NOT APPLY.

COUNCIL FURTHER RESOLVES:

THAT PURSUANT TO SECTION 348 OF THE LOCAL GOVERNMENT ACT 1974 THE COUNCIL APPROVES THE CREATION OF RIGHTS-OF-WAY G, H & I OVER LOTS 15 AND LOT 9 AS SHOWN ON PLAN OF SUBDIVISION REF. 4822 IN FAVOUR OF RANGIHOA (BARBOURS GRANT) SUBJECT TO THE RIGHTS-OF-WAY BEING FORMED IN ACCORDANCE WITH CONDITIONS OF CONSENT OF SUBDIVISION RC 2000588.

Reasons for the decision:

1. It is considered that the subdivision meets the requirements for a controlled activity under the provisions of the Transitional District Plan.
2. Environmental effects associated with the proposal are assessed as minor. This is due to the large size of the lots to be created, the existence of existing accessways and archaeological and landscape reports being submitted with the application. Subject to conditions imposed, environmental effects should be minor.
3. The proposed sites are considered to be suitable for their proposed use from an engineering viewpoint. It is also considered that granting the approval will not be contrary to the public interest.

Mataka is one of a sequence of key coastal landscapes of the Far North District coastline. It is large enough to be recognised and provided for as a precinct.

The protection of its natural land forms, indigenous flora and fauna and coastal characteristics will be protected by conditions of consent and the applicant's undertakings.

Advice Notes:

1. An invoice for \$2,981.66, being additional costs incurred in the processing of this application is attached pursuant to Section 36(3) of the Resource Management Act 1991. Payment must be made within 30 days of receipt of this decision.
2. The provision of public access to coastal areas, the protection by recording of archaeological sites from developments and the protection of fenced conservation areas are national contributions.
3. The subdivision proposed was for very large, principally residential lots. The committee observed that because of the unique character of the site (being inherent naturally and by its heritage/cultural values,

and through the conservation efforts of the owner), the only reasonable land use activity possible on this land now, and in the future (in sustainable management terms) is passive, low density, domestic scale, residential development.

MATAKA LIMITED RC 2000388

Conditions Pertaining to Public Access over Right-of-Way "G"

1. Access over the right-of-way and use of the parking area to be restricted to between the hours of 8am and 6pm normal times and 8am to 8pm during daylight saving hours.
2. Limit right-of-way access for mini tour buses to Marsden Cross Reserve to that by invitation of the Management of the Estate.
3. No parking permitted on the right-of-way on grass verges. Should the facility prove to be more popular than expected Council to provide additional parking on Rangihoua Road.
4. Adequate provision/control to prevent dogs being a danger to stock and ecological areas on the farm.
5. Council to accept responsibility for collection and disposal of litter.
6. Should over a significant period of time the provision of access become a matter of environmental concern or otherwise impede farm management and generate adverse conditions for stock, the Council and the applicant to meet in good faith to resolve the problems.

Should the problems not be resolved then vehicular access be closed and access be limited to foot traffic. Conditions for reducing road access to pedestrian access being:

- (A) persistent blockages of the right-of-way, or stock or other theft or vandalism over a significant period of time and
 - (B) negotiations in good faith between the applicant and the Council failing to resolve the position (where you will be aware that the requirement for good faith requires both parties to be more reasonable).
7. The applicant to fence the boundaries with right to provide additional electric fence.

FAR NORTH DISTRICT COUNCIL

IN THE MATTER of the Resource
Management Act 1991:

AND

IN THE MATTER of an application
under the aforesaid Act, 1991
by Mataka Ltd

APPLICATION NUMBER RC 2010428

HEARINGS APPLICATION TO CREATE A TOTAL OF 29 LOTS.

The property in respect of which the application is made, is situated at PURERUA
PENINSULA

HEARING

Before the Hearings Committee of the Far North District Council, on the 12 February
2001.

DECISION

THAT PURSUANT TO SECTIONS 105 AND 220 OF THE RESOURCE
MANAGEMENT ACT 1991, COUNCIL GRANTS CONSENT TO THE
APPLICATION BEING RC 2010428 BY MATAKA LTD TO SUBDIVIDE PT SEC.
5 BLK V & PT SEC. 12 BLK IX KERIKERI SD, SEC. 2 BLK IX BAY OF ISLANDS
SD & OLC 20, PTS OLC 21, LOT 10 DP 90149 AND PT SEC.4 TE PUNA OLC
NO. 21 TO CREATE A TOTAL OF 29 LOTS.

THE APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE SUBDIVISION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE
SCHEME OF SUBDIVISION PREPARED BY HODGES & ELRICK LTD/LANDS
& SURVEY, PLAN REFERENCE SHEET 1, 4822B DATED 24/01/01,
INCLUDING;
 - (i) A 20 METRE WIDE ESPLANADE RESERVE ALONG THE SANDY
BEACH FRONTAGE OF LOT 24 SUBJECT TO THE APPROVAL OF
THE KERIKERI COMMUNITY BOARD.
2. PRACTICAL PUBLIC PEDESTRIAN ACCESS SHALL BE PROVIDED TO
MARSDEN CROSS RESERVE BY WAY OF AN ACCESS STRIP PURSUANT
TO SECTION 237B OF THE ACT. THE INSTRUMENT CREATING THE
ACCESS STRIP (UNDER THE TENTH SCHEDULE TO THE ACT) SHALL
ADDRESS THE FOLLOWING MATTERS (IN ADDITION TO THOSE
PROHIBITIONS LISTED UNDER CLAUSES 1 & 2 OF THE TENTH
SCHEDULE):

- i. TIMES OF PUBLIC ACCESS,
 - ii. LIMITATIONS ON VEHICULAR ACCESS,
 - iii. PROVISIONS FOR LITTER MANAGEMENT,
 - iv. PROCEDURES TO FOLLOW FOR CLOSURE OF THE ACCESS SHOULD ITS USE UNREASONABLY IMPEDE FARM MANAGEMENT OR ADVERSELY EFFECT WILDLIFE,
 - v. MAINTENANCE AND PROVISION OF CAR PARKING AREAS,
 - vi. FENCING OF THE STRIP, AND
 - vii. PROVISION OF SIGNAGE.
3. THE CONSENT HOLDER SHALL HAVE ENDORSED ON THE SURVEY PLAN UNDER A SCHEDULE OF MEMORANDUM OF ENDORSEMENTS THE RIGHT OF WAY EASEMENTS SHOWN AS A-U AND THE ACCESS STRIP REQUIRED UNDER CONDITION 2 OF THIS CONSENT, AND EASEMENTS FOR TELECOMMUNICATIONS AND ELECTRICITY.
4. PURSUANT TO SECTION 220(1)(B)(III) OF THE ACT THE CONSENT HOLDER SHALL HAVE ENDORSED ON THE SURVEY PLAN THE FOLLOWING AMALGAMATION CONDITION:

"THAT PROPOSED LOTS 23 – 25 INCLUSIVE AND PROPOSED LOTS 27 AND 29 BE AMALGAMATED IN ONE CERTIFICATE OF TITLE AS PART OF THE FARM HOLDING."

5. THAT PRIOR TO ANY EARTHWORKS COMMENCING ON SITE THE APPLICANT SHALL ADVISE IWI AND INVITE THEM TO BE PRESENT DURING SUCH WORK. IF DURING EARTHWORKS ANY KOIWI OR OTHER ARCHAEOLOGICAL REMAINS ARE UNCOVERED, WORK SHALL CEASE AND THE IWI AND THE NEW ZEALAND HISTORIC PLACES TRUST BE ADVISED IMMEDIATELY.
6. EARTHWORKS FOR LOTS 7,8,9,10,12,13,14 & 15 AS SHOWN ON PLAN # SHEET 1, 4822B DATED 24/01/01 ARE TO BE MONITORED BY A SUITABLY QUALIFIED ARCHAEOLOGIST FOR THE PURPOSE OF IDENTIFYING ANY UNRECORDED SUBSURFACE ARCHAEOLOGICAL REMAINS.
7. FURTHER ARCHAEOLOGICAL SURVEY AND ASSESSMENT WORK SHALL BE CARRIED OUT BY AN APPROPRIATELY QUALIFIED ARCHAEOLOGIST IN ORDER TO:
- (i) IDENTIFY AND RECORD PA SITES AND ASSOCIATED FEATURES.

- (ii) RELOCATE PREVIOUSLY RECORDED ARCHAEOLOGICAL SITES AND RECORD CURRENT STATE AND LOCATION WHERE POSSIBLE
- (iii) ACCURATELY TRANSPOSE THE LOCATION OF SURVEYED SITES TO UPDATED PLANS, INCLUDING WHERE POSSIBLE GPS POSITION.

8. THE ARCHAEOLOGICAL SURVEY AND ASSESSMENT IS TO BE COMPLETED WITHIN ONE (1) YEAR OF THE ISSUE OF A 224 CERTIFICATE. UPON COMPLETION OF THE ARCHAEOLOGICAL SURVEY AND ASSESSMENT, COPIES ARE TO BE FORWARDED TO THE HISTORIC PLACES TRUST AND FAR NORTH DISTRICT COUNCIL.

9. THE RULES OF THE MATAKA RESIDENTS ASSOCIATION, THE BODY CORPORATE RESPONSIBLE FOR THE PROPERTY, SHALL INCLUDE COVENANTS PROVIDING FOR OWNERS OF LOTS TO BE NOTIFIED OF THE ARCHAEOLOGICAL RECORDS AFFECTING THE LOT PURCHASED BY THEM, PROHIBITING THE DESTRUCTION OF ANY ARCHAEOLOGICAL SITE IN CONTRAVENTION OF THE HISTORIC PLACES ACT 1993, AND REQUIRING PRIOR ARCHAEOLOGICAL ASSESSMENT WHEN UNDERTAKING ANY EARTHWORKS NEAR A RECORDED SITE. THE RULES SHALL ALSO PROHIBIT THE KEEPING OF CATS AND MUSTELIDS. THE KEEPING OF DOGS SHALL BE LIMITED TO A MAXIMUM OF TWO PER OWNER WHICH MUST BE CONFINED (BY WAY OF AN ESCAPE PROOF ENCLOSURE) TO THE OWNER'S EXCLUSIVE USE AREA EXCEPT WHEN IN THE COMPANY OF THAT OWNER (OR OTHER INVITEE) AND THEN ON A LEASH AT ALL TIMES.

10. THE APPLICANT SHALL:

- i. FORM THE CARRIAGE WAY ON LOT 28 (ROAD TO VEST) IN ACCORDANCE WITH COUNCIL ENGINEERING STANDARDS AND GUIDELINES FOR A TYPE A RURAL ROAD. THE FORMATION SHALL INCLUDE SUFFICIENT AREA FOR MANOEUVRING AND TURNING OF VEHICLES AT THE POINT OF TERMINATION.
- ii. FORM AND MAINTAIN PEDESTRIAN ACCESS (EASEMENT V) OVER LOT 24 AND PROVIDE A PUBLIC CAR PARKING AREA ADJOINING OR CONVENIENT TO THE PEDESTRIAN ACCESS OVER LOT 24, CONSTRUCTED TO AN ALL WEATHER STANDARD AND CAPABLE OF ACCOMMODATING A MINIMUM OF 6 CARS.
- iii. UPGRADE ALL RIGHTS-OF-WAY (EXCLUDING EASEMENT V) TO PROVIDE A 3.5 METRE METALLED CARRIAGE WAY WITH PASSING BAYS ON ALL BLIND CORNERS AT LOCATIONS WHERE THE VERTICAL ALIGNMENT OF THE CARRIAGE WAY RESTRICTS THE VISIBILITY OR AT MINIMUM OF 100M SPACINGS.

- iv. THE CARRIAGE WAY IS TO CONSIST OF A MINIMUM OF 150MM OF COMPACTED HARDFILL PLUS A SUITABLE RUNNING COURSE AND IS TO INCLUDE WATERTABLE DRAINS AND CULVERTS AS REQUIRED TO DIRECT AND CONTROL STORMWATER RUN-OFF. ALL GRADIENTS STEEPER THAN 1:8 ARE TO BE SEALED OR CONCRETED AND NO RIGHT-OF-WAY SHALL HAVE A GRADIENT STEEPER THAN 1:5
- v. PROVIDE CERTIFICATION FROM A REGISTERED ENGINEER THAT ALL WORK REQUIRED BY CONDITIONS 10(I), (II) & (III) & HAVE BEEN COMPLETED.

11. ONE (1) DWELLING HOUSE TOGETHER WITH ACCESSORY BUILDINGS INCLUDING WATER STORAGE FACILITIES MAY BE ESTABLISHED ON EACH LOT IN THE SUBDIVISION, EXCEPT AS MAY BE PROVIDED BY A SUBSEQUENT RESOURCE CONSENT OR WHERE THE DISTRICT PLAN PROVISIONS ALLOW AS A PERMITTED ACTIVITY. THE DWELLING HOUSES AND ACCESSORY BUILDINGS SHALL BE LOCATED AS SHOWN ON THE PLAN OF SUBDIVISION 4822B, SHEET1 DATED 24/01/01 AND SHALL BE CONSISTENT WITH THE RELEVANT DESIGN CRITERIA IN THE TRANSITIONAL AND PROPOSED DISTRICT PLANS.

12. ANY BUILDING DEVELOPMENT SHALL BE LOCATED SO AS TO BE AT LEAST 10M FROM ANY ARCHAEOLOGICAL SITES. DETAILS OF ARCHAEOLOGICAL SITES IN PROXIMITY TO BUILDING AREAS ARE CONTAINED IN THE ARCHITAGE REPORT PREPARED BY DIANNE HARLOW, DATED NOVEMBER 2000 AND SUBMITTED WITH THE APPLICATION.

13. ALL ELECTRICITY, TELECOMMUNICATION AND OTHER UTILITY SERVICES SHALL BE UNDERGROUND, SAVE THAT THE ELECTRICITY SUPPLIED TO EACH LOT MAY BE SUPPLIED FROM AN EXISTING OVERHEAD SUPPLY.

14. ANY EARTHWORKS INCLUDING THOSE REQUIRED TO CONSTRUCT ACCESSWAYS TO BUILDING SITES SHALL BE SO DESIGNED TO CAUSE MINIMAL IMPACTS ON THE LANDSCAPE AND ANY EXPOSED CUTS SHALL BE REGRASSED OR PLANTED IN NATIVE VEGETATION.

15. AN EFFECTIVE POSSUM CONTROL AND GOAT ERADICATION PROGRAMME SHALL BE ESTABLISHED IN CONSULTATION WITH AND TO THE SATISFACTION OF THE ENVIRONMENTAL SERVICES MANAGER (ESM) AND THEREAFTER BE MAINTAINED BY OR ON BEHALF OF THE OWNERS OF EACH OF THE LOTS TO MINIMISE DAMAGE TO EXISTING AND REGENERATING INDIGENOUS VEGETATION. IN DECEMBER OF EACH YEAR THE REGISTERED PROPRIETOR OF EACH OF THE LOTS IN THE SUBDIVISION OR THE MATAKA RESIDENTS ASSOCIATION INC. SHALL PROVIDE A REPORT TO THE ESM ON THE POSSUM AND GOAT ERADICATION WORK THAT HAS BEEN DONE ON THE SUBJECT LOT BY REFERENCE TO THE APPROVED ERADICATION PROGRAMME.

16. ALL CONSERVATION AREAS ON PLAN SHEET 1, 4822B DATED 24/01/01 SHALL BE FENCED WITH A MINIMUM OF A POST AND SEVEN WIRE, FIVE BATTEN FENCE TO PREVENT UNDER-GRAZING.

17. THAT ALL CONSERVATION AREAS AS SHOWN ON PLAN SHEET 1 4822B DATED 24/01/01 SHALL BE PRESERVED BY THE OWNER AND THE OWNER SHALL NOT, WITHOUT THE WRITTEN APPROVAL OF THE COUNCIL AND THEN ONLY IN STRICT COMPLIANCE WITH ANY OF THE CONDITIONS IMPOSED BY THE COUNCIL, CUT DOWN, DAMAGE, OR DESTROY ANY OF THE CONSERVATION AREAS OR SUFFER OR PERMIT THE CUTTING DOWN, DAMAGING OR DESTRUCTION OF THE TREES, BUSH OR OTHER FEATURES COMPRISING THE CONSERVATION AREAS. THE OWNER SHALL NOT BE BREACH OF THIS PROHIBITION IF ANY OF THE TREES, BUSH OR FEATURES WITHIN THE CONSERVATION AREAS SHALL DIE FROM NATURAL CAUSES NOT ATTRIBUTED TO ANY ACT OR DEFAULT BY OR ON BEHALF OF THE OWNER OR FOR WHICH THE OWNER IS NOT RESPONSIBLE. ALL FENCING REQUIRED AS A CONDITION OF CONSENT SHALL BE MAINTAINED IN LIVESTOCK PROOF CONDITION.

18. CONDITIONS NUMBERED 5, 6, 9, 11, 12, 13, 14, 15, 17 & 20 ARE CONDITIONS THAT MUST BE COMPLIED WITH ON A CONTINUING BASIS BY THE SUBDIVIDING OWNER AND IT'S SUCCESSORS IN TITLE, AND A CONSENT NOTICE PURSUANT TO SECTION 221 OF THE ACT SHALL BE ENTERED INTO BY THE SUBDIVIDING OWNER. SUCH CONSENT NOTICES SHALL BE PREPARED AT THE APPLICANT'S EXPENSE AND TO THE REASONABLE SATISFACTION OF COUNCIL'S SOLICITOR.

19. PROVIDE A LANDSCAPING PLAN BASED ON THE REVEGETATION AND ENHANCEMENT STRATEGY OUTLINED IN SECTION 4.5.5 OF THE MATAKA VISUAL ASSESSMENT PREPARED BY DJ SCOTT ASSOCIATES LTD DATED NOVEMBER 2000 TO THE SATISFACTION OF THE ENVIRONMENTAL SERVICES MANAGER OF THE FAR NORTH DISTRICT COUNCIL AND UNDERTAKE ALL SUCH PROPOSED WORKS. NOTE: SUCH WORKS CAN BE SECURED BY A SUITABLE BOND TO ENABLE ISSUE OF A CERTIFICATE PURSUANT TO SECTION 224(C) OF THE RESOURCE MANAGEMENT ACT 1991. SUCH A BOND SHALL BE RELEASED IN STAGES CORRESPONDING WITH WORKS COMPLETED.

20. THAT ALL AREAS SUBJECT TO THE LANDSCAPING REQUIRED BY CONDITION 19 OF THIS CONSENT SHALL BE PRESERVED BY THE OWNER AND THE OWNER SHALL NOT WITHOUT THE WRITTEN APPROVAL OF THE COUNCIL AND THEN ONLY IN STRICT COMPLIANCE WITH ANY OF THE CONDITIONS IMPOSED BY THE COUNCIL, CUT DOWN, DAMAGE, OR DESTROY ANY OF THE CONSERVATION AREAS OR SUFFER OR PERMIT THE CUTTING DOWN, DAMAGING OR DESTRUCTION OF THE TREES, BUSH OR OTHER FEATURES COMPRISING THE CONSERVATION AREAS. THE OWNER SHALL NOT BE BREACH OF THIS PROHIBITION IF ANY OF THE TREES, BUSH OR FEATURES WITHIN THE CONSERVATION AREAS SHALL DIE FROM NATURAL CAUSES NOT ATTRIBUTED TO ANY ACT OR DEFAULT BY OR ON BEHALF OF THE OWNER OR FOR WHICH THE OWNER IS NOT RESPONSIBLE.

21. THE TERMS AND CONDITIONS OF THIS CONSENT SHALL BE PERFORMED AT ALL TIMES AT THE COST IN ALL RESPECTS OF THE APPLICANT OR ITS SUCCESSORS IN TITLE (AS THE CASE MAY BE).

22. PAY A ROAD UPGRADING CONTRIBUTION OF \$500 PER ADDITIONAL LOT CREATED TOWARDS THE UPGRADING OF RANGIHOA ROAD. THE UPGRADING WILL INCLUDE SIGHT BENCHING AND MINOR SAFETY WORK.

23. A CERTIFICATE PURSUANT TO SECTION 224(C) OF THE ACT WILL NOT BE ISSUED UNTIL ALL WORK REQUIRED BY CONDITIONS, 10(IV), 15, 16, & 19 HAVE BEEN COMPLETED.

COUNCIL FURTHER RESOLVES:

THAT PURSUANT TO SECTION 321(3)(C) OF THE LOCAL GOVERNMENT ACT 1974, THE COUNCIL RESOLVES THAT IT IS SATISFIED THAT IN RESPECT OF LOTS 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 22 AND 23, SUBDIVISION PLAN NO. 4822B, ADEQUATE ACCESS TO THE ALLOTMENTS IS PROVIDED BY AN EASEMENT OF RIGHT-OF-WAY RUNNING WITH THE LAND AND APPURTENANT TO THE ALLOTMENTS, SUCH THAT SUBSECTION (1) OF SECTION 321 OF THE ACT SHALL NOT APPLY."

Reasons for the decision:

1. It is considered that the subdivision meets the requirements for a controlled activity under the provisions of the Transitional and Proposed District Plans.
2. Environmental effects associated with the proposal are assessed as minor. This is due to the large size of the lots to be created, the existence of existing accessways and proposals to minimise any adverse effects on archaeological sites and landscape values.
3. The proposed sites are considered to be suitable for their proposed use from an engineering viewpoint. It is also considered that granting the approval will not be contrary to the public interest.

Advice Clauses

1. An invoice for additional costs incurred in the processing of this application will follow this decision.
2. The proposal may be undertaken in stages subject to all appropriate conditions being satisfied.

FAR NORTH DISTRICT COUNCIL

IN THE MATTER of the Resource
Management Act 1991:

AND

IN THE MATTER of an application
under the aforesaid Act, 1991
by MATAKA LTD

APPLICATION NUMBER RC 2020211

HEARINGS APPLICATION TO CHANGE CONDITIONS OF CONSENT

The property in respect of which the application is made, is situated at RANGIHUA ROAD,
PURERUA PENINSULA. PT SEC 5 BLK V & PT SEC 12 BLK IX KERIKERI SD, SEC 2 BOI
SD & OLC 20, PTS OLC 21, LOT 10 DP 90149 & PT SEC 4 TE PUNA OLC 21.

HEARING

Before the Hearings Committee of the Far North District Council, on the 20TH NOVEMBER
2001, THE FOLLOWING DECISION WAS MADE;

DECISION

THAT PURSUANT TO SECTION 127(3) OF THE RESOURCE MANAGEMENT
ACT 1991 THE FAR NORTH DISTRICT COUNCIL RESOLVES THAT THE
APPLICATION BY MATAKA LTD TO CHANGE CONDITIONS OF CONSENT OF
RC 2020428 BE PROCESSED WITHOUT NOTIFICATION.

2010428

THAT PURSUANT TO SECTION 127 OF THE RESOURCE MANAGEMENT ACT
1991 THE FAR NORTH DISTRICT COUNCIL HEREBY CHANGES CONDITIONS
OF RESOURCE CONSENT RC 2010428 GRANTED TO MATAKA LTD TO
SUBDIVIDE PT SEC 5 BLK V & PT SEC 12 BLK IX KERIKERI SD, SEC 2 BOI SD
& OLC 20, PTS OLC 21, LOT 10 DP 90149 & PT SEC 4 TE PUNA OLC 21 BY THE
FOLLOWING AMENDMENTS:

1. THE AMENDMENT OF CONDITION 1 TO:

THE SUBDIVISION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE
SCHEME OF SUBDIVISION PREPARED BY HODGES & ELRICK LTD/LANDS &
SURVEY PLAN REFERENCE 4822D DATED 5 SEPTEMBER 2001, INCLUDING;
A 20 METRE WIDE ESPLANADE RESERVE ALONG THE SANDY BEACH
FRONTAGE OF LOT 24 SUBJECT TO THE APPROVAL OF THE KERIKERI
COMMUNITY BOARD.

2. THE AMENDMENT OF CONDITION 3 TO:

THE CONSENT HOLDER SHALL HAVE ENDORSED ON THE SURVEY PLAN
UNDER A SCHEDULE OF MEMORANDUM OF ENDORSEMENTS THE RIGHT OF
WAY EASEMENTS AS SHOWN ON PLAN 4822D AND THE ACCESS STRIP
REQUIRED UNDER CONDITION 2 OF THIS CONSENT, AND EASEMENTS FOR
TELECOMMUNICATIONS AND ELECTRICITY.

3. THE AMENDMENT OF CONDITION 4 TO:

PURSUANT TO SECTION 220(1)(B) OF THE ACT THE CONSENT HOLDER SHALL HAVE ENDORSED ON THE SURVEY PLAN THE FOLLOWING AMALGAMATION CONDITIONS:

THAT PROPOSED LOTS 23-25 INCLUSIVE AND LOTS 27 & 29 BE AMALGAMATED IN ONE CERTIFICATE OF TITLE AS PART OF THE FARM HOLDING.

THAT LOT 30 BE HELD AS TO 27 UNDIVIDED ONE-TWENTY SEVENTH SHARES BY THE OWNERS OF LOTS 1-22, 24-27 AND 29 THEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL CERTIFICATES OF TITLE BE ISSUED IN ACCORDANCE THEREWITH.

THAT LOT 31 BE HELD AS TO 27 UNDIVIDED ONE-TWENTY SEVENTH SHARES BY THE OWNERS OF LOTS 1-22, 24-27 AND 29 THEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL CERTIFICATES OF TITLE BE ISSUED IN ACCORDANCE THEREWITH."

4. THE AMENDMENT OF CONDITION 10 i TO:

FORM THE CARRIAGEWAY ON LOT 28 (ROAD TO VEST) AND LOT 30 IN ACCORDANCE WITH COUNCIL ENGINEERING STANDARDS AND GUIDELINES FOR A TYPE A RURAL ROAD. THE FORMATION SHALL INCLUDE SUFFICIENT AREA FOR MANOEUVRING AND TURNING OF VEHICLES AT THE TERMINATION OF LOT 28.

5. THE AMENDMENT OF CONDITION 10 iii TO:

UPGRADE ALL RIGHTS OF WAY (EXCLUDING EASEMENT V) AND LOT 31 TO PROVIDE A 3.5 METRE METALLED CARRIAGEWAY WITH PASSING BAYS ON ALL BLIND CORNERS AT LOCATIONS WHERE THE VERTICAL ALIGNMENT OF THE CARRIAGEWAY RESTRICTS THE VISIBILITY OR AT MINIMUM OF 100 METRE SPACINGS.

REASONS FOR THE DECISIONS

1. The proposed changes to the conditions of consent will not result in any adverse environmental effects. Although the amount of road to vest is to be reduced public access to Marsden Cross as proposed will be maintained.
2. Other changes will result in differing tenure patterns for the access ways and the creation of a temporary easement. These will not result adverse environmental effects. No other parties are considered to be affected by the changes sought.

Advice note:

Pursuant to Section 36(3) of the Resource Management Act 1991, an invoice for the additional costs of processing and considering this application will follow this notification of this decision.

FAR NORTH DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991:

AND

IN THE MATTER of an application under the aforesaid Act, 1991 by
MATAKA LTD

APPLICATION NUMBER RC 2030467

HEARINGS APPLICATION FOR CHANGES TO CONDITIONS OF SUBDIVISION
CONSENT

The property in respect of which the application is made, is situated at PT SEC 5 BLK V & PT SEC 12 BLK IX KERIKERI SD, SEC 2 BOI SD & OLC 20, PTS OLC 21, LOT 10 DP 90149 & PT SEC 4 TE PUNA OLC. PURERUA PENINSULA.

HEARING

Before the Hearings Committee of the Far North District Council, on the 23 December 2002.

DECISION

THAT PURSUANT TO SECTION 127(3) OF THE RESOURCE MANAGEMENT ACT 1991 THE FAR NORTH DISTRICT COUNCIL RESOLVES THAT THE APPLICATION BY MATAKA LTD TO CHANGE CONDITIONS OF CONSENT OF RC 2020428 BE PROCESSED WITHOUT NOTIFICATION.

THAT PURSUANT TO SECTION 127 OF THE RESOURCE MANAGEMENT ACT 1991 THE FAR NORTH DISTRICT COUNCIL HEREBY CHANGES CONDITIONS OF RESOURCE CONSENT RC 2010428 GRANTED TO MATAKA LTD TO SUBDIVIDE PT SEC 5 BLK V & PT SEC 12 BLK IX KERIKERI SD, SEC 2 BOI SD & OLC 20, PTS OLC 21, LOT 10 DP 90149 & PT SEC 4 TE PUNA OLC 21 BY THE FOLLOWING AMENDMENTS:

1. THE AMENDMENT OF CONDITION 1 TO:

THE SUBDIVISION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE SCHEME OF SUBDIVISION PREPARED BY LANDS & SURVEY LTD PLAN REFERENCE 5670/12 DATED 31 OCTOBER 2002, INCLUDING;
A 20 METRE WIDE ESPLANADE RESERVE ALONG THE SANDY BEACH FRONTAGE OF LOT 24 SUBJECT TO THE APPROVAL OF THE KERIKERI COMMUNITY BOARD. (NOTE: THE LOCATION OF EASEMENT O MAY BE AMENDED SUBJECT TO FURTHER INVESTIGATIONS AS TO ACCESS LOCATION AS REQUIRED BY CONDITION 1A OF THIS APPROVAL).

2. THE ADDITION OF THE FOLLOWING CONDITION 1A:

PRIOR TO THE APPROVAL OF A SURVEY PLAN PURSUANT TO SECTION 223 OF THE ACT THE APPLICANT SHALL PROVIDE FINAL PLANS & DETAILS OF PROPOSED ACCESSES TO THE IDENTIFIED BUILDING SITES ON LOTS 19 & 23. THE BUILDING SITES SHALL BE SHOWN ON THE SURVEY PLAN AND BE A

MAXIMUM OF 500m². AN AREA FOR WASTEWATER DISPOSAL SHALL ALSO BE IDENTIFIED ON THE SURVEY PLAN. THE ACCESSES SHALL BE DESIGNED TO MINIMISE EARTHWORKS AND VISUAL IMPACTS, PARTICULARLY WHEN VIEWED FROM THE COASTAL MARINE AREA AND TO CONTROL STORMWATER. THE DETAILS SHALL INCLUDE PROPOSED LANDSCAPING OF THE ACCESS AND BUILDING SITES AND ACCESS MATERIALS PREPARED BY A SUITABLY QUALIFIED AND EXPERIENCED LANDSCAPE ARCHITECT TO MITIGATE ANY VISUAL EFFECTS. LANDSCAPING OF THE BUILDING SITES SHALL INCLUDE THE USE OF MATURE NATIVE SPECIMEN TREES. ALL PLANS AND DETAILS REQUIRED SHALL BE TO THE SATISFACTION OF THE RESOURCE CONSENTS MANAGER FOLLOWING AN INDEPENDENT PEER REVIEW AT THE APPLICANT'S EXPENSE.

3. THE AMENDMENT OF CONDITION 3 TO:

THE CONSENT HOLDER SHALL HAVE ENDORSED ON THE SURVEY PLAN UNDER A SCHEDULE OF MEMORANDUM OF ENDORSEMENTS THE RIGHT OF WAY EASEMENTS AS SHOWN ON PLAN 5670/12 AND THE ACCESS STRIP REQUIRED UNDER CONDITION 2 OF THIS CONSENT, AND EASEMENTS FOR TELECOMMUNICATIONS AND ELECTRICITY.

4. THE AMENDMENT OF CONDITION 4 TO:

PURSUANT TO SECTION 220(1)(B) OF THE ACT THE CONSENT HOLDER SHALL HAVE ENDORSED ON THE SURVEY PLAN THE FOLLOWING AMALGAMATION CONDITIONS:

THAT PROPOSED LOTS 14, 24, 25, 27, 29, 30, 32 & 33 BE AMALGAMATED IN ONE CERTIFICATE OF TITLE AS PART OF THE FARM HOLDING.

5. THE AMENDMENT OF CONDITION 6 TO:

EARTHWORKS FOR LOTS 8, 9, 10, 12, 13, 15 & 18 AS SHOWN ON PLAN 5670/12 ARE TO BE MONITORED BY A SUITABLY QUALIFIED ARCHAEOLOGIST FOR THE PURPOSE OF IDENTIFYING ANY UNRECORDED SUBSURFACE ARCHAEOLOGICAL REMAINS.

6. THE AMENDMENT OF CONDITION 10i TO:

FORM THE CARRIAGEWAY ON LOT 28 (ROAD TO VEST) IN ACCORDANCE WITH COUNCIL ENGINEERING STANDARDS AND GUIDELINES FOR A TYPE A RURAL ROAD. THE FORMATION SHALL INCLUDE SUFFICIENT AREA FOR MANOEUVRING AND TURNING OF VEHICLES AT THE TERMINATION OF LOT 28.

7. THE AMENDMENT OF CONDITION 10ii TO:

FORM AND MAINTAIN PEDESTRIAN ACCESS (EASEMENT W) OVER LOT 24 AND PROVIDE A PUBLIC CAR PARKING AREA ADJOINING OR CONVENIENT TO THE PEDESTRIAN ACCESS OVER LOT 24, CONSTRUCTED TO AN ALL WEATHER STANDARD AND CAPABLE OF ACCOMMODATING A MINIMUM OF 6 CARS.

8. THE AMENDMENT OF CONDITION 10 iii TO:

UPGRADE RIGHTS OF WAY A, S, M & N TO PROVIDE A 5.5 METRE WIDE METALLED CARRIAGEWAY WHERE PRACTICABLE. ANY REDUCTION IN THE WIDTH DUE TO SITE CONSTRAINTS SHALL BE DESIGNED IN CONSULTATION WITH AND TO SATISFACTION OF COUNCIL'S DEVELOPMENT ENGINEER.

9. THE AMENDMENT OF CONDITION 10iv TO:

UPGRADE ALL OTHER RIGHTS OF WAY (EXCLUDING EASEMENTS O, R & W) TO PROVIDE A 3.5 METRE METALLED CARRIAGEWAY WITH PASSING BAYS ON ALL BLIND CORNERS AT LOCATIONS WHERE THE VERTICAL ALIGNMENT OF THE CARRIAGEWAY RESTRICTS THE VISIBILITY OR AT MINIMUM OF 100 METRE SPACINGS.

10 THE AMENDMENT OF CONDITION 10v TO:

CONSTRUCT RIGHTS OF WAY O & R AND THE ACCESS TO THE HOUSE SITES ON LOTS 19 & 23 AND UNDERTAKE ALL REQUIRED LANDSCAPING IN ACCORDANCE WITH THE APPROVED PLANS REQUIRED UNDER CONDITION 1A OF THIS APPROVAL. THE APPLICANT SHALL ALSO ENTER INTO A BOND WITH COUNCIL FOR THE MAINTENANCE OF THE LANDSCAPING FOR A PERIOD OF THREE YEARS FOLLOWING ESTABLISHMENT TO ENSURE ITS SURVIVAL. THE AMOUNT OF THE BOND SHALL BE 150% OF THE ESTIMATED COST OF SUCH MAINTENANCE INCLUDING THE REPLACEMENT OF ANY FAILED PLANTINGS. SUCH AN ESTIMATE SHALL BE PROVIDED IN WRITING BY A SUITABLY QUALIFIED AND EXPERIENCED LANDSCAPE ARCHITECT.

11. THE ADDITION OF THE FOLLOWING CONDITION 10vi:

THE CARRIAGEWAY IS TO CONSIST OF A MINIMUM OF 150MM OF COMPACTED HARDFILL PLUS A SUITABLE RUNNING COURSE AND IS TO INCLUDE WATERTABLE DRAINS AND CULVERTS AS REQUIRED TO DIRECT AND CONTROL STORMWATER RUN-OFF. ALL GRADIENTS STEEPER THAN 1:8 ARE TO BE SEALED OR CONCRETED AND NO RIGHT OF WAY SHALL HAVE A GRADIENT STEEPER THAN 1:5.

12. THE ADDITION OF THE FOLLOWING CONDITION 10vii:

PROVIDE CERTIFICATION FROM A REGISTERED ENGINEER THAT ALL WORKS REQUIRED BY CONDITIONS 10i-iv HAVE BEEN COMPLETED.

13. THE ADDITION OF THE FOLLOWING CONDITION 10viii:

PROVIDE CERTIFICATION FROM A REGISTERED ENGINEER AND SUITABLY QUALIFIED AND EXPERIENCED LANDSCAPE ARCHITECT THAT ALL WORKS REQUIRED BY CONDITION 10v HAVE BEEN COMPLETED.

14. THE ADDITION OF THE FOLLOWING CONDITION 17A:

DEVELOPMENT ON LOTS 19 & 23 SHALL BE LIMITED TO ONE BUILDING ONLY AND SHALL BE WITHIN THE IDENTIFIED BUILDING AREA AS SHOWN ON THE SURVEY PLAN. THE BUILDING ON LOTS 19 & 23 SHALL BE LOCATED BELOW THE RIDGELINE BEHIND THE BUILDING SITE AND SHALL

NOT EXCEED A HEIGHT OF 5 METRES ABOVE NATURAL GROUND LEVEL OR FINISHED GROUND LEVEL, WHICHEVER RESULTS IN THE HEIGHT OF THE BUILDING BEING THE LESSER WHEN MEASURED ABOVE SEA LEVEL. ANY PARKING AREAS SHALL BE LOCATED LANDWARD OF THE BUILDING. THE EXTERIOR APPEARANCE OF ANY BUILDINGS SHALL BE DESIGNED TO VISUALLY UNOBTRUSIVE BY THE USE OF APPROPRIATE DESIGN, MATERIALS AND EXTERIOR COLOURS. ALL SUCH DETAILS OF THE BUILDING AND ITS LOCATION, (WITHIN AN OUTSTANDING LANDSCAPE AREA) BEING BELOW THE RIDGELINE SHALL BE PROVIDED WITH ANY BUILDING CONSENT APPLICATION OR RESOURCE CONSENT APPLICATION (IF REQUIRED) AND SHALL BE TO THE SATISFACTION OF THE RESOURCE CONSENT MANAGER FOLLOWING AN INDEPENDENT PEER REVIEW AT THE APPLICANT'S EXPENSE.

15. THE AMENDMENT TO CONDITION 18 TO:

CONDITIONS NUMBERED 5, 6, 9, 11, 12, 13, 14, 15, 17, 17A & 20 ARE CONDITIONS THAT MUST BE COMPLIED WITH ON A CONTINUING BASIS BY THE SUBDIVIDING OWNER AND ITS SUCCESSORS IN TITLE AND A CONSENT NOTICE PURSUANT TO SECTION 221 OF THE ACT SHALL BE ENTERED INTO BY THE SUBDIVIDING OWNER. SUCH CONSENT NOTICES SHALL BE PREPARED AT THE APPLICANT'S EXPENSE AND TO THE REASONABLE SATISFACTION OF COUNCIL'S SOLICITOR.

16. THE AMENDMENT OF CONDITION 20 TO:

THAT ALL AREAS SUBJECT TO THE LANDSCAPING REQUIRED BY CONDITIONS 10v & 19 OF THIS CONSENT SHALL BE PRESERVED BY THE OWNER AND THE OWNER SHALL NOT WITHOUT THE WRITTEN APPROVAL OF THE COUNCIL AND THEN ONLY IN STRICT COMPLIANCE WITH ANY CONDITIONS IMPOSED BY THE COUNCIL, CUT DOWN, DAMAGE OR DESTROY ANY OF THE LANDSCAPING OR SUFFER OR PERMIT THE CUTTING DOWN, DAMAGING OR DESTRUCTION OF THE TREES, BUSH OR OTHER FEATURES WITHIN THE LANDSCAPED AREAS. THE OWNER SHALL NOT BE IN BREACH OF THIS PROHIBITION IF ANY OF THE TREES, BUSH OR FEATURES WITHIN THE LANDSCAPED AREAS DIE FROM NATURAL CAUSES NOT ATTRIBUTED TO ANY ACT OR DEFAULT BY OR ON BEHALF OF THE OWNER OR FOR WHICH THE OWNER IS NOT RESPONSIBLE.

17. THE AMENDMENT OF CONDITION 23 TO:

A CERTIFICATE PURSUANT TO SECTION 224(C) OF THE ACT WILL NOT BE ISSUED UNTIL ALL WORK REQUIRED BY CONDITIONS 10vii, 10viii, 15, 16 & 19 HAVE BEEN COMPLETED.

Reasons For The Decisions

1. The proposed changes to the conditions of consent amendments to access arrangements which will not result in any adverse environmental effects
2. Other changes will result in slightly different lot boundaries and three amended building locations. To ensure that environmental effects associated with the changes continue to be minor stringent conditions of consent have been imposed on the two sites (Lots 19 & 23) which are located in an outstanding landscape unit, including the identification of building sites, landscaping of the building sites and accesses and controls on the size and design of the building.
3. No other parties are considered to be affected by the changes sought.

FAR NORTH DISTRICT COUNCIL

**FAR NORTH TRANSITIONAL DISTRICT PLAN [Bay of Islands
Section]**

AND

FAR NORTH PROPOSED DISTRICT PLAN

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

an application for an extension to an existing consent and a change or
cancellation of resource consent conditions

under the aforesaid Act by
Mataka Ltd

FILE NUMBER RC2030988

That pursuant to Sections 125 of the Resource Management Act 1991, the Council grants its consent to Mataka Ltd to extend the resource consent granted on 5th March 2001 (ref. RC 2010428) to subdivide Pt Sec 5 Blk V & Pt Sec 12 Blk IX Kerikeri SD, Sec 1 Blk IX Bay of Islands SD & OLC 20, Pts OLC 21, Lot 10 DP 90149 & Pt Sec 4 Te Puna OLC, such land being situated at Purerua Road, Kerikeri for a period of six months until 5 September 2003.

In consideration of the application under Section 104 of the Act, the following reasons are given for this decision:

1. The applicant has demonstrated that substantial progress and effort has been made towards giving effect to the consent.
2. No other parties are considered to be adversely affected by the granting of the extension.

That pursuant to Section 127 of the Resource Management Act 1991, Council grants its consent to the change of conditions of a subdivision consent, being RC 2010428 an application by Mataka Ltd to subdivide Pt Sec 5 Blk V & Pt Sec 12 Blk IX Kerikeri SD, Sec 1 Blk IX Bay of Islands SD & OLC 20, Pts OLC 21, Lot 10 DP 90149 & Pt Sec 4 Te Puna OLC 21 issued on the 5th March 2001 (and being subject to changes to conditions on 28 November 2001-RC 2020211 & 8 January 2003-RC 2030467).

The following changes are made to the consent conditions:

1. Condition 1A is deleted and replaced as follows:
Prior to the approval of a survey plan pursuant to Section 223 of the Act the plan shall show identified building areas on Lots 19 & 23 generally in accordance with

the information and plans provided with the application reference RC 2030988. The identified building areas shall include sufficient area for wastewater disposal.

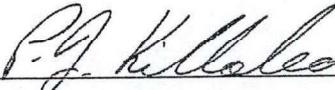
2. Condition 1B is added as follows.
Prior to the issue of a certificate pursuant to Section 224 of the Act the applicant shall provide indicative plans and details of proposed accesses to the identified building areas on Lots 19 & 23. The access shall be designed to minimize earthworks and visual impacts, particularly when viewed from the Coastal Marine Area and to control stormwater. The details shall include proposed landscaping of the access and building site and access materials prepared by a suitably qualified and experienced landscape architect to mitigate any visual effects. Landscaping of the building sites shall include the use of mature native specimen trees. All plans and details required shall be to the satisfaction of the Resource Consents Manager following an independent peer review at the applicant's expense.
3. Condition 17A is deleted and replaced as follows:
Development on Lots 19 & 23 shall be limited to one building only of not more than 500m² per lot and shall be within the identified building area as shown on the survey plan. The buildings on Lots 19 & 23 shall be located below the ridgeline behind the building site and shall not exceed a height of 5 metres above natural ground level or finished ground height whichever results in the height of the building being lesser when measured above sea level. Any parking areas shall be located landward of the building. The exterior appearance of any buildings shall be designed to be visually unobtrusive by the use of appropriate design, materials and exterior colours. The access to the building areas including landscaping shall be completed generally in accordance with the plans and details provided to satisfy condition 1B of this consent.

In consideration of the application under Section 104 of the Act, the following reasons are given for this decision:

1. The applicant has determined building areas on Lots 19 & 23. As a result Council is satisfied that the provision of access plans can be completed at the time of final certification rather than prior to the approval of the survey plan.
2. The consent notice conditions relating to Lots 19 & 23 also requires consequential amendment to ensure that access formation and landscaping occurs in accordance with the approved plans in conjunction with the construction of a dwelling.
3. There are no parties who are considered to be adversely affected by the granting of amendments to the consent.

DECISION PREPARED BY: Murray McDonald, Consultant Resource Planner

CONSENTS GRANTED UNDER DELEGATED AUTHORITY:



30th May 2003 DATE
RC 2030988

RESOURCE CONSENTS MANAGER

n

FAR NORTH DISTRICT COUNCIL

**FAR NORTH TRANSITIONAL DISTRICT PLAN [BAY OF ISLANDS
SECTION]**

AND

FAR NORTH PROPOSED DISTRICT PLAN

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

an application for Resource Consent
under the aforesaid Act by

MATAKA STATION LTD

FILE NUMBER RC 2041080

ENVIRONMENTAL

23 DEC 2004

RECEIVED

That pursuant to Sections 104B and 220 of the Resource Management Act 1991, the Council grants its consent to Mataka Station Ltd to subdivide properties located at Rangihoua Road, Purerua Peninsula, Kerikeri, being more particularly described as Lots 10, 14, 23, 24, 25, 26, 27, 29, 30 & 32 DP 323083 and Lot 10 DP 72577 contained in certificates of titles NA92530, NA28C/842, NA92542 & NA92543 to create eight additional house sites, two reserves and 10 balance farm allotments, subject to the following conditions:

- 223
- ✓ 1. The subdivision shall be carried out in accordance with the approved plans of subdivision as prepared by Lands & Survey reference 7070/2 dated 27 May 2004 and 7070/4 dated May 2004 and attached to this consent with the Council's "Approved Plan" stamp affixed.
 - ✓ 2. The survey plan shall show Lot 41 as Historic Reserve to vest in the Crown.
 - ✓ 3. The consent holder shall have endorsed on the survey plan under a schedule of memorandum of endorsements all easements as shown on the approved plan referenced 7070/4.
 4. Pursuant to Section 220(1)(b)(iii) of the Act the consent holder shall have endorsed on the survey plan the following amalgamation conditions:
 - ✓ a) That Lots 25, 32, & 33 hereon are held together in one certificate of title.
 - ✓ b) That Lots 26 & 34 hereon are held together in one certificate of title.
 - ✓ c) That Lots 35, 36, 38 & 39 hereon and Lots 23 and 27 D.P.323083 (Pt L.T.92543) are held together in one certificate of title.
 - ✓ d) That Lots 30 & 31 hereon be held together in one certificate of title.

- ✓ e) That Lot 37 hereon and Lot 10 D.P.72577 (CT 28C/842) and Lot 32 D.P. 323083 (Pt CT 92543) be held together in one certificate of title.
5. That prior to any earthworks commencing on site the applicant shall advise iwi and invite them to be present during such work. If during earthworks any koiwi or other archaeological remains are uncovered, work shall cease and the iwi and the New Zealand Historic Places Trust be advised immediately. c/n
6. Provide a solicitor's undertaking to transfer Lot 40 to the trustees of the Rangihoua Pa and to amalgamate the said lot with the Rangihoua Pa site Maori Reserve under Section 307 of the Te Ture Whenua Maori Act 1993.
7. That any earthworks shall be in accordance with the recommendations of the archaeological report as prepared by Dianne Harlow of Architage Heritage Management Consultancy, dated March 2004. Prior to any earthworks being undertaken on the sites the owner shall advise Council in writing that all recommendations relating to the site have/will be satisfied. c/n
8. Any purchaser of the sites shall be provided with a copy of the archaeological guidance list as referred to in the archaeological report as prepared by Dianne Harlow of Architage Heritage Management Consultancy, dated March 2004. c/n
9. The rules of the Mataka Residents' Association, the body corporate responsible for the property, shall include covenants providing for owners of lots to be notified of the archaeological records affecting the lot purchased by them, prohibiting the destruction of any archaeological site in contravention of the Historic Places Act 1993, and requiring prior archaeological assessment when undertaking any earthworks near a recorded site. The rules shall also prohibit the keeping of cats and mustelids. The keeping of dogs shall be limited to a maximum of two per owner which must be confined (by way of an escape proof enclosure) to the owner's exclusive use area except when in the company of that owner (or other invitee) and then on a leash at all times. c/n
10. The applicant shall:
- i. Form all rights-of-way to provide a minimum metalled carriageway width of three metres with passing bays on all blind corners at locations where the vertical alignment of the carriage way restricts the visibility or at minimum of 100 metre spacings.
 - ii. The carriage way is to consist of a minimum of 150mm of compacted hardfill plus a suitable running course and is to include watertable drains and culverts as required to direct and control stormwater runoff. All gradients steeper than 1: 8 are to be sealed or concerted and no right-of-way shall have a gradient steeper than 1:5.
 - iii. Provided certification from a Chartered Professional Engineer that all work required by conditions 10(i) & (ii) and have been completed.
- Bond ?

11. One (1) dwelling house together with accessory buildings including water storage facilities may be established on each lot in the subdivision, except as may be provided by subsequent resource consent or where the district plan provisions allow as a permitted activity. Any dwelling houses and accessory buildings shall be located and be designed in accordance with detailed house design information as shown in the Mataka Station Stage II Subdivision, Assessment of Landscape and Visual Effects prepared by Boffa Miskell Ltd, dated May 2004. Any building consent application shall be accompanied by a statement from a registered architect or suitably qualified landscape architect that the dwelling is in accordance with the design criteria. The Building Consent application shall also be accompanied by a detailed landscaping plan based on the "Detailed House Site Design" contained in the Boffa Miskell report. All such plantings shall be undertaken within the first planting season following completion of the exterior of the dwelling and be maintained on a continuing basis thereafter. C/N
11. Any building development shall be located so as to be at least 10m from any archaeological site. Details of archaeological sites in proximity to building areas are contained in the Architage report prepared by Dianne Harlow, dated March 2004 and submitted with the application. C/N
12. All electrical, telecommunication and other utility services shall be underground, save that the electricity supplied to each lot may be supplied from an existing overhead supply.)
13. Any earthworks including those required to construct accessways to building sites shall be so designed to cause minimal impacts on the landscape and any exposed cuts shall be re-grassed or planted in native vegetation. C/N
14. An effective possum control and goat eradication programme shall be established in consultation with and to the satisfaction of the Environmental Services Manager (ESM) and thereafter be maintained by or on behalf of the owners of each of the lots to minimise damage to existing and regenerating indigenous vegetation. In December of each year the registered proprietor of each of the lots in the subdivision or the Mataka Residents' Association Inc. shall provide a report to the ESM on the possum and goat eradication work that has been done on the subject lot by reference to the approved eradication programme. C/N
15. Provide a landscaping plan based on the Stage 2 Re-vegetation areas as shown in 'Mataka Station, Stage II - Subdivision - Assessment of Landscape and Visual Effects' prepared by Boffa Miskell Limited, dated May 2004 to the satisfaction of the Environmental Services Manager of the Far North District Council and undertake all such proposed works. Note: Such works can be secured by a suitable bond to enable issue of a certificate pursuant to section 224(c) of the Resource Management Act 1991. Such a bond may be released in stages corresponding with works completed subject to provision being made for a suitable maintenance period. Bond
16. That all areas subject to the landscaping required by condition 15 of this consent shall be preserved by the owner and the owner shall not without the written approval of the Council and then only in strict compliance with any of the C/N

conditions imposed by the Council, cut down, damage, or destroy any of the conservation areas or suffer or permit the cutting down, damaging or destruction of the trees, the owner shall not be breach of this prohibition if any of the trees, bush or features within the conservation areas shall die from natural causes not attributed to any act or default by or on behalf of the owner or for which the owner is not responsible.

17. The terms and conditions of this consent shall be performed at all times at the cost in all respect of the applicant or its successors in titles (as the case may be).
18. Conditions numbered 5, 7, 8, 9, 11, ~~12~~ 13, 14 & 16 are conditions that must be complied with on a continuing basis by the subdividing owner and it's successors in title, and a consent notice pursuant to Section 221 of the Act shall be entered into by the subdividing owner.
19. A certificate pursuant to section 224(c) of the act will not be issued until all work required by conditions 10, 14 & 15 have been completed.

In consideration of the application under Section 104 of the Act, the following reasons are given for this decision:

1. Subject to conditions of consent the environmental effects associated with the subdivision are considered to be minor.
2. Written approvals have been obtained from parties considered to be affected by the proposal.
3. Apart from the number of users on the private access (which has no effect on any other party), the proposal is a controlled activity under the provisions of both the Transitional and Proposed District Plans.

Advice Clauses

1. An invoice for additional costs incurred in the processing of the application shall follow this decision.
2. The proposal may be undertaken in stages to all appropriate conditions being satisfied.
3. Pursuant to Section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a Development Contributions Policy. Under this Policy, the activity to which this Consent relates is subject to Development Contributions. You will be advised of the assessment of the Development Contributions payable under separate cover in the near future.

It is important to note that the Development Contributions must be paid prior to commencement of the work or activity to which this Consent relates or, in the case of a subdivision, prior to the issue at a Section 224(c) Certificate.



Further information regarding Councils Development Contributions Policy may be obtained from the Long Term Community Consultation Plan (LTCCP) or Councils web page at www.fndc.govt.nz

DECISION PREPARED BY: Murray McDonald, Consultant Resource Planner

CONSENT GRANTED UNDER DELEGATED AUTHORITY:



RESOURCE CONSENTS MANAGER

 DATE
RC 2041080

FAR NORTH DISTRICT COUNCIL

FAR NORTH TRANSITIONAL DISTRICT PLAN [Bay of Islands section]

AND

FAR NORTH PROPOSED DISTRICT PLAN

IN THE MATTER OF

The Resource Management Act 1991

AND

IN THE MATTER OF

an application for Resource Consent
under the aforesaid Act by

Mataka Station Limited

FILE NUMBER RC-2060092-RMASUB

That pursuant to Sections 104B 108 and 220 of the Resource Management Act 1991, the Council grants its consent to Mataka Station Limited to subdivide a property at Rangihua Road, Kerikeri, being more particularly described as Lots 9 & 10 DP 72517, Lots 30, 31, 35-39 DP 346421 & Lot 27 DP 3230833 contained in certificate of title references 190759, 190760, 190758 & 28C/841 to create a total of five certificates of title subject to the following conditions:

1. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Lands & Survey, referenced 7612, dated October 2005, and attached to this consent with the Council's "Approved Plan" stamp affixed to it.
2. That, prior to approval under Section 223 of the Act, the survey plan shall show:
 - (a) The following amalgamation conditions:
 - That Lots 30, 36, 38, 39 & 42 be held in the same certificate of title.
 - That Lots 9 & 31 hereon be held in the same certificate of title.
 - That Lot 43 hereon and Lots 23 & 32 DP 323083 be held in the same certificate of title.
3. That prior to a certificate being issued pursuant to Section 224(c) of the Act, the subdividing owner shall:
 - (a) In consultation with Council's Roding and Drainage Manager carry out corner easing and carriageway widening on Rangihua Road up to the value of \$5000 per additional lot created.

average with mt6

In consideration of the application under Section 104 of the Act, the following reasons are given for this decision:

1. Written approval from adjoining owners and interested parties to the proposed activity has not been sought, as the Council is of the opinion that no one will be adversely affected by the grant of consent to the proposal.

2. There are no apparent conflicts with the purpose of the Act, nor with the matters or principles noted in Sections 6, 7 and 8 of the Act, nor with the objectives and policies of the two relevant District Plans.
3. The subdivision consists of rearranging existing lots by way of changes to amalgamations and the subdivision of one site, resulting in one additional title being created. Due to the location of the additional title and the existence of a dwelling on Lot 37 it is considered that the environmental effects associated with the subdivision will be minor.

ADVICE NOTE

If any subsurface archaeological sites or remains are uncovered during the development of the subdivision, all earthworks in the vicinity shall cease and local iwi and the New Zealand Historic Places Trust shall be contacted immediately so that appropriate action can be taken.

STATUTORY INFORMATION

Pursuant to section 102 of the Local Government Act 2002, the Far North District Council has prepared and adopted a development contributions policy. Under this policy, the activity to which this consent relates is subject to development contributions.

You will be advised of the assessment of the development contributions payable under separate cover in the near future.

It is important to note that the development contributions must be paid prior to commencement of the work or activity to which this consent relates or, in the case of a subdivision, prior to the issue of a section 224 (c) certificate.

Further information regarding council's development contributions policy may be obtained from the long term council community plan (LTCCP) or council's web page at www.fndc.govt.nz

DECISION PREPARED BY: Murray McDonald, Consultant Planner

CONSENT GRANTED UNDER DELEGATED AUTHORITY:


PAT KILLALEA
RESOURCE CONSENTS MANAGER

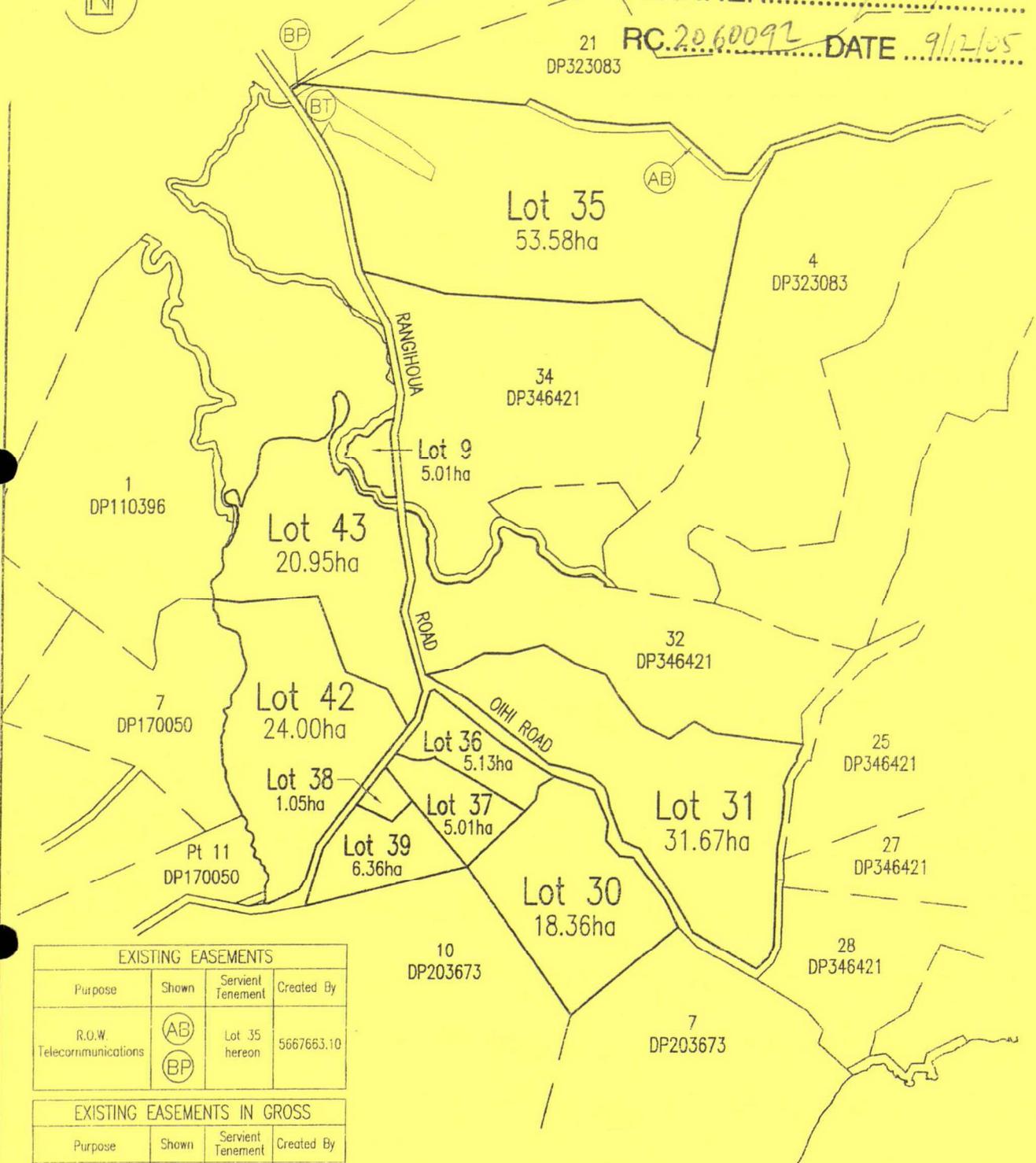
13th December 2005

APPROVED PLAN

PLANNER *Arthur Budd*

RC.20.60092 DATE 9/12/05

21
DP323083



EXISTING EASEMENTS

| Purpose | Shown | Servient Tenement | Created By |
|---------------------------|--------------|-------------------|------------|
| R.O.W. Telecommunications | (AB) (BP) | Lot 35 hereon | 5667663.10 |

EXISTING EASEMENTS IN GROSS

| Purpose | Shown | Servient Tenement | Created By |
|-------------|--------------|-------------------|------------|
| Electricity | (AB) (BP) | Lot 35 hereon | 5667663.8 |

EXISTING CONSERVATION COVENANT

| Shown | Description | Created By |
|-------|---------------|------------|
| (BT) | Lot 35 hereon | 5667663.9 |

AMALGAMATION CONDITIONS:

That Lots 30, 36, 38, 39 & 42 hereon be held in the same Certificate of Title.

That Lots 9 & 31 hereon be held in the same Certificate of Title.

That Lot 43 hereon and Lots 23 & 32 DP323083 be held in the same Certificate of Title.

NOTES:

Areas and distances are approximate only and subject to survey.

LANDS & SURVEY
 LAND & ENGINEERING SURVEYORS
 RESOURCE MANAGEMENT CONSULTANTS
 CADASTRAL & TOPOGRAPHICAL MAPS
 TOURIST & AERIAL MAPS
 GPS & SPATIAL INFORMATION SERVICES
WELLINGTON PO Box 244, 14 Regent Street, Tel 09 438 7508 Fax 09 438 4227
 CHRISTCHURCH (New) 97 Victoria Street, Tel 09 439 6634 Fax 09 439 8897
 WELLINGTON (Home) Academy Street, Tel 09 423 7599
 (Incorporating HODGES & ELRICK LTD)

Proposed Subdivision of
Lots 30,31, 35-39 DP346421,
Lots 9-10 DP72517 & Lot 27 DP323083

| | | | |
|--------------|---------------|---------|----------|
| Prepared for | | SCALE | |
| Mataka Ltd | | (A3) | |
| DRAWN ME | CHECKED ME | SCALE | SHEET OF |
| TRACED KH | DATE Oct 2005 | 1:10000 | REF 7612 |

ATTACHMENT FIVE: CONSENT NOTICES 5667663.3 & 6447651.5



FAR NORTH DISTRICT COUNCIL

CONO 5667663.5 Consen

Cpy - 01/01, Pgs - 003, 03/09/03, 13:43



DocID: 310973708

CONSENT NOTICE PURSUANT TO SECTION 221 OF THE RESOURCE MANAGEMENT ACT 1991

In the matter of a Consent Notice issued pursuant to Section 221 of the Resource Management Act 1991 ("Act") in respect of Subdivision Consents RC 2010428, RC 2020211, RC 2030467 and RC 2030988 for the subdivision ("**subdivision**") on the survey plan DP 323083 showing Lots 1-27 and 29-32 being a subdivision of Pt's OLC 56, Lots 2 and 3 DP 78755, Lot 1 DP90149, Pt Sec 5 Blk V Kerikeri SD, Pt Sec 4, Sec 5, Sec 7 and Sec 8 of Te Puna OLC No 21, Sec 1 Blk IX Bay of Islands SD, Pt Sec 12 Blk IX Kerikeri SD, OLC 20 and Barbers Grant No 165.

I, P J Killalea, the Resource Consents Manager of the Far North District Council, hereby certify that pursuant to conditions of the Council's consent of 12 February 2001, as varied on 20 November 2001, 23 December 2002 and 30 May 2003, the following shall apply:

In relation to all Lots

1. Prior to any earthworks commencing on site the registered proprietor of a lot or part thereof ("**registered proprietor**") shall advise Iwi that such earthworks are commencing and invite Iwi to be present during such work. If during earthworks, any Koiwi or other archaeological remains are uncovered, works shall cease and the Iwi and the New Zealand Historic Places Trust shall be advised immediately.
2. The registered proprietor shall procure that Mataka Limited shall carry out archaeological survey and assessment work by an appropriately qualified archaeologist in order to:
 - (a) Identify and record Pa sites and associated features on Mataka Station;
 - (b) Relocate previously recorded archaeological sites and record the current state and location of such sites where possible;
 - (c) Accurately transpose the location of surveyed sites to updated plans, including where possible GPS positions;

The archaeological survey and assessment is to be completed within 1 year of the issue of a certificate under Section 224 of the Act and upon completion of the archaeological survey and assessment copies of such survey and assessment are to be forwarded to the Historic Places Trust and the Far North District Council. Each registered proprietor may fulfil the obligation contained in this condition by entering into a contract with Mataka Limited to comply with this condition.

3. The registered proprietor shall ensure that the rules of the Mataka Residents Association Incorporated shall include covenants providing for registered proprietors of lots to be notified of the archaeological records affecting the lot purchased by each such registered proprietor, prohibiting the destruction of any archaeological site in contravention of the Historic Places Act 1993, and requiring the registered proprietor to undertake prior archaeological assessment when undertaking any earthworks near a recorded site. The registered proprietor shall ensure that such rules shall also prohibit the keeping of cats and mustelids. The keeping of dogs shall be limited to a maximum of 2 per lot which must be confined (by way of an escape proof enclosure) to the registered proprietor's exclusive use area, except when in the company of that registered proprietor (or other invitee) and then on a leash at all times.
4. The registered proprietor of each lot on deposited plan 323083 may erect one (1) dwelling house together with accessory buildings, including water storage facilities, except as may be provided by a subsequent resource consent or where the provisions of the District Plan applicable to the lot allow any additional building as a permitted activity. The dwelling houses and accessory buildings shall be located as shown on the Lands and Survey plan reference 5670/12 dated 24 February 2003 and shall be consistent with the relevant design criteria in the applicable District Plan.
5. No building development may be located less than 10 metres from any archaeological sites, details of which are contained in the Architage Reports prepared by Diane Harlow dated November 2000 and May 2002.
6. All electricity, telecommunication and other utility services shall be underground, save that the electricity supplied to each lot may be supplied from an overhead supply existing as at the date of this consent notice.
7. Any earthworks including those required to construct accessways to building sites shall be so designed to cause minimal impacts on the landscape and any exposed cuts shall be regressed or planted in native vegetation.
8. An effective Possum Control and Goat Eradication Program shall be established in consultation with and to the satisfaction of the Environmental Services Manager of the Far North District Council and thereafter shall be maintained by or on behalf of the registered proprietors of each of the lots on deposited plan 323083 at Mataka Station to minimise damage to existing and regenerating indigenous vegetation. In December of each year, the registered proprietor of each of the lots on deposited plan 323083 at Mataka Station or the Mataka Residents Association Incorporated shall provide a report to the Environmental Services Manager on the Possum and Goat Eradication Programme that has been done on such registered proprietor's lot by reference to that approved Eradication Programme. It is acknowledged that registered proprietors may discharge such obligations through the Possum Control and Goat Eradication Programme approved by the Environmental Services Manager and undertaken by the Mataka Residents Association.
9. All conservation areas as shown on a lot on deposited plan 323083 shall be preserved by the registered proprietor of that lot, and the registered proprietor shall not, without the written approval of the Council, and then only in strict compliance with any of the conditions imposed by the Council, cut down, damage or destroy any of such conservation areas or suffer or permit the cutting down, damaging or destruction of the trees, bush or other areas comprising the conservation areas. No registered proprietor shall be in breach of this provision if any of the trees, bush or features within the conservation areas shall die from natural causes not attributed to any act or default, by or on behalf of the registered proprietor, or for which the registered proprietor is not responsible. All fencing required as a condition of consent shall be maintained in stockproof condition. Each registered proprietor may comply with such obligation by or through the Mataka Residents Association

10. All areas on a lot subject to the landscaping plan prepared by DJ Scott Associates Ltd dated December 2000 or the landscaping plan prepared by Linda Clapham for Lot 19 dated 20 June 2003 shall be preserved by the registered proprietor of that lot in the same manner and to the same extent as provided for in the relevant landscaping plan and the registered proprietor shall not, without the written approval of the Council, and then only in strict compliance with any of the conditions imposed by the Council, cut down, damage or destroy any of the landscaping or suffer or permit the cutting down, damaging or destruction of the trees, bush or other features comprising the landscaped areas. No registered proprietor shall be in breach of this provision if any of the trees, bush or features within the landscaped areas shall die from natural causes not attributed to any act or default, by or on behalf of the registered proprietor, or for which the registered proprietor is not responsible.

In relation to Lots 8, 9, 10, 12, 13, 15 and 18

11. Earthworks for Lots 8, 9, 10, 12, 13, 15 and 18 as shown on deposited plan 323083 are to be monitored by a suitably qualified archaeologist for the purposes of identifying any unrecorded subsurface archaeological remains.

In relation to Lots 19 and 23

12. Development on Lots 19 and 23 shall be limited to one building only of not more than 500m² per lot and shall be within the building areas identified on deposited plan 323083 as "BR" in respect of Lot 19 and "BS" in respect of Lot 23. The buildings on Lots 19 and 23 shall be located below the ridgeline behind the building site and shall not exceed a height of 5 metres above natural ground level or finished ground height whichever results in the height of the building being lower when measured above sea level. Any parking areas shall be located landward of the building. The exterior appearance of any buildings shall be designed to be visually unobtrusive by the use of appropriate design, materials and exterior colours. The access to the building areas including landscaping shall be completed generally in accordance with the plans and details provided to Council and approved by Council's Resource Consents Manager.

This Consent Notice is to be registered on the new Certificates of Title to be issued for Lots 1-27 and 29-32 DP 323083.

Dated this *18th* day of *July* 2003

Signed by **P J Killalea** of the Far North District
Council on behalf of, and by the authority of the
said Council)

P.J. Killalea)



FAR NORTH DISTRICT COUNCIL

CONSENT NOTICE
PURSUANT TO SECTION 221 OF THE
RESOURCE MANAGEMENT ACT 1991

CONO 6447651.5 Cons

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In the matter of a Consent Notice issued pursuant to Section 221 of the Resource Management Act 1991 ("**Act**") in respect of Subdivision Consents RC 2041080 for the subdivision ("**subdivision**") on the survey plan DP 346421 showing Lots 10, 14, 24-41, Lots 23, 27 and 32 DP 323083 and Lot 10 DP 72577 being a subdivision of Lots 10, 14, 23, 27, 29, 30 and 32 DP 323083 and Lot 10 on DP 72577.

I, P J Killalea, the Resource Consents Manager of the Far North District Council, hereby certify that pursuant to conditions of the Council's consent of 16 September 2004 the following shall apply:

In relation to all Lots

1. Prior to any earthworks commencing on site the registered proprietor of a lot or part thereof ("**registered proprietor**") shall advise Iwi that such earthworks are commencing and invite Iwi to be present during such work. If during earthworks, any Koiwi or other archaeological remains are uncovered, works shall cease and the Iwi and the New Zealand Historic Places Trust shall be advised immediately.
2. Any earthworks shall be undertaken in accordance with the recommendations of the archaeological report as prepared by Dianne Harlow of Architage Heritage Management Consultancy, dated March 2004. Prior to any earthworks being undertaken on site the registered proprietor shall advise the Far North District Council in writing that all recommendations relating to the site have/will be satisfied.
3. The registered proprietor of a lot shall, upon agreeing to sell such lot, provide to the purchaser of the lot a copy of the archaeological guidance list as referred to in the archaeological report as prepared by Dianne Harlow of Architage Heritage Management Consultancy, dated March 2004.
4. Where a lot is subject to and has the benefit of the building scheme created by easement instrument 5667663.9, the registered proprietor of such lot shall ensure that the rules of the Mataka Residents Association Incorporated shall include covenants providing for registered proprietors of lots to be notified of the archaeological records affecting the lot purchased by each such registered proprietor, prohibiting the destruction of any archaeological site in contravention of the Historic Places Act 1993, and requiring the registered proprietor to undertake prior archaeological assessment when undertaking any earthworks near a recorded site. Such registered proprietor shall ensure that such rules shall also prohibit the keeping of cats and mustelids. The keeping of dogs shall be limited to a maximum of 2 per lot, which must be confined (by way of an escape proof enclosure), to the

registered proprietor's exclusive use area, except when in the company of that registered proprietor (or other invitee) and then on a lease at all times.

5. The registered proprietor of each lot on deposited plan 346321 may erect one (1) dwelling house together with accessory buildings, including water storage facilities, except as may be provided by a subsequent resource consent or where the provisions of the District Plan applicable to the lot allow any additional building as a permitted activity. The dwelling houses and accessory buildings shall be located and be designed in accordance with the detailed house design information as shown in the Mataka Station Stage II Subdivision, Assessment of Landscape and Visual Effects report prepared by Boffa Miskell, dated May 2004. Any building consent application shall be accompanied by a statement from a registered architect or a suitably qualified landscape architect that the dwelling is in accordance with the design criteria. Any building consent application shall also be accompanied by a detailed landscaping plan based on the "Detailed House Site Design" contained in the Boffa Miskell report. The registered proprietor of a lot shall ensure that all plantings on that lot shall be undertaken within the first planting season following completion of the exterior of the dwelling and be maintained by the registered proprietor, on a continuing basis thereafter.
6. No building development may be located less than 10 metres from any archaeological sites, details of which are contained in the Architage report prepared by Dianne Harlow dated March 2004.
7. All electricity, telecommunication and other utility services shall be underground, save that the electricity supplied to each lot may be supplied from an overhead supply existing as at the date of this consent notice.
8. Any earthworks, including those required to construct accessways to building sites shall be so designed to cause minimal impacts on the landscape and any exposed cuts shall be regrassed or planted in native vegetation.
9. An effective Possum Control and Goat Eradication Program shall be established in consultation with, and to the satisfaction of the Environmental Services Manager of the Far North District Council and thereafter shall be maintained by or on behalf of the registered proprietors of each of the lots on deposited plan 346321 to minimise damage to existing and regenerating indigenous vegetation. In December of each year, the registered proprietor of each of the lots on deposited plan 346321 or the Mataka Residents Association Incorporated shall provide a report to the Environmental Services Manager on the Possum and Goat Eradication Programme that has been done on such registered proprietor's lot by reference to that approved eradication programme. It is acknowledged that registered proprietors may discharge such obligations through the Possum Control and Goat Eradication Programme approved by the Environmental Services Manager and undertaken by the Mataka Residents Association.
10. All conservation areas identified in the Boffa Miskell Limited Mataka Station Stage 2 Subdivision Landscape Rehabilitation and Management Plan dated January 2005 shall be preserved by the registered proprietor of that lot, and the registered proprietor shall not, without the written approval of the Council, and then only in strict compliance with any of the conditions

imposed by the Council, cut down, damage or destroy any of such conservation areas or suffer or permit the cutting down, damaging or destruction of the trees, bush or other areas comprising the conservation areas. No registered proprietor shall be in breach of this provision if any of the trees, bush or features within the conservation areas shall die from natural causes not attributed to any act or default, by or on behalf of the registered proprietor, or for which the registered proprietor is not responsible. Each registered proprietor may comply with such obligation by or through the Mataka Residents Association.

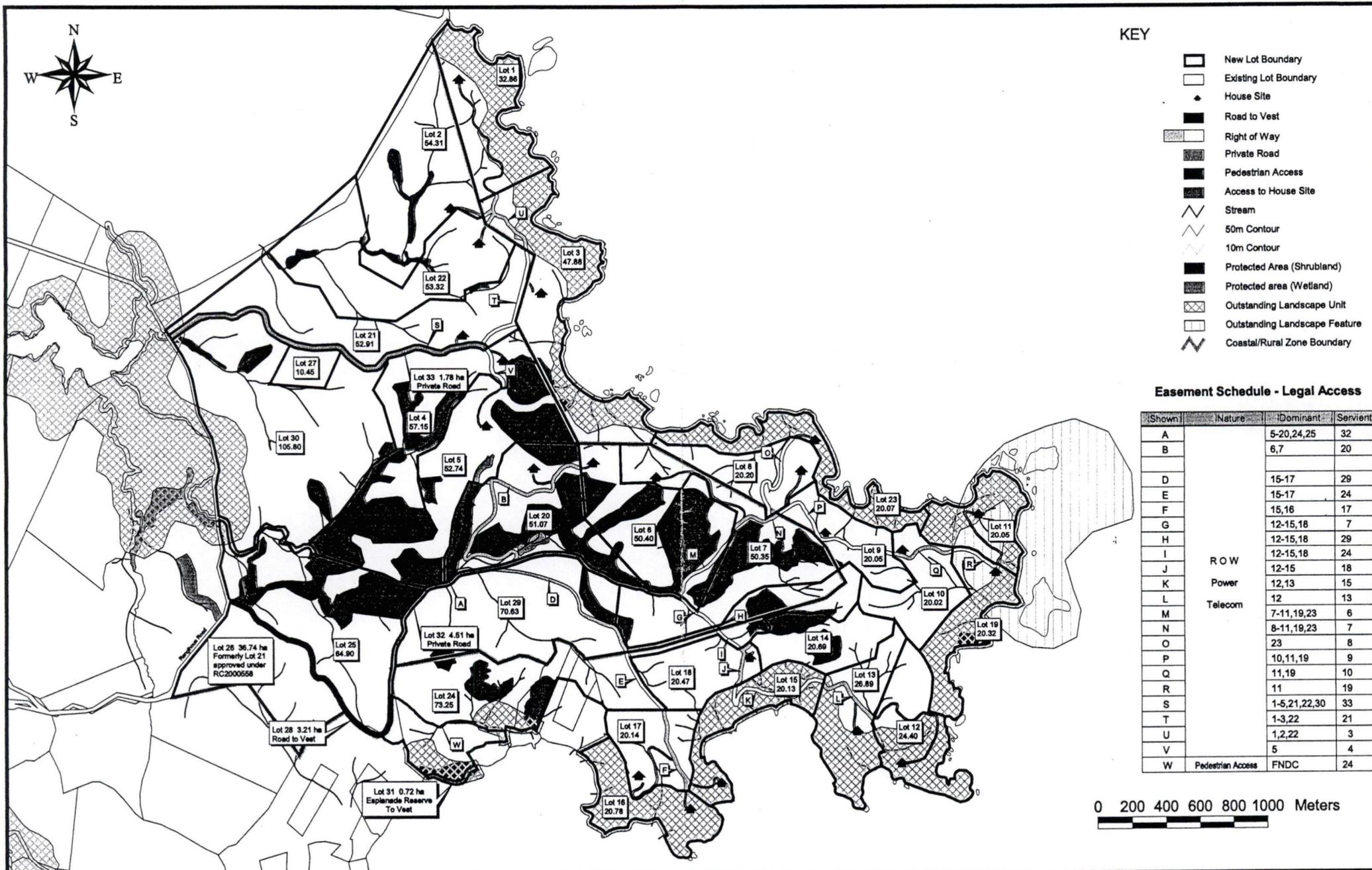
This Consent Notice is to be registered on the new Certificates of Title to be issued for Lots 10, 14 and 24-41 DP 346321.

Dated this *18th* day of *May* 2005

Signed by **P J Killalea** of the Far North)
District Council on behalf of, and by the)
authority of the said Council)
)



ATTACHMENT SIX: APPROVED MATAKĀ DEVELOPMENT PLANS



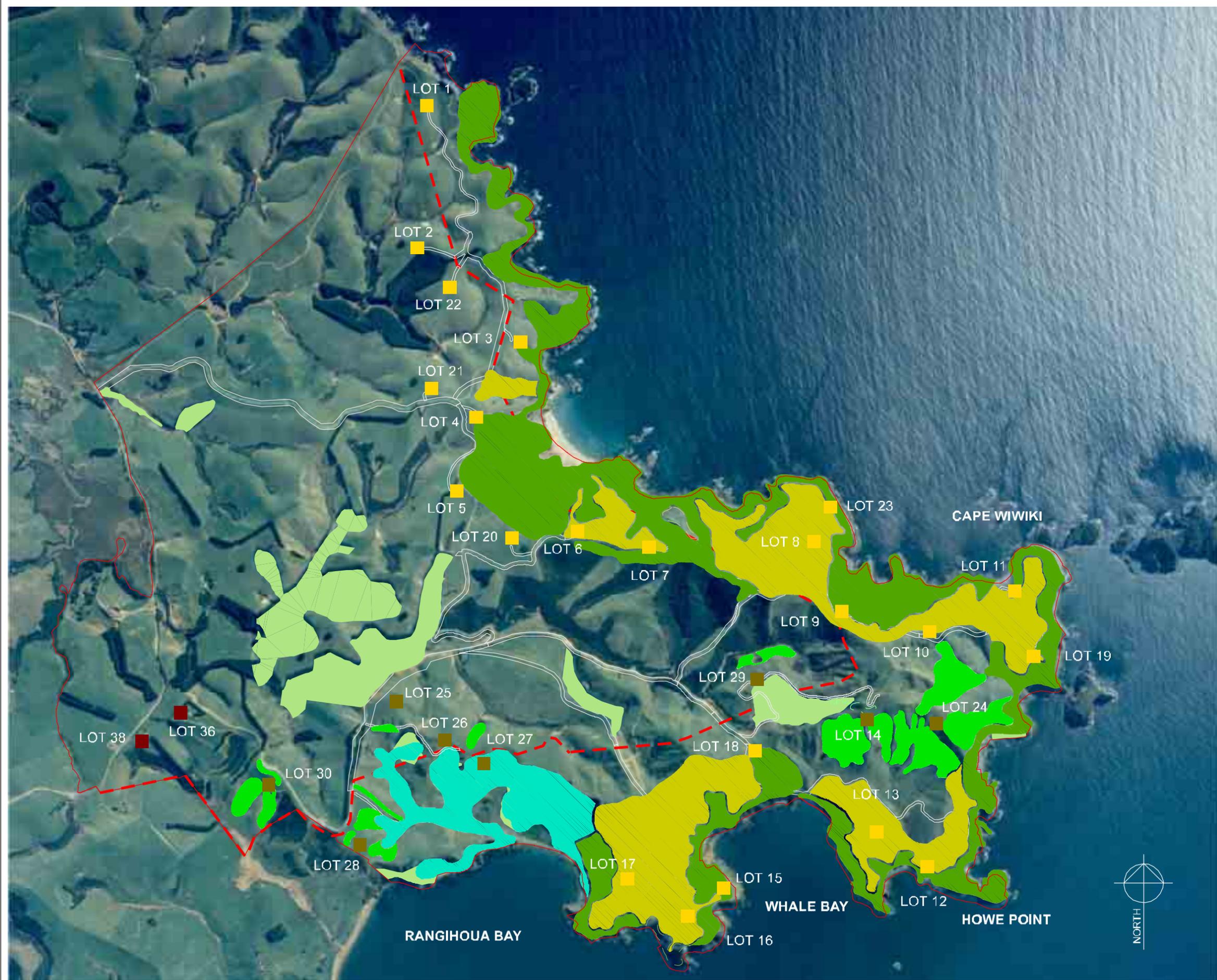
- KEY**
- New Lot Boundary
 - Existing Lot Boundary
 - House Site
 - Road to Veat
 - Right of Way
 - Private Road
 - Pedestrian Access
 - Access to House Site
 - Stream
 - 50m Contour
 - 10m Contour
 - Protected Area (Shrubland)
 - Protected area (Wetland)
 - Outstanding Landscape Unit
 - Outstanding Landscape Feature
 - Coastal/Rural Zone Boundary

Easement Schedule - Legal Access

| [Shown] | Nature | Dominant | Servient | |
|---------|-------------------|--------------|----------|----|
| A | ROW | 5-20,24,25 | 32 | |
| B | | 6,7 | 20 | |
| D | | 15-17 | 29 | |
| E | | 15-17 | 24 | |
| F | | 15,16 | 17 | |
| G | | 12-15,18 | 7 | |
| H | | 12-15,18 | 29 | |
| I | | 12-15,18 | 24 | |
| J | | 12-15 | 18 | |
| K | | Power | 12,13 | 15 |
| L | | Telecom | 12 | 13 |
| M | | 7-11,19,23 | 6 | |
| N | | 8-11,19,23 | 7 | |
| O | | 23 | 8 | |
| P | | 10,11,19 | 9 | |
| Q | | 11,19 | 10 | |
| R | | 11 | 19 | |
| S | | 1-5,21,22,30 | 33 | |
| T | | 1-3,22 | 21 | |
| U | 1,2,22 | 3 | | |
| V | 5 | 4 | | |
| W | Pedestrian Access | FND | 24 | |

0 200 400 600 800 1000 Meters

| | | | | |
|---|--|---|---|---|
| <p>Incorporating Hodges & Eirick Ltd</p> <p>0800 SURVEY</p> | <p>LANDS & SURVEY LAND & ENGINEERING SURVEYORS RESOURCE MANAGEMENT CONSULTANTS GPS AND SPATIAL INFORMATION SERVICES</p> <p>PO Box 744 18 Bayhams Street WHANGAREI</p> <p>Tel 09 438 7568 Fax 09 438 4227 info@landsandsurvey.co.nz</p> | <p>Wendell Taylor & Associates Ltd RESOURCE MANAGEMENT AND PLANNING CONSULTANTS</p> <p>P.O.Box 1415 146 Bank St WHANGAREI</p> | <p>Mataka Station Proposed Subdivision</p> | <p>Scale = 1 : 20000</p> <p>Date of Issue</p> <p>24 February 2003</p> <p>DRG NO 5670/12</p> |
|---|--|---|---|---|



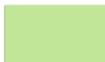
KEY

-  Consented Stage 1 House sites
-  Proposed Stage 2 House sites
-  Existing Houses
-  Property Boundary
-  Right of Way

Stage 1 Revegetation Areas

-  Existing and proposed coastal vegetation
-  Proposed Pohutukawa pasture planting
-  Proposed Marsden Cross catchment enhancement planting

Stage 2 Revegetation Areas

-  Proposed native shrubland revegetation
- Protected Shrubland**
-  Proposed covenanted vegetation

NOTE :
 Refer to Lands & Survey drawings for full details of the subdivision scheme including Property and Lot boundaries, see drg no. 7070/2 for full details of the Stage 2 subdivision scheme;

Drg No: 03484-011
 Date: 17/05/2004
 Scale: 1:10,000 (A1) 1:20,000 (A3)

BOFEA MISKELL
 planning • design • ecology
 Level 3, 3M Bldg no. 82 Wyndham Street PO Box 81250 Auckland
 Tel: 09-350-2629 Fax: 09-350-6500 Web: www.bofoemiskell.co.nz

Figure 4
Overall Development Concept

MATAKA STATION
Proposed Subdivision - Stage 2

ATTACHMENT SEVEN: SUMMARY OF PDP AS APPLIED TO MATAKĀ STATION

| Activity | Zone or overlay | Proposed Plan -As Notified | Proposed Plan – s42A Report Recommendations (as at April 2025) |
|---|-------------------------------|--|--|
| Dwellings | Rural Production Zone (RPZ) | <p>Permitted</p> <p>1 dwelling per site less than 20ha</p> <p>The number of residential units on a site does not exceed six for sites greater than 40ha</p> <p>(Rule RPROZ-R3)</p> | <p>Permitted</p> <p>1 dwelling per site less than 20ha</p> <p>The number of residential units on a site does not exceed six for sites greater than 40ha</p> <p>(Rule RPROZ-R3)</p> |
| New Buildings/Extensions/Alterations | RPZ | <p>Permitted</p> <p>(Rule RPROZ-R1)</p> | <p>Permitted</p> <p>(Rule RPROZ-R1)</p> |
| | Coastal Overlay | <p>Discretionary</p> <p>Greater than 25m2 or not ancillary to farming</p> <p>(Rule CE-R1)</p> | <p>Controlled</p> <p>Residential unit or a minor residential unit on a defined building platform/confirmed by landscape assessment/approved by subdivision</p> <p>(Rule CE-R1)</p> |
| | | | <p>Restricted discretionary activity (outside a high or outstanding natural character area and not on an approved building platform)</p> <p>(Rule CE-R1)</p> |
| | Outstanding Natural Landscape | <p>Non-complying</p> <p>Greater than 25m2 or not ancillary to farming</p> <p>(Rule NFL-R1)</p> | <p>Controlled</p> <p>Residential unit or a minor residential unit on a defined building platform/confirmed by landscape assessment/approved by subdivision.</p> <p>(Rule NFL-R1)</p> |
| <p>Non-complying</p> <p>Greater than 50m2 in the coastal environment if a new building and not on an</p> | | | |

| Activity | Zone or overlay | Proposed Plan -As Notified | Proposed Plan – s42A Report Recommendations (as at April 2025) |
|---------------------------------|-------------------------------|--|---|
| | | | approved building platform (additions are a restricted discretionary activity) (Rule NFL-R1) |
| Building Height/Coverage | RPZ | 12m max height/12.5% coverage Permitted Restricted Discretionary to exceed (Standard RPROZ-S1) | 12m/12.5% coverage Permitted Restricted Discretionary to exceed (Standard RPROZ-S1) |
| | Coastal Overlay | 5m max height Permitted Discretionary to exceed (Standard CE-S1) | 5m max height Permitted Discretionary to exceed (various roof top projections permitted) (Standard CE-S1) |
| | Outstanding Natural Landscape | 5m max height Permitted Discretionary to exceed (Standard NFL-S1) | 5m max height Permitted Non-Complying to exceed (various roof top projections permitted) (Standard NFL-S1) |
| Colours/Material | Coastal Overlay | Restricted Discretionary Activity if does not comply with the following: The exterior surfaces of buildings or structures shall: 1. be constructed of materials and/or finished to achieve a reflectance value no | Restricted Discretionary Activity if does not comply with the following: The exterior surfaces of new buildings or structures shall: 1. be constructed of <u>natural</u> materials; or 2. be finished to achieve a reflectance |

| Activity | Zone or overlay | Proposed Plan -As Notified | Proposed Plan – s42A Report Recommendations (as at April 2025) |
|------------------------------|-------------------------------|--|---|
| | | <p>greater than 30%; and</p> <p>2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette.</p> <p>(Standard CE-S2)</p> | <p>value no greater than 30%; and</p> <p>3. <u>if the exterior surface is painted</u>, have a exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in Appendix x or equivalent</p> <p>(Standard CE-S2)</p> |
| | Outstanding Natural Landscape | <p>Discretionary Activity if does not comply with the following:</p> <p>The exterior surfaces of buildings or structures shall:</p> <p>1. be constructed of materials and/or finished to achieve a reflectance value no greater than 30%; and</p> <p>2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette.</p> <p>(Standard NFL-S2)</p> | <p>Non-Complying Activity if does not comply with the following:</p> <p>The exterior surfaces of new buildings or structures shall:</p> <p>1. be constructed of <u>natural</u> materials;</p> <p>or</p> <p>2. be finished to achieve a reflectance value no greater than 30%; and</p> <p>3. <u>if the exterior surface is painted</u>, have a exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in Appendix x or equivalent</p> <p>(Standard NFL-S2)</p> |
| Minor Dwellings | RPZ | <p>Controlled</p> <p>65m2/15m max separation/1 per site/same driveway</p> <p>(Rule RPROZ-R19)</p> | <p>Permitted</p> <p>65m2/15m max separation/1 per site/same driveway</p> <p>(Rule RPROZ-R19)</p> |
| Repair or Maintenance | Coastal Overlay | Discretionary if not for a listed activity | Permitted |

| Activity | Zone or overlay | Proposed Plan -As Notified | Proposed Plan – s42A Report Recommendations (as at April 2025) |
|--|--|---|---|
| | | (Rule CE-R2) | (Rule removed) |
| | Outstanding Natural Landscape | Discretionary if not for a listed activity (Rule NFL-R2) | Permitted (Rule removed) |
| Earthworks/Vegetation Removal for Platforms/Site Access | RPZ (General rules from Earthworks Chapter) | Restricted discretionary over the following thresholds: -5000m ³ /2500m ² in the RPZ - max cut and fill 1.5 (3m combined) (Standard EW-S1/EW-S2) | Restricted discretionary over the following thresholds: -5000m ³ /2500m ² in the RPZ - max cut and fill 1.5 (3m combined) (Standard EW-S1/EW-S2) |
| | Coastal Overlay | Non-complying if greater than 400m ² for 10 years from the notification of the District Plan/1m cut/fill in an area <u>outside</u> high or outstanding natural character areas (Rule CE-R3/Standard NFL-S3) | Restricted discretionary if greater than 100m ² within a calendar year outside high or outstanding natural character areas or greater than 1m cut/fill (Rule CE-R3/Standard NFL-S3) |
| | Outstanding Natural Landscape | Non-complying If over 50m ² over the life of the District Plan/greater than 1m cut/fill (Rule NFL-R3/Standard NFL-S3) | Non complying If over 50m ² in any calendar year (Rule NFL-R3/Standard NFL-S3) |
| Farming | RPZ | Permitted (Rule RPROZ-R7) | Permitted (Rule RPROZ-R7) |
| | Coastal Overlay | Permitted outside high or outstanding natural character areas (Rule CE-R4) | Permitted outside high or outstanding natural character areas (Rule CE-R4) |

| Activity | Zone or overlay | Proposed Plan -As Notified | Proposed Plan – s42A Report Recommendations (as at April 2025) |
|---|-------------------------------|--|---|
| | Outstanding Natural Landscape | Non complying where inside the coastal environment (Rule NFL-R6) | Permitted (Rule removed) |
| Common Facilities | RPZ | Permitted as Recreational Activity (Rule RPROZ-R9) | Permitted as Recreational Activity (Rule RPROZ-R9) |
| Conservation/Mitigation Planting | RPZ | Permitted as Conservation Activity (Rule RPROZ-R8) | Permitted as Conservation Activity (Rule RPROZ-R8) |
| Rangihoua Heritage Area | | <p>Additions or alterations to existing buildings or structures permitted if the addition or alteration to the building or structure complies with standards:</p> <p>HA-S1 Setback from a scheduled Heritage Resource; and</p> <p>HA-S2 Heritage Colours</p> <p>Otherwise is a restricted discretionary activity</p> <p>Rule HA-R11 specifies that activities not otherwise listed in this chapter (eg conservation planting) are a discretionary activity.</p> | <p>Additions or alterations to existing buildings or structures permitted if the addition or alteration to the building or structure complies with standards:</p> <p>HA-S1 Setback from a scheduled Heritage Resource; and</p> <p>HA-S2 Heritage Colours</p> <p>Otherwise is a restricted discretionary activity</p> <p>Variation 1 proposes to delete Rule HA-R11 specifying that activities not otherwise listed in this chapter are a discretionary activity.</p> |

ATTACHMENT EIGHT ADJOINING CROWN AND HYDRO PARCELS

Parcel 4861315 (Crown Coastal Strip)



Parcel ID 6637027 (Hydro Parcel)

