

**BEFORE THE HEARING COMMISSIONERS
AWANUI**

IN THE MATTER

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

AND

IN THE MATTER

of the Proposed Far North District Plan
2022

**STATEMENT OF EVIDENCE OF STEVEN TUCK (PLANNING) ON BEHALF
OF WAIUAU BAY FARM LIMITED**

5 MAY 2025



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EXECUTIVE SUMMARY

1. Kauri Cliffs is a rural property of approximately 2,298 hectares, owned by Waiaua Bay Farm Limited (WBF).
2. Under the Proposed Far North District Plan 2022 (Proposed Plan), the Kauri Cliffs Zone (KCZ) occupies approximately 1,012.2 hectares of the property. The Rural Production Zone occupies the approximately 1,285.8 hectare balance area.
3. The KCZ is a Special Purpose Zone comprising four sub-zones:
 - (a) the Golf Playing sub-zone;
 - (b) the Golf Living sub-zone;
 - (c) the Lodge sub-zone; and
 - (d) the Natural Heritage sub-zone.
4. The relief sought by WBF's submission is a reconfiguration of the KCZ and Rural Production Zone extents within Kauri Cliffs. This includes reconfiguring three of the four KCZ sub-zones. The changes sought are tabled below.

Table 1: Proposed Zone Reconfiguration.

Kauri Cliffs Zone	Proposed Plan	WBF Proposal	Change
Lodge sub-zone	8 ha	25.8 ha	+17.8 ha
Golf Playing sub-zone	707.7 ha	861.6 ha	+153.9 ha
Golf Living sub-zone	282.7 ha	122.4 ha	-160.3 ha
Natural Heritage sub-zone	13.8 ha	13.8 ha	0 ha
Sub-total A	1,011.7 ha	1,023.6 ha	+11.9 ha
Rural Production Zone	Proposed Plan	WBF Proposal	Change
Rural Production Zone	1,285.8 ha	1,274.4 ha	-11.4 ha
Sub-total B	1,285.8 ha	1,274.4 ha	-11.4 ha
Totals			
Sub-totals A + B	2,298 ha	2,298 ha	0 ha

5. The spatial layout of the rezoning is shown graphically at Appendix 2 to this evidence.
6. The rationale for the rezoning is to:
 - (a) Apply the Golf Living sub-zone to land that is more suitable for subdivision and residential development than much of the notified sub-zone extent; and
 - (b) Enlarge the Lodge sub-zone to include:
 - i. A 16-lot subdivision consented in 2017, for which subdivision works are complete; and

- ii. a small area near the existing Lodge, which is the preferred site to for a future combined golf pro shop and café/restaurant building.
- 7. I consider the proposed rezoning to be a more appropriate approach than that advanced by the notified zoning. My recommended amendments to the KCZ maps and text, and related provisions of the Subdivision chapter, will:
 - (a) Consolidate residential subdivision and development in a more appropriate area of Kauri Cliffs. Based on the evidence of Ms Tatton, and Dr Bramley, and Messrs Child, Goodwin and Papesch, in the proposed Golf Living sub-zone, the potential environmental effects of future subdivision and development are unlikely to be significant if managed through future detailed design and consenting processes; and
 - (b) Rationalise the Lodge sub-zone to provide for limited expansion of commercial activity, commensurate with the role of this activity node and existing resource consents.
- 8. My analysis of the rezoning is informed by the Master Plan assessment described later in this evidence. I have not identified any significant adverse environmental effects as likely to arise if the usual detailed design and consenting processes are followed for subdivision and development. I have recommended amendments to the KCZ to ensure this is the case. My recommended amendments to the provisions are shown with track-changes at Appendix 3.
- 9. I have prepared a separate report addressing each of the matters set out in the Panel's Minute 14. With the benefit of that analysis, and informed by the evidence and assessments of WBF's other experts, I support WBF's proposed reconfiguration of the KCZ.

INTRODUCTION

Qualifications and Experience

1. My full name is Steven John Tuck.
2. I am an Associate with the firm Mitchell Daysh Limited, which practices as a resource management consultancy throughout New Zealand, with offices in Auckland, Hamilton, Tauranga, Napier, New Plymouth, Nelson, Dunedin and Invercargill.
3. I hold a Master of Planning and Environment (Distinction) degree from the Royal Melbourne Institute of Technology. I have 15 years' experience as a planner in New Zealand and Australia, in local government and consultancy roles.
4. I am an Intermediate member of the New Zealand Planning Institute and a member of the Resource Management Law Association.
5. My specialist areas of practice include providing resource management advice to the private sector, undertaking planning analyses, managing resource consent acquisition projects, and developing resource consent conditions.
6. A summary of my recent relevant project experience is attached to this evidence as Appendix 1.

Code of Conduct

7. I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note dated 1 January 2023. I have read and agree 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.

Involvement in this Project

8. I have worked with WBFL since 2021 in relation to its property at Kauri Cliffs. My involvement has been in acquiring district and regional resource consents, in the provision of advice as WBF's planning consultant in relation to its submissions on the Proposed Plan in 2022, and in assisting with the production of the Master Plan that supports the proposed rezoning (attached as Appendix 4 to this evidence).

9. I briefed and coordinated the technical experts who contributed high-level assessments to inform the Master Plan and whose evidence is also before the Panel in this hearing.
10. I have visited Kauri Cliffs several times since 2021, most recently in mid-April 2025. I have walked and driven over and around the areas where the zone configuration is proposed.

Scope of Evidence

11. In this statement of evidence, I:
 - (a) Detail the rationale for the rezoning;
 - (b) Explain my recommended amendments to the KCZ provisions;
 - (c) Outline the resource consenting implications of WBFL's proposal;
 - (d) Outline the environmental effects that might arise from WBFL's proposal and how such effects could be managed;
 - (e) Address the rezoning criteria detailed in the Panel's Minute 14 dated 2 December 2024;
 - (f) Provide my opinion about the relief sought by further submitters who have opposed the relief sought by WBFL in relation to the KCZ; and
 - (g) Provide a conclusion.
12. The following documents are appended to this evidence:
 - (a) Appendix 1 is a precis of my recent relevant professional experience;
 - (b) Appendix 2 is a set of graphics showing:
 - i. the rezoning configuration; and
 - ii. a minor error in the notified KCZ maps that I recommend resolving, as discussed at paragraphs 181 to 184 of this evidence;
 - (c) Appendix 3 is my recommended amendments to the KCZ, shown with track-changes to the notified text;
 - (d) Appendix 4 is a copy of:
 - i. the Master Plan; and

- ii. the technical assessments that WBF commissioned in association with the Master Plan to demonstrate the feasibility of the rezoning.
- (e) Appendix 5 is a response to the further submission of Moana Kiff on the KCZ;
- (f) Appendix 6 is a response to the criteria for rezoning submissions set out in the Panel's Minute 14;
- (g) Appendix 7 is a summary of WBF's consultation with tangata whenua parties about the rezoning; and
- (h) Appendix 8 is a copy of the conservation covenant that applies to the Natural Heritage sub-zone.

RATIONALE FOR THE ZONE RECONFIGURATION

- 13. The advent of this District Plan review process prompted WBF to appraise whether the notified KCZ aligns with WBF's development aspirations for Kauri Cliffs. It is not fully aligned.
- 14. Paragraphs 4.15 to 4.19 of WBF's original submission on the Proposed Plan identify a gap between WBF's aspirations for Kauri Cliffs and the outcomes promoted by the notified KCZ. This is unsurprising given the notified zone is essentially a translation of a zone that is now more than 20 years old. I understand that WBF considers the zone is no longer fully coherent with the outcomes WBF seeks for Kauri Cliffs.
- 15. I consider that the misalignment can be resolved by altering the configuration of the KCZ and its sub-zones, and a range of consequential changes to the zone text that, in my view, are relatively minor.
- 16. The problems with the status quo zoning mainly relate to the spatial layout of the Lodge and Golf Living sub-zones, rather than the drafting of the KCZ text.
- 17. I detail the rezoning rationale below and in summary I consider that:
 - (a) The notified Kauri Cliffs Zone layout does not support the amenity outcomes that are key to the success of a premium international resort, golf course and residential development;
 - (b) Due to a range of constraints, development of much of the notified Golf Living sub-zone extent could face

greater environmental management challenges than if the sub-zone were relocated to an area more suitable for development; and

- (c) it is appropriate to enlarge the Lodge sub-zone to support its role as the central activity node at Kauri Cliffs. This role will become increasingly important to support any future residential development. Furthermore, enlarging this sub-zone will better account for the existing environment established by subdivision and development adjacent to, but outside of, the notified Lodge sub-zone.

Golf Living sub-zone – rationale for change

18. In the Proposed Plan the mapped extent of the Golf Living sub-zone directs residential subdivision and development to areas north, west and south of the Lodge. The sub-zone is approximately centred on a gully system that leads north-south between the Tepene Tablelands Road/Kauri Cliffs Drive intersection and the south end of the property.
19. Much of the notified Golf Living sub-zone faces uncomfortable interfaces and constraints relating to environmental management, amenity and servicing. This context limits, and is not coherent with, the delivery of a premium residential outcome.
20. The Pararuhi Stream and its tributaries flow through the middle of the sub-zone. The surrounding topography is hilly, with limited flat areas/small plateaus perched on ridges above the Pararuhi Stream. Development in this context would encounter challenges in the management of earthworks and geotechnical risk, and the provision of wastewater and stormwater management systems that avoid effects on the Pararuhi Stream. It is preferable to avoid these challenges and develop flatter land, where environmental effects can be avoided, or more easily managed.
21. The more southerly extent of the sub-zone includes areas of regenerating indigenous forest. I have been advised that WBF has no intention of removing this vegetation to enable development.
22. Aside from the technical challenges of developing sloping land near a watercourse, sloping residential lots provide limited outdoor amenity. Terracing/retaining to provide flat backyard areas would encounter the usual earthworks and

geotechnical challenges, which could be avoided entirely by developing flatter land elsewhere on the property instead.

23. Much of the Golf Living sub-zone is directly overlooked by north end of Kauri Cliffs Drive, the first tee of the golf course, the wider Lodge curtilage, and the maintenance building located on Tepene Tablelands Road across from the Lodge. The minimal visual and aural privacy available makes the area a poor candidate for a premium residential development where privacy would be expected.
24. A large part of the west side of the Golf Living sub-zone, west of Tepene Tablelands Road, contains plantation forestry. The blocks nearest the Golf Living sub-zone will be harvested by about 2030 with the blocks behind (to the west) harvested in a further estimated 20 years. I am advised that the harvested blocks will be replanted and as such, residential development of that part of the sub-zone is precluded indefinitely. Harvesting, replanting, and maintaining these forestry blocks would generate visual and noise effects that would compromise the amenity of a residential development a short distance away (across the small road). The presence of the maintenance shed and helipad in this area further limit the amenity and privacy of adjacent residential development.
25. The south end of the Golf Living sub-zone is located at a significant distance from the Lodge activity node and the golf course. Significant investment would be required to provide water supply, electricity and adequate road access to this part of the property. Siting development in a less remote location will avoid these costs.
26. I understand WBF's objective is to deliver a residential development of the highest quality, to appeal to international buyers. However, in my view the constraints set out above limit the practical functionality of much of the Golf Living sub-zone, particularly when considered from development economics, environmental management and amenity perspectives.
27. As such, the proposed rezoning retains some flatter areas in the north of the notified Golf Living sub-zone and includes new areas of flatter land further north. The constrained areas are recommended to be rezoned as the Golf Playing sub-zone, to integrate with the existing extent of that sub-zone. Hence, the extent of the Golf Living sub-zone reduces by about 56% and the Golf Playing sub-zone increases consequently.

28. The area investigated for the purposes of the Master Plan and nominated to be included in the Golf Living sub-zone will provide significantly better amenity for future residents. It obtains outstanding coastal views, has direct access to the amenity of Waiaua Bay, and is enclosed by areas native forest that can be enhanced by strategic revegetation.
29. The nominated area is not constrained by the same incompatible interfaces as I described in paragraphs 18 to 25. It is located reasonably near, and can connect internally to, the golf course and Lodge. Development feasibility is improved by the flatter topography and better proximity to potable water supply, the electricity transmission network and Tepene Tablelands Road and Matauri Bay Road.
30. The technical assessments associated with the Master Plan, and the evidence of the technical assessment authors indicates that the area nominated to be included in the Golf Living sub-zone can be developed without significant adverse environmental effects.
31. From an ecological perspective, Mr Bramley's evidence describes that the proposed reconfigured area is in pasture, with scattered stands of trees and small discrete wetland areas that development can easily avoid. The interface with the Waiaua Stream is minimal and development can easily be setback from the stream.
32. As Mr Goodwin's evidence sets out, potential landscape effects of the proposed reconfigured zoning can be managed by appropriate siting, building design controls and a Landscape Planting and Management Plan.
33. Mr Child's evidence notes that geotechnical considerations can be informed by a detailed geotechnical assessment that identifies the siting, foundation design and earthworks management requirements for consenting purposes.
34. The evidence of Ms Tatton describes that while an accidental discovery of archaeological material is always possible, the context of the area nominated for inclusion in the reconfigured Golf Living sub-zone means it is less likely to contain historic and archaeological sites when compared to the southerly parts of the current Golf Living sub-zone.
35. Mr Papesch's evidence outlines that a residential development in the area nominated to be included in the

reconfigured Golf Living sub-zone could be serviced and accessed without obvious feasibility issues.

36. The foregoing considerations underpin and inform my opinion that reconfiguring the Golf Living sub-zone in the manner WBF proposes is likely to support better environmental, amenity and commercial outcomes than retaining the notified zone configuration.

Lodge sub-zone – rationale for change

37. The Lodge sub-zone is Kauri Cliffs' central activity node. The sub-zone's current eight hectare extent includes the Lodge, spa, gym, sports courts, much of the visitor accommodation and ancillary facilities like parking, the pool and the amenity of the Totara Forest which encloses or adjoins these facilities.
38. This sub-zone is unlikely to fit additional development in its current extent. The Totara Forest occupies a hectare of the sub-zone and is not developable, given its protection in the Proposed Plan as an area of Outstanding Natural Character. The only vacant area, at the west of the sub-zone, is planned to host additional parking and back-of-house facilities. The balance of the sub-zone is occupied.
39. The Lodge is central to the sub-zone but is currently over-subscribed by a mix of activities in too small an area, with resultant compromises in the use of space. The development of another building nearby to combine additional dining facilities with a dedicated golf pro-shop would enable WBF to rationalise the facilities by (for example) transferring retail activities from the Lodge to the pro shop, and offering different types of dining experiences between the two buildings.
40. WBF proposes a modest extension to the south end of the Lodge sub-zone. This would facilitate development of a pro shop/cafe building, alleviating pressure on the Lodge to accommodate all the property's dining, retail, meeting/function and concierge demands.
41. Constructing an addition to the existing Lodge building is a possible, but less desirable alternative. The Lodge has a distinct architectural character which I understand WBF prefers to retain intact. I also understand that there would be operational and customer experience benefits in separating activities in the Lodge from those in a future pro shop.

42. Furthermore, the residential development anticipated by the Golf Living sub-zone will generate a need for additional onsite facilities to cater to demand induced by future residents. In my view it is appropriate for this demand to be met by development consolidated around the Lodge, rather than placing commercial elements (like a café) in the Golf Living sub-zone.
43. If the necessary additional commercial elements are to be clustered at the Lodge sub-zone, the sub-zone needs to be enlarged to provide certainty about the anticipated extent of Lodge-related development. In my view this is a more orderly approach than ad-hoc consenting of development in the Golf Playing sub-zone that surrounds the Lodge sub-zone.

2017 Subdivision

44. The approach of defining the Lodge sub-zone to set clear parameters around the extent of anticipated future development also underpins my support for WBF's proposal to extend the Lodge sub-zone to the north, over a nearby area that is occupied by a subdivision consented in 2017.
45. The 16-lot subdivision was designed and consented as a residential subdivision, with 14 developable lots, a road lot and a balance lot amalgamated with the golf course. The southern end of the subdivision is developed with three visitor accommodation villas in the locations of proposed Lots 1, 2 and 3. Proposed Lots 4 to 14 are undeveloped but are authorised by the 2017 subdivision and land use consents to be developed with large impervious surfaces, anticipating substantial future built form.
46. The subdivision has been constructed, with road, stormwater detention basins and revegetation completed in accordance with an associated land use consent.
47. However, the subdivision has not been certified under section 224C of the Act, and separate titles have not been issued for the proposed lots. This is because condition 3(f) of the subdivision consent requires the imposition of a legally binding mechanism on all land in the Golf Living sub-zone to limit any further subdivision within that sub-zone to 46 lots.
48. The Master Plan prepared in support of the proposed rezoning identifies scope for 60 (not 46) residential lots to be realised in the north of the proposed Golf Living sub-zone. There is also secondary development potential in the part of the Golf

Living sub-zone not assessed in the Master Plan. As such, I understand that WBF is not minded to limit development yield as condition 3(f) of the subdivision consent requires.

49. Additionally, I am advised that WBF may re-orient the subdivision to non-residential use, perhaps as additional visitor accommodation. This scenario would not require individual titles to be created, and the subdivision consent could lapse. New land use consents could be acquired for additional visitor accommodation development.
50. It is up to WBF to manage the 2017 subdivision and land use consents outside of this District Plan review process. However, the development that has been completed pursuant to those consents has modified the environment. The footprint of the subdivision now forms a logical extension to the Lodge activity node, in my view.
51. The subdivision footprint is currently divided between the Golf Playing and Golf Living sub-zones. Including the whole area in the Golf Playing sub-zone would be inappropriate as the development to date has removed any prospect of golf course development in this area.
52. Including the subdivision in the Golf Living sub-zone might be appropriate if it were certain that the area will be developed for residential purposes. I am advised that this is not certain, and the priorities for residential development are in the area investigated by the Master Plan. Instead, WBF is considering if and how to modify land in the subdivision footprint to supplement the Lodge activity node.
53. Given these circumstances, my view is that the Lodge sub-zone, with suitable amendments, is the most appropriate zoning for the 2017 subdivision footprint. The area is physically contiguous with the Lodge sub-zone, is serviced, and is already used for visitor accommodation in the form of the three villas sited in the areas of proposed Lots 1, 2 and 3.
54. Later in this evidence, I set out my recommended amendments to the Lodge sub-zone that are intended to manage future development in this distinct extension to the sub-zone in the same, or stricter (in terms of building height) manner as the rest of the Lodge sub-zone.
55. If residential development were to be pursued in this part of the Lodge sub-zone after all, I consider that my amendments will assist to inform future consent processes and control

environmental effects in a manner commensurate with the balance of the sub-zone.

56. I do not consider that including the 2017 subdivision footprint in the Lodge sub-zone rather than the Golf Living sub-zone inappropriately enables residential development yield that WBF would not otherwise benefit from. The 2017 subdivision is already consented. The Master Plan details how up to 60 residential lots might be delivered elsewhere on the property, subject to the proposed rezoning and subsequent comprehensive design, assessment and consenting processes.
57. In my view, including the 2017 subdivision footprint within the proposed Lodge sub-zone and providing conservative settings within the sub-zone rules and performance standards is an appropriate method to control future development activities, regardless of whether they are residential, visitor accommodation or another type of land use.
58. I consider that it is appropriate to manage residential subdivision and development opportunities located elsewhere on the property in the proposed Golf Living sub-zone, firstly via consideration of WBF's proposed rezoning through this District Plan review process, and then by resource consent applications. This process exposes the merits of the proposed rezoning, and any future subdivision and development proposal in the proposed Golf Living sub-zone to the fullest extent of assessment possible.

Summary of rationale for Lodge sub-zone changes

59. To summarise, I support enlarging the Lodge sub-zone as WBF proposes, given:
 - (a) the absence of remaining developable land in the Lodge sub-zone;
 - (b) the context of the existing (consented) environment within, and contiguous with, this sub-zone. This makes an enlarged Lodge sub-zone a logical location to cluster Lodge-related development; and
 - (c) the appropriateness of zoning the central activity node at Kauri Cliffs in a way that enables WBF to respond to current and future demands.
60. In my view, retaining the notified extent of the Lodge sub-zone would be a sub-optimal planning response. It would require

future Lodge-related development to be consented as “out-of-zone” development (likely in the Golf Playing sub-zone). In my view this would be an inefficient, ad-hoc manner to administer the main commercial node of a Special Purpose Zone.

Golf Playing sub-zone – rationale for change

61. The Golf Playing sub-zone provides for golf course development and limits the development of buildings. The existing golf course occupies part of this sub-zone. Other, large areas in this sub-zone are currently undeveloped and are used for farming (stock grazing) in conjunction with the balance of the property in the Rural Production Zone.
62. The outcome of the rezoning will be to apply the Golf Playing sub-zone in areas where the Golf Living sub-zone is deleted. In my view this will appropriately consolidate a contiguous area of vacant land west of the Lodge into the Golf Playing sub-zone.
63. The proposed configuration of this sub-zone reduces constraints on future golf course design compared to the notified configuration, which provides narrow links between the east and west parts of this sub-zone, meandering through the notified extent of the Golf Living sub-zone.

Natural Heritage sub-zone – status quo

64. The 13.8 hectare Natural Heritage sub-zone is largely contiguous with the 11.8 hectare extent of a Queen Elizabeth II Trust conservation covenant (number D460515.1). Under the Proposed Plan, the Natural Heritage sub-zone remains surrounded by land in the Golf Living sub-zone.
65. WBF's proposed rezoning does not seek to amend this sub-zone. It would see the Golf Living sub-zone currently located on the south side of the Natural Heritage sub-zone replaced with the Golf Playing sub-zone.
66. Given the comparatively lesser scale of built development anticipated in the Golf Playing sub-zone, I consider this change to be neutral in terms of potential effects on the interface with the Natural Heritage sub-zone. I see no reason why the rezoning would not continue to protect the values of the Natural Heritage sub-zone.

67. The Far North District Council's submission number 368.001 indicates that the Council meant to replace the Natural Heritage sub-zone with the Natural Open Space Zone when it notified the Proposed Plan. This amendment is mentioned at page 6 of the section 32 report for the KCZ as being necessary for conformance with the National Planning Standards, but was apparently not carried into the notified maps or text. I have been unable to locate a particular provision of the National Planning Standards that clearly requires this amendment.
68. The Natural Heritage sub-zone is stricter than the Natural Open Space Zone. For example, the latter permits the development of buildings/structures and impermeable surfaces, and farming. In comparison, only conservation activity is permitted in the Natural Heritage sub-zone (rule KCZ-R10). All other activities in the Natural Heritage sub-zone are discretionary under rule KCZ-R11 or non-complying, under rules KCZ-R12 to KCZ-R16.
69. In my view, if there is no specific requirement under the National Planning Standards for the Natural Heritage sub-zone to be rezoned to the Natural Open Space Zone, then it is appropriate to retain the notified sub-zone. The stricter rules of the sub-zone are compatible with the covenant that applies, which requires the landowner to procure the written consent of the Board of the Queen Elizabeth II Trust before undertaking any activity of note within the covenanted area. A copy of the covenant is attached as Appendix 8 to this evidence.

Rural Production Zone – rationale for change

70. The Proposed Plan deletes approximately 332 hectares of the operative General Coastal Zone and Minerals Zone from Kauri Cliffs and applies the Rural Production Zone. Consequently, the Proposed Plan enlarges the Rural Production Zone by 332 hectares, to approximately 1,285 hectares.
71. The proposed rezoning would instead include approximately 11.5 hectares of Rural Production Zone land in the Golf Living sub-zone. The overall area of Kauri Cliffs in the Rural Production Zone would therefore still increase overall, but by 11.5 hectares less than under the Proposed Plan.
72. No land in the notified Rural Production Zone that is proposed to be included in the KCZ is of Land Use Class 1, 2 or 3. This is demonstrated by comparing the maps in Appendix 2 to this

evidence¹. Therefore, the rezoning does not run contrary to the National Policy Statement for Highly Productive Land 2022.

Master Plan

73. The preparation of the Master Plan attached as Appendix 4 to this evidence was signalled in WBF's submission. The purpose of the Master Plan is to demonstrate the strategic direction for the property and the feasibility of WBF's proposed rezoning to the Panel and stakeholders.
74. The Master Plan is supported by high-level technical assessments. Those assessments identify potential constraints on, and effects of, future residential subdivision and development in the Golf Living sub-zone area investigated by the Master Plan, and comment on how these constraints and effects might be addressed.
75. None of the technical assessments identified any significant constraints or feasibility issues arising if WBF's proposed rezoning is approved, and residential subdivision and development follows. Where constraints are identified, the technical assessments detail how typical design considerations that are canvassed in resource consent applications for subdivision and development could ensure that environmental effects are appropriately managed.
76. As the technical assessments are high-level feasibility analyses, the authors all note that further detailed assessments will be needed to inform detailed design and resource consenting application processes relating to future residential subdivision and development.
77. The Master Plan is not intended as an extensive analysis of, or detailed design for, a future residential subdivision and development. It is not intended to drive resource consent application processes. As such, I have not recommended that it be included as a reference document to the Proposed Plan, and I do not recommend that the KCZ should require accordance with the Master Plan through a rule or standard. The Master Plan simply demonstrates the feasibility of the rezoning, in the expectation that once rezoned, further

¹ Refer to the map titled "Proposed Far North District Plan 2022 Zoning" compared to the LUC 2 areas shown on the map titled "Kauri Cliff Zones (Proposed) in Land Use Classification Class 2".

detailed assessments and design will inform future resource consent applications.

78. I consider that if WBF's proposed zoning reconfiguration is adopted as shown in the maps attached as Appendix 2², future subdivision and development in the KCZ can be appropriately managed by resource consent applications that address the KCZ, and other applicable, provisions.
79. There is a link between the indicative development layout shown in the Master Plan, and the layout that might be delivered insofar as I have recommended amendments to rule KCZ-R3 PER-2 to ensure future residential units are only permitted where (among other things) they are "located within a defined building platform, where the defined building platform has been identified through a professional landscape assessment and approved as part of an existing subdivision consent". Dwellings not located on a building platform would require a discretionary resource consent. My recommended amendments to rule SUB-R3 RDIS-2 also require building platforms to be appropriately defined when a subdivision consent application is made.
80. Therefore, the Master Plan provides a carefully considered layout and feasibility assessment to guide future detailed assessments. A detailed future landscape assessment nominating the exact locations of the building platforms indicatively shown on the Master Plan will need to be approved as part of any future subdivision consent application under rule SUB-R3 RDIS-2, if the permitted activity standard for residential activities in rule KCZ-R3 is to be engaged subsequently.
81. The Master Plan anticipates that sale and purchase agreements between WBF and future purchasers of residential lots in the KCZ will require purchasers to navigate an internal Design Review Panel assessment, overseen by WBF, before applying for building or resource consents. The Master Plan anticipates the Design Review process applying even where no resource consent is required.
82. This internal Design Review process ensures that WBF, as the owner and holder of the overall vision for Kauri Cliffs, retains final discretion over design outcomes before any necessary

² Specifically, the map titled "WBF Requested Zoning".

consent applications are made to the consent authority. This will promote cohesive residential development outcomes, which in my view is commensurate with the role of Special Purpose Zones, i.e., to deliver bespoke developments. Furthermore, I consider the internal Design Review process is likely to result in more well-resolved resource consent applications for any future developments that are not permitted by the District Plan.

83. The Master Plan does not address the patch of existing and proposed Golf Living sub-zone located south of the Tepene Tablelands Road – Kauri Cliffs Drive intersection in detail. It was not considered necessary to re-assess the area that is already in, and would remain in, the Golf Living sub-zone. The minor additions to this area simply consolidate it as a secondary area for potential future consideration. The Master Plan focusses on the most attractive area for future development, in the north of the proposed sub-zone.

Amendments to the Kauri Cliffs Zone provisions

84. My recommended amendments to the KCZ text are set out in Appendix 3 to this evidence. They depart from the amendments stated in WBFL's submission. The departures arise because the Master Plan was prepared after WBFL's submission on the Proposed Plan was lodged, and in light of the section 42A recommendations on the Coastal Environment provisions that emerged in Hearing Stream 4. The coastal environment applies to much of the reconfigured Golf Living sub-zone and most of the reconfigured Lodge sub-zone.
85. My recommended amendments to the zone text necessarily respond to this context. However, I have largely retained the architecture and content of the notified KCZ. The table below summarises my recommended amendments to the zone provisions.

Table 2: Summary of Recommended Amendments to KCZ.

Provision	S Tuck Recommended Amendments
Overview	Clarify the discrete location of, and anticipated activities in, the KCZ.
KCZ-O1	Replace "golf living facilities" (an undefined term) with "residential activities".
KCZ-O2, KCZ-P1, P2, P3, P7 & P8, KCZ-R4, R8 and R10 to R16	No change.
KCZ-P4 & P5	Clarify defined and anticipated activities in the KCZ.
KCZ-P6	Amend to reflect greater overlap between the Golf Living sub-zone and the coastal environment.

KCZ-R1 Buildings and structures, and extensions or alterations to existing buildings or structures	Amend to reflect the definition of "gross floor area". Amend PER-4 to align the activity status for development in the Golf Living sub-zone with rules CE-R1 PER-1 and CE-R1 CON-1. If PER-4 is retained as notified, it will inappropriately negate the controlled activity status under the Coastal Environment rules.
KCZ-R2 Visitor accommodation	Amend PER-1 to permit the 15 existing visitor accommodation units in the Lodge sub-zone. Amend PER-2 to the defined term "visitor accommodation". Amend CON-1(d) to widen the matter of control regarding visual effects in the Lodge sub-zone.
KCZ-R3 Residential activity	Amend PER-2 to align with the drafting of rule CE-R1 CON-1 in relation to building platforms to promote consistency in the Golf Living sub-zone, whether or not the Coastal Environment provisions apply. Add PER-3 in a separate row to reflect the four existing residential units.
KCZ-R5 Infrastructure activity	Minor amendments to use the defined term "infrastructure" and to rationalise the matters of control.
KCZ-R6 Recreation activity	Minor amendments to recognise the golf course (given this rule applies to the Golf Playing sub-zone) and to rationalise the matters of control.
KCZ-R7 Access	Amend to add a specific rule for the Golf Living sub-zone that applies the Transport standards and assessment matters relevant to vehicle crossing and access via a restricted discretionary consenting pathway.
KCZ-R9 Helicopter landing area	Amend the matters of control to refer to standard NOISE-S4 because the matters in the notified text of KCZ-R9 appear to be irrelevant/an error.
KCZ-S1 Buildings or structures	Lodge sub-zone Amend to increase the permitted building footprint in the Lodge sub-zone from 25 m ² to 300 m ² . <ul style="list-style-type: none"> This provides an appropriate threshold for a future golf pro shop/cafe, given the existing development in, and role of the Lodge sub-zone as the property's main activity node. 300 m² also aligns with the building footprint contemplated in rule CE-R1 PER-1.1 for the Golf Living sub-zone (discussed below). An increase in the permitted building footprint also reflects the proposed inclusion of the 2017 subdivision in the Lodge sub-zone. The 2017 subdivision consent anticipates large impervious surface areas. Amend to apply 5 m or 9 m permitted height limits in different parts of the Lodge sub-zone. The areas where different permitted height limits apply are differentiated by stating mapping coordinates. Essentially, the northern extension of the sub-zone is subject to a 5 m permitted height limit. The existing sub-zone extent and extensions to the sub-zone near the Lodge are subject to a 9 m permitted height limit.

	<p>This permitted height limit arrangement is shown in Figure 1 later in this evidence.</p> <p>Golf Living sub-zone Amend to apply a permitted building footprint of 300 m² in the Golf Living sub-zone. There is no limit on building footprint in the notified provisions, but this threshold reflects rule CE-R1 PER-1.1. This is appropriate as much of the Golf Living sub-zone overlaps the coastal environment.</p> <p>Amend the Golf Living sub-zone standard to specify permitted height limits of 7.5 m or 5 m above ground level, depending on whether the Coastal Environment provisions also apply. This is a reduction from the notified 9 m permitted height limit, consequential to the rezoning partly overlapping the Golf Living sub-zone with the coastal environment.</p> <p>Amend to specify external colour and material requirements for the Golf Living sub-zone standard commensurate with standard CE-S2 of the Coastal Environment chapter. This will promote cohesive design outcomes between parts of the sub-zone within or outside the coastal environment.</p> <p>Assessment Matters Amend to:</p> <ul style="list-style-type: none"> • Clarify the scope of (a), which as notified is limited to the "natural environment"; • Clarify the scope of (b), which as notified is focussed on vegetation greater than 6 m in height; • Clarify the scope of (c) by requiring consideration of adverse effects on ecological values; • Clarify the scope of (d) by requiring consideration of measures to protect or enhance archaeological values; • Clarify the scope of (e) by enabling consideration of "structures" as well as "buildings" and by requiring consideration of compatibility in the same sub-zone; • Add sub-clause (f) to require consideration of land stability; and • Add sub-clause (g) to require consideration of infrastructure/service provision for new development.
KCZ-S2 Coverage	Minor amendments to align the Assessment Matters with KCZ-S1

86. In the main, my recommended amendments are no more permissive than the notified KCZ and are therefore well within the scope of this District Plan review process.
87. Some of my recommended amendments to the main permitted activity performance standard KCZ-S1 are less permissive than the notified provisions. For example:
- (a) I recommend permitted height limits of 5 m or 7.5 m in the Golf Living sub-zone, depending on whether the

site is in the coastal environment. In comparison the notified height limit for this sub-zone is 9 m;

- (b) I recommend specifying a 300 m² permitted building footprint threshold in the Golf Living sub-zone. In comparison, the notified KCZ has no building footprint limit;
- (c) As shown in Figure 1 above, I recommend a 5 m permitted height limit for the area of the proposed extension of the Lodge sub-zone over the 2017 subdivision. A 5 m limit is consistent with Coastal Environment standard CE-S1.1, and in my opinion, provides for appropriate management of future development in this area. In comparison, the notified KCZ locates this area in the Golf Living or Golf Playing sub-zones, with 9 m or 8 m permitted height limits.

- 88. One area where I have recommended an increased permitted activity threshold compared to the Proposed Plan is my recommended 300 m² permitted building footprint limit in the Lodge sub-zone. I recommend this amendment because the notified Lodge sub-zone has a 25 m² building footprint limit which is, in my view, inadequate.
- 89. In common with Mr Goodwin³, I consider 300 m² to be a more appropriate permitted building footprint in the Lodge sub-zone. In my opinion, this better facilitates the role of the Lodge sub-zone as the property's main activity node. 300 m² is also consistent with the threshold stated in rule CE-R1 PER-1 in relation to the Golf Living sub-zone. Therefore, a 300 m² permitted building footprint limit across both the Golf Living and Lodge sub-zones is a cohesive approach. Given the use of this quantum in rule CE-R1 PER-1 in relation to the Golf Living sub-zone, it appears to me to also be a reasonably modest threshold for a resource consent requirement in the Lodge sub-zone.
- 90. I consider my recommended amendments to the KCZ (shown at Appendix 3 to this evidence) preserve the KCZ's purpose while reconciling the existing development in the KCZ with that which might be anticipated (especially in the Lodge and Golf Living sub-zones) and providing appropriate thresholds to engage resource consent processes.

³ Paragraphs 47 and 51 of Mr Goodwin's evidence.

RESOURCE CONSENTING IMPLICATIONS

Coastal environment interface

91. The maps in Appendix 2 to this evidence show the overlap of the coastal environment with the reconfigured Golf Living and Lodge sub-zones⁴. The zone reconfiguration will place more of the Golf Living sub-zone in the coastal environment, compared to the notified zoning. The balance of the Golf Living sub-zone is mostly adjacent to the coastal environment, particularly the area assessed by the Master Plan.
92. Given the overlap with the coastal environment, I consider it appropriate to modify the KCZ rules to promote cohesive development outcomes across the Golf Living sub-zone, whether in or outside the coastal environment. However, I also recognise that the part of the Golf Living sub-zone outside the coastal environment should have more permissive permitted activity thresholds, as a less sensitive area than the coastal environment.
93. On this basis, I recommend amending the Golf Living sub-zone provisions to align with relevant built form standards of the Coastal Environment chapter where appropriate, as follows.

Standards for Buildings and Structures in the KCZ

94. I recommend reducing the permitted building height limit in the Golf Living sub-zone from 9 m to:
 - (a) 5 m where the Golf Living sub-zone overlaps with the coastal environment. This threshold is the same as under rule CE-R1 PER-1 and standard CE-S1 of the Coastal Environment chapter; and
 - (b) 7.5 m where the Golf Living sub-zone is outside the coastal environment. This recognises the lesser sensitivity of land outside the coastal environment but encourages design responses that are respectful of the adjacent coastal environment
95. I recommend a controlled activity status for exceedances of these permitted building height limits (see my recommended amendments to KCZ-R1 PER-4 and KCZ-S1 in Appendix 3 to this

⁴ E.g. the maps titled "Waiaua Living Area Basemap" and "Kauri Cliff Zones (Proposed) in Land Use Classification Class 2".

evidence). This modifies the restricted discretionary activity status that the Proposed Plan specifies at KCZ-R1 PER-4.

96. If rule KCZ-R1 PER-4 is not amended, height limit exceedances *outside* the coastal environment will inappropriately attract a stricter (restricted discretionary) activity status, than the controlled activity status for height exceedances *within* the coastal environment under rule CE-R1 CON-1 of the Coastal Environment chapter.
97. At standard KCZ-S1.1 I recommend a permitted building footprint threshold of 300 m² for the Golf Living sub-zone. This threshold is consistent with that enabled by rule CE-R1 PER-1.1.
98. My recommended building footprint limits are stricter than the notified zone, which does not limit building footprint in the Golf Living sub-zone. I consider it appropriate to add this standard as the sub-zone is being relocated to land in/adjacent to the coastal environment.
99. Mr Goodwin and I discussed whether additional building footprint should be enabled in the Golf Living sub-zone outside the coastal environment. We noted that the additional height (7.5 m) permitted outside the coastal environment would facilitate double-storey dwellings. We considered that this is sufficient enablement and enabling increased building footprint as a permitted activity would be inappropriate.
100. At standard KCZ-S1.3 I recommend a standard specifying restrictions on the colour and reflectivity of external cladding and roofing. This is consistent with standard CE-S2 and is stricter than the notified zone, which does not limit external materials/colours. Mr Goodwin and I agree that this standard appropriately promotes a cohesive external appearance among buildings in the Golf Living sub-zone, whether in or out of the coastal environment.
101. The Proposed Plan applies the coastal environment to most of the Lodge sub-zone, and this remains true for the larger Lodge sub-zone sought by WBF. Following discussion with Mr Goodwin, I recommend two permitted building height limits for this sub-zone:
 - (a) Retaining the notified 9 m permitted building height limit for the area in the notified Lodge sub-zone, and applying the same limit to the Golf Playing sub-zone land in the Lodge curtilage that WBF seeks to add to the Lodge sub-zone. This is an increase of 1 m for land

to be transferred from the Golf Playing sub-zone. I consider this appropriate given the small area involved is in the curtilage of the existing modified Lodge environs; and

- (b) A 5 m permitted height limit for the area north of the existing Lodge sub-zone extent, i.e., the footprint of the 2017 subdivision. This area is currently split between the Golf Playing and Golf Living sub-zones, which have permitted height limits of 9 m and 8 m respectively. My recommendation is a conservative reduction that aligns with rule CE-R1 PER-1 and standard CE-S1 of the Coastal Environment chapter.

- 102. This permitted height limit arrangement is shown by Figure 1 below. My amendments to KCZ-S1 use the coordinates stated on Figure 1 to differentiate the permitted building height limit within the Lodge sub-zone.

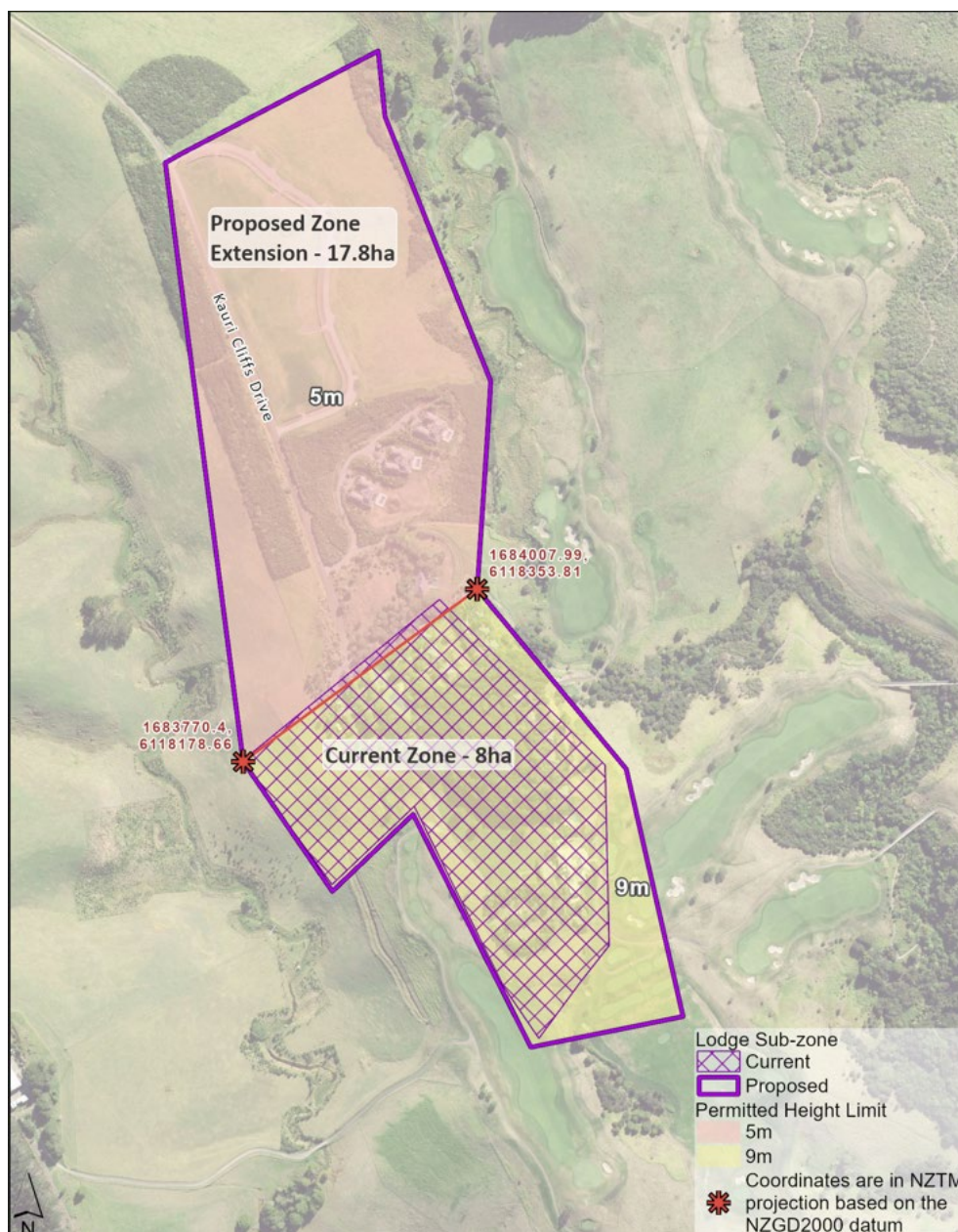


Figure 1: Recommended Lodge sub-zone permitted height limits.

103. Under the Proposed Plan, the permitted building footprint in the Lodge sub-zone is 25 m². I recommend a 300 m² permitted building footprint instead.
104. A 25 m² building footprint limit is, in my opinion, inadequate for Kauri Cliffs' central activity node. It is also at odds with the outcomes anticipated by the 2017 subdivision and land use consents. Three large guest villas have been developed in that area, and the subdivision and land use consents authorise impervious surface areas of 846 m² to 1,053 m² on the remaining 11 developable lots.
105. Whether or not that subdivision is proceeded with, the works constructed to date anticipate that some form of future

development in this area is likely. I consider it appropriate to set a threshold that recognises this.

106. Additionally, if development of the Lodge and Golf Living sub-zones proceeds, the role of the Lodge sub-zone in providing services to additional guests and residents will likely face more demand.
107. In this context, I consider that retaining the notified 25 m² permitted building footprint limit in the Lodge sub-zone would inappropriately constrain the type of future development (such as a pro shop and additional visitor accommodation) that is a necessary part of a competitive international resort operation.
108. To this end, I have also recommended an amendment to policy KCZ-P5, which seeks to provide clearer direction about the role of the Lodge sub-zone as an activity node.

Standards for Residential Activity in the KCZ

109. Future residential activity in the KCZ will comprise:
 - (a) Residential units located in the Golf Living sub-zone and outside the coastal environment; and/or
 - (b) Residential units located in both the Golf Living sub-zone and the coastal environment; and/or
 - (c) Residential units located in both the Lodge sub-zone and the coastal environment.
110. The Proposed Plan does not anticipate residential units in the Lodge sub-zone. However, the Lodge sub-zone is proposed to apply over the 2017 subdivision. Given that existing (consented) environment, I consider the zone requires amending to include methods to guide the assessment of applications for residential units in the Lodge sub-zone.
111. I recommend simple amendments to rule KCZ-R3 to provide for residential activity in the Lodge sub-zone. I recommend applying the Golf Living sub-zone permitted activity performance standards limiting the number of residential units on a site to one, and requiring residential units to locate in defined building platforms.
112. Additionally, my recommended rule KCZ-R3 PER-3 limits the number of residential units in the Lodge sub-zone to four, i.e., the three existing villas and two-bedroom owner's cottage.

That is, my recommendations mean resource consent would be required to develop any more residential units in the Lodge sub-zone.

Visitor Accommodation

113. I recommend applying the Lodge sub-zone to the area of the 2017 subdivision because it is the most flexible sub-zone. If WBF reconfigures the subdivision footprint to non-residential purposes (as it already has done with the three existing guest villas), the Lodge sub-zone is the most appropriate zoning.
114. As such, I have recommended amending rule KCZ-R2 PER-1 to authorise 15 visitor accommodation units as a permitted activity in the Lodge sub-zone. This quantum reflects the 11 older existing visitor accommodation suites and the two-bedroom owner's cottage, and the three newer guest villas.
115. That is, similar to my recommendation on the number of permitted residential units under rule KCZ-R3 PER-3, this quantum simply provides for the existing environment. The development of more visitor accommodation will require resource consent.

Transport

116. Rules 18.7.6A.1.1(i), 18.7.6B.1.1(f) and 18.7.6C.1.1(f) of the operative KCZ state that the formation, maintenance and upgrading of vehicle access, tracks and roads is a permitted activity in the Lodge, Golf Playing and Golf Living sub-zones.
117. Rule KCZ-R7 retains this permitted activity status for transportation activities in the KCZ, with a fallback controlled activity status for transport activities that are not permitted.
118. However, Advice Note 1 to the notified KCZ notes that district-wide rules also apply and may be stricter than the zone rules. This is the case with the notified Transport (and Subdivision, discussed later) chapters. Rule TRAN-R2 and rule SUB-R4 require a discretionary resource consent to develop a private accessway servicing more than eight dwellings or lots, as shown in Figure 2 below. Rule TRAN-R2 also includes standards PER-X, PER-5 and PER-6 pertaining to road tenure, widths and accessway sight distances, that a future Golf Living sub-zone subdivision may not comply with, engaging a discretionary resource consent requirement.

TRAN-R2			Vehicle crossings and access, including private accessways		
All zones	Activity status: Permitted		Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER-4, PER-5 or PER-6: Discretionary		
	Where: PER-1 Where the private accessway serves a maximum of 8 household equivalents Note: 1 household equivalent is represented by 10 vehicle movements. One vehicle movement is a single movement to or from a property.				
SUB-R4			Subdivision that creates a private accessway		
All zones	Activity status: Controlled		Activity status where compliance not achieved with CON-1 and CON-2: Discretionary		
	Where: CON -1 1. A private accessway serves a maximum of 8 sites . CON-2 1. Where a subdivision serves 9 or more sites , access shall be by public road .				

Figure 2: Transport and Subdivision rules for accessways.

119. The result is that the permitted activity framework established by rule KCZ-R7 for transport activities in the KCZ, and the restricted discretionary framework that rule SUB-R3 specifically provides for a residential subdivision in the Golf Living sub-zone, will be completely negated by generic rules for vehicle accessways and crossings servicing more than eight dwellings/lots.
120. The section 42A report for the Transport chapter of the Proposed Plan notes that the National Planning Standards 2019 enable zone-specific transportation provisions to be included in a Special Purpose Zone⁵.
121. WBF submitted a statement to the Panel advising that WBF would address KCZ-specific transport matters in this hearing 15A instead of in hearing 11.
122. I consider that the activity status misalignment can be resolved by (1) excluding the Golf Living sub-zone from rules TRAN-R2 and SUB-R4⁶, and (2) amending KCZ-R7 as follows.

⁵ Paragraph 282 of the 'Transport' section 42A report sets this out.

⁶ In a similar manner to the exclusions stated for the Orongo Bay and Motoura Island zones from CE-S1 and several of the Earthworks rules and standards.

Transport activities - Golf Playing and Lodge sub-zones

- (a) These sub-zones do not take or require access to/from any public road. They are accessed by Kauri Cliffs Drive, a private road. Therefore, effects associated with forming, maintaining or upgrading vehicle accessways, tracks or roads within these sub-zones are internalised to WBF. Consequently, I consider that the notified permitted/controlled activity status framework under rule KCZ-R7 can largely be retained for these two sub-zones; and

Transport activities - Golf Living sub-zone

- (b) The Golf Living sub-zone will take access from Tepene Tablelands Road and Matauri Bay Road. These are public roads, so it is appropriate to apply the same standards as for any other subdivision, while removing the activity status misalignment (with rule SUB-R3) that arises under the rules shown in Figure 2 above.
- (c) I have recommended adding an advice note to rule KCZ-R7 stating that this rule applies in place of rules TRAN-R2 and SUB-R4, and then expanding rule KCZ-R7 to include new clauses KCZ-R7 PER-2 and KCZ-R7 RDIS-1. These new clauses will regulate vehicle accessways, passing bays and crossings in the Golf Living sub-zone as follows:
 - i. Under KCZ-R7 PER-2, a permitted activity status for activities that comply with standards TRAN-S2, TRAN-S3 and TRAN-S4;
 - ii. Under KCZ-R7 RDIS-1, a restricted discretionary activity status for non-compliances with standards TRAN-S2, TRAN-S3 and TRAN-S4, if an expert transport assessment is supplied with the resource consent application. I have recommended matters of discretion based on standards TRAN-S3 and TRAN-S4; and
 - iii. Specifying that if an expert transport assessment is not supplied with the resource consent application, a discretionary activity status applies.

123. This framework requires the development of vehicle access, passing bays and crossings in the Golf Living sub-zone to be assessed similarly to any other access proposal. However, importantly it avoids the default to a generic discretionary activity status that would negate the specifically constructed restricted discretionary consenting pathway for subdivision in the Golf Living sub-zone.

Subdivision

124. The section 42A report for the Subdivision chapter of the Proposed Plan was unavailable when I wrote this evidence, but it will be available before Hearing 15A convenes in August.
125. While I will likely need to provide additional commentary after the Subdivision section 42A report is available, I consider that it may be useful to canvass relevant matters in Hearing 15A, because subdivision in the Golf Living sub-zone is a key element of the KCZ and is the driver for WBF's proposed reconfiguration of the KCZ.
126. I consider the key matters to be:
- (a) The restricted discretionary consenting pathway for subdivision in the Golf Living sub-zone under rule SUB-R3; and
 - (b) The activity status for subdivision in the Golf Living sub-zone where the Coastal Environment provisions also apply, under rule SUB-R20.

Subdivision activity status

127. In the Operative Plan, rule 13.7.2.1(xx) provides for 60 residential lots to be created in the Golf Living sub-zone on a non-notified, restricted discretionary basis, with a discretionary activity status for subdivision creating more than 60 lots. A discretionary activity status applies to all other subdivision in the Kauri Cliffs Zone.
128. In the Proposed Plan, rule SUB-R3 (shown in Figure 3 below) diverges from the Operative Plan. It does not clearly recognise the bespoke consenting pathway for the Golf Living sub-zone. This appears to be a drafting error, as the notified rule bundles requirements for subdivision elsewhere in the KCZ (rule SUB-R3 RDIS-1) with the specific Golf Living sub-zone subdivision requirements (rule SUB-R3 RDIS-2).

129. In my view, the notified rule SUB-R3 is imprecise. It appears to require two sets of restricted discretionary criteria to be considered, with some duplication occurring.

Kauri Cliffs zone	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1:</p> <ol style="list-style-type: none"> 1. The subdivision complies with standards: SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 Telecommunications and power supply; SUB-S7 Easements for any purpose;and SUB-S8 Esplanades. <p>RDIS-2:</p> <ol style="list-style-type: none"> 1. Subdivision of up to 60 new lots for residential (golf living) purposes, provided that: <ol style="list-style-type: none"> i. no lot is less than 4,000m² in area; ii. on-site treatment and disposal of wastewater is provided for; and iii. the building footprints are specified on an approved plan of subdivision. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. matters of control in SUB-R3; b. the extent to which the activity may impact adversely on the unique character of the Kauri Cliffs Zone; c. the extent to which any adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated; and d. the effect on adjoining activities. <p>NOTE: Applications for restricted discretionary activities within the Golf living sub-zone will be treated as non notified applications provided the written approval of owners of land adjoining the lots to be subdivided has been obtained.</p>	<p>Activity status where compliance not achieved with RDIS-1: Discretionary</p> <p>Activity status where compliance not achieved with RDIS-2: Discretionary</p>
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Figure 3: Notified rule SUB-R3.

130. In Appendix 3 to this evidence, I have recommended amendments to this rule to separate the Golf Living sub-zone subdivision rule into a separate row of the rule table. In my view this makes it clearer which requirements apply specifically to the Golf Living sub-zone and which apply to the Lodge and Golf Playing sub-zone (subdivision in the Natural Heritage sub-zone is not provided for). This restructure also enables my recommended changes to make the matters of discretion for the Golf Living sub-zone more comprehensive.
131. Rule SUB-R20 specifies that, in all zones, subdivision in the coastal environment is a discretionary activity. This rule SUB-R20 negates the SUB-R3 restricted discretionary consenting pathway for subdivision in parts of the Golf Living sub-zone that overlap with the coastal environment.

132. Paragraphs 450 – 451 of the Coastal Environment section 42A report discusses rules SUB-R20 and SUB-R21, stating:

The rules provide a more stringent activity status for subdivision than in the underlying zone, recognising the greater potential for adverse effects on the coastal environment resulting from subdivision (particularly the associated land-use activities that subdivision typically enables)... I support the activity status for subdivision in SUB-R20 and SUB-R21 as this will enable the full range of relevant matters to be considered, including directive policies in the Coastal Environment chapter to avoid certain adverse effects.

133. Acknowledging that subdivision and development in the coastal environment requires careful management, I do not consider that a generic rule framework for the entire coastal environment of a whole district is the most appropriate method to provide for the coastal natural character and environmental quality considerations at sections 6(a) and 7(f) of the Act in the context of a Special Purpose Zone. I consider that refinements could improve the approach, by applying more restrictions to proposals that intersect areas of greater value, akin to the progressive approach taken in the Coastal Environment chapter for development.
134. In my view, there are inconsistencies in how the subdivision rules apply to High Natural Character (HNC) and Outstanding Natural Character (ONC) areas, Outstanding Natural Features (ONF) and Outstanding Natural Landscapes (ONL) and the wider coastal environment. These could be useful to resolve.
135. As notified, rule SUB-R3 specifies a controlled activity status for subdivision in most zones, restricted discretionary status for the KCZ and discretionary or non-complying status for subdivision in a few zones.
136. As previously noted, rule SUB-R20 sets a discretionary activity status for subdivision in the coastal environment, regardless of zoning. Additionally, rule SUB-R18 separately applies a discretionary activity status subdivision of ONL's and ONF's. Rule SUB-R21 applies a non-complying activity status applies to subdivision in ONC areas. The subdivision rules do not distinguish HNC areas at all, and therefore subdivision of a HNC area will be discretionary under rule SUB-R20, as for the rest of the coastal environment (outside ONC areas).

137. As such, a non-complying activity status applies to subdivision in ONC areas, but HNC areas, ONF's, ONL's and the wider coastal environment are undifferentiated in the rules. Subdivision in all these areas is a discretionary activity, despite the relatively greater or lesser values that presumably underpin the 'high' and 'outstanding' categorisations.
138. In my opinion it would be more efficient if this framework applied progressively stricter regulation to areas of high or outstanding value, as distinct from the wider coastal environment. This would be similar to the progressive approach towards development in the Coastal Environment chapter. This might be implemented by:
- (a) a non-complying activity status for subdivision in ONC's, ONL's and ONF's;
 - (b) a discretionary activity status for subdivision in HNC's; and
 - (c) a restricted discretionary activity status for subdivision in the wider coastal environment.
139. For comparison I reviewed the subdivision provisions of some new-format district plans, and the Whangarei District Plan (given the Whangarei district adjoins the Far North district), to see how subdivision in the coastal environment is managed (or, proposed to be managed) elsewhere.

Table 3: Subdivision in the coastal environment

District Plan	Rule	Activity Status	Comment
Te Tai o Poutini	SUB-R6	CON	-
Waimakiriri	SUB-R2	CON	-
Wellington	SUB-R15 SUB-R17	CON RDIS	- In HNC's
Kapiti	SUB-DW-R6	RDIS	In ONF's/ONL's
Timaru	CE-R11	RDIS	-
New Plymouth	CE-R11	DIS	-
Central Hawkes Bay	SUB-R5.10	DIS	-
Selwyn	SUB-R25	DIS	HNC's & ONC's only
Whangarei	CE-HNC-R12 CE-ONC-R12	DIS NC	HNC's only ONC's only

140. The approaches vary, but of the district plans above, several apply controlled or restricted discretionary consenting pathways to subdivision in the coastal environment, and reserve discretionary and non-complying activity status for subdivision proposals in areas of 'high' or 'outstanding' value. The Central Hawkes Bay and New Plymouth district plans

require a generic discretionary consent for subdivision in the coastal environment, similarly to the Proposed Plan.

141. In my view, this confirms that there are alternatives available to the SUB-R20 generic discretionary consenting pathway for coastal environment subdivision.
142. However, even if it is determined that subdivision in the coastal environment is best managed as a discretionary activity, I consider that an exception for restricted discretionary subdivision activities in the Golf Living sub-zone where this overlaps with the coastal environment is appropriate, if suitable matters of discretion are defined. My reasons for this view are:
 - (a) Subdivision and development is expressly anticipated by the KCZ;
 - (b) Permitted and controlled activity consenting pathways apply to residential development of Golf Living sub-zone land in the coastal environment, under rules CE-R1 PER-1 and CE-R1 CON-1. That is, the Coastal Environment chapter enables development in the Golf Living sub-zone. I consider that subdivision in this discrete sub-zone can appropriately be provided for (but not enabled) through a restricted discretionary pathway, given it is a precursor to development;
 - (c) The conclusions of the technical assessments, based on the Master Plan, are specific to the location of the proposed Golf Living sub-zone. They indicate that subject to future detailed design, assessment and consenting processes, subdivision in this location can likely manage potential environmental effects; and
 - (d) The ability to manage potential effects on the values of the coastal environment through appropriate matters of discretion in rule SUB-R3, including my recommended addition of the coastal environment-specific assessment criteria specified at CE-P10.
143. In my view it would be appropriate to modify rule SUB-R20 to note that it does not apply to the Kauri Cliffs Zone (Golf Living sub-zone) and to amend rule SUB-R3 RDIS-2 to add the assessment criteria at CE-P10 as a further coastal environment-specific assessment matter for subdivision. I have set these amendments out in Appendix 3.

Golf Living sub-zone minimum lot size

144. WBF's submission on the Proposed Plan sought to amend rule SUB-R3 RDIS-2(1) for subdivision in the Golf Living sub-zone to:
 - (a) Reduce the minimum lot size in the Golf Living sub-zone from 4,000 m² to 500 m²; and
 - (b) Require at least 30 lots in the Golf Living sub-zone to be larger than 4,000 m².
145. Given the preparation of the Master Plan since WBF's submission was filed, I no longer support the second of these submission points. A 4,000 m² minimum lot size for half of the subdivision could limit an optimal layout for no resource management purpose, and potentially, encourages an undesirable dispersal of development across the landscape.
146. In particular, the topography of the northern section of the Master Plan investigation area requires any development to be clustered. Large lots are unrealistic there but are possible in the central and southern areas of the Master Plan investigation area. Even so, clustering will still be desirable to promote a sense of community among residents and to avoid dispersing development around the property⁷.
147. Reducing the Golf Living sub-zone to less than half of its operative extent promotes consolidation, but the upshot - which the Master Plan demonstrates - is that more flexibility in terms of minimum lot size will be necessary.
148. I do not consider that reducing the minimum lot size to 500 m² is inappropriate e.g. in terms of encouraging dense suburban-style development. As the Master Plan shows, there are limited opportunities to cluster development in the proposed Golf Living sub-zone. A limited allowance (60 lots) is made for restricted discretionary subdivision with greater yield being subject to a more challenging discretionary consenting pathway. Lastly, the delivery of a premium residential subdivision that is in keeping with the unique landscape setting of Kauri Cliffs will naturally limit the lot yield.
149. Relevantly from a regulatory perspective, I have recommended amending the rule SUB-R3 matters of

⁷ To the extent that the Golf Living sub-zone would intersect the coastal environment, a clustered development approach will also align with policy CE-P4(b).

discretion to include the coastal environment-specific matters at CE-P10, in addition to the generic matters at SUB-R3 and “the extent to which the activity may impact adversely on the unique character of the Kauri Cliffs Zone”. This provides a comprehensive scope of assessment for a future subdivision proposal.

150. With these considerations in mind, I consider that my recommended amendments to the KCZ improve the notified KCZ subdivision framework.

POTENTIAL ENVIRONMENTAL EFFECTS

151. Before adopting the proposed rezoning, it is necessary to consider what environmental effects may arise for future activities enabled by the rezoning and whether and how these might be managed by the zone provisions and future resource consent application processes.

Technical Assessments

152. The preliminary technical assessments prepared in support of the Master Plan address considerations pertaining to civil engineering (three waters, access), geotechnical engineering, ecological, archaeological/heritage and landscape effects.
153. The evidence of Dr Bramley, Messrs Child, Goodwin and Papesch, and Ms Tatton explains the scope of their high-level assessments, the considerations they took into account, and the experts' conclusions about the appropriateness of the proposed rezoning.
154. The experts are clear that based on their assessments, there are no reasons why the proposed rezoning could not be supported by the Panel. Naturally, each expert confirms that there are many considerations that are most appropriately investigated and resolved through future detailed design and resource consenting processes.

Recognition of Māori Cultural Values

155. WBF has an ongoing dialogue with several iwi/hapū groups, relating to its current and future projects. In this context, WBF undertook specific consultation with representatives of those groups about the proposed rezoning. The parties consulted were:

- (a) Te Rūnanga o Whaingaroa (Te Ūkaipō unit);
 - (b) Ngāti Kura hapū, via Te Tapui Marae;
 - (c) Te Whanau Nui o Waiaua, via Ms M Kiff (a further submitter on the KCZ);
 - (d) Te Rūnanga o Ngāti Rehia; and
 - (e) Representatives of Matauri-X Incorporated, the landowner adjoining the north of the Master Plan area.
156. Consultation took the form of email and telephone correspondence providing copies of the Master Plan and technical assessments in early March 2025, a Teams call in early April 2025 with WBF's technical consultants, and a site visit that I attended with Ms Tapper and several iwi/hapū representatives on 15 April 2025.
157. From this consultation with the iwi/hapū parties, I understand that no significant concerns, from a cultural effects perspective have been raised about the overall feasibility of development in the Master Plan footprint. Several representatives indicated that reconfiguring the KCZ as proposed makes sense from their perspective.
158. Key matters raised by iwi/hapū parties in consultation so far included:
- (a) That a cultural impact assessment must be completed before future subdivision and resource consents are applied for;
 - (b) That surface and groundwater must be protected from contamination by stormwater or wastewater discharges, and safeguards must ensure that unplanned system failures (e.g., prolonged electrical outages) do not result in system overload and adverse environmental effects;
 - (c) That potable water demand and management needs to be considered carefully, to minimise effects on groundwater in particular;
 - (d) Whether a rāhui on future Kauri Cliffs residents taking shellfish from Waiaua Bay would be appropriate; and

- (e) That iwi/hapū will support measures to control pest plants/animals and to enhance indigenous vegetation throughout the Master Plan footprint.
159. The feedback from iwi/hapū representatives will require careful assessment and implementation through detailed design work, a cultural impact assessment, resource consent and archaeological authority applications, post-consent cultural monitoring of earthworks and possibly agreements between WBF and iwi/hapū to address matters that cannot be addressed through the resource management framework.
160. Ultimately, if the rezoning is approved, WBF will need to collaborate with iwi/hapū over the coming years to ensure a successful and appropriate outcome.
161. I am not aware of any formal submissions or feedback from the iwi/hapū parties consulted that oppose the proposed rezoning, except for Ms Kiff's further submission. I address this further submission later in this evidence and at Appendix 5.
162. I understand that Ms Kiff represents a group called Te Whanau Nui o Waiaua, which advised WBF that it chooses not to provide feedback/comment on the rezoning proposal. I understand that WBF would welcome any opportunity to meet with Ms Kiff/Te Whanau Nui o Waiaua to narrow any matters in contention before the August hearing date. Otherwise, I trust that the hearing process will enable Ms Kiff/Te Whanau Nui o Waiaua to address WBF's proposal in evidence.

Amenity

163. In my opinion, the proposed rezoning presents little risk of generating unacceptable adverse amenity effects.
164. The development sites identified in the Master Plan have substantial setbacks to the nearest external boundary (230 m at nearest), to the coast (approximately 1.2 km) and to Matauri Bay Road (some 700 m). The setback from the proposed Golf Living sub-zone boundary to the coast is more than double the 0.5 km setback that policy KCZ-P6 anticipates.
165. Views from dwellings at Te Tapui Road are to the north-east, rather than to the south over Kauri Cliffs, or, where views are to the south, they are not directly over the proposed Golf Living sub-zone area (and are distant). As such, the proposed Golf Living sub-zone area is quite visually disconnected from

neighbouring properties. Consequently, I do not anticipate noise, overshadowing and privacy concerns arising as a result of development facilitated by the proposed rezoning.

166. While some external views from Te Tapui Road into the Master Plan footprint are possible, they would be obtained from a higher perspective such that residential development would not be silhouetted or otherwise unduly visually prominent.
167. Mr Goodwin's evidence addresses the landscape and visual effects implications of the proposed enlargement of the Lodge sub-zone. As the area is already modified by the Lodge, the various associated buildings, including the three large villas and the 2017 subdivision and land use consents, I do not consider that reconfiguring the Lodge sub-zone as proposed is likely to cause any adverse effects of concern. Rather, I consider that my recommended amendments to the Lodge sub-zone provisions provide an appropriately conservative statutory framework to manage future activities in this area.
168. I consider that artificial lighting at night is a relevant amenity and ecological consideration (the latter arising from kiwi and seabird populations in the area). In my view the effects of artificial lighting at night are a common design consideration. There are existing solutions to address this matter⁸. These can be integrated into any future development as appropriate, by way of resource consent processes.

Reverse Sensitivity

169. The Master Plan area is well setback from neighbouring properties and unlikely to create reverse sensitivity effects.
170. Imery Ceramics NZ Ltd own a quarry approximately 1 km to the west of the Master Plan investigation area. The quarry and the proposed Golf Living sub-zone are visually separated by distance, topography and vegetation.
171. I understand that the Mineral Extraction overlay buffers that formed part of the Proposed Plan are no longer proposed to apply. However, it is worth noting that the mapped extent of those buffers in the Proposed Plan did not extend to the area of the proposed reconfigured Golf Living sub-zone.

⁸ Dr Bramley's evidence notes this is the case at paragraph 37(c).

172. Furthermore, I note that Imery Ceramics NZ Ltd are a submitter on the Proposed Plan but did not make a further submission on WBF's proposal. I interpret that as indicating that Imery Ceramics NZ Ltd has no concerns about the rezoning proposal.
173. I do not anticipate reverse sensitivity effects arising between the occupants of a future residential subdivision and rural production activity on the rest of Kauri Cliffs. The matter can be dealt with by appropriate measures in sale and purchase contracts, but future purchasers will be buying into the overall concept of Kauri Cliffs. There are no areas of intensive agricultural activity in or near the Master Plan site. A future subdivision design will likely retire land in the Golf Living sub-zone from grazing, in favour of wider landscape planting within the subdivision and domestic plantings within individual lots. This will reduce the interface between future dwellings and farming activity. If WBF occasionally grazes stock on the periphery of the subdivision, this will be most unlikely to generate reverse sensitivity effects, in my opinion.

Natural Hazards

174. None of the land proposed to be included in the Golf Living or Lodge sub-zones is subject to mapped natural hazards.
175. Areas of the proposed Golf Living sub-zone display geotechnical weaknesses. The Master Plan has configured the indicative development sites to avoid these areas. Mr Child's technical assessment and evidence detail how foundation design and ground improvement measures could mitigate geotechnical risk.

FURTHER SUBMISSIONS

176. The only further submission served on WBF in relation to the KCZ is that of Ms Moana Kiff. My response to this further submission is provided in tabular form at Appendix 5 to this evidence.
177. Several of Ms Kiff's further submission points may be addressed by my recommended amendments to the KCZ text (Appendix 3). In light of the production of the Master Plan in the time since WBF's original submission was prepared, I now recommend retaining much of the KCZ as notified, rather than amending it in the extensive manner set out in WBF's submission. Therefore, the amendments to the KCZ that I recommend in Appendix 3 to this evidence are more limited than the relief sought in WBF's submission.

178. Otherwise, Appendix 5 records that I do not agree with the relief sought in Ms Kiff's further submission. My understanding of the further submission is that Ms Kiff opposes the proposition of development at Kauri Cliffs, in either the Golf Living sub-zone or the Lodge sub-zone.
179. I consider that residential and limited commercial development is central to the KCZ. There is long-standing provision for it in the KCZ and the Subdivision chapters. The Proposed Plan maintains that provision.
180. I consider that the proposed rezoning, in conjunction with my recommended amendments to the zone text, appropriately direct future subdivision and development to more suitable areas than the current zone, apply more comprehensive development controls and are less permissive than the notified zone. In my view this provides a more appropriate environmental and commercial basis for future development of the KCZ.

KCZ MAPPING ERROR IN PROPOSED PLAN

181. An area at the south-west of the KCZ is shown in the Proposed Plan online maps as subject to both Rural Production Zone and the Golf Playing sub-zone. In comparison, zone map 22 and Appendix 6F of the Operative Plan confirm that this area is only in the KCZ and is not intersected by the Rural Production Zone.
182. The last graphic in Appendix 2 to this evidence includes a red dashed circle showing the area where the discrepancy appears. This discrepancy can also be identified by comparing the map titled "Proposed Far North District Plan 2022 Zoning" with the map titled "WBF Requested Zoning".
183. This appears to be a minor error in the Rural Production Zone mapping, as there is no reference in the section 32 report (or elsewhere in the Proposed Plan) to applying the Rural Production Zone in this location.
184. The combination of Rural Production Zone and Golf living sub-zone would be unwieldy to administer. I recommend that this mapping error be resolved with the Rural Production Zone deleted from the affected area and the maps updated to confirm that the KCZ (Golf Playing sub-zone) applies to the area in question, as in the Operative Plan.

MINUTE 14 - CRITERIA FOR REZONING SUBMISSIONS

185. I have assessed the proposed rezoning (comprising the amended KCZ maps and my recommended amendments to the KCZ text) against the matters listed in the Panel's Minute 14. My assessment is provided as Appendix 6 to this evidence.
186. I consider that the proposed rezoning can appropriately:
- (a) Give effect to relevant higher-order documents, and therefore satisfies section 75(3) of the RMA;
 - (b) Integrate with Part 2 of the Proposed Plan, including the Strategic Directions chapter;
 - (c) Align with the objectives, policies and intended outcomes for the KCZ;
 - (d) Include land in the KCZ that is suitable for rezoning, based on the technical assessments commissioned;
 - (e) Avoid areas constrained by natural hazards;
 - (f) Support the provision of infrastructure and services to future development;
 - (g) Facilitate a residential subdivision and ancillary activities to the Lodge in a more environmentally and economically sustainable manner than would likely be the case if the notified zone configuration is retained; and
 - (h) Is a more efficient and effective way to achieve the objectives of the Proposed Plan in terms of section 32AA of the RMA, compared to the notified zoning.

CONCLUSIONS AND RECOMENDATIONS

187. WBF proposes to reconfigure the Kauri Cliffs Special Purpose Zone, to reconfigure the Golf Living, Golf Playing and Lodge sub-zones.
188. The proposal will, in my view, lead to more appropriate resource management outcomes because:
- (a) The area zoned for residential development will reduce by more than 50%, reducing the potential for domestication of the rural landscape;
 - (b) The areas selected to be added to the Golf Living sub-zone are feasible to be subdivided and developed,

as detailed by the Master Plan and associated technical assessments;

- (c) The area selected to be added to the Lodge sub-zone is a logical extension because it is already consented for subdivision and related works and service installation are complete. If that subdivision is not finalised, the area lends itself to Lodge-related activities like visitor accommodation;
- (d) The rezoning avoids areas of significant ecological, landscape and natural character value and is configured to minimise sensitive interfaces with the coast, watercourses and areas of natural hazard risk.

189. In my view, the proposed rezoning gives effect to the relevant provisions of applicable higher order statutory instruments, and is the most appropriate method to achieve the purpose of the Act and objectives of the Proposed Plan.

190. I consider that my recommended amendments to the Kauri Cliffs Zone and Subdivision provisions establish an appropriately conservative basis and scope for comprehensive assessments of future resource consent applications in the KCZ.

Steven Tuck

5 May 2025

APPENDIX 1 TO EVIDENCE OF STEVEN TUCK

S Tuck Recent Professional Experience

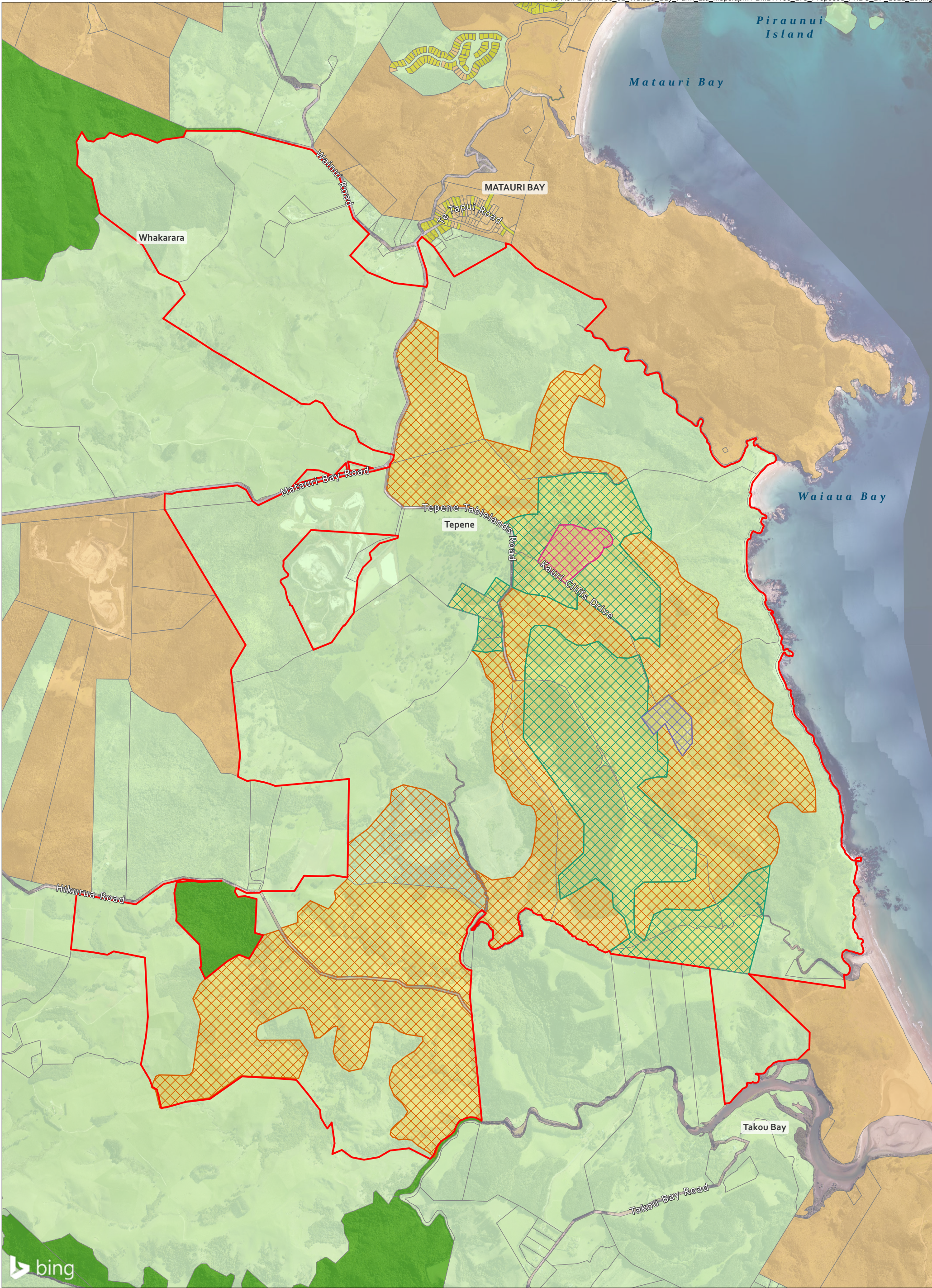
Appendix 1: S Tuck Relevant Professional Experience (2023 – current)

- Waiaua Bay Farm Limited - consenting of online dam, water storage reservoir and reconsenting of surface water take – Far North District.
- Waiaua Bay Farm Limited - beach pavilion and staff accommodation consenting – Far North District.
- Waiaua Bay Farm Limited – consenting of walking trails – Far North District.
- Waiaua Bay Farm Limited - groundwater take consenting – Northland Region.
- Waiaua Bay Farm Limited - wastewater discharge reconsenting – Northland Region.
- Port of Tauranga Limited – Stella Passage Development Fast-track Act 2024 application.
- 100WPS Limited – residential and wastewater discharge consenting in High and Outstanding Natural Landscapes - Queenstown Lakes District.
- Pūkaki Village Holdings Limited – visitor accommodation consenting in Outstanding Natural Landscape - Mackenzie District.
- Pūkaki Village Holdings Limited – preparation of submissions and planning evidence on proposed Special Purpose Zones - Mackenzie District.
- Silver Fern Farms Limited – stormwater discharge and groundwater reconsenting – Hawkes Bay Region.
- Silver Fern Farms Limited – preparation of submissions and planning evidence on the proposed Timaru, Gore, Central Hawkes Bay and Te Tai o Poutini District Plans – various districts.
- Silver Fern Farms Limited – preparation of submissions and evidence on the proposed Otago Regional Policy Statement – Otago Region.
- Silver Fern Farms Limited – air discharge and greenhouse gas emissions consenting - Hawkes Bay Region.
- Port Marlborough New Zealand Limited – consenting of industrial development – Marlborough Region.
- Sanford Limited – marine farm reconsenting – Southland, Waikato and Auckland regions.
- Manawa Energy Limited – hydroelectric power scheme reconsenting – Bay of Plenty and Manawatu regions.

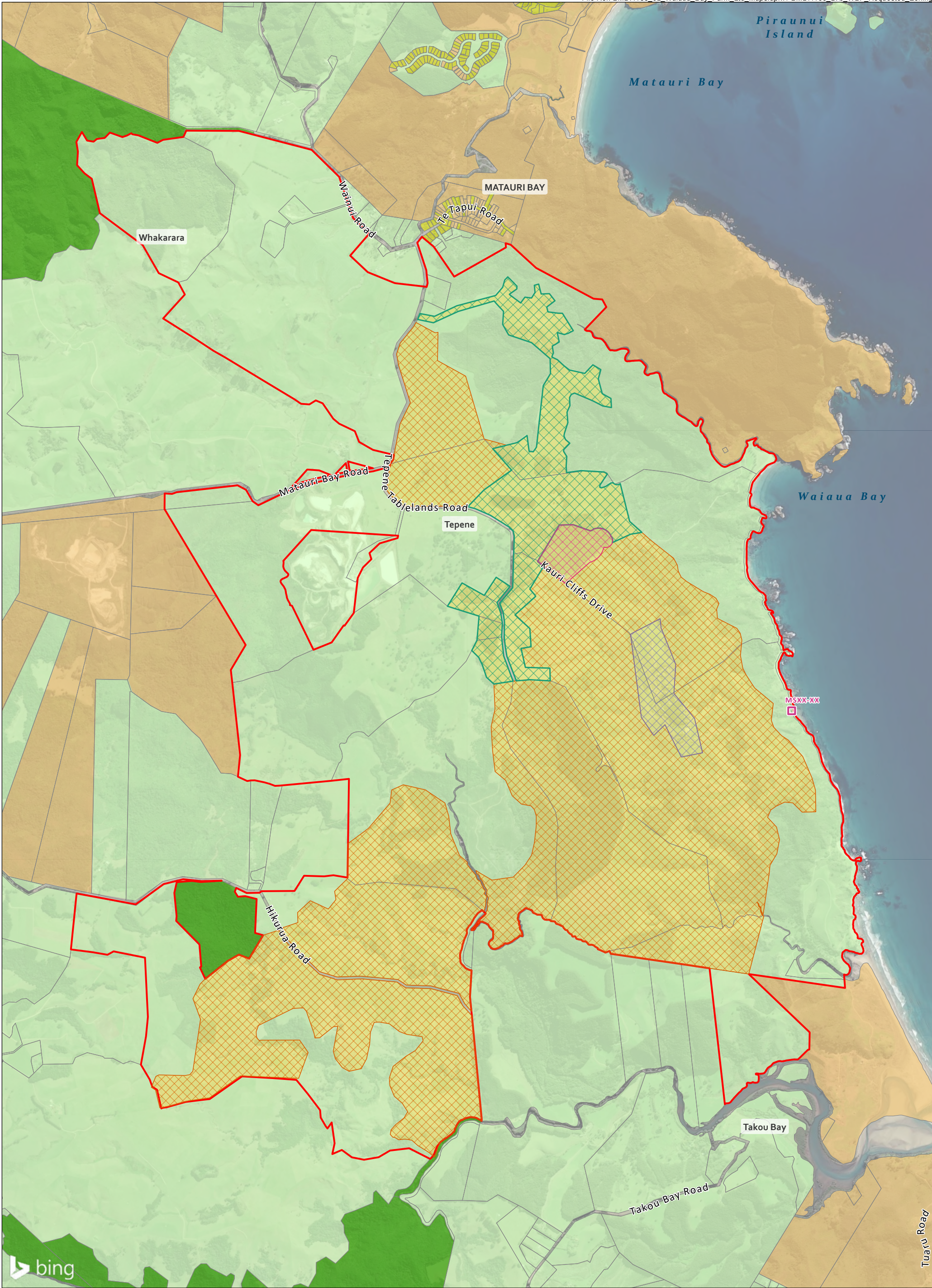
APPENDIX 2 TO EVIDENCE OF STEVEN TUCK

Maps

This plan has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is solely for our Client's use in accordance with the agreed scope of work. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate. No liability or responsibility is accepted by Boffa Miskell Limited for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.



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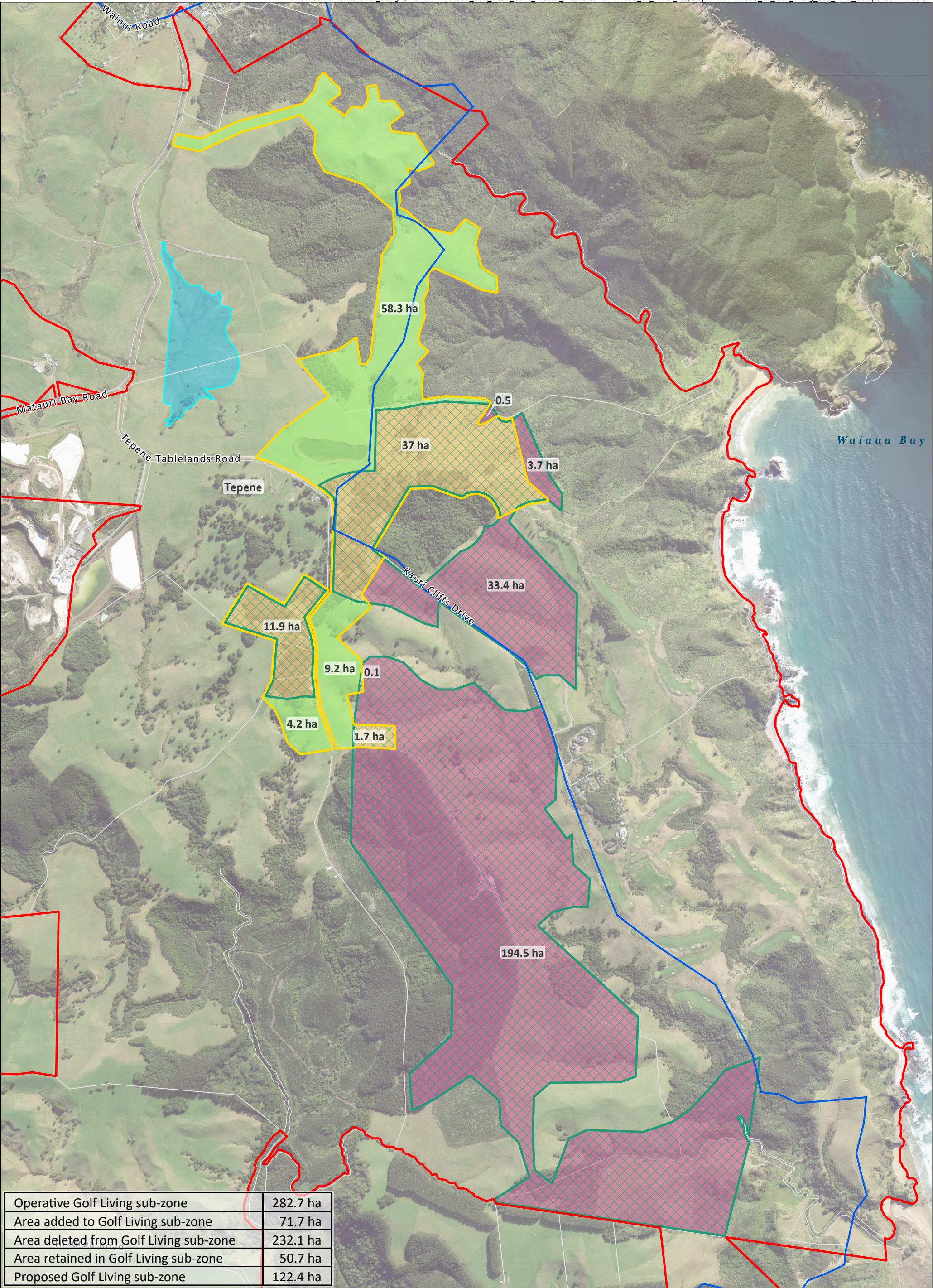
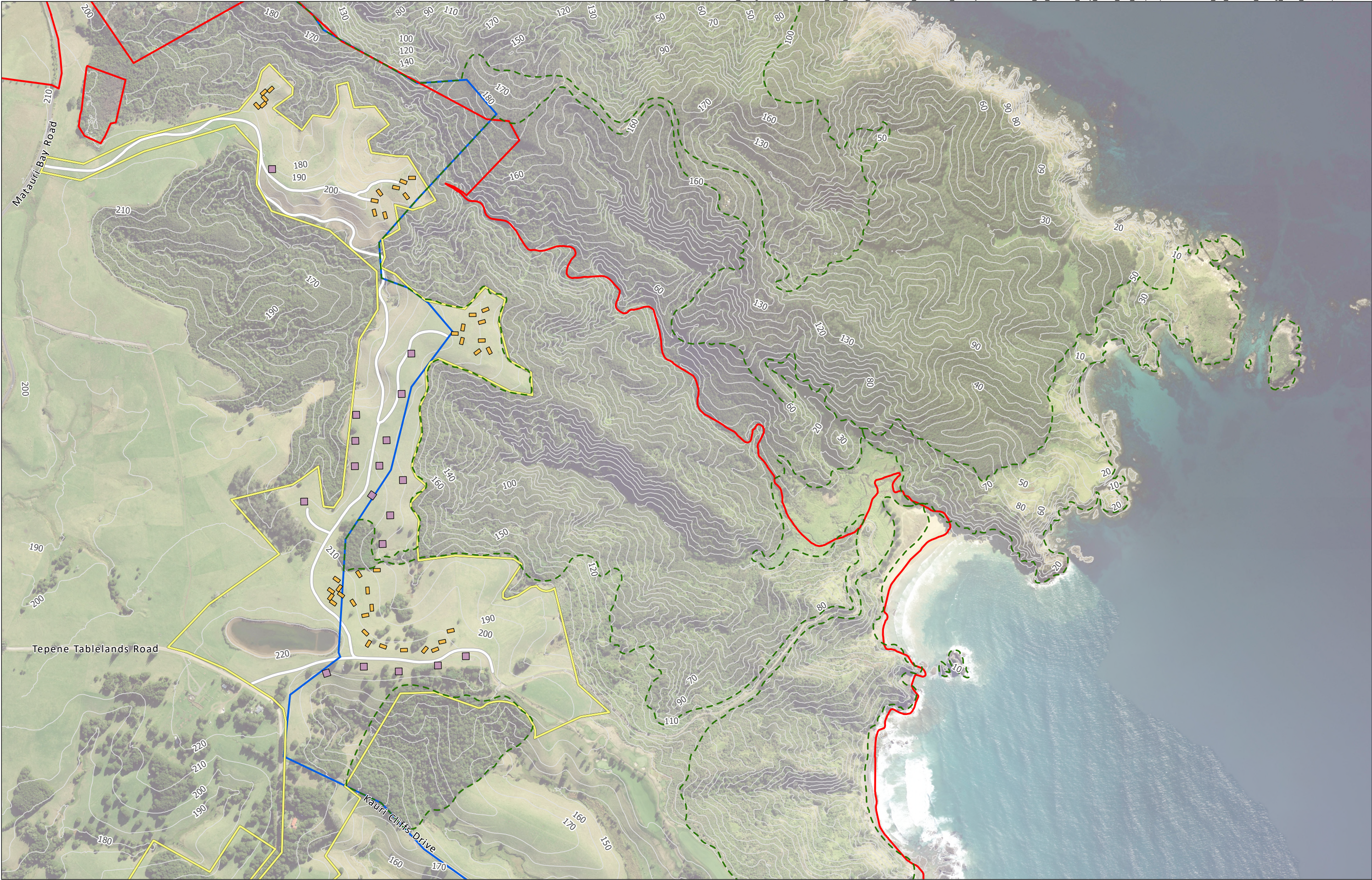
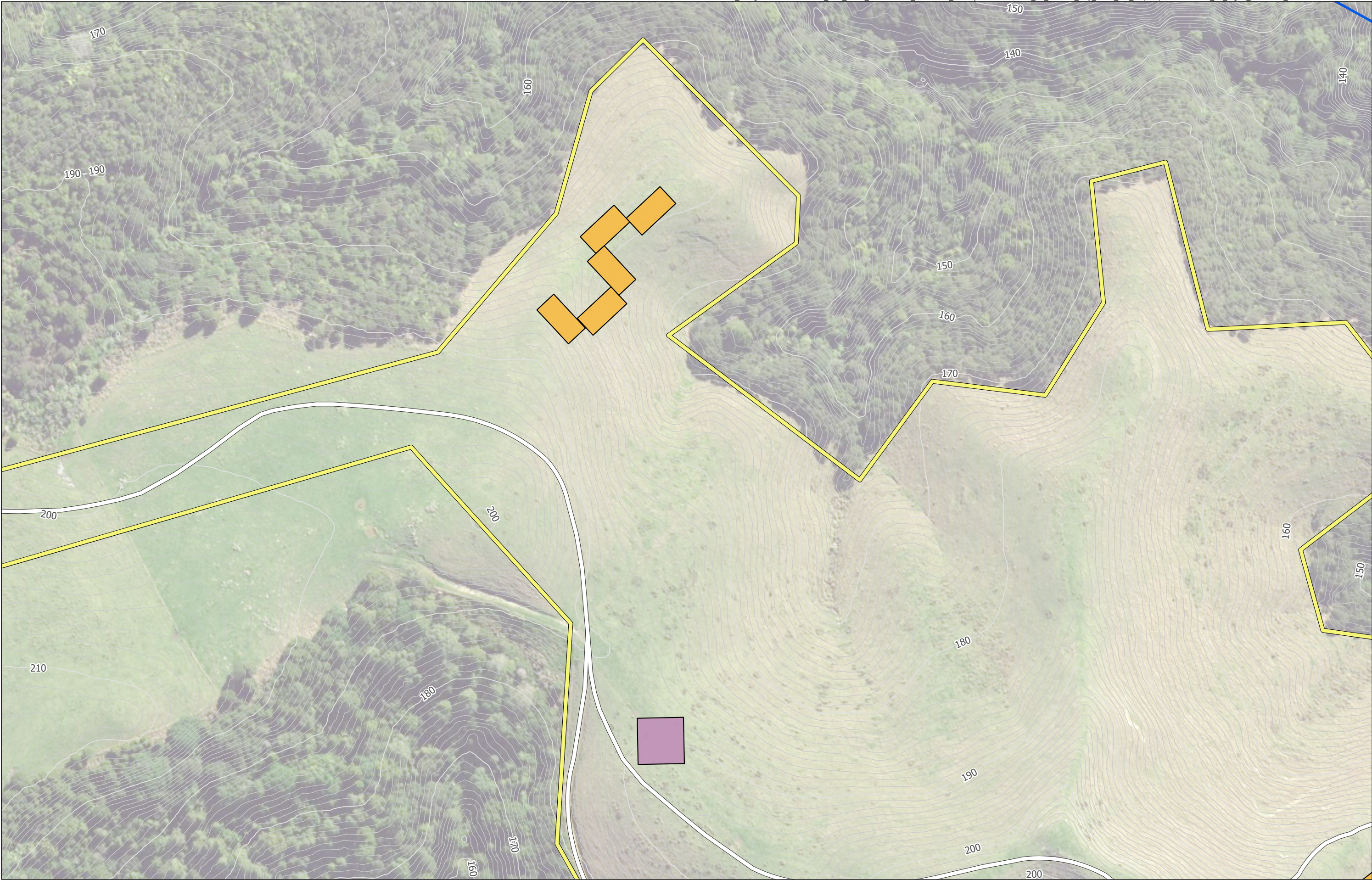


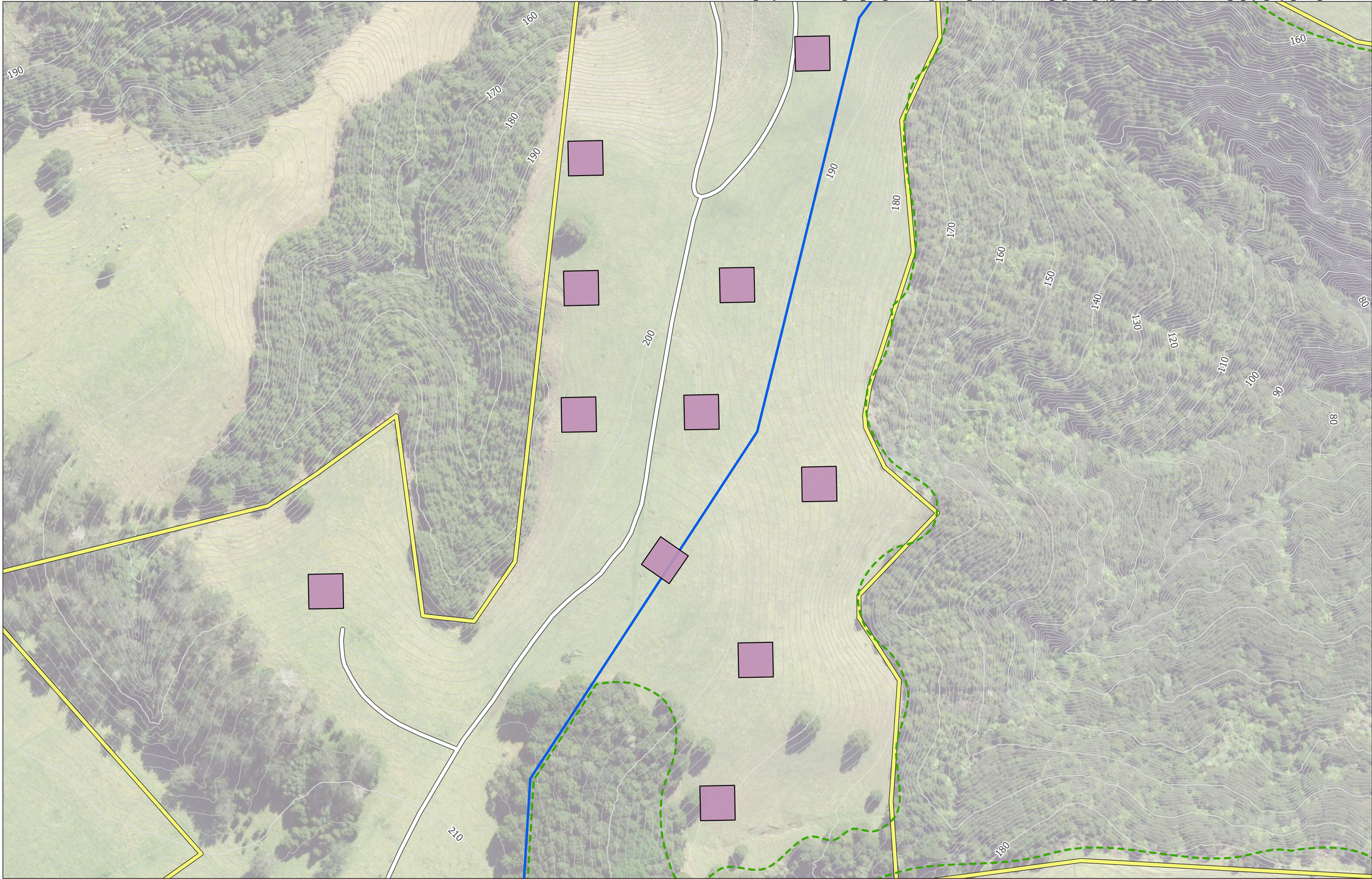
Figure 1



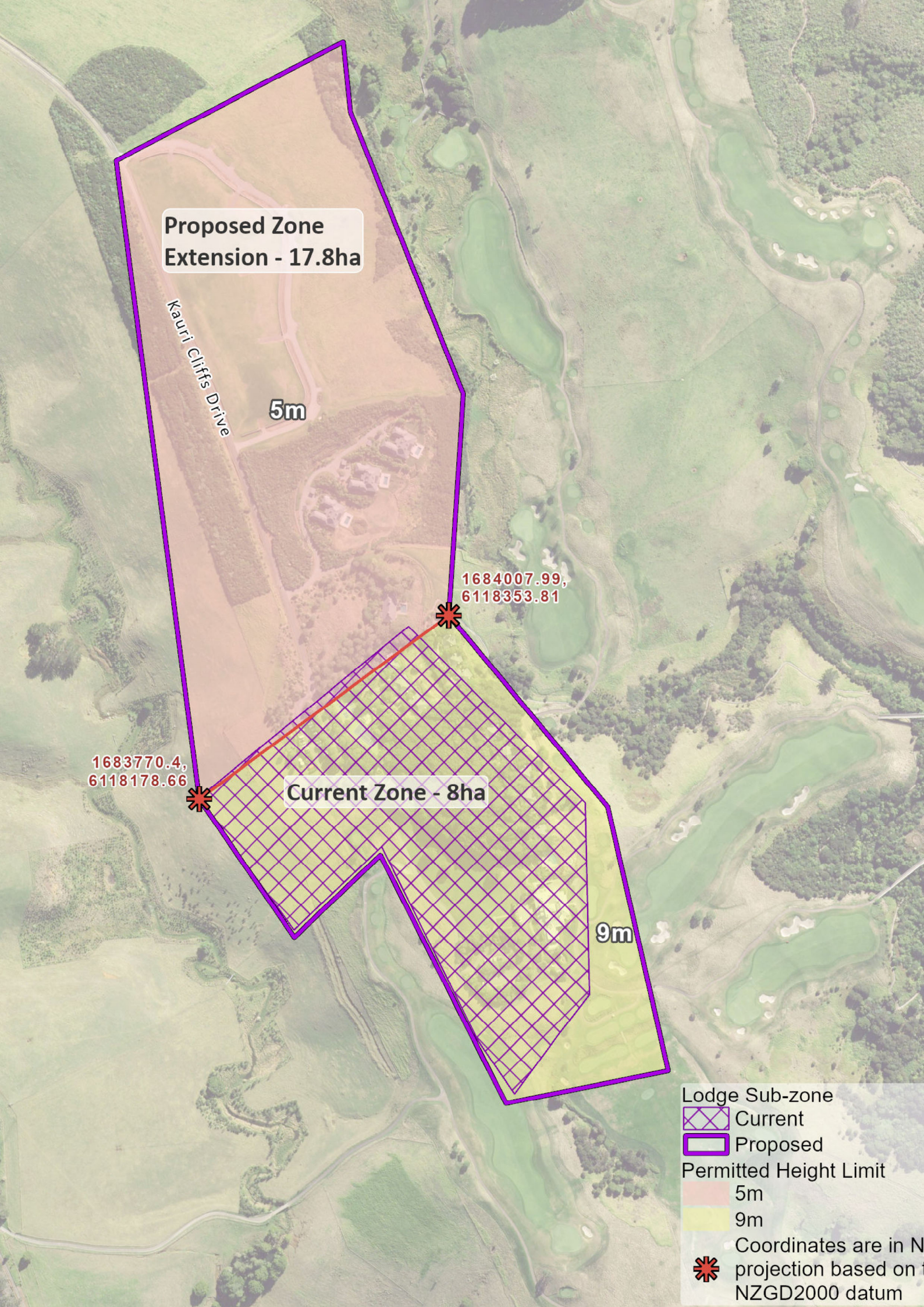












**Proposed Zone
Extension - 17.8ha**

Kauri Cliffs Drive

5m


1684007.99,
6118353.81


1683770.4,
6118178.66

Current Zone - 8ha

9m

Lodge Sub-zone


 Current

 Proposed

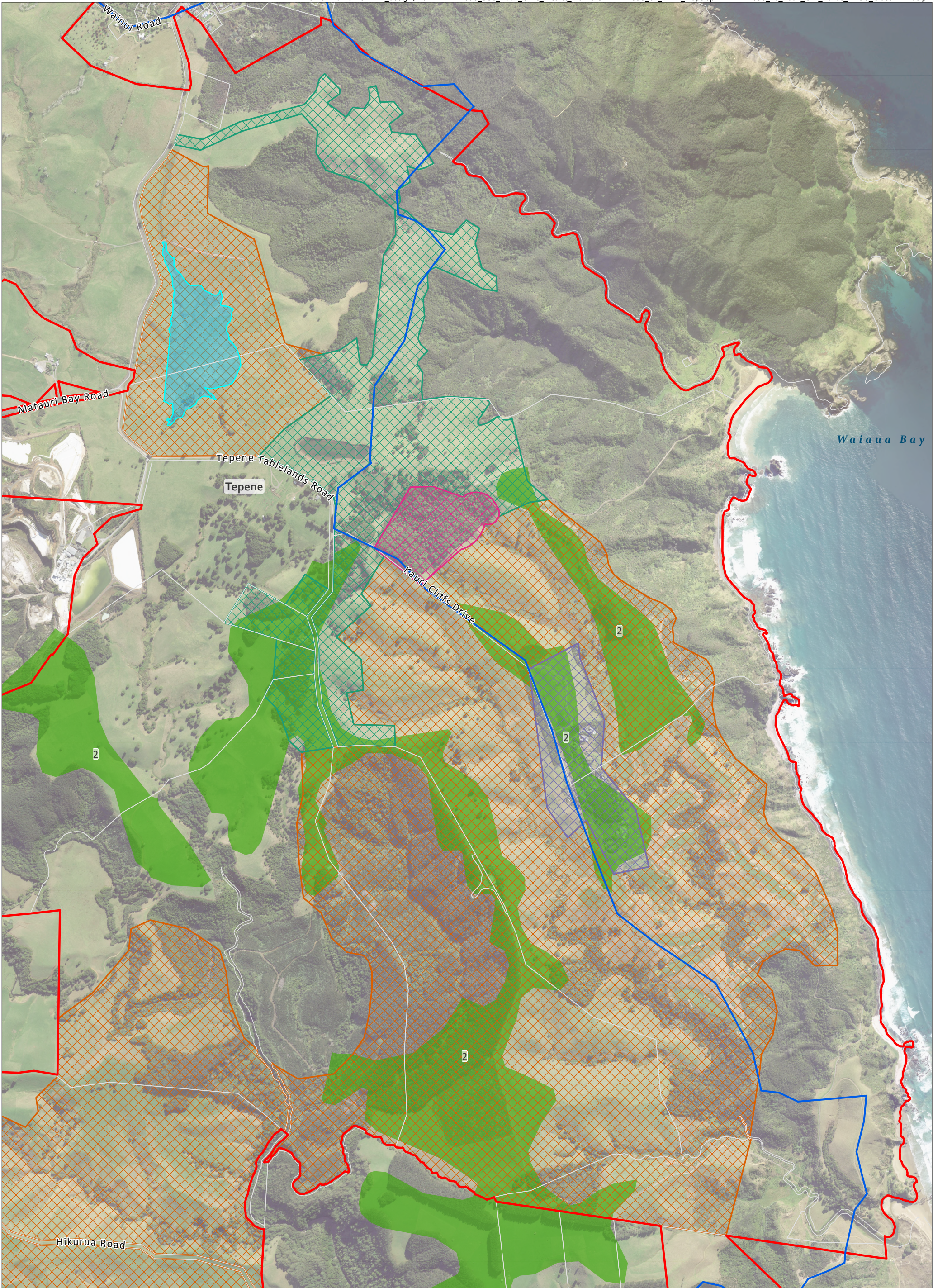
Permitted Height Limit

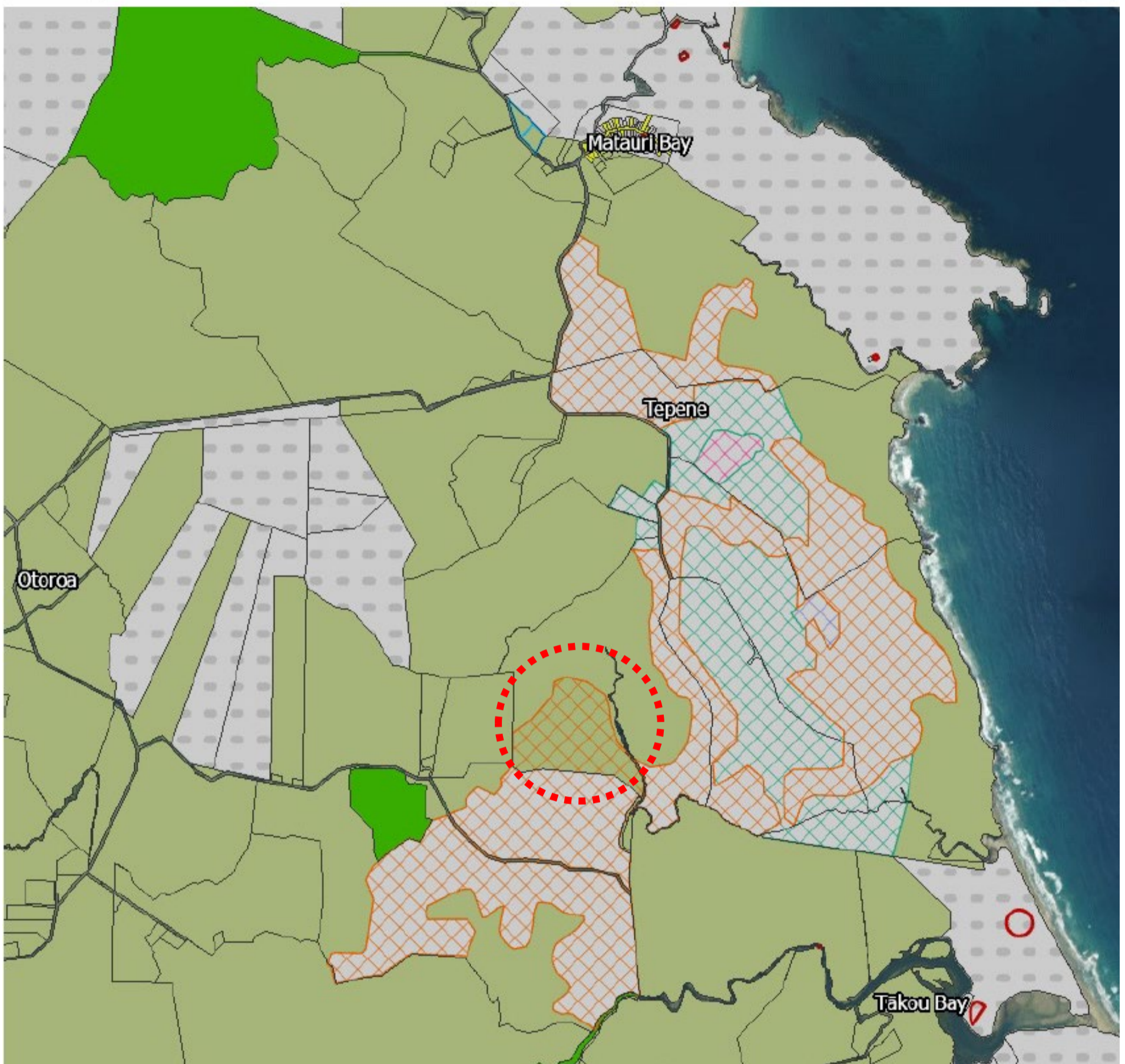
5m

9m

 Coordinates are in N
projection based on t
NZGD2000 datum

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ZONING ERROR

This map identifies the mapping error discussed in my evidence where the Rural Production Zone appears to have been incorrectly co-located with the Golf Playing sub-zone. The Rural Production Zone should be deleted from this area.

APPENDIX 3 TO EVIDENCE OF STEVEN TUCK

Recommended Amendments to Kauri Cliffs Zone and Subdivision provisions

S Tuck recommended amendments to Kauri Cliffs chapter

Overview

The Kauri Cliffs zone ~~is located~~ ~~applies to part of the Kauri Cliffs property located~~ between Matauri Bay to the north and Takou Bay to the south. ~~The zone and~~ has been developed as a championship standard golf course, with an associated lodge and separate ~~guest cottage~~ ~~visitor~~ accommodation. Kauri Cliffs is internationally recognised as a prestigious golfing facility and luxury accommodation destination and the development contributes to the economic growth of the District through tourism and employment opportunities.

The zone recognises and provides for the management and development of an international standard golfing facility, ~~visitor~~ accommodation, ~~spa/health~~ facilities, conference and eating/dining facilities, ~~and residential activities~~, all with a focus on the protection and enhancement of the zone's natural, conservation and environmental values. The development of the zone is controlled by rules applying to four ~~'environments'~~ ~~sub-zones~~ within the Kauri Cliffs ~~Z~~zone. These are ~~the~~:

- Lodge sub-zone
- Golf playing sub-zone
- Golf living sub-zone
- Natural heritage sub-zone

These sub-zones provide specifically for development and activities, which are to be carried out in a manner that retains the character, features and landscape of the Kauri Cliffs zone, some of which are located within the coastal environment and are subject to the provisions in that chapter of the District Plan.

Commented [ST1]: My recommended amendments recognises that the KCZ does not cover the entire landholding. Much of Kauri Cliffs is in the Rural Production Zone.

The term 'guest cottage accommodation' is undefined. This amendment applies the defined term "visitor accommodation".

Commented [ST2]: The amendment to "residential activities" replaces an undefined term.

Commented [ST3]: Amendments to P5 clarify the anticipated nature and location of activity associated with the role of the Lodge sub-zone. In the future the Lodge node will support residential development in the Golf Living sub-zone, as well as the current demand from guests.

Commented [ST4]: RE P6: Amendments reflect the reconfiguration and relocation of the Golf Living sub-zone to interface with the new coastal environment overlay.

Objectives	
KCZ-O1	The Kauri Cliffs zone is developed to maintain and operate an international standard golfing facility, visitor accommodation and ancillary facilities, including conference, gym, spa and eating/dining facilities as well as golf living facilities residential activities .
KCZ-O2	The natural characteristics and qualities that contribute to conservation and environmental values in the Kauri Cliffs zone are protected when undertaking land use and subdivision.

Policies	
Kauri Cliffs General	
KCZ-P1	Provide for land use and subdivision in the Kauri Cliffs zone where it maintains or enhances the purpose of the zone as an internationally recognised golfing and luxury accommodation facility.
KCZ-P2	Provide for the development of future golf courses within the 'Golf playing sub-zone' in the Kauri Cliffs zone while ensuring that any adverse effects of development are avoided, remedied or mitigated.
KCZ-P3	Ensure that land management practices in the Kauri Cliffs zone are undertaken in a manner that minimises adverse effects on the quality of soil and water resources.
KCZ-P4	Provide for the limited extension of the existing guest cottage visitor accommodation in the Kauri Cliffs zone where the adverse effects can be avoided, remedied or mitigated.
KCZ-P5	Enable tourist and golf related limited commercial activities and associated built form in the Kauri Cliffs zone in association with the an activity node around the existing Kauri Cliffs Lodge.
KCZ-P6	Provide for 'golf living' residential activities in the Kauri Cliffs zone, where it is consistent with an open rural landscape character and located more than 0.5km inland from the coast and adverse effects on the coastal environment and rural landscape values are avoided, remedied or mitigated .
KCZ-P7	Ensure that the siting of buildings in the Kauri Cliffs zone is undertaken in a manner which minimises the impacts of activities and development in the coastal environment, including the provision for adequate infrastructure servicing.
KCZ-P8	Ensure that any land use or development undertaken in the Kauri Cliffs zone maintains or improves road and air access to the zone.

Rules

Notes:

1. There may be other rules in Part 2- District-Wide Matters of the District Plan that apply to a proposed activity, in addition to the rules in this zone chapter, including the Transport, Hazardous Substances, Noise, Light and Signage chapters. These District-Wide rules may be more stringent than the rules in this chapter. Ensure that relevant District-Wide Matters chapters are also referred to in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. This zone chapter does not contain rules relating to setback to waterbodies for building and structures or setbacks to waterbodies for earthworks and indigenous vegetation clearance. The Natural Character contains rules for activities within wetland, lake and river margins. The Natural Character chapter should be referred to in addition to this zone chapter.

KCZ-R1		
New buildings or structures, and extensions or alterations to existing buildings or structures		
Kauri Cliffs zone Lodge-sub zone	Activity status: Permitted Where: PER-1 Any new extension or alteration to an existing building or structure may be extended to a maximum of 20% of the <u>GFA-gross floor area</u> and must not exceed the height of the existing building or structure. PER-2 Any new building or structure, or extension or alteration to an existing building or structure complies with standard KCZ-S1 Buildings or structures.	Activity status where compliance is not achieved with PER-1: Controlled activity in accordance with rule KCZ-R2-CON-1 Activity status where compliance is not achieved with PER-2: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard
	Golf Playing sub-zone PER-3 Any new building or structure, or extension or alteration to an existing building or structure complies with standards: KCZ-S1 Buildings or structures KCZ-S2 Coverage	Activity status where compliance not achieved with PER-3: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard
Golf living sub-zone	PER-4 Any new building or structure, or extension or alteration to an existing building or structure complies with standard KCZ-S1 Buildings or structures.	Activity status where compliance not achieved with PER-4: <u>ControlledRestricted-discretionary</u> Matters of <u>discretion-control</u> are restricted to: a. the matters of discretion of <u>standard KCZ-S1 Buildings or structuresany-infringed-standard</u>
KCZ-R2		
Visitor accommodation		
Kauri Cliffs zone Lodge-sub zone	Activity status: Permitted Where: PER-1 <u>New-bB</u> Buildings for the purpose of visitor accommodation <u>does</u> not exceed <u>15 units8</u> guest-cottages.	Activity status where compliance is not achieved with PER-1: Discretionary

Commented [ST5]: The amendment to PER-1 inserts a defined term in place of an acronym.

Commented [ST6]: It is necessary to align the activity status for residential activity in the Golf Living sub-zone with the activity status specifically referenced in rules CE-R1 PER-1 and CE-R1 CON-1 of the Coastal Environment section 42A report.

Otherwise, more strict rules will (inappropriately) apply to the Golf Living sub-zone than will apply in the Coastal Environment.

Commented [ST7]: RE PER-1: The amendment from 8 to 15 units reflects the 11 existing visitor accommodation units, three existing guest villas and the existing two-bedroom Owner's cottage. My recommended amendments will require a discretionary consent for the development of any further visitor accommodation in the Lodge sub-zone.

RE CON-1: The amendments are recommended to support the role of the Lodge sub-zone as an activity node.

Lodge-sub-zone	<p>CON-1</p> <p>Additions and alterations to existing buildings not exceeding a maximum of 40% of the GFA of the building which is being altered or added to.</p> <p>Matters of control are limited to:</p> <ol style="list-style-type: none">the size, height, bulk and siting of the structure in relation to existing buildings;the colour and reflectivity of the structure and the extent to which it integrates with existing buildings;the extent to which planting assists the integration of the structure into the environment; and<u>any adverse visual effects and the extent to which mitigation measures ensure that such effects are no more than minor the degree to which the landscape will retain its open character and visual value.</u>	Activity status where compliance not achieved with CON-1: Discretionary
Golf living sub-zone	<p>PER-2</p> <p><u>Visitor accommodation and accessory buildings located within building platforms identified on an approved subdivision plan approved under rule SUB-R3 Subdivision of land to create new allotment (Kauri Cliffs zone).</u></p>	Activity status where compliance not achieved with PER-2: Discretionary
KCZ-R3	Residential activity	
Kauri Cliffs zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>The number of residential units on a site does not exceed one.</p> <p>PER-2</p> <p>The residential unit is located within a <u>defined building platform, where the defined building platform has been identified through a professional landscape assessment and approved as part of an existing subdivision consent</u> building platform identified on an approved subdivision plan.</p>	Activity status where compliance not achieved with PER-1, <u>PER-2 or PER-3</u> and 2: Discretionary
Lodge sub-zone	<p>PER-3</p> <p><u>Buildings for the purpose of residential activity in the Lodge sub-zone do not exceed four (4) units.</u></p>	
KCZ-R4	Commercial activity	
Kauri Cliffs zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>Commercial activities are for the purpose of:</p> <ol style="list-style-type: none">Conferences.Eating and dining facilities.Gym and beauty spa facilities.Retail activities associated with golf and other ancillary recreation.	Activity status where compliance not achieved with PER-1: Discretionary
Lodge-sub zone		
KCZ-R5	Infrastructure activity	

Commented [ST8]: The amendment inserts a defined term.

Commented [ST9]: My recommended amendments to PER-2 correlate to the language used in rule CE-R1.

The addition of PER-3 only recognises the existing Owner's Cottage, and the three guest villas constructed on proposed Lots 1 - 3 of the 2017 subdivision. Hence, my recommended amendments will require a discretionary consent for the development of additional residential activity in the Lodge sub-zone.

Commented [ST10]: I recommend amending PER-1 to "infrastructure" as this is defined in the Plan.

I recommend the amended matters of control at KCZ-S1 because they are more relevant and comprehensive to the establishment of infrastructure than those stated in the notified text.

Kauri Cliffs zone Lodge-sub zone	Activity status: Permitted Where: PER-1 Infrastructure al facilities are associated with the operation and maintenance of the Lodge and associated accommodation.	Activity status where compliance not achieved with PER-1: Controlled Matters of control are limited to: a. the assessment matters of standard KCZ-S1, the size, height, bulk and siting of the structure in relation to existing buildings; b. the colour and reflectivity of the structure and the extent to which it integrates with existing buildings; c. the extent to which planting assists the integration of the structure into the environment; d. the location and design of associated vehicle access, manoeuvring and parking area; e. the degree to which the landscape will retain its open character and visual value; the matters of discretion of any infringed standard.
	KCZ-R6	Recreation activity
Kauri Cliffs zone Lodge-sub zone Golf playing-sub zone	Activity status: Permitted Where: PER-1 The facilities or activities associated with the lodge <u>and golf course</u> where they have been lawfully established.	Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Restricted discretionary Matters of discretion are restricted to: a. the assessment matters of standard KCZ-S1, any adverse visual effects on the natural environment and the extent to which mitigation measures ensure that such effects are no more than minor; b. the extent to which the replacement planting of any indigenous vegetation mitigates the loss of established vegetation more than 6m in height; c. the extent to which the proposal has been formulated to avoid, remedy or mitigate adverse effects, on any archaeological resources or natural fauna; d. the extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area; and e. the character and appearance of new building(s) and the extent to which they will be compatible with the principal activity on the site and with other buildings in the surrounding area.
	Lodge-sub zone PER-2 Recreation activities are associated with golf tournaments.	
Golf playing-sub zone Golf living-sub zone	PER-3 Recreational activities and facilities are associated with golf playing, establishment and maintenance of golf courses and golf tournaments.	

Commented [ST11]: My recommended amendments to PER-1 reflect that recreation activity is centred on both the Lodge and the golf course.

As the assessment matters are identical to those of KCZ-S1, I recommend a cross-reference for simplicity.

KCZ-R7	Access	
<p>Kauri Cliffs zone</p> <p>Lodge-sub zone</p> <p>Golf playing sub-zone</p> <p>Golf living sub-zone</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Access is limited to the formation, maintenance and upgrading of vehicle access ways, tracks and roads.</p>	<p>Activity status where compliance not achieved with PER-1: Controlled</p> <p>Matters of control are limited to:</p> <ol style="list-style-type: none"> the size, height, bulk and siting of the structure in relation to existing buildings; the colour and reflectivity of the structure and the extent to which it integrates with existing buildings; the extent to which planting assists the integration of the structure into the environment; the location and design of associated vehicle access, manoeuvring and parking area; and the degree to which the landscape will retain its open character and visual value; and the matters of discretion of any infringed standard.
<p>Golf living sub-zone</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-2 Any proposed accessways, vehicle crossings and vehicle passing bays comply with TRAN-S2, TRAN-S3 and TRAN-S4 as applicable.</p> <p>NOTE: Rule KCZ-R7 applies in place of rules TRAN-R2 and SUB-R4, which do not apply in the Golf Living sub-zone.</p>	<p>Activity status where compliance not achieved with PER-2: Restricted discretionary</p> <p>Where:</p> <p>RDIS-1 A resource consent application includes a transportation assessment approved by a suitably qualified and experienced transport professional.</p> <p>Matters of discretion are limited to:</p> <ol style="list-style-type: none"> the extent to which the design provides for a safe, efficient and connected transport network; any adverse effects on the safety and efficiency of road operations; any adverse effects on the character and amenity of the surrounding environment; and the recommendations of a transport assessment. <p>Activity status where compliance not achieved with RDIS-1: Discretionary</p>
KCZ-R8	Farming	
<p>Kauri Cliffs zone</p> <p>Golf living sub-zone</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Any farming activity is limited to stock keeping and grazing.</p>	<p>Activity status where compliance not achieved with PER-1: Discretionary</p>

Commented [ST12]: RE PER-1: My recommended amendments reflect the defined term "accessways" in the Plan and provide a permitted status for the tracks/access within the Lodge and Golf Playing sub-zones. This is acceptable, as these sub-zones do not interface with public roads.

RE PER-2: This rule specifically applies to the upgrades and development of vehicle access in support of a future subdivision in the Golf Living sub-zone. As this sub-zone interfaces with public roads, the same accessway, crossing and passing bay standards are applied as for any other development.

As discussed in my evidence, a restricted discretionary consenting pathway is specified, in order to maintain a cohesive activity status framework for the KCZ.

Commented [ST13]: As detailed in my evidence, these amendments reconcile the distinct restricted discretionary consenting pathway for subdivision in the Golf Living sub-zone with the Transport and Subdivision provisions that require a discretionary consent for accessways etc serving > 8 lots.

My amendments seek to transpose the key standards and assessment criteria of relevant Transport standards for access (i.e. TRAN-S3 and TRAN-S4) into a restricted discretionary framework for the Golf Living sub-zone.

The requirement for an expert transportation assessment provides additional surety around the effects of subdivision on the road network.

Other matters, for example, the effects of earthworks associated with access construction, are addressed by the Earthworks chapter, e.g. EW-R1 and EW-S1 limit earthworks in the KCZ.

KCZ-R9	Helicopter landing area	
Kauri Cliffs zone	Activity status: Permitted	Activity status where compliance not achieved with PER-1: Controlled
Lodge-sub zone	Where:	
Golf playing sub-zone	PER-1 Any helicopter landing area complies with standard NOISE-R7 Helicopter landing areas.	Matters of control are limited to: a. the matters of standard NOISE-S4, the size, height, bulk and siting of the structure in relation to existing buildings; b. the colour and reflectivity of the structure and the extent to which it integrates with existing buildings; c. the extent to which planting assists the integration of the structure into the environment; d. the location and design of associated vehicle access, manoeuvring and parking area; the degree to which the landscape will retain its open character and visual value; and f. the matters of discretion of any infringed standard.
Golf living sub-zone		
KCZ-R10	Conservation activity	
Kauri Cliffs zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
KCZ-R11	Activities otherwise not listed in this chapter	
Kauri Cliffs zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
KCZ-R12	Offensive trade	
Kauri Cliffs zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
KCZ-R13	Commercial composting	
Kauri Cliffs zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
KCZ-R14	Community correction facility	
Kauri Cliffs zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
KCZ-R15	Cleanfill and landfill	
Kauri Cliffs zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
KCZ-R16	Primary production (excluding farming)	
Kauri Cliffs zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

Commented [ST14]: I recommend amending KCZ-R9 because the notified matters of control have little relevance to a helicopter landing area.

Standard NOISE-S4 (Helicopter landing areas) of the PDP is the standard that rule NOISE-R7 applies. Therefore a cross-reference is the most efficient and effective approach in my view.

Standards		
KCZ-S1	Buildings or structures	
Kauri Cliffs zone: Lodge sub-zone	<ol style="list-style-type: none"> The maximum <u>building</u> footprint of a new buildings or structures is <u>25300</u>m². The maximum height of a new building or structure, or addition or alteration to an existing building or structure is: <ol style="list-style-type: none"> 9m above ground level <u>where located south of a line between the following NZTM coordinates: 1683770.39 and 6118178.65; and 1684007.99 and 6118353.81; or</u> 5m above ground level <u>where located north of a line between the NZTM coordinates shown in (a).</u> 	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ol style="list-style-type: none"> any adverse visual effects on the natural environment and the extent to which mitigation measures ensure that <u>adverse visual</u> such effects are no more than minor; the <u>means of integrating the building(s) or structure(s) into the landscape, including the use of indigenous planting</u> extent to which the replacement planting of any indigenous vegetation mitigates the loss of established vegetation more than 6m in height; the extent to which the proposal has been formulated to avoids, remediesy or mitigates <u>adverse</u> effects, on any archaeological resources or <u>ecological values</u> natural fauna; the extent to which any proposed measures will result in the protection and enhancement of the <u>archaeological or</u> ecological values of the area; and the character and appearance of new building(s) <u>or structure(s)</u> and the extent to which they will be compatible with the principal activity on the site and with other buildings in the <u>same sub-zone</u> surrounding area; <u>the stability of land, buildings and infrastructure; and</u> e.g. servicing and infrastructure requirements.
Kauri Cliffs zone: Golf playing sub-zone	<ol style="list-style-type: none"> The building or structure, or addition or alteration to an existing building or structure must be ancillary to golf activities. The maximum height of a new building or structure, or addition or alteration to an existing building or structure is 8m above ground level. 	
Kauri Cliffs zone: Golf living sub-zone	<ol style="list-style-type: none"> <u>The maximum building footprint of a new building or structure is 300m².</u> The maximum height of a new building or structure, or addition or alteration to an existing building or structure is <u>97.5m</u> above ground level <u>where located outside the Coastal Environment, or 5m above ground level where located within the Coastal Environment.</u> The exterior roofing and cladding of new buildings must: <ol style="list-style-type: none"> <u>be constructed of natural materials and/or finished to achieve a reflectance value no greater than 30%; and</u> <u>if the exterior surface is painted, have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette.</u> 	
KCZ-S2	Coverage	
Kauri Cliffs zone: Golf playing sub-zone	The maximum combined building coverage and impermeable surface cover, excluding vehicle access, track and roads is 10% or 1,000m ² which ever is lesser.	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ol style="list-style-type: none"> any adverse visual effects on the natural environment and the extent to which mitigation measures ensure that <u>adverse visual</u> such effects are no more than minor; the <u>means of integrating the building(s) or structure(s) into the landscape, including the extent to which the replacement planting of any indigenous vegetation mitigates the loss of established vegetation more than 6m in height;</u> the extent to which the proposal has been formulated to avoids, remediesy or mitigates <u>adverse</u> effects, on any archaeological resources or <u>natural fauna</u> ecological values; the extent to which any proposed measures will result in the protection and

Commented [ST15]: Lodge sub-zone: A permitted limit of 25 m2 building footprint is inadequate and at odds with the role of the Lodge sub-zone as the property's central activity node. For the reasons discussed in my evidence, I recommend increasing this to 300 m2.

I also recommend permitted height limits of 5m and 9m in different parts of the Lodge sub-zone, delineated by the stated coordinates and as shown in Figure 1 of my evidence.

Golf Living sub-zone: In this sub-zone I recommend a 300 m2 permitted building footprint, consistent with rule CE-R1. This supports cohesive design outcomes across the sub-zone whether the Coastal Environment applies or not.

I also recommend 5 m or 7.5 m permitted height limits reflecting the coastal environment interface, and external colours/materials controls consistent with the coastal environment standard CE-S2.

Assessment Matters: For (a), deleting "natural environment" removes uncertainty and provides a wider scope to assess effects on landscape character and visual amenity. For (b), the amendment removes the narrow focus on loss of trees > 6m. Vegetation removal is addressed separately (by the District-wide rules of the Proposed Plan), and this amendment focusses assessment on the design approach to development and landscaping.

For (c) and (d), the amendments simplify the text, require adverse effects on ecological values to be considered and require measures to protect or enhance archaeological values to be considered.

For (e), the amendments clarify the extent of the "compatibility" test.

My recommended clauses (f) and (g) enable consideration of geotechnical and servicing-related matters for proposals not subject to these considerations under the Subdivision, Earthworks and Transport chapters of the Proposed Plan.

Commented [ST16]: The amendments to KCZ-S2 reflect my recommended amendments to KCZ-S1.

		<p>enhancement of the archaeological or ecological values of the area;</p> <p>e. the character and appearance of new building(s) or structure(s) and the extent to which they will be compatible with the principal activity on the site and with other buildings in the surrounding area; and</p> <p>f. the extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies;</p> <p>g. the stability of land, buildings and infrastructure; and</p> <p>f.h. servicing and infrastructure requirements.</p>
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Commented [ST17]: Please note the material continues over the page, regarding the Subdivision provisions discussed in my evidence.

S Tuck recommended amendments to the Subdivision chapter (including the *Coastal Environment* topic recommendations)

SUB-R3	Subdivision of land to create a new allotment	
Kauri Cliffs zone Lodge sub-zone Golf Playing sub-zone	<p>Activity status: Restricted Discretionary</p> <p>Where:</p> <p>RDIS-1:</p> <ol style="list-style-type: none"> The subdivision complies with standards: <ul style="list-style-type: none"> SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 Telecommunications and power supply; SUB-S7 Easements for any purpose; and SUB-S8 Esplanades. <p>RDIS-2:</p> <ol style="list-style-type: none"> Subdivision of up to 60 new lots for residential (golf living) purposes, provided that: <ol style="list-style-type: none"> no lot is less than 4,000m² in area; on-site treatment and disposal of wastewater is provided for; and the building footprints are specified on an approved plan of subdivision. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> matters of control in SUB-R3; the extent to which the activity may impact adversely on the unique character of the Kauri Cliffs Zone; the extent to which any adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated; and the effect on adjoining activities. <p>NOTE: Applications for restricted discretionary activities within the Golf living sub-zone will be treated as non-notified applications provided the written approval of owners of land adjoining the lots to be subdivided has been obtained.</p>	<p>Activity status where compliance not achieved with RDIS-1: Discretionary</p> <p>Activity status where compliance not achieved with RDIS-2: Discretionary</p>
Golf Living sub-zone	<p>RDIS-2:</p> <ol style="list-style-type: none"> Subdivision of up to 60 new lots for residential purposes, provided that: <ol style="list-style-type: none"> no lot is less than 500m² in area; on-site treatment and disposal of wastewater is provided for; and defined building platforms, identified through a professional landscape assessment, are specified; A Landscape Planting and Management Plan is provided with the application. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> matters of control in SUB-R3; the extent to which the activity may impact adversely on the unique character of the Kauri Cliffs Zone; the extent to which any adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated; the effect on adjoining activities; the measures proposed for the implementation and ongoing management of planting within the subdivision; and 	<p>Activity status where compliance not achieved with RDIS-2: Discretionary</p>

Commented [ST18]: My recommended amendments to this rule capture the distinct restricted discretionary, non-notified consenting pathway for subdivision in the Golf Living sub-zone.

This distinct pathway for the Golf Living sub-zone is provided in rule 13.8.3 of the Operative Plan, but appears to have been overlooked when the subdivision rules were transposed to the Proposed Plan.

I have amended rule RDIS-2 to include additional information requirements and assessment matters specific to a residential subdivision in the Golf Living sub-zone (building platforms, landscape planting).

My recommended 500 m² minimum lot size reflects the Master Plan, which signals a clustered layout that will largely forgo the previous 0.4 ha lot size. As a shared wastewater treatment solution is possible, there is no need to retain large lots solely for site-specific wastewater disposal reasons.

In my view if the rule is retained as notified, it will be confusing and will undermine the long-standing, specific pathway for a residential subdivision in the Golf Living sub-zone. That is, the notified rule inappropriately fails to distinguish the anticipated subdivision in the Golf Living sub-zone from subdivision in the other sub-zones.

	f. the matters in CE-P10. NOTE: Applications for restricted discretionary activities within the Golf living sub-zone will be treated as non notified applications provided the written approval of owners of land adjoining the lots to be subdivided has been obtained.	
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SUB-R20	Subdivision <u>creating one or more additional allotments of a site</u> within the Coastal Environment (excluding Outstanding Natural Character Areas)
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All zones (excluding Kauri Cliffs Golf Living sub-zone)	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
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Commented [ST19]: This exclusion avoids conflict with the restricted discretionary subdivision consenting pathway at rule SUB-R3.

It may be appropriate to apply a discretionary consenting pathway to unanticipated subdivision in the Coastal Environment.

However, I consider that in light of the conclusions of the technical assessments that inform the Kauri Cliffs Master Plan, and my recommended amendments to the KCZ provisions and to rule SUB-R3, there is sufficient surety that subdivision in the Kauri Cliffs Golf Living sub-zone can be appropriately processed as a restricted discretionary under rule SUB-R3 RDIS-2.

The fallback discretionary status under rule SUB-R3 provides a final means of assessment for any proposal that does not conform to SUB-R3 RDIS-2.

APPENDIX 4 TO EVIDENCE OF STEVEN TUCK

Kauri Cliffs Master Plan



KAURI CLIFFS DEVELOPMENT CONCEPT & MASTER PLAN

May 2025

Kauri Cliffs Development Concept & Master Plan

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ACCOMPANYING CONSULTANT REPORTS

Archaeology Report	Clough & Associates
Geotechnical Engineering Report	Tonkin & Taylor
Ecology Report	EcoLogical Solutions
Landscape Visual Impact Report	Boffa Miskell
Civil Engineering Report	Haigh Workman

I.0 EXECUTIVE SUMMARY

This master plan provides a design concept supporting the amendments to the Kauri Cliffs Special Purpose Zone set out in the Waiaua Bay Farm Limited submission on the Proposed Far North District Plan 2022.

The methodology used to develop this master plan included:

- Identification of opportunities, constraints and alternatives to the historic configuration of the Kauri Cliffs Special Purpose Zone;
- Identifying feasible development nodes and options;
- Agreeing design assumptions and approach; and,
- Scoping the approach to future design guidelines and a design review process.

The assumption underpinning this master plan is that subdivision and development should reinforce and add to the existing principles and character of the Kauri Cliffs estate.

Consequently, this master plan provides a design concept to inform future detailed development plans. The design concept in the master plan ensures that future subdivision and development activities will:

- Respond to site topography and landscape context;
- Provide landform or vegetated backdrops in external views to the development;
- Provide appropriate access and services; and,
- Be consistent with a site-specific design framework.



Fig. 1: Site context plan - Kauri Cliffs Estate.

2.0 INTRODUCTION

Kauri Cliffs is a rural property of approximately 2,298 hectares located at Tepene Tablelands Road, between Matauri Bay and the outlet of the Takou River.

The property is bordered to the east by cliffs and beaches overlooking the Pacific Ocean. It extends inland over undulating farmland, vegetated gullies and multiple waterways and includes Whakarara maunga to the north, a locally prominent peak of 330 m elevation.

The Robertson family acquired Kauri Cliffs in the 1990s and formed Waiaua Bay Farm Limited (WBFL) as the property owner. WBFL established the internationally reputed Kauri Cliffs golf course and Lodge at a central location near the coastal margins. WBFL has undertaken significant environmental improvements over decades by retiring large areas from farming and restoring indigenous biodiversity throughout the property. The balance of Kauri Cliffs remains as a sheep and beef farm, consistent with the rural surroundings.

Under the Operative Far North District Plan 2009 (Operative Plan), activities at Kauri Cliffs are regulated by a mix of zones that apply various purposes and requirements to different areas of the property.

The Proposed Far North District Plan 2022 (Proposed Plan) was publicly notified in mid-2022. The Proposed Plan retains the Operative Plan's spatial extent and provisions of the Kauri Cliffs Special Purpose Zone, which comprises the "Golf Living", Golf Playing", Lodge" and "Natural Heritage" sub-zones. It replaces the portion of the property in the General Coastal Zone with the Rural Production Zone, and retains the Rural Production Zone over the balance of the property.



INTRODUCTION (ctd.)

WBFL’s submission on the Proposed Plan seeks to refresh the Kauri Cliffs Special Purpose Zone to optimise development opportunities not recognised by the Operative Plan - in particular, the creation of a small premium residential subdivision and development in the north-east area of Kauri Cliffs, and the reconfiguration of the Lodge sub-zone. As such, WBFL proposes to:

- Extend the Lodge sub-zone northwards and south-east of its current location;
- Apply the Golf Living sub-zone to land north of its current location and remove this sub-zone from much of its current extent; and,
- Adjust the Golf Playing sub-zone and Rural Production Zone extents accordingly.

WBFL’s proposed zoning configuration:

- Increases the Lodge sub-zone from approximately 8 to 26 hectares;
- Reduces the Golf Living sub-zone from approximately 283 to 122 hectares;
- Increases the Golf Playing sub-zone from approximately 708 to 862 hectares; and,
- Reduces the Rural Production Zone from approximately 1,285 to 1274 hectares.

WBFL proposes to update the Kauri Cliffs Special Purpose Zone provisions to accord with, and implement, the reconfigured zone layout. As such, this master plan provides a concept for a premium development that maintains and enhances the unique rural coastal character of Kauri Cliffs estate.

INTRODUCTION (ctd.)

Consultant Team

The assessments underpinning this master plan were undertaken by an experienced multidisciplinary project team led by the following:

- Archaeology: Kim Tatton – Clough & Associates Ltd
- Architecture: Pip Cheshire – Cheshire Architects Ltd
- Civil Engineering: Josh Cumming – Haigh Workman Ltd
- Ecology: Dr Gary Bramley – EcoLogical Solutions Ltd
- Geotechnical: Mark Child – Tonkin & Taylor Ltd
- Landscape Architecture: John Goodwin – Boffa Miskell Ltd
- Project Manager / Planning: Stephen Daysh – Mitchell Daysh Ltd



Fig. 2: Aerial photograph of the Kauri Cliffs golf course & northern coastline

3.0 DEVELOPMENT VISION

The development of the land and facilities at Kauri Cliffs is based on the desire of the Robertson family to realise the potential of the extraordinary coastal farm landscape and the existing Lodge accommodation, golf and related facilities. The intention is to add to the existing site development with additional guest and day visitor facilities and to provide opportunities for individual house ownership within a carefully controlled environment. At present visitors are predominantly short stay single visit guests and it is intended to increase the duration of stay and promote repeat visits.

In particular the development project involves the following:

- Extending the estate's attraction beyond being one of the world's great golf courses to attract longer stays by a wider more family-oriented clientele;
- The development of sites within the wider farm estate for individual ownership within carefully curated and managed environmental design parameters;
- The redevelopment of the existing Kauri Cliffs Lodge to offer additional guest and day visitor dining experiences;
- The development of a standalone golf pro shop incorporating golf back of house facilities and casual dining, freeing the existing lower floor of the Lodge to be developed as guest recreational facilities;
- The upgrading of existing gymnasium, spa and pool facilities;
- The construction of housing for Lodge service and management staff, and farm employees; and,
- Complementing and leveraging the unique qualities of the site, including:
 - o Stunning coastline and beaches
 - o Native bush with a focus on ecological preservation
 - o Security, privacy and exclusivity
 - o Unique coastal farmland views and a sense of place
 - o One of the world's top golf courses



KEY

ESTATE PRECINCTS

- (A) Entrance & Approach
- (B) Lodge & Guest Accommodation
- (C) Totara Forest
- (D) Takou Bay & Pink Beach
- (E) Farm Staff Accommodation
- (F) Lodge Staff Accommodation
- (G) Lodge Staff Accommodation
- (H) Future Waiaua Living Area

- Estate Boundary
- Streams
- - - Roads
- Title Boundaries
- Golf Course

LODGE

- (1) The Lodge
- (2) Spa & Gym
- (3) Guest Accommodation
- (4) Owner's Cottages
- (5) Existing Subdivision | Future Guest Accommodation
- (6) Outdoor Pool
- (7) Firepit

STAFF ACCOMODATION

- (8) Manager's Cottage
- (9) Hayes House
- (10) Line Staff Accommodation

FARM BUILDINGS

- (11) Farmer's House | Staff Accommodation
- (12) Wool Shed
- (13) Golf Service Building
- (14) Farm Implement Shed

FUTURE BUILDINGS

- (15) Extending Carpark
- (16) Beach Pavilion (consented)
- (17) Farm Workers' Cottages
- (18) Staff Accomodation
- (19) Additional Staff Accomodation
- (20) Golf Pro Shop
- (21) Totara Playground
- (22) Orchard
- (23) 9-Hole Par 3 Golf Course
- (24) Reservoir (under construction)

Fig. 3: Estate precincts - existing & proposed building projects.





Fig. 4: Estate map identifying archaeology, heritage, waterfall and beach sites

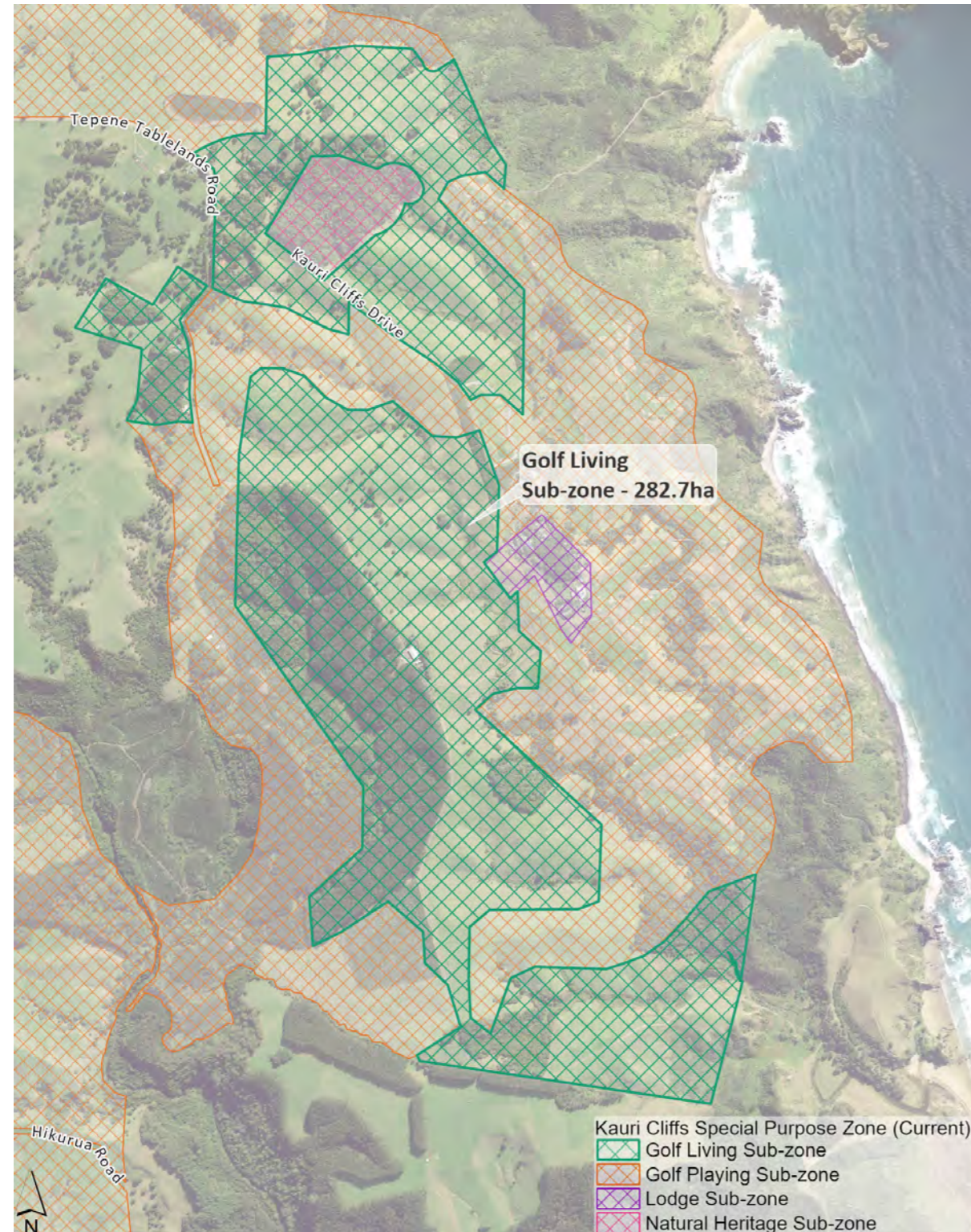


Fig. 5: Current Golf Living sub-zone

4.0 DESIGN PROCESS AND CONSIDERATIONS

The master plan project team conducted research, site inspections, workshops and met with WBFL to develop this master plan during 2022 to 2024. Key considerations arising from this process that influence this master plan are described below.

4.1 Golf Living Sub-zone

Most of the Golf Living sub-zone extent detailed in the Operative Plan and shown in the adjacent figure is sub-optimal for residential development. Excepting its northern extent, this sub-zone is located across two relatively steep gullies oriented north to south. The eastern gully is confined by Kauri Cliffs Drive and the first golf course tee to the east, and borders maintenance facilities, a helipad and a pine plantation to the west. Wastewater management in this location may be challenging, given the topography and proximity of Pararuhi Stream, and associated natural inland wetlands, in the valley floor.

The western gully is in the pine plantation, a sub-optimal location for future residential development given the long-term nature of forestry, preference for continued productive use of this land, and the distance to the Lodge and property accesses.

Given the steepness of these two gullies, most of the current Golf Living sub-zone extent only obtains narrow, distant coastal views to the south and there is no straightforward beach access available from the current sub-zone location.

The south end of the current “Golf Living” sub-zone is distant from existing service connections and the Lodge. Development options in this area may also be constrained by a comparatively higher density of archaeological sites associated with the presence of Takou River to the south and known pā sites along the coastal cliffs.



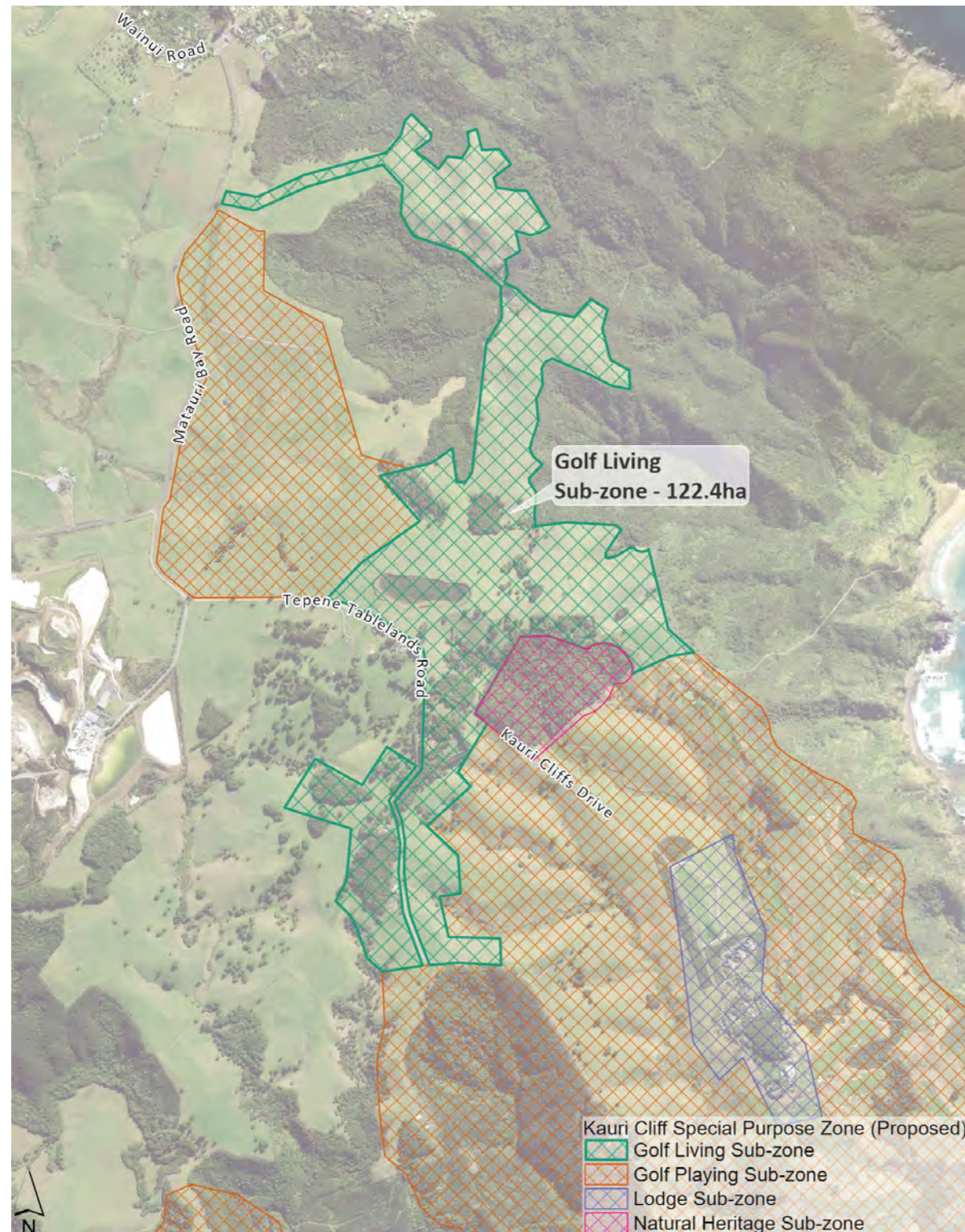


Fig. 6: Proposed Golf Living sub-zone

DESIGN PROCESS AND CONSIDERATIONS (ctd.)

Having identified these constraints, the master plan project team considered alternative locations more appropriate to accommodate the residential subdivision and development anticipated by the Golf Living sub-zone. An area in the north-east of the property between Matauri Bay Road and Waiaua Bay shown in the diagram opposite has been identified as a much more appropriate location for a future premium residential development, when compared to the status quo. The diagrams in section 5 of this masterplan provide a concept for the future layout of development in this area.

The proposed location for the Golf Living sub-zone (as proposed in WBFL's submission on the Proposed Plan) is considered more appropriate than the status quo location for reasons including:

- High amenity interfaces with areas of regenerating indigenous bush and sweeping distant coastal views providing outstanding amenity for future residents;
- A larger proportion of areas with flat or gently sloping topography suitable for development;
- Ample space to ensure appropriate setbacks from watercourses and wetlands;
- Separation from, but immediate access to, the golf course and then to the Lodge;
- Direct access to Waiaua Bay via an existing internal road;
- The ability to configure development to avoid archaeological sites;
- Proximity to the road network with existing and potential access points from Tepene Tablelands Road and Matauri Bay Road respectively; and,
- Proximity to the electricity transmission network near Matauri Bay Road.

The proposed zone reconfiguration reduces the area in the Golf Living sub-zone from 283 hectares to 122 hectares, a 57% reduction. This will reduce the spread of residential development around the property, and consolidate the Golf Living sub-zone in the area of Kauri Cliffs that is most suited to provide premium residential sites.

Indicative three-dimensional building envelopes were modelled within the proposed Golf Living sub-zone extent to assess the likely effects of building mass within the surrounding landscape. The modelling confirms that the indicative building platforms can, with appropriate mitigation measures, host future development that will integrate into the landscape.



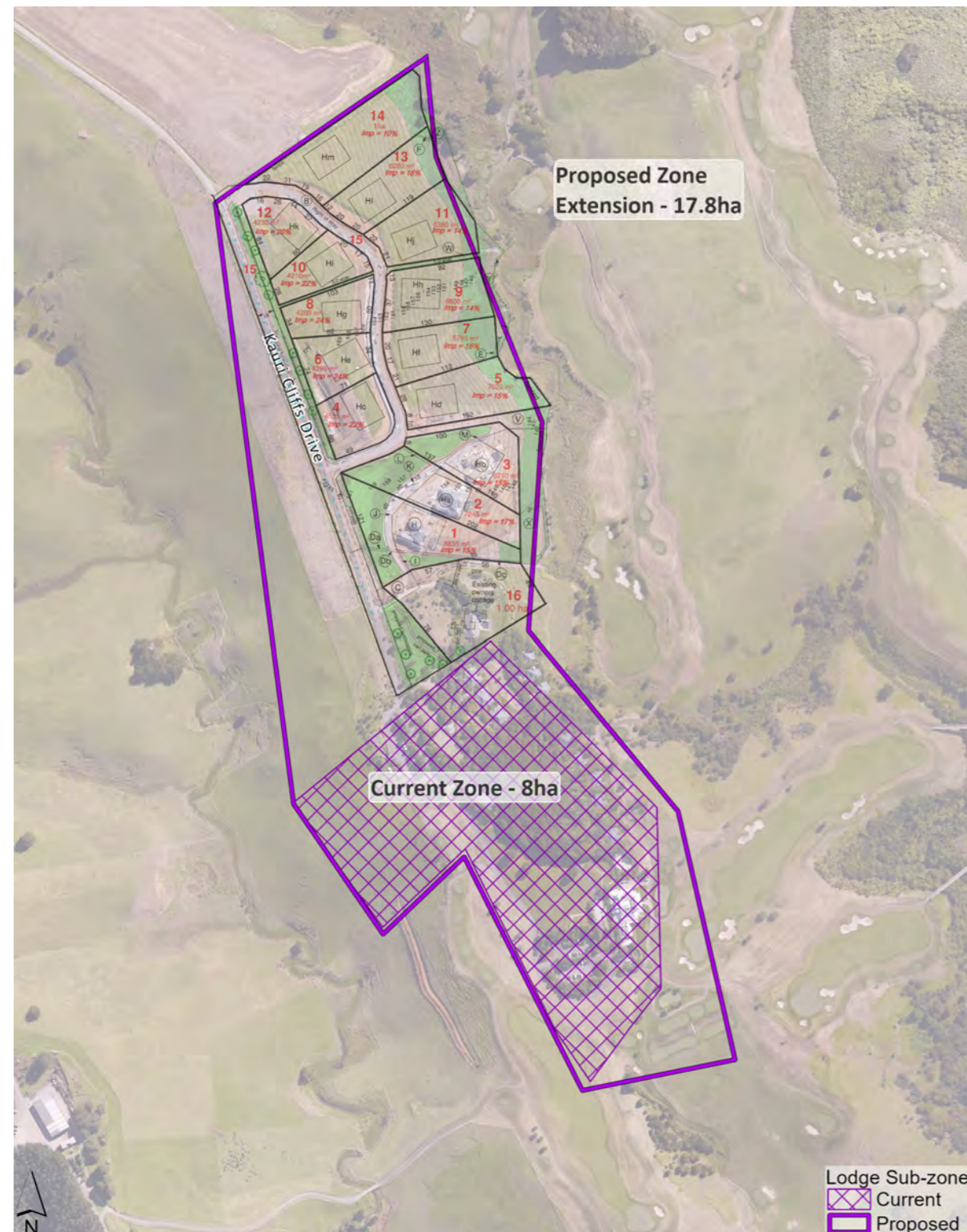


Fig. 7: Current versus proposed Lodge Sub-zone extent

DESIGN PROCESS AND CONSIDERATIONS (ctd.)

Assessments were conducted to ensure that development of the proposed Golf Living sub-zone location can manage effects on ecological and archaeological values.

Geotechnical reporting confirms that the proposed Golf Living sub-zone location has adequate areas of ground conditions that are suitable to accommodate development.

A high-level civil engineering review confirms that the provision of services and access to the proposed Golf Living sub-zone location is feasible.

Each technical assessment was informed by site visits and appropriate fieldwork. The assessments (summarised later in this master plan) confirm that future development within the proposed Golf Living sub-zone location would not generate any unusual or significant landscape, ecological, archaeological, geotechnical or civil engineering development impacts.

4.2 Lodge Sub-zone

The Lodge is an existing multi-storey building that, in conjunction with adjacent Owner accommodation, guest accommodation, recreation and hospitality facilities, forms the main activity node at Kauri Cliffs. These facilities are in the Lodge sub-zone, which covers approximately 8 hectares.

This master plan reflects WBFL's proposal, through the District Plan review process, to extend the Lodge sub-zone to cover approximately 26 hectares. This will extend the Lodge sub-zone to cover a small residential subdivision that was consented in 2017. This subdivision may in time be incorporated in whole or in part into the Lodge accommodation offering.

The subdivision is north of the Lodge and forms a logical extension to the Lodge sub-zone. However, the Proposed Plan retains the subdivision in the Lodge, Golf Playing and Golf Living sub-zones, which will be an incongruous combination when future development of the subdivision progresses.

WBFL proposes to rationalise the zoning that applies in this area. The subdivision has no potential to host golf course development or rural / agricultural activities (i.e. the activities anticipated by the Golf Playing sub-zone and Rural Production Zone).



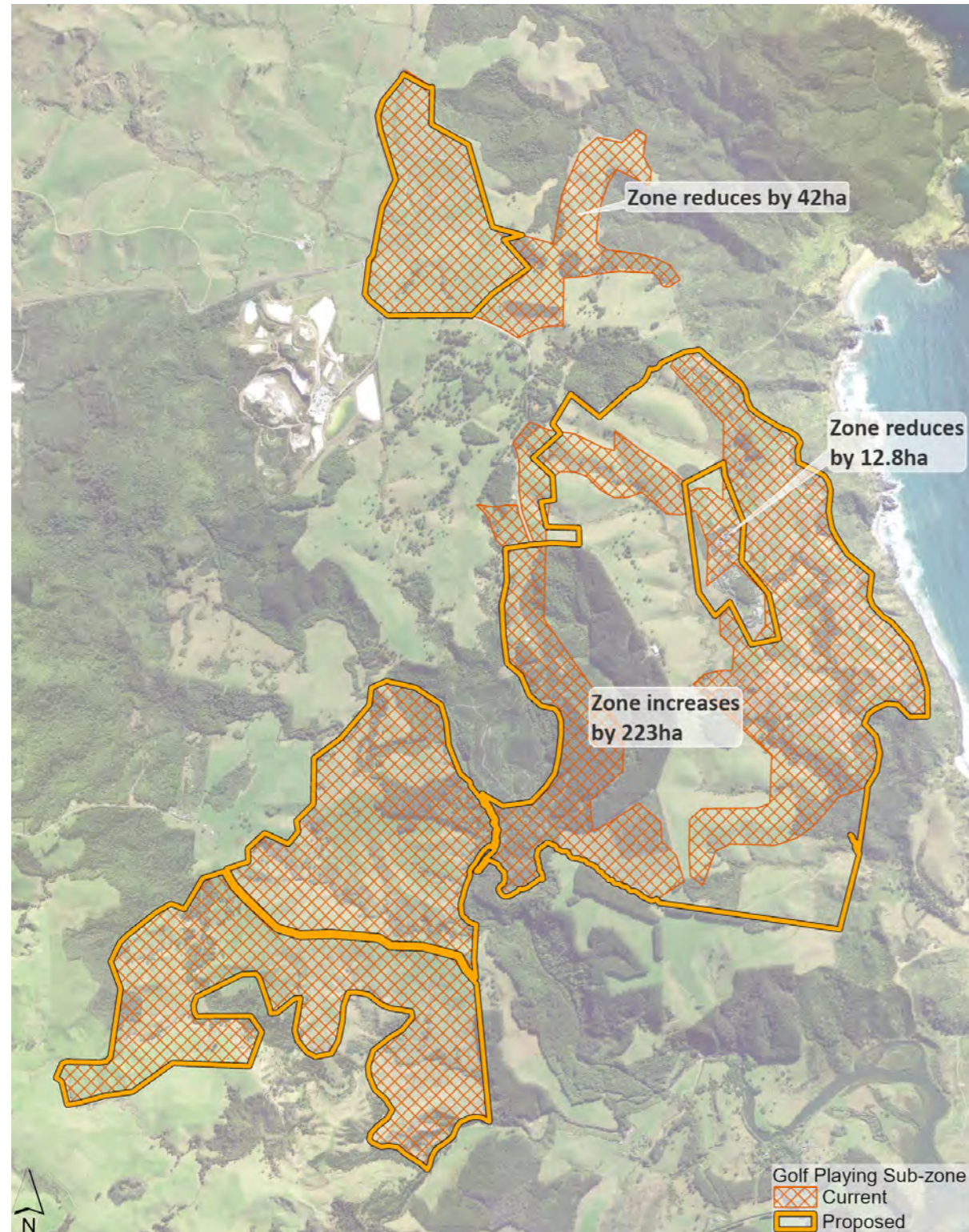


Fig. 8: Current versus proposed Golf Playing Sub-zone extent

DESIGN PROCESS AND CONSIDERATIONS (ctd.)

The subdivision was consented in a low-density residential format. However, WBFL is considering options to develop non-residential accommodation activities in this area rather than standalone dwellings.

Of the 14 developable lots consented in 2017, three are developed with dwellings which are used periodically by the Robertson family, or are let as guest accommodation, to provide a different accommodation offering to other, smaller nearby guest villas.

The Lodge sub-zone provides the most flexibility and is considered an appropriate zoning response for this area.

A smaller extension to the south-east of the current Lodge sub-zone provides for the future development of a golf pro shop building to be located near the Lodge.

4.3 Golf Playing Sub-zone

This master plan reflects the replacement of much of the Golf Living sub-zone with the Golf Playing sub-zone, consolidating the latter around the Lodge and existing golf course. This reconfiguration will make the Golf Playing sub-zone a larger and more contiguous sub-zone that is better suited for future golfing development. Possible future course development may involve a 9 hole par 3 course, reflecting a contemporary golfing trend.

Until further golf course development proceeds, undeveloped parts of the Golf Playing sub-zone will continue to be used for grazing. Some areas, such as stream edges, will continue to be protected to support regenerating indigenous vegetation.

The Golf Playing sub-zone rules restrict the permitted floor area of development to 1,000 m². Existing development exceeds that limit. Therefore, future buildings in this sub-zone will require resource consent, unless existing buildings are included in another zone or removed.



DESIGN PROCESS AND CONSIDERATIONS (ctd.)

4.4 Natural Heritage Sub-zone

This sub-zone applies to approximately 14 hectares of indigenous forest located near the Tepene Tablelands Road - Kauri Cliffs Drive intersection (see Figure 6 on page 11). This area is subject to a Queen Elizabeth II covenant protecting the forest.

This master plan does not propose any changes to the long-standing commitment to retaining the environmental values of this covenanted area.

4.5 Rural Production Zone

The proposed reconfiguration of the Kauri Cliffs Special Purpose Zone reduces the Rural Production Zone by approximately 11 hectares compared to the zone extent that was notified under the Proposed Plan. Most of the property (some 1,274 hectares) would remain in the Rural Production Zone, including land that is currently in the operative General Coastal Zone but would be rezoned, given the Proposed Plan deletes the General Coastal Zone. The portion of Rural Production Zone that WBFL proposes to rezone to the Golf Living sub-zone does not include any highly productive soils in Land Use Categories 1, 2 or 3.

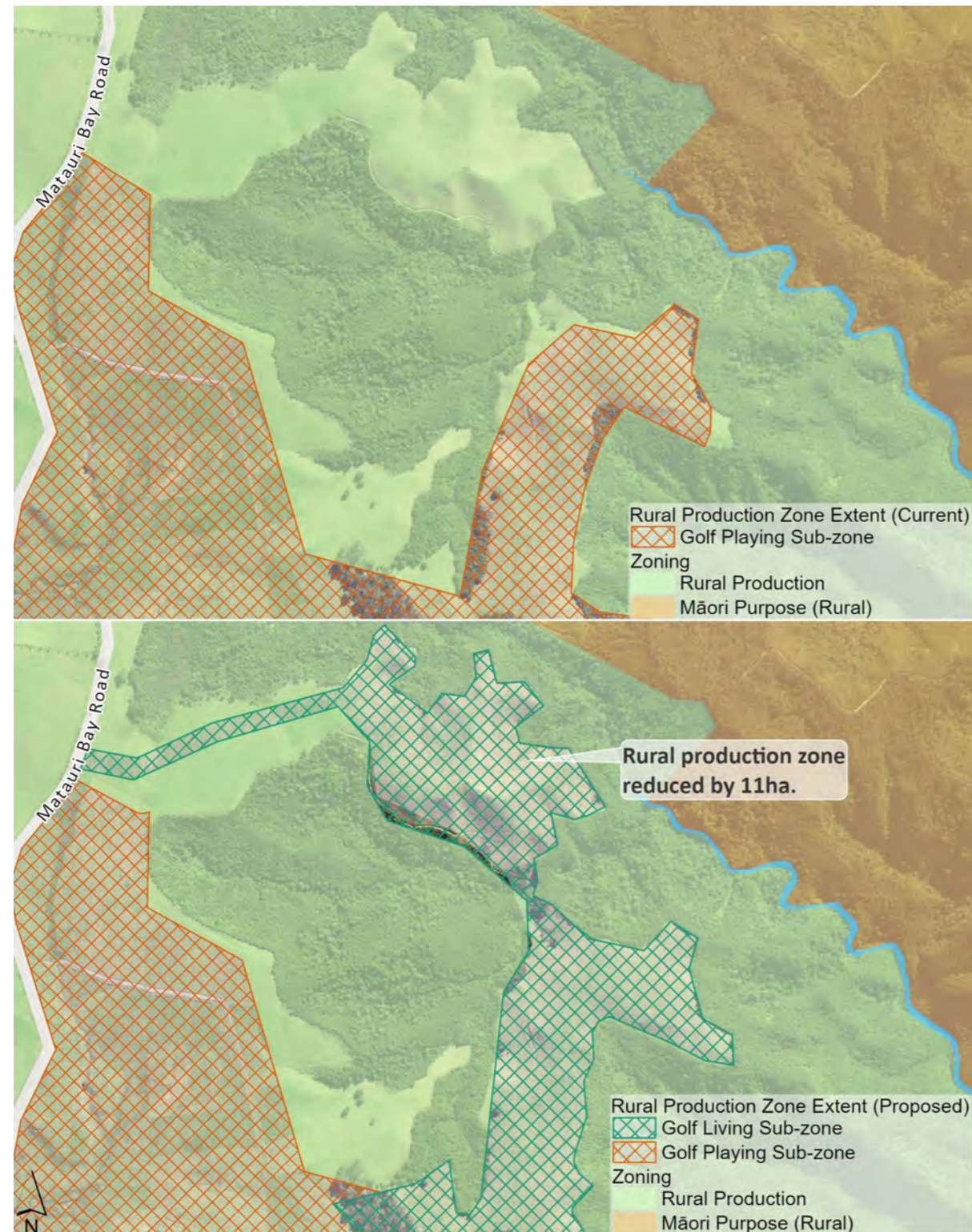


Fig. 9: Current vs. proposed Rural Production Zone extent



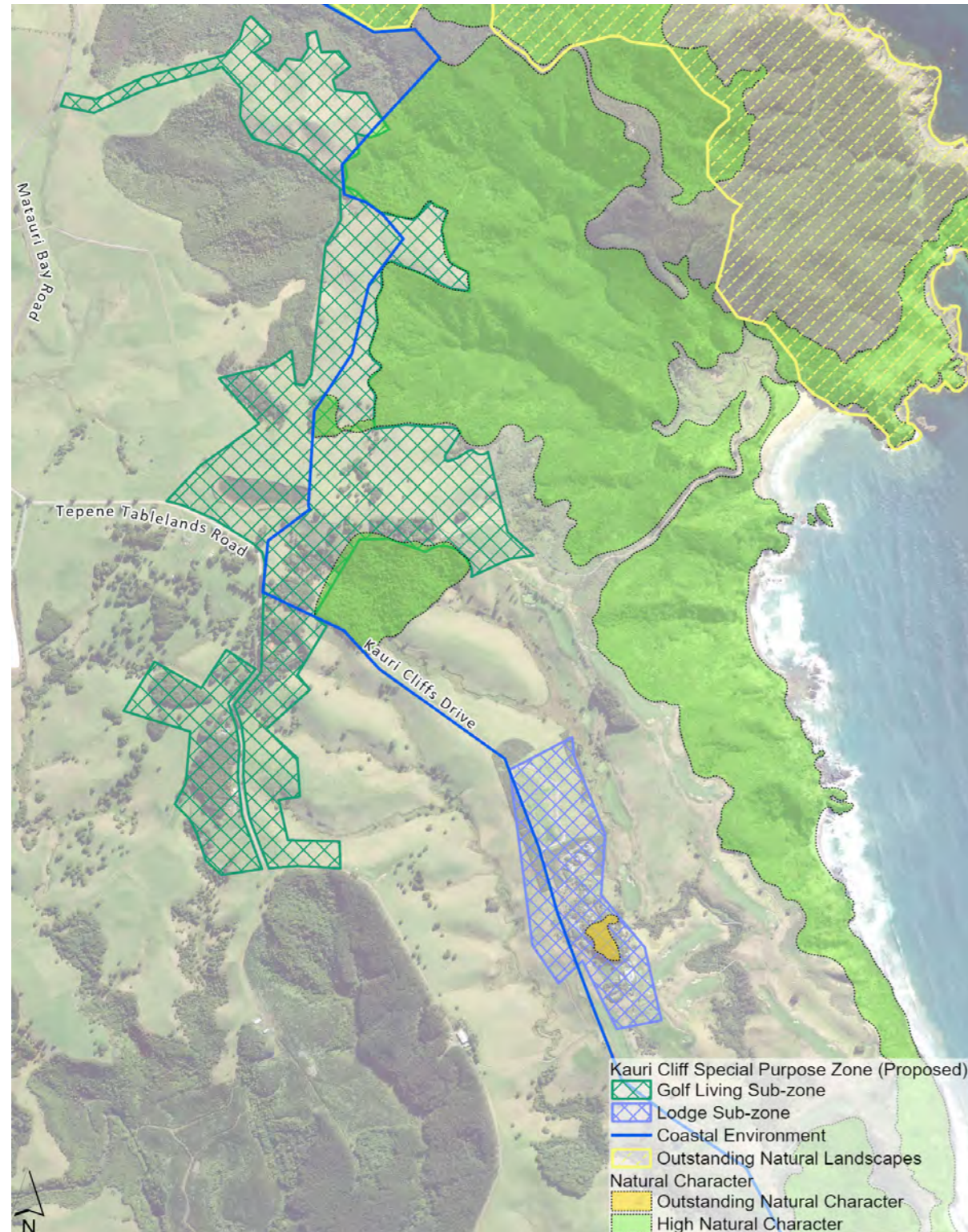


Fig. 10: Coastal Environment overlay & HNC boundaries vs. proposed Golf Living & Lodge sub-zone extents

DESIGN PROCESS AND CONSIDERATIONS (ctd.)

4.6 Coastal Environment Overlay

Under the Proposed Plan, the Coastal Environment overlay is applied to the coastal landscape of the estate, including the eastern half of the area identified as the proposed Golf Living sub-zone location and most of the proposed extent of the Lodge sub-zone.

This master plan anticipates more design control over development in this overlay, reflecting increased landscape sensitivities signified by the overlay's presence.

Within the proposed Golf Living sub-zone location, more flexibility would be afforded to development located outside the Coastal Environment overlay. However, the intent is for compatible design themes to be used in future development to ensure a cohesive response to the surrounding landscape, whether this overlay applies or not.

4.7 High Natural Character Overlay

Under the Proposed Plan, the High Natural Character overlay applies to the regenerating native vegetation existing along the coastal edge of Kauri Cliffs. In the north-east of the property, the inland extent of this overlay follows the tree line adjacent to the proposed Golf Living sub-zone location. The design concept presented in this master plan ensures development will avoid intersecting this overlay.

4.8 History

The “Kauri Cliffs” property at Waiaua has a rich history of Māori occupation and early European settlement and industry.

With its long indented coastline, mild climate, and surrounding abundant resources it offered attractive settlement opportunities for both Māori and European alike.

Māori history is reflected in the concentration of archaeological sites in the area including defensive pā sites on ridges and headlands, sheltered bays which were favourable for undefended kainga sites, and extensive agricultural systems.



DESIGN PROCESS AND CONSIDERATIONS (ctd.)

A site of particular significance to mana whenua on the Kauri Cliff property is a NZ Heritage Listed Wāhi Tapu Area associated with the traditional burial caves of Piakoa, also known as Opiako, located in the cliffs above the Waiaua coastal escarpment. Piakoa is tapu to the people of Te Tapui and Takou Marae, Ngāti Kura and Ngāti Rehia. This master plan does not proposed any development near, or changes to, this significant site.

In 1836 missionary Phillip Hanson King, one of the first Pākeha settlers at Matauri, purchased land then known as ‘Waiaua’ from Māori chiefs. King set up his house and a wool shed above Waiaua Bay in the 1840s.

King sold the Waiaua Estate to George and Eleanor Stephenson in 1854. The Stephenson’s daughter Cecelia married William Leslie, who brought the property in 1872. In 1881 the Leslie’s built a new homestead on the corner of Tepene Tablelands Road near the entrance to Kauri Cliffs. Tepene Post Office opened in a room of the Leslie Homestead in 1918.

The Leslie’s worked timber from the steeper bush clad parts of the property from 1882 until the early 1900’s. A timber log chute was built from the edge of the coastal escarpment into Waiaua Bay where timber was rafted out to waiting scows and taken to Auckland, or milled on the Hikurua Stream immediately to the west of the Tepene Tablelands Road. The last kauri to be sent from Waiaua Bay was in 1925.

The property passed to the Williams family in the 1950s, who maintained an unbroken tradition of sheep farming since the 1830s. Then, in 1995 Julian Robertson purchased the property and developed a luxury lodge and golf course in a central area of the property near the coastal cliffs, while maintaining farming on the balance of the property.

4.9 Archaeology

Archaeological evidence indicates that there are significant archaeological remains across the Kauri Cliffs property. Māori archaeological sites are concentrated around the sheltered bays which were favourable for settlement and where there was easy access to the coast.

Māori sites include five defended Pā sites on ridges and headlands above the coast,

NZAA Site No.	Imperial Site No.	Site Type	Location	NZTM Easting	NZTM Northing	Name
P04/251		Pā	Above Rangikariri Stream	1685341	6116501	Haimama Pa
P04/257	N11/60	Pā		1684409	6119869	
P04/258	N11/61	Pā	Above Pink Beach	1685116	6117172	
P04/259	N11/62	Pā	Pink Beach island	1685317	6116773	
P04/260	N11/63	Pā		1685118	6116673	
P04/261	N11/64	Cave / Rock Shelters	Waiaua Bay	1684609	6120070	
P04/565		Artefact Find (Obsidian)		1684935	6117812	
P04/566		Terrace?		1684670	6118285	
P04/567		Stone Mounds		1684416	6117420	
P04/568		Stone Mounds		1684417	6117091	
P04/569		Pits?		1684864	6117921	
P04/636		Pit/Terrace		1682911	6119466	
P04/796		Historic - Domestic	Tepene	1682773	6119656	1856 House Site
P04/797		Timber Mill	Hikurua River	1682489	6117170	Hikurua Puriri Mill Site
P04/798		Timber Milling	Above Waiaua Bay	16833561	6119804	Waiaua Bay Timber Chute
P04/799		Agricultural / Pastoral	Tepene	1682513	6119413	Tepene Wool Shed
P04/811		Historic - Domestic	Tepene	1682760	6119520	Leslie Homestead Site

Fig. 11: Archaeological sites

DESIGN PROCESS AND CONSIDERATIONS (ctd.)

undefended settlement sites characterised by terraces and storage pits, midden sites, a burial site and stone mounds. Only a small number of Māori archaeological sites are located on the high inland tablelands of the property, comprising isolated pit and terrace sites and stone mounds, which are likely gardening sites.

Early European archaeological sites are clustered near the entrance to Kauri Cliffs Lodge on Tepene Tablelands Road. These include the reported location of the King-Stephenson settlement, the site of the former Leslie Homestead/Post Office, farm buildings, gardens and orchard, a kauri timber chute, historic tracks and the site of a puriri timber mill on the Hikurua River.

The low density of development within this large property allows for considerable flexibility and avoidance of all known archaeological sites, although there is always potential for some unrecorded archaeological features being uncovered.

The proposed residential development area has low potential to affect archaeological sites. It will be possible to avoid or minimise effects on archaeology within the proposed clustered layout.

4.10 Landscape and Visual

Landscape and visual effects have been a key consideration in determining the proposed amendments to the various sub-zones within Kauri Cliffs, specifically the proposed development concepts for the Golf Living sub-zone and the Lodge sub-zone.

The analysis of the property’s landscape characteristics - landform, landcover, and land use – has been a key focus, alongside taking into account the location of the Coastal Environment, and High Natural Character areas as identified within the Proposed Plan.

Based on this analysis, the proposed Golf Living sub-zone has been relocated to a smaller area of the property, to the north of the lodge and visitor accommodation. This area, within rolling topography, avoids existing indigenous vegetation and High Natural Character Areas that overlay parts of the native forest. The proposed Golf Living sub-zone, within which a future 60-lot subdivision and building platforms are proposed, is currently used for pastoral grazing

DESIGN PROCESS AND CONSIDERATIONS (ctd.)

and has been carefully chosen following a walkover of the area.

Key landscape considerations for the lot and building selection include:

- Clustering buildings together to minimise sporadic development across the property;
- Utilising existing flat areas for buildings;
- Clustering some buildings to create a sense of place and village character;
- Identifying sites that could accommodate single family dwellings on larger lots;
- Setting the buildings off highpoints and promontories to reduce the potential for adverse visual effects on the coastal environment;
- Placing controls on building heights, materials, and colours to minimise the potential for the development to dominate the rural and coastal landscape;
- Identifying areas where a landscape framework will be developed alongside the developed design of any subdivision, to address access treatment, earthworks design, and reinstatement of landform, along with planting and land management.

To further integrate future development into the surrounding property and wider landscape context, a vegetative framework is proposed to complement future built development. This planting framework within the Golf Living sub-zone will focus on:

- Retiring low productivity grazing land and revegetating these areas in indigenous vegetation;
- Planting steep and eroding slopes, watercourses and wetlands with indigenous vegetation;
- Connecting existing areas of indigenous vegetation to enhance ecological corridors;
- Planting woodlots and specimen trees around proposed development areas to provide a vegetated backdrop and context to the built development and enhance the amenity for residents and visitors.

These measures will be further detailed in a Landscape Management Plan at the time the development planning for the Golf Living sub-zone is prepared. This may be undertaken in stages as the development is progressively implemented in line with demand.

DESIGN PROCESS AND CONSIDERATIONS (ctd.)

Additionally, the master plan proposes a range of landscape mitigation and integration measures, including:

- Maximum permitted building heights in the proposed Golf Living sub-zone of 5m within the Coastal Environment and 7.5m beyond the Coastal Environment;
- A maximum permitted building footprint of 300 m²;
- The use of natural building materials and recessive colours;
- An internal design review process for new buildings, prior to lodgement with the District Council (for proposals where a resource consent is required).

An extension to the Lodge sub-zone is proposed to the north and south of the existing zone which currently includes the lodge, visitor accommodation and associated carparking and recreation facilities. To the north this extension would include the consented residential subdivision which contains 3 existing dwellings/ guest villas and 11 vacant lots (Figure 7). This will create a logical extension to the Lodge sub-zone to provide for additional guest accommodation and/or private dwellings.

To the south the Lodge sub-zone extension includes a preferred location for a future golf facilities building and pro shop. This is located in close proximity to the existing lodge building and carpark area, reinforcing the nodal function of this sub-zone and the landscape character of the Kauri Cliffs visitor and golf experience. The design, materials, and heights of these buildings will complement the existing form and quality of development within the lodge precinct, maintaining the landscape character, quality, and visual amenity of the inner coastal environment area.

Landscape mitigation and integration measures in the proposed Lodge sub-zone include:

- A maximum permitted building height of 5m within the northern extension to the sub-zone and retention of the notified 9m limit elsewhere in the sub-zone;
- A maximum permitted building footprint of 300 m²; and
- The use of natural building materials and recessive external colours.

Summary of terrestrial ecological values following the approach in EcIA guidelines.

Feature	Representativeness	Rarity and Distinctiveness	Diversity and pattern	Ecological Context	Overall value	Comments
Pasture vegetation - grassland	Very low	Very low	Very low	Very low	Negligible	Vegetation does not represent any native ecosystem type. It is exclusively exotic and is neither rare, threatened nor distinctive.
Pasture vegetation – stand of pine/tōtara	Low	Low	Low	Low	Low	Stand mixed exotic/native trees dominated by tall pine with young tōtara and grazed understorey. Low diversity vegetation, providing limited habitat for native fauna.
Pasture vegetation – stand of tōtara	Moderate	Moderate	Moderate	Moderate	Moderate	Representative of canopy tiers only of seral indigenous forest.
Avifauna	Moderate	Low	Moderate	Low	Moderate	Habitat value for avifauna was considered moderate. Habitat provided within master plan area for common native forest birds in stands of tōtara and more extensively in adjacent forest.
Herpetofauna	Moderate	Low	Low	Low	Low	Habitat value for herpetofauna overall was considered low, though some suitable habitat for herpetofauna exists in rank grass, debris piles and stands of trees.
Bats	Moderate	Moderate	low	Moderate	Moderate	Habitat value for bats was considered moderate. It is considered possible that Long-tailed bats use stands of trees for commuting and roosting and forage within the pasture.

Fig. I2: Summary of terrestrial ecological values

DESIGN PROCESS AND CONSIDERATIONS (ctd.)

4.11 Ecology

A field survey of the Waiauua Living Area site proposed for rezoning and future residential development was undertaken in late 2024, assisted by desktop research for the site and wider area.

The area proposed for rezoning and future residential development mainly consists of pasture vegetation with negligible ecological value. The area is bordered by, and includes small portions of, an area (“Matauri Bay Bush”) that has previously been mapped by District Council consultants as a potential Significant Natural Area.

Individual trees and small stands are present, typically comprising tōtara (Podocarpus totara), pūriri (Vitex lucens), kānuka (Kunzea robusta), and Pine (Pinus radiata) which provide livestock with shade and shelter.

The site contains two short stream reaches (upper tributaries of the Waiauua Stream) and five small pasture wetlands. Wetlands and more intact areas of indigenous vegetation were typically associated with gullies and steep slopes, rather than the areas of flatter topography.

No Threatened or At-Risk bird species were observed during the field visits. While North Island brown kiwi are present at Kauri Cliffs, the species conservation status was recently revised to ‘Not Threatened’.

Desktop research did not reveal any lizard records within the site. No lizards were observed during searches of suitable habitat onsite.

Long-tailed bats (Threatened - Nationally Critical) may utilise the site for foraging, commuting or roosting. Lesser short-tailed bats (Threatened – Nationally Vulnerable) are not expected to utilise the site. There are no known bat records within the site.

The habitat values of the site were assessed following the approach outlined in the Environment Institute of Australia and New Zealand Ecological Impact Assessment guidelines. The table on this page presents this assessment.

DESIGN PROCESS AND CONSIDERATIONS (ctd.)

The areas of ecological value are therefore small areas of the larger site. Future development can likely be configured to avoid these features. Where development cannot avoid an area(s) of ecological value (such as a bridge across the tributaries) potential ecological effects can likely be managed appropriately, given the low-to-moderate ecological values present.

4.12 Geotechnical Engineering

A preliminary geotechnical assessment of the Waiaua Living Area proposed for rezoning and future residential development was prepared, based on a geotechnical desktop study and a site inspection conducted in January 2023.

This assessment reviewed the site's ground and groundwater conditions, its historic land use and relevant existing geotechnical reporting. It commented at a high level on the implications of these investigations for building foundations, excavations and other geotechnical factors relevant to future subdivision and residential development.

In the portion of the site north of the Waiaua Stream headwaters, the assessment noted the moderately sloping (15 - 25°) topography and, on some slopes, the presence of recent and active landslide headscarps and signs of shallow near-surface soil creep.

For the balance of the site south of the Waiaua Stream, the assessment noted the gentle topography (< 12° slopes) around the indicative building platforms. This gives onto steeper slopes near gullies. Minor near-surface creep and an inferred minor landslide headscarp were identified in locations distant from the indicative building platforms.

The preliminary geotechnical assessment concludes that ground conditions at the site are generally suitable for residential development, subject to further site-specific geotechnical investigations to inform geotechnical and development design and support future resource consent applications.

The site is underlain by various geological lithologies. Slope stability presents the biggest risk to development and active slope deformation features were observed. Achieving an appropriate factor of safety for residential development is the main geotechnical challenge in developing the site.

DESIGN PROCESS AND CONSIDERATIONS (ctd.)

Ground enhancement works to achieve acceptable slope stability, and/or specific foundation design will be required at some sites. The type and scale of these works will need to be determined on confirmation of local ground conditions and specific to the proposed development and building platforms.

Soil expansivity risk at the site is similar to that encountered in many other parts of Northland. Conventional, commonly used design solutions are available to manage and mitigate this risk, such as shallow foundations with deepened footings, piled foundations, and structural earth fill building platforms.

4.13 Civil Engineering Feasibility

A high-level civil engineering review was prepared to consider feasibility considerations and constraints for the provision of vehicle access, stormwater, wastewater and potable water services to the Waiaua Living Area proposed for rezoning and future residential development.

For indicative purposes, 60 four-bedroom dwellings were assumed to be developed. On this basis, approximately 2.64 ha was identified as likely to be required for onsite wastewater treatment and disposal. There is sufficient area available onsite for a disposal area of this size (or larger), whether the wastewater treatment and disposal system is constructed as a centralised system, in clusters and / or an individual dwelling basis.

No indicative development locations within the site intersect any mapped flood zones. Onsite stormwater management measures can feasibly be implemented to manage stormwater runoff.

The daily potable water supply required to service 60 dwellings was estimated at 79,200 litres. Options to provide this supply include rooftop collection, a new bore, supply from WBFL's consented groundwater and surface water takes, or a mix of these.

The provision of dedicated water supplies for firefighting purposes can be achieved in accordance with the relevant Code of Practice (SNZ PAS 4509:2008). This could be done through the maintenance of onsite water tanks, a bore, or alternative measures approved by the New Zealand Fire Service.



Fig. 13: Kauri Cliffs Lodge

DESIGN PROCESS AND CONSIDERATIONS (ctd.)

The construction of a new vehicle access into the north of the proposed Golf Living sub-zone from Matauri Bay Road was considered. The location of the access point meets the required 170 m sight stopping distance to the north. To the south the access point exceeds the required sight stopping distance, with a 285 m sight distance available.

Modification of the existing access point into the south of the site from Tepene Tablelands Road can also comply with the applicable standards.



5.0 DEVELOPMENT NODE: WAIAUA LIVING

5.1 Assumptions & Design Approach

The following assumptions have been made:

1. Development will reinforce the existing principles and character of the Kauri Cliffs estate.
2. Purchasers will buy into the overall concept of Kauri Cliffs, having access over the entire estate, excluding houses and privately owned house curtilages;
3. Individual house development will adhere to architectural, landscape and occupation guidelines.
4. Kauri Cliffs does not currently operate as a membership golf course and a club may be formed to accommodate landowners and to facilitate higher course usage by Lodge guests, land owners and increased day player patronage.
5. Development will respond to and accentuate the mix of open pasture land and native flora that defines the coastal farmscape.

Development proposals will celebrate and reinforce the following characteristics of Kauri Cliffs:

- A coastline of large open sandy bay and smaller uninhabited beaches;
- A topography of rolling farmland bisected by gentle valleys and streams;
- Regenerating native bush and bush walks;
- A leading championship golf course that celebrates its natural setting;
- A sanctuary protecting a unique assemblage of wildlife, particularly terrestrial coastal birds;
- A conservation ethic including the protection and restoration of native vegetation and ecology;
- A rich historical, cultural and archaeological heritage;
- An outstanding Lodge that has defined best quality tourist experience for over two decades; and,

- An architectural aesthetic of understated quality and unique character.

The subsequent design approach proposed is summarised as follows:

- Sites are laid out in an organic pattern following contours and ridge lines in a way that provides open outlook and distant coastal views from each site while having landform and vegetation in the background when viewed from public vantage points, principally from immediately offshore;
- Sites are orientated to look out over the farmland and bush filled valleys and sit below prominent ridgelines as the land begins to slope down to the coastline. In most instances sites have a sea outlook and either a planted or land form backdrop;
- Sites are accessed off a new farm road that allows for direct access from the main Matauri Bay Road and internal access routes to the Lodge, golf course and the balance of the Kauri Cliffs property.
- Architecture and landscape design guidelines are envisaged to promote individual expression within a design framework that ensures buildings are subservient to the natural landscape
- A detailed ‘Development Plan’ will be prepared prepared as part of future subdivision consent application processes to anchor the building sites within a cohesive landscape design and ecological framework.

DEVELOPMENT NODE: WAIUA LIVING (ctd.)

5.2 Development

During our assessment of the property, the project team considered the following four types of residential development and densities:

- i. Stand-alone residential sites;
- ii. Clustered residential sites with some shared facilities allowing a greater number of houses while maximising open space;
- iii. A ‘village’ of standalone houses having a higher density, some shared facilities and allowing a greater quantity of farmland to be retained as open space;
- iv. Condominium type development in which a small grouping of four or five conjoined houses allows shared enjoyment of the farm while occupying the smallest footprint.

The location and varying densities of the proposed village, clusters and condominium (shown on Figure 12) have been proposed to ensure the open nature of the Kauri Cliffs estate, farmland and golf course is maintained, and the estate is not ‘pepper potted’ with isolated standalone houses. It is also proposed that the mix of standalone houses and more densely grouped dwellings will allow a degree of community to develop in a very wide and open landscape.

Stand-alone House Sites

Each standalone house site will be located on its own discrete lot. Houses would be sited to ensure they are seen against a planted or natural landform backdrop where visible from public viewpoints. These have been located along the north south oriented ridge which extends north from the existing water storage pond. The sites generally have established bush as their foreground and located below the broad ridge to ensure a landscape background when viewed from the sea.

Clusters

Clusters will gather a number of discrete houses into close proximity thus decreasing the impact of built development on the site. Clusters of housing will facilitate shared amenities such as pools, garaging and courtyards.

Houses in the clusters have been shown as having a footprint 300sqm for the purpose of

understanding development potential, though their location on steeper slopes suggests split level planning will allow for larger houses. Indicative lot sizes have not been defined at this time.

The clusters are intended to group houses closely together around shared outdoor spaces that might have some shared outdoor recreational facilities. The clusters occupy two sites constrained by steeper topography and surrounding bush.

Village

The village will accommodate a greater number of residences than the clusters and will be located along the gentle open bowl-shaped space below the water storage pond, allowing shared facilities and small moments of public open space strung out along a contour within the building grouping. This location has sufficient flat to gently rolling land and a strong vegetative context with a number of semi-mature totara trees to integrate a higher density of dwellings. It also has good access to the amenities of the Lodge, golf course and Waiaua Bay and offers both sweeping farm and sea views.

The ‘village’ will consist only of houses, their ancillary buildings and possibly some shared recreational facilities such as gardens, outdoor entertaining areas and play spaces. The location allows the built forms to have landform as a backdrop augmented by strategic planting of tree groupings.

Houses in the village have been shown as 300sqm for the purpose of understanding development potential, indicative lot sizes have not been defined at this time.

‘The Condominium’

Condominium will group four or five individual dwellings within a single structure, be designed to ensure each has private outdoor space and unobstructed outlook from indoor and outdoor living areas and shared garaging and access courtyard. The greater density of the condominium allows for occupation of a narrow spur site at the extreme northern end of the estate, an area with outstanding long views to the coast north of Matauri Bay while not breaking the skyline when viewed from the coast. The condominium will be considered as a single structure with respect to form, materials and details.



KEY

- Estate Boundary
- Kauri Cliffs Special Purpose Zone - Golf Living sub-zone
- Coastal Environment Overlay
- High Natural Character
- Indicative Building Platforms - 400m²
- Indicative Building Platforms - 300m²
- Proposed Accessway
- Contours 10m

Fig. 14: Waiaua Living Area - proposed dwellings

1:10000 0 100 200 500 Meters





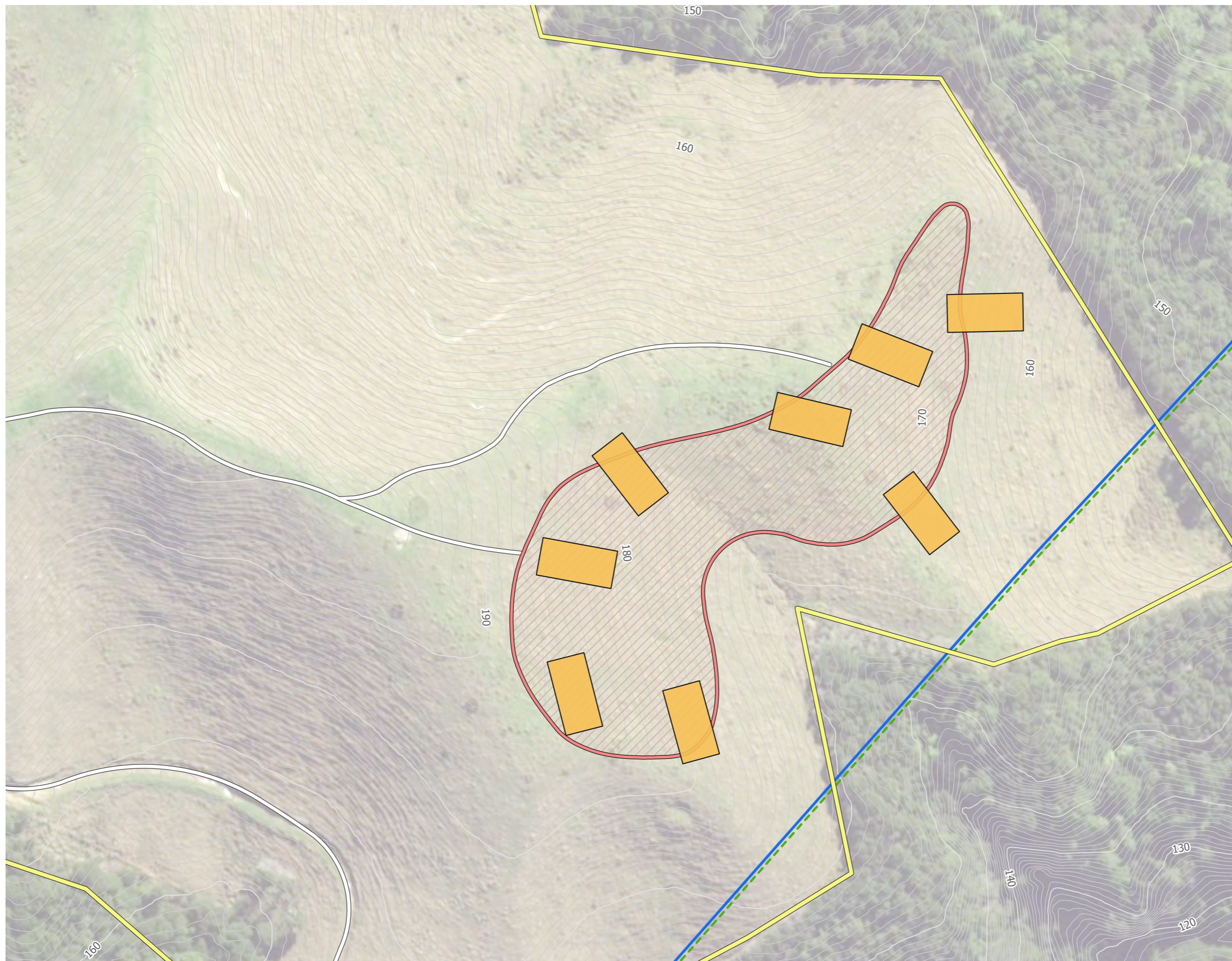
KEY

- Kauri Cliffs Special Purpose Zone - Golf Living sub-zone
- Indicative Building Platforms - 300m²
- Indicative Building Platforms - 400m²
- Proposed Accessway
- Contours 1m

Fig. 15: Waiaua Living Area - indicative condominium arrangement

1:1500 0 10 20 50 75 Meters





KEY

- Kauri Cliffs Special Purpose Zone - Golf Living sub-zone
- Coastal Environment Overlay
- High Natural Character
- Approximate Cluster Curtilage
- Indicative Building Platforms - 300m²
- Proposed Accessway
- Contours 1m

Fig. 16: Waiaua Living Area - indicative northern cluster arrangement

1:1000 0 10 20 50 Meters





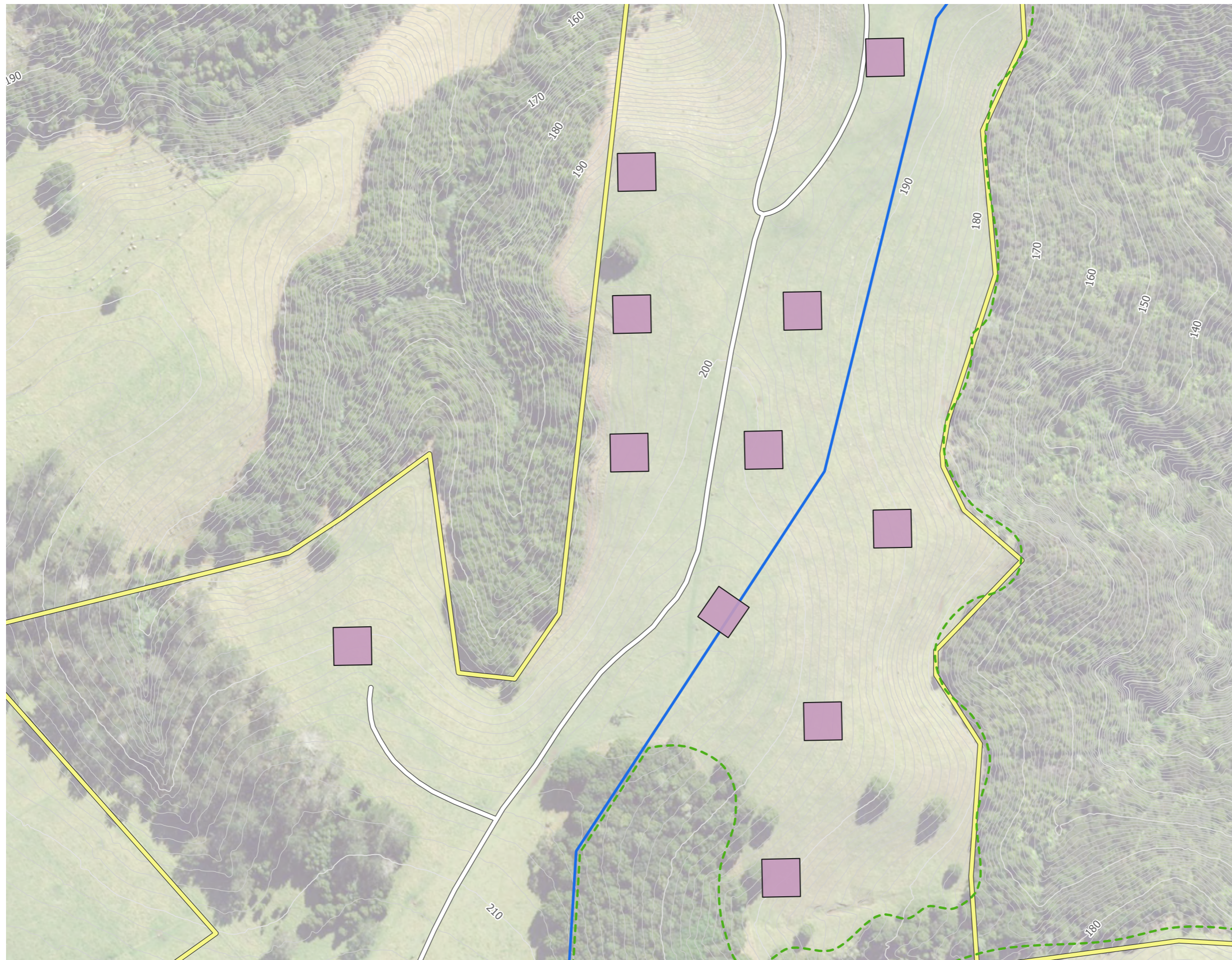
KEY

- Kauri Cliffs Special Purpose Zone - Golf Living sub-zone
- Coastal Environment Overlay
- High Natural Character
- Approximate Cluster Curtilage
- Indicative Building Platforms - 400m²
- Indicative Building Platforms - 300m²
- Proposed Accessway
- Contours 1m

Fig. 17: Waiaua Living Area - indicative southern cluster arrangement

1:1000 0 10 20 50 Meters





KEY

- Kauri Cliffs Special Purpose Zone - Golf Living sub-zone
- Coastal Environment Overlay
- High Natural Character
- Indicative Building Platforms - 400m²
- Proposed Accessway
- Contours 1m

Fig. 18: Waiaua Living Area - indicative larger house site arrangement

1:2000 0 20 40 100 Meters





Fig. 19: Waiaua Living Area - indicative village arrangement

1:1500 0 10 20 50 75 Meters





Fig. 20: Kauri Cliffs Lodge

6.0 DEVELOPMENT NODE: THE LODGE

The Lodge sub-zone is the activity hub of the property and contains the Lodge at Kauri Cliffs, guest accommodation villas, a gym and indoor pool, outdoor pool, sports courts, wellness centre, the Owner's Cottage, and associated access and parking areas, all surrounding the periphery of the Totara Forest and with the golf course to the east.

Future growth of the hospitality and recreational components of the business, along with demand generated by residents of future development in the Golf Living sub-zone will require the development of additional facilities in the Lodge sub-zone. These may encompass golf-related facilities like a pro shop, a café/restaurant, children's play areas and additional health and wellness offerings.

The current Lodge sub-zone extent is almost entirely occupied by the existing facilities described above. Unless the sub-zone is enlarged, future facilities will necessarily be located in the Golf Playing sub-zone, which does not anticipate development beyond 1,000 m² gross floor area.

Rather than applying for multiple out-of-zone proposals associated with the Lodge, a more efficient approach is a planned extension of the Lodge sub-zone to provide appropriate parameters to accommodate development in the footprint of the consented subdivision, which has been constructed and removed from potential golfing use, and land where a future pro-shop and hospitality (café/restaurant) offering could be co-located in the curtilage of the existing Lodge.



KEY

- 5m Contours
- Property Boundaries
- Golf Course
- Golf Holes
- Cart path link to residences
- Cart path link to future orchard

LODGE

- ① The Lodge
- ② Spa & Gym
- ③ Guest Accommodation
- ④ Owner's Cottage
- ⑥ Outdoor Pool
- ⑦ Firepit

FUTURE BUILDINGS

- ⑮ Extending Carpark
- ⑳ Golf Pro Shop
- ㉑ Totara Playground
- ㉒ Orchard

Fig. 21: Lodge precinct - existing and future buildings

N.T.S





Fig. 22: Lodge precinct - existing subdivision & future guest accommodation

N.T.S





7.0 DEVELOPMENT NODE: STAFF HOUSING

Several accommodation buildings are provided for Kauri Cliffs Lodge and farm staff. These buildings are discreetly located in the Golf Living and Golf Playing sub-zones either side of Tepene Tablelands Road, south of the intersection with Kauri Cliffs Drive.

The staff accommodation will be updated and expanded as needed, but will be co-located with the existing staff accommodation sites. The most recent staff accommodation development was consented and developed in 2023. Future staff accommodation development will be low key and designed to integrate into the surrounding rural landscape.

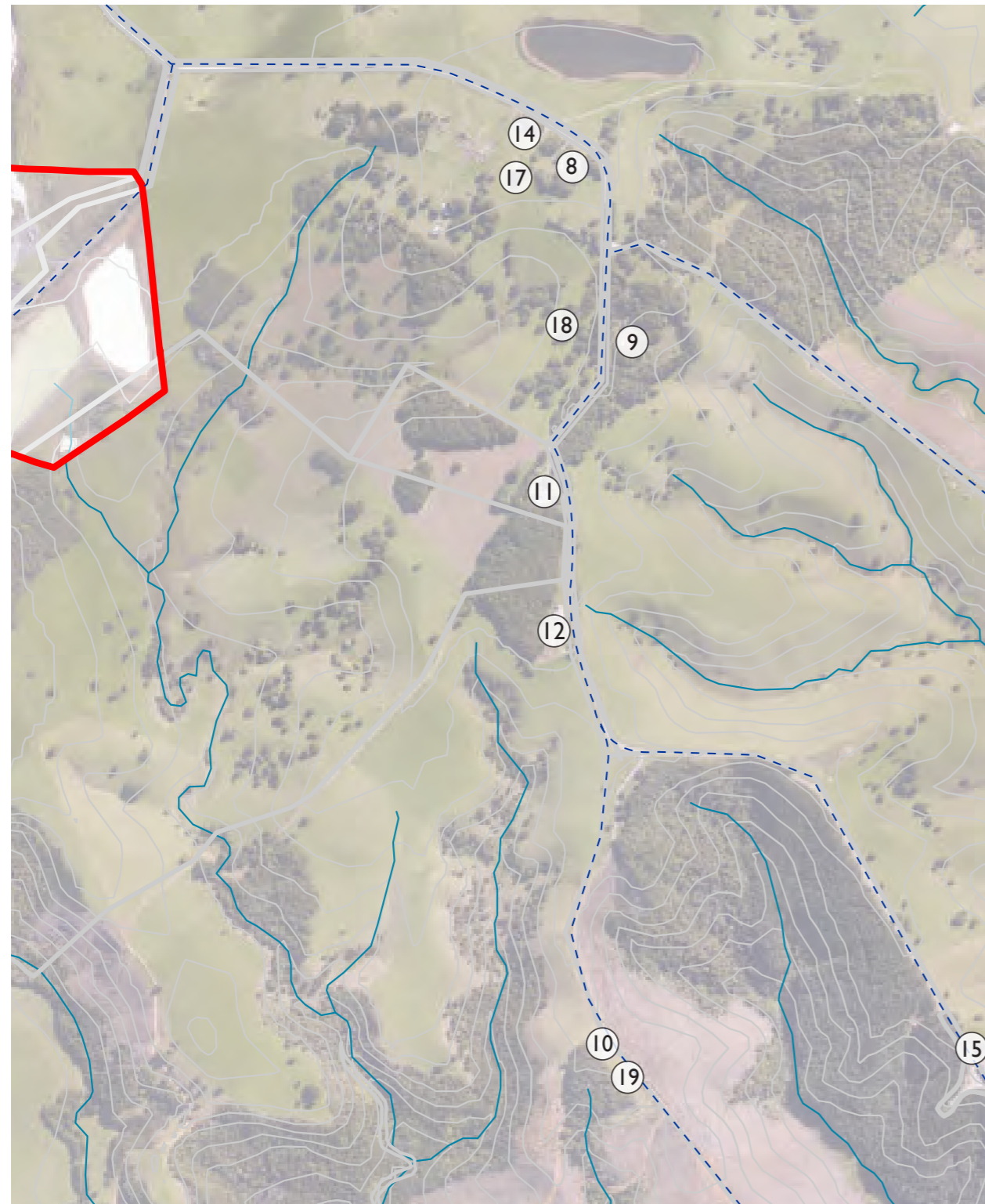


Fig. 23: Site map capturing extents of existing & proposed staff housing

KEY

- Estate Boundary
- Streams
- Roads
- Contours 10m

STAFF ACCOMODATION

- ⑧ Manager's Cottage
- ⑨ Hayes House
- ⑩ Line Staff Accommodation

FARM BUILDINGS

- ⑪ Farmer's House | Staff Accommodation
- ⑫ Wool Shed
- ⑭ Farm Implement Shed

FUTURE BUILDINGS

- ⑬ Farm Workers' Cottages
- ⑮ Staff Accommodation
- ⑯ Additional Staff Accommodation





**ENVIRONMENTAL EFFECTS
MANAGEMENT
CONSIDERATIONS**

8.0 ENVIRONMENTAL EFFECTS MANAGEMENT CONSIDERATIONS

The subdivision and development anticipated by this master plan would have the following typical environmental effects.

Lodge Sub-zone

Development in the Lodge sub-zone will require consideration of landscape and visual effects, noting that the existing and proposed sub-zone extents are largely contiguous with the proposed Coastal Environment overlay. As such, zone provisions will apply permitted height limits, building footprint limits and external colour and material controls to provide for the Lodge sub-zone as the property's central activity node, while respecting the coastal environment values.

The consent conditions for the subdivision that WBFL proposes to include in the Lodge sub-zone include requirements for the provision of vehicle access, stormwater management and of services to the new lots and future buildings. These consent conditions have largely been fulfilled. The typical effects of access and service provision are therefore already subject to appropriate regulatory oversight and the scope to provide appropriate services has been proven by the existing dwellings constructed on Lots 1 – 3 of the subdivision.

Under the Proposed Plan the Totara Forest (located centrally in the Lodge sub-zone) is to be included in an Outstanding Natural Character overlay (schedule 80). This area is anticipated to be maintained in its current state.

Golf Playing Sub-zone

Future development in the Golf Playing sub-zone would mainly consist of a second golf course and additional staff accommodation buildings, the latter located near the existing staff accommodation cluster off Tepene Tablelands Road.

The existing and proposed Golf Playing sub-zone is largely cleared pasture. There is ample scope to avoid adversely affecting known archaeological sites and important biodiversity values and to provide environmental enhancements where appropriate.

The effects of future golf course construction will relate to earthworks. Standard measures to manage sedimentation, dust, accidental archaeological discoveries, watercourse setbacks and erosion control would likely be sufficient.

The construction of additional staff accommodation buildings will require land use consent(s) and may require a discharge permit(s) for wastewater disposal. The land use effects will revolve around typical landscape and visual, geotechnical, archaeological, ecological and access/servicing considerations. The consenting in 2023 of a new staff accommodation building indicates that the existing staff accommodation cluster in the Golf Playing sub-zone is well located to avoid or manage these effects.

Golf Living Sub-zone

Subdivision and development in the proposed Golf Living sub-zone will chiefly need to be considered in terms of typical land development matters, such as:

- Effects on landscape and coastal natural character values;
- Geotechnical considerations;
- Effects on ecological values;
- Effects on archaeological and historic heritage values; and,
- The provision of services and access.

The preliminary technical assessments informing this master plan confirm that there are no significant technical barriers to establishing a future residential subdivision and development in the reconfigured Golf Living sub-zone extent that WBFL seeks.

The inclusion of provisions in the Kauri Cliffs Special Purpose Zone to specify the information requirements and assessment criteria for a future resource consent application(s) will ensure appropriately focused consideration of environmental effects and the appropriate management measures to be implemented. In particular, zone provisions will specify permitted building height, building footprint and external colour and material requirements generally consistent with the limits specified by the Coastal Environment chapter of the Proposed Plan, while subdivision provisions will require detailed assessments to demonstrate appropriate building platform locations.

ENVIRONMENTAL EFFECTS MANAGEMENT CONSIDERATIONS (ctd.)

8.1 Māori Cultural Values

On completion of a draft of this master plan, WBFL consulted with representatives of Te Rūnanga o Whaingaroa, Ngāti Kura hapū, Te Rūnanga o Ngāti Rehia and representatives of Matauri X Incorporation and also sought to consult with Te Whanau nui o Waiaua.

The representatives of these iwi/hapū identified that key considerations to be investigated in advance of future resource consent applications must include (but are not limited to):

- Preparation of a Cultural Impact Assessment by Ngāti Kura and avoidance of known archaeological sites;
- Cultural monitoring of earthworks;
- Development setbacks from waterways;
- Stormwater management and re-use measures;
- Wastewater management measures, including substantive back-up measures; and
- The management of biosecurity risks and future residents taking of kaimoana.

8.2 Planning framework for future Golf Living and Lodge sub-zone developments

8.2.1 Golf Living sub-zone

The planning framework for future residential subdivision and development will include the following matters.

Subdivision

- A restricted discretionary activity status for subdivision creating up to 60 lots, subject to compliance with performance standards (below). Applications for restricted discretionary subdivisions within the Golf living sub-zone will be processed on a non-notified basis if the written approval of adjoining landowners is obtained.
- Restricted discretionary performance standards requiring assessment of typical subdivision development and servicing matters as well as assessment criteria in the Coastal Environment chapter of the Proposed Plan.
- A discretionary activity status for subdivision creating 61 or more lots, or for subdivision that does not meet the restricted discretionary performance standards.

Land use

A permitted activity status (no resource consent required) will apply where the following performance standards are met:

- Residential units are located within defined building platforms identified through a professional landscape assessment and approved as part of an existing subdivision.
- The number of residential units on a site does not exceed one.
- Buildings or structures are:
 - a. No greater than 5 m in height if located within the Coastal Environment; or
 - b. No greater than 7.5 m in height if located outside the Coastal Environment.
- New building footprints are no greater than 300 m² in area.
- The exterior surfaces of new buildings:
 - a. Are finished to achieve a reflectance value no greater than 30%; and
 - b. If painted, have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette.

A controlled activity status will apply where the performance standards for building height, building footprint and external colours and materials are not met. A discretionary activity status will apply where the siting and density performance standards are not met.

The matters of control relate to:

- a. The mitigation of adverse visual effects;
- b. The means of integrating the building, structure or activity into the landscape, including through planting;
- c. The management of effects on, or enhancement of, archaeological and ecological values and land stability
- d. The compatibility of development with the surroundings; and
- e. Servicing and infrastructure requirements.

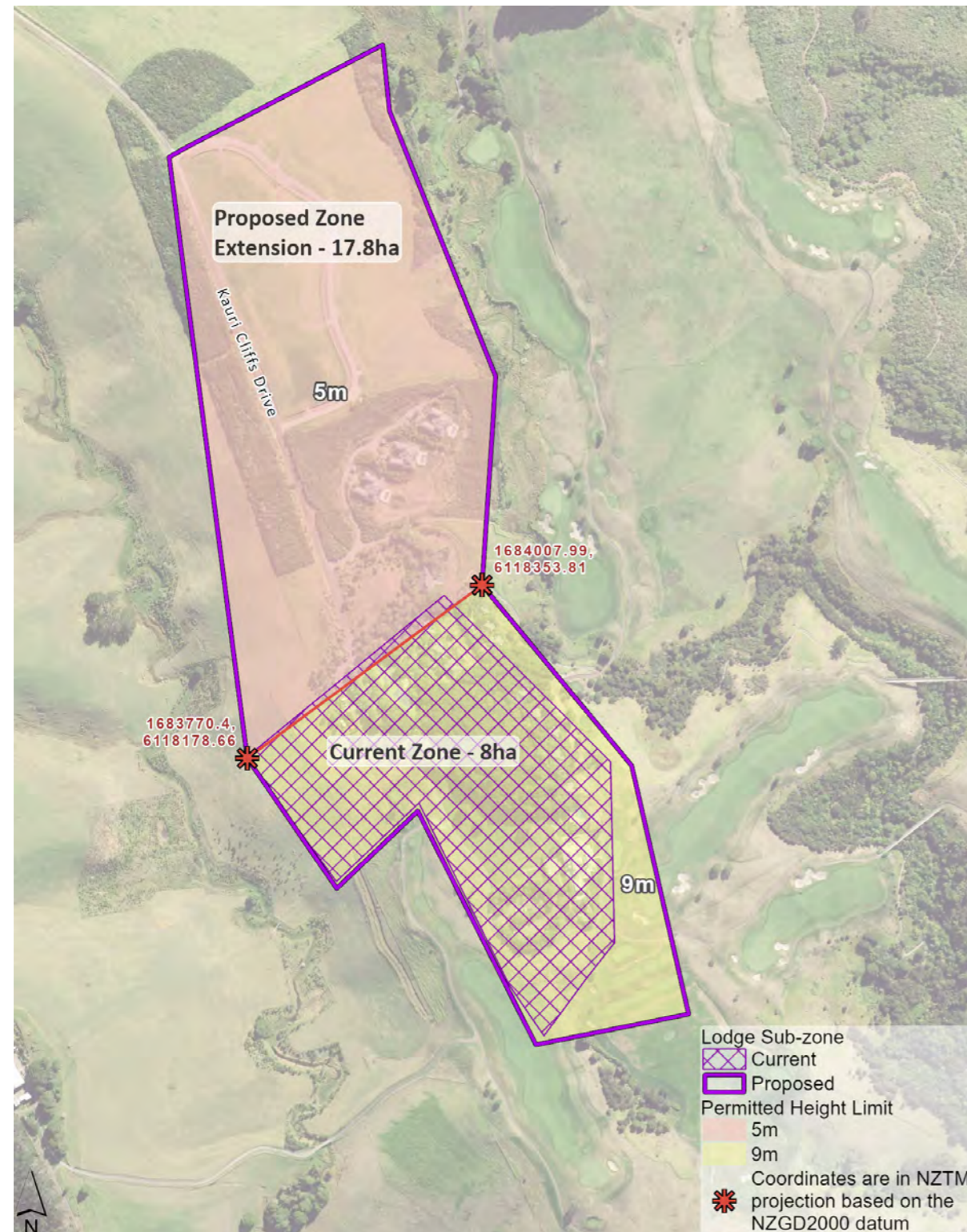


Fig. 24: Lodge sub-zone permitted height limit

ENVIRONMENTAL EFFECTS MANAGEMENT CONSIDERATIONS (ctd.)

8.2.2 Lodge sub-zone

The planning framework for the Lodge sub-zone will include the following matters.

Subdivision

Subdivision will be managed as a discretionary activity in the Lodge sub-zone.

Land use

The role of the Lodge sub-zone as an activity node with commercial elements means it is appropriate to permit various land uses, subject to standards.

WBFL proposes to include additional land containing a consented subdivision in the Lodge sub-zone. Additionally, the Proposed Plan introduces additional restrictions in the form of the Coastal Environment overlay to most of the Lodge sub-zone.

As such, WBFL proposes to update Lodge sub-zone provisions for residential and visitor accommodation activities as follows.

Residential and Visitor Accommodation Activities

Residential and visitor accommodation activities that comply with the following standards will be permitted.

- The total number of residential units in the Lodge sub-zone does not exceed four;
- The total number of visitor accommodation units in the Lodge sub-zone does not exceed 15.
- Within the extension of the Lodge sub-zone to the north, new buildings are no greater than 5 m in height;
- Within the notified Lodge sub-zone, and zone extension around the Lodge, new buildings are no more than 9 m in height;



Fig. 25: Kauri Cliffs Lodge & visitor accommodation

- New building footprints are no more than 300 m² in area; and
- The exterior surfaces of new buildings:
 - a. Are finished to achieve a reflectance value no greater than 30%; and
 - b. If painted, have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette;

A restricted discretionary activity status will apply where the performance standards for building height, building footprint and external colours and materials are not met, with the same matters of discretion applying as for breaches of these standards in the Golf Living sub-zone.

Where the performance standards relating to the total number of residential units or visitor accommodation units are not met, a discretionary activity status will apply.



ARCHITECTURAL & LANDSCAPE CONSIDERATIONS

9.0 ARCHITECTURAL AND LANDSCAPE DESIGN CONSIDERATIONS

9.1 Kauri Cliffs Architectural and Landscape Guidelines

Future purchasers of lots will be subject to the vision for the whole of Kauri Cliffs, rather than simply purchasing an individual lot. As such, Kauri Cliffs Architecture and Landscape Guidelines will be developed and administered solely by WBFL to manage the future development of residential lots at Kauri Cliffs, whether in the Golf Living sub-zone or (if applicable) Lodge sub-zone.

The Architectural and Landscape Guidelines will set out:

- The vision for Kauri Cliffs;
- Guidance for future purchasers of residential sites about the standards for site layout, architectural form and the quality, materiality and colour of external finishes; and
- Guidance about the design and management of residential curtilages including access, garaging, fencing, accessory buildings and landscaping.

Detailed guidance in the Architectural and Landscape Guidelines will likely include:

- Standards for the quality of materials and finishes;
- Refined detailing;
- A high proportion of natural materials such as timber and stone;
- Generosity of proportion and space;
- Engagement with the surrounding setting, such as the orientation of buildings to their outlook and the wider features of the site;
- Common architectural language;
- The massing of built form;
- The management of extensive unrelieved or continuous facades;
- Use of muted colours and external materials with low reflectivity;
- Use of indigenous plant species;
- Landscaping that merges with the overall landscaping framework;
- Planting that is of sufficient scale (vertical and horizontal) to visually anchor buildings;
- Appropriate access design, materials and layout; and
- The avoidance of standard suburban details.

9.2 Kauri Cliffs Design Review Panel and Design Review Process

Best outcomes are achieved when the design of a new building is negotiated between a purchaser's architect and a design review panel responsible for upholding the overall vision for the wider property. As such WBFL intends to establish a private Kauri Cliffs Design Review Panel to carry out review functions. The role of the Design Review Panel will be to ensure a balance is reached between the individual creative expression of site purchasers and the achievement of a cohesive wider development vision in the Golf Living sub-zone and (if applicable) the Lodge sub-zone.

Property sale and purchase agreements would require the site purchasers to:

- Adhere to the Kauri Cliffs Architecture and Landscape Guidelines when designing their sites;
- Obtain design approval through the Kauri Cliffs Design Review process; and
- Only proceed to obtain any necessary resource and/or building consents after design approval is obtained.

The Design Review process will be driven by WBFL's interests because the Robertson family, as the long-term owners, holds the overall vision for Kauri Cliffs.



APPENDIX 5 TO EVIDENCE OF STEVEN TUCK

Response to Further Submissions on Kauri Cliffs Zone

Appendix 5: S Tuck Response to Further Submissions on the Kauri Cliffs Zone

WBFL sub #	Provision	Relief sought by WBFL	Further submitter’s position	S Tuck Recommendation
S463.123	Planning Maps - General / Miscellaneous	<p>Amend the planning maps as set out in Annexure B to this submission with respect to:</p> <ul style="list-style-type: none">• The RPROZ• Kauri Cliffs Zone and its constituent subzones• the Piakoa wāhi tapu site• Delete the mapping of ONC80.	<p>Te Whanaunui o Waiaua</p> <p>Oppose - We object to the proposed mapping changes, we have deep concerns about the potential impacts of these mapping and zoning changes. Tangata whenua refers to the indigenous people of New Zealand. They are the original Māori inhabitants of the land and have a unique cultural and historical connection to the land.</p>	<p>The re-mapping of the RPROZ and KCZ are appropriate for the reasons detailed in my statement of evidence.</p> <p>WBF has invested substantial effort into the listing of this site on the New Zealand Heritage Register. In my view it is appropriate that it be listed in the District Plan as a SASM, to ensure it is afforded the appropriate protection at a District Plan level. I note that the submission and further submission of Te Rūnanga o Ngāti Rehia seeks the same relief.</p> <p>WBF has accepted the mapping of ONC80.</p> <p>Therefore, I do not support the position expressed by Te Whanau Nui o Waiaua.</p>
S463.097	General / Plan Content / Miscellaneous	<p>KCZ-O1 The Kauri Cliffs zone is developed To maintain and enhance <u>operate</u> an international standard golfing facility, <u>premier</u> visitor accommodation <u>destination</u>, and ancillary <u>guest</u> facilities; including conference, gym, spa, <u>hospitality</u>, <u>recreation</u> and eating/ dining facilities as well as golf living facilities and residential activities and supporting facilities and services.</p> <p>KCZ-P1 Provide for land use and subdivision in the Kauri Cliffs zone where it that maintains or enhances the purpose of the zone as an internationally recognised golfing, <u>recreation</u>, <u>tourism</u> and luxury accommodation facility <u>or delivers a master planned residential development.</u></p> <p>KCZ-P45 <u>Enable tourist and golf related activities and provide for the limited extension of the existing guest cottage visitor accommodation units in the Kauri Cliffs Lodge sub-zone where the adverse effects can be avoided, remedied or mitigated managed.</u></p> <p>KCZ-P67 <u>Provide for residential activities in the Golf Living subzone more than 0.5 km inland from the coast and require the siting, design and landscaping to manage effects on the rural and coastal landscape character.</u></p> <p>'golf living' activities in the Kauri Cliffs zone, where it is consistent with an open rural landscape character and located more than 0.5 km inland from the coast.</p>	<p>Te Whanaunui o Waiaua</p> <p>Oppose - comments relating to annexure C that KCZ-O1 Objective, EXCLUDE residential activities and supporting facilities and services. Also KCZ-P1 Policy, for the final option to be EXCLUDED i.e 'or delivers a master planned residential development.' We note the use of the word 'OR' here, so this denotes it's either one or the other option.</p> <p>KCZ-P5 – amended wording in this policy has minimised KCZ's responsibility regarding any adverse effects. The original words of limited, avoided, remedied and mitigated should REMAIN.</p> <p>KCZ – P6 same as above</p> <p>KCZ- P7 remove residential activities and retain original wording, for golf living activities.</p> <p>Rules/Note; Para 1, delete red amendment entirely, KCZ should not have paramountcy over District Wide Rules or Coastal Environment Chapter.</p> <p>KCZ-R2 – an increase in the amount of dwellings from 8 to 22 is excessive and needs to be monitored and controlled PER32 – para (c) to EXCLUDE amendments and retain original wording to protect the natural environment and to include cultural historical significant factors.</p> <p>KCZ-R16 Subtitle to be clarified, why mining and aquaculture?</p> <p>KCZ-S1 Object under para (1) on basis that the increase in maximum structure has gone from 25m squared to 350m squared. This is incredibly excessive. (ODP – operational district plan)</p>	<p>My recommended amendments to the zone text (appended to my statement of evidence) relinquish the amendments to KCZ-P1, KCZ-P7 and KCZ-R16 sought in WBF's original submission.</p> <p>For the reasons given in my statement of evidence, I consider that maintaining provision in the KCZ for a master planned residential subdivision and development is an appropriate outcome. It continues to reflect a key component of the purpose for which the KCZ was established.</p> <p>Reasons for the proposed amendments to the permitted number of dwellings, and permitted building footprint, in the Lodge sub-zone are given in my statement of evidence, noting that the amendments simply reflect the existing (consented) environment.</p> <p>Therefore I do not support the position expressed by Te Whanau Nui o Waiaua.</p>

WBFL sub #	Provision	Relief sought by WBFL	Further submitter's position	S Tuck Recommendation
S463.098	Overview	<p>Overview</p> <p><u>Kauri Cliffs is a large landholding located between Matauri Bay to the north and Tākou Bay to the south. While much of the property is used for farming, the portion of Kauri Cliffs contained in the Kauri Cliffs Zone is internationally recognised as a prestigious golfing facility and luxury accommodation and recreation destination.</u></p> <p><u>Activities in the Kauri Cliffs Zone are controlled by four subzones, the:</u></p> <p>Lodge subzone;</p> <p>Golf Playing subzone;</p> <p>Golf Living subzone; and</p> <p>Natural Heritage subzone</p> <p><u>These subzones provide specific development frameworks intended maintain the character, features and landscape of the Kauri Cliffs Zone.</u></p> <p><u>A championship standard golf course has been developed in the Golf Playing subzone. The development of an additional golf course and ancillary facilities is provided for in areas mainly to the west of the existing golf course.</u></p> <p><u>The Lodge at Kauri Cliffs is situated centrally in the Lodge subzone. The Lodge provides accommodation, dining, hospitality, golf-related retailing and guest and visitor activities and events. Guest and visitor facilities separate to the Lodge include a spa, gym, sports courts and pools. Detached visitor accommodation units are located north of the Lodge. The development of new visitor accommodation and family-oriented recreational facilities are also provided for in the Lodge subzone.</u></p> <p><u>The comprehensively master planned subdivision of land in the Golf Living subzone to create up to 60 lots for subsequent residential development is provided for on a restricted discretionary basis. This development will need to deliver appropriate services and amenity for future residents, within the Golf Living subzone and Lodge subzone and more widely around Kauri Cliffs, such as walking and cycling paths to provide access to services and points of interest.</u></p> <p><u>The activities in the Kauri Cliffs Zone contribute significant economic value to the Far North district through the tourism, hospitality and employment opportunities it generates, as well as via operational and capital expenditures. Large areas set aside for</u></p>	<p>Te Whanaunui o Waiaua</p> <p>OPPOSE – On the basis of not having had any disclosure by KC of ‘the comprehensive master planned subdivision of land in the Golf Living subzone to create up to 60 lots for subsequent residential development is provided for on restricted discretionary basis’, we assert that KC needs to have a higher responsibility to consult with neighbouring parties for such a large and economic subdivision and the environmental impacts this would bring to the whenua and moana.</p> <p>It is therefore relevant to refer to The Section 32 Report on Tangata Whenua. It is a significant document in New Zealand that addresses the relationship between Māori people/Tangata Whenua and various policy or development proposals. It is a requirement under the Resource Management Act 1991, and it serves as a critical assessment tool for decision-makers when considering the social, cultural, and economic impacts of proposed projects. In essence, this report aims to strike a balance between development and the protection of Māori cultural and environmental interests. The Section 32 Report outlines several key elements:</p> <ul style="list-style-type: none"> • Policy Context: It provides context for the proposed policy development, explaining why it is necessary and the issues it aims to address. • Objectives: The report clarifies the objectives of the proposed policy or development and how it aligns with relevant legislation and planning documents. • Alternatives: It assesses alternative approaches or options, considering their potential impact on Tangata Whenua and their cultural and environmental values. • Consultation: The report details the consultation process undertaken with Tangata Whenua and the extent to which their views and concerns have been considered. • Effects on Tangata Whenua: It evaluates the likely effects of the proposal on Tangata Whenua, including social, cultural, and economic impacts, and whether any adverse effects can be mitigated. • Mitigation Measures: If adverse effects are identified, the report outlines proposed mitigation measures to address these impacts. • Overall Assessment: It provides an overall assessment of the proposal, weighing its benefits against the potential adverse effects on Tangata Whenua. • Conclusion: The Section 32 Report concludes with recommendations for decision-makers, including whether the proposal should proceed, be amended, or declined based on its findings. 	<p>Most of the amendments to the “Overview” section of the KCZ are relinquished in the zone text appended to my evidence.</p> <p>I note that the KCZ and subdivision rules of the District Plan have provided for a restricted discretionary, non-notified 60 lot residential subdivision for many years now. The proposition is not new, however the reconfiguration of the KCZ is new.</p> <p>Notwithstanding that the RMA does not mandate consultation, I understand that WBF has sought the feedback of Te Whanau Nui o Waiaua on the final draft of the Master Plan however the latter has chosen not to comment.</p> <p>I am unable to discern the relevance of the commentary about the section 32 assessment to the matters in scope of this hearing.</p> <p>Therefore, I do not support the position expressed by Te Whanau Nui o Waiaua.</p>

WBFL sub #	Provision	Relief sought by WBFL	Further submitter's position	S Tuck Recommendation
		<p><u>ecological restoration are present throughout the Kauri Cliffs Zone and wider property.</u></p> <p><u>Future development and activities in the Kauri Cliffs Zone will continue to support the protection and enhancement of environmental values.</u></p>	Overall, the Section 32 Report on Tangata Whenua serves as a critical tool in the decision-making process by ensuring that the concerns and interests of Māori communities are taken into account.	
S463.099	KCZ-O1	<p>KCZ-O1</p> <p>The Kauri Cliffs zone is developed To maintain and enhance operate an international standard golfing facility, premier visitor accommodation destination, and ancillary guest facilities, including conference, gym, spa, hospitality, recreation and eating/dining facilities as well as golf living facilities and residential activities and supporting facilities and services.</p>	<p>Te Whanaunui o Waiaua</p> <p>OPPOSE – outside the current provisions of KC SZ, why are they asking for special treatment outside of normal hardworking applicants? They shouldn't be treated as special just because they are wealthy. If their subdivision is outside of their current special zone, why don't they comply with the same zoning rules like everyone else? If KC special zone is not fit for purpose, they should do away with it altogether!</p>	<p>My statement of evidence details the rationale for the proposed reconfiguration of the KCZ.</p> <p>I note that the Section 32 report prepared by Council in respect of the KCZ considers applying alternative instruments but resolves that retention of a special purpose zone is the most appropriate response.</p> <p>Therefore, I do not support the position expressed by Te Whanau Nui o Waiaua.</p>
S463.100	KCZ-O2	<p>KCZ-O2</p> <p>New uses, development and subdivision maintain and enhance significant natural character, conservation and environmental values The natural characteristics and qualities that contribute to conservation and environmental values in the Kauri Cliffs zone are protected when undertaking land use and subdivision.</p>	<p>Te Whanaunui o Waiaua</p> <p>OPPOSE – We object to the key objective for the zone and wish to keep the original character and environment. We disagree that any intended new uses, development and subdivision will enhance the significant natural character of their existing and neighbouring conservation and environmental values. We don't believe Papatūānuku can be usurped by human interference.</p>	<p>My recommended amendments retain KCZ-O2 as notified.</p>
S463.101	KCZ-P1	<p>KCZ-P1</p> <p>Provide for land use and subdivision in the Kauri Cliffs zone where it that maintains or enhances the purpose of the zone as an internationally recognised golfing, recreation, tourism and luxury accommodation facility or delivers a master planned residential development.</p>	<p>Te Whanaunui o Waiaua</p> <p>OPPOSE – We object to KCZ-P1 being amended due to the nature and impacts that the planned subdivision will have on Hāpu, whenua and moana as its closest neighbours. We refer to the Section 32 report again regarding Tangata Whenua. The Section 32 Report on Tangata Whenua is a significant document in New Zealand that addresses the relationship between Māori people/Tangata Whenua and various policy or development proposals. It is a requirement under the Resource Management Act 1991, and it serves as a critical assessment tool for decision-makers when considering the social, cultural, and economic impacts of proposed projects. In essence, this report aims to strike a balance between development and the protection of Māori cultural and environmental interests. The Section 32 Report outlines several key elements:</p> <ul style="list-style-type: none"> • Policy Context: It provides context for the proposed policy development, explaining why it is necessary and the issues it aims to address. • Objectives: The report clarifies the objectives of the proposed policy or development and how it aligns with relevant legislation and planning documents. • Alternatives: It assesses alternative approaches or options, considering their potential impact on Tangata Whenua and their cultural and environmental values. 	<p>My recommended amendments retain KCZ-P1 as notified.</p>

WBFL sub #	Provision	Relief sought by WBFL	Further submitter's position	S Tuck Recommendation
			<ul style="list-style-type: none"> Consultation: The report details the consultation process undertaken with Tangata Whenua and the extent to which their views and concerns have been considered. Effects on Tangata Whenua: It evaluates the likely effects of the proposal on Tangata Whenua, including social, cultural, and economic impacts, and whether any adverse effects can be mitigated. Mitigation Measures: If adverse effects are identified, the report outlines proposed mitigation measures to address these impacts. Overall Assessment: It provides an overall assessment of the proposal, weighing its benefits against the potential adverse effects on Tangata Whenua. Conclusion: The Section 32 Report concludes with recommendations for decision-makers, including whether the proposal should proceed, be amended, or declined based on its findings. <p>Overall, the Section 32 Report on Tangata Whenua serves as a critical tool in the decisionmaking process by ensuring that the concerns and interests of Māori communities are taken into account when considering developments or policies that may affect their cultural, social, and economic wellbeing. It reflects New Zealand's commitment to honouring the Treaty of Waitangi and recognizing the importance of Māori perspectives in resource management and policy development.</p>	
S463.102	KCZ-P2	KCZ-P2 6 Provide for the development of future golf courses and their ancillary structures and staff accommodation within the 'Golf playing subzone' in the Kauri Cliffs zone while ensuring that any adverse effects of development are avoided, remedied or mitigated managing any adverse effects of the development.	<p>Te Whanaunui o Waiaua</p> <p>OPPOSE – KCZP2, object on similar grounds under submission point 97.</p>	My recommended amendments retain KCZ-P2 as notified.
S463.104	KCZ-P4	KCZ-P4 5 Enable tourist and golf related activities and provide for the limited extension of the existing guest cottage visitor accommodation units in the Kauri Cliffs Lodge sub-zone where the adverse effects can be avoided; remedied or mitigated managed .	<p>Te Whanaunui o Waiaua</p> <p>OPPOSE – SAME AS ABOVE, object on similar grounds under submission point 97.</p>	<p>My recommended amendments to KCZ-P4 retain the intention of the policy, while maintaining direction to limit development in the Lodge sub-zone. As discussed in my statement of evidence, if the Lodge sub-zone is extended as sought, the zone text must be updated to reflect the existing environment.</p> <p>Therefore, I do not support the position expressed by Te Whanau Nui o Waiaua.</p>
S463.106	KCZ-P6	KCZ-P6 7 Provide for residential activities in the Golf Living subzone more than 0.5 km inland from the coast and require the siting, design and landscaping to manage effects on the rural and coastal landscape character.	<p>Te Whanaunui o Waiaua</p> <p>OPPOSE – Object and retain original wording of KZ7-P6.</p>	<p>My recommended amendments to the KCZ text retain KCZ-P6 as notified, except substituting “golf living” for “residential” for clarity.</p> <p>Therefore, I do not support the position expressed by Te Whanau Nui o Waiaua.</p>

WBFL sub #	Provision	Relief sought by WBFL	Further submitter's position	S Tuck Recommendation
		'golf living' activities in the Kauri Cliffs zone, where it is consistent with an open rural landscape character and located more than 0.5 km inland from the coast.		
S463.107	KCZ-P7	<p>KCZ-P73</p> <p>Ensure development in the Kauri Cliffs Zone is appropriately sited and serviced to manage adverse effects on the values of the coastal environment. that the siting of buildings in the Kauri Cliffs zone is undertaken in a manner which minimises the impacts of activities and development in the coastal environment, including the provision for adequate infrastructure servicing.</p>	<p>Te Whanaunui o Waiaua</p> <p>OPPOSE – KCZ P7 what they are proposing is the exact opposite of the original statement, that the new interpretation of their duty is less than what it was!</p>	My recommended amendments retain KCZ-P7 as notified.
S463.108	KCZ-P8	<p>KCZ-P84</p> <p><u>Maintain or improve road and air access to the Kauri Cliffs Zone if necessary to support new land uses or developments in</u> Ensure that any land use or development undertaken in the Kauri Cliffs zone maintains or improves road and air access to the zone.</p>	<p>Te Whanaunui o Waiaua</p> <p>OPPOSE – KCZ P8 on grounds that their reasoning is ridiculous.</p>	My recommended amendments retain KCZ-P8 as notified.
S463.109	Kauri Cliffs Notes	<p>Amend as follows:</p> <p>Notes:</p> <ol style="list-style-type: none"> There may be other rules in Part 2- District-Wide Matters of the District Plan that apply to a proposed activity, in addition to the rules in this zone chapter, including the Transport, Hazardous Substances, Noise, Light and Signage chapters. These District-Wide rules may be more stringent than the rules in this chapter. <u>However, in the event of conflict between the provisions of the Kauri Cliffs Zone and the provisions of the Coastal Environment chapter, the zone provisions prevail.</u> Ensure that relevant District-Wide Matters chapters are also referred to in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the how the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules. This zone chapter does not contain rules relating to setback to waterbodies for building and structures or setbacks to waterbodies for earthworks and indigenous vegetation clearance. The Natural Character contains rules for activities within wetland, lake and river margins. The Natural Character chapter should be referred to in addition to this zone chapter. 	<p>Te Whanaunui o Waiaua</p> <p>Kauri Cliffs with their significant wealth and influence should not elevate them above anyone else. Special treatment or exception should not be granted arbitrarily. Kauri Cliffs should comply with existing laws and regulations.</p>	My recommended amendments retain the Advice Note as notified.

WBFL sub #	Provision	Relief sought by WBFL	Further submitter's position	S Tuck Recommendation
S463.110	KCZ-R1 New buildings or structures, and extensions or alterations to existing buildings or structures <i>[Entire rule not shown here]</i>	While WBF records its support for this rule, it foreshadows that it opposes the 25 m ² permitted GFA limit imposed by standard KCZ-S1(1), which this rule refers to. Retain this rule as notified.	Te Whanaunui o Waiaua OPPOSE – KCZ-R1 support the original wording in its entirety (i.e 25m squared).	
S463.111	KCZ-R2	Amend as follows: KCZ-R2 Visitor accommodation Kauri Cliffs zone Lodge-sub zone Activity status: Permitted Where: PER-1 <u>No more than 22 visitor accommodation units including the existing Owner's Cottage and Residences. New buildings for the purpose of visitor accommodation does not exceed 8 guest cottages.</u> Activity status where compliance is not achieved with PER-1: Discretionary Lodge-sub-zone CON-1 Additions and alterations to existing buildings not exceeding a maximum of 40% of the GFA of the building which is being altered or added to. Matters of control are limited to: a. the size, height, bulk and siting of the structure in relation to existing buildings; b. the colour and reflectivity of the structure and the extent to which it integrates with existing buildings; c. the extent to which planting assists the integration of the structure into the environment; and d. the degree to which the landscape will retain its open character and visual value. Activity status where compliance not achieved with CON-1: Discretionary Golf living sub-zone PER-2 Accommodation and accessory buildings located within building platforms identified on an	Te Whanaunui o Waiaua OPPOSE – We firmly believe that the proposed change to "Lodge-sub zone" is not in the best interests of the community and the environment. Our reasons for opposing this amendment are as follows. It is essential to preserve the integrity of the KCZ and ensure that planning decisions align with the broader goals of environmental protection and community wellbeing. The proposed amendment appears to accommodate future developments within the 2017 subdivision area for visitor accommodation. However, this approach may have adverse effects on the environment, infrastructure, and the quality of life for local residents. We believe that any potential developments should be subject to rigorous evaluation and scrutiny to ensure their compatibility with the broader community and environmental interests. Stakeholder Engagement: It is crucial to engage with all stakeholders, including local residents and indigenous communities, to determine the most suitable approach for visitor accommodation within the KCZ. Meaningful consultation can lead to better planning outcomes and minimize conflicts. This change would allow for up to 22 visitor accommodation units, which we believe is excessive.	As explained in my statement of evidence, the existing environment created by the grant in 2017 of subdivision and land use consents necessitates updates to KCZ provisions for the Lodge sub-zone. These amendments are required to reflect the consented environment. Without these amendments the KCZ will be internally illogical. Therefore, I do not support the position expressed by Te Whanau Nui o Waiaua.

WBFL sub #	Provision	Relief sought by WBFL	Further submitter's position	S Tuck Recommendation
		<p>approved subdivision plan approved under rule SUB-R3-Subdivision of land to create new allotment (Kauri Cliffs zone);</p> <p>Activity status where compliance not achieved with PER-2: Discretionary</p>		
S463.112	KCZ-R3	<p>Amend as follows:</p> <p>KCZ-R3 Residential activity</p> <p>Kauri Cliffs zone</p> <p>Golf living sub-zone</p> <p>Activity status: Permitted</p> <p><i>[Entire rule not shown here].</i></p>	<p>Te Whanaunui o Waiaua</p> <p>OPPOSE – KCZ-R3 Object on basis of not agreeing to have a 60-section subdivision as Tangata Whenua neighbouring property, again reference to Section 32 report is highly relevant here. The Section 32 Report on Tangata Whenua is a significant document in New Zealand that addresses the relationship between indigenous Māori people/Tangata Whenua and various policy or development proposals. It is a requirement under the Resource Management Act 1991, and it serves as a critical assessment tool for decisionmakers when considering the social, cultural, and economic impacts of proposed projects. In essence, this report aims to strike a balance between development and the protection of Māori cultural and environmental interests.</p> <p>The Section 32 Report outlines several key elements:</p> <ul style="list-style-type: none">• Policy Context: It provides context for the proposed policy development, explaining why it is necessary and the issues it aims to address.• Objectives: The report clarifies the objectives of the proposed policy or development and how it aligns with relevant legislation and planning documents.• Alternatives: It assesses alternative approaches or options, considering their potential impact on Tangata Whenua and their cultural and environmental values.• Consultation: The report details the consultation process undertaken with Tangata Whenua and the extent to which their views and concerns have been considered.• Effects on Tangata Whenua: It evaluates the likely effects of the proposal on Tangata Whenua, including social, cultural, and economic impacts, and whether any adverse effects can be mitigated.• Mitigation Measures: If adverse effects are identified, the report outlines proposed mitigation measures to address these impacts.• Overall Assessment: It provides an overall assessment of the proposal, weighing its benefits against the potential adverse effects on Tangata Whenua.• Conclusion: The Section 32 Report concludes with recommendations for decision-makers, including whether the proposal should proceed, be amended, or declined based on its findings. <p>Overall, the Section 32 Report on Tangata Whenua serves as a critical tool in the decisionmaking process by ensuring that the concerns and</p>	<p>The District Plan has provided for a restricted discretionary, non-notified residential subdivision in the Golf Living sub-zone for many years. This includes areas within the parcel abutting multiply-owned Māori land to the north.</p> <p>The Master Plan and associated technical assessments, and my statement of evidence, detail the rationale for the proposed zone reconfiguration.</p> <p>My recommended amendments to this rule simply align the rule with Coastal Environment rule CE-R1 CON-1 and also limit to permitted residential development in the Lodge sub-zone.</p> <p>Appropriate detailed design and resource consenting processes will regulate the future development of the Master Plan area for residential development. This would necessitate consultation with iwi/hapū and the preparation of a cultural impact assessment. These measures will ensure appropriate consideration of environmental effects, including effects on matters significant to tangata whenua.</p> <p>Therefore, I do not support the position expressed by Te Whanau Nui o Waiaua.</p>

WBFL sub #	Provision	Relief sought by WBFL	Further submitter's position	S Tuck Recommendation
			interests of Māori communities are taken into account when considering developments or policies that may affect their cultural, social, and economic wellbeing. It reflects New Zealand's commitment to honoring the Treaty of Waitangi and recognizing the importance of Māori perspectives in resource management and policy development.	
S463.113	KCZ-R4	<p>KCZ-R4 Commercial activity</p> <p>Kauri Cliffs zone</p> <p>Lodge-sub zone</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>Commercial activities <u>including</u> are for the purpose of:</p> <ol style="list-style-type: none"> 1. Conferences. 2. Eating and dining facilities. 3. Gym and beauty spa facilities. 4. <u>Tourism and hospitality including tours and events.</u> 5. Retail activities associated with golf, and other ancillary recreation, <u>visitor accommodation or the above activities.</u> 	<p>Te Whanaunui o Waiau</p> <p>Oppose - We support the original provision, KCZ-R4, as it has been in place to regulate commercial activities in the lodge sub zone of the kauri cliffs zone. The existing rule already allows a reasonable range of activities that aligns with the zones objectives. It is crucial to maintain the balance between enabling necessary commercial activities while preserving the unique character and environmental consideration of the area. Therefore, we recommend retaining the current provision to ensure responsible and sustainable development within the Lodge sub zone.</p>	My recommended amendments retain this rule as notified.
S463.114	KCZ-R5	<p>KCZ-R5 Infrastructure activity</p> <p>Kauri Cliffs zone</p> <p>Lodge-sub zone</p> <p>Activity status: Permitted Where:</p> <p>PER-1 Infrastructureal facilities are associated with the operation and maintenance of the Lodge or golfing, recreation, hospitality or visitor accommodation activities in the Lodge subzone, the Lodge and associated accommodation.</p>	<p>Te Whanaunui o Waiau</p> <p>Oppose - We support the original provision, WBF should provide further information to better understand their proposed alteration.</p>	My recommended amendments to this rule simplify the assessment matters.
S463.115	KCZ-R6	<p>KCZ-R6 Recreation activity</p> <p>Kauri Cliffs zone</p> <p>Lodge-sub zone</p> <p>Golf playing-sub zone</p> <p>Activity status: Permitted</p> <p>Where: PER-1 The facilities or activities associated with the Lodge where they have been lawfully established</p> <p>Lodge-sub zone</p>	<p>Te Whanaunui o Waiau</p> <p>Oppose - Retain original provision. Golf courses require substantial amounts of water, straining local water resources and the harmful effects of pesticides herbicides and fertiliser which can harm the environment, needs to be carefully monitored.</p>	My recommended amendments to this rule simplify the assessment matters.

WBFL sub #	Provision	Relief sought by WBFL	Further submitter's position	S Tuck Recommendation
		<p>PER-2 Recreation activities are associated with golf tournaments.</p> <p>Golf playing-sub zone</p> <p>Lodge sub-zone</p> <p>Golf living-sub zone</p> <p>PER-32 Recreational activities and facilities are associated with golf playing, establishment and maintenance of golf course and golf tournaments.</p> <p>Activity status where compliance not achieved with PER-1, <u>and</u> PER-2: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> Any adverse visual effects on the natural environment and the extent to which mitigation measures ensure that such effects are no more than minor <u>managed</u>; The extent to which the replacement planting of any indigenous vegetation mitigates the loss of established vegetation more than 6m in height; the extent to which the proposal has been formulated to avoid, remedy or mitigate adverse effects, on any <u>significant</u> archaeological <u>values</u> resources or natural <u>indigenous</u> fauna; the extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area; and the character and appearance of new building(s) and the extent to which they will be compatible with the principal activity on the site and with other buildings in the surrounding area. 		
S463.119	KCZ -R16	<p>KCZ-R16 Primary Production (excluding farming <u>mining and aquaculture</u>)</p> <p>Kauri Cliffs zone</p> <p>Activity status: Non-complying</p>	<p>Te Whanaunui o Waiaua</p> <p>Oppose - We support the original provision.</p>	My recommended amendments retain this rule as notified.
S463.120	KCZ -S1	<p>KCZ-S1 Buildings or structures</p> <p>Kauri Cliffs zone: Lodge sub-zone</p> <ol style="list-style-type: none"> The maximum footprint of a new building or structure is 253350 m². The maximum height of a new building or structure, or addition or alteration to an existing building or structure is 9m above ground level. 	<p>Te Whanaunui o Waiaua</p> <p>Oppose - Retain original provision. WBF argues that there is ample potential to manage effects of larger structures particularly on landscape values. For example The recent Resources application and building consent approved by FNDC, to allow WBF to construct a 300 plus m2 monstrosity within an ONL zone with the same 25m2 GFA rule, would indicate WBFs disregard for any negative environmental effects of larger structures in our pristine coastal environment.</p>	As detailed in my statement of evidence, a 25 m ² limit is inadequate for the central activity hub of the property and a 300 m ² permitted building footprint is recommended.

WBFL sub #	Provision	Relief sought by WBFL	Further submitter's position	S Tuck Recommendation
S463.122	SCHED8 - Schedule of Outstanding natural character.	Delete ONC80 from Schedule 8 of the Proposed Plan.	<p>Te Whanaunui o Waiaua</p> <p>Oppose - We seek to retain schedule D8, ONC80, schedule of outstanding natural character. The stark contrast between WBFs highly manicured, artificial landscape of the golf course and the Totara Forest. The Totara Forest aligns with the criteria for natural outstanding character. We would argue that the forest is more than a pleasant area as it provides habitat for wildlife and the overall contribution of the forest to the local eco system.</p>	<p>WBF has not sought to agitate this matter further, given the recommendations of the Section 42A report on the Natural Features and Landscapes chapter.</p> <p>My recommendation is to retain ONC80 as notified.</p>

APPENDIX 6 TO EVIDENCE OF STEVEN TUCK

Response to Minute 14 Rezoning Criteria

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1. HOW THE REZONING REQUEST IS CONSISTENT WITH THE PDP STRATEGIC DIRECTION

- The table below provides a review of the manner in which the proposed reconfiguration of the Kauri Cliffs Zone (KCZ) aligns with the Strategic Directions chapter of the Proposed Plan.

Table 1: Strategic Directions Assessment

Strategic Directions	S Tuck comment
<p>Cultural prosperity</p> <p>Objectives SD-CP-01 to SD-CP-05</p>	<p>The rezoning is compatible with these strategic objectives.</p> <p>Historic heritage and archaeological values will be subject to a future cultural impact assessment and archaeological authority process as part of consenting processes.</p> <p>Opportunities to enhance sites of heritage interest may arise as a result of the proposal.</p> <p>Based on feedback from iwi/hapū representatives to date, I am not aware of any reason why the proposal would constrain or compromise the ability of tangata whenua to exercise kaitiakitanga duties.</p>
<p>Social prosperity</p> <p>Objectives SD-SP-01 to SD-SP-04</p>	<p>The proposed zone reconfiguration indicates several clusters of housing as shown in the Master Plan. WBF will seek to amend the notified 4,000 m² minimum lot size to facilitate clustering. These measures will help to support a sense of community.</p>
<p>Economic prosperity</p> <p>Objectives SD-EP-01 to SD-EP-05</p>	<p>The rezoning will facilitate short term economic activity in the form of construction activity. It could be expected to contribute proportionately in the long-term to the local economy, as residents and guests utilise local services and/or invest locally.</p>
<p>Urban Form & Development</p> <p>Objectives SD-UFD-01 to SD-UFD-04</p>	<p>The proposed rezoning has minimal implications for the efficacy of public infrastructure, given it will require self-sufficient potable water, wastewater and stormwater management services. The internal roading would be retained in private ownership rather than vested with the District Council. Connection to the public road network either exist and can be upgraded easily (Tepene Tablelands Road) or can be</p>

Strategic Directions	S Tuck comment
	<p>constructed in accordance with a resource consent (Matauri Bay Road).</p> <p>The proposal will not create, transfer or intensify natural hazard risks.</p>
<p>Infrastructure and Electricity</p> <p>Objectives SD-IE-O1 to SD- IE-O2</p>	<p>The zone reconfiguration has no implications for operating, maintaining and upgrading infrastructure and electricity assets.</p>
<p>Rural Environment</p> <p>Objectives SD-RE-O1 to SD- RE-O2</p>	<p>The proposed rezoning has no implications for the protection and use of highly productive land, nor for the ongoing viability of rural production at Kauri Cliffs.</p> <p>The reconfiguration does not create interfaces that would generate reverse sensitivity effects.</p>
<p>Natural Environment</p> <p>Objectives SD-NE-O1 to SD- NE-O6</p>	<p>WBF has a long history of significant investment into the stewardship and enhancement/active management of environmental values, as outlined in its submission.</p> <p>It has voluntarily, and at no small cost to itself, protected and enhanced numerous areas of significant vegetation and habitats at the property, and retired land from farming for ecological regeneration.</p> <p>As the evidence of Mr Goodwin outlines, future development of the Golf Living sub-zone would be able to incorporate elements of revegetation to further enhance these outcomes, consistent with the “NE” strategic directions.</p>

2. ALIGNMENT WITH ZONE OUTCOMES

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

2. The proposal is, in my view, clearly aligned with the objectives, policies and intended outcomes for the KCZ. This is demonstrated by the minimal and policy-neutral nature of my recommended amendments to the objectives and policies of the KCZ.
3. The zone Overview section and objectives KCZ-O1 and KCZ-O2 identify the intended outcomes as an international-standard facility comprising a mix of land uses, positioned in a context where environmental values must be protected.
4. The eight KCZ policies are clear that the zone is to deliver an internationally recognised golfing and luxury accommodation facility, future golf courses, additional visitor accommodation, and housing. To this end, the policies use the directive language of “provide for” and “enable” in relation to these developments. The policies are equally directive in terms of the management of effects, requiring that decision makers “ensure” particular outcomes.
5. I consider that the rezoning proposal maintains very clear alignment with these matters. My recommended amendments are mainly clarifications and amendments for internal consistency between the objectives, policies and rules.

3. HIGHER ORDER DIRECTION

How the request “gives effect to” higher order documents in accordance with section 75(3) of the RMA?

6. Consideration of all relevant national policy statements, the national planning standards, and the Northland Regional Policy Statement.
7. Section 75(3) of the RMA specifies that:
 - (3) *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.*

3.1 NATIONAL POLICY STATEMENTS

8. The current National Policy Statements (NPS) listed below are discussed in this section.
 - > National Policy Statement for Greenhouse Gases from Industrial Process Heat 2023 (NPSGHG);
 - > National Policy Statement for Renewable Electricity Generation 2011 (NPSREG);
 - > National Policy Statement on Electricity Transmission 2008 (NPSET);
 - > National Policy Statement on Urban Development 2020 (NPSUD);
 - > National Policy Statement for Freshwater 2020 (NPSFM);
 - > National Policy Statement for Highly Productive Land 2022 (NPSHPL); and
 - > National Policy Statement for Indigenous Biodiversity 2023 (NPSIB).

3.2 NPSGHG, NPSREG AND NPSET

9. The rezoning has no implications for the matters addressed by the NPSGHG, NPSREG and NPSET. It will not enable greenhouse gas emissions from industrial process heat. It will not constrain or otherwise interface with renewable energy generation or electricity transmission activities subject to the NPSREG and NPSET.

3.3 NPSUD

10. The NPSUD sets objectives and policies for the development of well-functioning urban environments. In the NPSUD, “urban environment” is defined as follows:

***urban environment** means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*

(a) is, or is intended to be, predominantly urban in character; and

(b) is, or is intended to be, part of a housing and labour market of at least 10,000 people

11. Kauri Cliffs is not currently part of an urban environment and the rezoning will not create a new urban environment that is intended to be part of a housing and labour market of at least 10,000 people. The residential subdivision and development anticipated by the KCZ will be of a rural-residential character and will be surrounded by land in the Rural Production Zone. The Lodge sub-zone will also continue to be characterised by a rural character within, and around, its extent.
12. Therefore, the NPSUD does not apply to the proposal. However, the proposed rezoning has no adverse implications for the realisation of the NPSUD’s objectives for development capacity and housing affordability in other parts of the Far North district.

3.4 NPSFM

13. The NPSFM seeks to ensure freshwater is protected and managed with regard to the fundamental importance of water for the wider environment, inclusive of human wellbeing and use values.
14. To this end, the sole objective of the NPSFM is to prioritise a hierarchy of considerations in relation to freshwater management. Environmental health is the top priority, followed by human health needs, and thirdly socioeconomic and cultural wellbeing.
15. The NPSFM policy framework states a variety of implementation measures to be followed by regional councils, tangata whenua, and the wider community. With respect to this rezoning proposal, the most relevant are the policies regarding natural wetlands (policy 6), rivers (policy 7), habitats of indigenous freshwater species (policy 9) and freshwater allocation (policy 11).
16. As noted in Dr Bramley’s report, the Master Plan investigation area contains five small patches of pasture wetlands, totalling 0.3 ha. As can be seen from a comparison of Figure 9

of Dr Bramley’s report against the indicative layout proposed in the Master Plan, the configuration anticipated by the Master Plan will enable these wetlands to be avoided.

17. With respect to the NPSFM rivers and freshwater species policies, any proposal to bridge Waiaua Stream to connect the northern and central areas of the Master Plan would be designed to ensure the loss of river extent is avoided. Any effects on river values derived from a bridge development would be either avoided or mitigated. WBF has developed bridges over the Rangiriri Stream within Kauri Cliffs golf course, providing examples of how appropriately designed structures can successfully integrate into the riparian environment.
18. As noted in Mr Papesch’s report on the Master Plan, potable water supply can be secured from a range of sources – the reservoir currently being constructed, groundwater bores, or rainwater tanks, or a combination of these. In consultation, tangata whenua expressed a clear preference for groundwater takes to be minimised. The range of options can be canvassed when detailed design ensures to ensure allocation is determined appropriately.

3.5 NPSHPL

19. The NPSHPL restricts the rezoning of rural land. Policy 5 requires the “urban rezoning” of highly productive land to be avoided. As noted at paragraphs 70 to 72 of my evidence, the rezoning proposal includes the transfer of approximately 11.5 hectares of land within Kauri Cliffs from the Rural Production Zone to the KCZ Golf Living sub-zone. None of the land in the Rural Production Zone that is proposed to be included in the KCZ is of Land Use Class 1, 2 or 3. Therefore the subject land is not defined as “highly productive”. Consequently, the rezoning does not run contrary to Policy 5 of the NPSHPL.
20. There are patches of LUC 2 land within the existing extent of the KCZ¹. The KCZ sub-zones that apply to these LUC 2 areas would change. Enlargement of the Lodge sub-zone would apply the Lodge sub-zone to LUC 2 land that is currently in the Golf Playing or Golf Living sub-zone. The adjustments to the proposed south-east end of the Golf Living sub-zone would incorporate LUC 2 land that is currently in the Golf Playing sub-zone.
21. None of these changes run contrary to the NPSHPL, given the land is currently in, and will remain in, the KCZ. Therefore, no “urban rezoning” of highly productive land will occur. The

¹ Refer to the figure titled “Kauri Cliff Zones (Proposed) in Land Use Classification Class 2” in Appendix 2 to my evidence, which shows the LUC 2 areas.

LUC 2 areas in question are already in the KCZ, i.e., an “urban zone”. No restrictions arise for the proposed rezoning in relation to the NPSHPL.

3.6 NPSIB

22. The NPSIB applies to indigenous biodiversity, including specified highly mobile fauna. Its objective is to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity. Policies require significant indigenous vegetation and significant habitats to be identified and protected, while other indigenous biodiversity is to be maintained, including areas that support specified highly mobile fauna.
23. As Dr Bramley’s report appended to the Master Plan notes, the proposed Golf living sub-zone will be enclosed by ecologically significant indigenous forest, and will in turn, cover some patches of high value vegetation, around Waiaua Stream and near the southern cluster/village. The ecological values of the Master Plan area range from negligible (pasture) to Moderate (habitat values for common indigenous avifauna, long-tailed bats, and the fragments of indigenous forest). The Master Plan identifies, at a high level, how a residential development could be configured to avoid impacting significant vegetation and habitats.

3.7 NEW ZEALAND COASTAL POLICY STATEMENT 2010 (NZCPS)

24. The purpose of the NZCPS is to state policies to achieve the purpose of the RMA in relation to the coastal environment of New Zealand.
25. With respect to the first two objectives of the NZCPS I consider that the proposed rezoning will not compromise the integrity, form, functioning and resilience of the coastal environment and its ecosystems, nor the natural character of the coastal environment.
26. The proposed rezoning is configured to ensure that future development in the proposed Golf Living and Lodge sub-zones will avoid intersecting any areas of high or outstanding natural character. It can be anticipated that future development would be accompanied by revegetation, as a component of future resource consent requirements. In this sense, the proposal is likely to support enhancements to/restoration of the ecological and landscape values of the coastal environment.
27. My recommended amendments to the Golf Living and Lodge sub-zones ensure that to achieve a permitted activity status, future development must adhere to built form parameters that are either identical, or very similar to, the parameters recommended by the Council in its section 42A report on the Coastal Environment chapter of the Proposed Plan.

Where my recommendations for the Lodge sub-zone depart from the permitted activity thresholds specified by Council's recommended Coastal Environment provisions, the departures are modest and reflect the existing environment (e.g. the activity node centered around the Lodge).

28. I understand that tangata whenua parties have a range of perspectives on, and levels of interest in, WBF's activities at Kauri Cliffs. My understanding is that some parties have signalled conditional support, while others have advised of their opposition to WBF's rezoning proposal. Ultimately, WBF has attempted to facilitate opportunities for iwi/hapū representatives to meet with its senior staff and Chief Executive to provide briefings on the rezoning proposal and its implications, and these efforts have had mixed success.
29. It is clear that a cultural impact assessment of the Golf Living sub-zone must be undertaken as an early step and before any future resource consent applications for development. WBF will be obliged to facilitate that process. Any findings that inform the detailed design of development will need to be accounted for, with the involvement of tangata whenua.
30. As such, speaking from a Western planning perspective, I consider the rezoning proposal does not adversely affect the ability of tangata whenua to exercise their role as kaitiaki and is unlikely to compromise the recognition and protection of characteristics of the coastal environment that are of special value to tangata whenua.
31. In terms of objective 4 of the NZCPS, I do not consider that the proposed rezoning raises issues with respect to public access to the coastal environment and coastal marine area. Public access to the coastline at Kauri Cliffs is only available via boat, as access via land is within Kauri Cliffs private boundaries. This will be unchanged.
32. In terms of objective 5, I note that the reconfigured zoning will not introduce future development to areas of coastal hazard risk, given the approximately 1.2 km setback from the foreshore at Waiaua Bay to the eastern side of the proposed Golf Living sub-zone, and the substantial elevation rise between.
33. With regard to objective 6 of the NZCPS, the appropriateness of a final, detailed subdivision and development design will be determined by resource consent processes. However, based on the assessments completed to date, and my recommended amendments to the KCZ, I consider that development within areas of the proposed Golf Living and Lodge sub-zones that overlap with the Coastal Environment has good prospects of avoiding inappropriate environmental effects.

34. With respect to the NZCPS policies, I consider that the configuration of the proposed rezoning and my recommended amendments to the KCZ:
- > Will not introduce conflicts with infrastructure in the coastal environment;
 - > Will not constrain or compromise the ongoing traditional relationship of tangata whenua with the coastal environment;
 - > Will consolidate future development in a preferable manner to the more dispersed layout prompted by the extent and topography of the notified Golf Living sub-zone;
 - > Will enable the design of future development within the coastal environment to respond appropriately to the landscape and natural character values of areas around the Lodge and in the proposed Golf Living sub-zone, with my recommended conservative resource consent thresholds supporting appropriate consenting pathways;
 - > Will enable future development to be designed in a way that avoids adverse effects on significant indigenous vegetation and significant habitats in the coastal environment.

3.8 NATIONAL PLANNING STANDARDS 2019

35. Table 1 of the National Planning Standards states the standards applicable to district plans. My understanding is that the Proposed Plan has been designed by the Council to conform with the National Planning Standards and as such it follows the *District Plan Structure* standard. I have not identified my recommended amendments to the KCZ text and maps as likely to generate misalignment with the *District Plan Structure* standard.

The *Zone Framework* standard states that:

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.*

36. The anticipated outcomes of the KCZ are expressed in the “Overview” section and the objectives, KCZ-P1 and KCZ-O2 of the Proposed Plan. These refer to the following outcomes:

“a championship standard golf course”;

“Kauri Cliffs is internationally recognised as a prestigious golfing facility and luxury accommodation destination”;

“the development contributes to the economic growth of the District through tourism and employment opportunities”;

“an international standard golfing facility, visitor accommodation and ancillary facilities, including conference, gym, spa and eating/dining facilities as well as golf living facilities”;
and

“natural characteristics and qualities that contribute to conservation and environmental values in the Kauri Cliffs zone are protected”.

3.8.1 Significance to the district, region or country

37. With respect to item (a) of the *Zone Framework* standard (significance to the district, region or country), in 2024 WBF procured an economic analysis² in support of resource consent application for a water storage reservoir. That report provides the following comments about Kauri Cliffs’ significance to the district and regional economies:

- > Kauri Cliffs is one of the 14 'marquee' golf courses in New Zealand and is the only marquee golf course in the Northland region. It is currently ranked 37th in the world by Gold Digest Top 100 Greatest Golf Courses in the World. It has a strong positive reputation both nationally and globally and has a significant role in New Zealand's endeavour to be a top golf tourism destination;
- > Golfers are high-value tourists, spending an average of approximately \$3,200 per day per visitor. In comparison, an average visitor to New Zealand spends approximately \$290 per day;
- > Based on the average daily spend per golf visitor, economic activity generated by Kauri Cliffs contributes approximately 3.7% of the \$571 million annual tourism expenditure in the Northland region;
- > Approximately 5%-10% of a golf tourist’s expenditure is on golf, and the remaining is spent on accommodation, transportation and other tourism-related activities. So, golf acts as a catalyst in attracting high-spending visitors to engage in a wide range of activities in regional New Zealand, likely with considerable flow-on effect within the regional economy;
- > Kauri Cliffs contributes approximately 149 full-time equivalent jobs in the Northland region.

² Urban Economics Ltd (2024), Economic Assessment for Dam and Reservoir Construction at Kauri Cliffs.

38. In my opinion, this information confirms that Kauri Cliffs is an undertaking that is economically significant at both the district and regional levels. As such, the successful realisation of the outcomes expressed by the KCZ is a matter of significance.

3.8.2 Alternative zoning options

39. In terms of item (b) of the *Zone Framework* standard (the alternative of using another zone), I consider that it would be impractical to manage the activities anticipated by, and realise the objectives of, the KCZ through a different zone. The four KCZ sub-zones are tailored to deliver differing, but complementary, outcomes.

In my view, the four closest “standard” zones to the KCZ sub-zones are:

- > the Settlement Zone or Local Centre Zone as an alternative to the Lodge sub-zone;
 - > the Rural Lifestyle Zone, as an alternative to the Golf Living sub-zone;
 - > the Sport and Active Recreation Zone as an alternative to the Golf Playing sub-zone; and
 - > the Natural Open Space Zone, as an alternative to the Natural Heritage sub-zone.
40. These alternative zones are compared to the KCZ sub-zones (inclusive of my recommended amendments) in the table below.

Table 2: KCZ sub-zones and possible proxies

Alternative zone	KCZ sub-zone	S Tuck Recommendation
Settlement Zone “Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments”. > 8 m permitted height limit > <i>Educational facility, Community facility and Home business</i> permitted, in addition	Lodge sub-zone “Provide for the limited extension of the existing visitor accommodation in the Kauri Cliffs zone where adverse effects can be avoided, remedied or mitigated” (KCZ-P4). “Enable tourism, hospitality and golf-related activities in the Kauri Cliffs zone in association with the existing Kauri Cliffs Lodge” (LCZ-P5).	The Lodge sub-zone is significantly more conservative and focussed than the Settlement Zone. Unsurprisingly, the latter does not limit building footprint, the external appearance of buildings, the number of units related to various uses in the way the Lodge sub-zone does. The Settlement Zone does not provide for golf tournaments and Lodge-related recreation

Alternative zone	KCZ sub-zone	S Tuck Recommendation
to residential and commercial uses.	> Enabled building extensions limited to 20% of GFA (KCZ-R1);	activities, which are central to the Lodge sub-zone.
Local Centre Zone “Areas used predominantly for a range of commercial and community activities that service the needs of the residential catchment”. This zone is not used in the Proposed Plan so I have not assessed it further. However I note that the broad Planning Standards description above support community and commercial activities in a manner that may be incompatible with the focus of the Lodge sub-zone.	> Permitted commercial activity is limited to the uses specified in KCZ-R4; > Specifically (and necessarily) permits recreation activities associated with the Lodge and golf tournaments (KCZ-R6); > Enabled development limited to 26 visitor accommodation units or 15 dwellings (KCZ-R2 & R3). In accordance with KCZ-S1: > 9 m permitted height limit around Lodge; > 5 m permitted height limit around 2017 subdivision; > 350 m ² permitted building footprint; > External colours/materials controls.	In my view the Lodge sub-zone is the more appropriate zoning response.
Rural Lifestyle Zone “Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur”. > 8 m permitted building height (RLZ-S1);	Golf Living sub-zone “Provide for 'golf living' activities in the Kauri Cliffs zone, where it is consistent with an open rural landscape character and located more than 0.5km inland from the coast” (KCZ-P6). > Only permits residential, visitor accommodation, infrastructure and	The Golf Living sub-zone is more appropriately focussed on the specific outcomes for Kauri Cliffs. With my recommended amendments, the KCZ is less permissive than the Rural Lifestyle Zone, with lesser permitted height and building footprint allowances in the KCZ. Building platform and external colour/material controls apply.

Alternative zone	KCZ sub-zone	S Tuck Recommendation
<ul style="list-style-type: none"> > 12.5% or 2,500 m2 impermeable surface coverage (RLZ-R2) > 12.5% permitted building coverage (RLZ-S5); > Educational facility and Home business permitted, in addition to the standard uses; > 2 ha minimum lot size (discretionary activity status) and non-complying activity status for lots of < 2ha (SUB-R3 and SUB-S1). 	<ul style="list-style-type: none"> recreational activities (KCZ-R2, R3, R5 & R6); > Building platform requirement (KCZ-R3). > In accordance with KCZ-S1: > 5 m or 7.5 m permitted building height; > 300 m2 permitted building footprint; > External colours/materials controls. 	<p>These methods are appropriate, given the considerations set out in my evidence.</p> <p>The alternative zone requires a non-complying resource consent for lots < 2 ha. The Golf Living sub-zone (as notified) provides for 0.4 ha lots (which I consider should be reduced further) as a restricted discretionary activity.</p> <p>The alternative zone is incompatible with the density the KCZ is meant to deliver and more enabling of larger built form. In my view the Golf Living sub-zone is a superior zoning response.</p>
<p>Sport and Active Recreation Zone</p> <p>“Areas used predominantly for a range of indoor and outdoor sport and active recreational activities and associated facilities and structures”.</p> <ul style="list-style-type: none"> > 10% permitted impermeable surface coverage (SARZ-R2); > 8 m permitted building height (SARZ-S1); > 8% building coverage limit (SARZ-S5). 	<p>Golf Playing sub-zone</p> <p>“Provide for land use and subdivision in the Kauri Cliffs zone where it maintains or enhances the purpose of the zone as an internationally recognised golfing and luxury accommodation facility” (KCZ-P1).</p> <p>“Provide for the development of future golf courses within the 'Golf playing sub-zone' in the Kauri Cliffs zone while ensuring that any adverse effects of development are avoided, remedied or mitigated” (KCZ-P2).</p> <ul style="list-style-type: none"> > 8 m permitted building height (KCZ-S1); > Buildings must be ancillary to golf activities (KCZ-S1); 	<p>While the permitted height limits are the same, the allowances for extensive permitted impermeable surface coverage and building footprints enabled in the Sport and Active Recreation Zone are inappropriate for the Golf Playing sub-zone.</p> <p>The KCZ-S1.1 requirement for buildings in the Golf Playing sub-zone to be ancillary to golfing is a restriction not present in the Sport and Active Recreation Zone.</p> <p>In my view, the Golf Playing sub-zone is the more appropriate zoning response.</p>

Alternative zone	KCZ sub-zone	S Tuck Recommendation
	<ul style="list-style-type: none"> > 1,000 m² permitted building footprint (KCZ-S2); > Specifically provides for golf activities (KCZ-R6). 	
Natural Open Space Zone “Areas where the natural environment is retained and activities, buildings and other structures are compatible with the characteristics of the zone”. <ul style="list-style-type: none"> > 10% or 1,000 m² permitted impermeable surface coverage (NOSZ-R2); > Farming permitted (NOSZ-R3); > 8 m permitted building height (NOSZ-S1); > 8% or 800 m² permitted building coverage (NOSZ-S5). 	Natural Heritage sub-zone Under rule KCZ-R10 conservation activity is permitted, but under KCZ-R11 any other activity is a discretionary activity. There are no permitted allowances for impermeable surface coverage, building coverage or building height.	The Natural Heritage sub-zone is subject to a QE II Trust conservation covenant. The sub-zone is consistent with the covenant and is much more restrictive than the Natural Open Space Zone. The Natural Heritage sub-zone is an appropriate method to WBF to continue protecting the area. I consider the Natural Heritage sub-zone is a more appropriate response.

41. Given the analysis tabled above, I consider the KCZ (with my recommended amendments) to represent a more appropriate zoning response than the proxy zones would.

3.8.3 Combined spatial layers options

42. In terms of item (c) of the *Zoning Framework* standard (the alternative of using a combination of spatial layers), I consider that the sub-zones are a helpfully simple method to administer the different areas in the KCZ, and the framework has the benefit of familiarity for Plan users.
43. Alternatives could be to use the Precinct, Specific Control or Development Areas tools discussed in the *District Spatial Layers Standard*. In reviewing the potential to use these as

an alternative to the Special Purpose Zone, I have referred to the Ministry for the Environment's *Guidance on the Zone Framework and District Spatial Layers Standards* (document number INFO 875).

3.8.3.1 Precincts and Specific Control tools

The National Planning Standards describe the Precinct and Specific Control tools as follows:

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)

A specific control spatially identifies where a site or area has provisions that are different from other spatial layers or district-wide provisions that apply to that site or area (for example where verandah requirements apply, or where a different maximum height on a particular site applies).

44. The alternative of rezoning all of Kauri Cliffs to the Rural Production Zone and using a Precinct to implement the KCZ provisions is considered in Council's section 32 Report. I concur with Council's assessment that a Precinct is inappropriate.
45. Applying the KCZ in the form of a Precinct overlaying the Rural Production Zone will result in interpretation complexities/incongruence, given how dissimilar the Rural Production Zone is to the KCZ. A KCZ Precinct would have to rule out many of the activities and outcomes the Rural Production Zone contemplates, and enable activities it does not. This is inefficient compared to the clarity afforded by the distinct Kauri Cliffs Special Purpose Zone.
46. I consider that employing a Specific Control tool would encounter the same difficulty. That is, a Specific Control would need to introduce specific control measures for each of the KCZ sub-zones. These would depart significantly from whichever underlying zone is applied. It appears that this tool would essentially need to recreate the KCZ sub-zones in the context of a completely different underlying zone. This would likely be unnecessarily complex and less efficient than retaining the Special Purpose Zone framework.

3.8.3.2 Development Area tool

47. The National Planning Standards describe the Development Areas tool 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.

48. The Ministry for the Environment's guidance document states that:

Development area provisions may rely heavily on referenced documents (under Schedule 1 Part 3 of the RMA) to attach technical information and requirements to land use or subdivision consents.

49. Applying the Development Areas tool would require it to be applied to the area within the KCZ, and the Master Plan included as a Reference Document to the Proposed Plan.
50. If, following detailed design and technical assessments, the layout shown in the Master Plan needs amendments, a plan change process pursuant to Schedule 1 of the RMA would be required. As discussed at paragraph 77 of my evidence, I do not support this arrangement. The Master Plan is an indicative layout that demonstrates the feasibility of WBF's proposed rezoning. It has not been prepared to the level of detail necessary to inform a subdivision and development application.
51. Refinements to the layout shown in the Master Plan will inevitably arise when detail design and assessments are completed. It would be inefficient for all parties to require a plan change to update the Master Plan before a resource consent application(s) is made. I consider that this would add an unnecessary extra administrative layer.
52. In my view, resource consent processes under the KCZ (with my recommended amendments) will ensure appropriate statutory assessment and determination of future applications for subdivision and development in the KCZ, as is the case under both the Operative District Plan and the Proposed Plan.
53. Consequently, I consider that a Special Purpose Zone is the most appropriate tool to manage development within the KCZ. The alternative tools canvassed above would likely raise a host of reconciliation and interpretative complexities that the Special Purpose Zone avoids.

3.9 REGIONAL POLICY STATEMENT FOR NORTHLAND MAY 2016

54. The resource management issues for the Northland region identified in the Regional Policy Statement for Northland May 2016 (RPS) relate to the following broad themes:
- > Fresh and coastal water;
 - > Indigenous ecosystems and biodiversity;
 - > Economic and social outcomes;

- > Issues significant to tangata whenua;
- > Natural hazards; and
- > Natural character, features, landscapes and historic heritage.

55. The RPS's objectives and policies respond to these thematic issues through the directions summarised below.

3.9.1 Fresh and Coastal Water

56. The RPS seeks overall improvements to water quality³. This direction is implemented by provisions that require the following measures:

- > Taking an integrated approach to land use in each catchment;
- > Maintaining appropriate flows and levels in freshwater bodies; and
- > Limits on discharges and water takes⁴.

57. Future development within the proposed reconfigured KCZ will need to manage the potential effects of development and post-development residential uses on water. The effects to be addressed will include matters like sedimentation from earthworks, pre- and post-development stormwater runoff, wastewater discharges, any effects with a new Waiaua Stream bridge, and potable water supply.

58. It is foreseeable that these matters can be managed, given the context of the areas that are sought to be rezoned, and the geotechnical and civil engineering assessments prepared by Mr Child and Mr Papesch. Effects will be assessed either within the envelope of permitted activity performance standards, or where that is not possible (earthworks being a possible example) will be subject to the rigour of a resource consent application process.

3.9.2 Indigenous ecosystems and biodiversity

59. The RPS seeks to protect significant indigenous vegetation and habitats, maintain and where possible, enhance, the extent and diversity of ecosystems and habitats⁵.

60. For areas within the Coastal Environment, RPS policy 4.4.1 directs that adverse effects on Threatened or At-Risk indigenous taxa, areas of significant indigenous vegetation and areas

³ Objectives 3.1, 3.2 and 3.3.

⁴ Policies 4.1.1, 4.2.1, 4.3.1, 4.3.2 and 4.3.3.

⁵ Objective 3.4.

of significant habitats must be avoided. Significant adverse environmental effects on various ecological values must be avoided and other adverse effects managed. Outside the Coastal Environment, significant adverse environmental effects must be avoided and other effects managed.

61. As identified in Dr Bramley's evidence⁶ and his report on the Master Plan investigation area, the proposed Golf Living sub-zone extent adjoins areas of significant indigenous forest, and contains some discrete areas of "Moderate" ecological value. However, the area proposed for rezoning avoids areas of higher ecological value (the forests, shrublands, coastal areas and any wetlands with indigenous vegetation).
62. As Dr Bramley notes, enhanced ecological outcomes for the area might arise as a result of future subdivision and development, as any such proposal would entail the removal of livestock and the establishment of landscaping and amenity planting.
63. As such, Dr Bramley concludes that the proposed Golf Living sub-zone area investigated in the Master Plan is suitable for residential development, subject to the management of potential effects through appropriate district plan provisions and resource consent conditions.

3.9.3 Economic and social outcomes

64. The RPS promotes the sustainable management of resources while providing an attractive business and investment environment.
65. As such, it seeks to protect activities that are vulnerable to reverse sensitivity effects or resources that could be sterilised by incompatible development, and to ensure common resources (such as fresh water) are allocated efficiently⁷. Furthermore, it seeks to ensure infrastructure provision is optimised to meet the foreseeable needs of the future, and is integrated with development to provide lifestyle, employment and transport choice⁸.
66. The RPS anticipates that subdivision, use and development should be located, designed and built in a planned and coordinated manner, with consideration to the "Regional Development and Design Guidelines".

⁶ Paragraphs 24 and 33 of Dr Bramley's evidence.

⁷ Objectives 3.5, 3.6 and 3.10, policies 4.3.1, 4.3.2, 4.3.3.

⁸ Objectives 3.8 and 3.11.

67. The proposed rezoning is well-aligned with these RPS directions, given it will direct the residential activities anticipated by the KCZ to be delivered in a more appropriate location and a more consolidated layout than the notified zoning. The proposal also appropriately supports the consolidation of commercial, hospitality, and accommodation activities in the Lodge sub-zone, recognising both existing and consented developments.
68. The Master Plan and associated technical assessments indicate that development of the proposed rezoning footprint would generally comply with the RPS Regional Form and Development Guidelines, albeit future detailed design and consenting processes, deriving from my recommended amendments to the KCZ (as well as the other relevant Proposed Plan chapters/provisions) would ensure appropriate final development outcomes.

3.9.4 Issues significant to tangata whenua

69. RPS objective 3.12 requires that kaitiaki to be provided for in decision-making over natural and physical resources. Policies⁹ oblige district and regional councils to undertake various actions in relation to tangata whenua participation in plan review and resource consent processes, the use of mātauranga Māori and iwi/hapū management plans in statutory processes, reporting on effects of consent applications on tangata whenua values and Treaty settlement processes.
70. Insofar as the rezoning proposal would, if approved, generate resource consent application processes, it can be anticipated that relevant matters identified by these RPS provisions – such as any potential adverse effects on taonga and other cultural values – would need to be addressed.
71. The production of a cultural impact assessment, based on a detailed design, will be a significant input to determine the type and scale of any effects on matters significant to tangata whenua, and the nature/design of any subsequent effects management measures.

3.9.5 Natural hazards

72. The relevant RPS directions regarding natural hazards are the avoidance of inappropriate development in areas subject to flood and coastal hazards.

⁹ 8.1.1, 8.1.2, 8.1.3, 8.1.4, 8.2.1, 8.3.1, 8.3.2 and 8.3.3.

Objective 3.13 and policies 7.1 and 7.2 of the Northland Regional Policy Statement require that:

- > Development in 10- and 100-year flood hazard areas and coastal hazard areas be avoided;
- > Development must not compromise existing defences against natural hazards and natural defences should be enhanced;
- > Natural hazard risks to access routes and building platforms be assessed when assessing applications for subdivision and building platforms must not be subject to inundation and / or material damage (including erosion) in a 100-year flood event ; and
- > Climate change effects are to be accounted for in natural hazard risk estimates.

73. Based on my review of the river and coastal hazard layers, and tsunami layers available on Northland Regional Council's GIS maps (refer to Figure 1 below), the location of the proposed reconfigured KCZ sub-zones entirely avoids areas of natural hazard risk. A minor exception is the flowpath within Waiaua Stream (refer to the figure below). While this is an area of natural hazard risk, this area is not proposed to be developed. No accessways to the relevant parts of Kauri Cliffs would be affected by natural hazard risks.
74. A minor benefit of the rezoning proposal would be to largely remove any interface between the notified extent of the Golf Living sub-zone and the flowpath along the riparian margins of the Pararuhi Stream.



Figure 1: River flood, tsunami and coastal flood risk mapping.

75. As noted at paragraph 175 of my evidence, the main natural hazard risk to the land with the Golf Living sub-zone is geotechnical risk. Mr Child's reporting and evidence¹⁰ confirms that future detailed geotechnical investigations, detailed design of the subdivision layout and appropriate ground improvement and foundation design measures for buildings are likely to deliver adequate geotechnical safety.

3.9.6 Natural character, features, landscapes and historic heritage

76. The RPS requires the natural character of the coastal environment and freshwater bodies, outstanding natural features and landscapes, and the integrity of historic heritage, to be

¹⁰ Paragraphs 10(g) and 11 of Mr Child's evidence.

protected from inappropriate subdivision, use and development¹¹. Policy 4.6.1 identifies the effects to be avoided on certain significant values, and where a broader range of measures are contemplated to remedy or mitigate adverse effects.

77. The proposed rezoning avoids areas of high or outstanding natural character, outstanding natural features and outstanding natural landscapes. For areas where the KCZ overlaps with the Coastal Environment, my recommended amendments to the KCZ provisions generally align with the provisions recommended by the section 42A report on the Coastal Environment chapter.
78. Mr Goodwin's evidence, and his report attached to the Master Plan, note that the rezoning proposal encourages preferable outcomes compared to the current sub-zone, in terms of a more clustered approach to the location of residential sites. It is also well setback from the coastal edge, which reduces the visibility of building platforms from the coastal marine area, particularly from within close proximity to the shoreline.
79. Based on Mr Goodwin's evidence and assessment I consider that with my recommended amendments to the KCZ provisions, along with the inclusion of landscape framework planting into future subdivision and development design, the rezoning can support the outcomes sought by the relevant RPS provisions.
80. In terms of historic heritage, Ms Tatton's report and evidence notes that the rezoning footprint is part of a wider landscape that is rich with heritage features and future development may present opportunities to enhance the heritage values. The presence of historic European heritage features within the proposed Golf Living sub-zone is not a particular constraint, as development can avoid these locations. While there are no known Māori heritage features in the proposed Golf Living sub-zone, the wider area is replete with archaeological sites. As such, the production of a cultural impact assessment by tangata whenua, acquisition of an archaeological authority and cultural monitoring of earthworks are measures that will necessarily form part of any future development proposals.
81. Given the foregoing, I consider that the proposal "gives effect to" the relevant National Policy Statements, NZCPS, National Planning Standards and the RPS, in accordance with section 75(3) of the RMA.

¹¹ Objective 3.14.

4. 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.

82. Reasons for the rezoning request are summarised below. Paragraphs 13 to 72 of my statement of evidence elaborate on these matters.

Table 3: Assessment of notified and proposed zoning.

Notified Zoning	Proposed Zoning
Golf Living sub-zone	
Notified zone includes large areas of unfavourable topography	Proposed zone provides large areas of more favourable topography
Notified zone includes undevelopable areas such as forestry blocks, Pararuhi Stream and areas of regenerating indigenous bush.	Proposed zone avoids undevelopable areas. While it covers a small part of Waiaua Stream, this would not be developed, given the topography, environmental sensitivities and for obvious commercial reasons.
Notified zone is overlooked by Kauri Cliffs Drive, Tepene Tablelands Road, the golf course and maintenance shed.	Proposed zone is more private, due to the greater remove from activity associated with the golf course and Lodge. thereby providing greater amenity for future residents.
Notified zone provides limited opportunities to set development back appropriately from Pararuhi Stream, associated wetlands and regenerating indigenous planting planted by WBF.	Proposed zone has ample space and configuration to set development back from areas of ecological value.
Notified zone has limited outlook and limited outdoor amenity given topography.	Proposed zone has high amenity outlook. Flatter topography enables high amenity backyards.
Notified zone is in part, distant from locations where service connections could be made easily.	Proposed zone is wholly located in an area where service connections can be made more easily.
Lodge sub-zone	

Notified Zoning	Proposed Zoning
<p>Notified zone is essentially built out, noting an eighth of it is in forest. Future development would have to be located in the adjacent Golf Playing sub-zone.</p>	<p>Proposed zone incorporates land in the Lodge curtilage to facilitate a golf pro shop, and a logical extension to the north of the existing sub-zone, in the footprint of a consented and constructed subdivision.</p>
<p>Notified zones in the footprint of the 2017 subdivision are a mix of Golf Living and Golf Playing sub-zones.</p>	<p>Proposed application of Lodge sub-zone rationalises zoning and provides for consistent outcomes, whether as anticipated by the existing consents or a reconfiguration towards non-residential use.</p>

5. ASSESSMENT OF SITE SUITABILITY AND POTENTIAL EFFECTS OF REZONING

83. The Panel's Minute 14 requires an assessment of the suitability of the land for rezoning, including an assessment of:
- > The risks from natural hazards (refer Part 2 – District Wide Matters and the Northland Regional Policy Statement)
 - > Effects on any natural environment values, historic heritage, coastal environment, or other PDP overlay (refer Part 2 – District Wide Matters)
 - > Effects on surrounding sites, including compatibility of the rezoning with surrounding land-uses and potential reverse sensitivity effects.
84. With respect to natural hazard risks, I have addressed the RPS in an earlier section of this discussion. Part 2 – District Wide Matters of the Proposed Plan also addresses natural hazard risk.
85. In relation to the Proposed Plan's "Natural Hazards" chapter, I note that the proposed rezoning:
- a. Avoids flood hazard areas, except the small area where the proposed Golf Living sub-zone footprint is bisected by the Waiau Stream, discussed earlier;
 - b. Avoids coastal hazard areas and will not interact with any defences against coastal hazards;
 - c. Is not compromised by geotechnical hazards, as outlined in Mr Child's assessment report and evidence; and
 - d. Locates residential development between patches of remnant indigenous forest rather than next to plantation forestry. Mr Papesch's report identifies that firefighting water supply will be required and that there are a range of options to providing this supply. The Master Plan anticipates two points of access to the residential area, which emergency services will be able to use if necessary.
86. Effects on natural environment values, historic heritage values and the values associated with the coastal environment are addressed in the reports and evidence prepared by Dr Bramley, Ms Tatton and Mr Goodwin.

87. My understanding of their conclusions is that, if informed by appropriate detailed design and assessment work, and with appropriate conditions included on future resource consents, development of a residential subdivision within the reconfigured Golf Living sub-zone will be able to avoid intersecting areas of significance (such as significant natural areas, high and outstanding natural character areas, and areas of historic heritage value). Potential effects on values can be managed by known and proven management measures relating to construction management, the design and siting of buildings, and ongoing commitments to matters such as pest control and the maintenance of areas of revegetation.
88. As discussed in paragraphs 163 to 173 of my evidence, the rezoning proposal is unlikely to adversely affect the quality of the environment, including the amenity of surrounding sites. This is in large part due to the large distances from boundaries with surrounding sites, the visual separation also afforded by the intervening topography and vegetation, and the anticipated quality of a residential subdivision that is intended to appeal to international buyers.

6. INFRASTRUCTURE (THREE WATERS) SERVICING

89. The Panel's Minute 14 requires an assessment of:

How the rezoning request (including subdivision and development potential enabled by the request) will be supported by adequate infrastructure servicing. This assessment should set out, as applicable:

- > Any proposed connections to existing infrastructure systems.*
- > Any outcomes of discussions with infrastructure providers and any assumptions about infrastructure servicing/sequencing or capacity, including demands from other plan-enabled development.*
- > Any on-site provision of infrastructure.*

90. The rezoning request is not anticipated to result in any substantive demand on council infrastructure. The onsite provision of infrastructure will be necessary. As such, no discussions have been had with three waters reticulated service providers. Telecommunications and electrical services will be provided in a similar manner as has been provided to the 2017 subdivision.

91. Mr Papesch's report and evidence provides comment on the likely infrastructure demands and describes that there are options available to manage future residents' demand for services.

7. TRANSPORT INFRASTRUCTURE

How the rezoning request will be supported by existing or proposed transport infrastructure, including how new or upgraded transport infrastructure is required.

92. The rezoning request does not involve access to a State Highway. The existing access to Tepene Tablelands Road will require upgrading to provide access into the south of the Master Plan investigation area.
93. Mr Papesch's report identifies that access off Matauri Bay Road into the north of the Master Plan investigation area is possible, given appropriate site desinences are available.
Adequate space, with appropriate grade, is available to facilitate the construction of a slip lane to access this part of the property.
94. Within the subdivision, internal roading will be constructed, and would be of a design compatible with the surroundings. This would be retained as a private road, rather than vested with Council.

8. CONSULTATION AND FURTHER SUBMISSIONS

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

95. A table summarising WBF's consultation with iwi/hapū is attached as Appendix 7 to my evidence.

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

96. The table attached as Appendix 5 to my evidence responds to the sole further submission, by Moana Kiff, on WBF's submission on the Proposed Plan.

9. 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

97. The key recommendations I make in my evidence are amendments to:
- > the zone maps;
 - > policies KCZ-P5 and KCZ-P6;
 - > the following rules:
 - > KCZ-R1 PER-4;
 - > KCZ-R2;
 - > KCZ-R3; and
 - > KCZ-R7.
 - > standard KCZ-S1; and
 - > rules SUB-R3 and SUB-R20.
98. The recommended changes to the proposal are a package of measures with a uniform focus on amending the notified maps and provisions to ensure that future subdivision and development in the Golf Playing sub-zone, and development in the Lodge sub-zone, is appropriately provided for while ensuring adequate parameters are in place to support robust assessment of environmental effects.
99. Given the consistent theme and interconnectedness of my recommended amendments, it is appropriate and efficient to evaluate them together. As such, an integrated section 32AA evaluation is tabled below.

Table 4: Section 32AA assessment.

Efficiency and Effectiveness		
Economic	Costs	The recommended changes to the proposal may have private costs to WBF, given the area zoned for residential development is reduced by more than half. No public costs arise.
	Benefits	Short term: economic activity associated with subdivision and development activity; Longer term: The recommended changes to the proposal establish a more commercially sound basis for a successful

		residential development. This is more likely to be attractive to future purchasers and residents, who may over time, integrate with and invest in, the Far North district. Any economic activity generated by future residents for services and activities in the Matauri Bay/Kerikeri localities.
Environmental	Costs	No environmental costs have been identified.
	Benefits	<ul style="list-style-type: none"> > Reduced need for earthworks on steeper sloping land; > Increased setbacks from watercourses; > Potential to supplement existing indigenous vegetation with replanting and enhance natural character; > Potential to enhance known historic heritage features; > Greater ability to utilise a communal wastewater management system than individual systems for each lot; > Clustered layout and reduced zone extent avoid widespread domestication of the landscape; > More conservative permitted performance standards for built form to manage development in the coastal environment
Social	Costs	No social costs have been identified.
	Benefits	<ul style="list-style-type: none"> > Avoidance of poor amenity interfaces with golf course and forestry blocks.
Cultural	Costs	None identified.
	Benefits	<ul style="list-style-type: none"> > Development of a future cultural impact assessment by iwi/hapū and any resultant recognition of and management measures for, matters of cultural significance.
Risk of acting or not acting		<p>The risks of acting are:</p> <ul style="list-style-type: none"> > Typical effects of subdivision and development in a coastal area. These effects are well known and can be managed in a number of ways. <p>The risks of not acting are:</p> <ul style="list-style-type: none"> > Forgone economic activity associated with construction and occupancy of a residential subdivision. > Constraints on the Lodge sub-zone and resultant limits to Kauri Cliffs' competitiveness and associated economic contributions.
<p>Efficiency The recommended changes to the proposal will ensure that the Golf Living and Lodge sub-zones are appropriately spatially configured to avoid or minimise the effects of future subdivision and development on the environment, with related zone provisions having appropriately conservative settings to guide future resource consent applications. This is the most efficient way to achieve the objectives of the KCZ, as well as those of the Strategic Directions chapter, particularly the Economic and Environmental Prosperity objectives.</p>		
<p>Effectiveness The recommended changes to the proposal are the most effective means of achieving the objectives for the following reasons:</p> <ul style="list-style-type: none"> > The reconfiguration of the zone layout enables future development to largely avoid, rather than respond to, sensitive interfaces with watercourses and steeper slopes; 		

<ul style="list-style-type: none"> > The substantial reduction in the Golf Living sub-zone extent is a highly effective method to curtail dispersed development in the landscape; > The amended Lodge sub-zone provisions and extent effectively rationalise the planning framework for the existing environment created by the grant of resource consents and enable the consolidation of the Lodge sub-zone as the property's central activity node; <p>In combination, these are the most effective ways to achieve the twin KCZ objectives of an internationally renowned commercial and recreational facility with a premium residential component and the protection of conservation and environmental values.</p>	
Alternatives Assessment	
Status quo	The status quo is sub-optimal for reasons revolving around the amenity of the Golf Living sub-zone, environmental constraints and commercial/development feasibility.
Alternative zones or a combination of spatial layers	These alternatives were reviewed in section 3 of this report and are considered to be less suitable than the use of a special purpose zone.
Rezoning a different area of Kauri Cliffs for residential subdivision and development	The Master Plan was developed as an exercise in identifying the most attractive and feasible locations for residential development within the property. No alternative locations are considered to provide a similarly optimal combination of amenity for future residents with comparable proximity to beaches, services, the golf course, and the Lodge.

10. RELATIONSHIP WITH PART 2 – DISTRICT WIDE MATTERS

How the SPZ is intended to interact with the provisions in Part 2 – District Wide Matters, including more stringent rules for overlay areas (e.g. coastal environment, natural features and landscape etc.)

100. Part 2 – District Wide Matters of the Proposed Plan includes the following chapters:

- > Strategic Direction
- > Energy, Infrastructure and Transport
- > Hazards and Risks
- > Historical and Cultural Values
- > Natural Environment Values
- > Subdivision
- > General District-Wide Matters

101. The proposed reconfiguration of the KCZ against the Strategic Direction and Hazards and Risks chapters is provided earlier in this report.

102. With respect to the Energy, Infrastructure and Transport chapter, the proposed rezoning will not compromise the function or delivery of significant infrastructure. Future development proposals must demonstrate infrastructure services levels commensurate with the anticipated demand.

103. My recommended rule KCZ-R7 applies zone-specific resource consent requirements for the development of accessways, passing basis and vehicle crossings. I have recommended the same performance standards as the Transport chapter, and specified a restricted discretionary activity status for proposals that do not meet the permitted activity performance standards.

104. My recommendations present a more rigorous framework than the notified KCZ, but maintain a restricted discretionary activity status for a future subdivision, given this is the consenting pathway that the KCZ is structured to deliver.

105. While I have aligned rule KCZ-R7 with the standards of the Transport chapter, I have been conscious not to simply defer to the Transport chapter in a generic manner. To do so would undermine the KCZ's restricted discretionary consenting pathway, given the discretionary

activity status that rule TRAN-R2 applies to vehicle crossings and accessways for > 8 dwellings.

106. The Historical and Cultural Values chapter of the Proposed Plan requires the management of historic heritage values, and sites and areas of significance to Māori. Policy is for these resources to be protected from loss, or degradation by inappropriate development.
107. As detailed in Ms Tatton's report and evidence, the area subject to the rezoning proposal contains European heritage resources and, given the wider context, may contain Māori cultural heritage. The proposed reconfiguration of the Golf Living sub-zone provides ample space to enable detailed design of a future subdivision to respond to any archaeological or cultural impact assessment findings that require mitigation measures, such as setbacks or no-build areas, to be implemented.
108. The Ecosystems and Indigenous Biodiversity chapter of the Proposed Plan requires significant indigenous vegetation and significant habitats of indigenous fauna to be protected, as per section 6(c) of the RMA. It also promotes the restoration and enhancement of indigenous biodiversity. For the reasons given earlier, and based on the assessments and evidence of Dr Bramley and Mr Goodwin, it is likely that these outcomes will be realised by future development of the area proposed for rezoning.
109. The Subdivision chapter of the Proposed Plan seeks to ensure that subdivision responds appropriately to the context, including by avoiding reverse sensitivity effects and natural hazard risks, by protecting or enhancing a range of resource values and by providing appropriate supporting infrastructure to new subdivisions.
110. Rule SUB-R3 specifies that subdivision in the KCZ is a restricted discretionary activity where the application meets performance standards. Otherwise, a discretionary activity status applies.
111. As mentioned in paragraphs 144 to 149 of my evidence, I consider that the performance standard requiring 0.4 ha minimum lot sizes is inappropriate as it will constrain the clustered residential configuration anticipated by the Master Plan and supported by Mr Goodwin. Consequently, I recommend that the minimum lot size be reduced to 500 m². This smaller lot size would rely on a reticulated wastewater solution for the subdivision rather than individual treatment and disposal systems. As Mr Papesch's assessment and evidence notes, there are various solutions available. The selected solution will drive the ability to realise smaller lots.

112. Overall, I consider that the proposed rezoning does not appear to be compromised by a risk that future development could not comply with the applicable subdivision standards.
113. The General District-wide Matters chapter in Part 2 of the Proposed Plan includes the Coastal Environment and Earthworks provisions.
114. As outlined in paragraphs 89 and 94 to 101 of my evidence, my recommended amendments to the KCZ rules align several of the zone's built form performance standards with those of the Coastal Environment chapter where this would support a cohesive development outcome. As such, I consider that the proposed rezoning is consistent with the Coastal Environment provisions, as the amended KCZ rules promote cohesive outcomes where the Lodge and Golf Playing sub-zones overlap with the Coastal Environment.
115. With respect to the Earthworks chapter, the proposed zone configuration is such that earthworks will avoid areas of high environmental sensitivity. Future earthworks associated with development facilitated by the rezoning will be adequately managed by assessment against the matters of discretion specified in the Earthworks standards. Cultural monitoring of earthworks, and the acquisition of an archaeological authority, are feasible management measures that can be implemented.
116. Consequently, I have not identified the proposed rezoning as likely to give rise to any significant integration issues associated with the operation of Part 2 -District Wide Matters of the Proposed Plan.

11. CONSULTATION ON THE SPZ PROPOSAL

11.1.1 An assessment of parties directly affected by the SPZ proposal, any consultation undertaken, and any further consultation proposed

117. A table summarising WBF's consultation with iwi/hapū is attached as Appendix 7 to my evidence. The parties consulted were:
- a. Te Rūnanga o Whaingaroa (Te Ūkaipō unit);
 - b. Ngāti Kura hapū, via Te Tapui Marae;
 - c. Te Whanau Nui o Waiaua, via Ms M Kiff (a further submitter on the KCZ);
 - d. Te Rūnanga o Ngāti Rehia; and
 - e. Representatives of Matauri-X Incorporated, the landowner adjoining the north of the Master Plan area.
118. I understand that no significant concerns, from a cultural effects perspective, have been raised about the overall feasibility of development in the Master Plan footprint, by the parties with whom WBF was able to consult. I understand that Te Whanau Nui o Waiaua advised WBF that it chooses not to engage with WBF on this matter.
119. Key points of feedback from iwi/hapū included:
- a. That a cultural impact assessment must be completed before future subdivision and resource consents are applied for;
 - b. That surface and groundwater must be protected from contamination by stormwater or wastewater discharges, and safeguards must ensure that unplanned system failures (e.g., prolonged electrical outages) do not result in system overload and adverse environmental effects;
 - c. That potable water demand and management needs to be considered carefully, to minimise effects on groundwater in particular;
 - d. Whether a rāhui on future Kauri Cliffs residents taking shellfish from Waiaua Bay would be appropriate; and

- e. That iwi/hapū will support measures to control pest plants/animals and to enhance indigenous vegetation throughout the Master Plan footprint.

120. These matters will require long-term collaboration by WBF with iwi/hapū in order to secure a successful development outcome. I consider that these matters are most appropriately addressed in the process of development design, the production of technical assessments and ultimately, in future resource consent processes.

12. SPZ PROVISIONS

The requested SPZ provisions (objectives, policies, rules, matters of control/discretion and standards), which should be consistent with other PDP zone chapters

121. I have prepared a tracked-changes version of the KCZ, using the zone notified under the Proposed Plan as a template. My recommended zone text is attached as Appendix 3 to my evidence.

APPENDIX 7 TO EVIDENCE OF STEVEN TUCK

Summary of Consultation on Kauri Cliffs Master Plan

Date	Person/Entity/Organisation	Method of Engagement	Engagement Summary	Response/Outcomes	Action Points
7.3.25	Far North District Council	Email by S Tuck	Sent draft Master Plan to section 42A reporting officer via Administrator.	n/a	n/a
10.3.25	Far North District Council	Email by S Tuck	Sent Master Plan technical reports to section 42A reporting officer.	n/a	n/a
17.3.25	Te Runanga o Whaingaroa	Email by A Tapper	Circulated draft Master Plan and technical assessments and requested consultation.	n/a	n/a
17.3.25	Te Tapui Marae & Ngāti Kura	Email by A Tapper	Circulated draft Master Plan and technical assessments and requested consultation.	n/a	n/a
17.3.25	Te Runanga o Ngāti Rehia	Email by A Tapper	Circulated draft Master Plan and technical assessments and requested consultation.	n/a	n/a
17.3.25	Te Whanau Nui o Waiaua	Email by A Tapper	Circulated draft Master Plan and technical assessments and requested consultation.	n/a	n/a
17.3.25	Matauri-X Inc	Email by A Tapper	Circulated draft Master Plan and technical assessments and requested consultation.	Ms G Baker of Matauri-X Inc. advised of updates required to archaeological commentary about Piakoa heritage	K Tatton to update archaeological text.

Date	Person/Entity/Organisation	Method of Engagement	Engagement Summary	Response/Outcomes	Action Points
				site, to accurately reflect Ngāti Kura interests.	
28.3.25	Tangata whenua representatives: - Te Runanga o Whaingaroa - Te Tapui Marae & Ngāti Kura - Te Runanga o Ngāti Rehia - Te Whanau Nui o Waiaua	Email & telephone calls by A Tapper	Invitation to teleconference on 8 April and site visit on 15 April.	n/a	n/a
2.4.25	Te Rūnanga o Whaingaroa	Email by Mr R Kaio	Email advising of conditional support for the master plan proposal. Conditions relate to: <ul style="list-style-type: none"> • cultural impact assessment; • site visit on April 15 2025; • waterway setbacks; • protection of significant sites; • stormwater management and erosion controls; • iwi/hapū involvement as per the Whaingaroa Iwi Environmental Management Plan 2022-27; 	Further discussion pending teleconference on April 8 and site visit on April 15.	n/a

Date	Person/Entity/Organisation	Method of Engagement	Engagement Summary	Response/Outcomes	Action Points
			<ul style="list-style-type: none"> • implementation of a biosecurity plan; • use of local species in replanting. 		
8.4.25	Ngāti Kura (Ms Dannie Samuels & Mr Steve Samuels).	Teleconference	<p>Attendees: A Tapper, S Tuck. For iwi/hapū: Ms D Samuels and Mr S Samuels</p> <p>Discussed rezoning proposal, including rationale and initial technical assessments undertaken.</p> <p>Outlined purpose of master plan as distinct from future resource consenting processes.</p> <p>General discussion/questions.</p>	<p>Mr Samuels commented that the zoning configuration makes sense but raised concerns about the potential for future residents of the subdivision to contribute to the decline of shellfish at Waiaua Bay/surrounds. He suggested that perhaps a “no take” or customary fisheries permit requirements could apply to residents. S Tuck noted that fisheries regulations would apply to residents but agreed further consideration is appropriate.</p> <p>Ms Samuels noted a Matauri-X Inc water take in the Waiaua Stream downstream of the master plan area.</p> <p>S Tuck noted that:</p> <ul style="list-style-type: none"> • the proposal is unlikely to require a water take from Waiaua Stream; • a Cultural Impact Assessment is expected as part of future subdivision consenting; • future residents will have access to Waiaua Bay; 	n/a

Date	Person/Entity/Organisation	Method of Engagement	Engagement Summary	Response/Outcomes	Action Points
				<ul style="list-style-type: none"> future consent applications will need to address detailed design and servicing issues like traffic, wastewater, stormwater etc; and landscape planting would be a key element of a future subdivision and development proposal. 	
11.4.25	<p>Te Rūnanga o Whaingaroa (R Kaio, E Fitzgerald & A Pivac)</p> <p>Te Rūnanga o Ngāti Rehia (W Rameka)</p> <p>Matauri-X Inc/Ngāti Kura (G Baker)</p>	Teleconference	<p>Attendees: A Tapper, S Tuck, K Tatton, J Papesch, J Goodwin, G Bramley, M Child. For iwi/hapū: Mr R Kaio, Mr E Fitzgerald, Ms A Pivac, Mr W Rameka and Ms G Baker</p> <p>S Tuck presented contextual explanation of rationale for master plan proposal to reconfigure the zoning, and outlined next steps/timetable for process.</p> <p>Technical experts spoke to their reports and took questions from the iwi/hapū representatives.</p> <p>Iwi/hapū representatives reiterated their strong view that wastewater disposal, stormwater management, a cultural impact assessment and detailed development & subdivision design are of high interest and they seek to be kept up to date with the work programme.</p>	<p>Agreement around need for regular communication.</p> <p>Mr R Kaio noted Te Rūnanga o Whaingaroa maintains its initial support for the proposal as communicated by separate email on 2 April 2025.</p> <p>Mr W Rameka and Ms G Baker reiterated their request for updates from WBF as the district plan review process continues.</p>	Site inspection at property on Tuesday 15 April.

Date	Person/Entity/Organisation	Method of Engagement	Engagement Summary	Response/Outcomes	Action Points
15.4.25	Te Rūnanga o Whaingaroa (E Fitzgerald) Te Rūnanga o Ngāti Rehia (W Rameka) Ngāti Kura Inc (D & S Samuels) Te Whanau nui o Waiaua (J Strongman, I Strongman)	Site inspection at Kauri Cliffs	Attendees: A Tapper, S Tuck. For iwi/hapū: Ms D Samuels, Mr S Samuels, Mr E Fitzgerald, Mr J Strongman, Mr I Strongman and Mr W Rameka Drove around extent of proposed enlarged Lodge sub-zone, and around extent of notified Golf Living sub-zone. Drove around southern extent of proposed Golf Living sub-zone near 'Village' cluster and viewed main ridgeline and southern cluster from a distance. Unable to access northern cluster due to weather/vehicle access. ST provided overview of proposed built form limits for Golf Living sub-zone and Lodge sub-zone i.e. height limits, building footprint limits and colour/materials limits.	Discussion about which iwi/hapū party would conduct a future Cultural Impact Assessment – Mr E Fitzgerald indicated his recommendation would be for Ngāti Kura as the local hapū who holds the whakapapa to do this. Mr S Samuels queried whether WBF would consider a rāhui on shellfish taking by future residents. A Tapper indicated no initial concerns about this and that Ngāti Rehia has previously queried this possibility too. Mr S Samuels queried if WBF might collaborate with Ngāti Kura rangers to ensure Waiaua Bay is appropriately policed in light of recent drug importation attempts around Whangaroa. S Tuck and A Tapper commented that this needs further discussion, and may require agreement separate to resource consent arrangements. Comments from some parties that the proposed rezoning makes sense in terms of it being a better location with more amenity and more favourable terrain than the notified zone extent.	Commitment by WBF to maintain communications with iwi/hapū representatives throughout the process of reviewing the Kauri Cliffs Zone (and in relation to other matters where an ongoing dialogue is already in place).
24.4.25	Mr Jerome Wyeth, section 42A officer	Email	Correspondence to confirm receipt of material sent on 7 & 10 March.	Agreement to meet in May to discuss WBF's evidence and proposal.	Meeting date tentatively set for week of 12 May 2025.

APPENDIX 8 TO EVIDENCE OF STEVEN TUCK

Natural Heritage sub-zone Record of Title & QE II Covenant



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



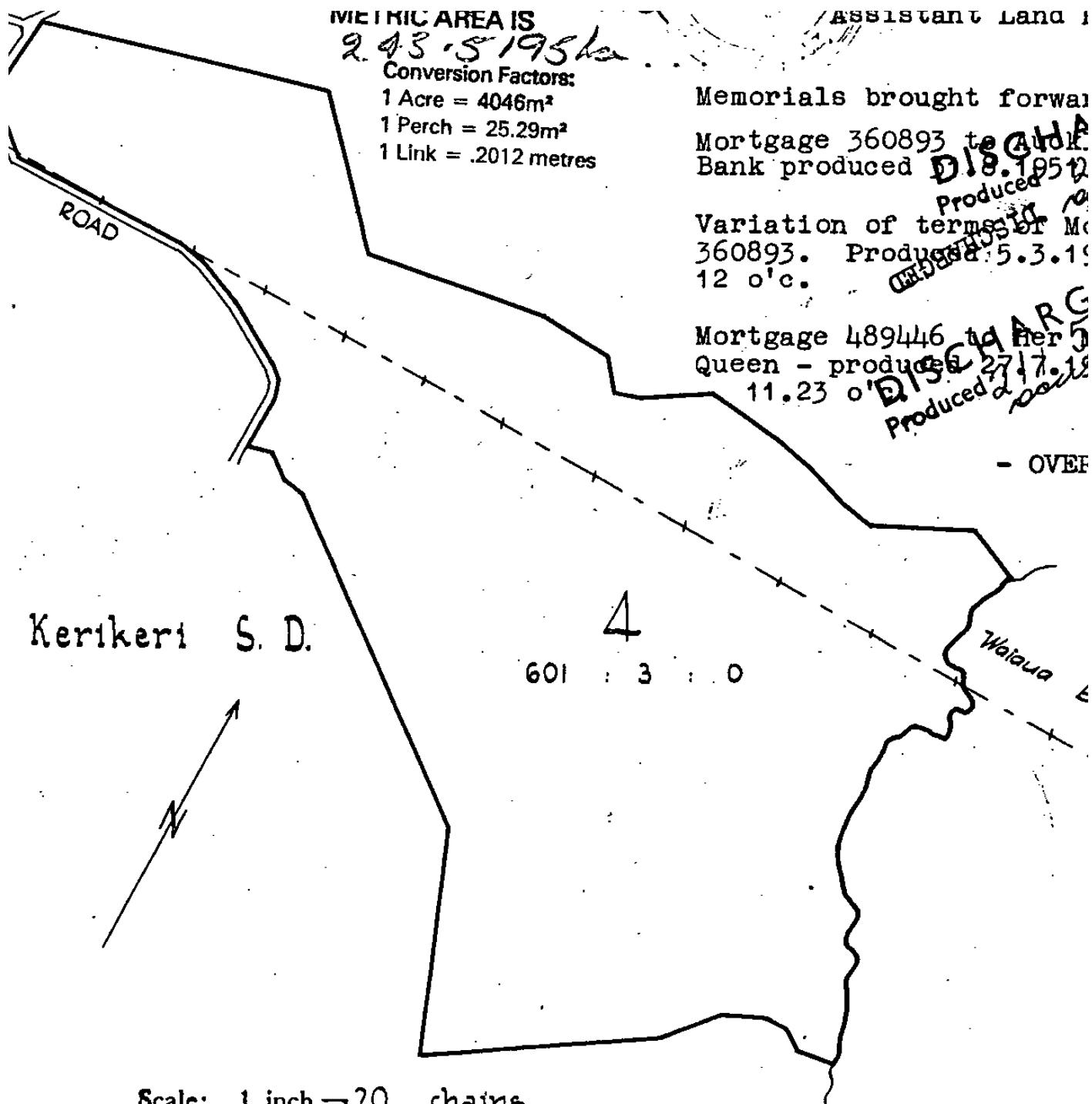

R.W. Muir
Registrar-General
of Land

Identifier **NA9C/788**
Land Registration District **North Auckland**
Date Issued 20 September 1966

Prior References
NA778/62

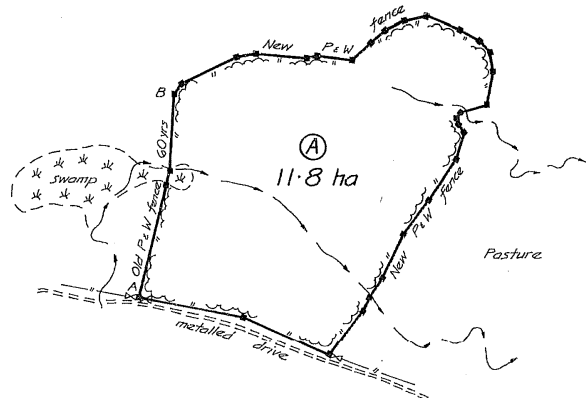
Estate Fee Simple
Area 243.5196 hectares more or less
Legal Description Lot 4 Deposited Plan 50234
Registered Owners
Waiaua Bay Farm Limited

Interests
D460515.1 Open Space Covenant pursuant to Section 22 Queen Elizabeth The Second National Trust Act 1977 - 9.12.1999
at 9.00 am



Register copy for L. & D.

DIAGRAM B
Scale 1:4000



KEY (A)

- A-B Old P & W fence 60yrs
B-A New P & W fence

Photograph: 237174
Flown: 8th September 1993

LAND DISTRICT North Auckland
SURVEY BLK. & DIST. Kerikeri
NZMS 261 SHT FO4 RECORD MAP No 53

QUEEN ELIZABETH II NATIONAL TRUST
OPEN SPACE COVENANT WITHIN
Lot 4 DP 50234

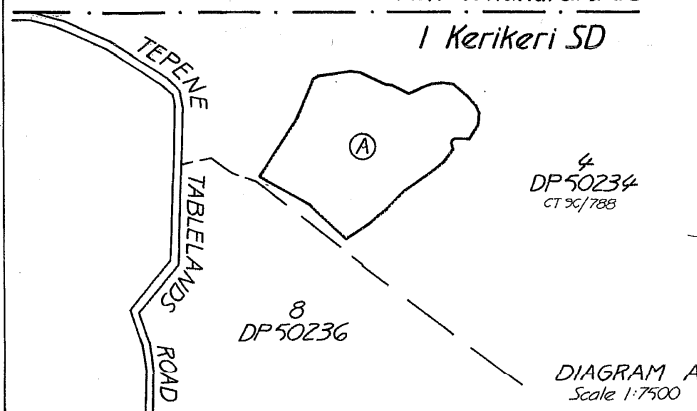
TERRITORIAL AUTHORITY Far North District
Surveyed by Lands & Survey Northland
Scale 1:7500 approx Date June 1999

A.J. BEVIN, SURVEYOR GENERAL, LAND INFORMATION, NEW ZEALAND.

Pt 3
DP 50233

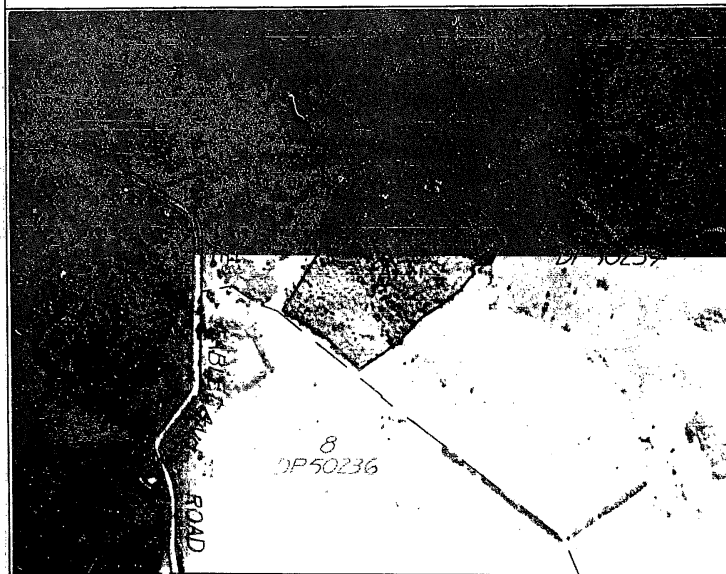


XIII Whakarara SD
I Kerikeri SD



4
DP 50234
CT 9C/788

DIAGRAM A
Scale 1:7500



Approvals

Registered Owner:

W. Keller, U. Williams
Waikua Bay Farm Ltd
(Directors)

PROPOSED OPEN SPACE COVENANT SCHEDULE

SHOWN	DESCRIPTION	AREA
(A)	Pt Lot 4 DP 50234	11.8 ha

Field Inspection by Cliff Hart on
the 25th June 1999.

Total Area 11.8 ha approx

Comprised in CT 9C/788 (??)

I, Cliff Hart
Registered Surveyor and holder of an annual practising certificate for
who may act as a registered surveyor pursuant to section 25 of the
Survey Act 1980 hereby certify that this plan has been made from
surveys executed by me or under my directions, that both plan and
survey are correct and have been made in accordance with the Survey
Regulations 1972 or any regulations made in substitution thereof.
Dated at Northland this 25 day of June 1999
Signature Cliff Hart

Field Book 2544 p. 22... Traverse Book 2544 p. 22...
Reference Plans 2544 p. 22...
Examined By: [Signature] Correct

Approved for open space covenant
purposes only: [Signature]
21/8/99 Deputy Chief Surveyor

Deposited this 23 day of July 1999

District Land Registrar

File
Received
Instructions 2043
SO 69808

LINZ FORM DIS APPROVED M82/00

30 AUG 1999

NOTICE OF PRODUCTION OF INSTRUMENTS

LT 107

The District Land Registrar

Private Bag

AUCKLAND

QUEEN ELIZABETH II TRUST
Messrs

(Firm intending to register)

For office use only

Date

Number

The following are produced
List of Instruments Produced by Number or C.T. Reference

CERTIFICATE OF TITLE ~~9C~~ 9C/788

31 22 NOV 99 941428

To enable registration of:

1. A Covenant from _____ to _____
2. A _____ from _____ to _____
3. A _____ from _____ to _____
4. A _____ from _____ to _____

After Registration Instruments Listed Above To Be Returned To:

MARTELLI MCKEGG WELLS & CORMACK (ATT: MCC)

PO Box 5745

LTO Box 137

AUCKLAND

Received Above Instruments

For D.L.R. / /

OPEN SPACE COVENANT

(Pursuant to Section 22 of the Queen Elizabeth the Second National Trust Act 1977)
WHEREAS WAIAUA BAY FARM LIMITED at Auckland

(hereinafter called "**the Covenantor**") is registered as proprietor of an estate as set out in the Schedule of Land hereto (hereinafter called "**the land**")

AND WHEREAS the **QUEEN ELIZABETH THE SECOND NATIONAL TRUST** established by the Queen Elizabeth the Second National Trust Act 1977 (hereinafter called "**the Trust**") is authorised by that Act to obtain open space covenants over any private land

AND WHEREAS the Covenantor has agreed to enter into an open space covenant with the Trust for the purpose set forth in the First Schedule hereto

NOW THEREFORE in consideration of the covenants and conditions hereinafter contained **THESE PRESENTS WITNESS** that in pursuance of the said agreement and by virtue of Section 22 of the Act the Covenantor and the Trust with the intent and so as to bind the land into whosoever hands the same may come **MUTUALLY COVENANT** at all times to observe and perform the respective duties and obligations imposed by the restrictions, stipulations and agreements contained in the **SECOND** Schedule hereto to the end and intent that the same shall bind the land in perpetuity.

FIRST SCHEDULE

The Purpose of the within written open space covenant is to achieve the following open space objectives of the Covenantor and the Trust:

- a) To protect and maintain the open space values of the land.
- b) To protect and enhance the natural character of the land with particular regard to the indigenous flora and fauna.

SECOND SCHEDULE

Interpretations, restrictions, stipulations and agreements

1. In the Deed unless the context otherwise requires:-
 - "**Act**" means the Queen Elizabeth the Second National Trust Act 1977.
 - "**Board**" means the Board of Directors of the Queen Elizabeth the Second National Trust.
 - "**Covenantor**" means the "**Owner**" who entered into this covenant with the Trust.
 - "**Trust Manager**" means the person appointed under Section 18(1)(a) of the Act.

"Owner" means the person or persons who from time to time are registered as the proprietor(s) of "the land".

"the land" means the property or part thereof defined as subject to this covenant and as shown on the plan annexed to this Deed.

2. No act or thing shall be done or placed or permitted to be done or remain upon the land which in the opinion of the Board materially alters the actual appearance or condition of the land or is prejudicial to the land as an area of open space as defined in the Act. In particular, on and in respect of the land, except with the prior written consent of the Board, the Owner shall not:
 - (a) Fell, remove, burn or take any native trees, shrubs or plants of any kind.
 - (b) Plant, sow or scatter any trees, shrubs or plants or the seed of any trees, shrubs or plants other than local native flora, or introduce any substance injurious to plant life except in the control of noxious plants.
 - (c) Mark, paint, deface, blast, move or remove any rock or stone or in any way disturb the ground.
 - (d) Construct, erect or allow to be erected, any new buildings or make exterior alterations to existing buildings.
 - (e) Erect, display or permit to be erected or displayed, any sign, notice, hoarding or advertising matter of any kind.
 - (f) Carry out any prospecting or exploration for, or mining or quarrying of any minerals, petroleum, or other substance or deposit.
 - (g) Dump, pile or otherwise store any rubbish or other materials, except in the course of maintenance or approved construction, provided however that after the completion of any such work all rubbish and materials not wanted for the time being are removed and the land left in a clean and tidy condition.
 - (h) Effect a subdivision as defined in the Resource Management Act 1991.
 - (i) Allow cattle, sheep, horses, or other livestock to enter, graze, feed or otherwise be present provided, however, that they may graze up to any approved fenceline on the perimeter of the land.
3. In considering any request by the Owner for an approval in terms of Clause 2 hereof, the Board will not unreasonably withhold its consent if it is satisfied that the proposed work is in accordance with the aim and purpose of the covenant as contained in the First Schedule.
4. Except with the prior written consent of the Board, no action shall be taken or thing done, either on the land or elsewhere, which will in any way cause deterioration in the natural flow, supply, quantity, or quality of any river, stream, lake, pond, marsh, or any other water resource affecting the land.
5. The Owner shall notify the Trust of any advice received from any power authority, mining company, or other body or person of the intention to erect utility transmission lines or carry out any prospecting, exploration, mining or quarrying on the land and shall not signify any concurrence in relation to the proposed work without the written permission of the Board.
- 6.(i) The Owner shall continue to comply with the provisions of the Agricultural Pests Destruction Act 1967 and the Biosecurity Act 1993 and all amendments thereto provided, however, that the Owner may request assistance from the Trust in carrying out the aforementioned responsibility.
- 6.(ii) That in keeping with the aims and purposes of this covenant the Owner shall continue to comply with the Wild Animal Control Act 1977 and shall take reasonable measures for the control of wild animals as defined in the Act.

7. The Owner shall keep all fences and gates on the boundary of the land in good order and condition and will accept responsibility for all repairs. Except as provided for in Clause 8 herein rebuilding or replacement of all such fences and gates will be the responsibility of the Owner.
8. The Trust shall repair and replace to its former condition any fence, gate or other improvement on the land which may have been damaged in the course of the Trust exercising any of the rights conferred by the covenant.
9. Subject to any conditions mutually agreed between the Trust and the Owner, members of the public shall have freedom of entry and access to the land with the prior permission of the Owner.
10. The Owner may approve the use of firearms and traps by any person or persons for the eradication of noxious animals on the land.
11. The Trust, through its officers, agents or servants, may at all times enter upon the land for the purpose of viewing the state and condition thereof. In exercising this right, any officer, agent or servant of the Trust will notify the Owner in advance.
12. Any consent, approval, authorisation or notice to be given by the Trust shall be sufficient if given in writing signed by the Trust Manager and delivered or sent by ordinary post to the last known residential or official address of the Owner or to the solicitor acting on behalf of the Owner.
13. The Owner or the Trust may at any time during the term of this covenant, by mutual agreement, carry out any works, improvements or take any action either jointly or individually or vary the terms of this covenant to ensure the more appropriate preservation of the land as an open space in terms of the Act provided, however, such agreement is not contrary to the aim and purpose of this covenant.
14. The Trust may revoke this covenant if all the members of the Board are satisfied that by reason of any change in the character of the land or of any other circumstances which the Board may deem sufficiently material, this covenant ought to be deemed obsolete, or that the continued existence thereof would impede the reasonable use of the land without securing any practical benefit consistent with the purpose of the Act.
15. Nothing in these presents hereinbefore contained shall be deemed to render the Covenantor personally liable for any breach of these covenants and conditions committed after the Covenantor shall have ceased to be the Owner.
16. The Owner shall notify the Trust of any change of ownership or control of all or any part of the land, and shall supply the Trust with the name and address of the new owner.
17. If at any time prior to registration hereof by the District Land Registrar the Owner desires to sell or otherwise dispose of all or any part of the land such sale or disposition shall be made expressly subject to the restrictions, stipulations and agreements contained in the Second Schedule hereto.

THIRD SCHEDULE

1. The Owner may, after consultation with the Trust as to route, form and maintain a walking track through the bush on the land, provided that in so doing every reasonable endeavour is made to ensure the sensitive root structure of kauri trees is safeguarded both during formation and maintenance of the walking track and from public use of the said track.

SCHEDULE OF LAND

Land Registry: NORTH AUCKLAND
Estate: fee simple

Area: 11.8 hectares

Lot & D.P. No. Part Lot 4
(other legal description) DP 50234
Block I
Kerikeri SD
shown as area A on SO 69808

Certificate(s) of Title: 9C/788

IN WITNESS WHEREOF this memorandum has been executed
this 14 day of September 19 97

Signed by WAIAUA BAY FARM LIMITED

[Signature] Director
[Signature] Director

in the presence of

Witness (Signed)

Name (Print)

Occupation

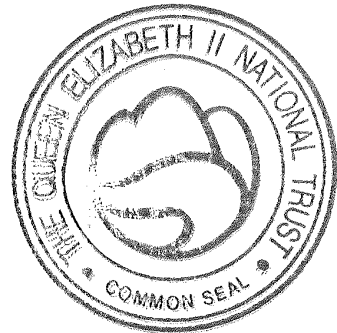
Address

THE COMMON SEAL of the QUEEN
ELIZABETH THE SECOND NATIONAL
TRUST was hereto affixed in the
presence of:

Chairman *Mr Bayfield*

Director *Bruce Mollay*

Trust Manager *TR Ryeans*



OPEN SPACE COVENANT

Pursuant to Section 22 of
the Queen Elizabeth the
Second National Trust
Act 1977.

WAIUAU BAY FARM LTD
Covenantor

Correct for the
purposes of the Land
Transfer Act.



Trust Manager
being a person authorised
by the Trust to certify on
its behalf.

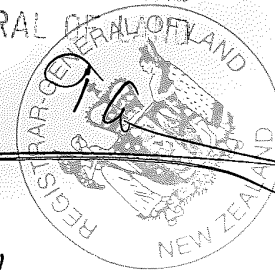
AND

**THE QUEEN ELIZABETH THE
SECOND NATIONAL TRUST**

LINE COPY

9.00 09.DEC99 D 460515 . /

PARTICULARS ENTERED IN REGISTER
LAND REGISTRY NORTH AUCKLAND
for REGISTRAR-GENERAL OF AUCKLAND



3.21