



SECTION 42A REPORT

Hearing 17: Wiroa Station Precinct

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List of Abbreviations

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

Submitter Number	Abbreviation	Full Name of Submitter
S346	Paradise Found Development	Paradise Found Development Limited

Table 2: Other abbreviations

Abbreviation	Full Term
CE	Coastal Environment
FNDC	Far North District Council
NPS	National Policy Statement
NZCPS	New Zealand Coastal Policy Statement 2010
ODP	Operative District Plan
PDP	Proposed District Plan
RMA	Resource Management Act 1991
RPROZ	Rural Production Zone
RPS	Regional Policy Statement for Northland 2016
SPZ	Special Purpose Zone
WSP	Wiroa Station Precinct



1 Executive summary

1. The Far North Proposed District Plan (PDP) was publicly notified in July 2022. This report provides recommendations on the request from Paradise Found Developments Limited (S346) for a Wiroa Station Precinct (WSP)¹.
2. This report should be read in conjunction with the Rezoning Submissions - Overview Report provided in Hearing 15A, which includes an overview of the spatial layers in the National Planning Standards.
3. This report has been prepared in accordance with section 42A of the Resource Management Act 1991 (RMA) and outlines recommendations in relation to the issues raised and decisions requested in submissions from Paradise Found Development Limited.
4. This report provides an assessment of the relief sought by Paradise Found Development for a WSP to recognise and enable residential dwellings anticipated under the existing resource consents at Wiroa Station. I support the inclusion of the WSP in the PDP in principle subject to the issues identified in this report being addressed by the submitter through rebuttal evidence.

2 Introduction

2.1 Author and qualifications

5. My full name is Jerome Wyeth. I am a Technical Director – Planning at SLR Consulting based in Whangarei.
6. 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.
7. 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.
8. 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

¹ The submission from Paradise Found Limited originally requested a Special Purpose for Wiroa Station. However, through feedback provided to the submitter and the approach taken for other similar rezoning requests in Hearing 15B, the submitter has refined their position to now request a precinct as an alternative spatial layer.



section 32 evaluation reports and implementation guidance. This includes close involvement in national direction instruments relating to highly productive land, indigenous biodiversity, infrastructure, renewable electricity generation and electricity transmission, climate change, plantation forestry and telecommunication facilities.

9. I have been working with 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, natural hazards, and other rezoning topics. This includes being the reporting officer for Hearing 15B where the submission points from Paradise Found Development Limited were initially considered.

2.2 Scope/Purpose of Report

10. This report should be read in conjunction with:
 - a. The Rezoning Submissions - Overview Report, which provides:
 - i. Overview information on the statutory context within which the rezoning submissions are being considered (including changes to the relevant regulatory framework) which reporting officers have considered when making recommendations on the submissions received
 - ii. An overview of the process that reporting officers have followed when evaluating rezoning submissions, including the criteria and process set out in Minute 14 from the Hearing Panel.
 - b. The "Section 42A Report: Rezoning Requests – New Special Purpose Zone" which I prepared for Hearing 15B, which includes:
 - i. The rationale for my recommendations to include two other precincts in the PDP².
 - ii. My original recommendation to reject the request from Paradise Found Development for a Wiroa Staton Special Purpose Zone (SPZ) based on insufficient information.
11. This report has been prepared in accordance with section 42A of the RMA to:
 - a. Assist the Hearings Panel in making their recommendations on decisions requested in submissions and further submissions on the PDP

² The Mataka Station Precinct and The Landing Precinct.



- 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.

2.3 Code of Conduct

12. 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 we express in this report.
13. I am authorised to give this evidence on behalf of FNDC to the Hearings Panel.
14. Wherever possible, I have provided a recommendation to assist the Hearings Panel.

2.4 Procedural matters

15. In March 2025, I contacted Paradise Found Development Limited to understand whether the concerns raised and relief sought in their submission may be addressed by my recommended amendments in Hearing 4 to CE-R1. The recommended amendments to CE-R1 in Hearing 4 include an amendment intended to better recognise and enable unimplemented residential development in approved subdivisions located in the PDP Coastal Environment (CE) overlay. This recommendation was made in response to submissions from Matakā Residents Association and others raising similar concerns as Paradise Found Development, with my being a controlled activity pathway in the CE overlay for buildings for:

"...a residential unit or a minor residential unit on a defined building platform, where the defined building platform has been identified through a professional landscape assessment and approved as part of an existing or implemented subdivision consent".

16. My correspondence with Paradise Found Development Limited in March 2025 also advised that the criteria for additional SPZ in the National Planning Standards is a high "bar" to meet, that this would need to be supported by sufficient evidence, and there are alternative spatial layers in the National Planning Standards that may be more appropriate to address the relief sought. This included reference to a "precinct" informed by the recommendations in Hearing 9 for the notified Horticulture Zone to be replaced with a Horticulture Precinct.
17. Paradise Found Development contacted me in May 2025 but chose not to "opt in" to the reverse timetable for rezoning submissions set out in Minute 14 from the Hearing Panel. As such, there was no specific evidence, provisions, section 32AA evaluation, or assessment against the Minute 14



criteria to support their original request for a SPZ when it was considered leading up to Hearing 15B.

18. Accordingly, in my section 42A report for Hearing 15B, I acknowledged that Wiroa Station has similar issues and is requesting similar relief to Matakā Station and The Landing (i.e. a bespoke spatial layer to recognise unimplemented residential development on the same peninsula). However, there was insufficient information and evidence in their original submission to support the relief for a Wiroa Station SPZ (or alternative spatial layer) and I recommended that this relief be rejected.
19. On 3 September 2025, Paradise Found Development Limited lodged a memorandum with the Hearing Panel requesting an amended hearing timetable to allow the submitter to be heard at Hearing 17. The memorandum outlined that the submitter had not been able to satisfy the Hearing 15B timetable (for the exchange of expert views and evidence), or to attend Hearing 15B due to extraordinary circumstances.
20. The Hearing Panel considered the request and agreed to amend the evidence exchange and reporting timetable and allow attendance from Paradise Found Development Limited at Hearing 17. This is set out in Minute 32, dated 5 September 2025.
21. This was followed by two meetings between me and representatives for Paradise Found Development (Mr Hook and Mr Dawson) as follows:
 - a. Initial meeting on 24 September 2025 to discuss the first draft of the provisions requested by Paradise Found Development Limited for a "Wiroa Station Precinct" (WSP). I subsequently provided initial feedback by email highlighting some issues to consider further³.
 - b. Second meeting on 1 October 2025 to discuss the second draft of the provisions requested for the WSP.
22. Planning evidence from Mr Hook was subsequently lodged on 3 October 2025 on behalf of Paradise Found Development which is discussed in more detail below.

3 Consideration of submissions received

3.1 Overview

Submission points	Notified PDP Zoning	Officer Recommendation(s)
S346.001, S346.004	RRPOZ	Retain RPROZ as the underlying zone with a "Wiroa Station Precinct" spatial layer also applying to Wiroa Station

³ The identified issues in my email include a permitted or controlled activity rule for new dwellings, building height in the provisions, exemption from the relevant earthworks and indigenous vegetation clearance rules, and documenting the previous landscape assessments undertaken.



3.2 Matters raised in submissions

Summary of original submissions

23. Paradise Found Development Limited (S346.001, S346.004) requests that the PDP is amended to explicitly provide for the activities and land uses that are authorised under existing resource consents for Wiroa Station, located at 40 McKenzie Road, Purerua Peninsula, Kerikeri (Lots 1-21, DP 497523). To address this, Paradise Found Development requests the inclusion of a new SPZ or structure plan together with appropriate provisions that enable residential development and activities authorised by the existing consents as permitted activities, regardless of the overlay provisions for the Coastal Environment (CE) or Coastal Flood Hazard Areas in the PDP.
24. Paradise Found Development Limited is requesting this relief on the basis that the PDP fails to recognise and provide for the development and subdivision enabled by the existing resource consents at Wiroa Station. Paradise Found Development Limited is concerned that the PDP provisions will restrict the development of the property in a manner that is inconsistent with the existing resource consents and the integrated and comprehensive development authorised by those consents. Further, Paradise Found Development Limited is concerned that the provisions in the CE Chapter of the PDP have not been evaluated properly under section 32 of the RMA as this evaluation has not considered approved, but unimplemented, developments such as Wiroa Station.

Summary of further submissions

25. There are four further submissions on the Paradise Found Development Limited original submission points as follows:
 - a. Matakā Residents Association (FS143.76, FS143.79) consider that a SPZ or structure plan is appropriate to apply to subdivision and development where previous resource consents have established development entitlements together with considerable landscape and indigenous biodiversity benefits.
 - b. Kapiro Conservation Trust (FS566.019, FS566.022) oppose the submissions from Paradise Found Development Limited to the extent that these are inconsistent with their original submissions.

Summary of evidence provided by Paradise Found Development Limited

26. Minute 32 from the Hearing Panel sets out an alternative evidence exchange and reporting timetable for the Paradise Found Development Limited submissions. This enabled Paradise Found Development Limited to lodge planning evidence from Mr Hook on 3 October 2025 which includes the following appendices:



- a. Attachment 2 – Wiroa Station Consent and Development Summary
- b. Attachment 3 – Consent Notice 10526054
- c. Attachment 4 – Wiroa Station Architecture Code and Approval Process
- d. Attachment 5 – Proposed Wiroa Station Precinct provisions.

Summary of Wiroa Station Precinct and requested provisions

- 27. The planning evidence of Mr Hook considers the following five spatial layer options for Wiroa Station (refer paragraph 43 to 52 of evidence):
 - a. Applying the PDP without modification
 - b. Specific exemptions from the Rural Production Zone (RPROZ) and CE provisions in the PDP
 - c. A Rural Lifestyle Zone
 - d. A Wiroa Station SPZ
 - e. A Wiroa Station Precinct (WSP).
- 28. This high-level assessment by Mr Hook concludes that a WSP in the PDP is the most appropriate option to address the relief sought in the Paradise Found Development Limited submissions. Reasons provided by Mr Hook include that this will apply a consistent approach in the PDP for similar precincts considered in earlier hearings and to provide a complementary series of planning controls to the underlying RPROZ and CE provisions to recognise the values and features of Wiroa Station.
- 29. The evidence from Mr Hook includes requested set of provisions for a WSP which are summarised in paragraphs 53 to 67 of his evidence. The WSP provisions requested by Mr Hook are intended to recognise the recent consent history for Wiroa Station, the development framework established by those consents, and the specific requirements applied to development within Wiroa Station under Consent Notice 10526054.25.
- 30. The requested WSP provisions include:
 - a. Three objectives
 - b. Five policies
 - c. Four permitted activity rules for:
 - i. Buildings and structures
 - ii. Residential activities



- iii. Minor residential units
 - iv. Helicopter movements (landing and take-off).
 - d. Three standards covering:
 - i. Impervious surfaces
 - ii. Floor Area
 - iii. Maximum height for buildings and structures.
 - e. A "Wiroa Station Precinct Plan".
31. The requested approach by Paradise Found Development Limited is for the underlying RPROZ zone and CE overlay provisions to apply in addition to the WSP provisions, except for specific rules and standards where the WSP provisions are intended to prevail. More specifically, the requested approach is for the RPROZ provisions would apply to the WSP except that:
- a. Any WSP rules with the same activity description would prevail over the equivalent RPROZ rules (e.g. buildings and structures)
 - b. RPROZ-R10 to RPROZ-37 would not apply to the WSP
 - c. RPROZ-S1 (Maximum height), RPROZ-S2 (Height in relation to boundary) and RPROZ-S5 (Building or structure coverage) would not apply to the WSP.
32. For the CE Chapter, the requested approach is for those provisions to apply to the WSP except that:
- a. CE-R1 (New buildings or structures, and extensions or alterations to existing buildings or structures) would not apply to the WSP
 - b. CE-R3 (Earthworks or indigenous vegetation clearance) would not apply to earthworks associated with the construction of a new building or structure on an identified building platform within the Wiroa Precinct Plan, including the formation of access to the building platform
 - c. CE-S1 (Maximum height) would not apply to construction of a new building or structure on an identified building platform within the Wiroa Precinct Plan
 - d. CE-S2 (Colours and materials) and CE-S3 (Earthworks or indigenous vegetation clearance) would only apply within the WSP to the extent specified in PRECX-R1.



3.3 Analysis – rationale for a Wiroa Station precinct

33. In the "Section 42A Report: Rezoning Requests – New Special Purpose Requests", I considered similar submissions from Matakā Station Residents Association and MLP LLC requesting precincts to enable unimplemented residential development anticipated under existing subdivision consents and associated conservation and ecological outcomes. In that report, I recommended new precincts be included in the PDP for "The Matakā Station Precinct" and "The Landing Precinct" which were subsequently considered in Hearing 15B.
34. As with these requests, to determine whether a bespoke spatial layer is appropriate for Wiroa Station, the first step in my view is to understand the anticipated development and outcomes at Wiroa Station through the approved subdivision consents and whether the PDP would inappropriately restrict or constrain these outcomes.
35. In this respect, I note that Wiroa Station is reasonably similar to Matakā Station and The Landing in terms of the existing consents and the development and conservation outcomes they are seeking to achieve (and all three areas being located on the Purerua Peninsular north of Kerikeri). Accordingly, adopting a consistent planning approach for these three areas under the PDP is generally appropriate in my view while noting that each development and area has different values and different requirements for future development.

Overview of site and existing consents

36. The Wiroa Station site and consenting history is described in the evidence from Mr Hook (refer paragraphs 18 to 30). In summary:
 - a. Wiroa Station encompasses comprises approximately 96.3ha of land located at 40 McKenzie Road, Purerua Peninsula, Kerikeri.
 - b. Prior to initial subdivision in 2008, the property was part of a larger farm unit of 508ha.
 - c. Over the last 17 years, the property has been subject to a series of land use and subdivision applications that have resulted in the creation of 20 lifestyle lots ranging in size from approximately 2,995² to 3,565m² (Lots 1-13 and 15-21) with balance lots of 88.5ha (Lot 14), 337.27ha (Lot 22) and 76.51ha (Lot 23). The submission from Paradise Found Limited does not apply to balance Lots 22 and 23.
 - d. Similar to Matakā Station and The Landing, Wiroa Station aims to provide high-quality, lower-density residential development⁴, where residential lots are set within a larger balance lot area (Lot 14) which

⁴ Noting that the scale of development and residential lot sizes for Wiroa Station are significantly smaller than Mataka Station.



is being managed with a conservation focus. More specifically, the subdivision consent includes an extensive revegetation programme over 19.6ha of the property, involving planting of gully systems and steeper slopes intended to restore natural character and enhance ecological and landscape values.

- e. A key outcome of the subdivision process has been creation of 20-lifestyle lots that are subject to specific conditions set out in Consent Notice 10526054_24. This includes specific controls on building location, size and height and a requirement to apply the Wiroa Station architecture code and design approval process that was developed (and approved) during the consenting process. Mr Hook's evidence outlines the key conditions in Consent Notice 10526054_24 in more detail (refer paragraph 25 of evidence).
 - f. To date, residential dwellings have been constructed on Lots 1 and 12, with a new residential dwelling currently under construction on Lot 2. All roading and shared services have been installed along with common facilities being beach pavilions, tennis court and wine cellar.
37. 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.

PDP provisions and potential constraints for anticipated development at Wiroa Station

38. Wiroa Station is zoned RPROZ, with the majority of the property being within the CE overlay, including each of the 21 identified building platforms. There is a High Natural Character overlay (HNC249) within Wiroa Station, but none of the identified building platforms are located within this overlay.
39. Mr Hook states in his evidence (paragraph 39):
- "The rules of the CE (relevant to Wiroa Station) establish a rigid consenting framework for new buildings or structures that would result in any new building on one of the 17 undeveloped lots at Wiroa Station requiring consent as a Discretionary Activity under CE-R1. Land use consent would also likely be required as a Discretionary Activity for the earthworks associated with the construction of new dwelling on the majority of those allotments".*
40. Notably, Mr Hook makes no reference to the Section 42A Report – Coastal Environment discussed above where I recommended a controlled activity rule for residential units on identified building platforms in existing subdivision consents. I also discuss this Hearing 4 recommendation in paragraphs 80 to 82 of my "Section 42A Report: Rezoning Requests – New



Special Purpose Zone”in terms of addressing the concerns in the original submission from Matakā Residents Association, which I consider is also relevant to the relief sought by Paradise Found Development Limited (i.e. recognising unimplemented but anticipated residential development located in the CE overlay in the PDP).

41. However, unlike for Matakā Station, the recommended controlled activity pathway in CE-R1 for residential units on defined building platforms (if accepted by the Hearing Panel) will not directly address the consenting issues for new residential dwellings at Wiroa Station. This is because the recommended controlled activity rule in CE-R1 provides for residential units **within** an identified building platforms in existing subdivision consents. Conversely, the Wiroa Station consent notice (and therefore the requested PRECX-R1 rule from Mr Hook) is based on an approach where **at least 50% of the building footprint** must be within the “nominal building platform” marked on DP497523.
42. Therefore, future residential development on the identified building platforms at Wiroa Station is likely to require a resource consent as a restricted discretionary activity under CE-R1 (if the section 42A report recommendations are accepted). I agree with Mr Hook that this is an overly restrictive rule framework for anticipated residential development on identified building locations at Wiroa Station given its extensive consenting history and specific conditions in the consent notices. Therefore, in my view, it is appropriate to consider an alternative spatial layer and/or bespoke set of provisions for Wiroa Station consistent with the approach requested and recommended for Matakā Station and The Landing.

What is the most appropriate option to provide for Wiroa Station?

43. In paragraphs 85 to 88 of my “Section 42A Report: Rezoning Requests – New Special Purpose Requests”, I provide an assessment of the options to provide for the relief sought by Matakā Station Residents Association where I conclude that a precinct is the most appropriate spatial layer. At a broad level and for consistency, I consider that the same reasoning and recommendation should apply to the relief now being sought by Paradise Found Development Limited.
44. This is consistent with the assessment by Mr Hook of five options to address the relief sought for Wiroa Station where he also concludes that a precinct is the most appropriate option. Accordingly, I support the alternative relief sought by Paradise Found Development Limited for a WSP rather than a new SPZ, subject to ensuring the proposed provisions for the WSP are appropriate, efficient and effective in giving effect to the relevant higher order documents and achieving the relevant PDP objectives.



3.4 Analysis – Proposed Wiroa Station Precinct provisions

45. I am broadly supportive of the overall intent of the requested provisions for the WSP by Paradise Found Development, with some important exceptions. Therefore, I have focussed my analysis of the requested WSP provisions on those that I do not support and/or where I consider further justification or clarification is required. These provisions are:
- a. The permitted activity pathway for buildings and structures on identified building platform (PRECX-R1)
 - b. The helicopter movements rule (PRECX-R4)
 - c. The exemptions to the CE rules for earthworks and indigenous vegetation clearance (CE-R3)
 - d. The request to prevail over the equivalent RPROZ rules for residential activities, minor residential unit and impermeable surface coverage
 - e. Various other drafting matters in the requested WSP provisions.
46. Given the range of issues identified with the requested provisions for the WSP, I have not included a recommended set of provisions in this report. Rather, I consider that it is more appropriate for the submitter to respond to the issues identified through rebuttal evidence which can then be considered further at Hearing 17.

PRECX-R1 –permitted activity pathway for buildings and structure

47. A key driver for the WSP is to provide a pathway for residential dwellings anticipated through the approved subdivision consent. Paradise Found Development Limited requests that this is achieved through a permitted activity rule (PRECZ-R1) for new buildings and structures (including extensions and alterations) with three permitted activity conditions:
- a. **PER-1:** a requirement for any buildings and structures to be located so that at least 50% of the building footprint is within an identified building platform.
 - b. **PER-2:** a requirement for a report from a suitably qualified landscape architect or architect confirming compliance with a range of conditions. The conditions listed in clauses (a) to (g) mostly align with the conditions in the Consent Notice with the exception of three conditions which relate to compliance with two CE standards (CE-S2 for colour and materials and CE-S3 for earthworks and indigenous vegetation clearance) and the three proposed standards for the WSP.



- c. **PER-3:** a requirement for a report from a suitably qualified engineer confirming compliance with a range of requirements, which are aligned with the conditions in the Consent Notice.
- 48. Mr Hook provides the following reasoning as to why a permitted activity rule framework is appropriate for buildings on identified building platforms within the WSP:
 - 65. *In my view there is no basis to require a property owner to apply for consent (say as a Controlled Activity) to undertake a use of land that has been consented and for which there are clear and specific design and reporting requirements under the Consent Notice. I have faithfully incorporated those requirements into PRECX-R1 to ensure that the integrity of the consent process leading to those provisions is maintained and applied.*
 - 66. *I note that compliance with the permitted activity standard under PRECX-R1 would be demonstrated via the provision of two certification reports in conjunction with an application for building consent:*
 - a) *one from an architect or landscape architect certifying compliance with the various design, planting and archaeological requirements; and*
 - b) *one from a Chartered Professional Engineer certifying compliance with the engineering design standards applicable under the Consent Notice and the Council's Engineering Standards.*
 - 67. *The permitted activity rule and standard is considered to be a comprehensive and rigorous approach to ensure that appropriate design considerations and development standards are considered and applied at the time of any future building works on Wiroa Station.*
- 49. I agree with Mr Hook that the permitted activity rule is specific and aligned with the key conditions in the Consent Notice. However, at a broader level, I have concerns that this permitted activity rule framework differs from the controlled activity rule framework which has been recommended for similar situations to enable residential dwellings in identified building platforms in the CE overlay in the PDP. More specifically, a controlled activity rule has been:
 - a. Recommended to the relevant CE rule (CE-R1 – CON-1) through Hearing 4 as discussed above
 - b. Requested for the Matakā Station Precinct by Matakā Station Residents Association and is supported in my section 42A report recommendations in Hearing 15B



- c. Requested for The Landing Precinct by MLC LLC and is supported in my section 42A report recommendations in Hearing 15B.
50. My concern with adopting a permitted activity rule framework as requested by Mr Hook is that it would be inconsistent with these recommendations and create inconsistencies within PDP. Further, in my opinion, there is no clear evidential reason why a more permissive approach should apply to Wiroa Station compared to these other similar circumstances/precincts which also have specific conditions in consent notices tied to the subdivision consents. This is a view I have previously communicated to Paradise Found Development Limited.
51. I also note that under the Operative District Plan (i.e. the relevant district plan at the time the subdivision consents were granted), the relevant rules were:
- a. **10.6.5.2.2 – Visual Amenity:** a controlled activity rule where new buildings are located entirely within a building envelope which has been approved under a subdivision consent.
 - b. **10.6.5.3.1 – Visual Amenity:** restricted discretionary activity where new buildings are located partially or entirely outside of a building envelope which has been approved under a subdivision consent.
52. So, it appears that a permitted activity framework for new residential dwellings was not provided for (or anticipated) when the subdivision consents for Wiroa Station were granted. As such, it is unclear to me why a more permissive framework is now being sought and why that is appropriate in the context of the PDP and in particular the CE overlay it has introduced which is intended to give effect to higher order direction in the NZCPS and RPS to protect the natural character of the coastal environment.
53. I am also of the view that there are benefits in a controlled activity rule (compared to a permitted activity rule framework) when assessing residential dwellings on identified building platforms. This includes because:
- a. The matters addressed by the proposed permitted activity rule are wide ranging and are relatively technical in nature. In my opinion, a controlled activity process will give FNDC more oversight to check that these matters have been addressed.
 - b. It is unclear how the permitted activity conditions would be assessed in practice. I expect this is most likely at the Building Consent stage which may be problematic to assess compliance with technical conditions to manage environmental effects in the consent notice and PDP.



- c. It will enable FNDC to charge for assessing compliance with the conditions through the resource consent process and any compliance monitoring, which is not possible for permitted activities.
- 54. 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. Case law is also clear that any conditions imposed cannot negate the purpose of the activity for which consent is sought and the conditions of the Consent Notice and WSP provisions control building location, height and size. As such, it is unlikely in my view that any excessive or onerous consent conditions would (or could) be imposed though imposed through this consent process.
- 55. Therefore, in summary, I consider that the most appropriate consenting framework for buildings on identified building platforms within the WSP is to adopt a similar controlled activity rule as recommended for the Matakā Station Precinct, The Landing Precinct, and through Hearing 4.
- 56. I have not amended PRECX-R1 to provide a controlled activity rule framework at this point as it would involve a range of potential changes and there are complexities that require careful consideration. Rather, I consider it more appropriate for Paradise Found Development Limited to provide a response through rebuttal evidence and request any further amendments to PRECX-R1.
- 57. In addition to the activity status, I consider that there are drafting issues with PER-1 in PRECX-R1 that need to be considered further and addressed as appropriate. More specifically, I note that conditions b) to d) in PER-1 imply that the report from the architect or landscape architect will assess whether certain CE and WSP standards are complied with whereas, in my view, these standards should apply independently of this report. The appropriateness of an architect or landscape architect assessing the archaeological matters in conditions f) and g) also requires further clarification in my view (as previously discussed with the submitter).

PRECX-R4 - The proposed helicopter movements rule

- 58. The requested provisions for the WSP include a rule for helicopter movements (landing and take-off) on Lot 14 subject to meeting certain conditions, including complying with the relevant noise rule for helicopters (NOISE-R7). However, there is no rationale for this requested rule in the evidence from Mr Hook in terms of whether helicopter movements form part of the anticipated, consented development at Wiroa Station and why the PDP provisions are not adequate for this activity.
- 59. I note that the PDP already addresses the effects of helicopter movements though the Noise Chapter (the main effect associated with helicopters), which was considered in Hearing 6/7. More specifically NOISE-R7 permits



noise from helicopter land areas and from the operation of helicopters subject to meeting specific standards. A tiered approach to this rule was recommended by the reporting officer through Hearing 6/7 allowing for up to 50dB at the boundary of certain zones, including the RPROZ (which would apply at Wiroa Station if these recommendations were accepted).

60. Overall, it is unclear in the evidence from Mr Hook if the recommended amendments to NOISE have been considered and why a bespoke rule is required. I am also not aware of helicopter movements forming part of the anticipated and consented development at Wiroa Station (compared to residential dwellings for example). I therefore do not support the requested helicopter movements rule (PRECX-R4) in the WSP provisions, but this can be reconsidered if the submitter can demonstrate that a bespoke rule for helicopter movements is necessary and appropriate within the WSP.

Earthworks and indigenous vegetation clearance

61. I have some concerns with the requested exemption/modification to the underlying CE rule (CE-R3) and standard (CE-S3) for earthworks and indigenous vegetation clearance in the WSP provisions. My understanding is that is being requested through:
- a. **Advice Note 1.c** which states that CE-R3 does not apply to earthworks and indigenous vegetation clearance associated with the construction of new dwellings on identified building platforms within the Wiroa Precinct Plan, including for access to the building platform.
 - b. **RECX-R1 PER-2** for buildings and structures which requires the report from a suitably qualified landscape architect or architect to confirm compliance with CE-S3, excluding any works associated with building platforms and access to the building platform.
62. My concerns with this are:
- a. The evidence from Mr Hook provides no specific rationale as to why an exemption/modification to CE-R3 and CE-S3 for earthworks and indigenous vegetation clearance within the WSP is necessary and appropriate (despite this being requested in earlier correspondence)
 - b. The requested amendments relate to CE-R3 and CE-S3 separately whereas these provisions are intended to be read together.
 - c. It is inconsistent with the scheme of the relevant District-Wide chapters in Part 2 of the PDP which is to have earthworks and indigenous vegetation clearance rules separate to the building and structure rules.
63. Based on the evidence provided, I do not support an exemption/modification to the underlying CE-R3 and CE-S3 for earthworks



and indigenous vegetation clearance. However, my position on this matter can be reconsidered if the submitter can demonstrate this is necessary and appropriate within the WSP, including demonstrating consistency with the relevant NZCPS, RPS and PDP provisions to protect the natural character of the coastal environment.

Relationship with equivalent RPROZ rules – residential activity, minor residential unit and impermeable surface coverage

64. As outlined above, the requested approach from Paradise Found Development Limited is for the WSP provisions to prevail over equivalent RPROZ rules for the same activity. However, there is no specific analysis in the evidence of Mr Hook to demonstrate the need to prevail over certain RPROZ rules or standards that may otherwise be more stringent. The relevant rules/standards are:
- a. **Residential activity:** the requested residential activity rule (PRECX-R2) is similar to the equivalent RPROZ rule (RPROZ-R3) to control the number of residential units within each site (one per site with the WSP except for Lot 14 which can have two units). However, non-compliance with RPROZ-R3 is discretionary whereas non-compliance with PRECX-R2 would be a restricted discretionary activity. The rationale and appropriateness for this more lenient activity status when the conditions are not complied with is not clear and requires further justification in my view⁵.
 - b. **Minor residential unit** – the requested residential activity rule (PRECX-R3) is similar to the equivalent RPROZ rule (RPROZ-R19) without the RPROZ condition requiring the site area to be at least 1ha which is appropriate in the context of the WSP in my view. However, non-compliance with RPROZ-R19 is discretionary or non-complying activity whereas non-compliance with PRECX-R2 would be a restricted discretionary activity. Again, the rationale and appropriateness for this more lenient activity status is not clear and requires further justification in my view.
 - c. **Impervious surfaces** - the requested standard for the WSP is for a 50% maximum impervious surface standard (PRECX-S1), excluding lot 14 which remains at 15%, whereas the RPROZ sets a maximum of 15% per site across the zone (RPROZ-R2). I understand the 50% requested for the WSP reflects the thresholds in a recent resource consent so is acceptable in my view. However, PRECX-S1 has been drafted in a way that is inconsistent with other PDP provisions which needs to be addressed in my view. More specifically, I consider that:

⁵ I also note that the recommended rules for the Mataka Station Precinct for residential activity and minor residential unit default to a discretionary activity.



- i. "Impervious surfaces" should be replaced with "impermeable surface coverage" as this is the term used in the relevant PDP chapters and "impermeable surface" is defined in the PDP.
- ii. The standard should be redrafted as a rule as that is the approach adopted in the PDP (refer, RPROZ-R2 and GRZ-R2 for example).

Other drafting matters

65. The following table outlines various drafting issues with the requested WSP provisions and my recommended response.

Issue/provision	Analysis and recommendation
Overview: The list of conditions of Consent Notice 10526054.25	In my view, it is appropriate to refer to the Consent Notice within the overview section but listing what the conditions require within this section is unnecessary detail. Accordingly, I recommend this text is deleted.
Overview: The text clarifying the relationship with the RPROZ states: " <i>Rural Production Rules RPROZ-R10 to RPROZ-37 do not apply to the precinct.</i> "	RPROZ-R10 to RPROZ-R37 cover a wide range of activities, most of which are not covered in the proposed WSP rules or likely to be relevant to the WSP (e.g. farm quarry). In my opinion, this statement could be deleted as the following statement is sufficient to clarify where the WSP rules will prevail over the RPROZ rules (otherwise the RPROZ rules apply as relevant): <i>"Any precinct rules with the same activity description prevail over and replace the equivalent Rural Production zone rules".</i> I note that this is more consistent with the drafting approach used in the Matakā Station and The Landing "overview" sections to clarify the relationship with the RPROZ.
PRECX-P2	In my view, this policy is unnecessary because: • Residential activities are addressed in PRECX-P4 • The WSP does not include rules for home business and visitor accommodation, and these activities do not appear to be explicitly anticipated by the resource consents for the site • There is no evidential basis to include a specific rule for helicopter movements in the WSP (as outlined above).
Advice Note 1	There are some issues/questions with Advice Note 1 which require clarification in my view: • Condition a. states the WSP rules and standards prevail over any equivalent District-Wide rule

	whereas my understanding of the intent of the WSP is to apply specified exemptions to the RPROZ and CE rules and standards only (not the general earthworks rules in the Earthworks Chapter or indigenous vegetation clearance rules in the Ecosystems and Indigenous Biodiversity Chapter for example). - Condition c. and d. refer to exemptions for earthworks and maximum height on an identified building platform whereas PER-1 in PREX-R1 refers to at least 50% of the building footprint being within an identified building platform. This means any exemption may only apply to the earthworks or building height within the identified building platform (not the area of building extending beyond the building footprint). This requires further clarification. - Condition e. seems unnecessary and is not aligned with how standards are drafted and apply within the PDP.
Proposed "Definitions Applicable to Wiroa Station Precinct"	I am not convinced of the need to include these bespoke definitions despite the rationale provided by Mr Hook at paragraph 62 of this evidence, and this requires further clarification. For example: "<i>Specimen tree planting requirements</i>" is only referred to once - in rule PRECX-R1 and includes reference to the relevant consent notice. "<i>Archaeological sites</i>" is only referred to twice in rule PRECX-R1 and this is generally in the context of the consent notices. No further detail is therefore considered necessary.
Format of standards	The proposed standards are written as rules and are not consistent with the drafting approach for standards in the PDP. I recommend each standard is amended accordingly.

3.5 Recommendation

66. For the above reasons, I support the inclusion of the WSP in the PDP in principle subject to the issues with the requested provisions identified in this report being addressed by the submitter through rebuttal evidence.

3.6 Section 32AA evaluation

67. Mr Hook has provided a section 32AA evaluation of the requested WSP in paragraphs 74 to 78 of his evidence, which I broadly concur with. In particular, I consider that the proposed WSP could deliver a number of benefits compared to alternative options, including better recognising



current and anticipated activities within the WSP and providing a targeted set of provisions to recognise and protect the particular characteristics and values at Wiroa Station. However, I consider that the issues with the requested provisions identified in the report need to be addressed before the WSP is appropriate to include in the PDP. A further evaluation under section 32AA of the RMA can then be undertaken through the right of reply for Hearing 17.

4 Conclusion

68. This report has provided an assessment of the Paradise Found Development Limited submissions requesting an alternative relief of a Wiroa Station Precinct to recognise and enable residential dwellings anticipated under the existing resource consents. I support the inclusion of the WSP in the PDP in principle subject to the issues with the Wiroa Station Precinct provisions identified in this report being addressed by the submitter through rebuttal evidence.

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

A handwritten signature in blue ink, appearing to be "J. Wyeth", written over a faint, light blue circular stamp.

Approved by: James Witham, Team Leader – District Planning, Far North District Council.

Date: 21 October 2025