



**PROPOSED FAR NORTH DISTRICT PLAN
RECOMMENDATIONS OF THE INDEPENDENT HEARINGS
PANEL**

RECOMMENDATION REPORT 15A

**Hearing 15A: Rezoning General Requests – Open Space;
Special Purpose Zones - Kauri Cliffs Zone; Carrington Estate
Zone; and Māori Purpose/Tangata Whenua**

March 2026

Recommendation Report 15A

Recommendation Report 15A is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 4, 10, 16, and 17**.

Recommendation Report 15A contains the Panel's recommendations on General Rezoning Requests; Part 3 - Area Specific Matters, Special Purpose zones being the Kauri Cliffs zone; Carrington Estate zone; and the Māori Purpose zone. This recommendation report also contains the Panel's recommendations on the introduction of a new Tapuaetahi Precinct.

Recommendation Report 15A may also contain consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 15A contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

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

Appendix 2.1 Kauri Cliffs Zone

Appendix 2.2 Carrington Estate Zone

Appendix 2.3 Tapuaetahi Precinct (New)

Appendix 3: Recommended Amendments to Planning Maps

Appendix 4: Summary table of recommendations on each submission point

Appendix 4.1 Recommended Decisions Kauri Cliffs zone

Appendix 4.2 Recommended Decisions Carrington Estate zone

Appendix 4.3 Recommended Decision Rezoning Requests General

Appendix 4.4 Recommended Decisions Tangata Whenua Matters

The Independent Hearings Panel for this hearing comprised Robert Scott – Independent panel member and Chairperson; Siani Walker – Independent panel member; and Felicity Foy – Council member.

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RECOMMENDATION REPORT 15A

1. INTRODUCTION

1.1 Report Structure

This is **Recommendation Report 15A** 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 recommendation report makes findings and recommendations relating to submissions on the provisions in the following parts, sub-parts, chapters and sections of the PDP. It also makes recommendations on changes to mapping of open space zoned area; and where necessary, on other consequential matters.

PDP Part	PDP Sub-Part	PDP Chapter or Provisions
Part 3 – Area Specific Matters	Special Purpose Zones	Māori Purpose zone Kauri Cliffs zone Carrington Estate zone
	Precincts (New)	Tapuaetahi Precinct (New)
Planning Maps	Open Space zones	

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 the **Preamble Report**.

We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of Council’s 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 hearing 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 own s32AA evaluation into the body of our recommendation as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

As per Section 4.3 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, and 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

This recommendation report contains consequential amendments, including to or from other plan chapters. These are discussed further in this report.

2. Procedural Issues

2.1 Interim Guidance

2.1.1 Minute 14 Rezoning Criteria and Process: Pre-Hearing Engagement with Submitters

On 2 December 2024, the Panel directed in Minute 14 a bespoke process for rezoning requests (Hearings 15A-15D). This process enabled submitters to engage early with Council officers, lodge evidence and draft provisions in advance, and support a robust section 32 analysis of the appropriateness, costs, benefits, and effects of the proposed rezoning. It also provided an opportunity for submitters and officers to resolve zoning approaches and associated provisions ahead of the hearing reports.

That process followed an agreed timeframe information/evidence exchange timetable, with submitter evidence lodged up to 16 weeks before the hearing, further submitter evidence at 12 weeks, Council hearing reports at four weeks, and rebuttal evidence at two weeks before the hearing.

Minute 14 set out criteria to be considered with each rezoning request. Those criteria are:

General Guidance Criteria for Rezoning Submissions

Criteria	Matters to be addressed
Strategic direction	<ul style="list-style-type: none">• How the rezoning request is consistent with the PDP strategic direction (refer Hearing 1)
Alignment with zone outcomes	<ul style="list-style-type: none">• When rezoning request relates to existing PDP zone, an assessment of how the proposal is aligned with the objectives, policies and intended outcomes for the zone
Higher order direction	<ul style="list-style-type: none">• How the request “gives effect to” higher order documents in accordance with section 75(3) of the RMA?• Consideration of all relevant national policy statements, the national planning standards, and the Northland Regional Policy Statement.
Reasons for the request	<ul style="list-style-type: none">• The reasons for the rezoning request, including an assessment of why the notified zoning is not appropriate for the subject land.
Assessment of site suitability and potential effects of rezoning	<ul style="list-style-type: none">• Assessment of the suitability of the land for rezoning, including an assessment of:<ul style="list-style-type: none">○ The risks from natural hazards (refer Part 2 – District Wide Matters)○ Effects on any natural environment values, historic heritage, coastal environment, or other PDP overlay (refer Part 2 – District Wide Matters)○ Effects on surrounding sites, including compatibility of the rezoning with surrounding land-uses and potential reverse sensitivity effects.
Infrastructure (three	<ul style="list-style-type: none">• How the rezoning request (including subdivision and

Criteria	Matters to be addressed
waters) servicing	<p>development potential enabled by the request) will be supported by adequate infrastructure servicing. This assessment should set out, as applicable:</p> <ul style="list-style-type: none"> ○ Any proposed connections to existing infrastructure systems. <ul style="list-style-type: none"> ▪ Any outcomes of discussions with infrastructure providers and any assumptions about infrastructure servicing/sequencing or capacity, including demands from other plan-enabled development. ▪ Any on-site provision of infrastructure. <p>Note: if the rezoning request would result in any substantive demand on Council's infrastructure or alternative bulk infrastructure solutions, we encourage submitters to engage with Council infrastructure staff during preparation of submitter evidence.</p>
Transport infrastructure	<ul style="list-style-type: none"> ● How the rezoning request will be supported by existing or proposed transport infrastructure, including how new or upgraded transport infrastructure is required. <p>Note: if the rezoning request includes any access to a State Highway, engagement with Waka Kotahi is strongly encouraged, and the outcomes of this engagement should be recorded in evidence.</p>
Consultation and further submissions	<ul style="list-style-type: none"> ● Any consultation undertaken with key stakeholders or tangata whenua in relation to the rezoning request. ● A list of any further submissions on the rezoning request and a response to those further submissions
Section 32AA evaluation	<ul style="list-style-type: none"> ● How the rezoning request is a more appropriate, effective and efficient way to achieve the PDP objectives (compared to the notified zoning) in accordance with section 32AA of the RMA

The Panel notes positively that submitters engaged with this process, and feedback at the hearing indicated it was generally constructive and iterative.

2.1.2 Minute 19 Response to Carrington Estate Zone Memorandum and Updated Hearing Schedule

On 13 December 2024, the Panel issued Minute 19 granting a joint request from Haititaimarangai Marae Trust and Carrington Estate to postpone the Special Purpose zone – Carrington Estate (CE) hearing. The request was made to allow for an anticipated declaration from the Environment Court on the 1999 consents, with Carrington Estate supporting the postponement on efficiency grounds.

The Panel rescheduled the CE hearing to Topic 15A to be held on 25-26 August 2025.

2.1.3 Minute 23 Interim Guidance Horticulture Zone

On 12 May 2025, the Panel issued Minute 23 providing interim guidance that the Horticulture zone does not meet the criteria for a Special Purpose zone and is likely to be removed, with horticulture instead managed through a precinct.

Submitters and Council were directed to prepare future evidence on this basis, focusing on precinct provisions, noting that no final decisions on mapping or rules had been made.

2.1.4 Minute 27 Māori Purpose Zone Topic

On 28 July 2025, the Panel issued Minute 27 advising that the Rezoning General: Māori Purpose zone topic was deferred due to the reporting officer availability and would instead be held as part of Hearing 17 (General/Miscellaneous/Sweep Up) before the same Panel members. An updated hearing schedule was issued, noting that further changes may be required.

2.1.5 Minute 28 Request to Defer Hearing 15A: Request for a Partial Stay of Hearing 15A

On 30 July 2025, the Panel issued Minute 28, declining a request from Haititaimarangai Marae Trust to defer the Carrington Estate zone component of Hearing 15A, which was sought due to a High Court appeal against a related Environment Court decision. Carrington Estate opposed the request.

The Panel found that the Environment Court decision remained operative, no High Court date hearing had been set, and deferral would disrupt the PDP timetable. The request was declined, and the hearing proceeded on 25-26 August 2025.

2.1.6 Minute 38 Tapuaetahi Inc Submission Next Steps and Timeframes

On 10 November 2025, the Panel issued Minute 38, confirming the process and timeframes to progress the request of Tapuaetahi Inc for a precinct. Draft provisions, mapping and a supporting s32AA assessment were to be lodged by 14 November 2025, with Council feedback by 21 November 2025.

Expert conferencing between Mr Sanson, Mr McPhee (Tapuaetahi Inc Planners) and the Council reporting planner was scheduled for 28 November 2025, with final provisions and a joint witness statement to be lodged by 12 December 2025, as part of Hearing 17 (but reported on by the Panel in this recommendation report).

2.2 PDP Clause 16 and Other Amendments

2.2.1 Clause 16 Changes December 2025 – Amendment to Definition of ‘Māori Land’

On 19 December 2025, council issued a memorandum confirming the use of clause 16(2) of Schedule 1 of the RMA to correct minor, neutral errors in the PDP under delegated authority, without notification or effect on public rights. Matters with potential material effects were excluded.

The amendments corrected the PDP definition of ‘*Māori land*’ to apply only to ‘Māori customary land and Māori freehold land’ removing incorrect references to clause 129 of Te Ture Whenua Act, and with consequential changes to the Māori Purpose zone Overview. References to ‘*general and owned by Māori*’ were also removed to align with statutory terminology, and the original intent of the zone.

The PDP e-Plan and council website were updated accordingly.

2.3 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: Rezoning - Open Space Zones

There are two key issues under this topic being:

Key Issue 1: Rezoning requests for Open Space zones; and

Key Issue 2: Mapping Errors and Corrections

3.1 Key Issue 1: Rezoning Requests for Open Space Zones

3.1.1 Background

The Council's hearing report identifies that there are five submissions and 11 further submissions regarding rezoning requests, errors and omissions relating to the Open Space zones.

The Kapiro Conservation Trust (S442.170) and Pacific Eco-Logic (S451.026) submitted that some of the zoning does not provide adequate environmental protection and incentives for reserves or permanently covenanted land. The Kapiro Conservation Trust and Pacific Eco-Logic seek rezoning of the following land to 'Natural Open Space zone':

- a. Pipiroa wetland on the Russell Peninsula;
- b. Wairoro Park QE11 covenant on the Russell Peninsula ;
- c. Tangatapu wetlands; and
- d. The hillside with an FNDC covenant at the start of the walkway to Whangamumu from 717 Rawhiti Road.

The Council's hearing report identifies that the Natural Open Space zone has been applied in the PDP in accordance with the zone's purpose, which is to recognise and manage publicly owned land or land otherwise managed for long-term conservation purposes through public processes. The hearing report notes that:

- private land does not meet the criteria for the Natural Open Space zone;
- landowners of the land identified by the submitters have not requested rezoning;
- there are other planning and legal tools available to help protect natural values, such as the Reserves Act, the NPS and NES for Freshwater; and QEII covenants.

While Living Waters – Bay of Islands (S303.001) submits that some zoning fails to protect natural values, including areas under permanent conservation covenants and unformed

legal roads with ecological restoration obligations. Areas they identify include Wairoro Park, Tangatapu wetland, Omata Estate) and zoning anomalies near the Coastal Marine Area (e.g., Beechey 6 Street, Opua). They seek that these areas be rezoned to Natural Open Space zone.

The Council's hearing report considers that the submitter has incorrectly interpreted how legal roads are zoned and advises that this is set out in the 'How the Plan Works' Chapter in Part 1. Furthermore, the hearing report identifies that there is lack of district council jurisdiction to zone land below mean high water springs. Therefore, the hearing report recommends no blanket rezoning of land below mean high water springs.

With regard to Lot 1 DP 59479, Beechey Street, although zoning maps show the whole of this site as zoned Rural Production zone, the hearing report notes again that Council's jurisdiction does not extend below mean high water springs and that the zoning appears to be a mapping error. Therefore, the Rural Production zoning currently applied to Lot 1 DP 59479, Beechey Street, Opua, should be removed and that the land above the mean high water springs would be better rezoned to Mixed Use zone.

3.1.2 Hearings Panel Evaluation

We agree with the Council's hearing report recommendations for the reasons they have outlined, and as summarised above.

3.1.3 Hearings Panel Recommendations

The Hearings Panel recommends:

1. No changes to the zoning of land for those land areas identified by Kapiro Conservation Trust (S442.170) and Pacific Eco-Logic (S451.026).
2. No changes to the zoning of land for those land areas identified by Living Waters – Bay of Islands (S303.001), with the exception of Lot 1 DP 59479, Beechey Street.
3. That for Lot 1 DP 59479, Beechey Street, the area of land below mean high water springs is removed from the Rural Production zone, while the area of land above mean high water springs is rezoned to Mixed Use zone. This is also identified in **Appendix 3**.

Accordingly, the submissions and further submissions are accepted, accepted in part or rejected, as set out in **Appendix 4.3**.

3.2 Key Issue 2: Mapping Errors and Corrections

3.2.1 Background

Far North District Council in their submissions (S368.001 and 012) identify two mapping errors whereby operative 'conservation' zoning has not carried through into the Natural Open Space zone. These are:

- Parcel 4861315 (Mataka Station); and
- The application of the Natural Heritage Environment subzone within the Kauri Cliffs zone. The submitter agrees that this zone should be removed and replaced with the Natural Open Space zone.

While submission (S588.012) by Walter Hicks seeks to retain corrections to Natural Open Space zone errors as notified in Plan Variation 1.

3.2.2 Hearings Panel Evaluation

We agree with the Council's hearing report recommendations that mapping errors should be corrected for the reasons they have outlined.

3.2.3 Hearings Panel Recommendations

The Hearings Panel Recommends that:

1. Submissions S368.099 and S368.100 are accepted and the land parcel 4861315 (Mataka Station) is rezoned Natural Open Space. This is identified in **Appendix 3**.
2. Submission S368.001 by Far North District Council is accepted and the 'Natural Heritage Environment' subzone within the Kauri Cliffs zone is rezoned to Natural Open Space zone. This is identified in **Appendix 3**.
3. Submission S588.012 by Walter Hicks is accepted and the notified Plan Variation 1 Natural Open Space Zone related amendments are retained.

4. Topic 2: Rezoning - Special Purpose Zones and Precincts

4.1 Background – Special Purpose Zones

The PDP includes Special Purpose Zones (**SPZ**) to manage areas with distinct functions or values that cannot be appropriately addressed through standard urban or rural zones. These zones apply tailored provisions to ensure land use and development respond to their specific purpose and context.

This report addresses three Special Purpose zones:

- Māori Purpose zone - which supports the use and development of Māori land in a manner consistent with cultural values and kaitiakitanga;
- Kauri Cliffs zone - which provides for a nationally significant tourism destination; and
- Carrington Estate zone - which enables large-scale recreation (golf in particular) and resort related activities.

The zones were considered through separate hearings, with Hearing 15A addressing the Kauri Cliffs and Carrington Estate zones and Hearing 17 considering Māori Purpose zone matters for Tapuaetahi Incorporated (Tapuaetahi Inc) and Waitomo Papakāinga Development Society Incorporated (Waitomo Inc). As stated above, we have included all three special purpose zones in this recommendation report.

As outlined in section 2 above, the Hearings Panel established processes to support early engagement between submitters and council officers to clarify issues in advance of hearings and improve the workability of provisions. Hearing procedures were adjusted where necessary to respond to procedural matters, while maintaining the overall PDP programme.

This section provides the background context for the development and assessment of the Special Purpose zone provisions.

4.2 Special Purpose Zone Versus a Precinct

Through its interim guidance in Minute 23, the Panel clarified the distinct roles of Special Purpose zones and Precincts within the PDP. Special Purpose zones are intended for areas with a function or character that cannot be appropriately managed through standard zones and must meet the national criteria set out in section 8(3) of the National Planning Standards. Where those criteria are not met, a special purpose zone is not an appropriate planning tool.

In providing this guidance, the Panel signalled that where site specific or tailored management is required within an existing zone, a Precinct is the preferred mechanism. A Precinct enables additional, place specific provisions to sit within an underlying zone, rather than creating a new standalone zone.

This distinction is directly relevant to the consideration of Māori Purpose zone rezoning requests.

Where the planning outcomes sought can be achieved through precinct-based provisions within an existing zone, and the criteria for a special purpose zone are not satisfied, a precinct provides a more appropriate and proportionate planning response.

5. Topic 3: Māori Purpose Zone

5.1 Procedural Matter

5.1.1 Pre-Hearing Engagement with Submitters

Informal pre-hearing engagement was undertaken with submitters whose submissions are assessed in this hearing report, including matters deferred from earlier hearings.

This engagement included an informal online hui on 4 June 2025 with Waitomo Inc (S418.001) and its planning consultant, Mr B Hood, which focused on clarifying the PDP definitions of Māori land and papakāinga as they apply to their subject site.

The report also considers Māori Purpose zone submissions deferred from Hearing 15A to Hearing 17 (Minute 27), submissions from Tapuaetahi Inc (S407.004 and S407.005) considered at Hearing 10, and a submission from Te Aupōuri Commercial Development Limited (S339.058) seeking a Treaty Settlement overlay at 5891 Far North Road, Ngataki, also considered at Hearing 10.

This engagement assisted in clarifying submission scope and planning issues and informed the assessment of Māori Purpose zone rezoning and precinct based outcomes.

5.1.2 Post-Hearing Engagement with Submitter Tapuaetahi Incorporated

On 10 November 2025, the Panel issued Minute 38 confirming the process and timeframes to progress the request from Tapuaetahi Inc to apply a precinct to its land. This process included the preparation of draft precinct provisions, mapping, and a supporting section 32AA evaluation, followed by council review and expert conferencing.

Expert conferencing between Tapuaetahi Inc and Council planners occurred on 27 November 2025. Outstanding matters arising from that process are addressed in the right of reply, with the agreed final provisions and a joint witness statement provided as Appendix 1 to the Hearing 17 Tangata Whenua Matters right of reply.

5.2 Overview of Submissions Received

For Hearing 17, Tangata Whenua matters, a total of 21 original submissions and 5 further submissions were received.

These submissions covered several related topics, with some submitters asking for land to be rezoned as Māori Purpose zone or for a new zone to be created. Others supported the zoning already notified in the Plan. There were also requests to apply the Treaty Settlement Land Overlay, to add or change Areas of Interest mapping, and to make Site specific rule changes.

Overall, the submissions raised a range of views on how Māori land and interests should be recognised and managed in the PDP.

5.3 Key Issues

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

Key Issue 1: Māori Purpose Zone, Development Area or Tapuaetahi Precinct

Key Issue 2: Rezoning of Land from Rural Production Zone to Māori Purpose Zone - Waitomo Papakāinga Development Society Incorporated

The right of reply addresses the outstanding matters raised through these submissions. We have followed a logical structure in our assessment, evaluation and recommendations.

5.4 Key Issue 1 –Māori Purpose Zone, Development Area or Tapuaetahi Precinct

5.4.1 Matters Raised in Submissions

The submissions of Tapuaetahi Inc (S407.003; .004; and .005) for their Te Tii land holdings on Taonui Road and 1007-1009 Purerua Road, Kerikeri sought amendments to the Māori Purpose zone (**MPZ**) to better reflect the coastal environment with both mixed residential and rural character. The submitter noted that the current urban-rural distinction for their Te Tii landholdings is unclear.

The hearing report recommended to accept the submission in part, by inserting a new Tapuaetahi Papakāinga Development Area chapter and amending rule MPZ-R5 Papakāinga to enable up to 20 residential units as a permitted activity where undertaken in accordance with an approved concept plan. Mr Sanson in rebuttal evidence agreed in principle with the council officer's approach for a Development Area. However, he did not see a difference in the environmental effects between the rule MPZ-R4 Residential activity (except for Papakāinga) and rule MPZ-R5 Papakāinga as both involve building dwellings and generate similar impacts, such as traffic and servicing needs.

During Hearing 17, Mr Sanson sought alternative relief by proposing that a 'Precinct' be applied to part of the Tapuaetahi Inc landholdings. This approach was supported by the hearings panel and council officers present in the hearing, subject to the process

requirements and timeframes outlined in Minute 38 (issued 10 November 2025). The Chair and other members of the hearing panel had the opportunity earlier to visit the site.

Expert conferencing on the proposed Tapuaetahi Precinct was held on 27 November 2025. Mr Sanson provided a proposed precinct map and provisions, supported by an evaluation. Areas of agreement and disagreement were recorded in a Joint Witness Statement appended as Appendix 1 to the right of reply and in accordance with Minute 38. For reference, the Joint witness statement (JWS) included the following:

- Attachment 1 – Record of areas of agreement between the parties.
- Attachment 2 – Recommended Precinct Map (agreed extent of Tapuaetahi Precinct).
- Attachment 3 – Areas of contention or disagreement between the parties.
- Attachment 4 – Requested subdivision provisions (by the submitter).
- Attachment 5 – Recommended Tapuaetahi Precinct Provisions (See Attachment 1 Record of areas of agreement with parties)

The recommended Precinct map defines Precinct A as the established coastal residential area and Precinct B as the future development area within the rural surrounds (with the balance of the Te Tii landholdings remaining as Māori Purpose zone - Rural). The agreed Tapuaetahi Precinct provisions include an overview, objectives, policies, rules and standards, together with a consequential amendment to the Coastal Environment overlay to provide a reduced 10m setback from MHWS within Precinct A. All parties agreed to the precinct mapped extent, provisions and the proposed setback exemption.

The right of reply identified the remaining issue is whether the original submissions provide scope to amend subdivision policies and rules within Chapter 16 Subdivision for the Tapuaetahi Precinct. While the reporting officers view is that scope does not exist, the right of reply report included proposed subdivision provisions should the Panel determine that scope is available.

The right of reply report recommended a new Tapuaetahi Precinct to be included in the PDP under the Māori Purpose zone heading, with provisions set out in Appendix 1 of the report.

5.4.2 Hearings Panel Evaluation

The submissions of Tapuaetahi Inc sought amendments to the Māori Purpose zone to better reflect the mixed coastal residential and rural character of the Te Tii landholdings and to enable more flexible housing and papakāinga outcomes.

The hearing report recommended a standalone Tapuaetahi Papakāinga Development Area and amendment to rule MPZ-R5 Papakāinga to permit up to 20 units subject to a concept plan. While this acknowledged the need for a site specific response, a Development Area is not considered to be the most appropriate planning mechanism. Development areas are typically transitional, plan-led overlays suited to staged greenfield growth and may sit outside the core zone framework. In this case, the land is already developed in part, and the issue is refinement of how the Māori Purpose zone applies, rather than managing a new growth front.

A precinct is the preferred approach. A precinct refines the underlying zone through tailored objectives, policies, rules and standards while maintaining alignment with the

National Planning Standards and overall plan structure. It provides an enduring and integrated framework, avoids duplication, and ensures density, servicing, transport, and coastal matters are managed coherently within the zone. This approach was supported through expert conferencing and is reflected in the agreed precinct extent and provisions appended to the right of reply.

The outstanding issue is the scope to include subdivision provisions within Chapter 16 Subdivision to implement the precinct framework. Although subdivision was not expressly referenced in the original relief, increased residential density and flexibility for papakāinga development outcomes, in practical terms, necessitates subdivision to give practical effect to the precinct. Precincts operate as integrated frameworks, with land use and subdivision provisions to align to deliver the intended outcomes.

The submitter proposed subdivision provisions which the Panel considers appropriate. This inserts provisions for the Tapuaetahi Precinct into the Subdivision Chapter as a controlled activity under SUB-R3, with defined standards, including minimum allotment sizes and limited matters of control. This ensures subdivision is assessed in a focused and proportionate manner and aligns with infrastructure and servicing standards and gives practical effect to the precinct framework. Without these provisions, subdivision would default to the underlying Māori Purpose zone framework, undermining the effectiveness of the precinct.

In this context, the subdivision provisions are within scope because they implement, rather than extend, the relief sought. Also, the right of reply confirms that the remaining issue is one of 'scope', rather than 'planning merit'.

For these reasons, the Hearings Panel rejects in part the standalone Development Area approach. We instead accept the council officer's revised approach and recommendation to incorporate a new Tapuaetahi Precinct supported by aligned subdivision provisions in the Subdivision Chapter, as the most appropriate, coherent and enduring planning response, and consistent with the way other precincts are structured in the PDP. We note this approach is also consistent with the approach set out in section 4.5 of the **Preamble Report**

5.4.3 Hearings Panel Recommendations

For the reasons above, we recommend that, part of the submissions (S407.003, 407.004 and 407.005) from Tapuaetahi Inc for the approach for a proposed Tapuaetahi Papakāinga Development Area within the Māori Purpose zone is rejected.

We recommend that the submissions (S407.003, 407.004 and 407.005) from Tapuaetahi Inc seeking alternative relief for a new Tapuaetahi Precinct are accepted and that a new Tapuaetahi Precinct is included in the proposed plan with provisions as set out in **Appendix 2.3**.

We recommend the inclusion of a new Tapuaetahi Precinct map as identified in **Appendix 3**.

We recommend introducing new subdivision provisions in the Subdivision Chapter for the Tapuaetahi Precinct, including a specific Tapuaetahi Precinct subdivision rule and controlled activity framework, to give effect to the relief sought by Tapuaetahi Inc for their Te Tii landholdings. This is as follows:

SUB-R3

Tapuaetahi Precinct	<p>Activity Status: Controlled</p> <p><u>Where:</u></p> <p>CON-1 1. The subdivision complies with standards: SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 Telecommunications and power supply; and SUB-S7 Easements for any purpose.</p> <p>CON-2 1. The subdivision complies with standards: SUB-S1 Minimum allotment sizes.</p> <p>Matters of control are limited to: a. Matters of control in SUB-R3.</p>	<p>Activity status where compliance not achieved: Discretionary</p>
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SUB-S1

<u>Tapuaetahi Precinct Area A</u>	<u>600m²</u>	<u>N/A</u>
<u>Tapuaetahi Precinct Area B</u>	<u>3,000m²</u>	<u>1,000m²</u>

We also recommend including a consequential amendment to the Coastal Environment overlay standard CE-S4 (Setbacks from MHWS) as set out below to ensure alignment with, and to give effect to, the Tapuaetahi Precinct provisions. The recommended amendments to CE-S4 are to add an exemption to MHWS exemption standard as follows:

8. *To buildings and structures within Tapuaetahi Precinct Area A where a 10 metre setback from MHWS is provided.*

For the reasons set out in our evaluation above, and in brief, the inclusion of Tapuaetahi Precinct provisions, a precinct-specific subdivision rule, and related amendments to the Subdivision Chapter, is necessary to implement the intended residential and papakāinga outcomes sought and is supported on planning merits.

5.5 Key Issue 2 – Rezoning of Land from Rural Production Zone to Māori Purpose Zone - Waitomo Papakāinga Development Society Incorporated

5.5.1 Matters Raised in Submissions

Submission 418.001 Waitomo Papakāinga Development Society Incorporated (Waitomo Inc) sought rezoning of land at 684 Kaitaia-Awaroa Road, Pukepoto (Lot 1 DP434436, approx. 8ha), from Rural Production zone to Māori Purpose zone to enable papakāinga and support Māori cultural outcomes.

The hearing report identified the key issue as the PDP definition of 'Māori land', which relied on s129 of Te Ture Whenua Māori Act 1993, and includes General land owned by Māori, whereas the Māori Purpose zone is intended to apply only to Māori customary land and Māori freehold land, consistent with the Māori Purpose zone policy intent. The report advises, while papakāinga is provided for in the Rural Production zone, addressing the concerns of Waitomo Inc would require changes to plan definitions beyond the scope of submissions. The hearing report recommended declining the rezoning request.

At Hearing 17, Waitomo Inc Planning consultant, Mr Hood, presented evidence in support of the rezoning request and sought consequential amendments to enable the Māori Purpose zone and papakāinga provisions to apply to General land. This was based on asserted inconsistencies between the PDP, National Planning Standards and councils intended application of the provisions.

The right of reply report records that no site-specific development detail was provided. It concludes that the matters raised are framework and policy issues, rather than site specific planning justification for rezoning, and notes that the rezoning sought would undermine the intent of the Māori Purpose zone and create district-wide precedent. The report further concludes that these issues are more appropriately addressed through plan framework amendments and existing papakāinga provisions in the Rural Production zone and forthcoming national standards. The report recommended the Waitomo Inc rezoning request be rejected.

5.5.2 Hearings Panel Evaluation

The reporting officer has provided helpful clarification that the Māori Purpose zone is intended to apply to Māori customary land and Māori freehold land. This clarification establishes the appropriate framework for assessing the rezoning request and its consistency with the structure of the PDP and the original policy intent of the zone.

In considering the matters raised, the Panel has had regard to district-wide implications and precedent, including the treatment of comparable rezoning requests on General land. The Panel also notes that alternative planning tools could not be meaningfully assessed due to insufficient information. Definition inconsistencies within the PDP are more appropriately addressed through clause 16(2) amendments, which correct the definition of 'Māori land' and align the Māori Purpose zone Overview with statutory terminology and intent. The Panel further notes that papakāinga development is already enabled within the Rural Production zone and is expected to be further supported through forthcoming national direction. Overall, the matters raised do not establish site specific planning basis for rezoning and are more appropriately addressed through plan framework amendments rather than by extending the Māori Purpose zone to General land.

The Panel has considered the rebuttal evidence of Mr Hood. While some points raise broader policy considerations, these are not determinative of the rezoning request and are more appropriately addressed through plan-wide processes rather than through site specific zoning.

Use-Based Versus Tenure-Based Application of the Māori Purpose Zone

The National Planning Standards provide a general, use-based description of the Māori Purpose zone but do not require Councils to apply the zone to all land used for Māori

purposes regardless of tenure. The PDP applies the Māori Purpose zone to Māori customary land and Māori freehold land, while enabling Māori activities, including papakāinga, through other zones and provisions.

The Panel considers the PDP tenure-based approach provides a clear and workable framework, aligns with Te Ture Whenua Māori Act 1993, clause 4, “**Māori land** means Māori customary land and Māori freehold land”, and appropriately provides for Māori uses on General land through alternative planning pathways. On this basis, the Panel finds the National Planning Standards are sufficiently flexible to support the approach of the PDP.

For the reasons set out above, the Panel agrees with the Council’s hearing report analysis and confirms the tenure-based application of the Māori Purpose zone in the PDP.

Definition Consistency Within the PDP

At notification, the PDP included a broader definition of “Māori land” than intended, while the Māori Purpose zone was always intended to apply only to Māori customary land and Māori freehold land. This created an internal inconsistency and uncertainty for plan users, as identified in the evidence.

Council has addressed this through clause 16(2) amendments by updating the definition of ‘Māori land’ and the Māori Purpose zone Overview so that they clearly reflect the intended tenure-based application of the zone. While the original policy intent was clear, the earlier drafting lacked sufficient clarity. The amendments resolve this issue by restoring internal consistency without changing the policy direction.

For the reasons set out above, the Panel agrees with the reporting officer analysis and confirms that the clause 16(2) amendments appropriately resolve the definition inconsistency and supports the intended tenure-based application of the Māori Purpose zone.

Scope of Amendments to Core Definition

From a retrospective planning perspective, changing a core definition such as ‘Māori land’ through a site-specific rezoning would have affected the operation of the Māori Purpose zone across the entire district, not just the Waitomo Inc site. While consequential amendments can sometimes be appropriate, this situation demonstrates that changes to core definitions are plan-wide matters, rather than a localised adjustment.

Addressing the drafting issue through clause 16(2) and reserving any broader changes for future plan-wide processes, has resulted in a clearer and more transparent outcome. This approach has avoided unintended district-wide effects, maintained the integrity of the Schedule 1 process, and ensured that other landowners and iwi/hapū retained the opportunity to participate.

For the reasons set out above, the Panel agrees with the reporting officer analysis and finds that changes to core definitions are more appropriately addressed through clause 16(2) and future plan wide processes, rather than as consequential to a site specific rezoning.

Enabling Papakāinga Outside the Māori Purpose Zone

The PDP provides for papakāinga as a cultural and community activity and enables it within the Rural Production zone and on General land where specified criteria such as ancestral

connection, are met. Evidence from the hearings confirms that papakāinga is not limited to the Māori Purpose zone and that consenting pathways are available for Māori organisations outside that zone.

From a planning perspective, this approach has enabled papakāinga development to proceed without extending the Māori Purpose zone to General land. While the Waitomo Inc submission raises concerns about clarity and perceived equity, these matters indicate a need for clearer guidance and monitoring to improve implementation, rather than a change to the core policy framework.

For the reasons set out above, the Panel agrees with the reporting officer analysis and confirms that papakāinga can be enabled without extending the Māori Purpose zone to General land.

RMA Part 2 and Te Tiriti o Waitangi Considerations

In practice, the PDP gives effect to Part 2 of the RMA and Te Tiriti principles through the Māori Purpose zone, Māori specific overlays and policies, and provisions that enable papakāinga and Māori land development in other zones. This framework has enabled Māori landowners to exercise kaitiakitanga and develop their land, particularly on Māori customary land and Māori freehold land. Limiting the Māori Purpose zone to these land tenures maintains a clear link with Te Ture Whenua Act 1993 and provides certainty.

Submissions such as Waitomo Inc indicate a need to monitor how this framework operates for Māori organisations on General land. Overall, the PDP framework provides multiple pathways for Māori development, but the evidence highlights the importance of ongoing monitoring and, where necessary, refinement of plan provisions or guidance to ensure Māori with ancestral connections to General land are not disadvantaged in practice and that sections 6(e), 7(a) and 8 of the RMA are given practical effect over time.

For the reasons set out above, the Panel agrees with the reporting officer's analysis and finds that the PDP gives effect to Part 2 and Te Tiriti principles without extending the Māori Purpose zone to General land.

Overall, for the reasons set out in the evaluation above, the Panel agrees with the hearing report recommendation that the rezoning request to extend the Māori Purpose zone to General land be rejected.

5.5.3 Hearings Panel Recommendations

The Hearings Panel recommends that the submission of Waitomo Papakāinga Development Society Incorporated (S418.001) requesting a rezoning of land is accepted in part and rejected in part for the reasons including that, the Māori Purpose zone is intended for Māori customary and Māori freehold land; papakāinga is already enabled on General land; and extending the Māori Purpose zone would create wider district implications better addressed through plan wide processes.

6. Topic 4: Kauri Cliffs Zone

6.1 Relevant Provisions

The submissions cover the full range of the Kauri Cliffs zone provisions in the PDP, noting this is part of a range of Special Purpose zones.

6.2 Background

6.2.1 Procedural Matter

Waiaua Bay Farms Ltd (**WBF**) (S463) opted into the reverse timetable for rezoning submissions set out in Minute 14 of the Hearings Panel to support the proposed Kauri Cliffs zone, including sub-zones and provisions. This process enabled WBF to provide updated planning evidence, including revised sub-zone mapping, amended Kauri Cliffs zone provisions, a Kauri Cliff Development Concept and Master Plan with supporting technical assessments, and an assessment against the Minute 14 criteria. Following the lodgement of WBF evidence on 5 May 2025, council officers engaged with WBF through initial discussions, a joint site visit and follow up correspondence to clarify and respond to matters raised.

The hearing report confirms that the Council obtained independent technical reviews of the evidence provided by WBF, including archaeological, ecological, geotechnical, and landscape advice. The technical reviews were attached as Appendices to the hearing report.

6.3 Overview of Submissions Received

A total of 24 original submissions and 32 further submissions were received on the Kauri Cliffs zone (Special Purpose zone) topic.

As set out in the hearing report the main submissions on the Kauri Cliffs zone (Special Purpose zone) topic came from:

- (a) Waiaua Bay Farms Ltd (**WBF**) (S463) who are the owners of the Kauri Cliffs landholding to which the Kauri Cliffs zone applies.
- (b) Iwi submitters, including Haititaimarangai Marae Kaitiaki Trust (S394) and Te Rūnanga o Ngāti Rēhia (S559).
- (c) Organisations making general submissions on the PDP zone chapters, including Transpower (S454) and Fire and Emergency New Zealand (FENZ)(S512).

Moanna Kiff (FS91) is a further submitter in opposition to the Kauri Cliffs zone and has filed supporting evidence from Te Whanaunui o Waiaua o Ngati Kura and presented that evidence at the hearing.

6.4 Key Issues

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

- Key Issue 1: Kauri Cliffs - No cultural trigger
- Key Issue 2: Kauri Cliffs - Standards KCZ-S1 and KCZ-S2

- Key Issue 3: Kauri Cliffs - Overview – Master Plan reference
- Key Issue 4: Kauri Cliffs - Incorrect Mapping
- Key issue 5: Hearing 16 - Subdivision – Kauri Cliffs SUB-R20.

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

6.5 Key Issue 1: Kauri Cliffs Zone - No Cultural Trigger

6.5.1 Matters Raised in Submissions

WBF (S463) engaged with relevant iwi and hapū through information sharing, technical discussions, and a site visit, including Te Rūnanga o Whaingaroa, Ngāti Kura, Te Whanaunui o Waiaua, Te Rūnanga o Ngāti Rehia, and Matauri X Inc. Mr Tuck’s evidence records no significant cultural effects concerns in principle and general support for the Kauri Cliffs zone reconfiguration. Matters raised focussed on implementation including cultural impact assessments (**CIA**), water protection and supply, consideration of a rāhui, ecological enhancement, and ongoing iwi/hapū collaboration through consents and monitoring.

Te Whanaunui o Waiaua (S491) oppose the proposal, citing insufficient disclosure and consultation for a large master-planned subdivision (up to 60 lots) and potential effects on the whenua and moana. They sought stronger recognition of mana whenua values and the completion of a CIA before further development. Mr Tuck’s evidence confirmed that a restricted discretionary, non-notified 60-lot subdivision is enabled in the Operative District Plan and that the proposal reconfigures the site, rather than expands development rights. Mr Tuck’s evidence advised feedback was sought but not provided and WBF did not support the further submission.

At the hearing both verbal and written rebuttal evidence was presented by Moana Kiff (FS91), a mana whenua representative of Te Whanaunui o Waiaua, affiliated with Ngāti Kura and Ngāti Torehina. Ms Kiff presented further submitter evidence from a kaitiaki perspective, emphasising whakapapa connections to Waiaua Bay, the absence of a CIA, consultation concerns, and risks to unrecorded sites of significance, and seeking a Treaty consistent process.

The Council’s right of reply acknowledges the cultural significance of Waiaua Bay to Ngāti Kura and identified a gap in the Kauri Cliffs zone provisions. The right of reply recommends a targeted policy addition cross-referencing Policy TW-P6 to require consideration of tangata whenua values and the use of a CIA, where appropriate, improving consistency across the Plan.

The report proposes the following new policy “KZC-PX” to be included at the end of the policies in the KCZ chapter as follows:

KCZ-PX

When assessing and managing the effects of land use and subdivision within the Kauri Cliff zone, consider any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.

The report concludes the proposed policy would ensure cultural values are considered, prompt a CIA, and align the Kauri Cliffs zone with the rest of the PDP. The report recommends the inclusion of a new policy worded as above.

6.5.2 Hearings Panel Evaluation

We consider WBF has undertaken a reasonable level of engagement with the relevant iwi and hapū for the rezoning stage, including Te Runanga o Whaingaroa, Ngāti Kura, Te Whanaunui o Waiaua, Te Rūnanga o Ngāti Rehia, and Matauri X Inc. From a statutory planning perspective, a restricted discretionary, non-notified 60-lot subdivision has been anticipated within the operative planning framework, and the proposal to reconfigure the Kauri Cliffs zone rather than introducing additional development yield. In this context, the cultural effects concerns raised do not, in our assessment, warrant declining the rezoning of subzones in principle.

At the same time, we acknowledge Waiaua Bay and the wider Kauri Cliffs area as a highly significant cultural landscape, with strong and enduring tangata whenua relationships to whenua, wai, wāhi tapu, and other taonga. The issues raised by Te Whanaunui o Waiaua and by Ms Kiff, particularly around the absence of a CIA, the adequacy of consultation, and the risk to unrecorded sites, highlights a legitimate concern that future development may proceed without cultural values given sufficient weight in decision-making.

In our view, the core planning gap sits within the Kauri Cliffs zone provisions themselves. The Kauri Cliffs zone currently lacks a clear, zone specific trigger to apply the Tangata Whenua chapter to require decision-makers to actively manage cultural effects. Therefore, we support the Council’s right of reply recommendation for a new Kauri Cliffs zone policy that expressly links to TW-P6, but we consider wording that only requires decision-makers to “consider ...” cultural associations to be weak for a zone enabling substantial development. We therefore propose the following amended new policy wording:

KCZ-PX

Ensure that land use and subdivision within the Kauri Cliff zone recognises and provides for tangata whenua historical, spiritual, and cultural associations, having regard to the matters in Policy TW-P6.

This wording requires effects on cultural values to be managed, elevates tangata whenua associations as a core Kauri Cliffs zone consideration, provides a clear trigger to apply TW-P6 (including a CIA where appropriate), and improves integration between the Kauri Cliffs zone and Tangata Whenua chapter. With this strengthening, we consider the rezoning (by way of reconfiguration of the Kauri Cliffs zone) can proceed while better giving effect to tangata whenua values through subsequent consenting and subdivision processes.

Accordingly we have amended the wording of the proposed new policy.

6.5.3 Hearings Panel Recommendations

That the submissions by Waiaua Bay Farms Ltd (S463) and by Moana Kiff (FS91) as a mana whenua representative of Te Whanaunui o Waiaua, affiliated with Ngāti Kura and Ngāti Torehina are accepted in part and the following new policy ‘KCZ-PX’ wording is included to acknowledge the submission relief from Ms Kiff:

KCZ-PX

Ensure that land use and subdivision within the Kauri Cliff zone recognises and provides for tangata whenua historical, spiritual, and cultural associations, having regard to the matters in Policy TW-P6.

The recommended policy and wording provides a clear, directive, and outcomes focussed framework that ensure tangata whenua values are recognised and Policy TW-P6 is consistently applied.

6.6 Key Issue 2: Kauri Cliffs - Standards KCZ-S1 and KCZ-S2

6.6.1 Matters Raised in Submissions

Submission (S463) from Waiaua Bay Farms Ltd (**WBF**) sought increased permitted building scale in the Lodge sub-zone, opposing the 25m² GFA limit and seeking 350m² GFA. The WBF Planner, Mr Tuck agreed the existing limit was inadequate and recommended a 300m² GFA, aligning with Coastal Environment provisions and recognising the Lodge sub-zone as the primary activity hub. Mr Tuck also proposed amendments to standard KCZ-S1 to better align with the Coastal Environment, along with clearer and broader matters of discretion covering landscape and visual effects, land stability, and servicing and infrastructure. Amendments to KCZ-S2 were also recommended to ensure consistency within KCZ-S1.

The hearing report supported these amendments, finding they appropriately align standard KCZ-S1 with the Coastal Environment provisions through revised height, GFA, and design standards, and endorsed the expanded matters of discretion. The hearing report also supported the aligned amendments to standard KCZ-S2 to improve clarity and workability. The hearing report recommended to accept the submission in part.

The council right of reply confirmed that remaining issues were largely minor drafting matters and supported their inclusion in the recommended amendments. It also confirmed support for the more substantive changes to matters of control and discretion, noting these better address landscape and natural character effects and are supported by Council landscape evidence and specialist advice. Accordingly, the right of reply recommended this position be adopted.

6.6.2 Hearings Panel Evaluation

The submission and subsequent expert, hearing, and right of reply evidence demonstrate a coherent and robust reasoned approach to refining standards KCZ-S1 and KCZ-S2, particularly through aligning building scale, height and design controls within the Coastal Environment provisions and strengthening matters of discretion to address landscape, natural character, land stability, and infrastructure effects. These amendments are logically supported by evidence and improve clarity, consistency, and workability, justifying the recommendation to accept the submission in part.

However, a clear gap remains in the matters of discretion, which do not explicitly recognise or provide for tangata whenua cultural values, despite the expanded scope of assessment. This omission limits the ability of the standards to fully implement the proposed policy KCZ-PX, which requires land use and subdivision to recognise and provide for tangata whenua historical, spiritual and cultural associations, having regard Policy TW-P6. Without explicit reference to cultural values, the matters of discretion risk remaining technically focused and incomplete from a planning perspective.

To address this gap, the KZC-S1 and KCZ-S2 Matters of discretion, specifically clauses (c) and (d) in both standards should be amended to explicitly include consideration of ‘cultural values’, alongside the archaeological and ecological values. This would ensure the standards function as an effective implementation tool for KCZ-PX, enable culturally informed assessment at the consent stage, and provide decision-makers with clear direction to consider cultural effects alongside landscape, natural character, and technical matters. The amendments to the Matters of discretion are as follows:

KCZ-S1 Buildings or Structures

Where the standard is not met, matters of discretion are restricted to:

- a. the extent to which mitigation measures appropriately manage potential adverse effects on the characteristics, qualities and values of the landscapes and natural character within the Kauri Cliffs zone;*
- b. the means of integrating the building(s) or structure(s) into the landscape, including the use of indigenous planting;*
- c. the extent to which the proposal avoids, remedies or mitigates adverse effects, on any archaeological, cultural or ecological values;*
- d. the extent to which any proposed measures will result in the protection and enhancement of the archaeological, cultural or ecological values of the area;*
- e. the character and appearance of new building(s) or structure(s) and the extent to which they will be compatible with the principal activity on the site and with other buildings in the same sub-zone;*
- f. the stability of land, buildings and infrastructure; and*
- g. servicing and infrastructure requirements.*

KCZ-S2 Coverage

Where the standard is not met, matters of discretion are restricted to:

- a. the extent to which mitigation measures appropriately manage potential adverse effects on the characteristics, qualities and values of the landscapes and natural character within the Kauri Cliffs zone;*
- b. the means of integrating the building(s) or structure(s) into the landscape, including the use of indigenous planting;*
- c. the extent to which the proposal avoids, remedies or mitigates adverse effects, on any archaeological, cultural or ecological values;*
- d. the extent to which any proposed measures will result in the protection and enhancement of the archaeological, cultural or ecological values of the area;*
- e. the character and appearance of new building(s) or structure(s) and the extent to which they will be compatible with the principal activity on the site and with other buildings in the same sub-zone.*
- f. the stability of land, buildings and infrastructure; and*
- g. servicing and infrastructure requirements.*

We find that these amendments are necessary to achieve internal consistency between policy and standards, strengthen Treaty responsiveness, and support robust and integrated decision making within the Kauri Cliffs zone framework.

Accordingly, we find agreement and accept the advice of the hearing reports in making our recommendation and that the WBF submission S463 be accepted in part, and that the matters of discretion in KCZ-S1 and KCZ-S2 be amended to incorporate explicit consideration of tangata whenua cultural values, ensuring effective implementation of Policy KCZ-PX and alignment with Policy TW-P6.

6.6.3 Hearings Panel Recommendations

That standards KCZ-S1 and KCZ-S2 and their associated matters of discretion are amended to acknowledge the submission relief of Waiaua Bay Farms Ltd (S463) and Ms Kiff (FS91), a mana whenua representative of Te Whanaunui o Waiaua, affiliated with Ngāti Kura and Ngāti Torehina. The recommended amendments improve clarity, internal consistency, and effective implementation of the Kauri Cliffs zone framework. The recommended amendments are as follows:

KCZ-S1 Buildings or Structures

Where the standard is not met, matters of discretion are restricted to:

- a. the extent to which mitigation measures appropriately manage potential adverse effects on the characteristics, qualities and values of the landscapes and natural character within the Kauri Cliffs zone;*
- b. the means of integrating the building(s) or structure(s) into the landscape, including the use of indigenous planting;*
- c. the extent to which the proposal avoids, remedies or mitigates adverse effects, on any archaeological, cultural or ecological values;*
- d. the extent to which any proposed measures will result in the protection and enhancement of the archaeological, cultural or ecological values of the area;*
- e. the character and appearance of new building(s) or structure(s) and the extent to which they will be compatible with the principal activity on the site and with other buildings in the same sub-zone;*
- f. the stability of land, buildings and infrastructure; and*
- g. servicing and infrastructure requirements.*

KCZ-S2 Coverage

Where the standard is not met, matters of discretion are restricted to:

- a. the extent to which mitigation measures appropriately manage potential adverse effects on the characteristics, qualities and values of the landscapes and natural character within the Kauri Cliffs zone;*
- b. the means of integrating the building(s) or structure(s) into the landscape, including the use of indigenous planting;*
- c. the extent to which the proposal avoids, remedies or mitigates adverse effects, on any archaeological, cultural or ecological values;*

- d. *the extent to which any proposed measures will result in the protection and enhancement of the archaeological, cultural or ecological values of the area;*
- e. *the character and appearance of new building(s) or structure(s) and the extent to which they will be compatible with the principal activity on the site and with other buildings in the same sub-zone.*
- f. *the stability of land, buildings and infrastructure; and*
- g. *servicing and infrastructure requirements.*

6.7 Key Issue 3: – Overview section - Master Plan Reference

6.7.1 Matters Raised in Submissions

The hearing report and Council right of reply note that the Master Plan submitted with Mr Tuck's Planning evidence had been useful in understanding the feasibility of potential future development. However, as it is a concept level and evolving document, it is not intended to guide or control future proposals. Accordingly, it should not be referenced or required within the Kauri Cliffs zone Chapter. Instead, it can continue to inform detailed design and assessment at the resource consent stage including consideration of cultural values. The hearing report recommends to reject any reference of the Kauri Cliffs Master Plan within the Kauri Cliffs zone chapter.

6.7.2 Hearings Panel Evaluation

The Council right of reply considered the matter on referencing the Kauri Cliffs Master Plan within the Kauri Cliffs zone to be unsuitable for the following reasons:

- **Non-statutory status:** the Master Plan is not a statutory document and was prepared to test feasibility rather than to set regulatory requirements. Referencing it in the PDP would risk giving it unintended legal weight.
- **Concept level and evolving:** the Master Plan is a high-level and 'living' document that is expected to change as further technical, cultural and design work is undertaken. Plan provisions should not rely on material that is not fixed or final.
- **Not intended to determine consents outcomes:** the Master Plan was not prepared to guide or control future resource consent applications. Including it in the PDP could inappropriately constrain future design responses or limit the ability to respond to site specific effects.
- **Risk of reduced flexibility:** referencing the Master Plan could limit adaptive design outcomes and constrain consideration of updated information, including cultural values and technical assessment, at the consenting stage.
- **Best practice approach:** consistent with best planning practice, concept and feasibility material should inform, but not be embedded within Plan provisions. The Master Plan is best used as background information to support detailed, up to date assessment through future resource consent processes.

We gave the matter some consideration and asked a number of questions of Mr Tuck and Mr Goodwin regarding its usefulness as a guiding document, even if only referred to in the Kauri cliffs zone Overview statement. Overall, we were satisfied with the responses given

and accordingly, we agree with the hearing report recommendation that the Kauri Cliffs Master Plan should not be referenced in the Kauri Cliffs zone. Therefore we reject this aspect of the submission.

6.7.3 Hearings Panel Recommendation

That any referencing of the Kauri Cliffs Master Plan within the Kauri Cliffs zone as presented by Waiaua Bay Farms Ltd (S463) be rejected.

6.8 Key Issue 4: Kauri Cliffs Zone- Mapping Error

6.8.1 Matters Raised in Submissions

WBF sought changes to the Kauri Cliffs zone, sub-zone configuration and mapping, noting the Kauri Cliffs zone is a bespoke Special Purpose zone with evolving development needs. WBF considered a simple rollover of the Operative District Plan provisions was inappropriate and sought reconfiguration of the Golf Living, Lodge, and Golf Playing sub zones. The proposed changes were detailed in the submission and planning evidence of Mr Tuck, supported by indicative master planning identified to demonstrate rezoning feasibility rather than detailed design. The hearing report supports the Kauri Cliffs zone, sub-zone reconfiguration, subject to environmental effects within the Coastal Environment overlay being managed through plan provisions and future consenting and recommended amending the Kauri Cliffs zone sub-zone configuration as set out in Appendix 2 of Mr Tuck's evidence.

During the hearing Mr Tuck raised an outstanding matter regarding a minor mapping error in the PDP, Planning Map 22, which illustrated a portion of the 'Golf Playing Sub-zone' incorrectly zoned as Rural Production zone as illustrated in **Figure 1** below. The hearing report did not address the mapping error where this land is incorrectly zoned Rural Production, instead of the Kauri Cliffs zone (Special Purpose Zone). The Council right of reply confirmed and recommended that the mapping issue identified by Mr Tuck be corrected as it is inconsistent with the Operative District Plan and there was no intent to rezone this part of the Kauri Cliffs zone to the Rural Production zone.

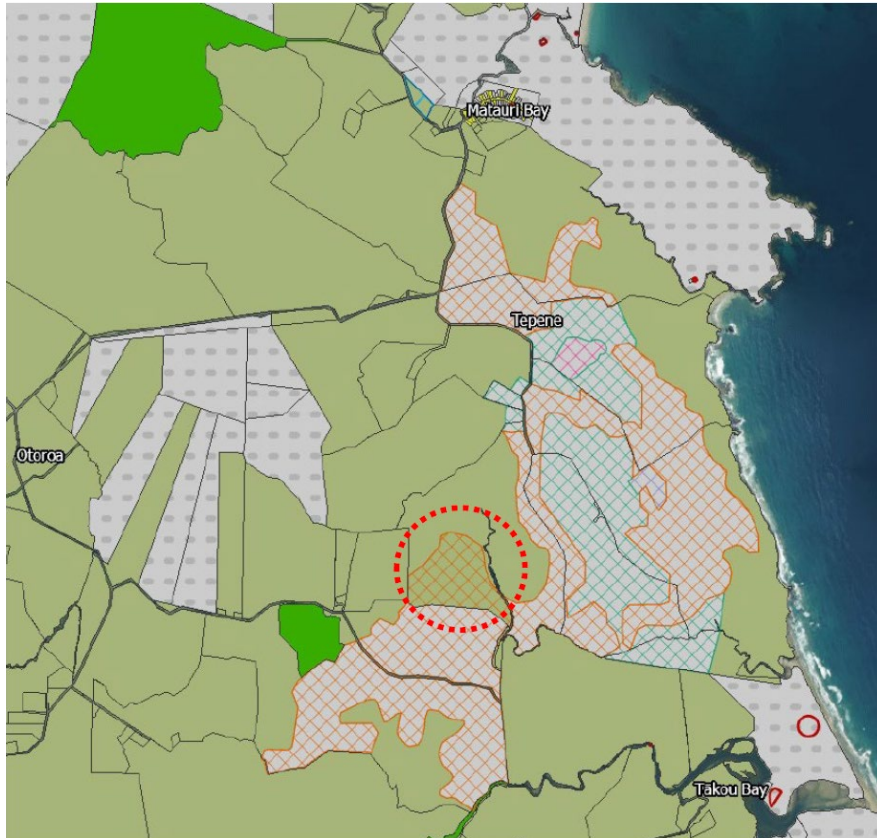


Figure 1: PDP Planning Map 22: Red circle outline illustrates mapping error for a portion of Kauri Cliffs zone, Golf Playing sub-zone shown as Rural Production zone.

Source: Mr Tuck Planning Evidence, Appendix 2 Maps.

6.8.2 Hearings Panel Recommendation

The hearing report provides a clear and coherent account of WBF submission and the basis for the requested changes to the Kauri Cliffs zone, supported by planning evidence and indicative master planning. The report appropriately distinguishes between the strategic configuration of the Kauri Cliffs zone sub-zones and the separate issue of a minor mapping error raised during the hearing. The report confirms the mapping error is unintended, inconsistent with the Operative District Plan, and unsupported by any policy or section 32 analysis. The Council right of reply appropriately recommends correcting the mapping to remove the Rural Production zone from the affected part of the Golf Playing sub-zone and apply the correct Kauri Cliffs zone.

We support this recommendation to ensure plan accuracy, internal consistency, and alignment with the intended planning outcomes for Kauri Cliffs zone.

6.8.3 Hearings Panel Recommendations

That the submission of Waiaua Park Farms Ltd (S463) is accepted and the incorrect mapping of the Golf Playing sub-zone in the Kauri cliffs zone is amended to remove the Rural Production zoning and replace it as Special Purpose zone (Kauri Cliffs zone).

6.9 Key Issue 4: Kauri Cliffs Zone and Subdivision Provision (SUB-R20)

6.9.1 Matters Raised in Submissions

Following publication of the Council’s hearing report for the Subdivision topic in Hearing 16, Council was contacted by the WBF Planner, Mr Tuck regarding a drafting error in Appendix 1 of the Officer Recommended Amendments to the Subdivision Chapter.

The error related to the exclusion of ‘Kauri Cliffs Golf Living Sub-zone’ to be correctly referenced within subdivision rule “SUB-R20 Subdivision creating one or more additional allotments within the Coastal Environment (excluding ONC Areas) - All zones..” and to not be referenced in “SUB-RXX Subdivision of land within 100m of a Mineral Extraction Zone - All zones ..”.

The Council’s right of reply acknowledged this referencing error and recommended that the Subdivision Chapter be amended to ensure consistency.

6.9.2 Hearings Panel Evaluation

The issue identified is a drafting error in the Subdivision Chapter arising during Hearing 16, where the incorrect subdivision rule was referenced for the Kauri Cliffs zone, Golf Living Sub-zone. The reference to include ‘Kauri Cliffs zone (KCZ) Golf Living Subzone’ within SUB-RXX is not relevant and inconsistent with the intended planning framework and recommendations made this Recommendation Report.

Correcting the reference for ‘KCZ Golf Living Subzone’ within SUB-R20 is appropriate, as this rule applies to subdivision within the Coastal Environment and is applicable to the Kauri Cliffs zone, Golf Living Sub-zone and reflects the outcome already assessed through Hearing 15A. Amending the wording of SUB-R20, as recommended in the Councils right of reply in Hearing 16, will ensure accuracy, internal consistency, and correct application of the subdivision provisions, without introducing any new policy or effects requiring further assessment.

Consequently, our evaluation concurs with the Hearing 16 right of reply recommendation to amend the Subdivision Chapter, Appendix 1, KCZ subdivision provisions for ‘KCZ Golf Living Sub-zone’ to be referenced within SUB-R20.

6.9.3 Recommendations and Reasons

For the reasons outlined in the evaluation above, the error identified in Hearing 16, Subdivision Chapter, specifically for rule SUB-R20 to acknowledge the relief sought from S463 Waiaua Bay Farms Ltd (and alignment to recommendations in Hearing 15A), is accepted, and is set out below:

SUB-R20	Subdivision <u>creating one or more additional allotments of a site</u> within the Coastal Environment (excluding Outstanding Natural Character Areas)	
All zones (excluding <u>Kauri Cliffs zone, Golf</u>)	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable

Living sub-zone)		
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7. Topic 5: Carrington Estate Zone

7.1 Relevant Provisions

The relevant provisions we address for the Carrington Estate Zone, being a Special Purpose zone (SPZ) include the Overview; Objectives CAR-01 - CAR-02; Policies CAR-P1 - CAR-P6; Rules CAR-R1 – CAR-R14; Standards CAR-S1 – CAR-S5 and mapping errors.

7.2 Background

Procedural Matter

Separate from the PDP process, there is an unresolved High Court appeal concerning whether the Carrington Estate resource consents have lapsed. The Environment Court declined to declare that the consents had lapsed and also declined to confirm they had been given effect to, citing uncertainty and deficiencies in the consent documentation. That decision remains operative pending the High Court appeal.

The Panel first confirmed in Minute 19 (dated 13 December 2024), that the Carrington Estate zone would be heard as part of Hearing 15A. Subsequently, in Minute 28 (dated 30 July 2025), the Panel acknowledged that the High Court appeal may be relevant but declined a request to defer Hearing 15A, citing the need for procedural certainty, timely plan making, and confirmation that Haititaimarangai Marae Kaitiaki Trust (HMKT) can continue to fully participate in the PDP process.

Accordingly, for the purposes of Hearing 15A and this recommendation report, the resource consents are treated as remaining in force and continue to underpin the Carrington Estate Development Plan and Schedule.

7.3 Overview of Submissions Received

A total of 24 original submissions and 1,908 further submissions were received on the Carrington Estate zone (SPZ) topic.

As set out in the hearing report the main submissions on the Carrington Estate zone (SPZ) topic came from:

- (a) Carrington Estate Jade LP and Carrington Farms Jade LP (CEJ) as owners and operators of the Carrington Estate (S351).
- (b) Haititaimarangai Marae Kaitiaki Trust (S394), with a large number of further submitters supporting their submission points, and Te Hiku Iwi Development Trust (S399).
- (c) Organisations with general submissions on the PDP, being Transpower (S454) and Fire and Emergency New Zealand (S512).

7.4 Key Issues

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

- Key Issue 1: Extent of Carrington Estate area

Having read the hearing reports, the evidence submitted to us and presented at the hearing and the Council right of reply to evidence presented, we acknowledge that a number of matters raised in submissions were no longer in contention and therefore we have focussed our evaluation on those matters still in contention.

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

7.5 Key Issue 1: Extent of the Carrington Estate Zone Area

7.5.1 Matters Raised in Submissions

HMKT submissions (S394.063, S394.064) sought amendments to the PDP maps to include the entire Carrington Estate zone within the Coastal Environment overlay, with aligned zone provisions. The Council's hearing report considered that the Council landscape evidence remains valid and the submission lacked sufficient detail to justify this change, noting it could be reconsidered if further evidence is provided.

HMKT Planner Mr Percy, in planning evidence for HMKT, identified concerns with duplication of existing resource consents, about the appropriateness and extent of the Carrington Estate zone compared to the Rural Production zoning, and poor clarity and workability of the Carrington Estate zone provisions, proposing removal or significant reduction of the zone and deletion of consent duplicating provisions.

Cultural expert, Mr Paul for HMKT, outlined the history of the whenua and waterways, ongoing environmental effects of Carrington Estate zone development, and the ongoing *mamae* (hurt) and *whakamā* (shame) experienced by hapū, seeking removal of PDP provisions that embed existing consents to better reflect evolving *tikanga* and support *kaitiakitanga*.

In contrast, planning evidence from Mr Sanson, for the Carrington Estate owners supports the amended objectives and policies for Carrington Estate zone but sought to retain site specific rules, arguing the purpose of the Carrington Estate zone is to implement the approved development plan and consents, and requesting rules to permit transport, earthworks, and vegetation clearance in accordance with the approved plan.

At the hearing, parties questioned whether the Carrington Estate zone meets National Planning Standards criteria, whether it is needed to recognise an existing environment rather than guide future development, and whether the Carrington Estate Development Plan and Schedule remains relevant given the age of the consents, with differing views on its ongoing values. Against this context, the right of reply report considered the key issues from the evidence provided were:

Is the Geographic Extent of the Carrington Estate Zone Appropriate?

The right of reply notes the Carrington Estate zone extends beyond the consented and developed area into land use for rural production and recommends reducing the zone to align with the approved Carrington Estate footprint, with the balance rezoned to Rural Production guided by Appendix A of Mr Percy's evidence.

Is a Special Purpose Zone the Most Appropriate Spatial Layer for Carrington Estate and Is There Scope to Consider Alternative Spatial Layers?

The right of reply report agrees there is a valid question as to whether the Carrington Estate zone meets the National Planning Standards for a Special Purpose zone, however this issue was not directly raised in submissions and there is insufficient scope or procedural basis to reassess the zoning framework at this stage. Accordingly, the report recommends the Carrington Estate zone be retained, noting that an alternative spatial layer is not critical given the recommended reduction of the zone to the consented development area and that planning outcomes would be largely the same.

Should the Carrington Estate Development Plan and Schedule be Referenced in the Provisions?

While references to the Carrington Estate Development Plan and Schedule create some regulatory overlap with existing consents, they remain central to the purpose of the Carrington Estate zone by recognising the consented environment and guiding development within the zone. The right of reply report recommends these references be retained and that no fundamental restructuring of the Carrington Estate zone provisions occur at this stage, noting the risks of significant amendment without more detailed evidence.

Should ODP provisions for Carrington Estate be Reinstated in the PDP?

The right of reply report advises Mr Sanson's evidence does not justify reinstating Operative District Plan rules for transport, earthworks, or vegetation clearance in the Carrington Estate zone, particularly given the PDP mandatory obligation to give effect to the NPS-UD and the appropriateness of applying district wide earthworks and indigenous biodiversity controls to any future activity. Accordingly, the hearing report recommends no amendments be made to reinstate the ODP provisions for Carrington Estate zone.

Overall, the Council's right of reply recommends that the Carrington Estate zone be retained in the PDP but reduced to the consented and developed Carrington Estate footprint, with the remaining land rezoned to the Rural Production zone.

7.5.2 Hearings Panel Evaluation

The Hearings Panel has carefully considered the matters raised in submissions and the associated planning and cultural evidence and agrees with the position and recommendations set out in the Council's right of reply report. We accept that the HMKT request to extend the Coastal Environment overlay across the full Carrington Estate zone is not supported by sufficient evidence at this stage, and that the council's landscape assessment remains robust. We also acknowledge the concerns raised regarding duplication with existing consents, cultural impacts and the workability of the Carrington Estate zone provisions but consider these are best addressed through refining the geographic extent of the zone rather than removing the zone framework or embedding references to the approved Development Plan and Schedule.

We agree that the Carrington Estate zone currently extends beyond the consented and developed Carrington Estate footprint into land predominantly used for rural production, for which no clear planning justification has been demonstrated. Reducing the zone to align with the consented development area appropriately resolves this issue, responds to submission scope, and better aligns with National Planning Standards outcomes, while avoiding procedural and natural justice risks associated with reassessing the appropriateness of the Special Purpose zone itself at this stage. We further agree that

retaining references to Carrington Estate Development and Schedule provides clarity, recognises the existing consented environment, and maintains an effective and coherent planning framework, and that reinstating the ODP rules is neither necessary nor appropriate given that district wide provisions and mandatory NPS-UD requirements.

Overall, the Panel finds the Council's right of reply recommendations strike an appropriate balance between certainty for existing consented activities, responsiveness to cultural and planning concerns raised in submissions and alignment with higher order planning instruments and therefore agree that the Carrington Estate zone should be retained but reduced to the consented and developed area, with the balance rezoned to the Rural Production zone.

7.5.3 Hearings Panel Recommendations

We recommend that the spatial extent of the Carrington Estate footprint within the PDP be amended in line with the recommendation in the Council right of reply report. More specifically, that the extent of the Carrington Estate zone be reduced as identified in **Appendix 3** and the area removed from the extent of the Carrington Estate zone be rezoned as Rural Production zone.

The submissions (S394.063, S394.064) by Haititaimarangai Marae Kaitiaki Trust and the Carrington Estate are accepted in part.

For all other matters that were not in contention at the hearing, relating to general submission, objectives, policies, rules, and standards for consented and developed Carrington Estate footprint, we adopt the recommendations set out in the council Hearing report for this topic.

8. Conclusion

For the reasons set out in this recommendation report, we recommend the adoption of a set of changes to the PDP provisions and maps relating to Special Purpose zones, being the Kauri Cliffs zone and the Carrington Estate zone. The Hearings Panel also recommended the introduction of a new Tapuaetahi Precinct into the proposed plan with associated provisions and mapping.

The Hearing Panel's recommended amendments to plan provisions are identified in **Appendices 2.1 – 2.3** and mapping amendments are identified in **Appendix 3**.

Our recommendations may also include recommendations for consequential amendments to or from other recommendation reports.

We have had regard to the submissions and further submissions received, the evidence tabled and presented to us and to the Council's hearing reports (including rights of reply). We have also incorporated our own s32AA evaluation into the body of our report as part of our reasons for recommended amendments.

Accordingly, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in this recommendation report and in the table of Recommended Decisions on Submissions in **Appendices 4.1- 4.4**.

Overall, we consider that our recommendations will ensure the PDP achieves the statutory requirements, national and regional policy directions, and provide for the PDP being easier to implement and understand for users of it.