



## **SECTION 42A REPORT**

### **Carrington Estate Special Purpose Zone**

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**Appendix 1: Recommended amendments to Carrington Estate Special Purpose Zone Chapter**

**Appendix 2: Recommended decisions on submissions on the Carrington Estate Special Purpose Zone Chapter**



## List of Abbreviations

**Table 1: List of Submitters and Abbreviations of Submitters' Names**

Submitter Number	Abbreviation	Full Name of Submitter
S351	CEJ	Carrington Estate Jade LP and Carrington Farms Jade LP
S512	FENZ	Fire and Emergency New Zealand
S394	HMKT	Haititaimarangai Marae Kaitiaki Trust
S454	Transpower	Transpower New Zealand Limited

**Table 2: Other abbreviations**

Abbreviation	Full Term
FNDC	Far North District Council
NPS-UD	National Policy Statement for Urban Development 2020
NZCPS	New Zealand Coastal Policy Statement 2010
ODP	Operative District Plan
PDP	Proposed District Plan
RMA	Resource Management Act 1991
RPS	Regional Policy Statement for Northland 2016



## **1 Executive summary**

1. The Far North Proposed District Plan (PDP) was publicly notified in July 2022. The Carrington Estate Special Purpose Zone (CAR-SPZ) Chapter is located in the Area-specific matters section of the PDP (Part 3) under the Special Purpose Zone sub-heading.
2. There were 24 original submission points and 1,908 further submission points on the CAR SPZ Chapter. There are limited original submissions on the CAR-SPZ Chapter and these can largely be categorised into the following themes:
  - a. Requests to delete the reference to the Carrington Estate Development Plan and Schedule in the provisions
  - b. Requested amendments to certain provisions to better protect cultural and natural environment values
  - c. Requests to reinstate some of the ODP provisions relating to Carrington Estate
  - d. General submissions on the PDP requesting the same relief across multiple zones.
3. I recommend a limited number of amendments to the CAR-SPZ which primarily relate to:
  - a. Amendment to the Overview and Advice Note 1 to provide a clearer link to provisions in the Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment chapters that also apply in the CAR-SPZ
  - b. An amendment to CAR-O2 to refer to the zone rather than site
  - c. Amendment to CAR-P5 to refer to "area and sites of significance to Māori" to better align with other provisions in the PDP
  - d. Amendment to chapeau of CAR-P6 to be more consistent with other "consideration" policies in the PDP
  - e. A new permitted activity rule for farming.

## **2 Introduction**

### **2.1 Author and qualifications**

4. My full name is Jerome Wyeth. I am a Technical Director – Planning at SLR Consulting based in Whangarei.
5. I hold the qualification of Bachelor of Science (Geography) and Masters of Science (Geography), with First Class Honours. I am a Full member of the New Zealand Planning Institute.



6. I have over 20 years of experience in resource management and planning with roles in central government, local government and the private sector. My primary area of work is policy planning for local and central government, and I am the New Zealand Policy Portfolio Lead at SLR Consulting. I have worked on a number of district and regional plans at various stages of the RMA Schedule 1 process and have prepared planning evidence for local authority and Environment Court hearings on a range of resource management issues.
7. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. This includes close involvement in national direction instruments relating to highly productive land, indigenous biodiversity, climate change, plantation forestry and telecommunication facilities.
8. I have been working with the Far North District Council (FNDC) on the PDP since 2021. I am the reporting officer for a number of PDP topics, including special purpose zones, coastal environment, indigenous biodiversity, earthworks, infrastructure, and natural hazards considered at previous hearings. I have not been involved in the CAR-SPZ Chapter prior to notification of the PDP.

## **2.2 Code of Conduct**

9. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
10. I am authorised to give this evidence on behalf of Council to the Hearings Panel.

## **3 Scope/Purpose of Report**

11. This report has been prepared in accordance with section 42A of the RMA to:
  - a. Assist the Hearings Panel in making their decisions on the submissions and further submissions on the PDP; and
  - b. Provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by reporting officers prior to the hearing.
12. This report responds to submissions on the CAR-SPZ Chapter.



13. Separate to the section 42A report recommendations in response to submissions, Council has made a number of Clause 16 corrections to the PDP since notification<sup>1</sup>. These changes are neutral and do not alter the effect of the provisions. The Clause 16 corrections relevant to CAR SPZ Chapter are reflected in Appendix 1 to this Report (Officer's Recommended Provisions in response to Submissions). For clarity and consistency with the PDP, these corrections are not shown in strikethrough or underlined in **Appendix 1**.

## **4 Statutory Requirements**

### **4.1 Statutory documents**

14. The section 32 evaluation report for the CAR-SPZ Chapter provides a summary of the relevant statutory considerations applicable to this topic, including key provisions in the RMA, the New Zealand Coastal Policy Statement 2010 (NZCPS) and the Northland Regional Policy Statement 2016 (RPS). As such, it is not necessary to repeat that statutory assessment here. However, it is important to highlight the higher order documents which have been gazetted or amended following notification of the PDP.

#### **4.1.1 Resource Management Act**

15. On the 24 March 2025, the Government announced that RMA will be replaced with two new pieces of legislation:
  - a. A Natural Environment Act – focused on managing the natural environment
  - b. A Planning Act – focused on planning to enable development and infrastructure.
16. In the announcement, the Government stated that the new legislation will narrow the scope of the resource management system and the effects it controls, with the enjoyment of private property rights as the guiding principle. It was also signalled that there will be a shift has from a precautionary to a more permissive approach to better enable development, streamline processes, and enhance New Zealand's ability to meet its housing, infrastructure, and environmental objectives. This includes nationally standardised land use zones, one combined plan per region (including a regional spatial plan) and more cohesive and streamlined national direction. The intention is that the two new pieces of legislation will be introduced to Parliament by the end of 2025, with a Select Committee process in 2026, and passage into law before the 2026 general election. The RMA continues to be in effect until when and if this new replacement legislation is passed.

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<sup>1</sup> [Clause 16 Amendments | Far North District Council \(fndc.govt.nz\)](https://fndc.govt.nz/Clause-16-Amendments).



## 4.1.2 National Policy Statements

### 4.1.2.1 National Policy Statements Gazetted since Notification of the PDP

17. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to the CAR-SPZ Chapter, that have been gazetted since notification of the PDP. As District Plans must be “*prepared in accordance with*”<sup>2</sup> and “*give effect to*”<sup>3</sup> a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.
18. The National Policy Statement for Indigenous Biodiversity (NPS-IB) came into effect on 4 August 2023 after the PDP was notified (27 July 2022). The NPS-IB is a comprehensive NPS with an overarching objective to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity from the commencement date. The NPS-IB was considered in detail as part of the Ecosystems and Indigenous Biodiversity topic (Hearing 4) where, as reporting officer, I make a number of recommendations in relation to how the NPS-IB should be given effect to through that chapter. I also recommend some consequential amendments to the provisions in the CAR-SPZ Chapter as a result of recommendations in that hearing (e.g. replacing references to ‘SNA’ with language more aligned with section 6(c) of the RMA).
19. The National Policy Statement for Highly Productive Land (NPS-HPL) came into effect on 17 October 2022. The NPS-HPL has a single objective: “*Highly productive land is protected for use in land-based primary production, both now and for future generations*”. The NPS-HPL does not apply to the CAR-SPZ due to Clause 3.5(7)(b) in the NPS-HPL so is not considered further in this report.

### 4.1.3 National Planning Standards

20. The National Planning Standards 2019 provide standards for the format, structure and content of district plans. In relation to special purpose zones, the National Planning Standards outline eight standard special purpose zones and state 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.*”.

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<sup>2</sup> Section 74(1)(a) of the RMA.

<sup>3</sup> Section 75(3)(a) of the RMA.



21. The approach of the PDP is to locate provisions relating to Carrington Estate in the CAR-SPZ. The section 32 evaluation report for the CAR-SPZ concludes in relation to the above matters that: "*Carrington Estate is provided for as a Special Area in the ODP by way of specific provisions in accordance with the approved Carrington Estate Development and Schedule. It is impracticable to manage the development by way of spatial layer or through another zone proposed in the PDP. As such, the CAR is included in the PDP as a special purpose zone.*"<sup>4</sup>

#### **4.1.4 Treaty Settlements**

22. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

#### **4.1.5 Iwi Management Plans – Update**

23. When the PDP was notified in July 2022, Council had 14 hapū/iwi management planning documents which had been formally lodged with Council, as listed in the PDP section 32 overview report. Council took these management plans, including the broader outcomes sought, into account in developing the PDP. Of the 14 hapū/iwi management planning documents, only two have been revised since notification of the PDP –
  - a. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan
  - b. Ahipara Takiwā Environmental Management Plan
24. However, these plans are not relevant to the CAR-SPZ as the rohe/geographic extent of each plan does not extend to areas covered by the CAR-SPZ.

#### **4.2 Section 32AA evaluation**

25. This report uses "key issues" to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where amendments to the provisions of the PDP are recommended, these are evaluated in accordance with section 32AA of the RMA.
26. Where applicable, the section 32AA further evaluation for each key issue considers:
  - a. Whether the amended objectives are the best way to achieve the purpose of the RMA.
  - b. The reasonably practicable options for achieving those objectives.

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<sup>4</sup> Refer pg.9: [section-32-carrington-estate.pdf](#)



- c. The environmental, social, economic and cultural benefits and costs of the amended provisions.
  - d. The efficiency and effectiveness of the provisions in achieving the objectives.
  - e. The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
27. The section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the recommended amendments. Recommendations that relate to editorial, minor and consequential changes without changing the policy intent are not evaluated under section 32AA of the RMA in this report.

#### 4.3 Procedural matters

28. Separate to the PDP process, I am aware of a Court proceeding where Haititaimarangai Marae Kaitiaki Trust (HMKT) has applied for a declaration that certain parts of the resource consents held by Shanghai Cred, Gorges Jade Holdings Ltd and Carrington Farms Limited have lapsed. The "Carrington Estate consents"<sup>5</sup> referred to in the declaration authorise various activities at Carrington Estate and are the consents referred to in the "*Carrington Estate Development Plan and Schedule*" which is referred to throughout the CAR-SPZ provisions and included within the PDP as a hyperlinked webpage<sup>6</sup>.
29. On 17 April 2025, the Environment Court<sup>7</sup> released its decision. The Environment Court declined to make a declaration that the Carrington Estate consents had lapsed. The Environment Court also decided not to make a positive declaration that the Carrington Estate consents had been given effect to as sought by Shanghai Cred, Gorges Jade Holdings Ltd and Carrington Farms Limited (second respondents to the appeal). This was due to concerns that such a declaration might be confusing given the lack of quality consent documentation and the lack of clarity regarding the various amendments made to the Carrington Estate consents after they were granted.
30. On 12 May 2025, HMKT appealed this Environment Court decision to the High Court citing four errors of law. It is not known when the High Court will make a decision on this appeal. However, as the Environment Court declined to make a declaration that the Carrington Estate consents had lapsed, for the purposes of this report I am assuming that these resource

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<sup>5</sup> RC 1990481 and RC 1990480.

<sup>6</sup> Refer: [Appendix 10 -](#)

<sup>7</sup> Decision [2025] NZEnvC 134.





consents have not lapsed and that these continue to be the basis of the "*Carrington Estate Development Plan and Schedule*".

## **5 Consideration of submissions received**

### **5.1 Overview of submissions received.**

31. A total of 24 original submissions and 1,908 further submissions were received on the CAR-SPZ Chapter.
32. The main submissions on the CAR-SPZ Chapter are from:
  - a. Carrington Estate Jade LP and Carrington Farms Jade LP (CEJ) (S351) as owners and operators of the Carrington Estate.
  - b. HMKT (S394), who has a large number of further submitters supporting their submission points, and Te Hiku Iwi Development Trust (S399).
  - c. Organisations with general submissions on the PDP, being Transpower (S454) and Fire and Emergency New Zealand (FENZ) (S512).
33. The key issues identified in this report to respond to submissions on the CAR-SPZ Chapter are:
  - a. Key Issue 1: General submissions
  - b. Key Issue 2: Objectives
  - c. Key Issue 3: Policies
  - d. Key Issue 4: Rules.
34. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the large number of submissions received and the repetition of issues, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under the key issues sections outlined above. This thematic response assists in providing a more concise response to, and recommended decisions on the submission points on the CAR -SPZ Chapter.

### **5.2 Officer Recommendations**

35. A copy of the recommended amendments to CAR-SPZ Chapter is provided in **Appendix 1 – Recommended provisions** to this report.
36. A full list of submissions and further submissions on the CAR-SPZ Chapter and my recommended decisions on those submissions is contained in



## **Appendix 2 – Recommended Decisions on Submissions to this report.**

### **5.2.1 Key Issue 1: General submissions**

#### **Overview**

<b>Provision(s)</b>	<b>Officer Recommendation(s)</b>
Multiple	Retain as notified

#### **Analysis of Submissions on Key Issue 1: General Submissions on the CAR SPZ Chapter**

##### **Matters raised in submissions**

37. HMKT(S394.063, S394.064) requests the PDP planning maps be amended to include the CAR-SPZ completely within the Coastal Environment Overlay. HMKT also requests consequential amendments to the CAR-SPZ provisions to align these with the provisions in the Coastal Environment Chapter.
38. Transpower (S454.131) requests provisions within the CAR-SPZ to ensure critical infrastructure, such as transmission lines, are provided for and supported in the zone.
39. FENZ make a number of general submission points on the CAR-SPZ which have been considered in previous hearings. This includes the following submission points from FENZ:
  - a. S512.061 requests a new permitted activity rule for emergency service facilities and for these activities to be exempt from standards relating to setback distances and vehicle crossings. FENZ note that fire stations are currently located in a range of zones in the Far North District and that the PDP currently only includes rules for emergency service facilities in some zones with different activity status. FENZ considers that emergency service facilities should be provided for as permitted activities across all zones in the PDP.
  - b. S512.084 requests advice notes be included in CAR-S2 advising building setback requirements are further controlled by the Building Code and requesting plan users refer to the Building Code to ensure compliance can be achieved at the building consent stage.
  - c. S512.108, S512.109, S512.110 requests a new standard and/or matter of discretion across all zones on infrastructure servicing (including for emergency response transport/access and adequate water supply for firefighting). FENZ acknowledge that some PDP zones include provisions relating appropriate infrastructure servicing and that NH-R5 requires adequate firefighting water supply for vulnerable activities. However, FENZ considers an additional



standard on infrastructure servicing for emergency response/firefighting water supply within all zone chapters may be beneficial.

## Analysis

40. Firstly, in terms of the submission from HMKT requesting amendments to the Coastal Environment Overlay to include the entire CAR-SPZ, I note that a similar submission point from HMKT (S394.062) was considered in Hearing 4 along with other submission points on the mapping of the Coastal Environment Overlay. This included consideration of expert landscape advice from Melean Absolum which was attached as Appendix 3 to the Coastal Environment Section 42A report. The landscape advice from Melean Absolum on this submission point is as follows (noting the coastal environment criteria in Appendix 1 of the PDP are broader than landscape):

*Although the coast, including Puwheke, Karikari Beach and Waimango Lagoon are all visible from much of Carrington Estate, including from the winery, I do not believe that it forms a significant element to the whole property. There may be some scope for some readjustment of the CE boundary in places but I am reluctant to identify an alternative location for the boundary across Carrington Estate, because more detailed information would be required with input from various other disciplines. I also note that the submitter has not identified any particular location for the boundary to be.*

*I am aware that the submitter is involved in a separate process with respect to Carrington Estate and it may be that that process will include detailed consideration of the boundary of the CE. At the moment I do not support this submission point.<sup>8</sup>*

41. In my opinion, these conclusions remain relevant, and I do not consider that there is sufficient reasoning and detail in the HMKT submission to recommend amendments to the Coastal Environment Overlay to include the full CAR-SPZ. The Coastal Environment Overlay in the PDP is based on the mapping undertaken by Northland Regional Council in the RPS and the coastal environment criteria in Appendix 1 of the PDP (which are drawn from the NZCPS and RPS).
42. To recommend changes to the Coastal Environment Overlay, I consider that there should be a more detailed assessment of the extended area against each of these criteria. Therefore, I do not recommend any amendments in response to this submission point from HMKT, but this could be considered further if more reasoning and detail is provided by HMKT prior to or at the hearing.

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<sup>8</sup> Refer, pg. 17: [Natural Character s42 Appendix 3 - 5 July 2024.pdf](#)



43. Since making their original submission, Transpower has contacted Council to advise they are no longer pursuing submission points requesting changes to the zone chapters to recognise transmission lines, including submission point S454.131. Transpower's main relief to the PDP provisions is being sought in relation to the Infrastructure Chapter which was considered at Hearing 11. Accordingly, I recommend that this submission point from Transpower is rejected as the relief sought is no longer relevant.
44. In terms of the general submissions from FENZ, these have been considered at previous hearings (including Hearing 2 and 3 where I was reporting officer for certain zones) and the same reasoning and recommendations apply here. More specifically, in terms of the FENZ submission point requesting a permitted activity rule for emergency service facilities in the CAR-SPZ, I note that the PDP:
- a. Defines an emergency service facility as "*means fire stations, ambulance stations, police stations and associated ancillary facilities*". The relief sought from FENZ is therefore broader than the development of fire stations which is the key focus of their submission point.
  - b. Enables emergency service facilities to be established as a permitted activity in certain zones (including the Light Industrial and Mixed-Use Zones with no conditions and the Rural Production Zone where the Gross Floor Area does not exceed 150m<sup>2</sup>) while requiring resource consent for these facilities in other zones where there is greater potential for adverse effects on the surrounding environment (e.g. a discretionary activity in the General Residential Zone).
45. Under the CAR-SPZ rules, an emergency service facility would require resource consent as a discretionary activity under CAR-R9 (activities not otherwise listed in this chapter). In my opinion, this is appropriate as the CAR-SPZ is intended to provide for a range of activities associated with Carrington Estate not emergency service facilities. Additionally, the Karikari Fire Station is situated approximately 800 meters from the CAR-SPZ and is well placed to provide emergency services to the Karikari Peninsula. For these reasons, I recommend this submission point from FENZ is rejected.
46. In terms of the submission from FENZ requesting a new standard for infrastructure servicing for emergency response transport/access and water supply for firefighting, this has also been considered as previous hearings. I reiterate the same position that this relief is already adequately, and most efficiently, addressed through the following district-wide provisions in the PDP:
- a. NH-R5 and NH-R6 (Wildfire) in the Natural Hazards Chapter which, as notified, includes specific requirement for new buildings and



alternations to existing buildings used for a vulnerable activity to have water supply for firefighting purposes that complies with SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice. These rules have been considered further as part of hearings on the Natural Hazards Chapter (Hearing 13) where I recommend amendments to rules to improve workability while retaining the intent.

- b. TRAN-R2 (vehicle crossing and access, including private accessways) in the Transport chapter which was considered in Hearing 11. I understand that the reporting officer recommended a number of amendments to the provisions in the Transport Chapter to appropriately provide for access for emergency vehicle access, while removing the specific reference to the SNZ PAS 4509:2008 New Zealand Fire Fighting Water Supplies Code of Practice.

- 47. Accordingly, I do not recommend any amendments to the CAR-SPZ chapter in response to these submission points from FENZ.

#### **Recommendation**

- 48. For the above reasons, I do not recommend any amendments in response to the general submissions on the CAR-SPZ.

#### **Section 32AA evaluation**

- 49. No amendments are recommended in response to these general submissions therefore no further evaluation is required under section 32AA of the RMA.

### **5.2.2 Key Issue 2: Objectives**

#### **Overview**

<b>Provision(s)</b>	<b>Officer Recommendation(s)</b>
CAR-O1	Retain as notified
CAR-O2	Minor amendment to refer to zone rather than site
CAR-P6(h)	Amend to align with CAR-O2

#### **Analysis of Submissions on Key Issue 2: Objectives**

##### **Matters raised in submissions**

- 50. HMKT is the only submitter on the CAR-SPZ objectives with the following submission points:
  - a. S394.064 requests that CAR-O1 be deleted. HMKT submits that the Carrington Estate Development Plan and Schedule is outdated, being 23 years old with a lapse period of four years. HMKT notes cultural and ecological values are dynamic and that sustainable development requires the consideration of development in the current context.



- b. S394.047 supports CAR-O2 in part, but requests that clause e) be amended to enable the consideration of effects from land use or subdivision on areas outside of a site that is subject to a Significant Natural Area (SNA), Outstanding Natural Landscape (ONL) or high natural character area. HMKT submits that integrated management requires the consideration and management of effects beyond the identified overlay areas.

## Analysis

- 51. A key concern raised by HMKT relates to the appropriateness of CAR-O1 (and multiple other provisions) to enable land use and development undertaken in general accordance with the approved Carrington Estate Development Plan and Schedule (which is incorporated into the PDP<sup>9</sup>) given its age and four-year lapse period.
- 52. Firstly, as noted above, HMKT has lodged proceedings with the Environment Court relating to the lapse period of the consents referred to in the Carrington Estate Development Plan and Schedule. The Environment Court declined to make a declaration that the Carrington Estate consents have lapsed, and HMKT has appealed this decision to the High Court. The timing and outcome of this decision is not known at the time of preparing this report. Accordingly, for the purposes of this report, my assumption is that the Carrington Estate consents have not lapsed but this may need to be revisited depending on the findings from the High Court relative to the Hearings Panel's recommended decisions on submissions on the PDP.
- 53. In terms of the reference to the Carrington Estate Development Plan and Schedule in the CAR-SPZ provisions, I note that the purpose of the CAR-SPZ articulated in the section 32 evaluation report is (**emphasis added**) *"to provide for residential and recreation development of a mixed typology, including a golf course, country club, accommodation, and winery in accordance with the approved Carrington Estate Development Plan and Schedule"*<sup>10</sup>.
- 54. Further, my understanding is that the provision for the CAR-SPAZ in the PDP is based on the ODP Carrington Estate Special Area (Section 18.6), which was introduced into the ODP following the approval of resource consents RC1990480, RC1990480A and RC1990481, which established the Carrington Estate Development Plan and Schedule. In this respect, the PDP CAR-SPZ largely "rolls over" the ODP approach with some consequential amendments to align with the National Planning Standards (e.g. moving certain district-wide provisions to the PDP chapters for noise, earthworks etc.).

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<sup>9</sup> Incorporated in the PDP: refer: [Appendix 10 -](#)

<sup>10</sup> Section 32 evaluation report, pg.3, refer: [section-32-carrington-estate.pdf](#)



55. Regardless of the merits of this approach, the relief sought by HMKT to remove any reference to the Carrington Estate Development Plan and Schedule would create implementation issues and is not workable in my view. This is because the Carrington Estate Development Plan and Schedule is central to the purpose of the CAR-SPZ and helps guide land use and development within the zone through listing the activities, design guidelines and various plans under the approved consents. Therefore, while I acknowledge that there are concerns about the incorporation of the Carrington Estate consents into the Carrington Estate Development Plan and Schedule and implementation of the approved consents at Carrington Estate, at this point of time, I consider that it is important to retain references to the Carrington Estate Development Plan and Schedule in CAR-O1 and other relevant provisions.
56. However, in my view, it should be clearer how the Carrington Estate Development Plan and Schedule is incorporated into the PDP as it is included as a hyperlink in the relevant provisions but not referred to within Part 4 of the PDP (Appendices and Schedules). For clarity and transparency, I recommend the Carrington Estate Development Plan and Schedule is added to the list of Appendices in the PDP and given a specific reference number.
57. In terms of the requested amendment by HMKT to clause e) in CAR-O2, I note that there is a high degree of overlap (and potential conflict) between this objective and the more specific effects management policies in the Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes and Coastal Environment chapters in the PDP, which were considered in Hearing 4. More specifically, CAR-O2 provides direction to undertake development in a way that "*recognises and protects*" these values whereas those PDP chapters include specific and directive policies to avoid certain adverse effects, which give effect to higher order direction relating to these values in the NZCPS and RPS.
58. I understand the intent of the two objectives in the CAR-SPZ is to enable development in accordance with the Carrington Estate Development Plan and Schedule, while ensuring land use and subdivision in the CAR-SPZ appropriately protects the natural environment, historic heritage and cultural values within the zone. For example, the section 32 evaluation report for the CAR-SPZ states (in relation to the identified ONL):

*There is a conflict between the requirement to manage and protect outstanding natural landscapes from inappropriate land use and development while providing landowners with the ability to develop their land. The CAR chapter has been drafted to ensure development can be provided for in accordance with the Carrington Estate Development Plan, whilst ensuring appropriate levels of protection for*





*the ONL that is partially within the site, which is also managed and protected under the respective PDP resource overlay chapter<sup>11</sup>.*

59. I generally agree with that intent. However, I consider that the relationship with the relevant district-wide chapters protecting those overlays (i.e. that these provisions apply **in addition to** the CAR-SPZ provisions) should be made explicit in the Overview to the CAR-SPZ. This will ensure the direction to “recognise and protect” the values listed in CAR-O2 is read together with the more specific policies in the district-wide chapters of the PDP to protect or avoid adverse effects on those values. I also recommend an amendment to Advice note 2 to specifically refer to the district-wide chapters addressing the values referred to in CAR-O2. I consider that this amendment is consistent with the general relief sought by HMKT and Te Hiku Iwi Development Trust discussed below.
60. In terms of the more specific relief sought by HMKT, throughout the course of hearings on the PDP, the clear advice from Council reporting officers is that provisions relating to overlays only apply to the mapped overlay and are not affected by zone or site boundaries. As such, I do not consider that any amendments are required to CAR-O2 to respond to the relief sought by HMKT.
61. However, given the CAR-SPZ provisions apply on a “zone” wide basis rather than a “site” specific basis, in my view it would be preferable and clearer for CAR-O2 to refer to any part of the “zone” subject to the listed overlays.

### **Recommendation**

62. For the above reasons, I recommend:
  - a. CAR-O1 is retained as notified.
  - b. CAR-O2 is amended to refer to any part of the “zone” (rather than site)
  - c. The overview and Advice Note 2 are amended to provide a clearer link to the provisions in the Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes and Coastal Environment chapters that also apply within the CAR-SPZ.

### **Section 32AA evaluation**

63. The recommended amendments to CAR-O2 and CAR-P6(f) are minor amendments to clarify intent with no change in effect. On this basis, no further evaluation under section 32AA of the RMA is required.

### **5.2.3 Key Issue 3: Policies**

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<sup>11</sup> Ibid, pg. 13 and 14.





## Overview

Provision(s)	Officer Recommendation(s)
CAR-P1, CAR-P3	Retain as notified
CAR-P5	Amend to refer to "sites and areas of significance to Māori"
CAR-P6	Amend chapeau to be consistent with other "consideration" policies

## Analysis of Submissions on Key Issue 3: Policies

### Matters raised in submissions

64. Te Hiku Iwi Development Trust (399.081 and 399.080) requests amendments to either CAR-P6 or the CAR-SPZ overview as alternative relief. The amendment requested to CAR-P6 is to include a new clause to consider effects on "*any threatened or at-risk species*". Te Hiku Iwi Development Trust consider that this amendment is needed as the CAR-SPZ includes areas in the coastal environment with threatened and at-risk indigenous species where adverse effects must be avoided in accordance with Policy 11 of the NZCPS.
65. The alternative relief sought by Te Hiku Iwi Development Trust is to amend the overview section to include a broader statement for development in the CAR-SPZ to retain the features, and landscape of the CAR-SPZ and to recognise that part of the zone is located in the coastal environment where the provisions in the Coastal Environment Chapter apply.
66. HMKT (394.048, 394.049) requests CAR-P1 and CAR-P3 be deleted for the same reasons as outlined above in relation to CAR-O1 (i.e. to delete references to the Carrington Estate Development Plan and Schedule).
67. HMKT (394.050) supports CAR-P5 in part, but requests amendments to more broadly protect cultural values associated with the CAR-SPZ. HMKT notes cultural values must be recognised and provided for as a matter of national importance under section 6(e) of the RMA and protection of those values must also be consistent with section 8 of the RMA. HMKT consider that imposing a "cultural significance" threshold for protection of cultural values is not appropriate and therefore CAR-P5 should refer to avoiding adverse effects on cultural values.
68. HMKT (394.047, 394.051) support CAR-P6 in part, but request the chapeau of the policy be amended to remove the reference to the approved Carrington Estate Development Plan and Schedule for the same reasons as outlined above. In addition, HMKT request an amended to clause (f) in CAR-P6 as follows: *any historical, spiritual or cultural association held by tangata whenua including ~~with regard to~~ the matters set out in Policy TW-P6.*



## Analysis

69. I agree with Te Hiku Iwi Development Trust that it is important to avoid adverse effects on threatened and at-risk species in the coastal environment to give effect to Policy 11 of the NZCPS. However, I consider that Policy 11 of the NZCPS is already given effect to through the Ecosystems and Indigenous Biodiversity chapter in the PDP which applies on a district-wide basis (i.e. across zones and both within and outside the coastal environment). The Ecosystems and Indigenous Biodiversity Chapter was considered at Hearing 4 where I recommended an amendment to IB-P2 (which applies within the coastal environment) to avoid adverse effects of land-use and subdivision on "*Threatened and At-Risk indigenous species*" in response to a submission point from Te Hiku Iwi Development Trust (and others).
70. Therefore, I consider the relief sought by Te Hiku Iwi Development Trust is already addressed by IB-P2 and no amendments to CAR-P6 are required. However, as noted above, I consider that it will be beneficial for plan-users to more clearly signpost these other PDP district-wide chapters in the Overview for the CAR-SPZ given the range of coastal and natural values present within the zone. This will ensure that there is clear direction on the need to avoid adverse effects on threatened and at-risk species in the coastal environment that are also within CAR-SPZ in accordance with IB-P2.
71. For the reasons set out in relation to CAR-O1, I consider that it is appropriate to retain references to Carrington Estate Development Plan and Schedule in the CAR-SPZ provisions at this point of time, including CAR-P1 and CAR-P3. Accordingly, I do not recommend any amendments to CAR-P1 and CAR-P3 in response to the submission points from HMKT.
72. In terms of the submission from HMKT requesting that CAR-P5 refer to cultural values rather than sites of cultural significance, it is important to note that there are other PDP chapters relating to these values. This includes the Tangata Whenua Chapter and the Sites and Areas of Significant to Māori Chapter. The latter includes policies relating to "*sites and areas of significance to Māori*" and rules relating to scheduled sites and areas of significance to Māori which are included in Schedule 3 of the PDP.
73. In my view, the reference to sites of cultural significance in CAR-P5 is generally aligned with these chapters and appropriate to retain as CAR-P6(f) allows for consideration of cultural values more generally which is consistent with the relief sought by HMKT. However, I consider that it would be more appropriate for CAR-P5 to refer to "*sites and areas of significance to Māori*" within CAR-P5 to align with this PDP chapter and also the RMA and PDP definition of historic heritage, which refers to "*sites of significance to Māori, including wāhi tapu*".



74. . I do not recommend an amendment to CAR-P6(f) to replace "with regard to" with "including" as requested by HMKT. This is because the wording in this clause has been adopted in all relevant zone chapters in the PDP and was agreed wording by Council to ensure the direction in TW-P6 is considered when a proposed activity may have adverse effects "*on the relationship of tangata whenua with their ancestral lands, water, sites, wāhi tapu and other taonga*". I therefore recommend this wording is retained for consistency.
75. However, for consistency with recommendations to other zone chapters, I recommend that the chapeau of CAR-P6 is amended to be clearer on the intent of the "consideration" policy. My recommendations to CAR-P6 are as follows: ~~"Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of any approved Carrington Estate Development Plan and Schedule, and consideration of the~~ Consider the following matters where relevant when assessing and managing the effects of land use and subdivision in the Carrington Estate zone to the application..."

#### Recommendation

76. For the above reasons, I recommend:
- That CAR-P1 and CAR-P3 are retained as notified
  - CAR-P5 is amended to refer to "*sites and areas of significance to Māori*" rather than "site of cultural significance"
  - CAR-P6 is amended to be consistent with the chapeau of other "*consideration*" policies in the PDP.

#### Section 32AA evaluation

77. The recommended amendments to CAR-P5 and CAR-P6 are minor amendments for consistency with other PDP provisions with no change in intent. On this basis, a further evaluation under section 32AA is not required in my view.

### 5.2.4 Key Issue 4: Rules

#### Overview

Provision(s)	Officer Recommendation(s)
CAR-R1, CAR-R2, CAR-R3, CAR-R4 CAR-R7, CAR-R8	Retain as notified
CAR-RX	Insert new permitted activity rule for farming
CAR-R14	Amend rule to exclude farming



## Analysis of Submissions on Key Issue 4: Rules

### Matters raised in submissions

78. CEJ (351.008, 351.010) requests greater consistency between the resource consents approved for the sites within the CAR-SPZ and between the ODP and PDP provisions for the CAR-SPZ. More specifically, CEJ requests the following relief *"Amend any rules necessary in all provisions of the Carrington Estate Special Purpose Zone to ensure that existing matters enshrined under resource consents are not comprised, lost or diminished through the plan change process"*. Appendix B of the submission then sets out two rules from the ODP that CEJ request be included in the CAR-SPZ:
- a. Rule 18.6.6.1.7 (Access, Parking and Loading). CEJ note that the PDP does not include such as rule and request that this be included in the CAR-SPZ or alternatively provide an exemption within the Transport chapter of the PDP.
  - b. Rule 18.6.6.1.11 (Earthworks and Vegetation Clearance). CEJ note that the PDP does not include such as rule and request that this be included in the CAR-SPZ or alternatively provide an exemption within earthworks and vegetation clearance rules.
79. HMKT (394.052 to S394.057) opposes CAR-R1, CAR-R2, CAR-R3, CAR-R4, CAR-R7 and CAR-R8 which enable activities undertaken in accordance with the Carrington Estate Development Plan and Schedule and that comply with the applicable zone standards. The reasons the rules are opposed by HMKT are similar to the concerns raised above that:
- a. The rules are outdated as they rely on the Carrington Estate Development Plan and Schedule and the rules should not permit unimplemented activities within this plan.
  - b. There is insufficient provision to adequately or appropriately give effect to the matters in Part 2 of the RMA relating to tangata whenua.
80. To address these concerns, the requested relief of HMKT is to delete rules that permit unimplemented activities contained in the Carrington Estate Development Plan and Schedule and to introduce new rules requiring any adverse cultural effects associated with development in the CAR-SPZ be identified, remedied or mitigated.
81. John Andrew Riddell (S431.133) requests that CAR-R1 is amended to require that any proposed building or structure less than 20m from the Coastal Marine Area (CMA) or from rivers and banks is a non-complying activity. John Andrew Riddell considers that this amendment is necessary to achieve the purpose of the RMA.



82. CEJ (351.007) request that CAR-R14 be amended to enable primary production activities to be undertaken as permitted activities (rather than non-complying), recognising pastoral and farming activities are currently undertaken in the CAR-SPZ and these activities fall within the PDP definition of primary production.

### Analysis

83. In terms of the submission point from CEJ, the submitter has provided limited details in terms of where greater consistency is being sought between the ODP and PDP provisions other than the two ODP rules referred to above. Therefore, my consideration of this submission point is limited to these two rules.
84. Firstly, I note that ODP Rule 18.6.6.1.7 (Access, Parking and Loading) is *"Access, internal roading, parking and loading spaces shall be provided in accordance with the Development Plan layout and the rates and criteria specified in Table 1 of the Schedule attached to the Carrington Estate Zone provisions, and in the conditions of the consents."* Table 1 in the Carrington Estate Development Plan and Schedule then sets out minimum carparking requirements for various activities authorised by the approved resource consents.
85. Minimum car parking requirements were considered in detail by the reporting officer for the Transport Chapter<sup>12</sup> due to the specific direction in the National Policy Statement for Urban Development 2020 (NPS-UD) relating to minimum carparking requirements. In the Transport Chapter section 42A report, the reporting officer recommended that all minimum car parking requirements are removed from the PDP due to the direction in Clause 3.38 in the NPS-UD and due to FNDC becoming a Tier 3 local authority under the NPS-UD following the adoption of the Kerikeri-Waipapa Spatial Plan<sup>13</sup>.
86. On this basis, I consider that Table 1 needs to be deleted from the Carrington Estate Development Plan and Schedule to give effect to this direction in the NPS-UD. I note that this does not prevent CEJ from providing carparking and any requirements relating to access and loading in the consent conditions will not be affected by the deletion of Table 1 in the Carrington Estate Development Plan and Schedule.
87. Secondly, I disagree with the relief sought by CEJ in relation to earthworks and vegetation clearance. To give effect to the National Planning Standards, the approach of the PDP is to primarily manage earthworks and indigenous vegetation clearance through the Ecosystem and Indigenous Biodiversity and Earthworks chapters respectively, with more stringent provisions included in certain overlay chapters to manage earthworks and vegetation clearance (including the Coastal Environment

<sup>12</sup> Key Issue 2 in the Transport Section 42A Report:

<sup>13</sup> This is addressed in more detail in evidence presented at the urban zone hearings (Hearing 14).



chapter). As such, in my view, it is inappropriate to retain Rule 18.6.6.1.11 or exempt earthworks and indigenous vegetation clearance from these district-wide chapters in the PDP.

88. The requests from HMKT to remove references to the Carrington Estate Development Plan and Schedule in the CAR-SPZ provisions have been addressed above in relation to CAR-O2 above and the same reasoning and recommendation applies here. In short, I do not recommend the relevant rules are deleted as requested by HMKT as the reference to the Carrington Estate Development Plan and Schedule has value in guiding development within the CAR-SPZ at this point of time.
89. While I understand the intent of the requests from HMKT to insert additional rules requiring adverse cultural effects associated with development in the CAR-SPZ be identified, remedied or mitigated, in my view it is not appropriate or workable to address this relief through new rules. Rather the intent of the CAR-SPZ (and other relevant PDP chapters) is to consider cultural effects where relevant through policy direction when resource consent is required or through more stringent rules in relation to identified overlay areas (including Sites and Areas of Significance to Māori). In summary, the relevant provisions in the CAR-SPZ to consider cultural effects include:
  - a. CAR-O2 seeks to ensure land use and subdivision recognises and protects cultural values.
  - b. CAR-P5 (with my recommended amendments) directs that significant adverse effects on sites and areas of significance to Māori are avoided and other adverse effects on these sites and areas are avoided, remedied or mitigated.
  - c. CAR-P6(f) requires that consideration be given to any historical, spiritual or cultural association held by tangata whenua with regard to the matters set out in TW-P6.
90. In my view, these provisions are appropriate to ensure that cultural effects are considered when resource consent is required in the CAR-SPZ. I also note that any land use or development that is not in accordance with the Carrington Estate Development Plan and Schedule will require a discretionary activity consent under the relevant rules, allowing all relevant matters to be considered as appropriate.
91. I have addressed a similar submission point from John Andrew Riddle requesting a more stringent non-complying status for buildings and structures within 20m from MHWS or rivers in previous hearings. In particular, in Hearing 4 which considered the MHWS setbacks in CE-S4 where I recommended that all the MHWS setback standards be moved to the Coastal Environment Chapter for consistency and efficiency reasons (and also to be consistent with the Natural Character Chapter which controls activities within "*wetland, lakes and river margins*").



92. I addressed this specific submission point from John Andrew Riddell in paragraph 494 of the Coastal Environment section 42A report where I stated "*While I agree that buildings and structures are not desirable within 20m of MHWS, I consider that the range of matters of discretion set out in the various MHWS setback rules are sufficient to allow Council to assess adverse effects on natural character, natural hazard risk, stormwater, public access and potential mitigation options (landscaping, screening, planting, building design etc). I acknowledge that a non-complying activity status sends a strong signal but I also note that, in some cases, the first 20m from MHWS will already be, or be in the process of becoming, an esplanade reserve or strip, which will prevent most built development from occurring. As such, I do not recommend any change as a result of any of the John Andrew Riddell submission points*". The same reasoning and recommendation apply to this submission point in relation to the CAR-SPZ. However, I do recommend some consequential amendments to CAR-S2 to remove the overlap/conflict with the MHWS and waterbody setbacks in the Coastal Environment and Natural Character chapters respectively.
93. In terms of the request from CEJ to make primary production a permitted (rather than non-complying) activity, I note that the National Planning Standards and the PDP define primary production broadly as follows:
- means:*
- a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and*
  - b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in a);*
  - c) includes any land and buildings used for the production of the commodities from a) and used for the initial processing of the commodities in b); but*
  - d) excludes further processing of those commodities into a different product.*
94. The relief sought by CEJ could therefore have the effect of permitting activities such as mining and quarrying within the CAR-SPZ which is not appropriate in my view. I also note that existing viticulture activities are authorised by the existing consents and referred to in the Carrington Development Plan and Schedule and any existing pastoral farming activities should be able to operate under existing use rights.
95. Nonetheless, I consider that a non-complying activity status for any new pastoral farming or viticulture is overly restrictive, and it is appropriate to differentiate between different types of primary production activity within the CAR-SPZ. In this respect, I note that the PDP includes a definition of farming as a subset of primary production as follows "*means the use of land for the purpose of agricultural, pastoral, horticultural or apiculture activities, including accessory buildings, but excludes mining, quarrying, plantation forestry activities, intensive indoor primary production and*





*processing activities. Note: this definition is a subset of primary production."*

96. I also note that "farming" is a permitted activity in the adjacent Rural Production Zone and Māori Purpose Zone – Rural Zone and I consider it is appropriate to apply the same activity status within CAR-SPZ. I therefore recommend a new permitted activity rule for farming (as defined in the PDP) is included in the CAR-SPZ and CAR-R14 is retained as a non-complying activity but amended to apply to "primary production activity (excluding farming)".

### Recommendation

97. For the above reasons, I recommend:
- The parking provisions in Table 1 in the Carrington Estate Development Plan and Schedule is deleted.
  - CAR-S2 is amended to remove the MHWS and waterbody setbacks which are included in the Coastal Environment and Natural Character chapters of the PDP
  - A new permitted activity rule for farming (as defined in the PDP) is included in the CAR-SPZ and CAR-R14 is amended to apply to primary production activity (excluding farming). I recommend all other rules are retained as notified.

### Section 32AA evaluation

98. My recommended amendment to delete the parking provisions in Table 1 in the Carrington Estate Development Plan and Schedule gives effect to the clear direction in Clause 3.38 in NPS-UD. My recommended amendment for a new permitted activity rule for farming in the CAR-SPZ is a minor amendment that recognises some existing farming activities are taking place within the zone, to align with adjacent zones, and to remove an overly stringent non-complying rule. On this basis, I consider that this recommended amendment is an appropriate, effective and efficient way to achieve the relevant objectives in accordance with section 32AA of the RMA.

## 5.2.5 Key Issue 5: Rezoning

### Overview

PDP mapping	Officer Recommendation(s)
CAR-SPZ, General Residential, Mixed-Use Zone	Retain as notified

### Analysis of Submissions on Key Issue 5: Rezoning

#### Matters raised in submissions





99. In addition to the submissions above, CEJ make a number of submissions relating to the zoning of the CAR-SPZ and other zones on the planning maps.
100. CEJ (S351.001, S351.002, S351.003) supports the CAR-SPZ, General Residential, and Mixed-Use Zones as they apply to the CEJ land at Whatuwhiwhi. However, CEJ (S351.004) request that a portion of the CEJ land identified as Lot 1 DP 413387 (as shown in Appendix A of the CEJ submission) be rezoned from Rural Production Zone to General Residential Zone. CEJ (S351.006) also request that a suitable (but as yet specified) area of the CEJ land at Whatuwhiwhi be rezoned to Light Industrial Zone noting that the extent and scale will be presented with associated evidence, prior to the Hearing.

### **Analysis**

101. The submission from CEJ indicates that it intends to provide further information and evidence in support of its rezoning requests and that the extent of the requested Light Industrial Zone will be “determined prior to the hearing”. As set out in Minute 14 from the Hearing Panel, an “opt in” process has been provided to submitters requesting rezoning to allow them the opportunity to provide evidence and information in support of their rezoning request, guided by some consistent criteria. CEJ has not opted into this process and, as such, there no specific information or evidence in support of these rezoning requests.
102. On that basis, I recommend that submission point S351.006 is rejected as it is unclear what area of land this rezoning request for Light Industrial Zone relates to. While submission point S351.004 is clearer in terms of the area of land this rezoning request for General Residential Zone, there is insufficient information in the CEJ submission to make an informed recommendation on this request. The basis for this request seems to be that the land adjoins Mixed Use Zone, has a gentle rolling contour and can be provided with appropriate infrastructure over time which is inadequate justification to support rezoning in my view. Accordingly, I recommend this submission is rejected.

### **Recommendation**

103. For the above reasons, I recommend:
  - a. Submission points S351.001, S351.002 and S351.003 requesting that CAR-SPZ, General Residential, and Mixed-Use Zones be retained are accepted.
  - b. Submission points S351.004 and S351.006 requesting rezoning to General Residential Zone and Light Industrial Zone are rejected.



### Section 32AA evaluation

104. I am not recommending any amendments to the planning maps in response to these submissions therefore no further evaluation is required under section 32AA of the RMA.

## 6 Conclusion

105. This report has provided an assessment of submissions received in relation to the CAR-SPZ Chapter. I recommend a limited number of amendments to the CAR-SPZ which primarily relate to:
- a. Amendment to the Overview and Advice Note 1 to provide a clearer link to provisions in the Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment chapters that also apply in the CAR-SPZ
  - b. An amendment to CAR-O2 to refer to the zone rather than site
  - c. Amendment to CAR-P5 to refer to "area and sites of significance to Māori" to better align with other provisions in the PDP
  - d. Amendment to chapeau of CAR-P6 to be more consistent with other "consideration" policies in the PDP
  - e. A new permitted activity rule for farming.
106. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I recommend that the submissions on the CAR SPZ Chapter be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and in **Appendix 2**.
107. I recommend that provisions for the CAR SPZ Chapter be amended as set out in **Appendix 1** below for the reasons set out in this report

**Recommended by:** Jerome Wyeth, Technical Director – Planning, SLR Consulting

**Approved by:** James R Witham – Team Leader District Plan, Far North District Council.

**Date:** 28 July 2025