
Opening Legal Submissions on Behalf of Paradise Found Developments Limited

4 November 2025

IN THE MATTER OF

AND

Paradise Found Developments Limited (S346.001,
S346.004)

Submitter

IN THE MATTER OF

AND

The Resource Management Act 1991 ("the Act")

the Far North Proposed District Plan

May it Please the Hearings Commissioners:

1. These legal submissions are made on behalf of Paradise Found Developments Limited (Submitter 346) to provide context to its submissions, and to address the matters raised in the S.42A report relating to its land at 40 McKenzie Road, Te Tii (known as "Wiroa Station").
2. I am sure you are very familiar with the evaluation evidence and recognise that your decisions must be informed by the weight and probative value of the presented to you. In this instance, the Council Officer (Mr W) has presented a thorough and considered evaluation of my client's submissions in his s42A Report. Mr Hook's expert evidence has been carefully considered, and it is evident that there is a great deal of commonality and agreement between the experts. Both agree that given the consenting history, previous assessments, and baseline development, that a Precinct is an appropriate planning response for Wiroa Station.
3. Given the weight of this expert evidence, it is appropriate that my comments, and my client's evidence focusses on the points on which Messrs Wyeth and Hook disagree. Those aspects are each discrete and well defined.

Background

4. Several resource consents have been granted at Wiroa Station, enabling development and subdivision of the Property, the principle one of which is RC 2160044-RMAVAR/A.
5. Wiroa Station is a comprehensive development of 21 Lots, in a farm-park type development totalling some 90ha. Residential development is consented on those lots, 20 of which are around 4000m² in area. The balance of the property (Lot 14) is some 88.5ha and is held for farming, conservation and ecological purposes. At present, 3 lots have been sold, with dwellings having been completed on two of those lots and one currently under construction. The common facilities such as roading, beach pavilions and a wine cellar completed. My client (or related entities) owns the balance of the property, being the majority of it.
6. Whilst the earlier resource consents have been completed (such as the subdivision itself), or otherwise given effect to, and remain live, there are aspects of the Proposed District Plan that cause potential difficulties. Thus my client's submissions.

7. At the outset, it is accepted by Messrs Wyeth and Hook that the earlier consents provide a recognised baseline of development, that is appropriate to recognise in the Proposed District Plan.
8. The issues on which I would like to focus are:
- The permitted activity pathway for buildings and structures on identified building platform (PRECX-R1); and
 - The helicopter movements rule (PRECX-R4);

9. 600m² nominal building platforms are embodied in the underlying subdivision consent¹ and shown on each of the 20 vacant lifestyle lots. Future dwellings are subject to rigorous design controls and certification, individual maximum heights, infrastructure and engineering requirements.
10. Importantly, the underlying subdivision consent includes the following Advice Note²:

5. Based upon the '600 m² nominal building platforms', the 'Wirua Station architecture code and design approval process' document, and the consent notice restrictions incorporated within the consent approval for RC2160044, Council is satisfied that for the purposes of the District Plan rule relating to visual amenity, approval of the subdivision and creation of the titles in accordance establishes building envelopes approved under resource consent for the associated lots.

11. Of relevance, the decision notes:
- "...any effects of the proposal upon local landscape, amenity and natural character value are regarded as less than minor for the following reasons³....."

12. The underlying subdivision consent resulted in bespoke, site-specific height controls, a nominated building location for each lot, architectural guidelines to be satisfied and detailed

¹ 2160044 - RMACOM
² 2160044 - RMACOM - Advice Note 5.
³ 2160044 - RMACOM - page 13

- mitigation planting. In all then, there was a robust assessment of core landscape values and visual effects, securing a comprehensive design outcome.
13. Mr Hook and Mr Wyeth both agree that there is an anticipated development and conservation outcome secured by the underlying consents at Wiroa Station. My Wyeth says⁴:

Overall, in my view, it is evident that development at Wiroa Station has been subject to a detailed assessment through the subdivision consent process, with a suite of controls to ensure that future development is carefully designed to be consistent with the ecological, natural character and landscape outcomes sought for Wiroa Station.

14. Mr Hook's opinion is that a Permitted Activity status is appropriate (PRECZ-R1) for new buildings and structures (including extensions and alterations) where any buildings and structures to be located so that at least 50% of the building footprint is within an identified building platform (PRECX-R1). That is consistent with the underlying subdivision controls and consent notices. However, this is where Messrs Hook and Wyeth part company; Mr Wyeth considers that a Controlled Activity status is appropriate. His reasons are addressed following.
15. First, Mr Wyeth is concerned about consistency in his recommendations elsewhere; notably the Mataka Station and The Landing. Whilst I appreciate Mr Wyeth's desire to be professionally consistent, and the integrity of that, that nonetheless does not preclude the Panel from reaching a different decision. Fundamentally though, I am not at all clear how, or if, "consistency" fits into the evaluation required under s32 of the Act. I do not think that it does.

16. Really though, Mr Wyeth's reservations come down to how he fears the Council might manage assessing compliance with the Permitted Activity rule and related performance standards, without requiring a resource consent application. That, with respect, is most certainly not a valid, or relevant consideration under s32 of the Act. There are many reasons for that, the most compelling of which, is that Council is obliged to assess compliance with the District Plan provisions whether or not (in this instance), it is faced with a resource consent application or an application for Building Consent. Either route provides a robust assessment process, under which Council is presumed able to assess compliance, and has more than sufficient opportunity to request, and then assess, the information it requires to do exactly that. The provision of a compliance report, prepared by a suitably qualified person⁵ overcomes any so called "wide-

⁴ Section 42A Report – Hearing 17: Wiroa Station Precinct, at para 37

⁵ Hook; proposed PER 2, PER3

ranging" and "relatively technical" matters within the permitted activity rules. Frankly, I find it somewhat disingenuous to suggest that Council cannot determine compliance with the District Plan standards, when faced with a building consent application, rather than a resource consent application; when Council has a statutory duty to do so.

17. Mr Wyeth suggests also that a permitted activity framework for new residential dwellings was not provided for (or anticipated) when the subdivision consents for Wiroa Station were granted. He says, that makes it inappropriate now⁶.

18. With respect, the relevant enquiry found in s32 of the Act turns on whether the proposed activity classification is the most appropriate way to achieve the purpose of the Act, which is, of course, to promote the sustainable management of natural and physical resources. Here, over multiple consents, the Council has diligently assessed the effects of the Wiroa Station development, including the built form that is an inevitable consequence of subdivision. That is the reason why a robust set of building and design controls are secured over the subdivision; because that development is both anticipated, inevitable and appropriate. In other words, the sustainable management of this property has already been assessed again and again, and consented. Nowhere in Mr Wyeth's report, do we find any comment as to why that assessment was deficient (because it wasn't) or how a further assessment, through a Controlled Activity consenting process could possibly be expected to add anything to the outcome.

19. My Wyeth agrees that a detailed assessment has already been completed and that it assured a future development that is carefully designed to be consistent with the ecological, natural character and landscape outcomes sought for Wiroa Station. That begs the question then; what more could be asked for. The purpose of the Act was achieved then in the Council's view, and it has not now changed.

20. Mr Wyeth's final observation is that⁷:

Further, in my view, a controlled activity rule framework should also not be overly onerous or costly in this context as it is largely about assessing compliance with the relevant conditions, not relitigating or questioning the appropriateness of the residential dwelling within the WSP.

⁶ Wiroa Precinct s42A at paragraph 52

⁷ Supra note 6, at paragraph 54

21. Mr Wyeth helpfully, and appropriately acknowledges, that the purpose of a Controlled Activity is largely to assess compliance, rather than to complete an assessment afresh. If compliance can be assessed more efficiently elsewhere, why then is another resource consent process needed exactly?

The helicopter movements rule (PRECX-R4)

22. Mr Wyeth is concerned that helicopter movements do not form part of the consented and anticipated development at Wiroa Station, and thus Mr Hook's helicopter movements rule (PRECX-R4) as a permitted activity, is not considered appropriate.

23. However, as Mr Hook says, helicopter movements can occur at Wiroa Station as a permitted activity under the current Operative District Plan. All that Mr Hook now proposes, quite appropriately, is an equivalent in activity status and scope to the operative rules; while also setting a more rigid operational framework.

Other Matters – Consistency

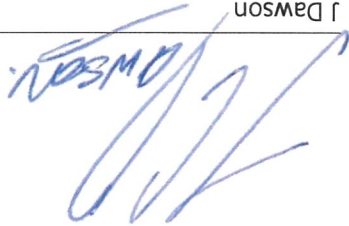
24. Mr Hook deals with several other drafting issues in the proposed WSP provisions. Overall, these are intended to ensure consistency with the current suite of consents, the Operative District Plan, and the thorough expert assessments previously undertaken at Wiroa Station. I leave these to him to address.

Conclusion

25. There is a high degree of accord between Messrs Hook and Wyeth and that is the expert evidence upon which your decision must be made. They diverge on some aspects of the proposed rules, but the principal area of difference is as to the activity status of future dwellings and buildings on each of the lots. Those dwellings are an inevitable consequence of the underlying consents, and the rigid controls therein.

26. A further consenting process adds nothing further to that outcome.

Dated 4 November 2025



J Dawson
Counsel for Paradise Found Developments
Limited

