

**Before the Environment Court
At Auckland**

**I Mua I Te Kōti Taiao
Tāmaki Makaurau Rohe**

ENV-2026-AKL-

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal under clause 14(1) of Schedule 1 of the
RMA

**And in the
matter** of the Proposed Far North District Plan

Between **Mataka Residents Association Incorporated
Appellant**

And **Far North District Council
Respondent**

Notice of Appeal

Dated: 11 August 2026

Presented for filing by:

Joanna Beresford



PO Box 1088 Shortland Street,
Auckland 1142

joanna@beresfordlaw.co.nz
+64 21 114 1277

Notice of Appeal

TO: The Registrar
Environment Court
Auckland

Introduction

1. Mataka Residents' Association Incorporated (**Appellant**) appeals against part of the decision (**Decision**) of the Far North District Council (**Respondent**) in respect of the Proposed Far North District Plan (**PDP**).
2. The Appellant is an incorporated society (No 1372206) whose members own properties at Matakā Station, a 1075ha coastal conservation and farm estate located on the Purerua Peninsula at the northern end of the Bay of Islands.
3. The Appellant made two submissions (No. S230 and S597), and two further submissions (No. FS143 and FS581) on the PDP.
4. The Appellant is not a trade competitor for the purposes of section 308D of the RMA.
5. The Respondent notified the Decision, and the Decision was received by the Appellant, on 30 June 2026.
6. The final day for filing appeals is 12 August 2026.

Appeal

7. Matakā Station is zoned Rural Production Zone under the PDP and is subject to mapped overlays, namely the coastal environment (**CE**), high natural character (**HNC**) and outstanding natural landscapes (**ONL**) overlays.
8. The Appellant in its submissions on the PDP sought a new Matakā Station Precinct, to provide a bespoke set of planning provisions for Matakā Station.
9. The Decision adopts a Matakā Station Precinct (**Precinct**) into the PDP.
10. The Appellant appeals the part of the Decision that relates to the earthworks and indigenous vegetation clearance provisions of the Precinct.

11. For the avoidance of doubt, the Appellant does not appeal the decision to adopt the Precinct nor the Precinct provisions relating to new buildings, visitor accommodation, worker accommodation, building height or farming.

Reasons

12. The reasons for the appeal are that:
 - (a) Matakā Station is a coastal conservation and farm estate, comprising a 30-lot residential development with an operational sheep and cattle farm and large private conservation estate totalling approximately 1075 hectares.
 - (b) The farm, conservation areas and common areas are managed by the Appellant residents' society. The conservation areas are approximately 350 hectares. The scale of Matakā Station presents a significant opportunity to restore ecological values and natural character of this coastal environment at the northern entrance to the Bay of Islands.
 - (c) The consented Matakā scheme, enables the continued joint management of the land for conservation and farming purposes, while providing for limited residential development (30 house sites) and common facilities within identified areas. This joint management approach is necessary to support ongoing conservation enhancement measures and predator control, which in turn contributes to the protection of kiwi and other fauna, allowing these populations to flourish. Extensive conservation areas on the property are legally protected through covenants and consent notices.
 - (d) The Respondent has recognised the distinct nature of Matakā Station through its adoption of the Precinct, which better aligns the PDP rules framework to the Matakā scheme to enable continued management of the land for farming and conservation purposes, while providing for limited residential development and common facilities within identified areas.
 - (e) The ONL and CE overlays apply to a substantial portion of Matakā Station and the HNC overlay applies to discrete areas of vegetation.

- (f) Earthworks and vegetation clearance of any practical scale under the decisions version of the PDP would require resource consent as a non-complying activity in the ONL, and would otherwise be subject to very restrictive area consent trigger thresholds in the ONL, HNC and CE.
- (g) In the unique context and scale of Matakā Station and given the certainty over the form of future development (afforded by the consented Matakā scheme, the existing legal protections, and now the Precinct), the earthworks and vegetation clearance rules in the Precinct are unnecessarily restrictive and would result in considerable consenting burden.
- (h) Failing to have sufficiently enabling earthworks and vegetation clearance provisions to facilitate the implementation of the Matakā scheme will result in the positive social and economic effects of the development for the district and region not being fully realised.
- (i) The scale of the Matakā Precinct, and the nature of the land uses enabled and restricted by the Precinct, mean that increased permitted thresholds for earthworks and vegetation clearance and the specific permitted activities sought are appropriate.
- (j) Where such thresholds cannot be met, restricted discretionary activity status is appropriate as the matters of discretion allow a proper assessment of actual and potential effects relative to the particular overlay.
- (k) Further, minor amendments are required to correct internal cross referencing errors in the Decision version of the PDP provisions.
- (l) In the absence of the relief sought by the Appellant to address the concerns in this appeal, the PDP will:
 - (i) Be inconsistent with the sustainable management purpose of Part 2 of the Resource Management Act 1991 (**RMA**).
 - (ii) Fail to give effect to the relevant provisions of the applicable national and regional planning instruments,

including the New Zealand Coastal Policy Statement, the National Policy Statement on Indigenous Biodiversity, and the Northland Regional Policy Statement.

- (iii) Be contrary to the statutory tests for district plan making under the RMA including s 32 of RMA.
- (iv) Generate significant adverse effects on the environment and the Appellant including creating a disproportionate regulatory and consenting burden to the continued implementation of the Matakā scheme.

Relief sought

13. The Appellant seeks the following relief:

- (a) That the PDP provisions be amended in accordance with the amendments set out in Annexure D to:
 - (i) Insert of a new permitted activity rule PREC3-R6 “Earthworks or indigenous vegetation clearance” to the Precinct that includes permitted activities in the ONL and CE and a restrictive discretionary activity classification where these are not met. This rule is to apply to the balance of land within Matakā Station, i.e. outside of the activities covered by PREC3-R7 (which applies to earthworks or indigenous vegetation clearance for the construction of a building or structure and its associated curtilage within a House Site or Area 1, 2 or 3 shown on Precinct Plan 1, and associated accessways).
 - (ii) Insert a new Standard PREC3-S3 “Earthworks or indigenous vegetation clearance” to the Precinct that sets out the permitted activity standards referenced in new rule PREC3-R6.
 - (iii) Consequentially renumbering and cross referencing within the Precinct and otherwise as required in the PDP.

- (b) In the alternative, that Precinct provisions be otherwise amended to address the concerns set out in this notice of appeal.
- (c) Such other orders, relief or other consequential amendments as is considered appropriate and necessary by the Court to address the concerns set out in this appeal.
- (d) Costs of and incidental to this appeal.

Documents

14. The Appellant attaches the following documents to this notice of appeal:
- (a) A copy of the Appellant's two original submissions and two further submissions on the PDP (**Annexure A**).
 - (b) A copy of the relevant part of the Decision (**Annexure B**).
 - (c) A list of names and addresses of persons to be served with a copy of this notice of appeal (**Annexure C**).
 - (d) A table of specific amendments sought to the provisions of the PDP (**Annexure D**).

Dated: 11 August 2026

MATAKA RESIDENTS' ASSOCIATION INCORPORATED by its solicitors
and duly authorised agents Beresford Law

A handwritten signature in blue ink that reads "JL Beresford". The signature is written in a cursive, flowing style.

JL Beresford

Address for service

This document is filed by Joanna Louise Beresford, solicitor for the appellant, of the firm Beresford Law. The address for service of the appellant is Level 6, 20 Waterloo Quadrant, Auckland, 1010. Attention Joanna Beresford, Telephone: +64 9 307 1277, Mobile: +64 21 114 1277.

Documents for service on the appellant may be left at that address for service or may be:

- (a) posted to the solicitor at PO Box 1088 Shortland Street Auckland 1140; or
- (b) emailed to the solicitor at joanna@beresfordlaw.co.nz.

Advice to recipients of copy of notice of appeal

How to become party to proceedings

1. You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.
2. To become a party to the appeal, you must:
 - (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
 - (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.
3. Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.
4. You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

5. The copy of this notice served on you does not have attached a copy of the appellant's submission and the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

Advice

6. If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

ANNEXURE A

Copies of the Appellant's two original submissions and two further submissions on the PDP

Proposed District Plan
 Strategic Planning and Policy
 Far North District Council
 Private Bag 752
 Kaikohe 0400
 By email: pdp@fndc.govt.nz

Attention: District Planning Team

19 October 2022

SUBMISSION ON PROPOSED FAR NORTH DISTRICT PLAN

Clause 6 of Schedule 1 of the Resource Management Act 1991 (RMA)

To: Far North District Council

Name of submitter: Mataka Residents' Association Inc (c/o Donald Chandler)
Postal address: PO Box 501
 Kerikeri 0245
Email: manager@mataka.co.nz

INTRODUCTION

1. This is a submission on the Proposed District Plan for the Far North District (**Proposed Plan**).
2. The Mataka Residents' Association Inc (**the Association**) is a collective of landowners with properties at Mataka Station. Mataka Station is an ecological farm estate on the Purerua Peninsula in the Far North District (**the Site**).
3. Figure 1 below identifies the Site, which Figure 2 further below, identifies the proposed Overlays from the Proposed District Plan (addressed below) and the existing Operative District Plan Rural Production zone/General Coastal zone boundary. The Proposed District Plan proposes the removal of the General Coastal zone, the rezoning of all the Purerua Peninsula to Rural Production zone and the implementation of the Coastal Environment overlay to effectively 'replace' the operative Coastal Environment zone. Additional overlays are also proposed over the Purerua Peninsula, including the High Natural Character overlay and the Outstanding Natural Landscape overlay.

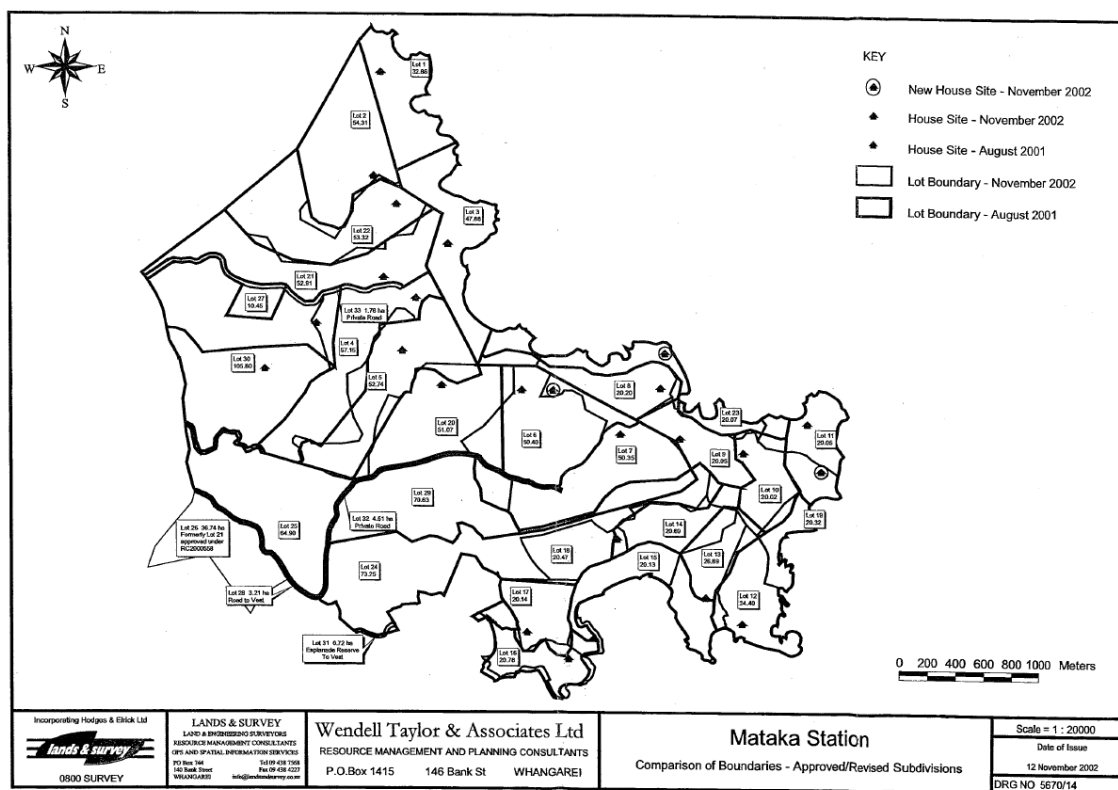


Figure 1: The Mataka Station Site

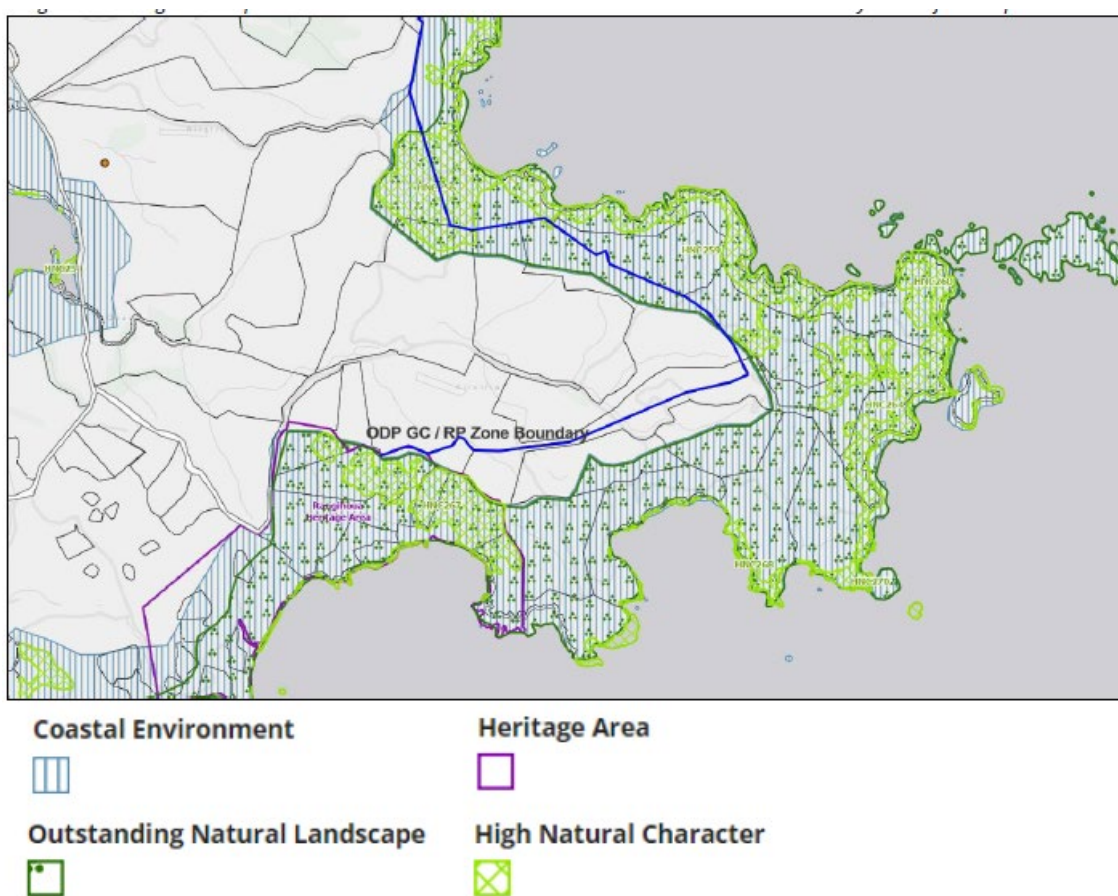


Figure 2: The Proposed District Plan Overlays

4. The Proposed Plan, if approved, will directly affect members of the Association by imposing undue restrictions on the construction of residential dwellings on the Site through the application of specified overlays and rules.
5. The Association could not gain an advantage in trade competition through this submission.
6. The Association makes this submission in relation to all relevant provisions affecting the Purerua Peninsula, including but not limited to the following:
 - (a) The proposed Coastal Environment (**CE**) overlay, overview, objectives, policies and rules applying to the Site;
 - (b) The proposed Outstanding Natural Landscape (**ONL**) overlay, overview, objectives, policies and rules applying to the Site; and
 - (c) The proposed High Natural Character (**HNC**) overlay, overview, objectives, policies and rules applying to the Site.
 - (d) The proposed Rural Production zone overview, objectives, policies and rules applying to the Site.
7. The specific provisions of the Proposed Plan that this submission relates to are:
 - (a) the overview, objectives, policies and rules applying to land that is subject to a CE overlay (set out under *Part 2 – District Wide Matters: General District-Wide Matters - Coastal environment* of the Proposed Plan);
 - (b) the overview, objectives, policies and rules applying to land that is subject to an ONL overlay (set out under *Part 2 – District Wide Matters: Natural environmental values - Natural features and landscapes* of the Proposed Plan); and
 - (c) the overview, objectives, policies and rules applying to land that is subject to a HNC overlay (set out under *Part 2 – District Wide Matters: Natural environmental values – Natural character* of the Proposed Plan).
 - (d) The overview, objectives, policies and rules applying to land that is subject to The Rural Production zone (set out under *Part 3 – Area Specific Matters: Rural Zones* of the Proposed Plan).

OVERVIEW OF MATAKA STATION

Ownership and operating structure

8. Mataka Station comprises a 30-lot residential development with an operational sheep and cattle farm and a large private conservation estate totalling 1150ha.
9. The Site is administered by the Association through a body corporate ownership structure. Land owners hold the titles making up the whole of Mataka Station reserving use of their residential site and leasing to the Association the balance of their lots for farming and conservation uses.

10. Land Covenants are registered on the Certificates of Title to all properties on Mataka Station. The Land Covenants and associated rules govern features such as common access, the maintenance of roads and other common facilities. Each owner is required to belong to the Association and to comply with its rules. Those rules are comprehensive and establish a private management scheme for Mataka Station.
11. A key requirement of the covenant-based management scheme for Mataka Station is that all new buildings on the Site must comply with strict Design Guidelines, which include a condition that approval must be sought from the Design Committee prior to altering the location of an identified building platform.

Mataka scheme

12. Since 2000, a number of resource consent applications (**the resource consents**) have been sought and granted to enable the subdivision of the Site into its current configuration with 30 residential allotments (**the Mataka Scheme**). To date, ten dwellings have been constructed and an additional 20 dwellings are anticipated by the Mataka Scheme.
13. When the original application was made for the resource consents, the intention was for the Mataka Scheme to be consented in full. The conditions of consent specifically enable this, including the establishment of dwellings. Condition 11 of resource consent 2030467 provides for the following:

Condition 11

One (1) dwelling house together with accessory buildings including water storage facilities may be established on each Lot in the subdivision, except as may be provided by a subsequent resource consent or where the District Plan provisions allow as a permitted activity. The dwelling houses and accessory buildings shall be located as shown on the plan of subdivision 5670/12 and shall be consistent with the relevant design criteria in the Transitional and Proposed District Plans.

Note: This condition does not include Lots 19 and 23 which are subject to a separate Condition 17A.

Condition 17A

Development on Lots 19 and 23 shall be limited to one building only and shall be within the identified building area and shown on the survey plan. The building on Lots 19 and 23 shall be located below the ridgeline behind the building site and shall not exceed a height of 5m above natural ground level or finished ground level, whichever results in the height of the building being lesser when measured above sea level. Any parking areas shall be located landward of the building. The exterior appearance of any buildings shall be visually unobtrusive by the use of appropriate design, materials and exterior colours. All such details of the building and its location (within and Outstanding Landscape Area) being below the ridgeline shall be provided with any building consent application or resource consent application (if required) and shall be to the satisfaction of the Resource Consent Manager following an independent peer review at the applicant's expense.

14. Further resource consents and consent notices contain contained similar provisions. The resource consents are therefore for the subdivision of the Site and to enable construction of a residential dwelling on each of the identified building platforms.

15. This is reflected in the level of reports that were provided to the Council in support of the original application and the conditions of resource consent that were imposed by the Council when the Mataka Scheme was authorised. In particular, one of the conditions of resource consent provides for one dwelling to be established on each lot in the location identified on the subdivision plan in accordance with specified design requirements and screening and landscape mitigation measures for sensitive house sites.
16. The Association submits that the applications and decisions for Mataka Station treated the resource consents as an integrated long-term scheme or precinct. Its members, who are landowners, purchased lots in reliance on their ability to construct a residential dwelling within buildable areas identified on the consented Mataka Scheme.
17. The Proposed Plan fails to recognise or provide for residential development in accordance with the consented Mataka Scheme. Therefore, the Association seeks amendments to the Proposed Plan to protect its member's interests in relation to the Site. Reliance on the King Salmon decision as the basis for requiring non-complying activity resource consents for any development within the Outstanding Natural Landscape overlay fails to recognise existing regulatory consents within the overlay, which is a distinguishing factor from the King Salmon decision.

REASONS FOR SUBMISSION

18. The Proposed Plan will restrict the ability of members of the Association to construct a residential dwelling on the consented building platforms identified in the Mataka Scheme through the application of CE, ONL and/or HNC overlays and rules.
19. The Association's primary concerns relate to the following provisions:
 - (a) Pursuant to rule NFL-R1 and NFL Standards of the Proposed Plan, the construction of a new building/dwelling on land that is within the coastal environment and subject to an ONL will require resource consent as a non-complying activity if permitted development standards cannot be met.
 - (b) Pursuant to rule CE-R1 and CE Standards of the Proposed Plan, the construction of a new building/dwelling on land that is within the coastal environment and subject to a high natural character area will require resource consent as a discretionary activity if permitted development standards cannot be met.
 - (c) Pursuant to the RPROZ rules and standards of the Proposed Plan, the construction of a new building/dwelling on land that is within the rural production zone on an existing lot where the rules and standards are not met.
 - (d) The relevant overview, objectives and policies relating to the Coastal Environment overlay, High Natural Character overlay, Outstanding Natural Character overlay and Rural Production zone
20. The proposed default to non-complying activity status is particularly problematic as it would require a wholesale reassessment of the appropriateness to build on an approved building platform on the Site. It imposes considerable unnecessary cost and risk to current and future owners who have purchased lots in reliance on the consented Mataka scheme.

21. The Association submits that the application of non-complying and/or discretionary activity status to the construction of a residential dwelling on an authorised building platform that has been subject to extensive landscape and visual analysis amounts to an excessive constraint on residential activity on the Site.
22. The Association **opposes** the application of specified overlays and associated rules to the Site on the basis that those provisions:
 - (a) fail to provide for residential activity in accordance with the consented Mataka Scheme;
 - (b) will impose undue restrictions on residential activity that is anticipated by the consented Mataka Scheme to the detriment of members of the Association;
 - (c) do not represent the most appropriate way of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions, and in particular the assessment of the benefits and costs of the environmental, economic and social effects that are anticipated from the implementation of the provisions; and
 - (d) will not promote the sustainable management of natural and physical resources and are not the most appropriate way to achieve the purpose of the Resource Management Act 1991 (**RMA**).
23. The Association submits that provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.

DECISIONS SOUGHT

24. The Association seeks the following decision from Far North District Council: Accept the Proposed Plan but with the following amendments:
 - (a) Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 – Area Specific Matters' of the Proposed Plan; and include appropriate objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities.
 - (b) Include appropriate permitted activity standards, including but not limited to the following:
 - (i) The dwelling shall be located on the House Site location
 - (ii) Maximum height = 12m above existing ground level
 - (iii) Building or structure coverage = 12.5%
 - (c) Include an overview, objectives and policies for the new Special Purpose zone that address the matters raised above in this submission and any

S230.001

further standards and/or design criteria that are consistent with the resource consents granted to date.

- (d) Amend the Overview, Objectives and Policies of the Coastal Environment Overlay, High Natural Character Overlay, Outstanding Natural Landscape overlay and Rural Production zone to give recognise the proposed Mataka Station Precinct provisions and the existing resource consent which provides for dwellings and buildings/structures on the Lots within the Mataka Scheme as well as the continuation of farming activities. **S230.002, S230.003, S230.004, S230.005, S230.006, S230.007,**
 - (e) In the alternative, any other provisions including alternative activity status rules, matters for discretion and assessment criteria that give effect to this submission. **S230.008, S230.009, S230.010,**
 - (f) Any other consequential relief required to give effect to this submission. **S230.011, S230.012, and, S230.013**
25. The Association wishes to be heard in support of its submission.
26. It does not want to present the submission via Microsoft Teams.
27. If others make a similar submission, the Association will consider presenting a joint case with them at a hearing.

Donald Chandler
On behalf of Mataka Residents' Association Inc



Submission on Proposed Plan Variation 1 – Minor Corrections and Other Matters to the Far North Proposed District Plan

This submission was lodged online

SUBMISSION S597

Submitter details

Submitter name:	Mataka Residents' Association Inc
Submitter number:	S597
Date received:	12/11/2024
Company/Organisation Name: (if applicable):	Peter Hall Planning Limited
Contact person (if different):	Mr. Peter Hall
Full Postal Address:	Po Box 226 Shortland Street Auckland, Auckland 1140
Email:	peter@phplanning.co.nz
Wish to be heard in support of my submission:	Yes
If others make a similar submission, I will consider presenting a joint case with them at a hearing:	Yes
Trade competition declaration:	I could not gain an advantage in trade competition through this submission.
Trade competition direct affect declaration:	N/A

Submission points

The following submission points were made by the submitter.

S597.001

Point	Plan section	Plan provision	Position	Decision sought	Reasons for position
1	Heritage area overlays	HA-R11	Support	Delete rule HA-R11 as proposed in variation 1.	Rule HA-R11 inadvertently captures a range of activities that will have no effects on the heritage values of heritage overlay areas.

Supporting documents

The following documents were included with the submission.

Supporting documents	
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Online Further Submission

Further Submitters Name	Mataka Residents’ Association Inc	
Further Submitter Number	FS143	Further Submitter #143
Wish to be heard	Yes	
FS qualifier	a person who has an interest in the proposal that is greater than the interest the general public has (e.g. land owner, resource user)	
FS qualifier reason	The Mataka Residents’ Association Inc ("the Association") is a collective of landowners with properties at Mataka Station whose land is affected by the Proposed Far North District Plan. The Association and individual landowners at Mataka Station have made primary submissions on the Proposed Plan.	
Joint presentation	Yes	
Attention:	Donald Chandler	
Contact organisation		
Address for service	PO Box 961 Kerikeri 0245	FS143.01 -143.80
Telephone		
Mobile	021 0232 7293	
Email	manager@mataka.co.nz	
Online further submitter?	Yes	
Date raw FS lodged	03/09/2023 6:49pm	

Further submission points

Raw FS number	Original submitter	Related Submission Point	Plan section	Provision	OS Decision Requested	SupportOppose	FS Decision requested	Reasons
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FS143.1	Bentzen Farm Limited	S167.001	General approach	Applications Subject to Multiple Provisions	Insert a new clause within 'Applications Subject to Multiple Provisions', specifying that if an overlay is shown on the Planning Maps, the overlay provisions only apply to the portion of the property covered by the overlay	Support	Allow
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As described in the National Planning Standard 2019, an overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions. It follows that the provisions relating to the overlay only apply to that part of a site so mapped. While this may be the intent of the overlays, in some instances in the Proposed Plan for overlay provisions, reference is made to 'the site'; the potential implication being that the overlay provisions apply to the site as a whole. In many instances, overlays apply to part of but

								not the whole of the site. Applying the provisions to the site as a whole in these situations would not serve the resource management purpose of the overlay.
FS143.2	Bentzen Farm Limited	S167.004	Economic and Social Wellbeing	Objectives	Retain Strategic Objectives SD-SP-O1 to SD-EP-O5	Support	Allow	The encouragement of opportunities for fulfilment of the community's cultural, social, environmental, and economic wellbeing set out in these Strategic Objectives is supported.

FS143.3	Bentzen Farm Limited	S167.006	Natural Environment	SD-EP-O5	Amend Strategic Objective SD-EP-O5 as follows: The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations, including their restoration.	Support	Allow	The further submitter agrees with this submission that the long term protection of the values set out in this strategic objective may not necessary mean their restoration. The natural character of the coastal environment is in most cases degraded, and opportunities for its restoration or rehabilitation should be promoted as required by policy 14 of the NZCPS 2010.
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FS143.4	Bentzen Farm Limited	S167.009	Natural hazards	Notes	Amend note 2 as follows	Support	Allow	The further submitter agrees that Note 2 to this rule should only apply to just that part impacted by the identified natural hazard, otherwise the rule will impose unnecessary cost. The amendments sought by the submitter target the requirements just to the mapped hazard area.
					2. Any application for a land use resource consent in relation to a site location that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion. Any application for a subdivision consent must additionally include an assessment of whether the site any new site to be created includes an area of land susceptible to instability.			

FS143.5	Bentzen Farm Limited	S167.030	Natural features and landscapes	Overview	Amend the Overview as follows: The Far North District has an extensive coastline with many harbours, large tracts of indigenous vegetation and a wide variety of natural processes that operate at varying scales. This has created a District rich in unique landscapes and features. In many instances, they are celebrated by cultural associations and stories. Modification of these places has been minimal largely due to their remote locations, historic heritage and in some cases challenging topography and geomorphology.	Support	Allow	The Overview as written sets up an incorrect expectation that ONLs as mapped are in a natural state. The objective is also internally Inconsistent with policy NFL-P4 which correctly recognises that farming is part of ONLs.
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FS143.6	Bentzen Farm Limited	S167.031	Natural features and landscapes	NFL-02	Amend Objective NFL-02 as follows: Land use and subdivision in ONL and ONF is consistent with and does not compromise the identified characteristics and qualities values of that landscape or feature. Or alternatively The identified characteristics and values of ONLs and ONFs are protected from inappropriate subdivision, use and development.	Support	Allow	By its nature, land use and subdivision cannot be 'consistent with' the characteristics and qualities of an ONL or ONF. It can however not compromise their characteristics and values as have been identified by the higher order planning documents. The resource consents granted to Mataka have confirmed that subdivision, land use and development can occur without compromising the characteristics and values of ONLs and can in fact enhance them.
FS143.7	Bentzen Farm Limited	S167.032	Natural features and landscapes	NFL-P2	Amend Policy NFL-P2 as follows: Avoid adverse effects of land use and subdivision on the	Support	Allow	For the reasons stated in relation to the objective above.

					identified characteristics and qualities values of ONL and ONF within the coastal environment.			
FS143.8	Bentzen Farm Limited	S167.033	Natural features and landscapes	NFL-P3	Amend Policy NFL-P3 as follows: Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the identified characteristics and qualities values of ONL and ONF outside the coastal environment.	Support	Allow	For the reasons stated above in relation to the objective
FS143.9	Bentzen Farm Limited	S167.034	Natural features and landscapes	NFL-P4	Amend Policy NFL-P4 as follows: Provide for farming activities within ONL and on ONF where: a. the use forms part of the identified characteristics and qualities values that established the landscape or feature; and b. the use is consistent with, and does not compromise the characteristics and qualities of the landscape or feature.	Support	Allow	For the reasons stated above in relation to the objective

FS143.10	Bentzen Farm Limited	S167.036	Natural features and landscapes	NFL-P6	Amend Policy NFL-P6 as follows: Encourage the restoration and enhancement of ONL and ONF areas where it is consistent with the characteristics and qualities.	Support	Allow	The further submitter agrees with this submission point that the restoration and enhancement of ONLs and ONF should always be encouraged in objectives and policies and to do otherwise may hold such areas in a degraded state.
FS143.11	Bentzen Farm Limited	S167.037	Natural features and landscapes	NFL-P7	Delete Policy NFL-P7	Support	Allow	The policy prohibiting ‘any loss’ of characteristics of ONLs is an unreasonable test and does not give effect to the New Zealand Coastal Policy Statement.

FS143.12	Bentzen Farm Limited	S167.039	Natural features and landscapes	Policies	Insert a new policy as follows: Recognise that identified ONLs and ONFs may contain existing and/or authorised subdivision, use and development and provide for these activities.	Support	Allow
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The further
submitter fully
agrees with this
submission
point that the
Proposed Plan
does not
provide
appropriate
recognition of
existing and/or
authorised
subdivision, use
and
development in
ONLs and
ONFs.
ONLs have
been enhanced
through
development
and subdivision
and Mataka
Station is a case
in point. Such
activities have
been deemed
to be
appropriate in
the past and in
the more recent
past, and as at
Mataka Station,
subject to
legally binding
ongoing
obligations to
protect and
enhance the
values which
comprise the
ONL or ONF. A
new policy is
required to

recognise the
positive
benefits of such
forms of
subdivision and
development.

FS143.13	Bentzen Farm Limited	S167.041	Natural features and landscapes	Rules	Insert new rule as follows: “New buildings or structures, and extensions or alterations to existing buildings or structures within an approved building platform or buildable area on a site for which a subdivision consent was granted after 1 January 2000” Specify the activity status as controlled activity Insert the following matter of control: 1. Compliance with location, height, design and mitigation conditions which apply to the site or building platform by way of resource consent condition or consent notice. Insert the following clause: Building/s which are a controlled activity under this rule shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act	Support in part	Allow in part
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**unless special
circumstances exist or
notification is required
under section 95B(2)
and (3).**

The further
submitter
agrees with the
primary
submitter that
the default to
non complying
activity under
this rule
imposes
considerable
unnecessary
cost and risk to
current owners
at Mataka
Station, where
the
appropriateness
of the building
locations and
the controls
that apply to
them by way of
instruments on
the title have
already been
deemed to be
appropriate by
the Council
through the
original
subdivision
consent.
The rule fails to
provide for
residential
activity in
accordance
with the
consented
Mataka Scheme
and will impose
undue
restrictions on
residential

residential
activity that is
anticipated by
the consented
Mataka Scheme
to the
detriment of
members of the
Association.
The further
submitter
considers that
in relation to
Mataka Station
residential
activity and
buildings
should be a
permitted
activity, rather
than a
controlled
activity as
sought by the
submitter,
where they are
in accordance
with the Mataka
Scheme and
located on the
consented
House Site
location.

FS143.14	Bentzen Farm Limited	S167.042	Natural features and landscapes	NFL-R2	Delete Rule NFL-R2	Support	Allow	The further submitter agrees that repairs and maintenance should be permitted under the respective rules relating to the buildings, earthworks and indigenous vegetation clearance activity classes within the overlay to avoid unnecessary consenting obligations and provide for normal land management practices.
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FS143.15	Bentzen Farm Limited	S167.043	Natural features and landscapes	NFL-R3	Amend Rule NFL-R3 as follows: Activity status: Permitted Where: PER-1 The earthworks or indigenous vegetation clearance is: 1. required for the repair or maintenance permitted under NFL-R2 Repair or maintenance. 1. Required for the repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like: 1. roads. 2. fences 3. network utilities 4. driveways and access 5. walking tracks 6. cycling tracks 7. farming tracks. 2. required to provide for safe and reasonable clearance for existing overhead power lines.	Support in part	Allow in part	The applicant agrees that further exceptions to the rule should be made for normal farming and rural practices. Almost all ground disturbance is captured by the definition referred to in the rule already. The further submitter also considers that in relation to Mataka Station, earthworks and vegetation clearance should be a permitted activity where they enable residential activity and buildings in accordance with the Mataka Scheme and located on the consented House Site location.
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3. necessary to address a risk to public health and safety.

4. for biosecurity reasons.

5. for the sustainable non-commercial harvest of plant material for rongoā Māori.

6. for vegetation clearance required to establish or maintain a firebreak within 20m of a dwelling.

7. for cultivation (for earthworks only) or domestic gardens.

8. for ecosystem protection, rehabilitation or restoration works.

9. required to maintain an operational farm (including the maintenance or reinstatement of pasture where the vegetation to be cleared is less than 15 years old and less than 6m in height) or operate a plantation forestry activity.

10. required for vegetation clearance to maintain an existing driveway to a

dwelling, within 5m of that driveway.

11. required for vegetation clearance as a strip of no more than 3.5m wide to construct new fences for the purpose of stock control or boundary delineation.

12. required for vegetation clearance within the legal width of an existing formed road.

PER-2

Except as permitted under PER-1, Tthe earthworks or indigenous vegetation clearance outside the coastal environment is ~~not provided for within NFL-R3-PER-1~~ but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearance

PER-3

Except as permitted under PER-1 Tthe earthworks or indigenous vegetation clearance inside the coastal environment is ~~not provided for within NFL-R3-PER-1~~ but it complies with standard NFL-S3 Earthworks or

indigenous vegetation
clearance

Amend the activity
status where
compliance is not
achieved with rules PER-
1, PER-2 and PER-3
from discretionary /non
complying to **restricted
discretionary** in the
case of each rule.

Insert a matter of
discretion as follows:

**1. The effects on the
identified
characteristics and
qualities values that
established the
landscape or feature,
having regard to:**

**a. the temporary or
permanent nature of
any adverse effects;**

**b. the ability of the
environment to
absorb change;**

**c. the need for and
location of earthworks
or vegetation
clearance;**

**d. the operational or
functional need of any
regionally significant
infrastructure to be
sited in the particular
location;**

**e. Except as provided
for under k and l**

below, any viable alternative locations for the activity or development outside the landscape or feature;

f. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;

g. the characteristics and qualities of the landscape or feature;

h. the physical and visual integrity of the landscape or feature;

i. the natural landform and processes of the location; and

j. any positive contribution the development has on the characteristics and qualities.

k. Whether locating the activity within the ONF or ONL area is required to enable reasonable residential or farming use of the lot.

l. Whether the location is on a previously approved building platform.

Insert new clause as follows:

Earthworks or indigenous vegetation clearance which do not comply with PER1, PER2 or PER3 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).

FS143.16	Bentzen Farm Limited	S167.044	Natural features and landscapes	NFL-R3	Delete rule NFL-R3 (assuming reliance can then be placed on the activity status for farming in the underlying zoning as per “Applications Subject to Multiple Provisions” section of the Proposed Plan) Or, in the alternative, Amend rule NFL-R3 so that Farming is a permitted activity in the overlay.	Support	Allow	As noted by the submitter, while existing farms may be protected by existing use rights, new farming methods or practices may not be, and may trigger the need for a resource consent with the rule as proposed. This ignores that in large sections of the district, ONF and ONLs apply over working farms, as is the case at Mataka Station. The rule will impose significant compliance costs on the existing farming operation where resource consents may be required for every new future aspect of the operation.
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FS143.17	Bentzen Farm Limited	S167.045	Natural features and landscapes	NFL-S1	Delete Standard NFL-S1	Support	Allow	The maximum height specified of 5m may or may not be appropriate in all instances and, as is the case at Mataka Station has been already assessed and determined at by the subdivision consent stage.
FS143.18	Bentzen Farm Limited	S167.046	Natural features and landscapes	NFL-S2	Amend Standard NFL-S2 as follows: The exterior surfaces of buildings or structures shall: 1. be constructed of materials and/or finished to achieve a reflectance value no greater than 30%. 2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette or are a natural finish stone or timber.	Support in part	Allow in part	The relief sought that buildings can be also be natural finish stone or timber is supported as both are appropriate in coastal landscapes with high values.

FS143.19	Bentzen Farm Limited	S167.047	Natural features and landscapes	NFL-S3	Amend rule NFL-S3 (inferred) as follows: Any earthworks or indigenous vegetation clearance must (where relevant): 1. not exceed a total area of 50m2 over the life of the District Plan. per calendar year; and 2. not exceed a cut height or fill depth of 4m 1.5m.; and 3. screen any exposed faces visible from a public place.; or 4. be for the purpose of access and/or a building platform. Note: The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.	Support	Allow	The relief sought is consistent with the further submitter's primary submission; namely that restrictions in the rule should not apply to earthworks or indigenous vegetation clearance associated with access and/or an approved building platform.
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FS143.20	Bentzen Farm Limited	S167.066	Coastal environment	CE-O1	Delete Objectives CE-O1 and CE-O2 and replace with the following: Objective CE-O1 Subdivision, use and development in the Coastal Environment: a. Enables people and their communities to provide for the social, economic, and cultural well-being and their health and safety; b. Maintains or restores the integrity, form, functioning and resilience of the Coastal Environment; and c. Protects the indigenous biodiversity values of the Coastal Environment in relation to the biodiversity values present; and d. Preserves the natural character of the Coastal Environment in relation to the level of natural character present; and e. Protects natural features and landscapes values of the Coastal	Support	Allow	The further submitter agrees with this submission point that this coastal environment objective should recognise and provide for the full range of sustainable land uses in the coastal environment (including those already consented). In particular, the objective should enable people and their communities to provide for the social, economic, and cultural well-being and their health and safety.
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Environment in relation to the level of natural feature and landscape values present; and

f. Recognises and provides for the relationship of tāngata whenua with the Coastal Environment; and

g. Maintains and enhances public open space and recreation opportunities in the Coastal Environment; and

h. Manages coastal hazard risks, including the longterm projected effects of climate change; and

i. Protects and enhances historic heritage values; and

j. Avoids sprawling or sporadic patterns of development and enabling consolidation of existing settlements.

k. Where appropriate, promotes opportunities for restoration or rehabilitation of modified or degraded areas of natural character.

FS143.21	Bentzen Farm Limited	S167.068	Coastal environment	CE-P2	Amend Policy CE-P2 as follows: Avoid adverse effects of land use and subdivision on the characteristics, values and qualities of the coastal environment identified as: a. outstanding natural character; b. ONL; c. ONF.	Support	Allow	The submission point is agreed with that the policy should recognise that some of the overlays referenced identify “values”.
FS143.22	Bentzen Farm Limited	S167.069	Coastal environment	CE-P3	Amend Policy CE-P3 as follows: Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, values and qualities of the coastal environment not identified as: a. outstanding natural character; b. ONL; c. ONF.	Support	Allow	The submission point is agreed with that the policy should recognise that some of the overlays referenced identify “values”.

FS143.23	Bentzen Farm Limited	S167.070	Coastal environment	CE-P6	Amend Policy CE-P6 as follows: Enable farming activities within the coastal environment where: a. the use forms part of the values that established natural character of the coastal environment; or b. the use is consistent with, and does not compromise the characteristics and qualities.	Support	Allow	The submitter agrees with the submission that the qualifications in this policy as drafted that farming is only supported where "its use forms part of the values that established natural character of the coastal environment; or the use is consistent with, and does not compromise the characteristics and qualities", are unnecessary and do not recognise the existence of farming activities in the coastal environment.
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FS143.24	Bentzen Farm Limited	S167.071	Coastal environment	CE-P8	Retain Policy CE-P8	Support	Allow	As noted by the submitter, the natural character of the coastal environment is in many instances significantly modified or degraded and it is appropriate that the Proposed Plan encourages its restoration and enhancement to give effect to the New Zealand Coastal Policy Statement, as has been the case at Mataka Station.
FS143.25	Bentzen Farm Limited	S167.072	Coastal environment	CE-P9	Delete Policy CE-P9	Support	Allow	The further submitter agrees that this policy is not implemented by any rules and, moreover, is inconsistent with Policy CE-P2, and as such should be deleted.

FS143.26	Bentzen Farm Limited	S167.040	Natural features and landscapes	NFL-R1	Amend Rule NFL-R1 as follows: Activity status: Permitted Where: PER-1 If a new building or structure is located outside the coastal environment it is: 1. ancillary to farming (excluding a residential unit); 1.2: no greater than 25 50m2 . PER-2 If a new building or structure is located within the coastal environment it is: 1. ancillary to farming (excluding a residential unit); 1 2: no greater than 25 50m2. PER-3 Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure. PER-4	Support in part	Allow in part	The rule ignores that there are titles, including titles with approved building platforms, which have occurred through a subdivision process which has confirmed the suitability of a residential unit, but are as yet unbuilt on. That should be recognised as a permitted activity in the case of Matata, to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location.
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The building or structure, or extension or alteration to an existing building or structure, complies with standards:

NFL-S1 Maximum height

NFL-S2 Colours and materials

Insert the following rule:

PER-5

Where the new building is for a residential unit, there is only one residential unit within the ONL and ONF area on the lot.

Amend the activity status where compliance is not achieved with rules PER-1, PER-2, PER-3 and PER-4 from discretionary /non complying to **restricted discretionary** in the case of each rule.

Insert a new activity status where compliance is not achieved with rule PER-5 as a **non-complying activity**.

Insert a matter of discretion as follows:

1. The effects on the identified characteristics and values that established the landscape or feature, having regard to:

a. the temporary or permanent nature of any adverse effects;

b. the location, scale and design of any proposed development;

c. any means of Integrating the building, structure or activity;

d. the ability of the environment to absorb change;

e. the need for and location of earthworks or vegetation clearance;

f. the operational or functional need of any regionally significant infrastructure to be sited in the particular location;

g. Except as provided for under m and n below, any viable alternative locations for the activity or development outside the landscape or feature;

h. the characteristics and qualities of the landscape or feature;

i. the physical and visual integrity of the landscape or feature;

j. the natural landform and processes of the location; and

k. any positive contribution the development has on the characteristics and qualities.

l. Whether locating the activity within the ONF or ONL area is required to enable reasonable residential or farming use of the lot.

m. Whether the location is on a previously approved building platform.

Insert new clause as follows:

Building/s which do not comply with PER1, PER2, PER3 or PER4 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required

FS143.27	Bentzen Farm Limited	S167.074	Coastal environment	CE-R1	Amend rule CE-R1 as follows: Activity status: Permitted Where: PER-1 If a new building or structure is located in an urban zone it is: 1. no greater than 300m². 2. located outside high or outstanding natural character areas. PER-2 If a new building or structure is not located within an urban zone it is: 1. ancillary to farming activities (excluding a residential unit). 2. If not ancillary farming activities (including a residential unit) no greater than 25m² 50m². 3. located outside outstanding natural character areas. PER-3	Support in part	Allow in part	As noted by the submitter, the rule ignores that there are titles, including titles with approved building platforms, which have occurred through a subdivision process which has confirmed the suitability of a residential unit, but are as yet unbuilt on. This should be allowed as a permitted activity in the case of Mataka to enable residential activity and buildings where they are in accordance with the Mataka Scheme and located on the consented House Site locations.
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Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.

PER-4

The building or structure, or extension or addition to an existing building or structure, complies with standards:

CE-S1 Maximum height.

CE-S2 Colours and materials.

Amend the activity status for non compliance with PER-1, PER-2 and PER-3 from discretionary and non-complying to **restricted discretionary activity** in each case.

Insert the following restricted discretionary activity assessment matter:

The effects on the characteristics, values and qualities of the coastal environment, including (but not limited to) consideration of the following matters where relevant to the application:

a. the presence or absence of buildings, structures or infrastructure;

b. the temporary or permanent nature of any adverse effects;

c. the location, scale and design of any proposed development;

d. any means of integrating the building, structure or activity;

e. the ability of the environment to absorb change;

f. the need for and location of earthworks or vegetation clearance;

g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location;

h. Except as provided for under n and o below, any viable alternative locations for the activity or development;

i. any historical, spiritual or cultural association held by tangata whenua, with

regard to the matters set out in Policy TW-P6;

j. the likelihood of the activity exacerbating natural hazards;

k. the opportunity to enhance public access and recreation;

l. the ability to improve the overall quality of coastal waters; and

m. any positive contribution the development has on the characteristics and qualities.

n. Whether locating the activity within the coastal environment is required to enable reasonable residential or farming use.

o. Whether the location is on a previously approved building platform.

Insert the following clause:

New buildings or structures, and extensions or alterations to existing buildings or structures which do not comply with PER1, PER2, PER3 or PER4 shall be

assessed without
public or limited
notification under
sections 95A and 95B
of the Resource
Management Act
unless special
circumstances exist or
notification is required
under section 95B(2)
and (3).

FS143.28	Bentzen Farm Limited	S167.075	Coastal environment	Rules	Insert new rule as follows: “New buildings or structures, and extensions or alterations to existing buildings or structures within an approved building platform or buildable area on a site for which a subdivision consent was granted after 1 January 2000” Specify the activity status as controlled activity Include the following matter of control: 2. Compliance with location, height, design and mitigation conditions which apply to the site or building platform by way of resource consent condition or consent notice. Include the following clause: Building/s which are a controlled activity under this rule shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act	Support in part	Allow in part	The new rule sought by this submission point provides for the fact that there are titles with approved building platforms, which have occurred through a subdivision process which has confirmed the suitability of a residential unit, but are as yet unbuilt on. This should be allowed as a permitted activity in the case of Mataka however to enable residential activity and buildings where they are in accordance with the Mataka Scheme and located on the consented House Site locations.
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unless special circumstances exist or notification is required under section 95B(2) and (3).								
FS143.29	Bentzen Farm Limited	S167.076	Coastal environment	CE-R2	Delete Rule CE-R2	Support	Allow	The further submitter agrees that there is no need in the rule for an activity class of repair and maintenance. Repairs and maintenance should be otherwise be permitted under the respective rules relating to the buildings, earthworks and indigenous vegetation clearance activity classes within the overlay.

FS143.30	Bentzen Farm Limited	S167.077	Coastal environment	CE-R3	Amend Rule CE-R3 as follows: Activity status: Permitted Where: PER-1 The earthworks or indigenous vegetation clearance is: 1. required for the repair or maintenance permitted under CE-R2 Repair or maintenance. 1. Required for the repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like: 1. roads. 2. fences 3. network utilities 4. driveways and access 5. walking tracks 6. cycling tracks 7. farming tracks. 2. required to provide for safe and reasonable clearance for existing overhead power lines.	Support	Allow	As is the case at Mataka Station, farming activities are typically part of the coastal environment and not providing for such activities in this rule would impose significant consent cost and risks on landowners.
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3. necessary to address a risk to public health and safety.

4. for biosecurity reasons.

5. for the sustainable non-commercial harvest of plant material for rongoā Māori.

6. for vegetation clearance required to establish or maintain a firebreak within 20m of a dwelling.

7. for cultivation (for earthworks only) or domestic gardens.

8. for ecosystem protection, rehabilitation or restoration works.

9. required to maintain an operational farm (including the maintenance or reinstatement of pasture where the vegetation to be cleared is less than 15 years old and less than 6m in height) or operate a plantation forestry activity.

10. required for vegetation clearance to maintain an existing driveway to a

dwelling, within 5m of that driveway.

11. required for vegetation clearance as a strip of no more than 3.5m wide to construct new fences for the purpose of stock control or boundary delineation.

12. required for vegetation clearance within the legal width of an existing formed road.

PER-2

Except as permitted under PER-1, Tthe earthworks or indigenous vegetation clearance ~~is not provided for within CE-R3 PER-1 but it~~ complies with standard CE-S3 Earthworks or indigenous vegetation clearance

Amend the activity status where compliance is not achieved with rules PER-1 and PER-2 from discretionary /non complying to **restricted discretionary** in the case of each rule.

Add a matter of discretion as follows:

**1. The effects
characteristics, values
and qualities of the
coastal environment,
having regard to:**

**a. the temporary or
permanent nature of
any adverse effects;**

**b. the ability of the
environment to
absorb change;**

**c. the need for and
location of earthworks
or vegetation
clearance;**

**d. the operational or
functional need of any
regionally significant
infrastructure to be
sited in the particular
location;**

**e. Except as provided
for under k and l
below, any viable
alternative locations
for the activity or
development outside
the coastal
environment;**

**f. any historical,
spiritual or cultural
association held by
tangata whenua, with
regard to the matters
set out in Policy TW-
P6;**

**g. the likelihood of the
activity exacerbating
natural hazards;**

h. the ability to improve the overall quality of coastal waters; and

i. any positive contribution the development has on the characteristics and qualities.

j. Whether locating the activity within the coastal environment is required to enable reasonable residential or farming use.

k. Whether the location is on a previously approved building platform or access drive.

Add new clause as follows:

Earthworks or indigenous vegetation clearance which do not comply with PER1, PER2 or PER3 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).

FS143.31	Bentzen Farm Limited	S167.078	Coastal environment	CE-R4	Delete rule CE-R4 (assuming reliance can then be placed on the activity status for farming in the underlying zoning as per “Applications Subject to Multiple Provisions” section of the Proposed Plan) Or, in the alternative, Amend rule CE-R4 so that Farming is a permitted activity in the overlay. Amend rule CE-R4 as follows: Activity status: Permitted Where: PER-1 The farming activity is located outside high or outstanding natural character areas: Activity status where compliance is not achieved with PER- 1: Discretionary (outside an outstanding natural character area) Non-complying (inside an outstanding natural character area) Activity status where compliance not	Support	Allow
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achieved: Not
applicable

The further
submitter
agrees with this
submission
point that this
rule does not
implement
policy CE-P6 of
the Proposed
Plan which
recognises that
that farming
should be
provided for in
the coastal
environment.
While existing
farms may be
protected by
existing use
rights, new
farming
methods or
practices may
not be, and
may trigger the
need for a
resource
consent with
the rule as
proposed.
The rule will
impose
significant
compliance
costs on
existing farms
such as Mataka
Station where
resource
consents may
be required for
every new
aspect of its
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FS143.32	Bentzen Farm Limited	S167.079	Coastal environment	CE-S1	Delete Standard CE-S1	Support	Allow	The further submitter agrees with the submission point that the maximum height specified of 5m may or may not be appropriate in the circumstances, and is best assessed and determined at resource consent stage (as has been done already at Mataka).
FS143.33	Bentzen Farm Limited	S167.080	Coastal environment	CE-S2	Amend Standard CE-S2 as follows: The exterior surfaces of buildings or structures shall: 1. be constructed of materials and/or finished to achieve a reflectance value no greater than 30%. 2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette or are a natural finish stone or timber.	Support	Allow	The further submitter agrees with the submission point that buildings in the coastal environment should also be allowed to be natural finish stone or timber.

FS143.34	Bentzen Farm Limited	S167.081	Coastal environment	CE-S3	Amend Standard CE-S2 (CE-S3 inferred) as follows: Any earthworks or indigenous vegetation clearance must (where relevant): 1. not occur in outstanding natural character areas. 2. not exceed a total area of 50m2 for 10 years from the notification of the District Plan per calendar year in an area of high natural character. 3. not exceed a total area of 400m2 for 10 years from the notification of the District Plan per calendar year in an area outside high or outstanding natural character areas. 4. not exceed a cut height or fill depth of 4m 1.5m. 5. screen any exposed faces visible from a public place.; or 6. be for the purpose of access and/or a building platform. Note: The NESF requires a 10m setback from any	Support	Allow	The further submitter agrees with the amendments sought to the rule that earthworks or indigenous vegetation clearance associated with access and/or a building platform are not subject to the preceding subclause limitations on volumes etc.
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					natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.			
FS143.35	Bentzen Farm Limited	S167.082	Coastal environment	CE-S5	Amend standard CE-S5 as follows: Any application for a resource consent in relation to a site location that is potentially affected by a coastal hazard must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion.	Support	Allow	The further submitter agrees with the submission point because as drafted, the standard may trigger the need for an engineering report for a resource consent for an activity anywhere on a site subject to a coastal hazard overlay (rather than just within the overlay itself).

FS143.36	Bentzen Farm Limited	S167.083	Earthworks	EW-O1	Amend Objective EW-01 as follows: Earthworks are enabled where they are required for rural land uses and development and to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, coastal marine area, public safety, surrounding land and infrastructure.	Support	Allow	The submitter agrees that earthworks for rural activities should be exempt from the rules n the Coastal Environment (ie they can occur subject to standards, without the need for resource consent).
FS143.37	Bentzen Farm Limited	S167.084	Earthworks	EW-R14	Delete Rule EW-R14 and replace with the following: EW-R14 General earthworks not provided for by EW-R1 – EWR13 All zones Activity status: Permitted Where: PER-1 The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope;	Support	Allow	Subject to compliance with the full suite of standards, earthworks should also be a permitted activity irrespective of their purpose.

					EW-S4 Site reinstatement; EW-S6 Setbacks; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards. EW-S1 does not apply to Motoura Island or Orongo Bay zones”.			
FS143.38	Bentzen Farm Limited	S167.091	Rural production	RPROZ-O2	Amend Objective RPROZ-O2 “The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment”.	Support	Allow	Reference to “functional need” in this rural production zone objective potentially negates the ability for other activities to establish which may be a sustainable use of land and also contribute to the economic and social development of the district - as is the case at Mataka Station.

FS143.39	Bentzen Farm Limited	S167.095	Rural production	RPROZ-P5	Delete Policy RPROZ-P5 Or alternatively Amend Policy RPROZ-P5 as follows: Avoid land use that: a. is incompatible with the purpose, character and amenity of the Rural Production zone; b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone; c. would result in the loss of productive capacity of highly productive land; d. would exacerbate natural hazards; and e. cannot provide appropriate on-site infrastructure.	Support	Allow	As above, reference to “functional need” in this policy potentially negates the ability for other activities to establish which may be a sustainable use of land and also contribute to the economic and social development of the district, or bring environmental benefit.
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FS143.40	Heritage New Zealand Pouhere Taonga	S409.050	Earthworks	EW-S6	Amend Standard EW-S6 Setback as follows (or words to that effect): Earthworks must be setback by the following minimum distances: 1. earthworks supported by engineered retaining walls - 1.5m from a site boundary; 2. earthworks not supported by engineered retaining walls - 3m from a site boundary; 3. earthworks must be setback by a minimum distance of 10m from coastal marine area. 4. earthworks must be setback by a minimum distance of 20m from the extent of an archaeological site Note: setbacks from waterbodies is managed by the Natural Character chapter. In addition to the requirements of the District Plan, it	Oppose	Disallow	The proposed requirement for earthworks to be set back 20m from an archaeological site is unnecessary duplication of authorisation processes provided for under Heritage New Zealand Pouhere Taonga Act 2014
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					should be noted that the Heritage New Zealand Pouhere Taonga Act 2014 ('HNZPTA") requires all applicants to obtain an authority from the HNZPTA before any archaeological site is modified or destroyed. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or a resource or building consent has been granted.			
FS143.41	Heritage New Zealand Pouhere Taonga	S409.028	Historic heritage	HH-R5	Amend Rule HH-R5 as follows (or words to that effect): PER-1 Any earthworks are setback a minimum of 20m from a scheduled Heritage Resource. The earthworks 1. Do not exceed 100m³ 2. Are not within 20m of a Scheduled Heritage Resource or an archaeological site 3. Comply with EW-S3 Accidental Discovery Protocol	Oppose	Disallow	The proposed requirement for earthworks to be set back 20m from an archaeological site is unnecessary duplication of authorisation processes provided for under Heritage New Zealand Pouhere Taonga Act 2014

This rule does not apply to earthworks associated with burials within an existing cemetery.

Note: In addition to the requirements of the District Plan, it should be noted that the Heritage New Zealand Pouhere Taonga Act 2014 ("HNZPTA") requires all applicants to obtain an authority from the HNZPTA before any archaeological site is modified or destroyed. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or a resource or building consent has been granted.

FS143.42	Heritage New Zealand Pouhere Taonga	S409.032	Heritage area overlays	HA-R5	That Rule HA-R5 be amended as follows (or words to that effect): PER-1 The earthworks: 1. comply with the relevant permitted activity rules within the Earthworks chapter 2. are not within 20m of a scheduled Heritage Resource or an archaeological site. PER-2 The earthworks: 1. do not exceed 2m³ in volume over an area of 5m² ; 2. is are not within 20m of a scheduled Heritage Resource or of an archaeological site; 3. complies Comply with standard HA-S3 Accidental Discovery Protocol.	Oppose	Disallow	The proposed requirement for earthworks to be set back 20m from an archaeological site is unnecessary duplication of authorisation processes provided for under Heritage New Zealand Pouhere Taonga Act 2014
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The earthworks

1. do not exceed
200m³
2. are not within
20m of a
scheduled
Heritage
Resource **or an
archaeological
site;**
3. ~~complies~~
Comply with
HA-S3
Accidental
Discovery
Protocol.

Note: In addition to the requirements the District Plan, it should be noted that the Heritage New Zealand Pouhere Taonga Act 2014 ("HNZPTA") requires all applicants to obtain an authority from the HNZPTA before any archaeological site is modified or destroyed. This is the case regardless of whether the land on which the site is located is designated or the activity is permitted under the District Plan or a resource or building consent has been granted.

FS143.43	Carbon Neutral NZ Trust	S529.022	General	General / Plan Content / Miscellaneous	Amend to insert strong policies/rules that will avoid urban/residential sprawl in rural and coastal areas in other zones/chapters than Coastal Environment.	Oppose	Disallow	Appropriate residential development outside of existing urban areas can be a catalyst for positive land use change with environmental benefits and should not be outright 'avoided' as sought by this submission.
FS143.44	Carbon Neutral NZ Trust	S529.041	General approach	District Plan Framework	Amend planning maps to add coastal overlays, or similar mechanism, to all coastal areas visible from marine areas, so that coastal landscapes, coastal character and coastal environments will be protected appropriately.	Oppose	Disallow	The relief sought to redefine the extent of the coastal environment does not give effect to the NZCPS or the Northland Regional Policy Statement.

FS143.45	Heritage New Zealand Pouhere Taonga	S409.049	Planning maps	Heritage Area	Insert new heritage areas (including associated mapping, overview, objectives, policies and rules) as indicated in submission	Oppose	Disallow
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The submission seeks wholesale changes to the District Plan with the addition of significantly more heritage areas, yet only very generally identifies these, including for example seeking that “all islands within the Bay of Islands”, “Early European explorers Cook, Du Fresne” and “Early contact sites” be identified as heritage areas. That lacks the specificity of relief required of submissions to a proposed plan. There is no RMA 1991 justification for the inclusion of these areas and no specific identification of the properties affected or the values sought to be protected, and no evidential basis to support the inclusion of the additional

additional
heritage areas.
The further
submitter
represents
owners of
coastal land in
the Bay of
Islands whose
property may
be affected by
the relief
sought in this
submission,
however the
submission is
so broadly cast
as to not
enable a proper
understanding
of the impact of
the relief
sought or the
reasons for
inclusion of the
additional
areas. For these
reasons, the
submission
should be
disallowed.

The
identification of
the additional
areas as historic
heritage
through this
submission is
poor planning
practice,
introducing as
it does
potentially
significantly

FS143.46	Heritage New Zealand Pouhere Taonga	S409.032	Heritage area overlays	HA-R5	That Rule HA-R5 be amended as follows (or words to that effect):	Oppose	Disallow	more extensive than the rule currently requires. The addition to scheduled Heritage areas requiring a Resource Consent for earthworks within 20m of an archaeological site is unnecessary duplication of approvals normally required under the Heritage Act, and neither an effective nor efficient way to achieve relevant objectives of the Plan. The addition to scheduled Heritage areas requiring a Resource Consent for earthworks within 20m of an archaeological site is unnecessary duplication of approvals normally required under the Heritage Act, and neither an effective nor efficient way to achieve relevant objectives of the Plan. costs and the extent which economic growth will be provided or reduced. The scheduling lacks identification of criteria and values used to identify these areas, including any physical evidence or other values that is intended to be protected. For these reasons the relief sought is
					PER-1			
					The earthworks:			
					1. comply with the relevant permitted activity rules within the Earthworks chapter			
					2. are not within 20m of a scheduled Heritage Resource or an archaeological site.			
					PER-2			
					The earthworks:			
					1. do not exceed 2m ³ in volume over an area of 5m ² ;			
					2. is are not within 20m of a scheduled Heritage Resource or of an archaeological site;			
					3. complies			
					Comply with standard HA-S3 Accidental Discovery Protocol.			

The earthworks

1. do not exceed
200m³
2. are not within
20m of a
scheduled
Heritage
Resource **or an
archaeological
site;**
3. ~~complies~~
Comply with
HA-S3
Accidental
Discovery
Protocol.

Note: In addition to the requirements the District Plan, it should be noted that the Heritage New Zealand Pouhere Taonga Act 2014 ("HNZPTA") requires all applicants to obtain an authority from the HNZPTA before any archaeological site is modified or destroyed. This is the case regardless of whether the land on which the site is located is designated or the activity is permitted under the District Plan or a resource or building consent has been granted.

FS143.49	John Andrew Riddell	S431.161	Natural features and landscapes	Policies	Insert the following new policy: That the cumulative effect of changes to the character of Outstanding Landscapes be taken into account in assessing applications for resource consent.	Oppose	Disallow	The policy sought on consideration of cumulative effects is at best a matter of discretion, not a policy. In the case of Mataka Station, it has already been taken into account.
FS143.50	John Andrew Riddell	S431.162	Natural features and landscapes	Policies	Insert the following new policy: That the visibility of Outstanding Landscape Features, when viewed from public places, be taken into account in assessing applications for resource consent	Oppose	Disallow	The policy sought on consideration public views is at best a matter of discretion or simply a matter of good landscape assessment practice, not a policy. In the case of Mataka Station, it has already been taken into account.
FS143.51	John Andrew Riddell	S431.162	Natural features and landscapes	Policies	Insert the following new policy: That the visibility of Outstanding Landscape Features, when viewed from public places, be taken into account in assessing applications for resource consent	Oppose	Disallow	Does not give effect to the RPS or the NZCPS, which do not specify the requirement sought in this submission.

FS143.52	John Andrew Riddell	S431.164	Natural features and landscapes	Policies	Insert the following new policy: That the high value of indigenous vegetation to Outstanding Landscapes be taken into account when assessing applications for resource consents.	Oppose	Disallow	The change sought is at best a matter of discretion or good landscape assessment practice, not a policy.
FS143.53	John Andrew Riddell	S431.165	Natural features and landscapes	Policies	Insert the following new policy: That landscape values be protected by encouraging development that takes in account: (a) the rarity or value of the landscape and/or landscape features; (b) the visibility of the development; (c) important views as seen from public vantage points on a public road, public reserve, the foreshore and the coastal marine area; (d) the desirability of avoiding adverse effects on the elements that contribute to the distinctive character of the coastal landscapes, especially outstanding	Support in part	Allow in part	The part of the relief sought that recognises that landscape values may be protected by encouraging development of a certain type is supported. Mataka Station is an example of subdivision and development that protects and enhances landscape and natural character values.

					landscapes and natural features, ridges and headlands or those features that have significant amenity value; (e) the contribution of natural patterns, composition and extensive cover of indigenous vegetation to landscape values; (f) Maori cultural values associated with landscapes; (g) the importance of the activity in enabling people and communities to provide for their social, economic and cultural well-being.			
FS143.54	John Andrew Riddell	S431.035	Coastal environment	Policies	Insert a new policy as per Policy 10.4.1 of the Operative District Plan, as follows: That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally: 1. Recognises and provides for those features and	Oppose	Disallow	The submission does not give effect to the NZCPS with the outcomes sought better realised by the submission points on CE-01 and CE-02 sought in Bentzen Farm Limited's primary submission (as supported by the further submitter).

**elements that
contribute to
the natural
character of
an area that
may require
preservation,
restoration or
enhancement;
and**

**2. is in a location
and of a scale
and design
that
minimises
adverse
effects on the
natural
character of
the coastal
environment;
and**

**3. has adequate
services
provided in a
manner that
minimises
adverse
effects on the
coastal
environment
and does not
adversely
affect the
safety and
efficiency of
the roading
network; and**

**4. avoids, as far
as is
practicable,
adverse
effects which**

are more than
minor on
heritage
features,
outstanding
landscapes,
cultural
values,
significant
indigenous
vegetation
and
significant
habitats of
indigenous
fauna,
amenity
values of
public land
and waters
and the
natural
functions and
systems of the
coastal
environment;
and

5. promotes the
protection,
and where
appropriate
restoration
and
enhancement,
of areas of
significant
indigenous
vegetation
and
significant
habitats of
indigenous
fauna; and

6. recognises
and provides
for the
relationship
of Maori and
their culture
and traditions
with their
ancestral
lands, water,
sites, waahi
tapu and
other taonga;
and (g) where
appropriate,
provides for
and, where
possible,
enhances
public access
to and along
the coastal
marine area;
and

7. gives effect to
the New
Zealand
Coastal Policy
Statement
and the
Regional
Policy
Statement for
Northland.

FS143.55	John Andrew Riddell	S431.037	Coastal environment	Policies	Insert a new policy as per Policy 10.4.12 of the Operative District Plan, as follows: That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through: (a) the siting of buildings relative to the skyline, ridges, headlands and natural features; (b) the number of buildings and intensity of development; (c) the colour and reflectivity of buildings; (d) the landscaping (including planting) of the site; (e) the location and design of vehicle access, manoeuvring and parking areas	Oppose	Disallow	The relief sought incorrectly seeks to 'minimise' adverse effects on natural character and amenity of the coastal environment which does not give effect to the NZCPS.
FS143.56	John Andrew Riddell	S431.038	Coastal environment	Policies	Insert a new policy as per Policy 10.6.4.3 of the Operative District Plan, as follows: Subdivision, use and development shall preserve and where	Oppose	Disallow	The proposed policy does not give effect to the NZCPS.

possible enhance,
restore and
rehabilitate the
character of the zone
in regards to s6
matters, and shall
avoid adverse effects
as far as practicable by
using techniques
including:

(a) clustering or
grouping
development within
areas where there is
the least impact on
natural character and
its elements such as
indigenous
vegetation, landforms,
rivers, streams and
wetlands, and
coherent natural
patterns;

(b) minimising the
visual impact of
buildings,
development, and
associated vegetation
clearance and
earthworks,
particularly as seen
from public land and
the coastal marine
area;

(c) providing for,
through siting of
buildings and
development and
design of subdivisions,
legal public right of
access to and use of

the foreshore and any
esplanade areas;

(d) through siting of
buildings and
development, design
of subdivisions and
provision of access,
that recognise and
provide for the
relationship of Maori
with their culture,
traditions and taonga
including concepts of
mauri, tapu, mana,
wehi and karakia and
the important
contribution Maori
culture makes to the
character of the
District;

(e) providing planting
of indigenous
vegetation in a way
that links existing
habitats of indigenous
fauna and provides
the opportunity for
the extension,
enhancement or
creation of habitats
for indigenous fauna,
including mechanisms
to exclude pests;

(f) protecting historic
heritage through the
siting of buildings and
development and
design of subdivisions.

FS143.57	Kāinga Ora Homes and Communities	S561.003	General	General / Plan Content / Miscellaneous	Insert the following section in the 'How the Plan Works' section of the FNPDP or alternatively similar wording within each section of the Plan in reference to the Restricted Discretionary activities listed in the section. Alternatively this could be included in each chapter of the Proposed District Plan to assist with clarification. Notification: (1) Any application for resource consent for Restricted Discretionary activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991: (2) Any application for resource consent for an activity listed as Discretionary or Non-complying will be subject to the normal tests for notification	Support	Allow	Restricted discretionary activity applications should be limited as to scope which does not require third party input through submissions.
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under the relevant sections of the Resource Management Act 1991.								
FS143.58	Kapiro Conservation Trust	S442.156	Coastal environment	Objectives	Insert additional objectives that address the protection, active management, and restoration of indigenous nature as part of protecting coastal natural character in the Far North District.	Oppose	Disallow	The proposed form of policy is very general and does not give effect to Policy 11 from from the NZCPS which has very precise prescription on the type of Indigenous vegetation and how it is to be managed in the coastal environment.
FS143.59	Northland Federated Farmers of New Zealand	S421.159	Natural features and landscapes	NFL-R6	Delete Rule NFL-R6	Support	Allow	The rule does not implement policy NFL-P4 of the Proposed Plan which recognises that that farming should be provided for in ONLs and ONFs and that the use can form part of the characteristics and values that established the landscape or feature

FS143.60	Northland Federated Farmers of New Zealand	S421.150	Natural features and landscapes	Overview	Amend the Overview to recognise and acknowledge the role that landowners have played and still play in the preservation of outstanding natural landscapes and features	Support	Allow	The further submitter also strongly opposes restricting farming activities within outstanding natural landscapes and features, and agrees with the primary submitter that farming activities are appropriate land use activities that still preserves the character and amenity value of such areas of significance. Mataka Station is an example of this, where landscape, biodiversity and natural character values have been significantly enhanced alongside farming operations.
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FS143.61	Northland Federated Farmers of New Zealand	S421.153	Natural features and landscapes	NFL-P2	Amend Policy NFL-P2 to achieve consistency with section 6 of the Resource Management Act 1991and to recognise the need to allow appropriate subdivision, use and development	Support	Allow	The further submitter agrees that the Natural Features and Landscape policies need to focus on avoiding inappropriate subdivision, use and development while recognising certain activities can occur as long as they are appropriate for the areas.
FS143.62	Northland Federated Farmers of New Zealand	S421.157	Natural features and landscapes	NFL-R2	Amend PER-1 of Rule NFL-R2 to include additional activities, being farming activities, emergency services work, and biosecurity works	Support	Allow	The further submitter agrees that additional activities be included under the permitted threshold in rule NFL-R2 as part of normal farming practices.

FS143.63	Northland Federated Farmers of New Zealand	S421.158	Natural features and landscapes	NFL-R3	Amend PER-1 of Rule NFL-R3 to include additional activities, being farming activities,emergency services works, and works required for access	Support	Allow	The further submitter agrees that additional farming activities should be included under the permitted threshold in rule NFL-R3
FS143.64	Northland Federated Farmers of New Zealand	S421.159	Natural features and landscapes	NFL-R6	Delete Rule NFL-R6	Support	Allow	The further submitter considers that it is It is illogical for the Council to require farmers to gain a resource consent if they are farming within an outstanding natural landscape or feature, whether inside or outside of the coastal environment.
FS143.65	Northland Federated Farmers of New Zealand	S421.181	Coastal environment	CE-O1	Amend Objective CE-01 as follows: The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection from inappropriate use, development, and	Support	Allow	The further submitter agrees that Objective CE- O1 as currently worded is not consistent with section 6 of the Resource Management Act 1991.

					subdivision for current and future generations. or wording with similar intent			
FS143.66	Northland Federated Farmers of New Zealand	S421.183	Coastal environment	CE-P2	Amend Objective CE-P2 as follows: Avoid adverse effects of inappropriate development , land use and subdivision on the characteristics and qualities of the coastal environment identified as: ... or wording with similar intent	Support	Allow	Objective CE-P2 as currently worded is not consistent with section 6 of the Resource Management Act 1991
FS143.67	Northland Federated Farmers of New Zealand	S421.184	Coastal environment	CE-P6	Amend Policy CE-P6 so that it specifically provides for new and existing farming activities to occur in the coastal environment as a right	Support	Allow	The further submitter agrees with the submitter that Farmers need to have the ability to diversify and change their farming operations into new areas that still fall under the concept of farming, and that the policy as written would significant limit that.

FS143.68	Northland Federated Farmers of New Zealand	S421.185	Coastal environment	CE-P9	Delete Policy CE-P9	Support	Allow	The further submitter agrees that the policy as proposed is overly restrictive and does not provide for appropriate subdivision and land use to occur. As Mataka Station has shown, it is not possible to undertake sustainable land use change in the coastal environment.
FS143.69	Northland Regional Council	S359.009	General	General / Plan Content / Miscellaneous	Amend the planning maps to align with updated NRC hazard maps (inferred)	Oppose	Disallow	The submission by the NRC seeks to introduce new Hazards Mapping without showing the specific effect of that relief on properties, or providing proper justification, including under section 32 of the RMA.

FS143.70	Our Kerikeri Community Charitable Trust	S338.042	General approach	District Plan Framework	Amend planning maps to add coastal overlays, or similar mechanism, to all coastal areas visible from marine areas, so that coastal landscapes, coastal character and coastal environments will be protected appropriately.	Oppose	Disallow	The relief sought to redefine the extent of the coastal environment does not give effect to the NZCPS or the Northland Regional Policy Statement.
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FS143.71	Te Hiku Iwi Development Trust	S399.056	Sites and areas of significance to Māori	Policies	Insert a new policy as follows: Protect and preserve the culturally significant landscapes identified in iwi/hapū management plans held by Council from inappropriate land use, subdivision and development by: a) Identifying the Area of Interest for iwi/hapū management plans on planning maps; b) Recognising and providing for the spiritual, cultural and historical relationship of iwi/hapū with the area identified in the plan(s); c) requiring that resource consent applications within or adjacent to the sites identified as significant within the relevant iwi/hapū management plan demonstrate that they have had regard to that Management Plan; d) provide an assessment of consistency with the vision, objectives and desired outcomes	Oppose	Disallow
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**outlined in the
Management Plan;**

**e) provide an
assessment of effects
on values identified in
the plan and provide,
where relevant,
evidence of outcomes
of consultation with
and/or cultural advice
provided by tangata
whenua.**

**f) considering the
relevant iwi authority
or hapū as an affected
person for any activity
within the area where
the adverse effects are
considered minor or
more than minor.**

The submission seeks that Areas of Interest in iwi/hapū management plans be identified on planning maps, also requiring that resource consent applications within or adjacent to the sites identified as significant within the relevant iwi/hapū management plan demonstrate that they have had regard to that Management Plan. This relief lacks the specificity required on a submission as it does not allow other potentially affected parties to understand the implications of the relief sought, including the spatial extent of the Areas of Interest. The

FS143.72	Te Hiku Iwi Development Trust	S399.053	Historic heritage	Policies	Insert a new policy as follows:	Oppose	Disallow	identified. The submission through the District Plan activities preparation adjacent Areas of Interest in and if not, then Iwi/hapu introduced by management way of a plans be assessed Variation to the Proposed Plan, against certain matters. This way of provision is too broadly cast any event, the with reference relief sought to adjacency fails to have lacking the proper regard specificity to the costs and required in a benefits of the policy with approach potentially wide reaching impact required by s32 of the RMA efficiently nor (lacking as it effectively does the protect sites of specificity significance to tangata undertake that) whenua. and should be disallowed.
					HH-P17 Require activities adjacent to or affecting sites of significance to Māori and/or archaeological sites identified in a iwi/hapū management plan or where there is reasonable cause to suspect there is an archaeological site to demonstrate the activity is having appropriate regard to: a) the outcomes of consultation with tangata whenua including the affected hapū and relevant iwi authority; b) any management set out in an iwi/hapū management plan; c) any assessments or advice from a suitably qualified and experienced archaeological expert; and d) the outcomes of consultation with Heritage New Zealand Pouhere Taonga and the Department of Conservation			

FS143.73	Te Rūnanga o Whaingaroa	S486.074	General	General / Plan Content / Miscellaneous	Insert a new section after policies to read: Information to be included with an application for a resource consent affecting tāngata whenua. Every resource consent application within the scope of policy TW-P6 must be accompanied by information addressing all the matters to be considered under TW-P6.	Oppose	Disallow	The change sought is neither effective nor efficient. The matters set out in the policy may not be relevant to all classes of applications such as controlled activities and restricted discretionary activities, or relevant to all types as proposals. As a policy of the Distract Plan, regard is required to be had in any event to the matters in the policy, to the extent that they are relevant, under section 104 of the RMA without the need for further prescription in the District Plan.
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FS143.74	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	S522.028	General approach	District Plan Framework	Amend planning maps to add coastal overlays, or similar mechanism, to all coastal areas visible from marine areas, so that coastal landscapes, coastal character and coastal environments will be protected appropriately.	Oppose	Disallow	The relief sought to redefine the extent of the coastal environment does not give effect to the NZCPS or the Northland Regional Policy Statement.
FS143.74	Kapiro Conservation Trust	S449.042	Planning maps	General / Miscellaneous	Amend planning maps to add coastal overlays, or similar mechanism, to all coastal areas visible from marine areas, so that coastal landscapes, coastal character and coastal environments will be protected appropriately.	Oppose	Disallow	The relief sought to add coastal overlays, or similar mechanism, to all coastal areas visible from marine areas is contrary to the RPS and the NZCPS.

FS143.75	Far North District Council	S368.099	Planning maps	Rural Production Zone	Amend the zoning of parcel 4861315 (Mataka Station) from Rural Production to Natural Open Space. Make any further changes to the PDP where and if the same issue arises.	Support in part	Allow in part	The submission is supported to the extent that the re-zoning to Natural Open Space is confined to the reserve land in Parcel ID 4861315 which is Zoned Conservation in the Operative District Plan. Its application to other un-identified locations as implied in the submission is not supported on the grounds that this relief lacks the specificity required of a submission.
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FS143.75	Bentzen Farm Limited	S167.109	Planning maps	Rural Production Zone	Delete the Rural Production zoning of the following properties at Ōmarino, Manawaora Road (as mapped in the submission), and zone either Rural Lifestyle or create new Special Purpose Zone Ōmarino : Lot 1 Deposited Plan 391213 Lot 2 Deposited Plan 391213 Lot 3 Deposited Plan 391213 Lot 4 Deposited Plan 391213 Lot 5 Deposited Plan 391213 Lot 6, 21 Deposited Plan 391213 Lot 7 Deposited Plan 391213 Lot 8, 20 Deposited Plan 391213 Lot 9 Deposited Plan 391213 Lot 10 Deposited Plan 391213 Lot 11 Deposited Plan 391213 Lot 12 Deposited Plan 391213	Support in part	Allow
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Lot 14 Deposited Plan 391213	A special purpose zone and/or
Lot 15 Deposited Plan 391213	structure plan is appropriate to
Lot 17, 19 Deposited Plan 391213	apply to subdivision and development
Lot 18 Deposited Plan 391213	such as the submitter's property, where
Lot 16 Deposited Plan 512589	previous resource consents have established
Lot 25 Deposited Plan 512589	development entitlements together with
If a new Special Purpose Zone: Ōmarino is created - amend Part 3 – Area Specific Matters to include 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 and consent notices applying on the titles and located on a consented house site, and to enable conservation, recreation and common facilities.	considerable landscape and biodiversity benefits. The Proposed District Plan will restrict development of the property in a manner inconsistent with these resource consents, including approved but unimplemented development on the property. The relief sought to provide for and preserve activities authorised under the

resource
consents is
consistent with
the outcome
sought in
submissions for
Mataka Station
and is generally
supported. This
includes the
need to
recognise the
special
characterises of
properties such
as the
submitter's and
the further
submitter's
through the
application of a
special purpose
zone and/or
structure plan.

FS143.76	Paradise Found Developments Limited	S346.001	General	General / Plan Content / Miscellaneous	Amend the Proposed District Plan to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the resource consents approved for Wiroa Station, 40 McKenzie Road, Purerua Peninsula, Kerikeri (being Lots 1-21 DP 497523); and/or Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development authorised by the resource consents approved for Wiroa Station as a permitted activity as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the Coastal Environment and Coastal Flooding and/or Otherwise amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the resource consents	Support	Allow
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approved for Wiroa Station

Otherwise amend the provisions of the Proposed District Plan to provide for extensions and alterations to existing structures at Wiroa Station, in a manner consistent with the activities and buildings authorised by the resource consents approved for Wiroa Station.

A special purpose zone and/or structure plan is appropriate to apply to subdivision and development such as the submitter's property, where previous resource consents have established development entitlements together with considerable landscape and biodiversity benefits. The Proposed District Plan will restrict development of the property in a manner inconsistent with these resource consents, including approved but unimplemented development on the property. The relief sought to provide for and preserve activities authorised under the

resource

consents is
consistent with
the outcome
sought in
submissions for
Mataka Station
and is
supported. This
includes the
need to
recognise the
special
characterises of
properties such
as the
submitter's and
the further
submitter's
through the
application of a
special purpose
zone and/or
structure plan.

FS143.77	Paradise Found Developments Limited	S346.002	General	General / Plan Content / Miscellaneous	Amend the Proposed District Plan to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the resource consents approved for Wiroa Station, 40 McKenzie Road, Purerua Peninsula, Kerikeri (being Lots 1-21 DP 497523); and/or Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development authorised by the resource consents approved for Wiroa Station as a permitted activity as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the Coastal Environment and Coastal Flooding and/or Otherwise amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the resource consents	Support	Allow
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approved for Wiroa Station

Otherwise amend the provisions of the Proposed District Plan to provide for extensions and alterations to existing structures at Wiroa Station, in a manner consistent with the activities and buildings authorised by the resource consents approved for Wiroa Station.

A special purpose zone and/or structure plan is appropriate to apply to subdivision and development such as the submitter's property, where previous resource consents have established development entitlements together with considerable landscape and biodiversity benefits. The Proposed District Plan will restrict development of the property in a manner inconsistent with these resource consents, including approved but unimplemented development on the property. The relief sought to provide for and preserve activities authorised under the

resource
consents is
consistent with
the outcome
sought in
submissions for
Mataka Station
and is
supported. This
includes the
need to
recognise the
special
characterises of
properties such
as the
submitter's and
the further
submitter's
through the
application of a
special purpose
zone and/or
structure plan.

FS143.78	Paradise Found Developments Limited	S346.003	General	General / Plan Content / Miscellaneous	Amend the Proposed District Plan to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the resource consents approved for Wiroa Station, 40 McKenzie Road, Purerua Peninsula, Kerikeri (being Lots 1-21 DP 497523); and/or Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development authorised by the resource consents approved for Wiroa Station as a permitted activity as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the Coastal Environment and Coastal Flooding and/or Otherwise amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the resource consents	Support	Allow
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approved for Wiroa Station

Otherwise amend the provisions of the Proposed District Plan to provide for extensions and alterations to existing structures at Wiroa Station, in a manner consistent with the activities and buildings authorised by the resource consents approved for Wiroa Station.

A special purpose zone and/or structure plan is appropriate to apply to subdivision and development such as the submitter's property, where previous resource consents have established development entitlements together with considerable landscape and biodiversity benefits. The Proposed District Plan will restrict development of the property in a manner inconsistent with these resource consents, including approved but unimplemented development on the property. The relief sought to provide for and preserve activities authorised under the

resource
consents is
consistent with
the outcome
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submissions for
Mataka Station
and is
supported. This
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need to
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special
characterises of
properties such
as the
submitter's and
the further
submitter's
through the
application of a
special purpose
zone and/or
structure plan.

FS143.79	Paradise Found Developments Limited	S346.004	Planning maps	General / Miscellaneous	Amend the Proposed District Plan to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the resource consents approved for Wiroa Station, 40 McKenzie Road, Purerua Peninsula, Kerikeri (being Lots 1-21 DP 497523); and/or Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development authorised by the resource consents approved for Wiroa Station as a permitted activity as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the Coastal Environment and Coastal Flooding and/or Otherwise amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the resource consents	Support	Allow
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approved for Wiroa Station

Otherwise amend the provisions of the Proposed District Plan to provide for extensions and alterations to existing structures at Wiroa Station, in a manner consistent with the activities and buildings authorised by the resource consents approved for Wiroa Station.

A special purpose zone and/or structure plan is appropriate to apply to subdivision and development such as the submitter's property, where previous resource consents have established development entitlements together with considerable landscape and biodiversity benefits. The Proposed District Plan will restrict development of the property in a manner inconsistent with these resource consents, including approved but unimplemented development on the property. The relief sought to provide for and preserve activities authorised under the

resource

consents is
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the further
submitter's
through the
application of a
special purpose
zone and/or
structure plan.

FS143.80	MLP LLC	S183.001	General	General / Plan Content / Miscellaneous	Insert a new Special Purpose Zone for “The Landing Precinct” under ‘Part 3 – Area Specific Matters’ of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are within a residential lot, and enable farming, conservation, recreation and common facilities where they are in accordance with the Landing Scheme as well as other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: i. The dwelling shall be located on a residential lot; ii. Maximum height = 12m above existing ground level; iii. Building or structure coverage = 12.5%; iv. Compliance with the design guidelines for new structures within	Support	Allow
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the land covenants for
each house site title.

A special
purpose zone
and/or
structure plan is
appropriate to
apply to
subdivision and
development
such as the
submitter's
property, where
previous
resource
consents have
established
development
entitlements
together with
considerable
landscape and
biodiversity
benefits. The
Proposed
District Plan will
restrict
development of
the property in
a manner
inconsistent
with these
resource
consents,
including
approved but
unimplemented
development
on the
property. The
relief sought to
provide for and
preserve
activities
authorised
under the

resource
consents is
consistent with
the outcome
sought in
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Mataka Station
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through the
application of a
special purpose
zone and/or
structure plan.

Form 6**Further submission in support of, or in opposition to, submission on notified proposed policy statement or plan, change or variation**

Clause 8 of Schedule 1, Resource Management Act 1991

To: Far North District Council**Name of person making further submission:** Mataka Residents' Association Inc**This is a further submission in opposition to a submission on:** the Proposed Far North District Plan (Summary of Decision Requested Addendum, notified 13 March 2024)**I am:** a person who has an interest in the proposal that is greater than the interest the general public has, being a primary submitter and a landowner directly affected by the relief sought in the submission below.**I oppose the submission of:**

Lucklaw Farm Ltd – submission point S585.001.

The particular parts of the submission I oppose are:

The whole of the relief sought in the submission point S585.001 which seeks to insert a comprehensive rule in the FNDC district plan which sets out standards for vehicle access on beaches and restricts use of beaches (including sand dunes, the foreshore and seabed area) by vehicles except for specific purpose.

The reasons for my opposition are:

A rule in the District Plan as sought is neither an efficient nor effective way to manage vehicles on beaches. There are circumstances where vehicle access to beaches is appropriate and necessary including access to property, launching and retrieving boats, farm maintenance and conservation purposes, and other situations where it is inappropriate, including for biodiversity, to manage sites of significance to tangata whenua and to maintain amenity values. These may involve very localised or temporary/seasonal closures, with restrictions different according to the specific location. A District Plan rule is a blunt mechanism which cannot take into account these full range of circumstances, potentially triggering many resource consents. It would also have very inefficient enforcement mechanisms. Accepting the limitations of the previous Vehicles on Beaches Bylaw 2015 and Road Use Bylaw 2022 stated in the submission, bylaws under the Local Government Act 2002 or the Land Transport Act 1998 still provide a better mechanism to manage the issue – providing for greater specificity according to the particular circumstance, easier and more rapid enforcement and fines and simpler statutory mechanisms to amend.

I seek that the whole of the submission S585.001 be disallowed.

I wish to be heard in support of my further submission.

Donald J Chandler 28/03/2024
.....

Donald Chandler

Authorised to sign on behalf of Mataka Residents' Association Inc

Date: 28/03/24

Electronic address for service of person making further submission: manager@mataka.co.nz

Telephone: 021 0232 7293

Postal address: PO Box 961, Kerikeri, 0245

Contact person: Donald Chandler

ANNEXURE B

Copy of the relevant parts Decision

**MINUTES OF FAR NORTH DISTRICT COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVE, KAIKOHE
ON THURSDAY, 11 JUNE 2026 AT 10:01 AM**

PRESENT: Kohepu - Deputy Mayor Chicky Rudkin, Cr Arohanui Allen, Cr Rachel Baucke, Cr Ann Court, Cr Felicity Foy, Cr Hilda Halkyard-Harawira (online), Cr Davina Smolders, Cr Kelly Stratford, Cr John Vujcich.

IN ATTENDANCE: Belinda Ward (Bay of Islands-Whangaroa Community Board Chair)(online).

STAFF PRESENT: Guy Holroyd (Chief Executive Officer), Tanya Proctor (Head of Infrastructure), Aaron Taikato (Manuhautu Te Hono – Group Manager Te Hono), Roger Ackers (Head of Strategic Reform Initiatives), Kate Ivicheva (Group Manager – Planning & Policy), Jacine Warmington (Group Manager – Strategic Relationships), Charlie Billington (Group Manager – Corporate Services), Emma Healy (Chief of Staff), AK Taihia (Submissions and Hearings Administrator), Sarah Trinder (Senior Policy Planner), Tammy Wooster (Manager – Integrated Planner), Kenton Baxter (Policy Planner), Aisha Huriwai (Manager – Democracy Services), Marysa Maheno (Democracy Advisor).

1 KARAKIA TIMATANGA / OPENING PRAYER

Kohepu-Deputy Mayor Chicky Rudkin commenced the meeting with a karakia at 10:01AM.

2 NGĀ KŌRERO A KOHEPU / DEPUTY MAYOR ANNOUNCEMENTS

Acknowledgements

Acknowledged the passing of two Rangatira of Te Hiku o te Ika, Lenny Bristowe and Tarati Buckley, and extended thoughts and condolences to their whānau.

Also acknowledged the absence of Kahika–Mayor Moko Tepania, who is in Auckland with his Nan following her major heart surgery. Thoughts and prayers are with Kahika Moko Tepania, his Nan, and their whānau.

Meeting Announcements

Advised that there is no Kaiwhakawhiti Reo – Language Interpreter available for this Extraordinary Council meeting.

Informed members of the public that the meeting is being livestreamed and requested that paper-shuffling and side conversations be kept to a minimum, as these can interfere with sound quality.

Advised that the agenda for today's meeting is available online.

Stated that, for the public excluded part of the meeting, Council will resolve to move into public excluded and then adjourn briefly to allow members of the public to leave the room.

3 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST

APOLOGY

RESOLUTION 2026/33

Moved: Kohepu - Deputy Mayor Chicky Rudkin

Seconded: Cr John Vujcich

That the apology received from Kahika-Mayor Moko Tepania and Cr Tāmati Rākena be accepted and leave of absence granted.

CARRIED

4 NGĀ PŪRONGO / REPORTS

4.1 FAR NORTH DISTRICT COUNCILS PARTICIPATION IN THE LOCAL GOVERNMENT REFORM HEAD START PATHWAY PROCESS

Agenda item 5.1 document number A5808859, pages 7 - 14 refers

RESOLUTION 2026/34

Moved: Kohepu - Deputy Mayor Chicky Rudkin

Seconded: Cr John Vujcich

That Council:

- a) **Approves the Council's continued participation, alongside Northland Regional Council, Whangārei District Council and Kaipara District Council, in the Government's Head Start pathway for local government reform;**
- b) **Agrees that further analysis is progressed on structural options, including:**
 - i) **a single unitary authority; and**
 - ii) **two sub-regional unitary authorities;**

CARRIED

At 10:15AM Cr Stratford left the room and returned at 10:16AM.

The meeting adjourned at 10:17AM and resumed at 10:25AM.

Bay of Islands-Whangaroa Community Board Chair Belinda Ward removed herself from the meeting at 10:17AM.

4.2 DECISIONS ON SUBMISSIONS ON FAR NORTH PROPOSED DISTRICT PLAN

Agenda item 5.2 document number A5809164, pages 15 - 27 refers

MOTION

Moved: Cr John Vujcich

Seconded: Cr Ann Court

That Council:

- a) **receive the report "Decisions on Submissions to the Far North Proposed District Plan";**
- b) **receive the Hearings Panel recommendation reports and associated documents;**
- c) **~~accept the recommendations of the Hearings Panel and makes decisions on submissions in accordance with clause 10 of Schedule 1 of the Resource Management Act 1991 and for the reasons set out in the recommendation reports, including in relation to Proposed Plan Variation;~~**
- d) **accept and make the recommendations of the PDP Hearings Panel on notices of**

requirement to requiring authorities in accordance with clause 9(1) of Schedule 1 of the Resource Management Act 1991;

- e) accept the recommendations of the hearings panel and makes the decisions relating to designations for Far North District Council as requiring authority in accordance with clause 9(2) of Schedule 1 of the Resource Management Act 1991;
- f) approve public notification of Council's decisions on submissions and Far North District Council designations, and its recommendations on designations from other requiring authorities no later than 30 June 2026;
- g) recognise formally the significant time and input that submitters within the process have put into the submissions, further submissions and hearings process; and
- h) recognise formally the significant time and input that the staff and the Hearings Panel appointed to make recommendations with the process have put into the submissions, further submissions and hearings process.

Secretarial Note:

- After all amendments were passed, the committee returned to the original motion, without option C, to be able to debate the original motion on the table.
- Cr Smolders spoke in support to the original motion.
- Cr Stratford acknowledged all the staff, past and present, who contributed to the proposed district plan process and reflected on the long journey it has been.
- Cr Foy, again, acknowledged the years of work put in to the plan, praised staff and thanked commissioners.

In Favour: Kohepu Chicky Rudkin, and Crs Arohanui Allen, Rachel Baucke, Ann Court, Felicity Foy, Hilda Halkyard-Harawira, Davina Smolders, Kelly Stratford and John Vujcich

Against: Nil

CARRIED 9/0

AMENDMENT

Moved: Cr Kelly Stratford

Seconded: Cr Felicity Foy

c) **Except that Council rejects the Hearings Panel recommendation in relation to Submission S555.001 (Ngā Kaingamaha o Ngāti Hine Charitable Trust) and accepts the relief sought to rezone Section 25 SBRS of Kawakawa from Rural Residential Zone to General Residential Zone with the Te Mataora Precinct overlay.**

Secretarial Notes:

- Cr Stratford spoke to her amendment and provided supporting statements to the amendment.
- Cr Foy spoke to the amendment as seconder and praised the Council staff involved that went out of their way to address concerns of the community. Also voiced that it would be unfortunate if Kawakawa were to miss out on the \$26.5M going toward infrastructure upgrades which is a significant opportunity.
- Cr Court noted that amendments are procedural, however, is uncomfortable with amendments being brought to the table without the full evidence being at hand as the Proposed District Plan Process is a process that goes over several years where the same elected members are not present throughout the whole process.
- Cr Vujcich spoke in support of the amendment.
- Cr Court spoke further to her concerns and noted that she will not be supporting any

amendments to the hearing panel's recommendations.

- *Cr Smolders stated she believes the Commissioners' process was robust and thorough, and supports their recommendations in principle. While there may be limited circumstances where amendments are justified, nonetheless she does not support cherry-picking of recommendations by Councillors, nor has the confidence in selectively overriding the Commissioners' conclusions without compelling evidence to do so.*
- *Cr Stratford provided her closing statement.*

The meeting adjourned at 11:17AM and resumed at 11:29AM

In Favour: Crs Arohanui Allen, Felicity Foy, Hilda Halkyard-Harawira, Kelly Stratford and John Vujcich

Against: Crs Ann Court and Davina Smolders

Abstained: Kohepu Chicky Rudkin and Cr Rachel Baucke

CARRIED 5/2

AMENDMENT

Moved: Cr Kelly Stratford

Seconded: Cr Hilda Halkyard-Harawira

Further, Council rejects the Hearings Panel recommendation in relation to Submission 257.023 (Te Hiku Community Board) and accepts the relief sought to amend the Infrastructure Chapter and Planning Maps to recognise and provide for district land drainage infrastructure within the Kaitiāia, Waiharara, Kaikino and Motutangi drainage districts.

Secretarial Notes:

- *Cr Stratford noted that submitters raised concerns around the land drainage infrastructure, drainage channels and associated maintenance corridors. She stated that the current plan does not identify land drainage infrastructure on the planning maps. A section 32aa evaluation would recognise land drainage infrastructure within the district plan would be more effective and efficient method of managing effects on the land drainage assets.*
- *Cr Halkyard-Harawira supported all of Cr Stratford's statements.*
- *Cr Baucke stated that she supports the amendment, however, will be abstaining from voting as she sees that there would be a perceived conflict being a previous member of the Te Hiku Community Board. Cr Baucke gave her supporting statements for the amendment.*
- *Cr Smolders spoke against the proposed amendment due to her same concerns for the first amendment.*
- *Cr Stratford, in closing, urged the committee to support this amendment and to see the views of the panellists.*

In Favour: Crs Arohanui Allen, Hilda Halkyard-Harawira, Kelly Stratford and John Vujcich

Against: Crs Ann Court and Davina Smolders

Abstained: Kohepu Chicky Rudkin, and Crs Rachel Baucke and Felicity Foy

CARRIED 4/2

The meeting adjourned at 11:57AM and resumed at 12:35PM.

The meeting adjourned at 1:00PM and resumed at 1:06PM.

AMENDMENT

Moved: Cr Kelly Stratford

Seconded: Cr John Vujcich

and that by amending the proposed district plan, I am referring to the amendments proposed in the evidence (in particular s32aa and Te Mataora Precinct document) provided by the submitter in the 1st amendment;

and that by amending the proposed district plan, I am referring to the amendments proposed in the evidence and the appendices named 1 and 2 and s32aa tabled for the second amendment

In Favour: Crs Arohanui Allen, Hilda Halkyard-Harawira, Kelly Stratford and John Vujcich

Against: Crs Ann Court and Davina Smolders

Abstained: Kohepu Chicky Rudkin, and Crs Rachel Baucke and Felicity Foy

CARRIED 4/2

AMENDMENT

Moved: Cr Kelly Stratford

Seconded: Cr Felicity Foy

- i) **And that the appeals optioning report is brought back to Council for decision as referenced in the appeals section of the report.**

In Favour: Crs Arohanui Allen, Rachel Baucke, Felicity Foy, Hilda Halkyard-Harawira, Kelly Stratford and John Vujcich

Against: Cr Ann Court

Abstained: Kohepu Chicky Rudkin and Cr Davina Smolders

CARRIED 6/1

Secretarial Note:

- *Cr Court, for public record, restated that her opposition to the amendments are based on the concerns regarding procedural fairness, adherence to the principles of natural justice, and the need for decisions to be made on the basis of proper evidence and due process.*

The meeting adjourned at 1:33PM and resumed at 1:43PM.

THE AMENDMENTS BECAME THE SUBSTANTIVE MOTION

RESOLUTION 2026/35

Moved: Cr Kelly Stratford

Seconded: Cr Arohanui Allen

That Council:

- a) **receive the report “Decisions on Submissions to the Far North Proposed District Plan”;**
- b) **receive the Hearings Panel recommendation reports and associated documents;**
- c) **accept the recommendations of the Hearings Panel and makes decisions on submissions in accordance with clause 10 of Schedule 1 of the Resource Management Act 1991 and for the reasons set out in the recommendation reports, including in relation to Proposed Plan Variation except that;**
- i) **Council rejects the Hearings Panel recommendation in relation to Submission S555.001 (Ngā Kaingamaha o Ngāti Hine Charitable Trust) and accepts the relief sought to rezone Section 25 SBRS of Kawakawa from Rural Residential Zone to General Residential Zone with the Te Mataora**

- Precinct overlay;**
- ii) **that by amending the proposed district plan, referring to the amendments proposed in the evidence (in particular s32aa and Te Mataora Precinct document) provided by the submitter in the 1st amendment;**
 - d) **accept and make the recommendations of the PDP Hearings Panel on notices of requirement to requiring authorities in accordance with clause 9(1) of Schedule 1 of the Resource Management Act 1991;**
 - e) **accept the recommendations of the hearings panel and makes the decisions relating to designations for Far North District Council as requiring authority in accordance with clause 9(2) of Schedule 1 of the Resource Management Act 1991;**
 - f) **approve public notification of Council's decisions on submissions and Far North District Council designations, and its recommendations on designations from other requiring authorities no later than 30 June 2026;**
 - g) **recognise formally the significant time and input that submitters within the process have put into the submissions, further submissions and hearings process; and**
 - h) **recognise formally the significant time and input that the staff and the Hearings Panel appointed to make recommendations with the process have put into the submissions, further submissions and hearings process.**
 - i) **And that the appeals optioning report is brought back to Council for decision as referenced in the appeals section of the report.**

The meeting adjourned at 1:33PM and resumed at 1:42PM

In Favour: Kohepu Chicky Rudkin, and Crs Arohanui Allen, Felicity Foy, Hilda Halkyard-Harawira, Kelly Stratford and John Vujcich

Against: Crs Ann Court and Davina Smolders

Abstained: Cr Rachel Baucke

CARRIED 6/3

RESOLUTION 2026/36

Moved: Cr Kelly Stratford

Seconded: Cr Arohanui Allen

C) accept the recommendations of the Hearings Panel and makes decisions on submissions in accordance with clause 10 of Schedule 1 of the Resource Management Act 1991 and for the reasons set out in the recommendation reports, including in relation to Proposed Plan Variation except that;

- iii) **Further, Council rejects the Hearings Panel recommendation in relation to Submission 257.023 (Te Hiku Community Board) and accepts the relief sought to amend the Infrastructure Chapter and Planning Maps to recognise and provide for district land drainage infrastructure within the Kaitāia, Waiharara, Kaikino and Motutangi drainage districts**
- iv) **and that by amending the proposed district plan, referring to the amendments proposed in the evidence and the appendices named 1 and 2 and s32aa tabled for the second amendment**

In Favour: Kohepu Chicky Rudkin, and Crs Arohanui Allen, Hilda Halkyard-Harawira, Kelly Stratford and John Vujcich

Against: Crs Ann Court and Davina Smolders

Abstained: Crs Rachel Baucke and Felicity Foy

CARRIED 5/2

Attachments tabled at meeting

- 1 Attachment 3 Recommended Amendments
- 2 Attachment 4 S32AA Evaluation Further Evidence
- 3 Land Drainage Infrastructure Appendix 1 Provisions
- 4 Land Drainage Infrastructure Appendix 2 map drainage districts
- 5 Land Drainage Infrastructure s32aa

5 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2026/37

Moved: Kohepu - Deputy Mayor Chicky Rudkin

Seconded: Cr John Vujcich

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
6.1 - Appointment of Adjudication Panel	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

Kohepu Chicky Rudkin stated that agenda item 6.1 has been withdrawn and was not considered.

6 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

Kohepu Chicky Rudkin closed the meeting with a karakia.

7 MEETING CLOSE

The meeting closed at 2:00PM.

The minutes of this meeting will be confirmed at the Extraordinary Council Meeting held on 25 June 2026.

.....

CHAIRPERSON



**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	Various	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.

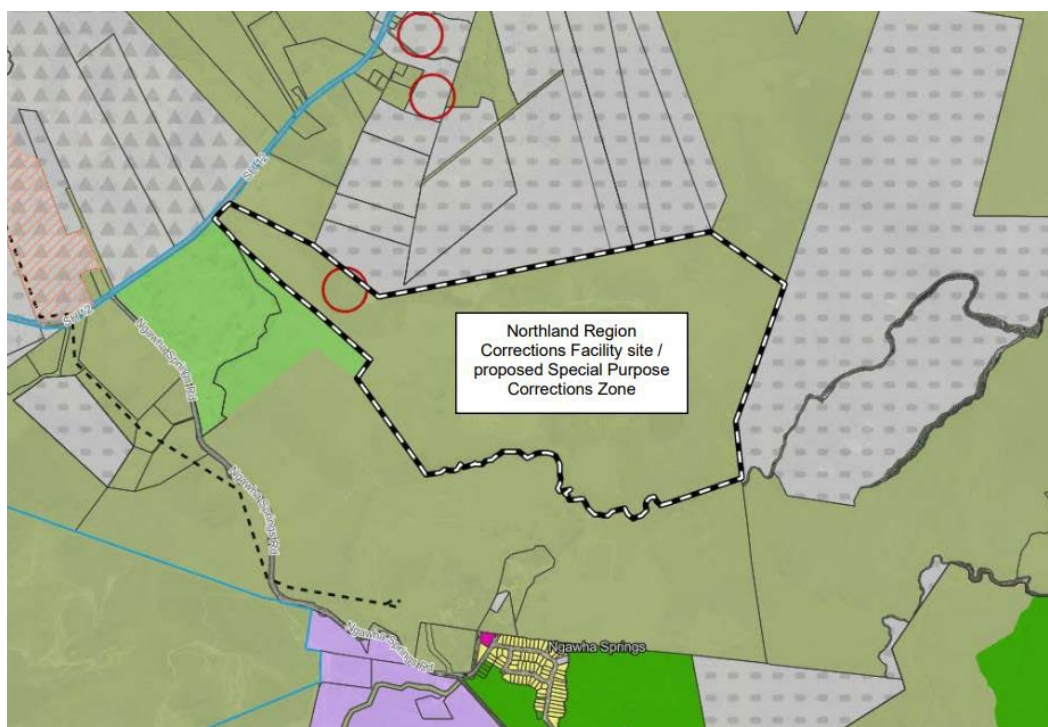


Figure 1: Requested extent of the Corrections zone.

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 Grace’s 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.

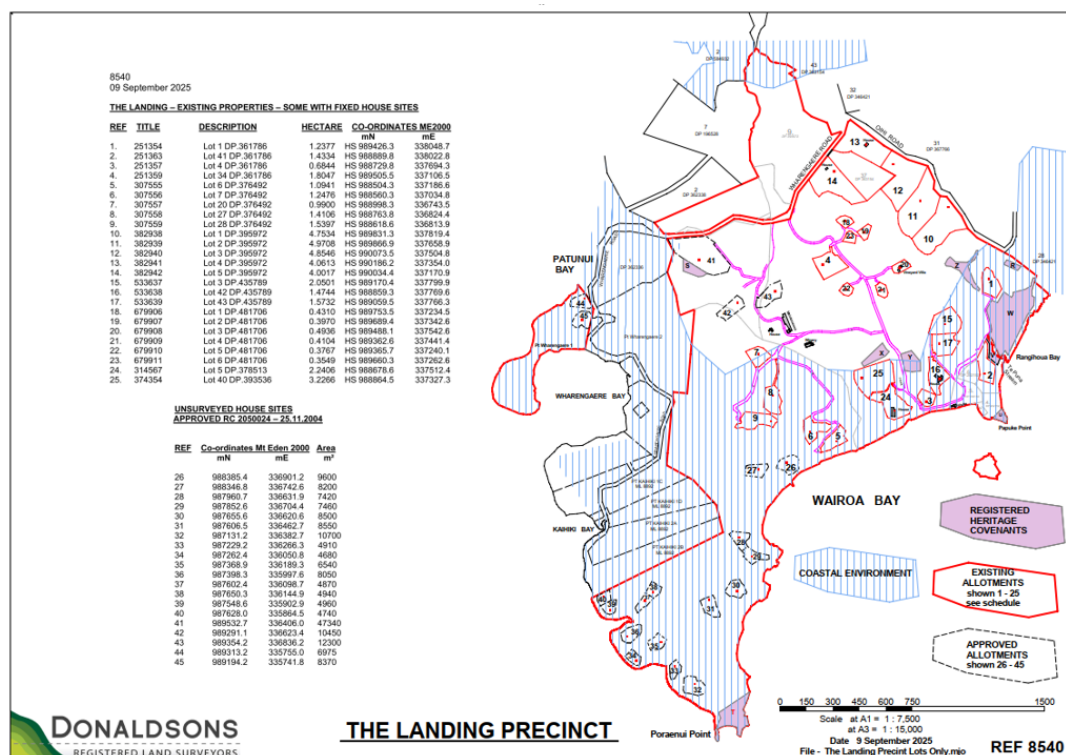


Figure 3: The Landing Proposed Precinct Plan

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 co-ordinates, 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 Ngawha 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 Ngawha 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 policies 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 Opuia 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 Opuia.”²²

Mr Nock referred to the contribution of Opuia 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 Opuia 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 Opuia 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 Opuia.

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 Opua 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 Opuia Marine Business Park to MUZ

As set out in the hearing report, unlike the other FNHL sites at Opuia, the Opuia 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 Opuia 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 Opuia 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 - Ngahuia 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 Ngahuia 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 NLF-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.

PART 3 – AREA-SPECIFIC MATTERS / PRECINCT / Matakā Station precinct

Matakā Station precinct

Overview

Matakā Station is a conservation and farm estate on the Purerua Peninsula at the northern end of the Bay of Islands. It comprises 30-lot residential house sites, plus farm and workers residences with an operational sheep and cattle farm and a large private conservation estate totalling approximately 1075 hectares. The farm, conservation areas and common areas are managed by a residents' association. The conservation areas are approximately 350 hectares and are home to one of the most significant kiwi populations in New Zealand.

Matakā Station has considerable cultural and historic significance, being associated with Māori occupation from at least the 14th century AD, early European contact and settlement. The station is adjacent to Rangihoua Pā and a significant number of archaeological sites, including pā sites, have been identified within the station. Maunga Matakā is the highest point within the station and is one of five pou (boundary markers) for Ngāpuhi.

The scale of Matakā Station presents a significant opportunity to restore ecological values and natural character of this coastal environment at the northern entrance to the Bay of Islands. The purpose of the Matakā Station precinct is to enable the continued joint management of the land for farming and conservation purposes, while providing for limited residential development and common facilities within identified areas. This joint management approach is necessary to support ongoing predator control and existing extensive indigenous vegetation, which in turn will continue to contribute to the protection of kiwi and other fauna, allowing these populations to flourish.

The station has nearly 13 kilometres of coastline. It contains areas of very steep topography, with coastal cliffs, spurs and ridgelines with inland areas of undulating and more gently sloping land. The precinct provides for 30 house sites and the construction of access to these house sites. The house sites have been sensitively sited to be set back from the immediate coastal edge or are sited further inland. Existing vegetation provides mitigation and together with the topography and revegetation, serves to visually integrate development with the environment.

The zoning of the land within the precinct is Rural Production. The objectives, policies, rules and standards of the underlying Rural Production zone apply in addition to the provisions of the precinct, except that:

- All precinct rules with the same activity description prevail over the equivalent Rural Production zone rules.
- Rural Production zone standards RPROZ-S2 and RPROZ-S5 apply to the precinct. RPROZ-S1 Maximum height applies to parts of the precinct not within ONL or the coastal environment; it does not apply to buildings or structures on a House Site or within Areas 1, 2 or 3 shown on Precinct Plan 1. For the avoidance of doubt, PRECX-S1 prevails over RPROZ-S1 in relation to new buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures for a residential unit or minor residential unit.

The underlying Rural Production zone rules apply when the precinct does not include a rule for the same activity.

The coastal fringe of the precinct is within the coastal environment and areas of high natural character and outstanding natural landscape are identified within much of the coastal environment. The objectives and policies in the Natural Features and Landscapes and Coastal Environment chapters apply in addition to the provisions of the precinct. However, the following rules and standards in the Coastal Environment and Natural Features and Landscapes chapters do not apply within the precinct:

- NFL-R1 New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures; NFL-R3 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PRECX-R9); NFL-R6 Farming; RNFL-S1 Maximum height; NFL-S2 Colours and materials and NFL-S3 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PRECX-R9).
- CE-R1 New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures; CE-R3 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PRECX-R9); CE-R4 Farming; CE-S1 Maximum height; CE-S2 Colours and materials; and CE-S3 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PRECX-R9).

All other District-Wide objectives, policies, rules and standards in Part 2 of the District Plan apply.

Objectives	
PRECX-O1	<u>The rugged beauty and quality of the environment at Matakā Station is protected and enhanced.</u>
PRECX-O2	<u>Land use and development within the Matakā Station precinct is undertaken in a way that enhances and protects:</u> a. <u>landscape values;</u> b. <u>the natural character of the coastal environment;</u> c. <u>historic heritage and cultural values; and</u> d. <u>habitat for kiwi and other indigenous fauna.</u>
PRECX-O3	<u>Land within Matakā Station precinct is used for farming, conservation activities, residential activities, recreation activities and leisure activities.</u>
PRECX-O4	<u>New residential units, minor residential units and buildings or structures for recreation activities are designed to be integrated with, and maintain, the characteristics, qualities and values of ONL and natural character of the coastal environment.</u>

Policies	
PRECX-P1	<u>Enable the development of residential units, minor residential units and buildings or structures for recreation activities in general accordance with Precinct Plan 1.</u>
PRECX-P2	<u>Enable the ongoing operation of farming activities.</u>
PRECX-P3	<u>Limit development within the precinct to protect natural character and the characteristics, qualities and values that make ONL outstanding.</u>
PRECX-P4	<u>Encourage and support active management of pest plants and pest animals, including possums, goats and mustelids.</u>
PRECX-P5	<u>Require landowners to manage pets to avoid risks to threatened indigenous species and kiwi, including by avoiding the introduction of pets into high-density kiwi areas.</u>
PRECX-P6	<u>Manage</u> <u>Consider the effects on historic heritage and cultural values when undertaking earthworks by:</u> a. <u>adhering to accidental discovery protocols for sensitive material;</u> b. <u>undertaking appropriate actions in accordance with mātauranga and tikanga Māori when managing effects on cultural values.</u>

Rules

Notes:

1. **The rules in Part 2 – District-Wide Matters apply in addition to these rules, except that the following do not apply:**
 - a. NFL-R1 New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures; NFL-R3 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PRECX-R9); NFL-R6 Farming; NFL-S1 Maximum height; NFL-S2 Colours and materials and NFL-S3 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PRECX-R9).
 - b. CE-R1 New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures; CE-R3 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PRECX-R9); CE-R4 Farming; CE-S1 Maximum height; CE-S2 Colours and materials; CE-S3 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PRECX-R9); and CE-S4 Setback from MHWS.
 - c. Precinct Plan 1 applies as referred to in the rules below. 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).

PRECX-R1	New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures	
<u>Matakā Station precinct</u>	<u>Activity status: Permitted</u> <u>Where:</u> <u>PER-1</u> Any new building or structure and relocated buildings if it: <u>is not used for a residential activity;</u> <u>is not provided for under PRECX-R8;</u> <u>complies with RPROZ-S1 Maximum height if it is not within ONL or the coastal environment;</u> <u>complies with standards:</u> <u>RPROZ-S2 Height in relation to boundary;</u> <u>RPROZ-S5 Building or structure coverage;</u> <u>complies with PRECX-S1 Maximum Height and PRECX-S2 Colours and Materials if it is within ONL or the coastal environment;</u> <u>is no greater than 50m² if it is within ONL; and</u> <u>is no greater than 100m² if it is within the coastal environment.</u> <u>PER-2</u> Any extension or alteration to a lawfully established building or structure: <u>complies with PRECX-S1 Maximum Height;</u> <u>complies with RPROZ-S2 Height in relation to boundary; and</u> <u>complies with RPROZ-S5 Building or structure coverage;</u> <u>is no greater than 30% of the GFA of the existing lawfully established building or structure if it is within ONL or the coastal environment; and</u> <u>complies with PRECX-S2 Colours and Materials if it is within ONL or the coastal environment.</u> <u>PER-3</u> Any new building or structure and relocated buildings or extension or alteration to an existing building or structure on Lot 31 DP 367766 or Lot 35 DP 363154 if it: <u>is a single residential unit or a minor</u>	<u>Activity status when compliance not achieved with PER-1:</u> <u>Controlled</u> <u>Where:</u> <u>Any new building or structure and relocated buildings if it is:</u> <u>CON-1</u> <u>A single residential unit or a minor residential unit on a House Site identified on Precinct Plan 1.</u> <u>Note:</u> <u>The House Sites identified on Precinct Plan 1 are subject to consent notices. These consent notices impose ongoing obligations relating to building location, design and any associated mitigation (including planting) and must be complied with.</u> <u>CON-2</u> <u>Complies with PRECX-S1 Maximum height.</u> <u>Matters of control are reserved over:</u> <u>the location, scale (including height) and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;</u> <u>the means of integrating the building, structure or activity into the landscape, including through planting;</u> <u>the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and</u> <u>any mitigation measures proposed appropriately manage potential adverse effects on the characteristics, qualities and values of the coastal environment and ONL.</u> <u>New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures that are a controlled activity under rule CON-1 and CON-2 shall be precluded from public or limited notification unless special circumstances apply.</u>

	<u>residential unit; and</u> 2. <u>complies with standards:</u> a. <u>RPROZ-S1 Maximum height;</u> b. <u>RPROZ-S2 Height in relation to boundary; and</u> c. <u>RPROZ-S5 Building or structure coverage.</u> <u>PER-4</u> <u>Any new building or structure, relocated building or extension of alteration to an existing building or structure on Lot 43 DP 363154 if it:</u> 1. <u>is used for worker accommodation; and</u> 2. <u>complies with standards:</u> a. <u>RPROZ-S1 Maximum height;</u> b. <u>RPROZ-S2 Height in relation to boundary; and</u> c. <u>RPROZ-S5 Building or structure coverage.</u>	<u>Activity status when compliance not achieved with PER-1 or PER-2; and PREC-R8 does not apply:</u> <u>Restricted discretionary</u> <u>Matters of discretion are restricted to:</u> a. <u>the effects on the characteristics, qualities and values that make ONL outstanding;</u> b. <u>the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity;</u> c. <u>the positive effects of the activity; and</u> d. <u>any mitigation measures proposed.</u> <u>Activity status where compliance not achieved with PER3 or PER-4:</u> <u>Restricted discretionary</u> <u>Matters of discretion are restricted to:</u> a. <u>the location, scale (including height) and design of buildings, having regard to their visual prominence;</u> b. <u>the means of integrating the building, structure or activity into the landscape, including through planting;</u> c. <u>the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and</u> d. <u>any mitigation measures proposed.</u> <u>Activity status when compliance not achieved with CON-2, except where PRECX-R8 applies:</u> <u>Restricted discretionary (matters of discretion at PRECX-S1)</u> <u>Activity status when compliance not achieved with CON-1, except where PRECX-R8 applies:</u> <u>Discretionary</u>
<u>PRECX-R2</u>	<u>Residential activity</u>	
<u>Matakā Station precinct</u>	<u>Activity status: Permitted</u> <u>Where:</u> <u>PER-1</u> <u>The site area per residential unit is at least 20ha.</u> <u>PER-1 does not apply to:</u> 1. <u>a single residential unit located on a site less than 20ha.</u>	<u>Activity status where compliance not achieved with PER-1:</u> <u>Discretionary</u> <u>Where:</u> <u>DIS-1</u> <u>The site area per residential unit is at least 8ha.</u> <u>DIS-2</u> <u>The number of residential units on a site does not exceed two.</u>

	2. <u>A minor residential unit in accordance with PRECX-R3.</u>	Activity status where compliance not achieved with DIS-1 or DIS-2: <u>Non-complying</u>
<u>PRECX-R3</u>	<u>Minor residential unit</u>	
<u>Matakā Station precinct</u>	<u>Activity status: Permitted</u> <u>Where:</u> <u>PER-1</u> <u>The number of minor residential units on a site does not exceed one.</u> <u>PER-2</u> <u>The minor residential unit shares vehicle access with the principal residential unit.</u> <u>PER-3</u> <u>The minor residential unit:</u> <u>Does not exceed a GFA of 65m²; and</u> <u>With an optional attached garage or carport that does not exceed GFA of 18m², where the garage or carport is used for vehicle storage, general storage and laundry facilities.</u>	<u>Activity status where compliance not achieved with PER-2:</u> <u>Discretionary</u> <u>Activity status where compliance not achieved with PER-1 or PER-3:</u> <u>Non-complying</u>
<u>PRECX-R4</u>	<u>Farming</u>	
<u>Matakā Station precinct</u>	<u>Activity status: Permitted</u> -	<u>Activity status where compliance is not achieved:</u> <u>Not applicable</u>
<u>PRECX-R5</u>	<u>Worker accommodation</u>	
<u>Matakā Station precinct</u>	<u>Activity Status: Permitted</u> <u>Where:</u> <u>PER-1</u> <u>It is located on Lot 43 DP 363154.</u> <u>PER-2</u> <u>It is associated with activities within the precinct.</u> <u>PER-3</u> <u>The occupancy does not exceed 10 workers.</u>	<u>Activity status where compliance not achieved with PER-1, PER-2 or PER-3:</u> <u>Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> <u>Effects on the rural character and amenity of the surrounding area;</u> <u>Visual mitigation measures such as landscaping or other screening;</u> <u>Servicing requirements;</u> <u>The layout and siting of buildings and parking areas.</u>

PRECX-R6	Visitor accommodation	
<u>Matakā Station precinct</u>	Activity status: Permitted <u>Where:</u> PER-1 The visitor accommodation is within a residential unit, accessory building or minor residential unit. PER-2 The occupancy does not exceed 10 guests per night.	Activity status where compliance not achieved with PER-1 or PER-2: <u>Discretionary</u>
PRECX-R7	New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures within Areas 1, 2 or 3 shown on Precinct Plan 1	
<u>Matakā Station precinct</u>	Activity status: Restricted Discretionary <u>Where:</u> RDIS-1 The building or structures, including extensions or alterations to existing buildings or structures are for recreation activity. RDIS-2 The buildings or structures, including extensions or alterations to existing buildings or structures comply with PRECX-S2 Colours and Materials: <u>The matters of discretion are:</u> <u>The location, scale (including height) and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;</u> <u>the means of integrating the building or structure into the landscape, through planting;</u> <u>the height of any retaining walls, their colour and whether planting is necessary to mitigate their visual effects;</u> <u>any mitigation measures proposed;</u> <u>effects on the characteristics, qualities and values that make ONL outstanding; and</u> <u>the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity.</u>	Activity status where compliance not achieved with RDIS-1 and/or RDIS-2: <u>Discretionary</u>
PRECX-R8	Earthworks or indigenous vegetation clearance	
<u>Matakā Station precinct</u>	Activity status: Restricted Discretionary <u>Where:</u> RDIS-1	Activity status where compliance not achieved with RDIS-1, RDIS-2, RDIS-3 or RDIS-4: <u>Discretionary</u>

	The earthworks are within ONL or the coastal environment and are for the construction of a building or structure and its associated curtilage within a House Site or Area 1, 2 or 3 shown on Precinct Plan 1. <u>RDIS-2</u> The earthworks are within ONL or the coastal environment and are for the construction of accessways to a House Site shown on Precinct Plan 1. <u>RDIS-3</u> The earthworks are within ONL or the coastal environment and are for the construction of accessways to Area 1, 2 or 3 shown on Precinct Plan 1. <u>RDIS-4</u> Any indigenous vegetation clearance within ONL or the coastal environment for a House Site, accessway or within Areas 1, 2 or 3 shown on Precinct Plan 1. <u>The matters of discretion are:</u> <u>the effects on the characteristics, qualities and values that make ONL outstanding;</u> <u>the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity;</u> <u>the scale and extent of earthworks for the construction of a building and/or access to a House Site and its associated curtilage shown on Precinct Plan 1;</u> <u>the scale and extent of earthworks for the construction of a building and/or accessway to Areas 1, 2 or 3 shown on Precinct Plan 1;</u> <u>any adverse effects on any archaeological site;</u> <u>any mitigation measures; and</u> <u>the positive effects of the activity.</u> <u>Note: the District-Wide Earthworks rules apply outside ONL and the coastal environment.</u>	
<u>PRECX-R9</u>	<u>Catteries and dog boarding kennels</u>	
<u>Matakā Station precinct</u>	<u>Activity status: Prohibited</u>	<u>Activity status where compliance not achieved: Not applicable</u>

<u>Standards</u>	
<u>PRECX-S1</u>	<u>Maximum height</u>

PRECX-S2	Colours and materials	
Matakā Station precinct	The exterior surfaces of new buildings within ONL or the coastal environment shall: 1. be constructed of natural materials and/or finished to achieve a reflectance value no greater than 30%; and 2. if the exterior is painted, have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in Appendix X.	Activity status when compliance not achieved: Refer to PRECX-R1

Precinct Plan 1



Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
S226.001	Tryphena Trustees Limited, David Haythornwaite	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	Accept in part
S227.001	Isles Casey Trustee Services Limited, WWC Trustee Company Limited	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
S228.001	Jayesh Govind and Others	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	Accept in part
S229.001	Laurie Pearson	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
					(iii) Building or structure coverage = 12.5%	
S231.001	Ovisnegra Limited	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	Accept in part
S232.001	Tobias Groser	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
					(ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	
S233.001	Whale Bay Limited	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	Accept in part
S234.001	Whale Bay Limited	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
					ground level (iii) Building or structure coverage = 12.5%	
S235.001	WW Trustee Services 2016 Limited, Eloise Caroline Caswell, Donald Gordon Chandler	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	Accept in part
S236.001	Connemara Black Limited	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
					Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	
S237.001	Evan Williams and Katherine Williams	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	Accept in part
S238.001	John Gowing and Miriam Van Lith	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards,	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
					including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	
S239.001	John Gowing, Miriam Van Lith, Ellis Gowing, James Gowing, Byron Gowing	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	Accept in part
S240.001	Matthew Watson, Kaylene Watson, D R Thomas Limited	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following:	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
					(i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	
S241.001	Matthew Draper and Michaela Jannard	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	Accept in part
S352.001	Philibert Jean-G Frick	General / Plan Content / Miscellaneous	Oppose	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities.	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
					Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	
S347.001	Matthew Draper and Michaela Jannard	General / Plan Content / Miscellaneous	Oppose	Resource consents for Mataka Station have been given effect to, and remain live, thus development of Mataka Station, including vacant lots and Lot 19 DP 323083 continue to be enabled by those consents. In other words, the resource consents enable development, and completion of the Mataka Station development, notwithstanding the provisions of the Proposed District Plan. However, the Proposed District Plan fails to recognise, have regard to, or provide for the development and subdivision enabled by the resource consents. The Proposed District Plan provisions will restrict development of the property and Mataka Station more generally, in a manner that is inconsistent with the resource consents and the integrated and comprehensive development authorised by that. The Council's s32 analysis does not mention, or consider approved but unimplemented developments within the Property and Mataka Station more generally, nor elsewhere. The "low intensity" development controls and height limits proposed within the Coastal Environment are given very little analysis. The proposed provisions are inconsistent with the Act and relevant planning instruments	Amend the Proposed District Plan to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the resource consents approved for Mataka Station, Purerua Peninsula Peninsula (including Lot 19 DP 323083); and/or Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development authorised by the resource consents approved for Mataka Station as a permitted activity as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the Coastal Environment, Outstanding Natural Landscape of High Natural Character and/or Otherwise amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the resource consents approved for Mataka Station	Accept in part
S347.002	Matthew Draper and Michaela Jannard	General / Plan Content / Miscellaneous	Oppose	Resource consents for Mataka Station have been given effect to, and remain live, thus development of Mataka Station, including vacant lots and Lot 19 DP 323083 continue to be enabled by those consents. In other words, the resource consents enable development, and completion of the Mataka Station development, notwithstanding the provisions of the Proposed District Plan. However, the Proposed District Plan fails to recognise, have regard to, or provide for the	Amend the Proposed District Plan to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the resource consents approved for Mataka Station, Purerua Peninsula Peninsula (including Lot 19 DP 323083); and/or Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
				development and subdivision enabled by the resource consents. The Proposed District Plan provisions will restrict development of the property and Mataka Station more generally, in a manner that is inconsistent with the resource consents and the integrated and comprehensive development authorised by that. The Council's s32 analysis does not mention, or consider approved but unimplemented developments within the Property and Mataka Station more generally, nor elsewhere. The "low intensity" development controls and height limits proposed within the Coastal Environment are given very little analysis. The proposed provisions are inconsistent with the Act and relevant planning instruments	authorised by the resource consents approved for Mataka Station as a permitted activity as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the Coastal Environment, Outstanding Natural Landscape of High Natural Character and/or Otherwise amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the resource consents approved for Mataka Station	
S347.003	Matthew Draper and Michaela Jannard	General / Plan Content / Miscellaneous	Oppose	Resource consents for Mataka Station have been given effect to, and remain live, thus development of Mataka Station, including vacant lots and Lot 19 DP 323083 continue to be enabled by those consents. In other words, the resource consents enable development, and completion of the Mataka Station development, notwithstanding the provisions of the Proposed District Plan. However, the Proposed District Plan fails to recognise, have regard to, or provide for the development and subdivision enabled by the resource consents. The Proposed District Plan provisions will restrict development of the property and Mataka Station more generally, in a manner that is inconsistent with the resource consents and the integrated and comprehensive development authorised by that. The Council's s32 analysis does not mention, or consider approved but unimplemented developments within the Property and Mataka Station more generally, nor elsewhere. The "low intensity" development controls and height limits proposed within the Coastal Environment are given very little analysis. The proposed provisions are inconsistent with the Act and relevant planning instruments	Amend the Proposed District Plan to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the resource consents approved for Mataka Station, Purerua Peninsula Peninsula (including Lot 19 DP 323083); and/or Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development authorised by the resource consents approved for Mataka Station as a permitted activity as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the Coastal Environment, Outstanding Natural Landscape of High Natural Character and/or Otherwise amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the resource consents approved for Mataka Station	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
S347.004	Matthew Draper and Michaela Jannard	General / Plan Content / Miscellaneous	Oppose	Resource consents for Mataka Station have been given effect to, and remain live, thus development of Mataka Station, including vacant lots and Lot 19 DP 323083 continue to be enabled by those consents. In other words, the resource consents enable development, and completion of the Mataka Station development, notwithstanding the provisions of the Proposed District Plan. However, the Proposed District Plan fails to recognise, have regard to, or provide for the development and subdivision enabled by the resource consents. The Proposed District Plan provisions will restrict development of the property and Mataka Station more generally, in a manner that is inconsistent with the resource consents and the integrated and comprehensive development authorised by that. The Council's s32 analysis does not mention, or consider approved but unimplemented developments within the Property and Mataka Station more generally, nor elsewhere. The "low intensity" development controls and height limits proposed within the Coastal Environment are given very little analysis. The proposed provisions are inconsistent with the Act and relevant planning instruments	Amend the Proposed District Plan to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the resource consents approved for Mataka Station, Purerua Peninsula Peninsula (including Lot 19 DP 323083); and/or Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development authorised by the resource consents approved for Mataka Station as a permitted activity as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the Coastal Environment, Outstanding Natural Landscape of High Natural Character and/or Otherwise amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the resource consents approved for Mataka Station	Accept in part
S422.001	Maurice Dabbah	General / Plan Content / Miscellaneous	Support in part	The Proposed Plan, if approved, will directly affect members of the [Mataka Residents'] Association by imposing undue restrictions on the construction of residential dwellings on the Site through the application of specified overlays and rules.	Insert a new Special Purpose Zone for "Mataka Station Precinct" (including Lots 3, 21, 23 and 35 Rangihoua Road, Kerikeri, and Lots 7, 8 and 29 Oihi Road, Kerikeri) under 'Part 3 - Area Specific Matters' of the Proposed Plan; and include appropriate objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards,	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
					including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	
S435.001	Elka Gouzer	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%	Accept in part
S345.014	Nicole Way and Christopher Hulich as Trustees of the Trssh Birnie Settlement Trust	General / Plan Content / Miscellaneous	Oppose	The Resource Consents at Mataka Station enable development, and completion of the Mataka Station development, notwithstanding the provisions of the Proposed District Plan. The Proposed District Plan fails to recognise, have regard to, or provide for the development and subdivision enabled by the Resource Consents. The Proposed District Plan provisions will restrict development of the Property, and Mataka Station more generally, in a manner that is inconsistent with the Resource Consents and the integrated and comprehensive development authorised by those. The Council's s32 analysis does not mention, or consider approved but unimplemented developments within the Property and Mataka Station more generally, nor elsewhere. The "low	Amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the resource consents granted for Mataka Station	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				intensity" development controls and height limits proposed within the Coastal Environment are given very little analysis. The proposed provisions are inconsistent with the Act and relevant planning instruments.			
S346.001	Paradise Found Developments Limited	General / Plan Content / Miscellaneous	Oppose	Resource consents granted for Wiroa Station, 40 McKenzie Road, Purerua Peninsula, Kerikeri (being Lots 1-21 DP 497523) have been given effect to, and remain live, thus development of Wiroa Station, including vacant lots and the Property itself continue to be enabled by those consents. In other words, the Resource Consents enable development, and completion of the Wiroa Station development, notwithstanding the provisions of the Proposed District Plan. 8. However, the Proposed District Plan fails to recognise, have regard to, or provide for the development and subdivision enabled by the Resource Consents. The Proposed District Plan provisions will restrict development of the property in a manner that is inconsistent with the resource consents and the integrated and comprehensive development authorised by those. Especially the controls within the Coastal Environment overlay, which covers the entire property. Parts of the property are also identified as being subject to the Coastal Flood overlays. Insofar as these interfere with, or purport to restrict development authorised under the resource consents, these are inappropriate. Council's s32 analysis does not mention, or consider approved but unimplemented developments within the Property, nor elsewhere. The "low intensity" development controls and height limits proposed within the Coastal Environment are given very little analysis. The proposed provisions are inconsistent with the Act and relevant planning instruments	Amend the Proposed District Plan to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the resource consents approved for Wiroa Station, 40 McKenzie Road, Purerua Peninsula, Kerikeri (being Lots 1-21 DP 497523); and/or Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development authorised by the resource consents approved for Wiroa Station as a permitted activity as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the Coastal Environment and Coastal Flooding and/or Otherwise amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the resource consents approved for Wiroa Station Otherwise amend the provisions of the Proposed District Plan to provide for extensions and alterations to existing structures at Wiroa Station, in a manner consistent with the activities and buildings authorised by the resource consents approved for Wiroa Station.		Accept in part
FS143.76	Mataka Residents' Association Inc		Support	A special purpose zone and/or structure plan is appropriate to apply to subdivision and development such as the submitter's property, where previous resource consents have established development entitlements together with	Allow		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				considerable landscape and biodiversity benefits. The Proposed District Plan will restrict development of the property in a manner inconsistent with these resource consents, including approved but unimplemented development on the property. The relief sought to provide for and preserve activities authorised under the resource consents is consistent with the outcome sought in submissions for Mataka Station and is supported. This includes the need to recognise the special characterises of properties such as the submitter's and the further submitter's through the application of a special purpose zone and/or structure plan.			
FS566.019	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S183.001	MLP LLC	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within the residential lots, as authorised by The Landing Scheme.	Insert a new Special Purpose Zone for "The Landing Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are within a residential lot, and enable farming, conservation, recreation and common facilities where they are in accordance with the Landing Scheme as well as other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: i. The dwelling shall be located on a residential lot; ii. Maximum height = 12m above existing ground level; iii. Building or structure coverage = 12.5%; iv. Compliance with the design guidelines for new structures within the land covenants for each house site title.		Accept in part
FS143.80	Mataka Residents' Association Inc		Support	A special purpose zone and/or structure plan is appropriate to apply to subdivision and development such as the submitter's property,	Allow		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				where previous resource consents have established development entitlements together with considerable landscape and biodiversity benefits. The Proposed District Plan will restrict development of the property in a manner inconsistent with these resource consents, including approved but unimplemented development on the property. The relief sought to provide for and preserve activities authorised under the resource consents is consistent with the outcome sought in submissions for Mataka Station and is supported. This includes the need to recognise the special characterises of properties such as the submitter's and the further submitter's through the application of a special purpose zone and/or structure plan.			
S230.001	Mataka Residents' Association Inc	General / Plan Content / Miscellaneous	Support in part	The provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within buildable areas, as authorised by the Mataka Scheme.	Insert a new Special Purpose Zone for "Mataka Station Precinct" under 'Part 3 - Area Specific Matters' of the Proposed Plan, including objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5%		Accept in part
FS165.9	Paradise Found Developments Limited		Support	Support the entirety of the submission and relief sought for the principles and analysis applicable to Wiroa Station, which is a similar consented development facing the same constraints and	Allow in part		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				issues in the Proposed District Plan as for Mataka Station.			
FS272.1	Nicole Way and Christopher Huijich		Support	Support all of the submission points and relief sought by this submitter as an affected landowner within Mataka Station.	Allow		Accept in part
FS566.560	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S402.001	Mark Spaans	General / Plan Content / Miscellaneous	Support in part	Henderson Bay has now been assigned to the Rural Production Zone. I believe the uncontrolled permissible activities of the Rural Production Zone will have adverse effects on the natural character of Henderson Bay. What occurs on the land at Henderson Bay has an effect on the coastline due to the contour of the land and streams that run off onto the beach. I would like to see Henderson Bay have exclusions that restrict and limit any primary production to what doesn't have adverse effects on those living in the Bay and the natural character of the Bay. I do support the low density development of Rural Production. This therefore protects Henderson Bay from further subdivision. Further subdivision would also cause adverse effects on the conservation of the area.	Amend the zoning of Henderson Bay to have its own unique zone that restricts further subdivision below the current 4ha and maintains the current activities allowable activities.		Reject
FS220.1	Lynn kincla		Support	I agree with the submission. Henderson Bay is a unique environment. The rezoning to Rural Production is a poor fit. Most of the sections are too small and unproductive to be rural production in any real sense The new zone will allow will prevent further intensification and sub division But it will also allow use of the land for intensive farming activities that is not fitting for this unique environment Rural production also takes away some of the rights the properties have under Coastal General Zone I am concerned that someone could run a pig farm yet having a dog breeding kennel would require a	Allow		Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				300 m set back from boundaries compared to the 50m currently Henderson Bay should have a purpose made zone to cover all activities			
FS311.1	Warren McKay		Support in part	The Rural production zone is not really the right zone for many properties in Henderson Bay Most blocks are bush blocks and they are not suitable for farming activities The rural production zoning takes away some of the permitted activities covered by the Coastal General zone I am concerned that other activities will now be permitted that are not in keeping with the unique character of the land	Allow in part		Reject
FS276.5	Antoinette Pot		Support in part	I agree in part. Henderson Bay has its own natural character and the current zone changes has not allowed for the status quo that was seen under the previous zoning of General Coastal Zone- especially related to further subdivision. Therefore I support either a special zoning like that of the previous General Coastal or for Rural Production to have tighter control on permissible activities in Henderson Bay that protect the natural character of the area/ coastline.	Allow in part		Reject
S158.011	Ara Poutama Aotearoa the Department of Corrections	General / Plan Content / Miscellaneous	Oppose	The Northland Region Corrections Facility site is located in the Rural Production Zone under the PDP. However, the application of the Rural Production zoning for the site is inconsistent with modern planning practice for management of custodial corrections sites. To ensure that the ongoing use and upgrading of the Northland Region Corrections Facility is provided for appropriately within the District Plan, Ara Poutama seeks that a customised special purpose zone applies to the site, in tandem with the designation. The National Planning Standards anticipate such a planning mechanism being implemented, with the Zone Framework Standard providing for a special purpose "Corrections Zone". While custodial corrections facilities and ancillary activities are enabled under the designation, additional non-custodial justice sector activities are able to be	Insert a special purpose Corrections zone, as per Attachment 1 to the submission.		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				enabled under the Corrections Zone provided that they are appropriate for the site and their effects on the surrounding environment are managed. This includes non-custodial rehabilitation activities, community corrections activities and residential activities (i.e. non-custodial). Implementing the special purpose Corrections Zone over custodial corrections sites is an approach consistent with that being applied by local authorities under other recent Proposed District Plan processes around the country.			
FS345.001	Ngawha Generation Limited		Support in part	NGL supports in part the inclusion of a Special Purpose Corrections zone provided that any provisions of the zone provide adequate consideration of reverse sensitivity effects in relation to existing and consented activities in the wider area, including those related to renewable energy generation on the adjacent Ngāwhā Generation Land.	Allow in part	allow in part the original submission	Accept in part
S345.002	Nicole Way and Christopher Hujich as Trustees of the Trssh Birnie Settlement Trust	Policies	Oppose	The Resource Consents at Mataka Station enable development, and completion of the Mataka Station development, notwithstanding the provisions of the Proposed District Plan. The Proposed District Plan fails to recognise, have regard to, or provide for the development and subdivision enabled by the Resource Consents. The Proposed District Plan provisions will restrict development of the Property, and Mataka Station more generally, in a manner that is inconsistent with the Resource Consents and the integrated and comprehensive development authorised by those. The Council's s32 analysis does not mention, or consider approved but unimplemented developments within the Property and Mataka Station more generally, nor elsewhere. The "low intensity" development controls and height limits proposed within the Coastal Environment are given very little analysis. The proposed provisions are inconsistent with the Act and relevant planning instruments.	Amend to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the Resource Consents at Mataka Station. and/or Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development as is authorised by the Resource Consents as a permitted activity (where they are in general accordance with the Resource Consents) as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the CE, ONL or HNC. and/or Amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the Resource Consents on the Property.		Accept in part
S345.004	Nicole Way and Christopher	Standards	Oppose	The Resource Consents at Mataka Station enable development, and completion of the Mataka Station	Amend to explicitly, and specifically provide for, and preserve the activities and land uses		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
	Huljich as Trustees of the Trssh Birnie Settlement Trust			development, notwithstanding the provisions of the Proposed District Plan. The Proposed District Plan fails to recognise, have regard to, or provide for the development and subdivision enabled by the Resource Consents. The Proposed District Plan provisions will restrict development of the Property, and Mataka Station more generally, in a manner that is inconsistent with the Resource Consents and the integrated and comprehensive development authorised by those. The Council's s32 analysis does not mention, or consider approved but unimplemented developments within the Property and Mataka Station more generally, nor elsewhere. The "low intensity" development controls and height limits proposed within the Coastal Environment are given very little analysis. The proposed provisions are inconsistent with the Act and relevant planning instruments.	authorised under the Resource Consents at Mataka Station. and/or Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development as is authorised by the Resource Consents as a permitted activity (where they are in general accordance with the Resource Consents) as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the CE, ONL or HNC. and/or Amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the Resource Consents on the Property.	
S32.001	Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen Graham Lockwood	Natural Open Space Zone	Oppose	The Motukiekie Owners consider that the Proposed Plan in its current form will not: (a) promote the sustainable management of resources, and therefore will not achieve the purpose and principles of the Resource Management Act 1991 ("RMA"); (b) meet the reasonably foreseeable needs of future generations; (c) enable social, economic and cultural wellbeing; (d) avoid, remedy or mitigate adverse effects on the environment; and (e) represent the most appropriate way to achieve the objectives of the Proposed Plan, in terms of section 32 of the RMA. Natural Open Space Zone for Motukiekie Island as currently proposed is not appropriate for the following reasons: (a) Motukiekie Island is privately-owned land intended for private accommodation and recreational purposes; (b) the land use provisions are inappropriately restrictive in the context of privately owned land. This is especially so given that residential activity may not be allowed;	Amend the Moturoa Island Zone to include appropriate references to Motukiekie Island; or Amend to create a new Motukiekie Island Zone that is consistent with the approach taken for the Moturoa Island Zone.	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
				(c) parts of Motukiekie Island contain vegetation that is not representative of a Natural Open Space zoning; and (d) parts of Motukiekie Island are already used for activities that do not sit comfortably with Natural Open Space zoning, such as the existing house, associated utilities, and jetty. The Council may have mistakenly thought Motukiekie Island was public land, resulting in this inappropriate Natural Open Space zoning. This misunderstanding may have been caused by the fact that Motukiekie Island used to be held by the Department of Conservation on a long-term lease. That is no longer the case. The most appropriate solution is to provide a zone consistent with that which applies to Moturoa Island (the Moturoa Island Zone) for Motukiekie Island, or expand the Moturoa Island Zone to include Motukiekie Island. This addresses the shortcomings and inconsistencies of applying the Natural Open Space Zone and provides a more durable planning solution. In particular, it recognises the private ownership and use of Motukiekie Island, and enables and encourages the ongoing conservation work. The objectives and policies of the Moturoa Island Zone are appropriate for Motukiekie Island because both Moturoa Island and Motukiekie Island are privately owned, are used for private accommodation and recreation, are undergoing conservation work, and have the same Coastal Environment and Natural Environment overlays. Therefore, it is efficient and appropriate to apply a consistent zone to Moturoa Island Zone. It is acknowledged that Motukiekie Island is smaller and less developed than Moturoa Island. On this basis, it would be appropriate to amend (or supplement) Policy MIZ-P1 as it applies to Motukiekie Island to reflect that a lesser number of residential units in addition to the existing residential unit are enabled, compared to the number of units enabled on Moturoa Island. The suitability of the Natural Open Space Zone compared with that of other zones for Motukiekie Island does not appear to have been assessed or		

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				considered by the Council in proposing a zone for Motukiekie Island. The Motukiekie Owners are willing to work with the Council to determine the appropriate number, extent and location for identified building platforms, determine the appropriate areas to be identified and reserved for conservation activities, and develop a 'Development Plan'. An alternative option is to create a new Motukiekie Island Zone that recognises the private ownership and use of the island, and enables and encourages the Motukiekie Owners' conservation work. However, this would largely reflect the Moturoa Island Zone, so it may not be necessary to create an entirely new zone.			
FS344.001	Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen Graham Lockwood		Support	Amendments to the Moturoa Island Zone to include Motukiekie Island are the most appropriate and effective method to achieve the objectives and purpose of the Act in relation to Motukiekie Island. The amendments recognise that the Island is not part of the conservation estate, is privately owned and subject to on-going conservation and ecological restorations, and that reasonable use must be provided for.	Allow	Amend Motorua Island zone provisions to include Motukiekie Island (as set out in Attachment 1 to Further Submission 344)	Accept in part
FS344.003	Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen Graham Lockwood		Support	Consequential amendments to related provisions of the District Plan are necessary to ensure the provisions of the Motukiekie Island Zone and Motukiekie Island Development Plan achieve the sustainable management of the natural and physical resources of the Island.	Allow	Amend the District Plan to include "further other relief" and/or "alternative consequential amendments" to the District Plan (as set out in Attachment 3 to Further Submission 344).	Accept in part
S32.002	Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen	Natural Open Space Zone	Oppose	The suitability of the Natural Open Space Zone compared with that of other zones for Motukiekie Island does not appear to have been assessed or considered by the Council in proposing a zone for Motukiekie Island. The Motukiekie Owners are willing to work with the Council to determine the appropriate number, extent and location for identified building platforms, determine the	Amend in accordance with S32.001 and identify an appropriate number of building platforms on Motukeikei Island for additional development.		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
	Graham Lockwood			appropriate areas to be identified and reserved for conservation activities, and develop a 'Development Plan'.			
FS344.002	Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen Graham Lockwood		Support	Incorporation of the Motukiekie Island Development Plan provides a suitable planning framework to manage the effects of the use, development and subdivision of the Island in conjunction with continued conservation and ecological restoration activities on the Island.	Allow	Insert Motukeikei Island Development Plan into the District Plan (as set out in Attachment 2 to Further Submission 344).	Accept in part
FS344.004	Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen Graham Lockwood		Support	Consequential amendments to related provisions of the District Plan are necessary to ensure the provisions of the Motukiekie Island Zone and Motukiekie Island Development Plan achieve the sustainable management of the natural and physical resources of the Island.	Allow	Amend the District Plan to include "further other relief" and/or "alternative consequential amendments" to the District Plan (as set out in Attachment 3 to Further Submission 344).	Accept in part
S222.095	Wendover Two Limited	Rural Production Zone	Oppose	The Proposed Plan fails to recognise or provide for residential development in accordance with the resource consents issued for Mataka Station. A bespoke Special Purpose zone for Mataka Station Precinct is appropriate because it will appropriately recognise and provide for the circumstances of the property, which distinguishes it from other rural properties in the district as described in this submission.	Insert a new Special Purpose Zone "Mataka Station Precinct" under Part 3 - Area Specific Matters of the Proposed Plan to apply to the whole of Mataka Station, which is Lot 1-32 DP 323083 and Lot 43 DP 363154 created by Resource Consent 2041080 at Rangihoua Road, (inferred) Include appropriate objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with resource consents granted for Mataka Station and located on a consented house site and to enable farming, conservation, recreation and common facilities. The Precinct should include: a) Provision for other activities appropriate for this locality including farming and other rural production activities; b) Appropriate permitted activity standards for dwellings and other structures, consistent with		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
					the resource consents granted to date; and c) Overview, objectives and policies for the new Special Purpose zone that address the matters raised in this submission.	
S164.001	Green Inc Ltd	Rural Production Zone	Oppose	The existing plan despite 1B-05 creates a strong disincentive to restoring indigenous ecosystems as current planning will likely result in those areas becoming SNAs with associated restrictive controls. In contrast, where the land is managed to retain and improve pasture, controls on use are minimal. The vision for Tupou is to retain posture and food and wool production on the flatter better quality soils and return the steep erodible hill country to native ecosystems. These will then be managed as functioning native ecosystems that can generate carbon and biodiversity credits. They will also be used for ecotourism including high end accommodation. Pest animal and weed control is an Integral part of the plan. The native ecosystems planned include forest, wetlands, a lake and ponds, coastal ecosystems including dunes and cliff faces. Some areas would be left open to retain views and fire breaks. Currently the property has 5 putative SNAs although all are severely compromised with pests (pigs, possums, rats, stoats, rabbits) and weeds (especially pampas). The development we plan will turn up to 700+ hectares into high quality and functioning native ecosystems that could all potentially have the values associated with an SNA. My submission is that such endeavors and developments need to be "promoted and enabled" (1B-05) in a way that allows ongoing development. Small areas of clearance, erection of buildings and formation of roads and tracks should be permitted activities as long as the basic justification of "net biodiversity gains" is included. Including people in nature is a clear way to assist nature. The owners have already demonstrated this model under more conventional rules at Tahiti (www.tahinz.com). Restrictions on many actions were unreasonable compared with that applied to neighbours who had retained poor quality pasture without weed or pest control. The proposed District Plan has special zones for other major developments such as	<u>amend zoning of Tupou from Rural Production to a new special zone such as managed ecological zone or a special purpose zone for Tupou.</u> <u>Tupou</u> <u>NA11D/1151 NA42C/379</u> <u>NA55B/383</u> <u>NA71D/247</u> <u>NA102A/98</u> <u>NA102A/99</u> <u>NA102A/100</u> <u>NA115C/434</u> <u>NA136/174</u> <u>NA136/235</u> <u>NA140/216</u> <u>NA262/283</u> <u>NA315/329</u> <u>NA340/269</u> <u>NA357/153</u> <u>NA245/209</u>	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				Corrington and Kauri Cliffs that make provision for specific development needs. Hastings District Council have included a special zone for nature conservation activities (poorly named as Nature Preservation Zone). A more general zone can act as an option toward 1B-05 that can encourage others to act similarly although it is unlikely that other properties will have the breadth of ecosystems found at Tupou or the desire to include ecotourism and accommodation. Also many will not be able to fund the intensive levels of pest control planned for Tupou. A key issue is that the zoning removes the need to classify the area as an SNA with the associated restrictive controls. Clearance to a certain level is a permitted activity for buildings, roads and tracks. Enhancing accommodation offerings is a permitted activity Pest control is a required activity Archaeological and taonga sites for local hapu are not modified. All actions fit under on umbrella of "net biodiversity gain" Other conditions, permissions and requirements will need to be developed but these are best worked through with Council Planners.			
FS112.1	Carly McIlroy		Support	I support this submission. The Proposed Plan would result in large area of the land potentially becoming Significant Natural Areas which have too many restrictive controls that would not allow the vision for Tupou to come to fruition. If there is to be a net biodiversity gain- and a large one at that- then it should be promoted and enabled, rather than restricted. There will be an ongoing management plan for planting areas as to enhance the natural biodiversity but there needs to be flexibility for future potential land uses which a SNA would prohibit. Either a Managed Ecological Zone or a Special Purpose Zone needs to be granted for Tupou, to allow for future developments. This project will be restoring an extensive area back to native ecosystems with the goal of a large net biodiversity gain. This needs to be promoted and enabled while preserving future land uses options.	Allow		Accept in part
FS58.3	Harold Corbett		Support	Tupou is a large coastal Northland property that has been managed as a typical hill country sheep	Allow		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				and beef farm. If the new owners wish to implement large scale biodiversity positive reforestation and pest control then they should be encouraged not penalised through constraints on potential future uses. Financing such operations will require multiple aligned revenue streams including from environmental tourism, carbon sequestration, sustainable farming, human enjoyment, solar energy, and other as yet unknown uses. Tupou includes areas in the Rural Production and Coastal zones. Reforestation and pest control will lead to much of the property becoming significant natural area. As such, under the PDP as proposed the restrictions on activities act as strong disincentives. A Special Purpose Zone should be granted for Tupou. This would encourage implementation of the requisite management plan which would detail the biodiversity operations (plantings, pest control etc) and preserve flexibility for future potential land uses which a SNA would prohibit. The sheer size of Tupou and the extent of the planned biodiversity improvements means that a Special Purpose Zone is the most appropriate tool.			
FS83.1	Neil Mitchell		Support	Tupou is part of an ancient island chain across this part of northern New Zealand. This means that there are likely to be special ecological features only found in this region. Regrettably the land has been overgrazed and pest control minimal. A new and enlightened owner intends to restore the biodiversity of a large part of the property. It would seem that the proposed District Plan could actually penalise the owner for going to considerable personal expense to achieve a very high standard of conservation. The proposal to set the property up as a special planning zone appears to achieve the best of both worlds. The owner could pursue their high conservation goals and the council would be seen to be supporting such an initiative. By clearly separating out the different activities on the property, the owner would be making quite clear how this large property will be managed.	Allow		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				The Tupou property has a number of important sites specifically identified within the PNA programme and also identified as SNA sites. The reality is that every one of the sites is severely compromised by introduced pests and stock. A hands off approach to these sites as may occur under the current zoning, will only lead to their ongoing decline. By proposing to set aside a large area of the property as a zone primarily for biodiversity, the current owner is signalling how these sites and all native biodiversity would be protected. This proposal represents an important approach to land management, in that the owner clearly wishes to work with the council, within the planning context. The other important point, is that the owner is signalling to the council that this approach is a long term view of land management. If the current designation remains, there will always be less incentive to effectively manage the biodiversity on the property. The owner is effectively saying, allow me to create these formally recognised sub-zones, to keep all of us in line and especially enhance the security of biodiversity in the region.			
FS28.004	Dr John L Craig		Support	The proposed FNDP would result in large area of the land potentially becoming SNAs which have too many restrictive controls that would not allow the vision for Tupou to come to fruition. If there is to be a net biodiversity gain then it should be promoted and enabled, rather than restricted. There needs to be flexibility for future potential land uses which a SNA would prohibit. Either a Managed Ecological Zone or a Special Purpose Zone needs to be granted for Tupou, to allow for future developments. This project will be restoring an extensive area back to native ecosystems with the goal of a large net biodiversity gain. This needs to be promoted and enabled while preserving future land uses options.	Allow	Amend zoning Tupou from Rural Production to a new special zone such as managed ecological zone or a special purpose zone.	Accept in part
S167.109	Bentzen Farm Limited	Rural Production Zone	Oppose	The description of the Rural Lifestyle zone apply to the properties at Ōmarino where subdivision consent was granted in 2006 (by way of an	Delete the Rural Production zoning of the following properties at Ōmarino, Manawaora Road (as mapped in the submission), and zone		Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				Environment Court Consent Order). The property was subsequently subdivided to lots no smaller than 4ha. The specific objectives of the Rural Lifestyle Zone are the most appropriate way to achieve the purpose of the RMA in respect of Ōmarino. There is no risk of incompatible activities within the property, or externally (noting in particular that rural production activities are distant from the property). Objective RLZ-O4 Land use and subdivision in the Rural Lifestyle Zone does not compromise the effective and efficient operation of primary production activities in the adjacent Rural Production Zones. The Rural Production Zone (as currently drafted in the Proposed Plan) fails to recognise existing and potentially future rural residential opportunities, where this does not compromise rural production activities. In the alternative, a new Special Purpose Zone: Ōmarino could an equally appropriate way to achieve the purpose of the RMA 1991, provided it appropriately recognises the particular circumstances of Ōmarino, including providing for residential dwellings and associated buildings in accordance with the conditions of the resource consent, the Management Plans, consent notices and Design Guidelines which apply to the property.	either Rural Lifestyle or create new Special Purpose Zone Ōmarino : Lot 1 Deposited Plan 391213 Lot 2 Deposited Plan 391213 Lot 3 Deposited Plan 391213 Lot 4 Deposited Plan 391213 Lot 5 Deposited Plan 391213 Lot 6, 21 Deposited Plan 391213 Lot 7 Deposited Plan 391213 Lot 8, 20 Deposited Plan 391213 Lot 9 Deposited Plan 391213 Lot 10 Deposited Plan 391213 Lot 11 Deposited Plan 391213 Lot 12 Deposited Plan 391213 Lot 14 Deposited Plan 391213 Lot 15 Deposited Plan 391213 Lot 17, 19 Deposited Plan 391213 Lot 18 Deposited Plan 391213 Lot 16 Deposited Plan 512589 Lot 25 Deposited Plan 512589 If a new Special Purpose Zone: Ōmarino is created - amend Part 3 - Area Specific Matters to include 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 and consent notices applying on the titles and located on a consented house site, and to enable conservation, recreation and common facilities.		
FS143.75	Mataka Residents' Association Inc		Support in part	A special purpose zone and/or structure plan is appropriate to apply to subdivision and development such as the submitter's property, where previous resource consents have established development entitlements together with considerable landscape and biodiversity benefits. The Proposed District Plan will restrict development of the property in a manner inconsistent with these resource consents, including approved but unimplemented development on the property. The relief sought to provide for and preserve activities authorised under the resource consents is	Allow		Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				consistent with the outcome sought in submissions for Mataka Station and is generally supported. This includes the need to recognise the special characterises of properties such as the submitter's and the further submitter's through the application of a special purpose zone and/or structure plan.			
FS566.471	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
S405.001	Antoinette Pot	Rural Production Zone	Not Stated	Henderson Bay previously came under the General Coastal Zone which was best suited to preserving the natural character and conservation of the coastline. It is disappointing that this zone is no longer available. Henderson Bay has now been assigned to the Rural Production Zone. I believe the uncontrolled permissible activities of the Rural Production Zone will have adverse effects on the natural character of Henderson Bay. What occurs on the land at Henderson Bay has an effect on the coastline due to the contour of the land and streams that run off onto the beach. I would like to see Henderson Bay have exclusions that restrict and limit any primary production to what doesn't have adverse effects on those living in the Bay and the natural character of the Bay. I do support the low density development of Rural Production. This therefore protects Henderson Bay from further subdivision. Further subdivision would also cause adverse effects on the conservation of the area	Amend zoning For Henderson Bay from rural production to have its own unique zone that restricts further subdivision below the current 4ha and maintains the current allowable activities or for Henderson Bay to remain in Rural Production and have tight restrictions on any primary production that will have adverse effects on the natural character of the coastline and those living in the Bay.		Reject
FS220.4	Lynn kincla		Support	The submitter is correct - Rural production zoning is not the correct zone for this area Whilst it protects the low density residential it erodes many rights the properties currently have Rural production zoning would also allow intensification of farming practises in the area - this would have an adverse effect on the local area	Allow		Reject
FS283.1	Mark Spaans		Support	Agree- either amend zoning for Henderson Bay from Rural Production to have its own unique zone that restricts further subdivision below the current 4ha and maintains the current level of permissible activities or for Henderson Bay to remain in Rural	Allow		Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				Production and have tight restrictions on any primary production that will have adverse effects on the natural character of the coastline and those living in the Bay.			
FS311.7	Warren McKay		Support	The Rural production zone is not really the right zone for many properties in Henderson Bay Most blocks are bush blocks and they are not suitable for farming activities The rural production zoning takes away some of the permitted activities covered by the Coastal General zone I am concerned that other activities will now be permitted that are not in keeping with the unique character of the land	Allow		Reject
FS311.8	Warren McKay		Support	The Rural production zone is not really the right zone for many properties in Henderson Bay Most blocks are bush blocks and they are not suitable for farming activities The rural production zoning takes away some of the permitted activities covered by the Coastal General zone I am concerned that other activities will now be permitted that are not in keeping with the unique character of the land	Allow		Reject
S505.004	Dr Lynn Kincla	Rural Production Zone	Not Stated	The Henderson Bay area is quite unique and I believe that there should have been more thought into creating a special zone to protect the future of this area.	Amend to consider a special zone instead of Rural production for the Henderson Bay area		Reject
FS283.5	Mark Spaans		Support in part	I agree in part. Henderson Bay has its own natural character and the current zone changes has not allowed for the status quo that was seen under the previous zoning of General Coastal Zone. Therefore I support either a special zoning like that of the previous General Coastal or for Rural Production to have tighter control on permissible activities in Henderson Bay that protect the natural character of the area/ coastline.	Allow in part		Reject
FS311.6	Warren McKay		Support	The Rural production zone is not really the right zone for many properties in Henderson Bay Most blocks are bush blocks and they are not	Allow		Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				suitable for farming activities The rural production zoning takes away some of the permitted activities covered by the Coastal General zone I am concerned that other activities will now be permitted that are not in keeping with the unique character of the land			
FS276.4	Antoinette Pot		Support in part	I agree in part. Henderson Bay has its own natural character and the current zone changes has not allowed for the status quo that was seen under the previous zoning of General Coastal Zone. Therefore I support either a special zoning like that of the previous General Coastal or for Rural Production to have tighter control on permissible activities in Henderson Bay that protect the natural character of the area/ coastline.	Allow in part		Reject
S347.005	Matthew Draper and Michaela Jannard	General / Miscellaneous	Oppose	Resource consents for Mataka Station have been given effect to, and remain live, thus development of Mataka Station, including vacant lots and Lot 19 DP 323083 continue to be enabled by those consents. In other words, the resource consents enable development, and completion of the Mataka Station development, notwithstanding the provisions of the Proposed District Plan. However, the Proposed District Plan fails to recognise, have regard to, or provide for the development and subdivision enabled by the resource consents. The Proposed District Plan provisions will restrict development of the property and Mataka Station more generally, in a manner that is inconsistent with the resource consents and the integrated and comprehensive development authorised by that. The Council's s32 analysis does not mention, or consider approved but unimplemented developments within the Property and Mataka Station more generally, nor elsewhere. The "low intensity" development controls and height limits proposed within the Coastal Environment are given very little analysis. The proposed provisions are inconsistent with the Act and relevant planning instruments	Amend the Proposed District Plan to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the resource consents approved for Mataka Station, Purerua Peninsula Peninsula (including Lot 19 DP 323083); and/or Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development authorised by the resource consents approved for Mataka Station as a permitted activity as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the Coastal Environment, Outstanding Natural Landscape of High Natural Character and/or Otherwise amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the resource consents approved for Mataka Station		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
S423.001	Bernard Sabrier	General / Miscellaneous	Oppose	The Proposed Plan, if approved, will directly affect members of the [Mataka Residents'] Association by imposing undue restrictions on the construction of residential dwellings on the Site through the application of specified overlays and rules.	Insert a new Special Purpose Zone for "Mataka Station Precinct" (including Lots 3, 21, 23 and 35 Rangihoua Road, Kerikeri, and Lots 7, 8 and 29 Oihi Road, Kerikeri) under 'Part 3 - Area Specific Matters' of the Proposed Plan; and include appropriate objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5% Insert an overview, objectives and policies for the new Special Purpose zone that address the matters raised in this submission and any further standards and/or design criteria that are consistent with the resource consents granted to date.	Accept in part
S434.001	Francois Dotta	General / Miscellaneous	Oppose	The Proposed Plan, if approved, will directly affect members of the [Mataka Residents'] Association by imposing undue restrictions on the construction of residential dwellings on the Site through the application of specified overlays and rules.	Insert a new Special Purpose Zone for "Mataka Station Precinct" (including Lots 3, 21, 23 and 35 Rangihoua Road, Kerikeri, and Lots 7, 8 and 29 Oihi Road, Kerikeri) under 'Part 3 - Area Specific Matters' of the Proposed Plan; and include appropriate objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with the Mataka Scheme and located on the consented House Site location as identified on Plan 5670/14 and to enable farming, conservation, recreation and common facilities	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
					where they are in accordance with the Mataka Scheme. The Precinct will also need to include other activities appropriate for this locality including farming and other Rural Production activities. Insert appropriate permitted activity standards, including but not limited to the following: (i) The dwelling shall be located on the House Site location (ii) Maximum height = 12m above existing ground level (iii) Building or structure coverage = 12.5% Insert an overview, objectives and policies for the new Special Purpose zone that address the matters raised in this submission and any further standards and/or design criteria that are consistent with the resource consents granted to date.	
S345.013	Nicole Way and Christopher Hujich as Trustees of the Trssh Birnie Settlement Trust	General / Miscellaneous	Oppose	The Resource Consents at Mataka Station enable development, and completion of the Mataka Station development, notwithstanding the provisions of the Proposed District Plan. The Proposed District Plan fails to recognise, have regard to, or provide for the development and subdivision enabled by the Resource Consents. The Proposed District Plan provisions will restrict development of the Property, and Mataka Station more generally, in a manner that is inconsistent with the Resource Consents and the integrated and comprehensive development authorised by those. The Council's s32 analysis does not mention, or consider approved but unimplemented developments within the Property and Mataka Station more generally, nor elsewhere. The "low intensity" development controls and height limits proposed within the Coastal Environment are given very little analysis. The proposed provisions are inconsistent with the Act and relevant planning instruments.	Insert a new special purpose zone and/or structure plan for Mataka Station together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development as authorised by resource consents as a permitted activity (where they are in general accordance with the resource consents) as well as appropriate activities within the Rural Production zone, regardless of the provisions of the Coastal Environment, Outstanding Natural Landscape or High Natural Character overlays.	Accept in part
S346.004	Paradise Found Developments Limited	General / Miscellaneous	Oppose	Resource consents granted for Wiroa Station, 40 McKenzie Road, Purerua Peninsula, Kerikeri (being Lots 1-21 DP 497523) have been given effect to,	Amend the Proposed District Plan to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				and remain live, thus development of Wiroa Station, including vacant lots and the Property itself continue to be enabled by those consents. In other words, the Resource Consents enable development, and completion of the Wiroa Station development, notwithstanding the provisions of the Proposed District Plan. 8. However, the Proposed District Plan fails to recognise, have regard to, or provide for the development and subdivision enabled by the Resource Consents. The Proposed District Plan provisions will restrict development of the property in a manner that is inconsistent with the resource consents and the integrated and comprehensive development authorised by those. Especially the controls within the Coastal Environment overlay, which covers the entire property. Parts of the property are also identified as being subject to the Coastal Flood overlays. Insofar as these interfere with, or purport to restrict development authorised under the resource consents, these are inappropriate. Council's s32 analysis does not mention, or consider approved but unimplemented developments within the Property, nor elsewhere. The "low intensity" development controls and height limits proposed within the Coastal Environment are given very little analysis. The proposed provisions are inconsistent with the Act and relevant planning instruments	resource consents approved for Wiroa Station, 40 McKenzie Road, Purerua Peninsula, Kerikeri (being Lots 1-21 DP 497523); and/or Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development authorised by the resource consents approved for Wiroa Station as a permitted activity as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the Coastal Environment and Coastal Flooding and/or Otherwise amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the resource consents approved for Wiroa Station Otherwise amend the provisions of the Proposed District Plan to provide for extensions and alterations to existing structures at Wiroa Station, in a manner consistent with the activities and buildings authorised by the resource consents approved for Wiroa Station.		
FS143.79	Mataka Residents' Association Inc		Support	A special purpose zone and/or structure plan is appropriate to apply to subdivision and development such as the submitter's property, where previous resource consents have established development entitlements together with considerable landscape and biodiversity benefits. The Proposed District Plan will restrict development of the property in a manner inconsistent with these resource consents, including approved but unimplemented development on the property. The relief sought to provide for and preserve activities authorised under the resource consents is consistent with the outcome sought in submissions for Mataka Station and is supported. This includes	Allow		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				the need to recognise the special characterises of properties such as the submitter's and the further submitter's through the application of a special purpose zone and/or structure plan.			
FS566.022	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part

ANNEXURE C

Names and addresses of persons to be served with a copy of this notice:

Name	Address for Service
Far North District Council (Respondent)	pdp@fndc.govt.nz
A.W and D.M Simpson	calf_mum@yahoo.co.nz
Aaron George Lawrence	11 Matariki Place, Whatuwhiwhi 0483
Aaron Rupapera	707 Maitai Bay Road, Whatuwhiwhi 0483
Adams-Te Whata Whanau Trust	adamsshj@gmail.com
Adrian and Sue Knight	midknight@outlook.co.nz
Ahipara Takiwā	tui.qauqau@gmail.com john.paitai@gmail.com
Airbnb	dylan.schwartz@ext.airbnb.com
Aksel Danger Bech	19 Cedar Park Road RD3 Hamilton Hamilton, 3283
Al Panckhurst	pancks@xtra.co.nz
Alamein Drummond	nraharuhi@gmail.com
Alan and Pat Strang	the.boatshed2023@gmail.com
Alan Myles Ingham Willis	alwillis@slingshot.co.nz
Albert Tawhio Cook	10 Doubtless Bay Drive, RD3 Kaitaia 0483
Alec Brian Cox	ab.ws.cox@xtra.co.nz
Alec Jack	alecjack@xtra.co.nz
Alexander John Busby	josielwrnc@gmail.com
Alistair and Cheryl Baxter	julian@rmalawyer.co.nz
Alistair Kenneth Lambie	alistairklambie@gmail.com
Allan Bruce Thorpe	bruthorpe@gmail.com
Allen Hookway	hookway@xtra.co.nz
Amanda Kennedy, Julia Kennedy Till and Simon Till	office@bayplan.co.nz
Amber Hookway	green-lizard@xtra.co.nz
Amy Weston	daznamy@xtra.co.nz
Anaru Poharama	andrewpoharama45@gmail.com
Andr� Galvin	brian@metroplanning.co.nz
Andrea Vicki Thomas	topend.antenna.ltd@gmail.com
Angela Caroline Morley	holandramobile@gmail.com
Angela Marinkovic	angemarink@gmail.com
Anna Clarke	annabannana53@gmail.com

Name	Address for Service
Anne-Maree Morrissey	9ps.reez@gmail.com
Anthony Murphy	antsmurphy@hotmail.com
Antoinette Pot	antopot50@gmail.com
Anton Kusanic	kusanicnz@gmail.com
Antony Egerton and Stefanie Egerton	egerton.nz@gmail.com
Ara Poutama Aotearoa the Department of Corrections	andrea.millar@corrections.govt.nz
Arahia Burkhardt Macrae	kareponia5818@gmail.com
Arawai Limited	steve@sansons.co.nz
Archibald Northland Limited	archie31@xtra.co.nz
Ariana Bellingham	ari332_07@hotmail.com
Ariana Raharuhi	raharuhinaicoviana@outlook.com
Aroha Whitinui	whitinuiaroha@gmail.com
Arvida Group Limited	david.haines@hainesplanning.co.nz
Ashleigh Hetaraka-Tawhai	lorraine.hetaraka@gmail.com
Ataahua Brooks-Rehu	tawa.brooks13@gmail.com
Atareta Rupapera	ataretaru146@gmail.com
Audrey Campbell-Frear	sarah@sarahshaw.co.nz
Awhina Fiaui	nrharuhi@gmail.com
Awhitia Hetaraka	awhihetaraka@hotmail.com
Ballance Agri-Nutrients Limited	dominic.adams@ballance.co.nz
Barbara May Hetaraka	barbarahetaraka@gmail.com
Bay Bush Action	baybushaction@gmail.com
Bay of Islands Kerikeri Golf Club	graeme3008@gmail.com
Bayswater Inn Ltd	chester@therendells.co.nz
Beau Johns	beau.johns94@gmail.com
Bell Family Trust	bells.paihia@gmail.com
Bellingham Quarries Ltd	bellingham.quarry@xtra.co.nz
Benjamin Tawhara	pene0406@gmail.com
Bentzen Farm Limited	peter@phplanning.co.nz
Bernard Sabrier	nicole.buxeda@holmmajurey.nz
Beryl Chase	707 Maitai Bay Road, Karikari Peninsula, Northland 0483
Birta Kortner and Jonas Kortner	birtakortner@gmail.com
Blair and Deanne Rogers	bdrogersnz@gmail.com

Name	Address for Service
Blaze Maraki	blaze_maraki@icloud.com
BOI Enterprises Limited	office@bayplan.co.nz
Bonnie Hepi	bonnie.hepi@xtra.co.nz
Borders Real Estate Northland	simon.upperton@borders.net.nz
BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited	thomas.trevilla@4sight.co.nz miles.rowe@slrconsulting.com
BR and R Davies	joseph@reyburnandbryant.co.nz
Brad Hedger	brad.hedger73@gmail.com
Bradley Tauhara Rupapera	186A Whatuwhiwhi Road, Karikari Peninsula 0483
Brady Wild	nina@tohuconsulting.nz
Braedon & Cook Limited	joseph@reyburnandbryant.co.nz
Breakwater Trust	info@northplanner.co.nz
Brett Larkin	brett@corrections.com
Brian Allan Jones	brian@jonesengineering.co.nz
Brian and Katherine Susan Hutching	brian@totaldesign.co.nz
Brian Francis Steere	briansteere69@gmail.com
Brownie Family Trust	edward.j.brownie@gmail.com
Bruce and Kim Rogers	info@cadplanz.co.nz
Bruce Donovan	gene_donovan@hotmail.com
Bunnings Limited	aliceh@barker.co.nz mattn@barker.co.nz
C and A Harman	micah@donaldsons.net.nz
C Otway Ltd	chaz.trans@gmail.com
Cameron Mccaskill	cmccaskill80@gmail.com
Carbon Neutral NZ Trust	carbonneutraltrust@gmail.com
Carly McIlroy	carly@tupou.co.nz
Carol Matiu	37 Melody Lane, Mangonui 0483
Carrington Estate Jade LP and Carrington Farms Jade LP	office@bayplan.co.nz
Catherine Brooks	jimbrooks1@hotmail.co.uk
Cavalli Properties Limited	brian@metroplanning.co.nz
Cedric Lawrence	186A Whatuwhiwhi Road, Karikari Peninsula 0483
Cedric Rutene	516 Matai Bay Road, Karikari Peninsula 0483
Charles Lawrence	haresuuwoop@gmail.com
Chase McIndoe	707 Maitai Bay Road, Whatuwhiwhi 0483
Cheryl Bamber	bambercheryl@gmail.com

Name	Address for Service
Cheryl Chase	707 Maitai Bay Road, Whatuwhiwhi 0483
Cheryl Silich	gavin_young@xtra.co.nz
Chorus New Zealand Limited, Spark New Zealand Trading Limited, Connexa Limited, Vodafone New Zealand Limited, and Aotearoa Towers Group T/A FortySouth	chris@incite.co.nz
Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand Limited	chris@incite.co.nz
Chorus New Zealand Ltd	andrew.kantor@chorus.co.nz
Chris and Nicola Robertson	nickyjr117@gmail.com
Chris Nel	chris_nel@live.com
Chris Sharp	sharpaz@hotmail.co.nz
Christian Horan	186B Whatuwhiwhi Road, Karikari Peninsula 0483
Christopher Baker	christophermatthewbaker@gmail.com
Christopher Thomas Kaye	bbjrnz@hotmail.com
Cinna Smith	cinnasmith@rocketmail.com
Clare Williams	clarew@qrc.ac.nz
Clinton Albert Doyle	manmusicdj@hotmail.com
Clinton Matiu	clintonmatiu@gmail.com
Colin James McLeod	kohu66@outlook.com
Colin Robert Jay and Daryl Judith Jay	61 Hobbs Road, RD 2 Kaeo, Northland 0479
Colwyn Shortland	pukematu@me.com
Connemara Black Limited	barrylane51@gmail.com
Connie Salisbury	conniesalisbury2363@icloud.com
Craig and Mary Sawers	craigsawers@hotmail.com
Craig Heatley	owen@greengroup.co.nz
Creative Northland	kiaora@creativenorthland.com
Crystal Myra Broad	ester57boi@hotmail.com
Dakota Pounamu Lawrence	dakota.lawrence22@gmail.com
Dale Dick	dalenjdick@gmail.com
Damaris Coulter	damariscoulter@gmail.com
Dandy Developments Limited	danielle@fnitm.co.nz
Danielle Hookway	magicbabe101@gmail.com
Darryl Smith	dnsmith@xtra.co.nz
Dave and Nisha Clark	nisha.clark@gmail.com
David King	daking@pl.net

Name	Address for Service
David Brett King	nzavocados@gmail.com
David Lesley Penberthy and Elena Lvovna Belyakova and Ors	kelly@landsandsurvey.co.nz
David Leslie	davidleslie2@hotmail.com
David Matiu	37 Melody Lane, Mangonui 0483
David Travers	dtldr@xtra.co.nz
David Truscott	davidtruscott@actrix.co.nz
Davies Kerikeri Family Trust, MR Davies, and BR & R Davies	joseph@reyburnandbryant.co.nz
Debbie and Chris Fewtrell	fewtrell@fewtrell.co.nz
Deidre Putt	deidre.putt@merck.com
Dempsey Family Trust	diana@thepc.co.nz
Denis Thomson	c/- Lynley Newport R D 1 Okaihau, 0475
Denis Whooley and Jennifer Whooley	deniswhooley@xtra.co.nz
Denyse Pope	denyse_pope@hotmail.com
Des and Lorraine Morrison	vicki@morrisonshaw.nz
Diane & Ian Wood	woodopua@slingshot.co.nz
Diane Gardiner	nzbrushstrokes@gmail.com
Dianne Margret Pope	diannempope@gmail.com
Dingwall Family Trust	imdingwall@me.com
Director-General of Conservation (Department of Conservation)	lkirk@doc.govt.nz
DL & H Mullane	office@bayplan.co.nz
Dolly Tania Hepi-Gillies	taniahepi.gillies@gmail.com
Dominique Zivkovich-Brady	matrix_dzb@yahoo.co.nz
Don Mandeno	donman@xtra.co.nz
Doug Jane	djane@djrc.co.nz
Douglas Percy and Theodora Symes	theodorasymes@gmail.com
Doug's Opua Boatyard	totarahill@xtra.co.nz
Dr John L Craig	office@bayplan.co.nz
Dr Lynn Kincla	lynnkincla@hotmail.com
Duncan Rupapera	drupapera29@hotmail.com
Dylan Hetaraka	robert.karikari@hotmail.co.nz
Dyrell Akavi	nraharuhi@gmail.com
Ecochic Properties Ltd	mhood747@gmail.com
Ed and Inge Amsler	office@bayplan.co.nz

Name	Address for Service
Elaine Collinson	ecollinson.nz@gmail.com
Elbury Holdings, LJ King, Fiona King, LJ King LTD, West Coast Farms, Leah Frieling	elbury@xtra.co.nz office@elbury.co.nz
Eleanore Robinson	elle@adminstheanswer.com.au
Elias Reihana-Hetaraka	robert.karikari@hotmail.co.nz
Elizabeth Irvine	efirvine@gmail.com cws@thomsonwilson.co.nz
Elizna Bates	dj_noakes@yahoo.co.nz
Elka Gouzer	nicole.buxeda@holmmajurey.nz
Ellen Appleby	37 Melody Lane, Mangonui 0483
Elodie Vujcich	elodie@rssolutions.nz
Emily and Richard Fladgate	efladgate@gmail.com
Ena Lesley Rupapera	PO Box 57, Awanui, Northland 0441
Erana Samuels	707 Maitai Bay Road, Whatuwhiwhi 0483
Eric Kloet	owen@greengroup.co.nz
Ernie Cottle	ernie.cottle@outlook.com
Errol James McIntyre	swedesaver@gmail.com
Errol McIntyre	swedesaver@gmail.com
Ester Rangi Doyle	ester57boi@hotmail.com
Evan Williams and Katherine Williams	evan@williamsgrouppnz.com
Far North District Council	elizabeth.stacey@fndc.govt.nz tammy.wooster@fndc.govt.nz
Far North District Council, Infrastructure and Asset Management - Infrastructure Planning	tanya.proctor@fndc.govt.nz
Far North Holdings Limited	steve@sansons.co.nz wayne@zenithplanning.co.nz
Far North Real Estate 2010 Limited	gponsonby@hotmail.co.nz
Fieldco Limited	ben@fieldco.co.nz
Fiona Clarke	ficlarke46@bigpond.com
Fiona King	elbury@xtra.co.nz
Fire and Emergency New Zealand	eva.mason@beca.com
Florence Campbell	47 South Road, Kaitia 0483
FNR Properties Limited	nina@tohuconsulting.nz
Foodstuffs North Island Limited	mattn@barker.co.nz
Francois Dotta	nicole.buxeda@holmmajurey.nz
Fred Terry	fredanddulcieterry@kinect.co.nz
Frederick Laurence & Ellen June Voigt	lh.voigt@xtra.co.nz

Name	Address for Service
Gabriele Pfaender	gabrielepfaender@gmail.com
Gareth Raymond Anthony Doull	garethdoull@gmail.com
Garry Stanners	garry.stanners@xtra.co.nz
Gavin and Pru McMahon	pru.gav.nz@gmail.com
Gavin McMahon	pru.gav.nz@gmail.com
Gayle Josie Tepania	gaylee86@outlook.com
GE Free Northland	linda.grammer@gmail.com
GE Free Tai Tokerau	organics@value.net.nz
Geoffrey Raymond Lodge	g.lodge@xtra.co.nz
George Hori Lawrence	horimich@xtra.co.nz
Georgina Laing	georgina.laing@northlanddhub.org.nz
Gia-Dene Gardiner	giadene@hotmail.com
Glen Nathan	mrglen.nathan@gmail.com
Glen and Sheryl Moore	sheryglen@xtra.co.nz
Glenn Alan Jerkovich	jerkovichtransport@gmail.com
Glennis Lawrence	PO Box 603, Kaitia 0441
Gone North Limited	angela@artofthisworld.co.nz
Good Journey Limited	neil.mumby@cablebayconsulting.co.nz
Grace Anne Sturgess	grace.sturgess@yahoo.com
Grant Alan Billington and Georgina McGarry	office@bayplan.co.nz
Grant Whiteley	gtwhiteley@gmail.com
Gray Philips	lmdpc@xtra.co.nz
Gray Gilrairie Holdings Limited	micah@donaldsons.net.nz
Gray Phillips	lmdpc@xtra.co.nz
Grayson Fleur Horan	jaceyhoran72@gmail.com
Green Inc Ltd	john@greeninc.co.nz
Groundswell NZ	groundswellnz2020@gmail.com
Guillaume de Rouvroy	forestwaters.kerikeri@gmail.com
H Piripi & Associates	mereraina@tehikuiwi.com
Haami Piripi ONZM	hpiripi@gmail.com
Haigh Workman Limited	johnp@haighworkman.co.nz
Haigh Workman Ltd	johnp@haighworkman.co.nz
Haititaimarangai Marae Kaitiaki Trust	karikarikitaki@outlook.com

Name	Address for Service
Hall Nominees Ltd	sipsiuyee@yahoo.com.au
Hamish Starr	gayleneandhamish@gmail.com
Harold Corbett	harold@tupou.co.nz
Heather Adams and Duncan Ross	hfadams26@gmail.com
Heather Golley	hgolley@gmail.com
Helen Morris	helenmarie86@hotmail.com
Helmut Friedrick Paul Letz and Angelika Eveline Letz	helmut_letz@xtra.co.nz
Hera Johns	lilkinahead@hotmail.com
Heritage New Zealand Pouhere Taonga	edwards@heritage.org.nz bparslow@heritage.org.nz bedwards@heritage.org.nz
Heron Point Limited	diana@thepc.co.nz
Hinemoa Conner	jjhconner@yahoo.co.nz
Hohepa Fletcher	561 Fairburn Road, Kaitaia
Hongi Laing	hongi.laing@icloud.com
Horticulture New Zealand	sarah.cameron@hortnz.co.nz
House Movers Section of New Zealand Heavy Haulage Association Inc	stuart@stuartryan.co.nz
Huia Solomon	37 Melody Lane, Mangonui 0483
Ian Bridle	ianbridle@hotmail.com
Ian Diarmid Palmer and Zejia Hu	ipal9718@bigpond.net.au
Ian Ethan Bamber	bamberimo@gmail.com
Ian Harold Pope	ianpope49@gmail.com
Ian Jepson	owen@greengroup.co.nz
Ian Ray (Joe) Carr	joe.kate.carr@gmail.com
Ian Taylor Bamber	ianbamber@farmside.co.nz
Ian Wolstencroft	ian.wolstencroft@gmail.com
IDF Developments Limited	office@bayplan.co.nz
Imago Inocente and Dan Karl Farnham	imagoinocente@protonmail.com
Imerys Performance Minerals Asia Pacific	office@bayplan.co.nz
Innes Rupapera	innes@es4u.com.au
Ironwood Trust Limited	owen@greengroup.co.nz
Isles Casey Trustee Services Limited, WWC Trustee Company Limited	barrylane51@gmail.com
Isobel Fitzgibbon	robert.karikari@hotmail.co.nz
Ivan Wimoka Hetaraka	ivanhetaraka@hotmail.com
Izrael Robertson	izraelrobertson69@gmail.com

Name	Address for Service
J L Hayes and Sons Ltd	m.m.hayes@xtra.co.nz
Jacey Horan	jaceyhoran72@gmail.com
Jacob Hohaia	707 Maitai Bay Road, Whatuwhiwhi 0483
Jacqueline and Timothy Partington	jac.partington@gmail.com
Jacqueline Louise Sanders	jackie@jacman.co.nz
Jahkodii Morunga	jaahmor94@gmail.com
Jaimee (TEST)	jme_semmens@hotmail.com
Jaimee Cannon (TEST)	jaimeecannon20@gmail.com
Jamaica Zessner	jamaica.aspinall@gmail.com
James Brooks	jimbrooks1@hotmail.co.uk
James Conner	jjhconner@yahoo.co.nz
James Frater	jim.frater@xtra.co.nz
James Guy Ellingham and Deborah Ellingham	guy@ellingham.nz
James Phillips	ljphillips@xtra.co.nz
James William Rogers and Sara Rogers	maccotage@xtra.co.nz
Jane E Johnston	agentjane99@gmail.com
Janet Myra Bennett	ester57boi@hotmail.com
Jasmine Cook	10 Doubtless Bay Drive, RD3 Kaitaia 0483
Jason Gardiner	giadene@hotmail.com
Jason Wootton	billfishnz@yahoo.com
Jayden Murray	jaydendupri123@gmail.com
Jayesh Govind and Others	jackgovind@nznails.co.nz
Jean Matatahi	raymondmatatahi@gmail.com
Jeanette Mcglashan	oturu74@gmail.com
Jeff and Robby Kemp	jeff@kerikemps.co.nz
Jeff Christensen	jchstrtm@gmail.com
Jeff Kemp	jeff@kerikemps.co.nz
Jeffrey Putt	jezza35@hotmail.com
Jeffrey Edward Archer	haelo@icloud.com
Jennifer Troup & Rowan White	troup_j@yahoo.co.nz
Jenny Collison	jennycollison@gmail.com
Jeremy Garton	garton.jeremy@gmail.com
Jessica Solomon	707 Maitai Bay Road, Karikari Peninsula 0483

Name	Address for Service
Jillian D. Young	jdyoung.lorenz@gmail.com
Jillian Jane Kearney	kearney.mcangus@gmail.com
Jim Longhurst	jimmy.longhurst@gmail.com
JL and AR Matthewson Partnership	matthews1405@gmail.com
Jo Lumkong	jolumkong@gmail.com
Joe Carr	joe.kate.carr@gmail.com
Joe Reihana	hohepareihana@gmail.com
Joel Vieviorka	joel.v@fnn.co.nz
John and Carroll Beachman	owen@greengroup.co.nz
John and Rachel Stewart	john.stewart@nettl.com
John and Rose Whitehead	john.rose@honeyteam.co.nz
John Andrew Riddell	andrew@cepservices.nz
John Barry Horan	johnbharon@gmail.com
John Gowing and Miriam Van Lith	john@gowing.name
John Gowing, Miriam Van Lith, Ellis Gowing, James Gowing, Byron Gowing	john@gowing.name
John Joseph and Jacqueline Elizabeth Matthews	jandjmatthews@xtra.co.nz
John Neison	58 Rangitane Loop Road Kerikeri Northland, 0294
John-Peter Nilsson Trust and Anne-Marie Linder Nilsson	nilssontrust@gmail.com
Jolene Rupapera	yttz_finet08@hotmail.com
Jonathan Corskie	j.corskie@gmail.com
Jonathan Simpkin	nat@saps.co.nz
Jono Corskie	j.corskie@gmail.com
Joseph Maheno	joseph.maheno@gmail.com
Josephine Doyle	timandjoe@hotmail.com
Josephine Lawrence	josiellwmc@gmail.com
Josh Henwood	joshmhenwood@gmail.com
Joshua Raharuhi	procretenorthland@gmail.com
Josiah Marriott-Simeon	josiah.marriott26@gmail.com
Julia Middleton	37 Melody Lane, Mangonui 0420
Julianne Sally Bainbridge	anjbainbridge@outlook.com
Julie Bennett	julieb617@hotmail.com
June Pereiha	jpereiha@hotmail.com
Justin & Vicki McIlroy	accounts@precisionconcrete.nz

Name	Address for Service
Kaea Samson	kaea.samson@hotmail.com
Kaeo Lawrence	kaeoaidaan@live.com
Kahlia Teariki	kteariki29@gmail.com
Kahukuraariki Trust	steve@sansons.co.nz
Kahutianui Lawrence	kahutianuilawrence@gmail.com
Kailah Raharuhi - Alatipi	nrarahuhi@gmail.com
Kainga Ora Homes and Communities	developmentplanning@kaingaora.govt.nz brendon.liggett@kaingaora.govt.nz
Kairos Connection Trust and Habitat for Humanity Northern Region Ltd	chrishirley130@icloud.com
Kaitaia Business Association	info@northplanner.co.nz
Kaitaia Marae Incorporated (Margaret Thomas-Amani Vicechair)	kaitaiamarae@gmail.com
Kaizen Management Limited	michael@realsolutions.co.nz
Kapiro Conservation Trust	kapiroconservationtrust@gmail.com
Kapiro Conservation Trust 1	kapiroconservationtrust@gmail.com
Kapiro Conservation Trust 2	kapiroconservationtrust@gmail.com
Kapiro Residents Association	kapiroresidents@protonmail.com
Karen and Graeme Laurie	karen.laurie5@gmail.com
Karen B Wilkinson	kdwilkinson9@gmail.com
Karen Barrow	karencb@xtra.co.nz
Karen Potter	karenpotter066@gmail.com
Karena Hita	karenahita@gmail.com
Karl Todd	1rakaunui@gmail.com
Kate Burdekin	kateburdekin@xtra.co.nz
Katherine Kino	33a Takanini Road, Takanini, Auckland 2112
Katherine Lapsley Joyce	kathelj@gmail.com
Kathleen Courtenay and Luke Hale	lukehale@posteo.net
Kathleen Jones	karmjones2@gmail.com
Kathryn and Al Panckhurst	pancks@xtra.co.nz
Kathryn Panckhurst	pancks@xtra.co.nz
Kathy Davies	kathy.davies38@gmail.com
Katrina Sumpton	kfranklin@slingshot.co.nz
Kay Brenda Davidson	kayd12@xtra.co.nz
Kaya Hetaraka-Tawhai	kayahstevens@gmail.com
Kellie Edwards	edwardsk@xtra.co.nz

Name	Address for Service
Kelly Sharee Doyle	77 Maitai Bay Road, RD 3 Kaitaia 0483
Kelvin Richard Horsford	kelnjhorsford@orcon.net.nz
Ken Lewis Limited	office@bayplan.co.nz
Kenape Saupese	nraharuhi@gmail.com
Kerikeri Heights Limited	dave@dmcdevelopments.co.nz
Kerikeri Peninsula Conservation Charitable Trust	dean@kpcct.kiwi
Keringawai Evans	keringawai@gmail.com
Kerry Ludbrook	ponyboysurfing@gmail.com
Kerry Michael Lupi and Susan Charlotte Lupi	office@bayplan.co.nz
Kerry-Anne Smith	19B Wainui Road Kaeo Northland, Kaeo 0478
Kevin Mahoney	kevmarne@gmail.com
Kim Taylor	cruisinglifestyle@xtra.co.nz
Kingheim Limited	joseph@reyburnandbryant.co.nz
Kiwi Fresh Orange Company Limited	mike.doesburg@wynnwilliams.co.nz
KiwiRail Holdings Limited	matthew.paetz@kiwirail.co.nz
Kristine Kerr	kk@kuragolfcoursedesign.com
Krystal-Jade Matiu	37 Melody Lane, Mangonui 0483
Kuia, kaumātua and whānau of Moringai Whānau	ahiparaonline@gmail.com
Kylie Stewart	kyliestewart@hotmail.com
L & T Property Investments Limited	hannah@formeplanning.co.nz
Lance Wakeman and Noeleen Masters	providencefarms@xtra.co.nz
Laurell Douglas	gm@keteriki.com
Laurie Pearson	laurie.pearson@mac.com
LD Family Investments Limited	office@bayplan.co.nz
Leah Frieling	office@westcoastfarms.co.nz
Leisa Henwood	leisahanwood@gmail.com
Leonie Exel and Arthur Prentice	leoexel@hotmail.com
Leonie M Exel	leoexel@hotmail.com
Levin Stone Holdings Limited	troy@katalymahotels.com
Levin Stones Holding Limited, Keri Keri Park Lodge Limited	troy@katalymahotels.com
Lianne Kennedy	imageline@xtra.co.nz
Linda Gigger	office@bayplan.co.nz
Living Waters - Bay of Islands	pacificecologic@gmail.com chris@livingwatersboi.org.nz

Name	Address for Service
Liz Rowena Maki Hetaraka.	lizziesyd@hotmail.com
LJ King Limited	ljkingltd@gmail.com
Lloyd Anderson	lloyd@lloydbrookefurniture.co.nz
LMD Planning Consultancy	lmdpc@xtra.co.nz
Logan King	ljkingltd@gmail.com
Lorraine Joan Hetaraka	lorraine.hetaraka@gmail.com
Louis Aluishis Brabant	ester57boi@hotmail.com
Lucklaw Farm Ltd	andrew@cepservices.nz john@lucklaw.co.nz
Lucy Anna Doull	lucyannadoull@gmail.com
Lucy Turua	lucyturua834@gmail.com
Lynley Newport	lnewport2015@gmail.com lynley@tsurvey.co.nz
Lynn kincla	lynnkincla@hotmail.com
Maaki Reihana	mreihana11@gmail.com
Maanu Reihana	kathy1387@gmail.com
Maddison Lawrence	horimich@xtra.co.nz
Mainfreight Limited	pa@planningfocus.co.nz
Makarita Rutene	1558 Inland Road, Karikari Peninsula 0483
Mako	mermanevans@gmail.com
Malcolm Tindal	minto6549@gmail.com
Mandy Kurien	mandy.kurien@gmail.com
Mangonui Haulage	office@bayplan.co.nz
Manu Burkhardt Macrae	manu@fnr.nz
Manulife Forest Management (NZ) Ltd	ubuckingham@manulife.com
Maree Hart	jmareehart@gmail.com
Margaret Haretuku	terito.margareth@gmail.com
Margaret Ridge	tr@wcr.govt.nz
Margaret Sheila Hulse and John Colin Hulse	colandmarga@gmail.com
Margaret Symons	margienz@yahoo.com
Maria and David Manning	david.maria@xtra.co.nz
Maria Bright	brightria33@gmail.com
Maria Kim Hetaraka	hetaraka.maria@outlook.com
Marianna Fenn	marianna.nz@gmail.com
Marie Lindsay	wayne@zenithplanning.co.nz

Name	Address for Service
Marie Matiu	37 Melody Lane, Mangonui 0483
Marina Chase	707 Maitai Bay Road, Whatuwhiwhi 0483
Mark and Emma Klinac	office@bayplan.co.nz
Mark Brannen	nraharuhi@gmail.com
Mark Christiansen	cbsnorthland@gmail.com
Mark Gale	support@patchbaymusic.io
Mark J Broad	10 Doubtless Bay Drive, RD3 Kaitaia 0483
Mark John Wyborn	owen@greengroup.co.nz
Mark Spaans	spaans.pot@gmail.com
Marlaine Ulrich	70 Dick Ulrich Road, Karikari Peninsula 0483
Marshall Investments Trustee (2012) Limited	office@bayplan.co.nz
Martha Edmonds	mwiedmonds@gmail.com
Martin John Yuretich	marty.y@fnn.co.nz
Martin OBrien	martin@obrienconsulting.co.nz
Martin T Robinson	organics@value.net.nz
Mary Stanners	mmstanners@xtra.co.nz
Mary Watkins	kowgalskreations@gmail.com
Maryanne June Harrison	25 Tokerau Beach Road, Karikari Peninsula 0483
Matauri Trustee Limited	peter@phplanning.co.nz
Matauri X Incorporation	steve@sansons.co.nz
Mate Simon Covich Horan	Matehoran12@gmail.com
Mathew & Jenny Arthur	mathewarthur123@gmail.com
Matthew Draper and Michaela Jannard	mattdraperprivate@gmail.com julian@rmalawyer.co.nz
Matthew Edward Arthur and Jennifer Ellen Arthur	office@bayplan.co.nz
Matthew Otway	mattkiwi.72@gmail.com
Matthew Watson, Kaylene Watson, D R Thomas Limited	mattwatson@thefishingshow.co.nz
Maureen Maheno	maureenmaheno@gmail.com
Maurice Dabbah	nicole.buxeda@holmmajurey.nz
Mauri-crown-tane	mauri-crown-tane@protonmail.com
May Gale	mg.alora@iinet.net.au
McDonald's Restaurants (NZ) Limited	mattn@barker.co.nz
Melita McMaster	melita.mcmaster@gmail.com
Merata Kawharu Taituha, Renata Tane, Albie Apiata, Billie Taituha and Hirini Tane	merata@nukuroa.co.nz

Name	Address for Service
Mereana Alma Houkamau	47 South Road, Kaitaia 0400
Meridian Farm Ltd	joseph@reyburnandbryant.co.nz
Mhairi Wylde and Ted Davis	wyldeplace@gmail.com
Michael Brooks	kteariki29@gmail.com
Michael Foy	office@foyproperty.co.nz
Michael Francis Toft, Robert George Vellenoweth and Colleen Wendy, Wardlaw, AJ Maloney Trustee Limited, Donald Frank Orr, Vivien Marie Coad, Deanna Lee MacDonald, Dianne Catherine Hamilton, Robert Hamilton, Timothy George Sopp, Mathew Robert Hill, Barry Charles Young, Joan Catherine Young, Campbell Family Trustee Limited	office@bayplan.co.nz
Michael John Winch	mwinch@xtra.co.nz
Michael Jurlina	nina@tohuconsulting.nz
Michael Matiu	37 Melody Lane, Mangonui 0483
Michael Morse	mikepm1956@gmail.com
Michael Schofield	mike.sco@gmail.com
Michaela Radenkovic	michaelaradenkovic@gmail.com
Michelle Chase	707 Maitai Bay Road, Whatuwhiwhi 0483
Michelle Lawrence	horimich@xtra.co.nz
Michelle Patricia Nilsson-Webby Family Trust	kwebbyharp@xtra.co.nz
Miles Valentine	milesjvalentine@gmail.com
Ministry of Education Te Tāhuhu o Te Mātauranga	eden.rima@beca.com
MLP LLC	vijay.lala@tattico.co.nz
Moana Kiff	waiauawhanau@gmail.com
Moeroa Tepania	mtepania@gmail.com
Monica Brooks	monzbrooks3@gmail.com
Morgan Horsford	morgan.horsford@gmail.com
Moringai Whānau	jamesolly127@gmail.com
Moturoa Island Limited	michaelward@xtra.co.nz
Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen Graham Lockwood	mai.chen@maichen.nz
Mrs Ngataimihinga Mary Ahpene	ahpene_mary@yahoo.co.nz
Murdoch Phillips	docky@xtra.co.nz
Muriwhenua Incorporated	john.duthie@tattico.co.nz
Murray and Sandra Wilson	mbw.spw@gmail.com

Name	Address for Service
Murray Blom	murray.blom@gmail.com
Musson Family Trust	joseph@reyburnandbryant.co.nz
Nadine Nel	nadine.nel@outlook.com
Natalie Todd	natalie@absolutebuild.co.nz
Nathaniel John Jull	nat@chester.co.nz
Neil Construction Limited	philip@campbellbrown.co.nz
Neil Mitchell	ecobureau2@gmail.com
New Zealand Defence Force	kbaverstock@tonkintaylor.co.nz lucy.edwards@nzdf.mil.nz
New Zealand Eco Farms Ltd	joseph@reyburnandbryant.co.nz
New Zealand Kiwifruit Growers Incorporated	colin.bond@nzkgi.org.nz
New Zealand Maritime Parks Ltd	stuart@landcorp.nz
New Zealand Motor Caravan Association	rayya@nzmca.org.nz
New Zealand Pork Industry Board	hannah.ritchie@pork.co.nz
NFS Farms Limited	p.comer@harrisingrierson.com
Ngā Kaingamaha o Ngāti Hine Charitable Trust	jason@kiwidesignz.co.nz sam.morrison@civix.co.nz
Ngā Tai Ora - Public Health Northland	gavin.deklerk@northlanddhb.org.nz
Ngāi Tukairangi No.2 Trust	andrew@ngaituk.co.nz
Ngamaia Farms Ltd	office@bayplan.co.nz
Ngarei Reihana	ester57boi@hotmail.com
Ngati Rangi ki Ngawha	josephineclarke01@gmail.com
Ngati Rangi ki Ngawha Hapu	whetumarama@hotmail.com
Ngawha Generation Limited	taryn.collins@topenergy.co.nz
Nicola & Bart Graham	homenkg@gmail.com
Nicole Butler	secretary@ngawha.nz
Nicole Way and Christopher Huljich	julian@rmalawyer.co.nz
Nicole Way and Christopher Huljich as Trustees of the Trssh Birnie Settlement Trust	julian@rmalawyer.co.nz
Nicole Wooster	info@oriraorchards.co.nz
Nigel Ross Surveyor Ltd	nandlross@xtra.co.nz
Niki Lawrence	niki.ngaonelawrence@gmail.com
Nina Naera	naerafamily@xtra.co.nz
Nina Pivac	nina@tohuconsulting.nz
Nina Raharuhi	nraharuhi@gmail.com
Norma Evans	normaevans024@gmail.com

Name	Address for Service
Norma Wallace	normaw03@gmail.com
Northern Rescue Helicopter Limited	vanessa.furze@nrhl.co.nz
Northland Federated Farmers of New Zealand	jcookmunro@fedfarm.org.nz
Northland Federated Farmers of New Zealand Inc	jcookmunro@fedfarm.org.nz
Northland Fish and Game Council	cdeal@fishandgame.org.nz
Northland Planning and Development 2020 Limited	info@northplanner.co.nz
Northland Proprietors Trust	mikes@kcs.school.nz
Northland Regional Council	ingridk@nrc.govt.nz
NRC Kerikeri/ Waipapa Rivers Working Group	joe.carr@nrc.govt.nz
NZ Agricultural Aviation Association	eonzaaa@aviationnz.co.nz
Okura Trust	monrolee@outlook.com
Olga Neunzerling	roborolga.nz@gmail.com
Omarino Residents Association	owen@greengroup.co.nz
Omata Estate	burnette@thepc.co.nz
Opononi Area School	25 Goodwin Road Waimamaku Northland, Waimamaku 0473
Oromahoe 18R2B2B2 Trust and its associated Hapu, Ngati Kawa, Te Ngare Hauata, Te Matarahurahu, Te Whanaurara, Ngati Kaihoru, Ngati Rahiri	chairperson@oromahoetrust.co.nz
Oromahoe Land Owners: AW and DM Simpson, R.A.S Ltd, Arran Trust, Garry Stanners, Errol McIntyre, SW Halliday, SJ and PM Boys, Oromahoe 18R2B2B2 Trust and Tapuaetahi Incorporation	administrator@oromahoetrust.co.nz
Our Kerikeri Community Charitable Trust	annika@wwc.co.nz
Ovisnegra Limited	smrobinson001@gmail.com
Owen Burn	owen@greengroup.co.nz
P S Yates Family Trust	peter@phplanning.co.nz
Pacific Eco-Logic	victoriafroude@gmail.com
Paihia Properties Holdings Corporate Trustee Limited and UP Management Ltd	rporter@urbanpartners.co.nz
Paki Daniel Lawrence	pakstar2011@gmail.com
Paradise Found Developments Limited	julian@rmalawyer.co.nz
Parehuia Jane Williams	kauri-moana@hotmail.com
Patricia Ellen Buddy	ellenbuddy@hotmail.com
Patricia Kate Broad	77 Maitai Bay Road, RD3 Kaitaia 0483
Patricia Stewart	lynneshokianga@gmail.com
Paul Hayman	info@cadplanz.co.nz

Name	Address for Service
Paul O'Connor	paulo_66@outlook.co.nz
Paul Quinlan	pdq@pqla.co.nz
Paul Wright	pjwrightnz@gmail.com
Paula Reihana Cochrane	paulacochrane65@gmail.com
Pearl Mahoney	pearl.a.mahoney@gmail.com
Peggy Joanne Matiu	PO Box 603, Kaitaia 0441
Penny Nelson, Director-General of Conservation	asycamore@doc.govt.nz
Per Lugnet	northstar.p@gmail.com
Peter and Donna Brown	allboys5@slingshot.co.nz
Peter Andrew Irvine	mrpirvine@xtra.co.nz
Peter Charles Rupapera	PO Box 607, Kaitaia 0441
Peter Malcolm	PO Box 596, Kerikeri, Northland 0245
Peter O'Neil Donnellon	peterdonnellon@aol.com
PF Olsen Limited	monique.bedim@pfolsen.com
Philibert Jean-G Frick	pfrick@pfrick.ch
Philip Thornton	owen@greengroup.co.nz
Phill Grimshaw	aguila@xtra.co.nz
Phillip Pearce	pda.pearce@gmail.com
Phoebe Kerr	phoebekerr09@gmail.com
Phyliss Hepi	roseofphily1@hotmail.com
Phyllis Marie Hetaraka	38 Keats Ave, Riverwood, New South Wales 2210 Australia
Picture Perfect Properties Ltd	shane@dreamtimecabins.co.nz
Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust (PHTTCCT)	cyclewaychair@gmail.com
Povey Moses	poveymoses@gmail.com
Proposed Puketona Quarry Expansion	haelo@icloud.com
Pukanui Investments Ltd & The Ridge Childcare Ltd	d.l.s@xtra.co.nz
Puketona Business Park Limited	kay@formeplanning.co.nz
Puketona Lodge Ltd	leversjohn@xtra.co.nz
Puketotara Lodge Ltd	leversjohn@xtra.co.nz
Radio New Zealand	annabelle.lee@chapmantripp.com hadleigh.pedler@chapmantripp.com
Raharuhi Fiaui	nraharuhi@gmail.com
Rahera Fiaui	nraharuhi@gmail.com
Rakaia Kerrisk	super.rakaia@gmail.com

Name	Address for Service
Rangaunu Taua	17B Seaview Road, Cable Bay, Far North 0420
Rangi Matthew Marriott	lungs408@hotmail.com
Rangimarie Muru	maureenmaheno@gmail.com
Rangiputa Community Incorporated	duke_and_dan@yahoo.com
Raniera Matiu	clintonmatiu@gmail.com
Rayleen Rehu	rayleenandbones@gmail.com
Rebecca Jan Stensness	ripekajan@gmail.com
Rebecca Rutene	beccarutene@hotmail.com
Rebecca Stilton	rebecca@sla.net.nz
Rebecca Reihana	rreihana50@gmail.com
Reikura Joan Boyd	reikuraboyd@gmail.com
Renee Coulter	reneecoulter@gmail.com
Retirement Villages Association of New Zealand Incorporated	michelle@retirementvillages.org.nz
Reuben Wright	alister@setconsulting.co.nz
RHL & LM Ferguson Family Trust	butler.point@xtra.co.nz
Rhonda Raharuhi	1524 Inland Road, RD3 Kaitaia 0483
Rhys Alexander Lawrence-Busby	riria72@outlook.com
Richard Dunsheath	richard.dunsheath@gmail.com
Richard G A Palmer	rick@pmlaw.co.nz
Richard Milner	eonzhauavnz@aviationnz.co.nz chiefpilot@flyuav.co.nz
Rick Ruiterman	rick@pacificcoastsurvey.co.nz
Rickie Ripapera	rickie.r@es4u.com.au
Ricky Faesen Kloet	owen@greengroup.co.nz
Riki and Sharon Waiariki	ricksharon18@gmail.com
Robert Adams	longbeachrussellnz@gmail.com
Robert Keith Beale	robbeale2@gmail.com
Robert Matiu	37 Melody Lane, Mangonui 0483
Robert Reihana	robert.karikari@hotmail.co.nz
Robert Shaun Clarke	shaunclarke1@gmail.com
Robert Sintes	familysearch@xtra.co.nz robsintes@hotmail.com
Roberta Hetaraka	hetaraka1974@gmail.com
Robyn Josephine Baker	rjbaker@orcon.net.nz
Rodney and Anne Jess	anne_jess@hotmail.com

Name	Address for Service
Rodney S Gates and Cherie R Gates	cheriegates989@gmail.com
Roger Atkinson	rogeratkinson99@gmail.com
Roger Holman	roger.holman@gmail.com
Roger Myles Smith	19B Wainui Road Kaeo Northland, 0478
Roharia Hepi	PO Box 602, Kaitaia 0441
Rolf Mueller-Glodde	rolf@oraoraretreat.co.nz
Roma Marae	john.paitai@gmail.com
Roman Catholic Bishop of the Diocese of Auckland	lmdpc@xtra.co.nz
Ronald Toni Wooldridge	titokihalt@gmail.com
Rosemary Archibald	archie31@xtra.co.nz
Rosemorn Industries Limited	thomas@reyburnandbryant.co.nz
Ross Morley	ross.morley@remd.co.nz
Rowena Ralls	rowenaralls@iinet.net.au
Roxanne Drader	roxannedrader@gmail.com
Royal Forest and Bird Protection Society of New Zealand Inc.	d.baigent-mercier@forestandbird.org.nz
RS Eng Ltd	matthewj@rseng.co.nz
Rua Hatu Trust	paradiseview@xtra.co.nz
Ruby Coastal Investments Limited	adrian@fnhl.co.nz
Ruby hack	rubyhack@hotmail.com
Ruby-Anne Reihana	rubyanneirei@gmail.com
Russell Landcare Trust	russelllandcaretrust@gmail.com
Russell Protection Society (INC)	russellprotectionsociety@outlook.com
Samantha Murphy	samanthatmurphy000@gmail.com
Sana Ryan	wrnt@xtra.co.nz
Sapphire Surveyors Limited	wendy@sapphiresurveyors.co.nz
Sarah Ballantyne and Dean Agnew	sarahballantyne@hotmail.com
Sarah Ballantyne and Dean Agnew	sarahballantyne@hotmail.com
Sarah Kati Cook	ester57boi@hotmail.com
Sarah Rupapera	rupaperasarah@gmail.com
Scrumptious Fruit Trust	t.churton@xtra.co.nz
Sean Frieling	office@kustombuild.co.nz
Sean Jozef Vercammen	seanvercammen@yahoo.co.nz
Seeka Limited	shae.crossan@stratum.nz

Name	Address for Service
Selwyn Garton	selwyn@supafeeds.co.nz
Selwyn Reihana	selwynreihana@gmail.com
Setar Thirty Six Limited	peter@phplanning.co.nz
Shane Allen	shaneallen891226@gmail.com
Shane Horan	shane.horan@whangareiitm.co.nz
Shannon Al Samaraie	pealou@hotmail.com
Shanon Garton	shanongarton@gmail.com
Sharmaine Hepi	made2conquer247@gmail.com
Shawnee Cook Lawrence	shawneelawrence88@gmail.com
Sheryl Valentine	valentinefamily98@gmail.com
Shirley Dryden	shirdryd@gmail.com
Shirley Grant Murray	mshirl560@gmail.com
Shona Hetaraka	11B Tiari Place, Mangare East, Auckland 2024
Sidney John Rupapera	PO Box 57, Awanui, Kaitaia 0441
Simon Coe	coesimon30@gmail.com
Simon Ulrich	smls@slingshot.co.nz
SJ & GM Jones Family Trust	wayne@zenithplanning.co.nz
Smartlife Trust	office@bayplan.co.nz
Solid Landholdings Limited	office@bayplan.co.nz
Spark New Zealand Trading Limited and Vodafone New Zealand Limited	graeme.mccarrison@spark.co.nz
Stacey Matiu	37 Melody Lane, Mangonui 0483
Stephanie Lane	stephanie.lane.nz@outlook.com
Stephen Manley	stephen.manley@gmail.com
Steven Matiu	37 Melody Lane, Mangonui 0483
Strand Homes Ltd/Okahu Developments Ltd	harvey@strandhomes.co.nz
sue teixeira	suet@xtra.co.nz
Summerset Group Holdings Limited	oliver.boyd@summerset.co.nz
Summit Forests New Zealand Limited	chayne.zinsli@summitforest.co.nz
Summit Forests New Zealand Limited	chayne.zinsli@summitforest.co.nz
Suzanne Linda Ashmore	brian@metroplanning.co.nz
Taheke 38 Ahu Whenua Trust	paul.birch6097@gmail.com
Taipari Taua	taiparijohns@gmail.com
Tamara Edmonds	tamaraedmonds01@gmail.com

Name	Address for Service
Tane's Tree Trust - Northland Totara Working Group	pdq@pqla.co.nz
Tania Morunga	tarnzmore@hotmail.com
Tapuaetahi Incorporation	admin@tapuaetahi.com
Tawa Te Huna	tehunawhanau@gmail.com
Tawhai Motu	102 Doubtless Bay Drive, Karikari Peninsula 0483
Tayla Bamber	bambertayla@gmail.com
Te Aupōuri Commercial Development Ltd	tipene@teaupouri.iwi.nz
Te Hiku Community Board	adele.gardner@fndc.govt.nz
Te Hiku Iwi Development Trust	tia@thcr.co.nz
Te Iri Rangi Tawhara	teirirangisusan@gmail.com
Te Kawariki me Te Wānanga o Te Rangi Aniwaniwa	tewananga@aniwaniwa.school.nz
Te Rūnanga Ā Iwi O Ngapuhi	moana.tuwhare@ngapuhi.org
Te Runanga o Ngai Takoto Trust	craig.wells@ngaitakotoiwi.co.nz
Te Rūnanga o Ngāti Rēhia	whati@ngatirehia.co.nz kipa@ngatirehia.co.nz
Te Rūnanga o Te Rarawa	george@terarawa.co.nz
Te Rūnanga o Whaingaroa	bree.davis@whaingaroa.iwi.nz
Te TeArani Lawrence	lawrenceclan@gmail.com
Te Tii (Waitangi) B3 Trust	chairperson@tetiwaitangi.co.nz
Te Waata Lawrence Kara	tewaatalawrencekara@gmail.com
Te Waka Pupuri Putea Trust	dion@terarawa.co.nz
Te Whatu Ora - Health New Zealand, Te Tai Tokerau	jeremy.evans@northlanddhb.org.nz
Te Whatu Ora - Nga Tai Ora	gavin.deklerk@nothlanddhb.org.nz
Teresa Lawrence	teresanlawrence@gmail.com
Terra Group	gwynneth.einarsen@terrargroup.co.nz
Terry Clarke	terryc65@bigpond.com
Terry Henwood	terry@henwoodconstruction.co.nz
The BOI Watchdogs	leoexel@hotmail.com
The General Trust Board of the Diocese of Auckland	c.covington@harrisongrierson.com
The Ipipiri Nature Conservancy Trust	mail@chrisjenkins.co.nz
The Paihia Property Owners Group	office@bayplan.co.nz
The Paihia Property Owners Group	office@bayplan.co.nz
The Proprietors of Tapuaetahi Incorporation	admin@tapuaetahi.com
The Shooting Box Limited	peter@phplanning.co.nz

Name	Address for Service
Thomas Hepi	tamati72@gmail.com
Thomson Lawrence	lawrenceclantom@gmail.com
Thomson Survey Limited	denis@tsurvey.co.nz
Ti Toki Farms Limited	office@bayplan.co.nz
Tia Healey-jellick	tootshj@gmail.com
Tim Brandon	timbrandonlivestock@outlook.com
Timothy and Dion Spicer	nina@tohuconsulting.nz
Timothy John Doyle	timandjoe@hotmail.com
Timothy Matiu	37 Melody Lane, Mangonui 0483
Tipene Paul	haititaimarangaitrust@gmail.com
Tobias Groser	tobygroser@gmail.com
Tokerau Beach Trust	p.comer@harrisongrierson.com
Toni Maheno	tonimaheno@outlook.com
Top Energy Limited	davidb@barker.co.nz taryn.collins@topenergy.co.nz
Tracey Schubert	traceyschubert1@gmail.com
Tracy and Kenneth Dalton	trydalton@gmail.com
Transpower New Zealand Limited	environment.policy@transpower.co.nz
Traverse Ltd	joseph@reyburnandbryant.co.nz
Travis Horan	travischoran@gmail.com
Trent Simpkin	trent@arcline.co.nz
Trevor John Ashford	trevorandjay@gmail.com
Trish Routley	trish.routley@gmail.com
Trisha Pereiha	tpereiha@hotmail.com
Tristan Simpkin	tsimpkin@arcline.co.nz
Tristan Williams	smokeabanana@gmail.com
Trustees of Jet#2 Trust	judy@akaranachambers.co.nz
Trustees of the Taranaki Trust	john@lucklaw.co.nz
Tryphena Trustees Limited, David Haythornwaite	dhaythornthwaite@gmail.com
Tupou Limited	harold@tupou.org
Turei John Rupapera	PO Box 57, Awanui, Northland 0441
Turnstone Trust Limited	burnette@thepc.co.nz
Two M Investments Limited	office@bayplan.co.nz
Tynan Hokimate Mark	whitinuiaroha@gmail.com

Name	Address for Service
Valarie Rutene	1558 Inland Road, Karikari Peninsula 0483
Vanessa Anderson	vpanderson2010@gmail.com
Vannessa Kerr	manu_tedd@hotmail.com
Vaughan Norton-Taylor	vaughannt@xtra.co.nz
Vaughn Piripi Duvell Evans	47 South Road, Kaitaia 0400
Ventia Ltd	office@bayplan.co.nz
Victoria Murphy	victoriamurphy2625@outlook.com
Victoria Yorke and Andre Galvin	victoriayorke88@gmail.com
Vincent C Matiu	37 Melody Lane, Mangonui 0420
Violet Sylva	sylvaviolet333@gmail.com
Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	visionkerikeri@gmail.com
Vision Kerikeri 1	visionkerikeri@gmail.com
Vision Kerikeri 2	visionkerikeri@gmail.com
Vision Kerikeri 3	visionkerikeri@gmail.com
Wai 2003 and Wai 250 Claimant Groups Te Wahapu and Hokianga	wally0494@xtra.co.nz
Waiaua Bay Farm Limited	steve.tuck@mitchelldaysh.co.nz
Waikura Maungaia Marriott	1515 Inland Road, Karikari Peninsula 0483
Waipapa Pine Limited	office@bayplan.co.nz
Waipapa Pine Limited and Adrian Broughton Trust (now Fletcher Building Ltd)	office@bayplan.co.nz
Wairere Serena Cook-Lawrence	wairerecl@gmail.com
Waitangi Limited	info@northplanner.co.nz
Waitomo Papakainga	brett@reyburnandbryant.co.nz
Waitoto Development Limited	office@bayplan.co.nz
Waka Kotahi NZ Transport Agency	environmentalplanning@nzta.govt.nz bruce.hawkins2@nzta.govt.nz
Wakaiti Dalton	wakaitidalton@gmail.com
WALTER (Wally) HICKS	wallyhicks56@gmail.com
Warren Bliss	wdbliss@gmail.com
Warren McKay	warrenmacmckay@gmail.com
Warwick John Ross	PO Box 650 Kaikohe Northland, 0440
Waste Management New Zealand Limited	mdugmore@wastemanagement.co.nz ablomfield@bentley.co.nz
Wendover Two Limited	peter@phplanning.co.nz
Whale Bay Limited	davidhovey@optima.inc

Name	Address for Service
Whetu Rutene	wrutene@hotmail.com
William Boyd Rupapera	boydrupaperea@gmail.com
William Goodfellow	owen@greengroup.co.nz
William Gary Butt	tokeraubeachboys@gmail.com
Willowridge Developments Limited	alison@willowridge.co.nz
Wilson Hookway	wilsonhookway@gmail.com
Wiremu Hetaraka	wiremuh@gmail.com
Woolworths New Zealand Limited	ross.burns@countdown.co.nz
WW Trustee Services 2016 Limited, Eloise Caroline Caswell, Donald Gordon Chandler	donald.chandler@gmail.com
Yvonne Meta Desmond	ydpasheidi@gmail.com
Yvonne Sharp	y.s@xtra.co.nz
Yvonne Steinemann	yvonne@paradisedesign.co.nz
Z Energy Limited	thomas.trevilla@4sight.co.nz thomas.trevilla@slrconsulting.com
Zeja Hu	ipal9718@bigpond.net.au
ZOE Maginn	zoe@kitesurfnz.com

ANNEXURE D

Specific amendments sought to the provisions of the PDP

Relief sought – PREC3 - Matakā Station precinct

Drafting notes:

1. All cross-references are to provisions in the PDP decisions version.
2. PREC3- Matakā Station precinct provisions are not reproduced in full. Only those provisions with amendments sought are shown.
3. All references to ONL in the PDP do not use articles “an” or “the”. Note also that ONL is plural i.e. outstanding natural landscapes.
4. Amendments sought shown highlighted grey and in ~~strike~~ and underline.
5. Consequential amendments may be required to other chapters.

Consequential amendments as follows to rule references in the “Overview” and “Rules Notes” as a result of the new permitted activity rule PREC3-R6 being inserted and renumbering:

Overview

...

The coastal fringe of the precinct is within the coastal environment and areas of high natural character and outstanding natural landscape are identified within much of the coastal environment. The objectives and policies in the Natural Features and Landscapes and Coastal Environment chapters apply in addition to the provisions of the precinct. However, the following rules and standards in the Coastal Environment and Natural Features and Landscapes chapters do not apply within the precinct:

- NFL-R1 New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures; NFL-R2 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PREC3-R~~78~~); NFL-S1 Maximum height; NFL-S2 Colours and materials and NFL-S3 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PREC3-R~~78~~).
- CE-R1 New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures; CE-R2 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PREC3-R~~78~~).; CE-R3 Farming; CE-S1 Maximum height; CE-S2 Colours and materials; ~~and~~ CE-S3 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PREC3-R~~78~~) and CE-S4 Setback from MHWS.

All other District-Wide objectives, policies, rules and standards in Part 2 of the District Plan apply.

...

Rules

Notes:

1. The rules in Part 2 – District-Wide Matters apply in addition to these rules, except that the following do not apply:

- a. NFL-R1 New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures; NFL-R~~2~~ Earthworks or indigenous

vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PREC3-R78); NFL-R6 Farming; NFL-S1 Maximum height; NFL-S2 Colours and materials and NFL-S3 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PREC3-R78).

- b. CE-R1 New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures; CE-R2 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PREC3-R78); CE-R3 Farming; CE-S1 Maximum height; CE-S2 Colours and materials; CE-S3 Earthworks or indigenous vegetation clearance (but only in relation to earthworks and indigenous vegetation clearance managed under PREC3-R78); and CE-S4 Setback from MHWS.

6.

2. Precinct Plan 1 applies as referred to in the rules below. 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).

...

Insert new Rule PREC3-R6:

PREC3-R6	Earthworks or indigenous vegetation clearance	
<u>Matakā Station precinct</u>	<u>Activity status: Permitted</u> <u>Where:</u> <u>PER-1</u> <u>Earthworks or indigenous vegetation clearance within ONL or the Coastal Environment are compliant with PREC3-S3 and are not provided for under PREC3-R8; or are:</u> <u>for the operation, repair and maintenance of existing lawfully established:</u> <u>fences</u> <u>network utilities</u> <u>tracks, driveways, roads and access ways</u> <u>formed carparks</u> <u>board walks</u> <u>boat ramps</u> <u>required to provide for safe and reasonable clearance for existing overhead power lines; or</u> <u>to address an immediate risk to the health and safety of the public; or</u> <u>clearance for the control of pests for biosecurity reasons; or</u> <u>for the sustainable non-commercial harvest of plant material for rongoā Māori, or</u> <u>to maintain firebreaks to manage fire risk; or</u> <u>to remove vegetation as directed by Fire and Emergency New Zealand due to</u>	<u>Activity status when compliance not achieved with PER-1:</u> <u>Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> <u>the effects on the characteristics, qualities and values that make ONL outstanding;</u> <u>the effects of the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity;</u> <u>the positive effects of the activity;</u> <u>any mitigation measures proposed.</u>

	fire risk, or 8. to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area; or 9. for the construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m; or 10. for any upgrade of existing electricity network utilities permitted by rule NFL-R1; or 11. for maintenance of planted indigenous vegetation within domestic gardens, including the removal and replacement of plants; or 12. the formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth; or 13. for maintenance or reinstatement of pasture through the removal of regenerating manuka (<i>Leptospermum scoparium</i> var. <i>scoparium</i>) or kanuka (<i>Kunzea robusta</i>) tree ferns or scattered rushes in pasture on a farm established prior to 27 July 2022, and the vegetation to be cleared is less than 10 years old and less than 6m in height.	
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Insert new Standard PREC3-S3:

<u>PREC3-S3</u>	<u>Earthworks or indigenous vegetation clearance</u>	
<u>Matakā Station precinct</u>	1. Any earthworks within ONL or the coastal environment must (where relevant): a. not exceed a total area of: i. 500m² within a calendar year within ONL or an area of high natural character; or ii. 1000m² within a calendar year within the coastal environment in an area outside ONL or area of high natural character. b. not exceed a cut height or fill depth of 1m; and c. screen any exposed faces visible from a public place. 2. Any indigenous vegetation clearance within ONL or the coastal environment must not exceed a total area of: a. 100m² within a calendar year within ONL or an area of high natural character; or b. 500m² within a calendar year within the coastal environment outside an area of high natural character.	<u>Where the standard is not met, matters of discretion are restricted to:</u> <u>Not applicable</u>

Consequential renumbering of the Matakā Station Precinct provisions