



PROPOSED FAR NORTH DISTRICT PLAN

**RECOMMENDATIONS OF THE INDEPENDENT HEARINGS
PANEL**

RECOMMENDATION REPORT 15B

**Hearing 15B: Rezoning - New Special Purpose Zones and
Precincts**

March 2026

Recommendation Report 15B

Recommendation Report 15B is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 4, 6 and 7, 10, 12 and 16**.

Recommendation Report 15B contains the Hearings Panel recommendations on requests associated with new Special Purpose Zones and Precincts.

Recommendation Report 15B also contains consequential amendments resulting from recommendations in other recommendation reports.

Recommendation Report 15B contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the PDP – tracked from notified version (provisions not subsequently renumbered) including:

Appendix 2.1 Corrections Special Purpose zone

Appendix 2.2 Matakā Station precinct

Appendix 2.3 The Landing Precinct

Appendix 2.4 Motukiekie Island precinct

Appendix 2.5 Tupou Precinct

Appendix 2.6 Bay of Islands Marina precinct

Appendix 2.7 Waitangi Estate Zone

Appendix 2.8 Wiroa Station Precinct

Appendix 3: Hearings Panel Recommended Consequential Amendments to Other Chapters from New Special Purpose Zones and Precincts:

Appendix 3.1 Consequential Amendments to Other Chapters

Appendix 3.2 Consequential Amendments to the Mixed Use Zone for the Opuā Business Park

Appendix 4: Hearings Panel Recommended Amendments to Planning Maps

Appendix 5: Summary table of the Hearings Panel recommended decisions on each submission point including:

Appendix 5.1 Recommended Decisions on Submissions - New Special Purpose Zones and Precincts

Appendix 5.2 Recommended Decisions on Submissions - Bay of Islands Marina Precinct

Appendix 5.3 Recommended Decisions on Submissions - Waitangi Estate Zone

The Independent Hearings Panel for Hearing 15B comprised Robert Scott – Independent panel member and Chairperson; Felicity Foy - Council panel member; and Alan Watson - Independent panel member.

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RECOMMENDATION REPORT 15B

1. Introduction

1.1 Report Structure

This is **Recommendation Report 15B** prepared by the Independent Hearings Panel appointed to hear and make recommendations with respect to submissions and further submissions lodged on the Proposed Far North District Plan (**PDP**).

This report makes findings and recommendations relating to submissions requesting new Special Purpose Zones or Precincts under Part 3 – Area Specific Matters.

PDP Part	PDP Sub-Part	New PDP Chapter
Part 3 - Area Specific Matters	Special Purpose Zones	Corrections zone (New) Waitangi Estate zone (New)
	Precincts	Bay of Islands Marina precinct (New) Matakā Station precinct (New) Motukiekie Island precinct (New) The Landing precinct (New) Tupou precinct (New) Wiroa Station precinct (New)

1.2 Section 32AA of the RMA

The requirements in clause 10 of the First Schedule of the Act and s32AA RMA are relevant to our considerations of the PDP provisions and the submissions received on those provisions. These are outlined in full in the **Preamble Report**.

We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of hearing report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments within or attached to the relevant hearing reports, provided within evidence for Submitters, and/or within the Council’s right of reply reports. Those reports are part of the public record and are available on the Council website.

Where our recommendation differs from the hearing report authors’ recommendations, we have incorporated our s32AA evaluation into the body of our recommendation report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

As per Section 4.2 of the **Preamble Report** where we generally agree with the Council recommendations relating to the relief sought by those submitters who did not wish to speak at the hearing, we have concluded that these matters are not in contention. In that regard, we have focussed our discussion in this recommendation report on those submitters who presented evidence to us.

1.3 Consequential Amendments

Our recommendations involve the inclusion of two new special purpose zones and five new precincts; and there are a number of consequential amendments to several district wide and area specific chapters. These are referenced in the sections that follow and

detailed in **Appendix 3.1** and **Appendix 3.2**. Please note that these consequential changes relate to recommendations resulting from this hearing only and there may be other consequential changes relating to these other chapters resulting from recommendations from other hearings.

There are a number of new definitions resulting from our recommendations and these are discussed in this recommendation report and included in **Appendix 2.1, Definitions in Recommendation Report 17**.

2. Procedural Issues

2.1 Pre-Hearing Engagement with Submitters

As per Minute 14 we directed a bespoke process for all rezoning requests (Hearings 15A-15D) to allow those submitters seeking a new zoning to engage with Council officers to discuss the merits of the requests and to allow submitters to submit evidence and detailed provisions ahead of the preparation of the Council hearing reports. This allowed both submitters and Council officers to engage in the analysis required under section 32 of the RMA to examine the proposals for their appropriateness in achieving the purpose of the RMA and for their benefits, risks and effects on the community, the economy, and the environment. It also allowed submitters and Council officers to agree on new zones and the provisions that would apply to them.

That process followed an agreed timeframe for information to be provided and evidence to be exchanged as follows:

- **16 weeks before hearing (earlier if possible)** – submitters file their evidence for their rezoning submission, addressing the criteria below as applicable and providing supporting section 32AA evaluation.
- **12 weeks before hearing** – further submitters supporting or opposing the rezoning submission file their evidence.
- **4 weeks before hearing** - reporting officers provide section 42A report for the rezoning sub-topic.
- **2 weeks before hearing** – submitters requesting rezoning can file rebuttal evidence.

As set out in the hearing report, the table below sets a high-level summary of informal pre-hearing engagement with certain submitters. We note that a more detailed summary of the evaluation of each new zoning request is set out in Appendix 1 to the hearing report.

Submitter	Type of engagement	Date(s)	Summary of outcomes
Department of Corrections	Meetings and correspondence	Various	Refer Appendix 1 of the Hearing report
Matakā Residents Association	Meetings, correspondence and site visit	Various	Refer Appendix 1 of the Hearing report

MLP LLC	Meetings, correspondence and site visit	Various	Refer Appendix 1 of the Hearing report
Moutkieke Owners	Meetings, correspondence and site visit	Various	Refer Appendix 1 of the Hearing report
Far North Holdings Limited (Opua Marina)	Meetings, correspondence and site visit Expert conferencing and Joint Witness Statement	Various	Refer Table 1 of the hearing report (Opua precinct) Refer Council Right of Reply – Joint Witness Statement
Waitangi Estate	Meetings, correspondence and site visit Expert conferencing and Joint Witness Statement	Various	Refer Table 1 of the hearing report (Waitangi Special Purpose zone) Refer Council Right of Reply – Joint Witness Statement
Paradise Found Limited (Wiroa Station)	Meetings, correspondence and site visit	Various	Refer Section 2.4 hearing report (hearing 17 – Paradise Found Development Ltd (Wiroa Station))
Green Inc Ltd - Tupou	Meetings, correspondence and site visit	Variou	Refer Council right of Reply

We were encouraged that these submitters chose to engage in the process and the feedback from them at the hearing was that it was generally a positive and iterative process.

2.2 National Planning Instruments

As discussed in section 3.2 and 3.3 in the **Preamble Report**, where any national policy or environmental standard was notified prior to the hearing these provisions have been incorporated in the hearing report and addressed at the hearing and in our evaluations and recommendations. With regard to the ten national policy statements and environmental standards that came into effect on 15 January 2026 (i.e. after all hearings had been completed), we have determined (following legal advice) that the Council can only give effect to those documents through a Schedule 1 variation or plan change process. See also Minutes 40-42 which address this matter.

3. Topic 1: New Special Purpose Zones and Precincts

3.1 Relevant Provisions

As set out in the hearing report, a total of 42 original submissions and 29 further submissions were received on Hearing 15B requesting a new special purpose zone, precinct or similar relief. This excludes rezoning submissions requesting a Waitangi special purpose zone and the Bay of Islands precinct which are addressed in separate section 42A reports for Hearing 15B. These topics are discussed in the later sections of this recommendation report.

This topic addresses the submissions and evidence presented to us at the hearing with regard to the following rezoning requests:

- a) Corrections zone (a Special purpose zone);
- b) Matakā Station precinct;
- c) The Landing precinct;
- d) Motukiekie Island precinct;
- e) Wiroa Station precinct; and
- f) Other Special purpose zone requests (Tupou, Ōmarino, Henderson Bay,)

The Council hearing reports and right of reply reports can be found here:

<https://www.fndc.govt.nz/Your-council/district-plan/proposed-district-plan/hearing-1/hearing-15b-rezoning-requests-for-new-special-purpose-zones>

3.2 Special Purpose Zone v Precinct

In our Interim Guidance in **Minute 23** we determined that the criteria for establishing new Special Purpose zones under Section 8 of the National Planning Standards (in addition to the eight zones identified in the Standard) had to meet specific criteria as set out in Section 8.3 of the National Planning Standards. That guidance was given in the context of the notified Horticultural (Special Purpose) zone where we determined that the Horticulture zone should be amended to a precinct within the rural chapters sections of the PDP, given that the special purpose zone fails to meet the criteria in Section 8.3 of the National Planning Standards.

This guidance introduced the first precinct as a spatial planning tool into the recommended PDP provisions and Council officers and submitters were advised that this rationale should also apply to other Special Purpose zone requests where appropriate.

This guidance has had the effect of influencing other rezoning requests which originated as Special Purpose zone requests in submissions but have since followed that guidance and become precincts. The notable exception to this is the Waitangi Special Purpose zone.

3.3 Key Issues

The key issues identified in the hearing report and in evidence are set out below:

- Key Issue 1: Corrections zone (Special purpose zone)
- Key Issue 2: Matakā Station precinct
- Key Issue 3: The Landing precinct
- Key Issue 4: Motukiekie island precinct;
- Key Issue 5: Wiroa Station precinct
- Key Issue 6: Tupou precinct
- Key Issue 7: Other Special Purpose zone/precinct requests.

We have followed this logical structure in our assessment, evaluation and recommendations.

3.4 Key Issue 1 – Corrections Zone (Special Purpose Zone)

3.4.1 Matters Raised in Submissions and Evidence

The Ara Poutama Aotearoa - Department of Corrections (S158.011) (**Corrections**) requests that a Corrections special purpose zone (**SPZ**) be applied to the Northland Regional Corrections Facility (**NRCF**), at Ngawha Springs as set out in its original submission. Corrections considers that the application of the Rural Production zone (**RPROZ**) for the site is inconsistent with modern planning practice for the management of custodial corrections sites and that a Corrections zone, in tandem with the existing designation, is necessary to ensure the NRCF is appropriately provided for in the PDP.

The location of the NRCF and requested rezoning from the Corrections submission is shown in the figure below.

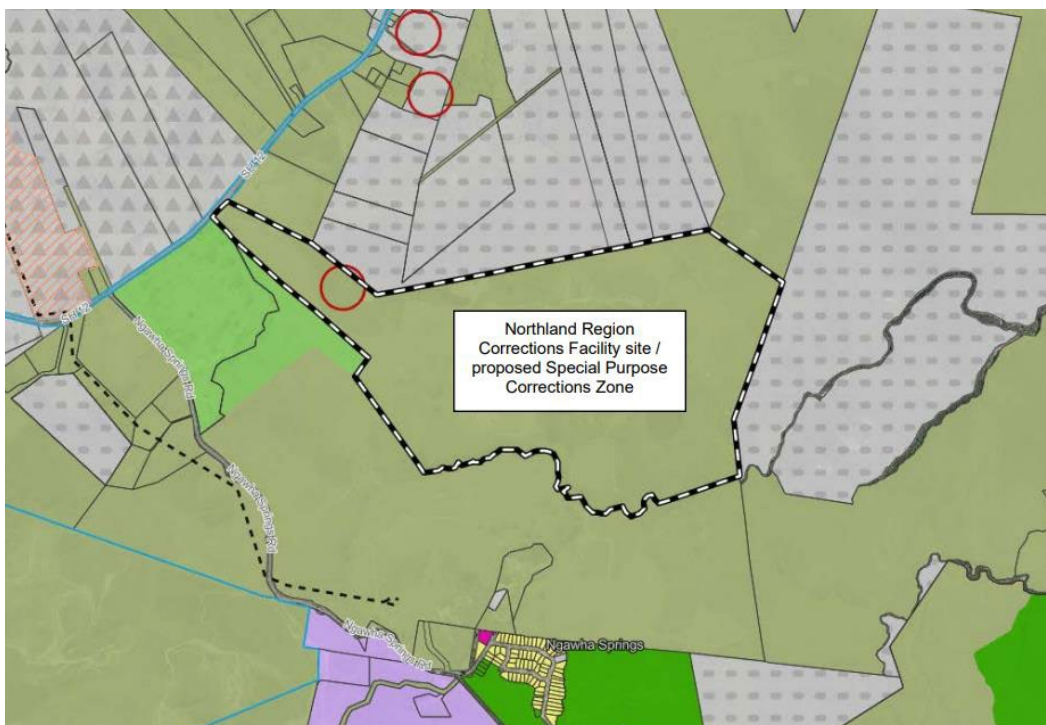


Figure 1: Requested extent of the Corrections zone.

As set out in the hearing report, we were advised that there is one further submission from Ngawha Generation Ltd (FS345.001) which supports the above submission point from the Department of Corrections in part. Ngawha Generation supports the request of a Corrections zone provided that the provisions in the Corrections zone provide adequate consideration of reverse sensitivity effects in relation to existing and consented activities in the wider area, including renewable energy generation on the adjacent Ngawha Generation land. Ngawha Generation Ltd has not lodged any evidence in support of this further submission and did not attend the hearing.

We also note that Ngawha Generation Ltd also has a separate submission point (S432.001) requesting Light Industrial Zoning immediately south of the NRCF site which we have considered in **Recommendation Report 15C**. However, we were advised that the relief sought by Ngawha Generation Ltd has now been refined to request that the Operative District Plan (**ODP**) Light Industrial zone be retained and is therefore of less relevance to the consideration of this Department of Corrections submission.

We did not receive any evidence from Ngawha Generation Ltd on this topic.

We note that Corrections had chosen to “opt-in” to the engagement and evidence timetable set out in Minute 14 and we received planning evidence from Sean Grace on behalf of Corrections in May 2025. Mr Graces’ evidence set out the proposed provisions for the Corrections zone together with a section 32 analysis.

The Special purpose zone proposed by Mr Grace contains three objectives, three policies, 16 Rules (including 11 permitted rules, one discretionary rule, and four non-complying rules), and four standards. The precinct also includes a precinct plan map.

3.4.2 Hearings Panel Evaluation

Justification for a Special purpose zone

The principal reasons for requesting a Corrections zone in Mr Grace’s evidence can be summarised as follows:

- a) Recognise the NRCF as regionally significant infrastructure in accordance with the Northland Regional Policy Statement (**RPS**);
- b) Provide a supportive policy framework for the existing designation that recognises the highly specific nature of NRCF activities; and
- c) Align with provisions for prison sites in other district plans.

Mr Grace referred to the criteria in section 8.3 in the National Planning Standards and opined that all three criteria were met with regard to a new special purpose zone. We set out these criteria below:

3. *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.*

In response to these criteria Mr Grace set out the following comments:

- a) NRCF is recognised as being regionally significant as it is specifically referred to under the Regional Policy Statement for Northland, and the PDP, definitions of “regionally significant infrastructure”.
- b) NRCF is unique in that it is the only prison facility in the Northland Region. As such, there is no other zone framework under the PDP that is set up to practically and appropriately manage the effects associated with the facility.
- c) The NRCF designation is effectively another spatial layer that works to manage the effects associated with the NRCF. However, the designation does not provide a policy framework for the site. Providing an alternative spatial layer would not enable the implementation of a nuanced policy framework, to the same degree that that the special purpose zoning is able to.¹

We note that the National Planning Standards specifically anticipate a Corrections zone as a “standard Special purpose zone”. The Corrections zone is described in the National Planning Standards as follows:

Areas used predominantly for the efficient operation and development of prisons and associated facilities and activities and the security requirements of prisons. The zone may also be used for new and changing approaches to prisoner reintegration and rehabilitation.

We agree with this analysis and accept that the criteria in the National Planning Standards for a Special purpose zone is met. We note also that a “corrections” zone is specifically listed in the eight Special Purpose zones listed in Section 8 of the National Planning Standards.

We acknowledge that the NRCF is subject to a designation, and we accept that a designation (as a spatial planning instrument) alone is not sufficient to manage and undertake all the activities associated with operating the facility.

Proposed Provisions

The evidence of Mr Grace set out the proposed provisions and these are primarily based on the existing RPROZ zone that applies to the facility but introduces new activities related to Corrections including “non-custodial rehabilitation activities”, “community correction facilities” and supporting residential activities within the Corrections zone. While the proposed provisions are largely based on the notified RPROZ provisions they also include targeted objectives and policies for the NRCF and specific rules (which would otherwise be non-complying in the RPROZ) relating to:

- a) “custodial correction facilities” as a permitted activity (CORZ-R2);

¹ Evidence of Sean Grace paragraph 4.9

- b) “non-custodial rehabilitation activity” as a permitted activity subject to conditions limiting vehicle movements and the operation of machinery to between 7am and 7pm on any day (CORZ-R3);
- c) “community correction activity” as a permitted activity with a condition limiting hours of operation to between 7am and 7pm on any day (CORZ-R4); and
- d) “Residential activity” provided for as a permitted activity with no conditions (CORZ-R5).

The hearing report (prepared by Mr Jerome Wyeth) generally supported the approach and Special purpose zone provisions proposed but suggested a number of amendments to “*make the provisions more targeted to the NRCF (which is the purpose of a SPZ), including removing provisions for activities that are not anticipated or appropriate within the SPZ and ensure residential activities are ancillary to the primary purpose of the SPZ.*”²

The reporting officer’s suggested amendments included the deletion of a number of provisions in the Corrections zone that apply to the RPROZ on the grounds that they would not be “not anticipated” or relevant to a Corrections zone. A number of other minor and consequential amendments were also recommended.

The rebuttal evidence of Mr Grace confirmed his support for most of the amendments suggested by the reporting officer. The exception in Mr Grace’s evidence relates to CORZ-R5 – Supported Residential Care Activity

The rule, as set out in the amended version of the provisions in the hearing report limits “Supported Residential Care Activity” to no more than 10 units as a permitted activity with resource consent for a restricted discretionary activity required for more than 10 units.

In his evidence, Mr Grace set out an alternative as follows:

- a) up to 10 units would remain as a permitted activity; but
- b) between 11 and 20 units would be a restricted discretionary activity, and
- c) more than 20 units would be a discretionary activity.

The rationale for the “cascading” approach recommended by Mr Grace is that the:

NRCF site is large (189 hectares), with the existing secure prison facility located towards the centre of the site, and the majority of the site being undeveloped. In particular there are areas to the west of the secure facility that offer the potential for the limited-scale development of non-custodial supported residential care units that would be managed by Ara Poutama, and which would complement the primary custodial purpose of the prison.

Whilst not currently the case at NRCF, I note that supported

residential care units are present on other rural prison sites around the country, including Whanganui Prison and Christchurch Men’s Prison. Placing supported residential care units on prison land enables Ara

² Hearing report paragraph 41.

Poutama to efficiently manage and monitor people that have been released from a custodial sentence, but who are still subject to high needs and/or present a high risk to the community. At the broader-level, this enables the efficient use of Ara Poutama’s relatively limited custodial asset base (which comprises 18 prison sites across the country).

We agree with this approach and we indicated that it had merit at the hearing. We were pleased that the reporting officer also agreed with this approach and the amended provision was included in the Council right of reply provisions.

Overall, we are pleased that Corrections and Council have worked co-operatively together and agreed a comprehensive set of provisions for a new Corrections zone at Ngawha Springs in the spirit of Minute 14. The Panel supports the amended provisions without further amendment and recommends that the Corrections zone be included in the PDP.

3.4.3 Hearings Panel Recommendations

We recommend that the submission from Corrections requesting a Corrections Special Purpose zone be accepted as:

- a) That a Corrections zone is consistent with the National Planning Standards and is and appropriate zoning for the NRCF at Ngawha Springs;
- b) That the NRCF site (Lot 1 DP 365989) is rezoned from RPROZ to a Corrections zone as set out in **Appendix 2.1**; and
- c) That the PDP is amended to include the Corrections zone provisions set under the ‘Special Purpose zone’ heading in Part 3 of the PDP.
- d) That the planning maps are amended to identify the new Corrections zone as set out in **Appendix 4**.

3.5 Key Issue 2 – Matakā Station Precinct

3.5.1 Matters Raised in Submissions and Evidence

Matakā Residents Association (S230.001) (**Matakā**) and 30 other submitters (being members of the Association) have requested the inclusion of a new zoning for a “Matakā Station precinct”. The submitters request the inclusion of a specific precinct to recognise and enable the construction of residential dwellings within buildable areas, as recognised by the “Matakā Scheme”. The “Matakā Scheme” referred to in the submissions is the configuration of 30 residential allotments that have been approved through a number of resource consents. We were advised that of the 30 approved residential sites 10 have been established and a number of dwellings built.

As summarised in the hearing report, Matakā request that objectives, policies, and rules specific to the Matakā Scheme are included in a precinct to enable residential development as a permitted activity where they are in accordance with the approved Matakā Scheme and located on the consented house sites. Matakā also seek provisions to enable farming, conservation, recreation and common facilities where they are in accordance with the Matakā Scheme. The submitters also request that appropriate

permitted activity standards be included in the Matakā Station precinct including, but not limited to, the following:

- a) All dwellings shall be located on an identified house site location;
- b) Maximum building height is 12 m above existing ground level; and
- c) Maximum building or structure coverage = 12.5%.

We note that there were two further submissions in support of the Matakā submissions and one further submission opposed. No further submitter appeared to give evidence at the hearing.

We note that Matakā chose to "opt-in" to the engagement and evidence timetable set out in Minute 14 and we received planning evidence from Peter Hall, landscape evidence from John Goodwin and corporate evidence from Evan Williams (as board member of Matakā Residents Association and the founding shareholder and director of Matakā Station) on behalf of Matakā in May 2025.

The proposed precinct plan is shown below in Figure 2.



Figure 2 - Proposed Matakā Station Precinct Plan

Evidence of Evan Williams

The evidence of Mr Williams provided a useful summary of Matakā Station development including a summary of the landform, previous farming activity and the various conservation initiatives that are a fundamental component of the development and management of the station. He described its association with Ngāti Torehina, Ngāti Rēhia, and Ngāti Rua who have all held or shared mana whenua over Matakā and Rangihoua at various stages of the last few hundred years. He advised that there are

eleven identifiable pa and over 80 archaeology sites within the areas surveyed by Matak's archaeologists of the development areas, including 11 pa sites dating to pre- European periods.

Matakā Station is a large property comprising a 30-lot residential development with an operational sheep and cattle farm and a large private conservation estate totalling approximately 1075 ha. The farm, conservation areas and common areas are managed by a residents' association. The conservation areas are approximately 350 ha and are home to one of the most significant kiwi populations in New Zealand.

Mr Williams made the case for specific provisions within the PDP that recognise the particular characteristics of Matakā Station and the existing controls for the Matakā Station Scheme. He stated that the proposed precinct provisions had been structured to complement and strengthen the existing Matakā station consents and Matakā Residents Association rules and to address issues associated with the PDP which could adversely affect the successful development of the Matakā Station.

Evidence of Peter Hall

The planning evidence of Mr Hall set out the planning history of development of Matakā Station including the various resource consent conditions, subdivision consent notices and land use covenants that apply to the land and any development on it.

Mr Hall's evidence set out the case for a bespoke spatial planning tool to be applied to Matakā Station and he also acknowledged the interim guidance issued by the Panel in response to the notified Horticulture Special Purpose zone and new Horticulture precinct drafted by Council officers as part of Hearing 9. Mr Hall advised that he structured the Matakā Station precinct provisions on the recommended Horticulture precinct provisions. Mr Hall's support of a precinct approach is based on the following conclusions:

- a) The majority of the underlying Rural Production zone provisions (especially objectives and policies) are still applicable and are relevant to Matakā, with the particular exceptions and refinements in rules as proposed to be introduced by the Matakā Station precinct.
- b) The precinct will achieve an “area-specific planning response”, managing an area, activities and development that revises or modifies the policy framework and outcomes sought by the Rural Production zone.
- c) Overlays also apply to the precinct, with any conflict between these layers resolved through the proposed provisions precinct (and discussed further below).
- d) The provisions of the precinct are both more and less restrictive than the underlying Rural Production zone provisions.
- e) The precinct specifies the relationship between the precinct and the Rural Production zone, including where the precinct provisions take precedence over the Rural Production zone, and where the provision of that zone otherwise apply.
- f) As detailed in the Description of the precinct Provisions below, the precinct includes detailed requirements for development.

Evidence of John Goodwin

The landscape evidence of Mr Goodwin supported the proposed precinct on the basis that the provisions will ensure that future dwellings can be designed and any potential adverse effects mitigated to achieve good design solutions and appropriate landscape outcomes. He highlighted that provisions have been proposed that will ensure appropriate design outcomes for new development. He referred to the overarching focus of the provisions on protection and enhancement of the landscape values and natural character of Matakā Station while enabling farming operations and limited residential development. Mr Goodwin considers that this will be achieved through the ongoing management of conservation activities, with controls on the siting and design of accessways and buildings within identified building sites.

Mr Goodwin referred to the ONL at Matakā Station and the coastal values which included a number of HNC areas and was of the opinion that the precinct provisions would protect those landscape characteristics, qualities and values.

Mr Goodwin also referred to and endorsed the Matakā Design Guidelines and review process and his support for that process to ensure appropriate residential design solutions and development that protect the landscape characteristics, qualities and values of the ONL, and the HNC areas within the coastal environment.

3.5.2 Hearings Panel Evaluation

Site Visit

We visited the site on Wednesday 3 September 2026 following the hearing of evidence. We were escorted around the property by Mr Williams who showed us a number of established dwellings and building sites as well as the highest point of Matakā Station where we were treated to majestic and panoramic views of the Bay of Islands and the wider Purerua Peninsula.

Justification for a Precinct

As with most requests for a new zone, this submission initially sought a special purpose zone as the preferred spatial planning tool. This was primarily because the notified PDP did not contain any precincts and precincts were not identified as a spatial planning option in the PDP. However, after the issue of the Interim Guidance in Minute 23 which recommended establishment of the Horticulture precinct as the first precinct in the PDP, a precinct approach for Matakā Station has been supported by both Mr Hall for Matakā and Mr Wyeth for the Council.

We support this approach also for the reasons set out in Mr Hall's evidence and summarised above.

Council Officers' Evaluation

As set out in Minute 14, the submitter and Council have engaged and we were advised that there were significant areas of agreement between Mr Hall and the reporting officer, Mr Wyeth, on the approach taken and the provisions proposed. The reporting officer undertook a detailed analysis of the options available for Matakā Station and these included:

- Option 1: PDP with section 42A report recommendations
- Option 2: A bespoke “Matakā Station precinct”
- Option 3: A bespoke “Matakā Station Development Area.

Mr Wyeth stated:

Overall, I consider that a bespoke spatial layer (Option 2 or 3) is the most appropriate, effective and efficient way to achieve the outcomes sought at Matakā Station. In terms of whether a “precinct” or “development area” is most appropriate for Matakā Station, in my view, neither is a perfect fit for Matakā Station based on the descriptions of these spatial layers in the National Planning Standards. However, on balance, I consider that a precinct is the most appropriate spatial layer Matakā Station for the reasons outlined above.³

In the hearing report, the reporting officer identified some areas where he disagreed with the drafting of provisions of Mr Hall and set out the agreed resolution to these issues. At the hearing the areas of contention had been significantly narrowed between the Council and Matakā Station and these were:

Location of House Sites on Precinct Plan 1

This issue concerned how precinct Plan 1 identified the house sites. Mr Hall favoured an "indicative" notation based on the large scale of Precinct Plan 1 and that the precinct plan, at this scale, could not accurately present the full suite of location, design and mitigation obligations under the consent notices on the titles which apply at Matakā Station.

Having discussed the issue with the reporting officer and Ms Absolum (Council expert landscape specialist) Mr Hall suggested a change to the existing advice note which would delete the reference of the Precinct Plan being “indicative”, but points to the need to reference the consent notices which apply to the relevant titles, including any conditions of those consent notices relating to building location, design and any associated mitigation (including planting). The amended wording offered would be:

As-Precinct Plan 1 applies as referred to in the rules below is indicative.; In addition, reference should also be made to the consent notices which apply to the relevant titles, including any conditions of those consent notices relating to building location, design and any associated mitigation (including planting).

We consider this to be a useful clarification and recognises that while the identified house sites on Precinct Plan 1 are indicative due to the zoomed-out scale of the plan, most other aspects of Precinct Plan 1 are sufficiently detailed. We agree with Mr Hall that reference back to the consent notices provides a greater level of certainty about the exact location of building sites.

We note that the reporting officer agreed to this approach in the right of reply.

Overview

³ Hearing report paragraph 87

Mr Hall and the reporting officer agreed a minor change to the Overview statement for the precinct whereby it recognised 30 lots for residential development **plus** farm and workers residences with an operational sheep and cattle farm and a large private conservation estate. We agree to this change.

PREC-O4

Objective 4 to for the precinct was initially drafted by Mr Hall to read as follows:

PRECX-O4 New residential units, minor residential units and buildings or structures for recreation activities are designed to be integrated with the characteristics, qualities and values of ONL and natural character of the coastal environment.

The reporting officer in the hearing report recommended that the word "protect" be inserted prior to the words "*the characteristics, qualities and values of ONL and natural character of the coastal environment*". Mr Hall stated in his rebuttal evidence that a "protect" directive is already expressed in Coastal Environment and Natural Features and landscape overlay chapters (Objectives CE-01 and NFL-O1) and that the reporting officer's addition of "protect" could be replaced with "*to be integrated with*". In response, the reporting officer has acknowledged Mr Hall's approach and recommended that "protect" be replaced with "*maintain*".

We agree with the analysis provided by Mr Hall that the "protect" directive already existing in the Coastal Environment and Natural Features and Landscape Overlay chapters already apply and that the provisions that apply to Matakā Station need to recognise that while it is still within an ONL, Matakā Station is an approved development that has been found to preserve and protect the natural character of the coastal environment and protects the ONL. On that basis we agree that the objective be amended to replace the word "protect" with "maintain" as recommended by the reporting officer in the right of reply.

Earthworks and vegetation clearance rule PRECX-R4

Mr Hall's, initial draft of the Matakā Station precinct included Rule PRECX-R4 which enabled a specific earthworks and vegetation clearance rule within the precinct. This rule provides for earthworks and vegetation clearance not associated with the house sites and Areas 1, 2, and 3 on Precinct Plan 1 (managed by PRECX-R9). The intent is that this rule applies in addition to the rules in the Earthworks Chapter but the relevant CE and NFL rules for earthworks and indigenous vegetation clearance do not apply. Mr Wyeth observed that this rule is similar to the rules for earthworks and indigenous vegetation clearance in the Coastal Environment and Natural Features and Landscape Overlay Chapters but with some additional exemptions that were sought by Mr Hall in Hearing 4.

The reporting officer acknowledges that there is a need for a more specific rule for earthworks and indigenous vegetation clearance associated with the house sites, common areas and associated access (PRECX-R9 (now R8)), he questioned the need for PRECX-R4 for earthworks and vegetation clearance within the CE or ONL but not related to the house sites or common areas (i.e. activities not specifically anticipated by the approved subdivision consents). In response, Mr Hall noted that the CE and NFL

provisions were only recommended changes in the Right of Reply for Hearing 4 and was reluctant to reply on these as being adopted by the Panel.

We can advise, as set out in our recommendations for Hearing 4 (**Recommendation Report 4**), that we have adopted those recommended changes and it now forms part of our recommended PDP provisions. We agree with the reporting officer that a specific PRECX-O4 rule for earthworks and indigenous vegetation in addition to PRECX-R8 is not needed.

Matters of Control and Discretion

Mr Hall recommended in the matters of control column of PRECX-R1 CON-2 and PRECX-S1, the term "natural landscapes" be replaced with "ONL" to refer to outstanding natural landscapes only. Both Mr Hall and the reporting officer agree that the majority of the approved house sites are located within the ONL overlay with those house sites outside the ONL overlay (e.g. 2, 23, 21) are located some distance back from the coast and appear to be setback (i.e. lower) than the main ridgeline which provides the landward extent of the coastal environment (i.e. they are unlikely to be visible from public viewing points in the coastal environment). On that basis, the reporting officer agrees with Mr Hall and he considers that a more specific reference to ONL in the matters of control and discretion is appropriate. Mr Wyeth adds that any adverse effects on other landscape values can be appropriately considered and managed through the underlying RPROZ provisions (e.g. RPROZ-O4).

We agree and recommend the changes sought to the matters of discretion for those two precinct rules.

3.5.3 Hearings Panel Recommendations

We recommend that the submissions from Matakā Residents Association (S230.001) seeking a Matakā Station precinct be accepted.

The Matakā Station precinct provisions are set out in **Appendix 2.2**.

We also recommend that the planning maps are amended to include the new Matakā Station precinct, as identified in **Appendix 4**.

The Matakā Station precinct will allow a bespoke precinct to be established over the Matakā Station property that will permit the existing subdivision and development consents granted to be given effect while providing some flexibility to their implementation. The Matakā Station precinct will also better enable ongoing conservation and ecological restoration measures and will ensure that the natural character of the coastal environment, together with its significant heritage and cultural values will be maintained or enhanced.

The provisions presented to us at the hearing were largely agreed between the parties and following the hearing of evidence and the Council right of reply, the remaining outstanding areas of disagreement have been resolved satisfactorily.

We thank the Council officers and the Submitter for their willingness to engage and discuss the zoning request in accordance with Minute 14 and agree provisions that also address matters raised by us at the hearing.

3.6 Key Issue 3 – The Landing Precinct

3.6.1 Matters Raised in Submissions

MLB LLC (S183.001) has requested a new special purpose zone for “The Landing” to recognise and enable the construction of residential dwellings within the residential lots, as authorised by the Landing Scheme. The “Landing Scheme” referred to in the submission is the approved subdivision scheme for 46 residential lots.

The Landing encompasses approximately 395ha of land, including 8.5 ha of coastline on the Purerua Peninsula, north of Waitangi and Russell.

As with the Matakā Station precinct discussed above (which adjoins to the north and east), the proposed Landing precinct started as a request for a special purpose but evolved into a precinct following our Interim Guidance on precincts in Minute 23. In his primary planning evidence Mr Lala initially sought a Development Area approach but following engagement with Council officers he amended the relief to support a precinct approach.

The Landing has been described in the planning evidence of Mr Lala:

The Landing is a high-quality luxury accommodation and conservation focused property with significant environmental enhancements, including wetland restoration, native tree planting, and heritage preservation. It has been granted resource consents for residential and non-residential development. The resource consents have either been given effect to or in the case of the residential subdivision consent, 3 of the consented 7 stages have been given effect to. 20 residential titles have been created to date. The residential subdivision consent is currently valid and has not lapsed.⁴

The principal reasons for requesting a precinct for The Landing was set out in Mr Lala’s evidence and similar to Matakā Station, he referred to the application of various Natural Environment Values overlays that apply to The Landing which include: the Coastal Environment, High Natural Character and Outstanding Natural Landscape overlays. Mr Lala also referred to removal of the Coastal Living zone (which applies under the ODP) and its replacement with the Rural Production zone. In his view, the notified PDP provisions impose restrictions on residential development and potentially reduce development rights that have already been approved by resource consent.⁵

The precinct plan provisions submitted to the Hearing Panel MLP LLC requests objectives, policies, and rules specific to The Landing precinct to enable residential activity and buildings as a permitted activity where they are within a residential lot, and to enable farming, conservation, recreation and common facilities where they are in accordance with the Landing Scheme. The permitted activity standards requested by MLP LLC include:

- a) All dwellings shall be located on a residential lot;

⁴ Evidence of Vijay Lala Paragraph 4.3

⁵ Evidence of Vijay Lala Paragraph 4.4

- b) Maximum height shall not exceed 12m above existing ground level;
- c) Building coverage (including structures) to not exceed 12.5%; and
- d) Compliance with the design guidelines (and internal approval process) for new structures within the land covenants for each house site title.

The layout of the proposed precinct is shown below in Figure 3.

Other than 1 further submission from Matakā Residents Association (FS143.80) in support of The Landing submission, there were no other submissions to consider.

We received expert evidence from the following persons on behalf of MPL LLC:

- Vijay Lala – Planning
- Gavin Lister – Landscape
- Philip (Pip) Cheshire – Architecture

We also received corporate evidence from Peter Jones who was responsible for the day-to-day management of The Landing.

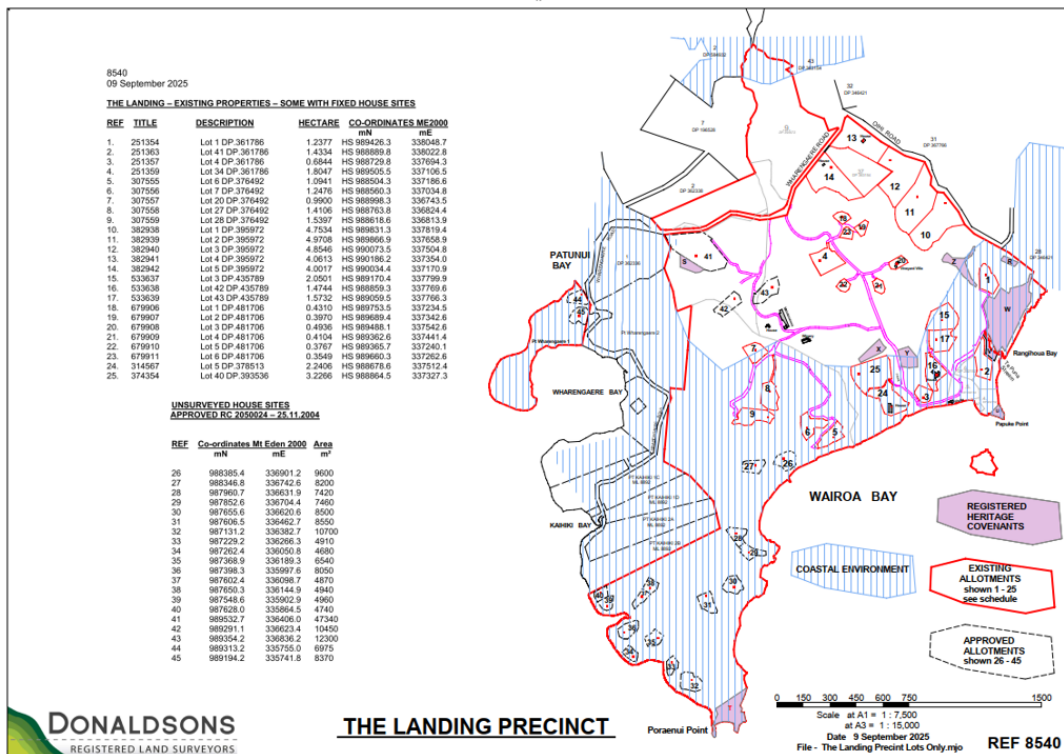


Figure 3: The Landing Proposed Precinct Plan

Legal Submissions of Nicole Buxeda

Legal submissions were presented by Ms Buxeda and she set out the consent history of The Landing development. She submitted that there are no major areas of disagreement between MLP’s experts and Council’s experts, and that the hearing report is generally in support. She advised that the submitter supports the use of a precinct as the preferred spatial planning tool for The Landing.

Evidence of Peter Jones

Mr Jones is the director of operations at The Landing and he provided an overview of The Landing development and its various components which, in addition to existing and approved residential building sites, includes large areas of revegetation planting and wetlands, and a 14 ha commercial vineyard.

He advised that The Landing is owned and operated by the Cooper Family and has adopted three guiding principles to development being:

- Respect (whakaute)
- Care (Kumanu)
- Sustain (Taitinei)

Evidence of Vijay Lala

The evidence of Mr Lala was that The Landing precinct appropriately reflected the consented approach to development that has occurred (including relocating residential lots) since subdivision consent was granted. He added that the design guidelines and conditions of the consent require consideration of the natural landscape setting and features as well as the coastal environment location of The Landing. Mr Lala concludes from this assessment that the proposed TLP provisions will result in the most appropriate suite of provisions for the area and any adverse effects are acceptable.

In his rebuttal evidence, Mr Lala advised that he disagreed with some of the amendments recommended by the reporting officer and these related to:

- The use of the words “acknowledge and respect” in Policies 5 and 6;
- Confirmation that the number of residential lots referred to in the precinct be 45 lots and not 46 lots; and
- Allowance for some dwellings to be up to 9m in height (i.e. two storeys).

Evidence of Gavin Lister

Mr Lister advised us that he undertook the initial landscape assessment for the subdivision consent application in 2004 and he reconfirmed his analysis and findings from that assessment. Mr Lister stated that the development has established a coherent landscape across the property of open space farmland, vineyard, and natural areas. Mr Lister advised us that the restoration of natural areas has enhanced the landscape as envisaged and the dwellings built to date are visually recessive and nestle within the landscape as intended.

Mr Lister referred to the masterplan that was prepared and approved as part of the subdivision consent and that its completion remains appropriate in its context and would assist with the protection of the identified landscape values of the ONL and the natural character of the coastal environment. Overall, Mr Lister considers The Landing precinct provisions reflect the intent of the existing consent with respect to landscape and natural character values.

Evidence of Pip Cheshire

Mr Cheshire advised that he was involved in the original building site selection process and has assisted with the implementation of the approved consents over time. Mr Cheshire also prepared the Architecture and Landscape Design Guidelines that each development must be assessed against.

Mr Cheshire stated that the implementation of the approved consents to date indicate the commitment of MLC LLC to the vision described in their original resource consent application. Mr Cheshire referred to the dwellings built to date and opined that they are sensitively located and designed so as to diminish their impact on the landscape and employ naturally weathering materials, with careful mitigation through landscape planting and visually recessive colours as intended by the original The Landing resource consents.

Mr Cheshire concludes that the approved residential development within the natural and open space framework remains appropriate, will preserve the natural character of The Landing and protect the identified landscape values of the ONL. Mr Cheshire concludes that the TLP provisions and the mechanisms to manage effects reflect the intent and outcomes of the existing consents with respect to buildings at The Landing.

3.6.2 Hearings Panel Evaluation

Site Visit

We visited the site on the afternoon of Wednesday 3 September 2025 following the hearing of evidence. We were escorted around The Landing Estate by Mr Jones and we observed existing residential development and a number of residential sites that have yet to be developed. We also observed a number of the existing and approved residential sites from the sea which was of great assistance to us.

Justification for a Precinct

As with most requests for new zones, this submission initially sought a SPZ as the preferred spatial planning tool. This was primarily because the notified PDP did not contain any precincts and precincts were not identified as a spatial planning option in the PDP. However, after the issue of the Interim Guidance in Minute 23 which recommended establishment of the Horticulture Precinct as the first precinct in the PDP, a precinct approach for The landing has been supported by both Mr Lala for MLB LLC and Mr Wyeth for the Council.

We also support this approach for the reasons set out in Mr Lala's rebuttal evidence and his answers to our questions at the hearing.

Council Officer's evaluation

At the hearing we asked MLP LLC to update its precinct plans to show where areas had been revegetated and which ones were yet to be revegetated, the inclusion of a plan to assist with the interpretation of TLP-S1 (Residential Buildings or structures on any residential lot on TLP Plan 1) in terms of being no more than 60% from stated GPS coordinates, and the identification of building sites on Lots 10-14, 17 and 25. These have been completed, and the reporting officer supports these amendments.

The reporting officer recommended a number of further minor amendments to the TLP provisions which are:

- more specific direction on managing effects on historic heritage and cultural values;
- more specific direction on how to provide for residential development within the TLP;
- the inclusion of the landscape guidelines into the wider Landing precinct Architectural and Landscape Design Guidelines

These changes have been set out in Council's right of reply version of the TLP provisions.

Issues that remain in contention and raised in evidence at the hearing are discussed in the sections that follow:

TLP-P1 – Reference to “acknowledges and respects”

The wording of TLP-P1(6) as drafted by Mr Lala stated:

Enabling development on approved residential lots subject to design and landscaping that acknowledges and respects natural character and landscape values.

The reporting officer considered the wording of this policy to be somewhat "vague" and not aligned with any resource management wording such as "maintain" or "protect". In the hearing report the reporting officer recommended that "*acknowledges and respects*" is replaced with "protect and maintain".

In evidence Mr Lala did not support this amendment and stated:

I do not support these changes and consider the terminology I originally proposed (acknowledge and respect) as the most appropriate. This is because in The Landing Precinct, these policies relate to providing and enabling residential development. In my view, the establishment of residential development and associated residential structures cannot be expected to protect and enhance the natural character and landscape values of the locality.⁶

In the right of reply, the reporting officer stated that he acknowledged that "protect and enhance" may be too restrictive on land that enabled development but he stated that the words "acknowledges and respects" was still too vague in terms of the action sought from a decision-maker. As an alternative the reporting officer suggested the words: "*integrated with, and maintains natural character and landscape values.*"

Firstly, we acknowledge and thank Mr Lala and Mr Wyeth for their efforts to reach agreement and narrow down this issue. We acknowledge that The Landing is subject to a suite of resource consents that allow subdivision and development subject to restoration and planting with all development subject to an internal process of design and landscape assessment. In that regard we accept Mr Lala's evidence that a policy framework based on "protection" and "enhancement" alone could potentially conflict with consents that are enabling. In our view the policy framework needs to acknowledge that development

⁶ Evidence of Vijay Lala paragraph 2.6

is enabled but still subject to a high degree of vetting and assessment to ensure that underlying landscape values associated with the land are maintained. In that regard we prefer the alternative wording suggested by the reporting officer in the Council right of reply. The wording that we recommend for TLP-P1(6) is therefore:

Enabling development on approved residential lots subject to design and landscaping that ~~protects is integrated with, and enhances~~ maintains, natural character and landscape values.

In rebuttal evidence Mr Lala confirmed to us that the total number of residential lots to be established would be 45 lots and not 46 as initially drafted. We note that the precinct plan has been amended accordingly. We also asked for a number of other clarifications on the precinct plan, in association with clarification sought by the reporting officer and Council's landscape expert, and for Mr Lala to work with the reporting officer to provide these with the right of reply. These include:

- a house site location for the lots where this was not specified in the TLP Plan 1 presented at Hearing 15B (lots 10-14, 17, 25);
- Clarification of which areas have already been planted and which areas are yet to be planted;
- Confirmation of the lot size on lots 26-45.

While there still remain some minor discrepancies between the reporting officer's and Mr Lala's set of provisions (including some structural changes recommended by the reporting officer to make the provisions clearer and understandable) we agree with the final set of provisions as set out in the Council right of reply and set out in **Appendix 2.3**.

3.6.3 Hearings Panel Recommendations

We recommend that The Landing precinct be included in the PDP as set out in the Council right of reply version and attached to this recommendation report as **Appendix 2.3**.

We also recommend that the planning maps be amended to identify the new Landing precinct, as identified in **Appendix 4**.

The reasons for this recommendation are that:

- The submitter has prepared a s32 analysis for The Landing which is supported by us and we have determined the proposed Landing precinct to be the most appropriate way to achieve the purpose of the RMA;
- The Landing precinct provides a targeted set of provisions that achieve the conservation and residential development outcomes sought for The Landing;
- The further amendments to the TLP provisions provided to us at the hearing and prior to the right of reply will improve workability, ensure the provisions are better aligned with other relevant PDP provisions, and ensure all relevant effects can be appropriately assessed and managed.

3.7 Key Issue 4 – Motukiekie Island Precinct

3.7.1 Matters Raised in Submissions

Lewis Thomas Grant, Jake Ryan Lockwood, Luke Stephen Lockwood and Stephen Graham Lockwood (**Motukiekie Owners**) (S32.001 and S32.002) oppose the notified Natural Open Space zone (NOSZ) for all of Motukiekie Island on the grounds that it does not achieve the purpose and principles of the RMA. The Motukiekie Owners request a specific zone similar to the special purpose zone recommended for Moturoa Island nearby.

Motukiekie Island is approximately 29 ha in area located in the outer Bay of Islands that has been privately owned since 1869.

The Motukiekie Owners state in their submission that as the island is entirely privately owned and occupied a NOSZ would be overly restrictive.



Figure 4: Motukiekie Island Precinct Plan

The Motukiekie Owners opted in to the Minute 14 process for rezoning submissions and the submitter provided planning, archaeology and landscape evidence in accordance with the process. We note that the primary submission sought a special purpose zone and the Council staff advised the Motukiekie Owners of the issue with new special purpose zones under the National Planning Standards (as set out in our Interim Guidance in Minute 23) and the submitter's planner (Mr Hook) reworked the draft provisions to be a precinct with an underlying zoning of RPROZ. This approach is aligned with the approach taken for Matakā Station precinct and for The Landing precinct.

The proposed objectives and policies focus on maintaining and enhancing the coastal, landscape and ecological values of the Island while enabling development that is of a scale and type that complements and aligns with the Island's natural and landscape values.

The proposed rules enable extensions to existing dwellings, new dwellings, conservation activities, visitor accommodation and limited helicopter movements. Standards proposed include stormwater and wastewater disposal and special information requirements for new development including the incorporation of Motukiekie Island Building Guidelines into the precinct provisions.

3.7.2 Hearings Evaluation

At the hearing we were addressed by Mai Chen – Legal Counsel, James Hook – Planner and Luke Lockwood – on behalf of the owners. We were advised that Motukiekie is a privately owned 29ha Island located in the eastern Bay of Islands. Motukiekie is situated to the north of Te Rahwhiti Inlet between Urupukapuka and Moturua Islands. Motukiekie has a single dwelling and jetty located on the western side of the Island that is used by the Lockwood Family. Resource consent has also been granted for a caretaker’s dwelling which is located near the main dwelling.

Ms Chen advised that over the past 15 years, the Lockwood Family has self-funded extensive ecological restoration on Motukiekie Island, including the planting of over 20,000 native seedlings and ongoing weed and pest control. A full-time caretaker lives on the island and is responsible for conservation work such as maintaining bird feeding and water stations to support native bird recolonisation.

We were also advised that Motukiekie is now predator free and forms part of Project Island Song, a pest-free wildlife sanctuary in the eastern Bay of Islands.

The reporting planner, Mr Baxter, advised us that, consistent with the approach taken with Matakā Station and The Landing, he agrees with Mr Hook that there are benefits in having a targeted set of provisions for Motukiekie Island to provide clarity on the landscape, ecological and development outcomes sought along with more specificity on the location of building platforms and design guidelines.

The evidence submitted addressed all viable zoning options which included the notified NOSZ, a RPROZ zoning, a bespoke precinct and a bespoke development area. Mr Baxter (in agreement with Mr Hook) concluded:

Overall, I consider that the most appropriate approach is to amend the underlying zoning to RPROZ. While the Island is not used for traditional rural production activities, this zone is consistent with other privately owned Islands or parts of Islands within the Bay of Islands, and in particular provides for residential activities in a manner that the NOSZ does not. Given the limited zoning options available within the planning standards and PDP, this is considered the most appropriate underlying zoning.

I also consider that a bespoke spatial layer (Option 4 or 5) in addition to RPROZ is also the most appropriate, effective and efficient way to achieve the outcomes sought at Motukiekie Island and address the limitations associated with the RPROZ. In terms of whether a “precinct” or “development area” is most appropriate for Motukiekie Island, in my view, neither is a perfect fit for the Island based on the descriptions provided in the National Planning Standards. However, on balance, I

consider that a precinct is the most appropriate spatial layer Motukiekie Island for the reasons outlined above.⁷

We were advised by both Mr Hook and the reporting officer (with input from specialist landscape architects) that agreement had been reached on all the provisions. At the hearing we asked a number of questions of clarification regarding how the provisions would work and we were provided with suitable answers to our questions.

We have further reviewed the evidence presented to us together with the agreed precinct provisions and are satisfied that the proposed underlying RPROZ and Motukiekie Island precinct will deliver positive outcomes compared to alternative options, including better recognising current and anticipated activities on the Island and providing a targeted set of provisions that achieve the conservation and residential development outcomes sought for Motukiekie Island.

3.7.3 Hearings Panel Recommendations

For the above reasons, we recommend that the submission of the Motukiekie Island owners is accepted in part by:

- a) Amend the zoning from NOSZ to RPROZ.
- b) Amending the PDP mapping of the land identified in **Appendix 4** to be subject to the “Motukiekie Island precinct” in addition to the underlying RPROZ and relevant overlays (CE, HNC).
- c) Amending the PDP to include the Motukiekie Island precinct provisions as set out in **Appendix 2.4**.

We recommend the Motukiekie Island precinct with an underlying RPROZ zone for the reasons that it will deliver a number of positive environmental benefits that achieve the purpose of the RMA better than the notified NOSZ and other options considered as it will provide a targeted set of provisions that achieve the conservation and residential development outcomes sought for Motukiekie Island.

3.8 Key Issue 5 – Wiroa Station Precinct

3.8.1 Matters Raised in Submissions

Paradise Found Developments (S346.001, S346.004) request that the PDP is amended to provide for the activities and land uses that are authorised under existing resource consents for Wiroa Station, 40 McKenzie Road, Purerua Peninsula, Kerikeri (Lots 1-21, DP 497523). To address this, Paradise Found Developments (**Paradise Found**) request the inclusion of a new special purpose zone or structure plan together with appropriate provisions (objectives, policies, and rules) that enable residential development and activities authorised by the existing consents as permitted activities, regardless of the overlay provisions in the PDP relating to the CE or Coastal Flood Hazard Areas.

The Paradise Found submission states that the PDP fails to recognise and provide for the development and subdivision enabled by the consents at Wiroa Station. Paradise Found Developments is concerned that the PDP provisions will restrict the development of the

⁷ Hearing report Paragraphs 181-182

property in a manner that is inconsistent with the existing resource consents and the integrated and comprehensive development authorised by those consents.

3.8.2 Minute 32 – Amended Hearing Timetable

We were advised by the reporting officer that contact with Paradise Found had been initiated in May 2025 but chose not to “opt in” to the bespoke process for rezoning submissions set out in Minute 14. As such, there is no specific evidence, provisions, section 32AA evaluation, or assessment against the Minute 14 criteria to support their request for a SPZ. As a result, the reporting officer, while recognising similar issues and relief to Matakā Station and the Landing (also located on the Purerua Peninsula), concluded that there is insufficient information and evidence in their submission for Council officers to support the relief for a SPZ (or alternative spatial layer).

On 3 September 2025 (after the conclusion of Hearing 15B) we received a memorandum of counsel from Paradise Found seeking an amended timetable to allow the submitter to be heard at a later date. The Paradise Found memorandum set out a number of commercially sensitive circumstances to explain why compliance with Minute 14 had not been achieved and sought to present evidence at a later hearing. Having had regard to the circumstances, we agreed to reschedule evidence from Paradise Found at our last hearing being Hearing 17 and this is set out in Our Minute 32. This allowed Paradise Found time to comply with the requirements of Minute 14, including engagement with the Council officers. While the Paradise Found evidence was presented at Hearing 17 we have nonetheless considered it as part of Hearing 15B as the matter relates to a new spatial layer similar to the other precincts discussed above.

3.8.3 Proposed Wiroa precinct

Planning Evidence – James Hook

The evidence of Mr Hook explained that Wiroa Station is zoned RPROZ in the notified PDP and is subject to a Coastal Environment (CE) overlay and a High Natural Character (HNC) overlay. He advised that no parts of Wiroa Station were subject to an Outstanding Natural Landscape (ONL) area and none of the approved building platforms were within the HNC overlay.

Mr Hook’s evidence has considered a number of options for Wiroa Station being:

- a) Application of the Proposed Plan (without amendment);
- b) Specific exclusions from/modifications to RPROZ and Coastal Environment provisions to accommodate consented activities at Wiroa Station;
- c) Application of the Rural Lifestyle zone;
- d) Incorporation of a Special zone for Wiroa Station into the Proposed Plan;
- e) Incorporation of a precinct for Wiroa Station into the Proposed Plan.

In his view, a precinct for Wairoa Station was the most appropriate method, consistent with the method adopted for Matakā Station and The Landing and as recommended by the reporting officer.

Mr Hook explained the recommended provisions to us and advised that the policy provisions provide explicit recognition of the rights established by the existing consents and acknowledge that they provide a development framework that is appropriate to the property and that sustains its natural coastal character and landscape values. He stated that the rules of the precinct modify both the RPROZ and CE provisions by giving priority to rules or standards in the precinct and by establishing a permitted activity rule (with explicit standards) that exempts new buildings and development (including extensions or alterations) from the consent requirement under CE Rules CE-R1 and CE-R3.

The provisions proposed by Mr Hook included a Permitted Activity status for new buildings and structures under PRECX-R1 where any building or structure was at least 50% within and identified (i.e. previously approved) building platform.

Mr Hook explained that the permitted activity pathway proposed was not supported by the reporting officer who has recommended a controlled activity pathway (i.e. subject to resource consent) – consistent with the Matakā Station and The Landing precincts. Mr Hook explained that a controlled activity pathway for PRECX-R1 would result in the requirement for seventeen resource consent applications (one to build on each vacant site) and that this would unnecessarily replicate the planning assessments that has already been completed and determined via the existing consented framework at Wiroa Station.

The precinct provisions require all new buildings or structures to be designed in accordance with the “Wiroa Station architecture code and design approval process” approved under consent 2160044-RMACOM-A and a copy of this document was included with Mr Hook’s evidence.



Figure 5: Proposed Wiroa Station Precinct Plan

Legal Submissions

Legal submissions were provided by Julian Dawson. Mr Dawson focussed on the matters of disagreement between the reporting officer and Mr Hook being the consent pathway for buildings and structures on an identified platform (PRECX-R1) and helicopter movements (PRECX-R4). We discuss these areas of disagreement further below.

3.8.4 Hearings Panel Evaluation

Site Visit

We visited the site on the morning of Wednesday 5 November 2025 prior to the hearing of evidence later that day. We were escorted around Wiroa Station by the Property Manager: Robert Sterling and we observed existing residential development and a number of residential sites that have yet to be developed.

Need for A Precinct

As discussed above, this submission initially sought a special purpose zone as the preferred spatial planning tool. This was primarily because the notified PDP did not contain any precincts and precincts were not identified as a spatial planning option in the PDP. However, after the issue of the Interim Guidance in Minute 23 which recommended establishment of the Horticulture Precinct as the first precinct in the PDP, a precinct approach for Wiroa Station has been supported by both Mr Hook for Paradise Found and the reporting officer for the Council.

We also support this approach for the reasons set out in Mr Hook's rebuttal evidence and his answers to our questions at the hearing.

Council Officer's Evaluation

In the hearing report the reporting officer noted 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 Paihia and Russell). Accordingly, adopting a consistent planning approach for these three areas under the PDP was generally appropriate while noting that each development and area has different values and different requirements for future development. The reporting officer concluded:

*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.*⁸

The main areas of disagreement between the reporting officer and Mr Hook relates to whether new dwellings or structures are provided for as a permitted activity or a controlled activity under PRECX-R1. The reporting officer is of the view that the permitted activity pathway differs from the controlled activity rule framework which has been recommended for similar situations to enable residential dwellings in identified building

⁸ Hearing report paragraph 37

platforms in the CE overlay in the PDP. More specifically, the reporting officer notes that 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 the hearing report recommendations in Hearing 15B
- c) Requested for The Landing precinct by MLC LLC and is supported in hearing report recommendations in Hearing 15B.⁹

The reporting officer's concern is that adopting a permitted activity rule framework as requested by Mr Hook would be inconsistent with these recommendations and create inconsistencies within the PDP. In the reporting officer's view, 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.

The reporting officer also took issue with the proposed helicopter landing rule drafted by Mr Hook. The requested provisions for the Wiroa Station precinct 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, the reporting officer is of the view that 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.

At the hearing, legal submissions were presented by Mr Julian Dawson. Mr Dawson highlighted the "great deal of commonality" between the evidence of the reporting officer and Mr Hook and he focussed on those areas where there was disagreement being:

- The permitted/controlled activity pathway for building and structures on identified building platforms (PRECX-R1); and
- The helicopter movement rule (PRECX-R4).

Regarding the activity status for new building and structures, Mr Dawson advocated for the approach presented in Mr Hook's evidence and offered a legal basis to support that approach. Mr Dawson submitted that approved development at Wiroa Station had already been extensively assessed by the Council and granted over multiple consents. In his submission, the Council had already diligently assessed the effects of the proposal and imposed conditions were appropriate. He concluded:

In other words, the sustainable management of the property has already been assessed again and again, and consented. Nowhere in Mr Wyeth's report do we find any comment as to why that assessment was deficient (because it wasn't) or how a further assessment, through a Controlled Activity consenting process could possibly be expected to add anything to the outcome.

⁹ Hearing report paragraph 49

Mr Wyeth agrees that a detailed assessment has already been completed and that it assured a future development that is carefully designed to be consistent with the ecological, natural character and landscape outcomes sought for Wiroa Station. That begs the question then; what mor could be asked for. (sic)?¹⁰

In relation to the helicopter movements rule, Mr Dawson reiterated the evidence of Mr Hook that helicopter movements are already provided for as a permitted activity and that all Mr Hook was proposing is an equivalent activity and scope to the operative rule, while also setting a more rigid operational framework.¹¹

As we understand Mr Hook's evidence, he considered that there is a 'gap' in the PDP provisions for helicopter landing areas. This because NOISE-R7 and NOISE-S4 address the noise effects from helicopters taking off and landing but there are no land use rules for the "activity" of the helicopter landing area. Mr Hook considers that this means the land use "activity" of a helicopter landing area would become a discretionary activity under RPROZ-R31 ("Activities not otherwise listed in this chapter").

In response, Mr Hook has drafted a new rule for the proposed precinct (PRECX-R4) to align with equivalent rules in the Carrington Estate and Kauri Cliffs Special Purpose zones, incorporating a 200m separation distance, specified operating hours, and a requirement to comply with NOISE-S4. We note that Mr Hook has stated that there is only one location on the property that can comply with the separation distance requirement, which is adjacent to the central ridgeline.

Following the hearing, Mr Dawson provided a response to the panel relating to questions we set out to him regarding how the Wiroa Station Architecture Code and Design Approval Process (the Architectural Code) work in practice and how it would be incorporated into the WSP provisions.

On 11 November 2025 Mr Dawson provided written response which advised that the Architectural Code has a number of operational elements/requirements, including:

- a) Establishing a Design Committee that must approve building design before it is submitted for resource consent or building consent.
- b) A requirement for construction to be in accordance with the approved design after which the Design Committee completes an inspection.

Mr Dawson also clarified that while compliance with the Architectural Code is a process undertaken that is without Council oversight, the consent notice requires compliance with the code. In summary, Mr Dawson states:

Drawing the strands together then, the status quo is that assessment and compliance with the Architectural Code is a largely internal process, left to qualified experts, rather than to Council. The Council is assured of compliance by receiving a certification report from a

¹⁰ Legal Submission of Julian Dawson – Paragraph 18

¹¹ Legal Submission of Julian Dawson – Paragraph 23

*suitably qualified expert; a Producer Statement if you will. However, Council has no greater input than that.*¹²

Council Right of Reply

The reporting officer opted to respond in writing to the evidence and legal submissions and this was provided to the Panel on 15 December 2025. In addition to the activity status and helicopter landing matters, Mr Wyeth also addressed the following:

- Requested exemptions to the earthworks and indigenous vegetation clearance rule and standard in the Coastal Environment Chapter (CE-R3 and CE-S3).
- Activity status for residential activity (PRECX-R2) and minor residential units (PRECX-R3) when compliance with the permitted activity standards is not achieved.
- The controls on impermeable surface coverage and whether this should be managed through a rule or standard (PRECX-S1).

Activity Status for New Buildings and Structures

With regard to activity status for buildings and structures, Mr Wyeth identified three options:

- Retain the existing recommended provisions (from Hearing 4) that apply to the coastal environment which requires a controlled activity consent for all new building and structures (i.e. CON-1 in CE-R1);
- A permitted pathway in the WSP as requested by Mr Hook; or
- A new WSP be included in the PDP based on a controlled activity rule framework for buildings and structures new residential dwellings on identified building platforms (as favoured by Mr Wyeth in the hearing report).

The reporting officer discusses the pros and cons of each option and advised that he retains the view that a controlled activity rule framework is the most appropriate option for new residential dwellings on identified building platforms within the Coastal Environment overlay (i.e. Option 3) as it provides a more specific set of provisions for the anticipated development at Wiroa Station and is consistent with his (and our) recommended approach for the nearby Matakā Station precinct and The Landing precinct.

In line with the recommendation above, the reporting officer recommends amendments to the Wiroa Station precinct which involve:

- Amending the activity status to be a controlled activity when conditions are complied with rather than permitted while retaining the restricted discretionary activity status when the controlled activity conditions are not complied with.
- Removing permitted activity conditions that simply duplicate conditions in the consent notices and instead including an advice note before the rules that makes it clear to plan users there are also conditions in the consent notices that must be

¹² Furth legal submission (11 October 2025) Paragraph 5

complied with, which is consistent with my recommendations for the Matakā Station precinct.

- Deleting conditions relating to earthworks and vegetation clearance within PRECX-R1 as this is managed as a separate activity to the rules for buildings and structures (i.e. the approach taken across the PDP).
- Amending PER-2 to focus on compliance with amended PRECX-S1 (maximum building height) and amended PRECX-S2 (maximum gross floor area) to be more consistent with other similar precincts and the Coastal Environment Chapter.

Finding

We have considered this matter carefully and we consider that the planning and legal arguments made by the submitter and the planning responses by the Council are well articulated from a resource management point of view and the matter is finely balanced.

We are mindful of not recommending rules that place an unnecessary burden on persons developing land, especially if a previous process has essentially already undertaken that task and determined an outcome. That said, we are also mindful of applying a consistent approach to development within new precincts in the PDP especially those that are located on the Purerua Peninsula undertaking development of a similar nature (such as Matakā Station and The Landing).

At the hearing we put the question to Mr Dawson: whether development under the existing consents that applied to Wiroa Station could be undertaken without a further consent. The response from Mr Dawson was a qualified "yes" where he stated that consenting status was a complex matter, but in his legal opinion development on approved building platforms should be considered to be permitted. He conceded, however that the matter was contentious and that Council officers have a different view.¹³

Having weighed up the evidence we agree with the reporting officer's approach on the basis that:

1. A controlled activity creates certainty for all parties;
2. Allows the Council to independently confirm that compliance with the relevant development rules and standards have been achieved;
3. Is consistent with other precincts in the Purerua Peninsula; and
4. It provides a simplified rule framework for new residential dwellings and avoids potentially complex and contentious permitted activity and/or existing environment arguments for a permitted activity.

We therefore recommend controlled activity status for new buildings and structures in line with the recommended amendments set out by the reporting officer in the Council right of reply.

¹³ Hearing 17 video recording – Day 2 – early morning session.

Helicopter Landing Area

The reporting officer advised that helicopter movements and landings has been addressed in the right of reply for Hearing 17 where an issue has been acknowledged whereby helicopter landing areas are permitted in some zones/precincts but not others. The issue being that the land use component of the activity (being the construction and formation of a helicopter landing area) could be interpreted as defaulting to a discretionary activity under the catch-all rule for the relevant zone chapter, despite the noise associated with the helicopter movements and landings being permitted in the Noise Chapter of the PDP.

The reporting officer noted that there is no scope within submissions to permit helicopter landing areas in the RPROZ zone (the same approach as the ODP) to address this issue and avoid unnecessary consent requirements.

The reporting officer opined that there should be no need to regulate helicopter landing areas as a land use activity as the main effect of helicopter movements (noise) is already addressed through the Noise Chapter in the PDP and the actual helicopter landing area itself has limited/no adverse effects as a land use “activity”. However, the reporting officer conceded that the current drafting of temporary activity rule TA-R5 (Aircraft and helicopter movements (landings and take-off)) and bespoke rules in the Carrington Estate and Kauri Cliffs Special Purpose zone for helicopter landing areas mean that a discretionary activity resource consent will be required if this activity is not specifically provided for. On that basis The reporting officer recommended, albeit reluctantly, a land use rule for a helicopter landing area be included in the Wiroa Station precinct, while noting this is a wider issue that may need to be considered and addressed through a future plan change to the PDP. We agree and recommend that the rule drafted by Mr Hook be incorporated into the Wiroa Station precinct provisions.

Exemption to the earthworks and indigenous vegetation rules and standard in the Coastal Environment Chapter

The reporting officer has accepted the approach put forward by Mr Hook in principle but recommends a further Advice Note to clarify how this exemption would apply. The recommended wording is thus:

Notes

(...)

3 CE-R3 and CE-S3 (Earthworks or indigenous vegetation clearance) do 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.

In our view this is a sensible and pragmatic approach and we recommend this amendment.

Activity status for residential activity and minor residential unit

In the Council right of reply, the reporting officer clarified the areas of disagreement with Mr Hook and recommends amendments to PRECX-R2 and PRECX-R3 that would have the effect of permitting one principal residential unit and one minor residential unit on a site with discretionary activity consent required for any additional residential unit or non-compliance with the other permitted activity conditions in PRECX-R3.

We agree and consider that this is appropriate and more aligned with the equivalent RPROZ rules and there is not clear rationale to adopt a different approach to the RPROZ and similar precincts in the context of the Wiroa Station precinct.

Impermeable surface coverage

This matter appears to be a disagreement as to whether impermeable surface is an activity that should be governed by a rule or a standard. In the Council right of reply the reporting officer accepted Mr Hook's approach which was to have the impermeable surface included as a rule rather than a standard and he added that this approach would also ensure consistency with other PDP provisions and avoid potential interpretation issues. We agree and recommend that amendment accordingly.

3.8.5 Hearings Panel Recommendations

For the above reasons, we recommend that a Wiroa Station precinct be included in the PDP alongside other precincts.

We recommended that the Wiroa Station precinct include the provisions attached as **Appendix 2.8** with the key amendments we recommend to the provisions requested by Paradise Found Development Limited outlined above.

We also recommend that the planning maps be amended to include and identify the Wiroa Station Precinct as outlined in **Appendix 4**.

In making this recommendation we acknowledge the considerable work undertaken by the submitter and the reporting officer (and other Council staff) and the degree to which both parties worked co-operatively to reach agreement on the majority of provisions.

We also adopt the section 32 and section 32AA assessment prepared by Mr Hook and the reporting officer that have been set out in evidence, the hearing report and the Council right of reply.

3.9 Key Issue 6 – Tupou Precinct

3.9.1 Matters Raised in Submissions

Submission

Green Inc Ltd (S164.001) raise concerns that the PDP, as drafted, creates a disincentive to restoring indigenous ecosystems as this is likely to result in those areas becoming Significant Natural Areas (**SNA**) with associated restrictive controls. Green Inc Ltd request that the zoning for Tupou is amended from RPROZ to a new special purpose zone, such as a “managed ecological zone” or special purpose zone to enable their “vision” for Tupou.

The “vision” for Tupou as set out in their submission, is to enable the landowner to retain pasture and food and wool production on the flatter, higher quality soils of the property and return the steep, erodible hill country to native ecosystems. The restored native ecosystems will then be managed as functioning native ecosystems that can generate carbon and biodiversity credits with the intent that this can then be used for ecotourism. Pest and weed control are also an integral part of Green Inc Ltd plan for Tupou.

We were advised in the hearing report that the reporting officer had met with Mr Craig to discuss his intentions to pursue the primary relief for a Managed Ecological zone or special purpose zone for Tupou. While Mr Craig indicated at that meeting that he still intends to pursue this primary relief, he also advised that he had not “opted in” to the process for rezoning submissions set out in Minute 14. As a consequence, the reporting officer advised that there are no proposed provisions for the Tupou special purpose zone, supporting evaluation under section 32AA of the RMA, or assessment of the special purpose against the criteria in Minute 14 from the Hearing Panel. While the reporting officer stated that he supported the ecological outcomes sought at Tupou he was unable to support the request until there was more information on the form of the requested zoning. The reporting officer’s initial recommendation was for the RPROZ to remain on the Tupou land.

Hearing Evidence

Following the release of the hearing report we received expert planning evidence from Andrew McPhee. Mr McPhee’s evidence set out the rational for a special purpose zone at Tupou accompanied by draft provisions and he stated that a Tupou special purpose zone was necessary as the RPROZ and the Ecosystems and Indigenous Biodiversity Chapters in the PDP were not equipped to enable and incentivise their proposed unique, proactive restoration model. Mr McPhee’s evidence also supported the establishment of eco-tourism and eco-education activities that involved accommodation.

We asked Mr McPhee at the hearing whether he considered a precinct (with an underlying zoning of RPROZ) would be a better fit for the Tupou land than a special purpose zone, given the strict criteria for the creation of a new special purpose zone in the National Planning Standards. Mr McPhee advised that he still considered an special purpose zone to be “tidier” and “a better fit” than a precinct.

Council Response

At our encouragement, the reporting officer undertook further engagement and correspondence with Mr McPhee to identify the most appropriate planning solution for Tupou. The reporting officer advised in the Council right of reply that both he and Mr McPhee agreed that a precinct was the most appropriate spatial planning method to achieve the outcomes sought at Tupou. The reporting officer outlines some general agreed approaches:

- a) A bespoke set of (targeted) provisions is necessary (or at least more effective) to achieve the vision for Tupou;
- b) A targeted and appropriate regulatory solution is required to provide for limited indigenous vegetation clearance for enable ecotourism and eco-education activities

- c) The retention of the requirements for Management plan subdivision as useful mechanisms to achieve and demonstrate the positive conservation outcomes being achieved by the landowner.
- d) The current overlays and provisions (being the Coastal Environment and Natural Character Chapters of the PDP) would continue to apply at Tupou without modification (including the Coastal Environment rules and standards relating to buildings and structures, indigenous vegetation clearance and earthworks).

The Council right of reply includes an agreed draft Tupou precinct.

3.9.2 Hearings Panel Evaluation

The Panel thanks the submitter and the Council staff for their willingness to engage and agree provisions for a precinct at Tupou. The Panel supports the vision for the land at Tupou to facilitate the extensive re-establishment of native forest ecosystems and indigenous biodiversity on marginal rural land with an eco-tourism/eco-education component. We agree with the submitter that a bespoke set of precinct provisions is the best way to achieve the vision at Tupou and as such, we agree with the drafted provisions.

3.9.3 Hearings Panel Recommendations

We recommend a new Tupou precinct is included in the PDP with the provisions set out in **Appendix 2.5**.

We recommend the inclusion of two new definitions, being 'Eco-Education' and 'Eco-Tourism'. These are identified in **Appendix 2.1**, Definitions in **Recommendation Report 17**.

We recommend that the planning maps be amended to identify the new Tupou precinct as identified in **Appendix 4**.

We agree that a precinct at Tupou would have the following positive environmental benefits:

a) Environmental and ecological

The primary benefit is the large-scale native reforestation and pest control. This will lead to a measurable increase in indigenous biodiversity, improved ecosystem health, and better freshwater quality by reducing erosion and nutrient runoff on steep slopes.

b) Economic

The Tupou precinct will help create a high-value ecological asset from land with low agricultural profitability. This will help provide a sustainable revenue stream from eco-tourism and eco-education, which in turn funds the ongoing restoration, including two full-time staff for planting and pest control.

c) Social/Cultural

The Tupou precinct will help foster a culture of stewardship (kaitiakitanga) and provide educational opportunities that raise community and visitor awareness about conservation.

We also find that a precinct (with an underlying zoning of RPROZ) will be the most effective spatial planning method to achieve the purpose of the RMA as it avoids duplication of planning provisions and is better aligned with the National planning Standards and the structure of the PDP.

3.10 Key Issue 7 – Other Special Purpose Zones/Precinct Requests

3.10.1 Matters Raised in Submissions

Ōmarino Rezoning Request

The submission from Bentzen Farm opposes the RPROZ on their land on the basis that a subdivision consent was granted in 2006 which enabled subdivision into lots 4 ha or larger. Bentzen Farm expresses concern that the RPROZ does not recognise existing and future rural residential opportunities, where this does not compromise rural production activities. To address this concern, Bentzen Farm requests that the Ōmarino properties are either rezoned Rural Lifestyle zone (RLZ) or a new SPZ is created for Ōmarino with appropriate objectives, policies and rules to enable residential activity and associated buildings as a controlled activity where they are in accordance with resource consents granted for Ōmarino.

The reporting officer has advised that Bentzen farm was no longer pursuing a separate special purpose zone or precinct on the basis that its primary relief can be addressed through the provisions dealt with at Hearing 4. In particular, the reporting officer explained that Bentzen Farm would be relying on the recommended controlled activity pathway for residential units on approved building platforms recommended through Hearing 4 (CE and NFL Chapters). We can confirm that we are recommending that this controlled activity pathway in our recommendation report for Hearing 4 (**Recommendation Report 4**).

Henderson Bay Rezoning Requests

There are three original submissions requesting the rezoning of Henderson Bay or exemptions for Henderson Bay from the RPROZ zoning from:

- a) Mark Spaans (S402.001) requests that Henderson Bay has its own unique SPZ.
- b) Antoinette Pot (S405.001) opposes the RPROZ zoning for Henderson Bay for similar reasons to Mark Spaans.
- c) Dr Lynn Kincla (S505.004) states that Henderson Bay is unique and considers more thought should have been put into creating a SPZ that protects the area.

Henderson Bay is located on the Aupouri Peninsula north east of Pukenui and features a broad sandy beach within the coastal environment. We note that the Chair undertook a site visit to the Henderson Bay beach and surrounding area in late December 2025.

3.10.2 Hearings Panel Evaluation

A set out in the hearing report, Henderson Bay is subject to two sites that are classified as Outstanding Natural Character and three sites that have High Natural Character and it has an underlying zoning of RPROZ.

These submitters did not opt-into the Minute 14 evidence process and did not submit recommended provisions to us at the hearing. The reporting officer is of the view that an RPROZ zoning in combination with the recommended Coastal Environment Overlay (including those areas with Outstanding and High Natural Character) is sufficient to protect the natural coastal character values of Henderson Bay. The reporting officer states:

As outlined throughout this report, the PDP provisions to protect the natural character of the CE were considered in detail in Hearing 4. In short, new subdivision and development in the area of Henderson Bay would face substantial consenting challenges through the ONC, HNC and CE overlays as applicable with subdivision/new residential development most likely being a non-complying or discretionary activity with the directive policies to avoid adverse effects on the natural character of the CE applying (CE-P2, CE-P3). In my view, these directive and more stringent provisions in the CE Chapter of the PDP are appropriate to protect the natural character of the CE in the Far North District, including Henderson Bay.

So, while I understand the concerns from these submitters that the underlying RPROZ zoning may not seem appropriate for Henderson Bay, this needs to be considered together with the provisions in the CE Chapter of the PDP to protect the natural character of the CE, which apply to Henderson Bay as outlined above. The RPROZ is also the most appropriate underlying zoning in my view given this is generally more restrictive for subdivision compared to alternative zones in the PDP ...

¹⁴

We agree with this reasoning and coupled with the further amendments that we have made to strengthen the Coastal Overlay provisions (as part of Hearing 4), we therefore do not recommend any changes to the zoning at Henderson Bay in response to these submissions but anticipate the recommended provisions in the Coastal Environment Chapter of the PDP will address their concerns.

3.10.3 Hearings Panel Recommendations

We do not recommend any changes to the zoning at Henderson Bay in response to these submissions on that the basis the combination of the RPROZ zoning coupled with the recommended provisions for the Coastal Environment Chapter of the PDP will provide adequate and appropriate protection of coastal values.

4. Topic 2 – Bay of Islands Marina Precinct

4.1 Relevant Provisions

As set out in the hearing report a total of eight submissions were received from Far North Holdings Limited (**FNHL**) (Submissions S320.001- 008). We note that FNHL is the commercial arm of the Far North District Council (FNDC), tasked with a specific

¹⁴ Hearing report paragraph 206-207

Statement of Intent to drive economic and community development across the region. In addition to Opuā Marina, FNHL is involved with the development of Ngāwhā Innovation and Enterprise Park (NIEP), Te Hau Ora O Ngāpuhi through its subsidiary Northern Housing, and a number of community projects such as Manea, Te Hononga and Ngāwhā Hot Springs.

The FNHL submission as it relates to its landholdings at Opuā include the marina itself, Opuā Commercial Estate (945 and 47 Paihia Road), "Colenzo Triangle" adjoining Paihia road and Beaufort Street, the Opuā Marine Business Park (on Paihia Road opposite Colenzo Triangle and Beaufort Street).

FNHL requests a Development Area for all four properties as well as a zoning change to Mixed Use zone from a mix of Light Industrial zone (**LIZ**) for Opuā Marina, Rural Lifestyle zone (**RLZ**) for Opuā Marine Business Park and Rural Production zone (**RPROZ**) for the Colenzo Triangle. FNHL seeks a retention of the notified zoning in the PDP of the Opuā Commercial Estate to Mixed Use zone (**MUZ**).

The reasons for this rezoning request outlined in the FNHL submission include:

- a) It is appropriate to rezone the Bay of Islands Marina to MUZ with the supporting Bay of Island Marina Development Area (BOIMDA) provisions as the PDP does not promote a modern, world class marina or enable a transition towards this outcome.
- b) The Bay of Islands Marina already contains existing commercial activities, such as cafes, offices, a laundromat and various marine-based commercial activities.
- c) There is ample area available to promote a more mixed-use environment in this area, including an enhanced public realm as the area services both the marina and the wider community
- d) The request allows for marine related industry and a marine character of the marina will be retained alongside the more mixed-use environment.

FNHL also seek the Maritime Exemption Area overlay from the ODP is reinserted into the PDP in relation to the Bay of Islands Marina. FNHL consider that the Maritime Exemption Area overlay is fundamental to retaining and growing the maritime industry within this location as it enables buildings in the marina with a functional need to be located in close proximity to the CMA.

We note that FNHL appeared before the Panel at Hearing 4 and gave evidence on the coastal environment overlay as it related to their Opuā landholdings and signalled that it would be seeking the above zoning and Development Area changes. That evidence included expert evidence regarding (landscape - Catherine Hamilton), urban design – John Lonnick and planning – Steve Sanson.

4.2 Background

FNHL opted-in to the Minute 14 process and planning evidence from Mr Sanson was provided. We were advised that an informal pre-hearing meeting was held and that correspondence between Council officer and FNHL identified a number of issues were identified and further considered. The final draft provisions were submitted by FNHL on 7 July 2025.

The provisions generally followed the notified PDP structure with an Overview statement, eight objectives, seven policies, 19 rules and seven standards.

During discussions between Council and FNHL it was agreed between both parties that a precinct would be a preferred spatial method to a Development Area for reasons we have previously set out regarding the National Planning Standards and Minute 23.

4.3 Concerns Raised by Council

In the hearing report, the reporting officer (Mr Wyeth) stated that he supported the proposed Bay of Islands Marina precinct (**BIOMP**) "in principle" but signalled that a number of further improvements and amendments needed to be made before he could recommend the BIOMP be accepted.

The concerns raised fell into two broad areas:

- a) Ensuring there is appropriate consideration of the Precinct Plan and Development Schedule and Development Guidelines when development is proposed in each character area through an appropriate consenting process and avoiding the risk of piecemeal permitted development. In this respect, the thresholds for resource consent, applicable standards, and matters of discretion all need to work together to ensure development proposals are well designed and can be appropriately assessed.
- b) Refining the Precinct Plan and Development Schedule to clearly delineate each character area spatially and more clearly describe the outcomes sought for each character area. The precinct plan also needs to be refined to remove development located in the Coastal Marine Area (**CMA**) which is outside the jurisdiction of the PDP (i.e. the development proposed in "The Garden Pier" character area). Ideally, the Precinct Plan and Development Schedule would also be amended to respond to specific urban design issues raised by Ms Rennie (Council urban design specialist), including providing a clearer overall precinct plan, improving provision for open space in the northern extent of the precinct and improved integration of carparking.¹⁵

The hearing report also raised a number of environmental effects that arose through the Council expert technical review of the BOIMP including ecological effects (Phoebe Andrews), landscape effects (Melean Absolum), transport effects (Mat Collins) and urban design effects (Jane Rennie). These matters were set out in paragraphs 57-72 in the hearing report and in the technical memorandums prepared by the Council specialists.

A primary concern that emerges out of these reviews and the planning evaluation by the reporting officer, is that most of the activities and development provided for in the precinct would effectively be able to be established as a permitted activity without any Council assessment. In that regard, the reporting officer is concerned that larger developments should be subject to an appropriate consent process and that large-scale permitted piecemeal development is avoided. To resolve this issue the reporting officer recommended a number of additional provisions and consent triggers associated with standards in the Precinct Plan and Development Schedule. These changes are intended

¹⁵ Hearing report paragraph 53

to ensure that where a development is designed to comply with the GFA thresholds in (as set out in PRECX-R1) but departs from the Precinct Plan and Development Schedule, it is still subject to a consent process to ensure the development is appropriately designed in accordance with information requirements and assessments (as set out in PRECX-S7) and the Development Guidelines.

Given the scope of the amendments sought by the Council, the hearing report set out the recommended changes in a table for the FNHL to consider further and address through rebuttal evidence and at the hearing. For the record we set out the table below¹⁶:

Provision	Issue	Recommendation
Multiple	The approach recommended for “precinct” through the PDP is that these do not need to replicate the underlying zone provisions – only include provisions where a modification to the underlying zone provision is being sought.	Delete proposed BOIMP provisions that duplicate the underlying MUZ zone provisions. This includes P4, P5, R3, R5, R6, R7, R8 ¹⁷ , R12, R13, R16, R17, R18, R19, S2, S3, S4, S5.
Overview	The statement relating to the relationship with the underlying MUZ needs to be refined to align with other proposed precinct chapters.	Amend the overview as set out in Appendix 3.
Objectives	Potential to incorporate some of the outcome sought through the Development Guidelines into the objectives to improve alignment. This can be achieved through an objective that is aligned with the stated purpose of the Development Guidelines as referred to above.	Insert new objective as follows <u>“The precinct achieves a high-quality, integrated, and responsive urban design outcome that reflects Ōpua’s unique maritime character and sensitive coastal environment.”</u>
PRECX-08	This objective overlaps/duplicates with the outcomes sought in the Natural Hazards Chapter and is considered unnecessary.	Delete objective.
PRECX-P2	The wording of the policy is unclear and needs to be amended to be clear on infrastructure requirements.	Amend the policy as set out in Appendix 3.
PRECX-P6	The policy duplicates TW-P6 and can be incorporated into PRECX-P6 ¹⁸ consistent with other “consideration” policies.	Delete policy and refer to TW-P6 in PRECX-P6.
Multiple rules	“Compliance with PRECX-S7” is referred to as both a condition and matter of discretion in multiple rules. As a standard to comply with, it should be a condition that must be complied with resource consent is required for all relevant rules.	Amend all relevant rules to ensure compliance with PRECX-S7 is a condition to comply with when resource consent is required.
Multiple rules	“The extent to which the proposal adheres to the development guidelines” is referred to as both a condition and matter of discretion in multiple rules. As assessment matters/criteria to be considered, the	Amend rules to ensure the Development Guidelines are appropriately referred to in the matters of discretion.

¹⁶ Hearing report paragraph 80

¹⁸ Numbering of polices duplicates in provisions provided by FNHL.

	Development Guidelines should be consistently referred to in the matters of discretion.	
Pedestrian frontage overlay	PRECX-R4 (residential activity) refers to residential units being located outside pedestrian frontage overlay but it is unclear if/where this overlay is proposed in the precinct.	Clarify intent.
Setbacks	Unclear if any setback standards or considerations apply for proposals fronting the public promenade, which would assist in achieving an appropriate relationship between buildings and key public realm spaces.	Delete as duplicates MUZ standard. Alternatively, retain and consider setback requirements to open space areas as identified in Precinct Plan and Development Schedule.
PRECX-S4	Standard applies to adjoining sites and roads, but should be expanded to include key public realm places.	Delete as duplicates MUZ standard. Alternatively, retain and consider setback requirements to open space areas as identified in Precinct Plan and Development Schedule.
PRECX-S6	It is unclear what condition 2 is intended to achieve over and above controls in the Northland Regional Plan and the wording “disposed of appropriately” is subjective and problematic.	Clarify intent.
PRECX-S7	Information requirements generally supported, but risk that these are not considered for the majority of development in precinct if this permitted. Information requirement 1(vi) is incomplete.	Amend rules to ensure that PRECX-S7 must be complied with as condition when resource consent is required. Address information requirement 1(vi).
PRECX-S7(4)	ITA limited to traffic whereas this should consider all transport modes.	Amend as follows: “ Traffic & Transport and Access ”
PRECX-S7(4)	There should be a link to Transport chapter for high trip generating activities	Add new b: “ <u>High trip generating activities to consider matters of discretion in TRAN-R5</u> ”

4.4 Council Legal Advice

We also received legal advice from the Council solicitor (Tim Fischer) dated 29 August 2025 (available on the Council website). This advice concerns the ability for the PDP to provide for approval of master plans or precinct plans by resource consent, in turn enabling more permissive development than would otherwise be provided for in the zone. In particular the legal advice posed the following question:

*Is it lawful for the PDP to provide for approval of master plans or precinct plans by resource consent, in turn enabling more permissive development than would otherwise be provided for in the zone?*¹⁹

The response by Mr Fischer was “no” and he referred to decisions of the Environment Court²⁰ where it has been determined that a district council cannot:

- (a) *Require resource consent for a plan about the future use of land, as opposed to the use of land in a manner that contravenes a rule;*
- (b) *Determine activity status according to whether a master plan or precinct plan has been consented; or*
- (c) *Include standards or rules that require compliance with a consented master plan or precinct plan.*²¹

This advice contrasted with the approach taken by Mr Sanson in his planning evidence for FNHL where he supported a Mixed Use zone with a “Marina Development Area” applied at the Opuā Marina. We set this evidence out further in the sections below.

4.5 Evidence of Far North Holdings Limited (FNHL)

We received expert planning evidence from Mr Sanson and the hearing was also attended by Andrew Nock – Chief Executive of FNHL who also provided corporate evidence.

Mr Nock set out the corporate vision for the BOIMP which was “to deliver a world class facility that integrates the needs of the local community and our District with the needs of the domestic and international boat owners that visit or reside in Opuā.”²²

Mr Nock referred to the contribution of Opuā Marina to the Far North tourism sector and the associated marine service businesses that are on site. He added that FNHL is committed to transforming Opuā into a world-class, mixed-use destination founded in meeting the needs of community and hapu, and the values and aspirations of all in “lifting up” to status of Opuā marina as a destination.

Issues raised in his evidence regarding the notified zoning was the imposition of a 15m coastal setback (under rule CE-S4) and sought an exemption to this at Opuā.

Mr Nock’s evidence acknowledged the Council legal advice and provided the following comment:

FNHL has reviewed the legal memorandum prepared by Council’s counsel, Simpson Grierson, dated 29 August 2025. We acknowledge the advice that a resource consent cannot be granted for a plan itself, and that the activity status of future development must be derived from the District Plan rather than a prior consent.

¹⁹ Memorandum of Council for FNDC 289 August 2025 paragraph 5.

²⁰ The Environment Court’s decisions in Re Auckland Council¹ and Queenstown Airport Corporation Limited v Queenstown Lakes District Council² are relevant to this question.

²¹ Memorandum of Council for FNDC 289 August 2025 paragraph 7.

²² Evidence of Andrew Nock Page 1

This advice highlights legal problems with the two-step "permitted activity" pathway we had previously sought.

We sought this approach to maintain simplicity in light of the approach suggested which would make the underlying Mixed Use zone easier than the Precinct. I am sure this is not the intention.

We are committed to finding a legally robust and commercially practical pathway for the precinct's development. We are happy to work collaboratively with Council to refine a workable solution.

The legal advice helpfully suggests that a form of comprehensive development consent is possible, provided it authorises actual uses of the land, such as "the construction and use of roads, reserves and stormwater management areas".

*We don't think we are far off from a workable solution provided we alter our approach from consenting plans to a more basic form of consenting activities.*²³

The evidence of Mr Sanson acknowledged the concerns raised in the hearing report and suggested some changes to address these. This included a revised landscape concept plan and a request to be exempt from the coastal setback standard. A number of other iterations to the provisions were submitted in Mr Sanson's evidence.

4.6 Evidence of Ms Bright

We received lay evidence from Dr Fiona Bright who also brought her three witnesses being: Ms Matthews, Ms Burbank and Ms Kinghan. The key concern from Ms Bright is the request to rezone the Opuia Marine Business Park to MUZ, although Ms Bright also raises wider concerns with the submissions from FNHL relating to their landholdings in Opuia.

The evidence of Dr Bright addresses the matters in Minute 14 and she raised a number of concerns regarding the suitability of land to be rezoned Mixed Use and pointed to a number of potential adverse effects on ecology, natural character and the transport network that would occur under the proposed zoning. In particular, Dr Bright opined that a Mixed Use zoning would enable inappropriate industry in a fragile environment, conflicting with the PDP's strategic growth directions, and generate significant adverse ecological, amenity, infrastructure, and climate-related effects.²⁴

In Dr Bright's view the Opuia Marine Business Park should retain a rural zoning and that FNHL should explore opportunities for wetland restoration, enhancement, and recognition of the site as an ecological reserve.

The witness statements from Ms Matthews, Ms Burbank and Ms Kinghan raise similar issues about the inappropriateness of rezoning this wetland area for commercial use. The statements also raise broader issues relating to a lack of engagement from FNHL, that

²³ Evidence of Andrew Nock Paragraph 5

²⁴ Evidence of Dr Fiona Bright Page 5

there is no need to rezone the area for commercial purposes, infrastructure servicing, noise, lighting and transport effects.

4.7 Hearings Panel Evaluation.

4.7.1 Bay of Islands Marina Precinct

At the hearing, the planner for FNHL (Mr Sanson), while not appearing to dispute the Council's legal opinion, did not accept the Council's recommended provisions and instead sought a Mixed Use zoning without any precinct at all. There was clearly a difference of views between the approach of Mr Sanson and that of the Council staff with the Panel being at least initially more disposed to the view of the latter.

Having considered the evidence of Mr Sanson and Mr Nock and the concerns raised by the reporting officer and Council experts (Ms Rennie, Ms Absolum, Ms Andrews and Mr Collins) and the legal advice of Mr Fischer we issued Minute 34 directing expert conferencing between Council and FNHL. In issuing this minute we acknowledge that there was a significant degree of agreement between the two parties on the provisions of a Mixed Use zone and precinct provisions. We were of the view that there was merit in a further round of focussed expert conferencing between the planners to resolve or at least clarify those remaining issues. However, the Panel noted that having had regard to the expert evidence of the Council specialists, and in particular Ms Rennie (urban design), we shared her concerns (along with the reporting officer) regarding the need for a workable framework for future decision making. We also cautioned that we would be reluctant to recommend a Mixed Use zone on its own without a precinct to direct and guide future development. We were also mindful that the notified zoning for the Opuia Marina and associated land holdings is Light Industrial zone and that this zoning would likely be the default zoning should we not be satisfied with a Mixed Use zone with a precinct.

With the Right of Reply we were pleased to receive a Joint Witness Statement (dated 31 October 2025) which agreed the following:

- a) It was agreed there should be some level of permitted development that does not require resource consent, provided this is of a scale that it does not undermine the overall objectives for the precinct and each Character Area.
- b) It was agreed that a new restricted discretionary rule requiring a Comprehensive Development Plan for any proposed development would provide an appropriate consenting framework for each Character Area.
- c) It was agreed that elements of the Master Plan should be retained as part of the overall BOIMP framework but not in the prescriptive nature of the development schedule that was included in the 'hearing report working draft' provisions. It was agreed that a more flexible approach based on an overall "Appendix X - precinct Plan, Character Areas and Development Guidelines" which are all intended to work together to provide guidance on the outcomes sought for the precinct and high-quality development outcomes. A key change is the inclusion of the "Bay of Islands precinct – Character Areas" in the Appendix with the latter providing a more detailed description of the Character Areas in terms of the intended character, built form and anticipated land use activities.

- d) It was agreed that proposed development guidelines were fit-for-purpose in terms of the outcomes they are seeking but needed refinement to actually be development guidelines (rather than assessment criteria) and to avoid duplication/confusion with the BOIMP objectives. It was also agreed that key aspects of the development guidelines could be better incorporated into BOIMP objectives and policies to improve integration.

The JWS set out the residual areas of disagreement which related to the following:

- a) The permitted GFA thresholds for new buildings with 300m² being sought by the Council officers and 400m² being sought by Mr Sanson.
- b) The permitted Maximum Height threshold with 8m being sought by Council officers and 12m being sought by Mr Sanson.

Attached to the JWS were updated BOIMP provisions (with the Council supported GFA and Maximum Height standards included).

Our Finding

Firstly, we thank FNHL and the Council officers for their collaborative efforts to mostly resolve the remaining areas of disagreement and the significant time and effort put into expert conferencing, the preparation of the JWS and the BOIMP provisions.

We have carefully reviewed the BOIMP provisions and agree that these have generally resolved the outstanding issues and are fit for purpose under a section 32AA evaluation. With regard to the areas of disagreement we make the following findings:

- a) A 300m² GFA permitted threshold is appropriate as this is consistent with other permitted thresholds in the PDP including the Mixed Use zone.
- b) A 8m permitted height (being essentially a two-storey development) is our preference for permitted development in this coastal environment. The Panel is of the view that a 12m height limited (i.e. three storeys) is not necessarily incompatible for the Opua Marina but should be subject to assessment through the resource consent process.

Having considered all the evidence presented to us relating to the Opua Marina, we recommend that the Opua Marina is rezoned MUZ and subject to the Bay of Islands Marina precinct provisions as set out in **Appendix 2.6**.

4.7.2 Exemption from the coastal setback

Having considered the evidence relating to the Opua Marina and the agreed BOIMP provisions in the JWS, we agree with Mr Sanson and the reporting officer that the 25m default coastal setback (under Rule CE-S4) is excessive and that it should not apply to the Opua Marina. We acknowledge Mr Sanson's evidence in this regard and in particular the potentially perverse outcome of a 25m setback resulting in the resultant space being dominated by carparking. In our view this would be an outcome contrary to the vision for Opua Marina set out in Mr Nock's evidence and not the best way to achieve the purpose of the RMA. Furthermore, we are satisfied that the agreed marina provisions will provide a robust consenting framework for future development of the BOIMP, including within the coastal environment.

4.7.3 Rezoning the Opuā Marine Business Park to MUZ

As set out in the hearing report, unlike the other FNHL sites at Opuā, the Opuā Marine Business Park has no development on it and the land is essentially a brackish wetland with associated ecological values and rural character appearance. The protection and enhancement of these values was at the centre of Dr Bright’s evidence. We were advised that the land was notified in the PDP with a Rural Lifestyle zoning. The hearing report acknowledges that the land contains a number of wetlands that were in generally good condition. However, we were also advised that there are existing resource consents granted by Northland Regional Council in 2019 which authorise bulk earthworks on the site – effectively authorising the drainage and filling of the land. These consents were also provided to us by Mr Sanson. While the consents authorise drainage and filling they also require an “ecological restoration plan” intended to offset the loss of ecological values.

While we acknowledge the concerns of Dr Bright and her witnesses, we are conscious that these consents have been granted, including offset mitigation and that these form part of the existing environment. We also note that the consents lapse on 30 November 2028, which in our view gives the consent holder sufficient time to give effect to them. That said, we agree with the reporting officer that should they lapse then any future development affecting the wetlands an assessment against the natural inland wetland provisions in NES-F would be required which may result in a different outcome and this is a matter for NRC to consider. This assessment would occur whether the land retains its current zoning or the requested Mix Use zoning.

With regard to landscape issues we acknowledge Ms Absolum’s technical memorandum which acknowledges that the land has a rural amenity character and requires careful management. Having regard to the FNHL landscape evidence of Mr Cocker we also acknowledge that consideration has been given to achieving this through the ability to provide a 30-40m building setback to the road boundary, a 6m-8m landscape buffer strip, and native revegetation replanting. We note that in rebuttal evidence Mr Cocker offered to increase the landscape buffer to 15m. These have been added to the Mixed Use zone provisions as provisions specific to the Opuā Marine Business Park in the Council right of reply/JWS version of the zone text. Both the reporting officer and Ms Absolum recommend additional wording to standards MUZ-S12 and MUZ-S13 to ensure native planting is used and that proposed built development will adequately screen rear yards from Paihia Road.

Turning to infrastructure and transport issues we were advised in the Council right of reply that these issues can be addressed at the development stage and subject to the provisions in the PDP that address these matters.

4.7.4 Finding

Again, we thank FNHL and the Council officers for their willingness to engage and resolve these matters and we support the revised provisions to the MUZ in relation to development at Opuā Marine Business Park.

We acknowledge the evidence of Dr Bright (and her witnesses) and do not dispute that the land has ecological values and open space/rural amenity characteristics. However, we also acknowledge that NRC has granted bulk earthworks consent that allows for the

land to be drained and filled and, provided that they are given effect, we acknowledge that works in accordance with that can be undertaken.

Having considered all the evidence presented to us relating to this land, we recommend that the Opua Marine Business Park is rezoned MUZ with additional landscaping standards included in the MUZ Chapter as set out in **Appendix 3.2**.

4.8 Hearings Panel Recommendations

For the reasons set out above we recommend the following:

- a) We recommend that the Opua Marina be rezoned from Light Industrial zone to Mixed Use zone as identified in **Appendix 4**; and also be subject to the Bay of Islands Marina precinct provisions as set out in **Appendix 2.6** of this report.
- b) We recommend that the FNHL land known as Opua Marine Business Park be rezoned from Rural Lifestyle zone to Mixed Use zone, as identified in **Appendix 4**.
- c) We recommend that and the Colenzo Triangle be rezoned Rural Production zone to Mixed Use zone, as identified in **Appendix 4**.
- d) We recommend that specific landscape standards be added to the Mixed zone provisions as shown in **Appendix 3.2**.

4.9 Topic 3 – Waitangi Estate Zone (Special Purpose Zone)

4.10 Overview of Submissions Received

As set out in the hearing report we received a submission from Waitangi Limited (Submission points S532.008-011) seeking that the land contained within the Waitangi Estate be rezoned from Rural Production to a new special purpose zone specifically drafted for the Waitangi Estate.

There are two other submissions concerning the Waitangi Estate:

- A submission from Heritage New Zealand Pouhere Taonga (**HNZPT**) seeking and additional “heritage area” for the Waitangi Estate (see also **Recommendation Report 12**)
- A submission from Doug’s Boatyard (S185.001) in opposition to any change to the Waitangi Trust land from its primary purpose of public access to and along the Coastal Marine Area (CMA) in conjunction with its historical purpose. This submission seeks the land be designated as ‘Natural Open Spaces’ and /or even be extended to the treaty coastal grounds boundary along the golf course to the north and/or even further along the coastal margin of the golf course to wherever that land adjoins private land.

4.11 Background

4.11.1 Waitangi Limited

As set out in the Waitangi Limited submission, Waitangi is one, if not the most prominent historic sites in Aotearoa. Waitangi Limited is the commercial arm which looks after the daily operations at the Waitangi Treaty Grounds. It has an interest in the Waitangi Estate,

which is legally described as Lots 1, 2 & 3 DP 326610, Lots 1 & 2 DP 152502, Lot 3 DP 51155, Sec 6 - 11, 15 & 16 SO 338905, located at Tau Henare Drive and Haruru Falls Road in Waitangi.

The Waitangi Estate is situated on the north side of Waitangi. It includes, but is not limited to, the Treaty Grounds. The Estate is 506 hectares in total and is bounded by Haruru Falls Road to the north and west, the Waitangi River to the south, and the coastline of the inner Te Ti Bay to the east.



Figure 6 – Location of Waitangi Estate: Source Planning evidence of Rochelle Jacobs

We were advised that the Waitangi National Trust Board Act 1932 (Trust Board Act) provides the legislative basis for the Waitangi National Trust Board (Trust Board) and Waitangi Limited to administer the Estate. The Waitangi Estate evidence states that the legislation governing the Estate is unique and merits a bespoke, complementary planning regime with a proposed SPZ being the most appropriate vehicle.

The Treaty Grounds and surrounding Estate are administered by the Trust Board and Waitangi Limited as a taonga and a place of belonging, a Tūrangawaewae, for all New Zealanders.

We were advised in legal submissions that in 2016, the Trust Board established Waitangi Limited, a wholly-owned subsidiary, to manage the day-to-day operations of the Estate on its behalf and in accordance with the Trust Deed. Waitangi Limited is governed by a chairman and directors and managed by Mr Dalton, the chief executive, on behalf of the Trust Board. It oversees all business operations and is responsible for maintaining and operating all activities on the Estate.

4.11.2 Special Purpose Zone Requested

We heard that Waitangi Limited made its submission due to a concern that the PDP provisions (as notified) do not appropriately reflect the national historic significance of the Estate and its unique characteristics, and that they are misaligned with the legislative scheme under the Trust Board Act that underpins the way the Estate is managed and developed. In particular:

- the complex framework of three land use zones and eight spatial overlays that apply to the Estate is very restrictive and requires that the most restrictive / stringent rules in each overlay will apply to proposed activities meaning that even the most basic maintenance activities on the Estate (such as footpath upgrades and the expansion of existing carparks) will require resource consents under the Proposed Plan; and
- the Rural Production zoning (**RPROZ**), which is proposed to apply to the majority of the Estate, directly conflicts with existing land uses and activities at the Estate, and the purpose for which the land is held under the Trust Board Act.²⁵

4.12 Overview of Evidence Received

Waitangi Limited opted into the evidence exchange timetable, as set out in Minute 14 issued by the Hearing Panel and provided evidence from the following:

- Landscape evidence – Simon Cocker
- Cultural evidence - Ngahuaia Ramari Harawira
- Planning Evidence – Rochelle Jacobs
- Corporate evidence – Ben Dalton

Landscape evidence

Mr Cocker has identified eight character areas that make up the Waitangi Estate and these are described and mapped in his evidence. By way of brief summary, they comprise the following:

1. Bay coastal character area - Located within the northeast corner of the Estate, this character area is defined and contained on its western, southwestern and southern sides by landform.
2. Treaty Grounds character area - This character area occupies a broadly rounded headland with narrow coastal reefs that project subtly from the northern mouth of the Waitangi River and is topped by a very gently undulating crest that runs over to the mid reaches of the River.
3. Coastal built character area - Adjoining the Treaty Grounds character area on its southern side, the Coastal built character area occupies the same landform as described above and shares a similar coastal character as its northerly neighbour.
4. Ridge (Recreation) character area - This character area borders the Treaty Grounds character area on its northern and western sides, and its eastern end straddles an

²⁵ Waitangi Limited legal submissions paragraph 2.6

easterly trending that bisects the northern part of the Estate (and forms the northern edge of the Hutia Creek catchment).

5. Ridge (Pastoral) character area - Lying to the west of and adjoining the Ridge (Recreation) character area, this character area shares a commonality with respect to its topographical character and degree of visibility from the wider landscape.
6. Estuarine coastal character area - This character area encompasses the estuarine coastal margins of the Estate and adjoins the Ridge (Recreation), Ridge (Pastoral), and Southern pastoral ridge character areas.
7. Southern pastoral ridge character area - This character area displays a commonality of character with the Ridge (Pastoral) character area.
8. Haruru Falls rural residential character area - In the south west corner of the Waitangi Estate, the Bledisloe Domain contains club rooms and a sports field that cut into the sloping landform.

Mr Cocker's evidence describes the various landscape characteristics and values of each character area. He supports the proposed special purpose zone on the basis that it has developed rules that apply to each character area with some areas being subject to more protection than others depending on the landscape values present. In Mr Cocker's view the Waitangi Estate zone (**WEZ**) gives appropriate recognition to the unique character and sensitivity of the nationally historic Treaty Grounds and its contextual landscape, being a landscape that is imbued with cultural sensitivity, as well as being a significant tourism attraction.

Cultural evidence

Ms Ngahaia Ramari Harawira prepared a cultural values (**CVA**) assessment and presented cultural evidence at the hearing. Ms Harawira stated that the CVA sets out the cultural history of the Estate and the interests of Haukāinga in the site, including prior to the signing of Te Tiriti o Waitangi / The Treaty of Waitangi (**Te Tiriti**). In her view the tailored approach provided by the Waitangi Estate Special Purpose zone has been designed to mitigate the detrimental impacts of the Proposed Plan on the cultural values and interests of the Haukāinga in respect of the Estate. In particular, Ms Harawira opined that the Waitangi Estate Special Purpose zone enables a more integrated and comprehensive management approach that appropriately recognises and supports the Estate's heritage and legacy, including:

- a) Cultural heritage protection;
- b) Natural environment and cultural protection;
- c) Areas of significance to Māori (to be discussed further with the Haukāinga);
- d) Protection of the Estate's waterways; and
- e) Community and visitor engagement, including meaningful access to the Haukāinga and manuhiri.

Planning Evidence

The planning evidence of Ms Jacobs provided an overview of the proposed provisions for the Waitangi Estate zone and a planning evaluation on the merits of why a special purpose zone should apply to the entire Waitangi Estate. She explained why she did not consider the current (notified) zoning of the Waitangi Estate land does not appropriately reflect the national historic significance and its unique characteristics and that they are misaligned with the legislative scheme under the Trust Board Act that underpins the way the Estate is managed and developed. Of particular concern is that the notified PDP zoned the majority of the Waitangi Estate RPROZ which, in her view, does not align with the purpose or the way the Estate is managed nor assist with the continued protection of nationally significant historic heritage on the Treaty Grounds, or provide for the recreation, enjoyment and benefit of the Estate for all New Zealanders.

Corporate Evidence

Mr Ben Dalton - Chief Executive of Waitangi Limited provided corporate evidence in support of the Waitangi Estate zone. In his evidence he provided an overview of the history and significance of the Waitangi Estate, the legislation applicable to the Waitangi Estate, governance arrangements, and activities in respect of the Estate and why Waitangi Limited support the Waitangi Estate zone in respect of the Estate.

In response to our questions, Mr Dalton explained some of the financial challenges that the Waitangi Estate faces with regard to aging infrastructure and facilities. He stated that the requested Waitangi Estate zone needed to provide a uniform system of signage across the entire estate.

We also received evidence from Stuart Bracey at NZHPT. Mr Bracey stated that NZHPT were supportive of the Waitangi Estate zone as it would provide for one cohesive management tool which would result in better outcomes and decision making especially for national events and economic decision making. He stated that NZHPT was satisfied the WEZ provided for the ongoing protection and maintenance of the listed features of direct interest to HNZPT. He pointed to Objective WEZ-01 and Policies WE-P2, P4 and P7 in support of this view.

4.12.1 Hearings Panel Evaluation

Is a Special Purpose Zone Justified?

The evidence of Ms Jacobs states that the proposed Waitangi Estate Special Purpose zone will provide a practical management approach for activities proposed at the Estate. In her opinion, the use of this method has enabled tailored rules, objectives, and policies to be utilised that provide the site with the mana and acknowledgement it deserves.

She opined that the tailored provisions in the Waitangi Estate zone and amended general standards endeavour to ensure that future development should not be considered through the lens of a production zone, or a general zoning which is impractical for the Estate. It also ensures that the issues highlighted through the overlapping of spatial layers applying to the Estate can be resolved, through careful review of standards and how they interact with one another.²⁶

²⁶ Evidence of Rochelle Jacobs paragraph 6.18

Ms Jacobs referred to Mandatory Direction 8.3 of the National Planning Standards for new special purpose zones which set out three criteria which all must be satisfied. These are:

- 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.

Ms Jacobs provided an extensive analysis of these three criteria and concluded that all three are satisfied at Waitangi. We note the reporting officer (Ms Lynette Morgan) agreed with Ms Jacobs that all three criteria were easily met. We note that the reporting officer also helpfully set out the range of other spatial planning techniques available (including development areas, designations and heritage orders and provided an analysis why these would not be practical or appropriate.

We agree with this conclusion and consider that the significance of Waitangi, as the location where Te Tiriti was signed and is celebrated annually, to clearly be of national significance. With regard to the second criterion, we agree that the current mix of zones that apply to the Waitangi Estate make its management as a nationally significant landmark impractical for its effective management. Finally, with regard to the third criterion, we agree that the spatial overlays that apply to the Waitangi Estate (including Coastal Overlay, Areas of High Natural Character and Outstanding Natural Features and Landscape overlays) make the management of the Waitangi Estate, as a national monument, impractical. In that light, we are also satisfied that the provisions proposed will ensure those natural values will be adequately maintained, protected or enhanced.

We therefore find that the establishment of a special purpose zone for the Waitangi Estate is in accordance with the National Planning Standards.

Areas of Contention between Waitangi Estate and Council

At the hearing we were pleased to hear that the Council officers and Waitangi Estate had reached agreement of the majority of the provisions for the Waitangi Estate zone and as such accept that these matters are no longer in contention.

At the hearing we focused on those areas where the parties disagreed and these are summarised as follows:

- a) The reporting officer sought more clarity on how impermeable surfaces were going to be managed for the Whakanga (Tourism) sub-zone (which includes the Waitangi Copthorne Hotel).
- b) Disagreement on the activity status for buildings and structures in an Outstanding Natural Landscape (ONL) or on an Outstanding Natural Feature (ONF).
- c) Whether there should be an exemption for small buildings and structures within the Mean High Water Springs (MHWS) setback under CE-S4.
- d) Whether there should be an exemption for the Waitangi Estate zone from the community signs rule SIGN-R2.
- e) Whether there should be specific rules relating to temporary activities undertaken on the Waitangi Estate.

The evidence from Waitangi favoured more flexibility in the Waitangi Estate zone provisions and other PDP provisions for these activities citing that Waitangi Estate is professionally managed by a statutory body and that flexibility is necessary to efficiently and effectively carry out its management functions. In response the Council officers were of the view that stricter regulatory oversight was justified given the national status of Waitangi and the range of outstanding and high natural values present.

Following the hearing of evidence we issued Minute 33 which directed expert conferencing between Council and Waitangi Estate Limited. The scope of the conferencing was limited to the following provisions in the draft Waitangi Estate zone chapter and the Natural Features and Landscapes (NFL) chapter:

- a) NFL -R1 (as it applies to the Waitangi Estate zone) and/or any necessary amendments to Waitangi Estate zone standards to address scale of buildings in the Te Pitowhenua sub-zone;
- b) Waitangi Estate zone rule(s) for signs;
- c) Waitangi Estate zone rule(s) for temporary activities; and
- d). Definition of Waitangi commercial activities (in terms of how it might accommodate activities otherwise caught by the temporary activities rule)

We also indicated that as the Waitangi Estate zone is a special purpose zone, we were comfortable with exploring the option of providing specific place-based definitions or rules for activities at Waitangi Estate to avoid any district-wide issues.

On 30 October 2025 we received a Joint Witness Statement (**JWS**) regarding the Waitangi Estate Special Purpose zone provisions. The participants in the JWS were:

- a) Ms Lynette Morgan (WEZ section 42A author)
- b) Ms Melissa Pearson (Heritage section 42A author)
- c) Ms Rochelle Jacobs (expert planner for Waitangi Estate Limited (WEL)) and
- d) Mr Stuart Bracey (expert planner for Heritage New Zealand Pouhere Taonga (HNZPT)).

The JWS notes that the conferencing involved a walkover of the Waitangi Estate and two conferencing meetings. The key findings of the JWS are:

Activities within an ONL:

1. The landscape experts agreed that the most important values of the ONL were heritage and cultural values as opposed to natural landscape values;
2. The ONL should be separated into two parts – “ONL-North” (where the landscape, heritage and cultural values most at risk of being impacted by inappropriate built development) and “ONL-South” (that contains the majority of operational activities and buildings and fewer sites/areas of high landscape, heritage or cultural significance such as both public and staff car parks, Tau Henare Drive, the Wharewaka Café and outdoor seating area etc).
3. Provision for low impact, small scale, but functionally necessary, buildings and/or structures where it would be desirable to provide a permitted pathway in ONL-North.

A 10m² permitted threshold was agreed for ONL-North as a proxy to allow these activities.

4. Agreement that a discretionary activity status is appropriate for infringements of the permitted area thresholds in NFL-R1. The agreed changes to Rule NFL-R1 are as follows:
 - a) New text inserted into NFL-R1, PER-1 (3)(a) to make it clear that the 50m² permitted threshold for ONL in the coastal environment also applies to ONL-South located within the WEZ.
 - b) A new clause (f) added to NFL-R1, PER-1 (3) that sets a 10m² permitted threshold for ONL-North located within the WEZ.
 - c) A new note that directs plan users to Appendix A of the WEZ chapter where they will find a map showing the spatial extent of ONL-North and ONL-South.
 - d) A new discretionary activity status for ONL-North and ONL-South where PER-1 is infringed and CON-1 cannot be complied with.

Signage:

- a) It was agreed that a 1m² area restriction for signage should continue to apply to ONL-North, but that the more operational and less sensitive nature of ONL-South justified a larger 3m² area limit.
- b) It was agreed that the signage rule did not need to comply with the height, height in relation to boundary, and setback standards within the WEZ, except for on road boundaries.
- c) The JWS agreed a consolidated signage rule for the WEZ (Sign-RXX, amendments to Sign-R1, R2 and R3),
- d) The JWS did not reach agreement with regard to the provision of third party signage (we discuss this further below).

Waitangi Estate zone rules for temporary activities (and associated definitions)

The JWS agreed that provisions for temporary activities in the Waitangi Estate zone can be more permissive than the generic provisions in the Temporary Activities chapter that apply elsewhere in the district as follows:

- a) A Waitangi Estate zone specific rule for temporary activities.
- b) Specific provision for three major temporary activities that occur annually, being Waitangi (and associated events during that week), ANZAC Day and the week of Matariki.
- c) Recognition of “genuine” temporary activities and activities such as functions and conferences and smaller and larger scale temporary events (being 500 persons) in terms of the frequency they are allowed to occur as a permitted activity.
- d) Agreed changes to the Temporary Activities Chapter and new definitions related to temporary activities.

We have reviewed all the recommended changes to the provisions of the Waitangi Estate zone and associated chapters and we agree that the wording is appropriate for the Activities undertaken within the Waitangi Estate.

We thank the parties for the considerable amount of work undertaken to agree these provisions and appreciate the professionalism adopted throughout this process.

Matters Not Agreed To

The JWS advised that the Council officer's (Ms Morgan and Ms Pearson) were not in favour of allowing third party advertising given the national significance of Waitangi and its associated cultural, heritage and coastal and landscape values. They however, accepted that a discretionary activity consent pathway would be acceptable.

The planners for Waitangi Limited (Ms Jacobs) and HNZPT (Mr Bracey) are of the opinion that third party signage is already a reality for activities like the golf club, yacht club and Bledisloe sports grounds. They opine that these community organisations rely on third party advertising from local businesses to raise funds for on-going maintenance and upkeep of these facilities. While there is agreement that third party signage is not appropriate on Te Pitowhenua and this should remain as a Discretionary activity, Ms Jacobs and Mr Bracey consider that third party signage should be provided for as a Restricted Discretionary activity within the Papa Rehia sub zone (which includes the Golf Club and the Yacht Club). Waitangi Limited is of the view that this approach could include a small business sign stating that a particular business sponsors a specific golf hole, a walking track or bench seat. Waitangi Estate asserts that small signs of this nature are generally inwards facing, targeted at people using the facilities, and small as they are directed at people at close range rather than people driving by. In the view of Ms Jacobs and Mr Bracey, the likelihood of these signs detracting from any heritage items or coastal views would be low.

We have considered this matter carefully and consider that the merits of each approach have been clearly articulated and supported by resource management reasoning. We are of the view that the national significance of Waitangi and its importance to New Zealand's founding and its ongoing role as part of our national identity means that a cautious approach should be adopted. While we accept that Waitangi Limited has the statutory role to administer the Waitangi Estate and have no doubt that it has, and will continue, to operate professionally and in the interests of the Waitangi Estate, we are nonetheless reluctant to enable third party signage as a restricted discretionary activity, albeit for only the Papa Rehia sub zone. We therefore recommend that third party signage be a discretionary activity across the entire Waitangi Estate zone.

4.12.2 Hearings Panel Recommendations

For the reasons set out above we recommend that:

- a) Submissions S531.008 – 531.011 from Waitangi Limited and S502.108, 502.110-112 from Northland planning Limited submitters and the land known as the Waitangi Estate be rezoned as 'Waitangi Estate Special Purpose zone' or WEZ.
- b) That the submission S185.001 from Doug's Boat Yard be accepted in part and the land known as the Waitangi Estate be rezoned as a Special Purpose zone, being the 'Waitangi Estate zone' with provisions as set out in **Appendix 2.7**.

- c) That the planning maps be amended to identify the new Waitangi Estate zone, special purpose zone, as identified in **Appendix 4**.
- d) That the submission S409.049 from HNZPT be rejected and FS 51.34 from HNZPT be accepted in part.
- e) That consequential amendments are made to include a new definition of 'Waitangi Estate'; and to amend the definitions of 'Waitangi commercial activities' and Wetland, lake and river margins, to reflect the amendments resulting from the Waitangi Estate zone. These amendments are included in the Definitions in **Appendix 2.1 of Recommendation Report 17**.
- f) That consequential amendments are made to the following chapters of the PDP as set out in **Appendix 3.1**:
 - Energy, Infrastructure, and Transport – Renewable Electricity (REG);
 - Historical and Cultural Values - Historic Heritage (HH);
 - Sites of Cultural Significance to Māori (SASM);
 - Natural Environment Values - Ecosystems and Indigenous Biodiversity (IB);
 - Natural Environment Values - Natural character (NATC);
 - Natural Environment Values - Natural features and landscapes (NFL);
 - Subdivision (SUB); Coastal Environment (CE);
 - Earthworks (EW); Light (LIGHT);
 - Noise (NOISE);
 - Signs (SIGNS); Temporary Activities (TEMP);
 - Schedule 3 - Sites of Cultural Significance to Māori.

The reasons for this recommendation are set out in our discussions above and it the recommendation of the Hearings Panel that the combination of a new Waitangi Estate zone combined with our recommended consequential amendments to district wide chapters, will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents.

5. Conclusion

For the reasons set out in this recommendation report, we recommend the adoption of a set of changes to the PDP provisions establishing the following new special Purpose zones and Precincts:

- Corrections zone, a Special purpose zone;
- Matakā Station precinct;
- The Landing precinct;
- Motukiekie Island precinct;

- Tupou precinct;
- Bay of Islands Marina precinct
- Waitangi zone, a Special purpose zone;
- Wiroa Station precinct;

We also recommend the following consequential changes to the PDP:

- Changes to the definitions Chapter;
- Changes to the Mixed Use zone;
- Changes to other PDP chapters

Our recommended amendments are shown in **Appendices 2.1 – 3.2** to this recommendation report.

Our recommended amendments to the planning maps are shown in **Appendix 4**.

In evaluating and determining our findings we have had regard to the submissions and further submissions received, the hearing reports (including right of reply), the evidence tabled and presented to us and joint witness statements. We have also incorporated our own s32AA evaluation into the body of our report as part of our reasons for recommended amendments.

Overall, we find that these changes will ensure the PDP better achieves the statutory requirements, national and regional policy directions, and easier to implement and understand.