

REBUTTAL IN SUPPORT AND SECOND SUPPLEMENTARY STATEMENT OF
EVIDENCE

OF BRIAN WILLIAM PUTT

TOWN PLANNER

FOR AND ON BEHALF OF CAVALLI PROPERTIES LTD – SUBMITTER #177

Dated 15 September 2025

Introduction

1. This second brief of evidence is provided to assist the Hearings Panel on understanding the potential resolution of Submission 177 in the name of Cavalli Properties Ltd since the Submitter last appeared before the Panel on 3 December 2024. My evidence at that hearing outlined the problems that had arisen with the Matauri Bay urban subdivision culminating with the inappropriate zone structure being placed over the development in the Proposed District Plan. I have read the Council's s42A reporting on the rezoning matters and this brief of evidence supports the FNDC officer's recommendations.
2. Seventy seven of the 88 approved lots have been zoned *Settlement Zone*, 11 of the approved lots have been zoned *Maori Purposes – Rural Zone*. The 11 lots are individually owned by private third-party landowners having been sold by Cavalli Properties over the last few years.

Consultation

3. The Submitter has taken up the Panel's recommendation during 2025 for consultation with the Council planning staff to try and reach a resolution on the centre of the dispute within the submission. In this case it is Submission #177 in the name of Cavalli Properties Ltd. The key issue is the selection of an appropriate zone for these urban lots fully serviced with a complying Council owned and operated wastewater treatment system. The submission seeks the **Residential Zone** as the appropriate zone according to the zone descriptions on the Proposed District Plan. Discussions following the Panel's recommended liaison and consultation process with the Council planning staff has come to a solution which is acceptable to the Submitter. The Council planners would prefer that the selected zone is the **Settlement Zone** because of the isolation of this area from ordinary urban facilities. The Submitter accepts this position

provided that the primary benefits of the **Residential Zone** can be maintained in the **Settlement Zone** for the Matauri Bay Urban Subdivision Stages 1 (already approved, constructed and with titles issued) and Stage 2 (under construction). This rebuttal evidence in support of the s42A recommendations which accepted the submitter's consultation advice and has accepted the minor changes to the Proposed District Plan which I set out below. These changes give effect to the same outcome that would have been achieved under the *Residential Zone* by providing for site-specific exemptions for the Matauri Bay urban Subdivision.

Agreed Relief

4. There are three parts to the agreed relief. They relate to the removal of the *Maori Purposes Zone – Rural* from the 11 urban lots in the Matauri Bay Stage 1 Subdivision. Secondly, a minor change to the *Settlement Zone* rules is required to achieve a similar outcome to that that would have occurred under the *Residential Zone*. The third matter is a minor change to the *Coastal Environment* section to cover coastal assessment issues that have already been considered in a detailed manner under the original Matauri Bay subdivision from 2006. I set out the matters as follows:

Maori Purposes Zone Rural

5. There are 11 sites in the Stage 1 Matauri Bay subdivision which have been erroneously zoned *Maori Purposes Zone – Rural*. In discussion with the FNDC planners it was noted that this zoning was an error based on assumed land tenure information from the Maori Land Court. It is now agreed that the correct zoning for the existing titles which are sprinkled through the Matauri Bay Stage 1 subdivision is appropriately *Settlement Zone*. This would make them consistent with the adjacent and adjoining lots.
6. Similarly, the area of the Matauri Bay Stage 2 subdivision which is under construction should be zoned in the same manner using the *Settlement Zone*. The Stage 2 lots will be connected to the same wastewater treatment plant and are essentially urban lots.

Settlement Zone

7. Although the Submitter requested the *Residential Zone* for the urban lots at Matauri Bay in Stages 1 and 2 of the approved subdivision in accordance with the purpose of that zone, through discussions at the liaison meeting with the FNDC planning team, the Submitter has accepted that the *Settlement Zone* can be selected and placed over the approved subdivision for Stages 1 and 2, provided that it expressly records in the provisions that a new dwelling or structure on any approved lot within the subdivision will be a permitted activity subject to compliance with the relevant bulk and location provisions of the *Settlement Zone*. The Matauri Bay consented subdivision will require specific exemption in the *Settlement Zone* rules to achieve a single dwelling as a permitted activity.
8. My suggestion is that **Rule RSZ-R3** requires these additional words –

except at Matauri Bay where any existing approved lot shall meet the permitted standard.

9. To be consistent it would be desirable to make a corresponding edit to the *Overview Section of the Settlement Zone* acknowledging the Matauri Bay approved subdivision as a standalone area where any approved lot in the consented Stages 1 and 2 subdivision at Matauri Bay and which is connected to a Council owned and operated reticulated wastewater network service which is already installed and commissioned. This could be achieved by adding a second sentence to the second paragraph of the *Settlement Zone Overview* as follows –

It is acknowledged that at Matauri Bay there is a Council owned and operated reticulated wastewater network which services all approved lots in the Stages 1 and 2 Matauri Bay subdivision.

10. With these two minor insertions to the existing proposed plan rule structure, the Submitter's relief can be achieved.

Coastal Environment

11. Using the revised form of the *Coastal Environment* section of the Proposed Plan, I have suggested a minor amendment to **Rule CE-R1/PER-1** where the introductory statement can be amended to cover the fact that the *Coastal Environment* assessment concerns have been fully considered positively in the assessment of the Matauri Bay subdivision in 2006. I am aware from discussions with the Council planning team that the Council's landscape architect advisor agreed with this position.
12. The suggested amendment to **Rule CE-R1/PER-1** should read as follows:

If a new building or structure is located in an Urban Zone or in the Settlement Zone at Matauri Bay, it is:

This amendment acknowledges that the issues to be assessed in the *Coastal Environment* have already been considered in the assessment of the Matauri Bay subdivision at the time that consent was granted. Further assessment under the provisions of the *Coastal Environment* is therefore not required. This amendment places the Matauri Bay subdivision in the same position that it would be in if the selected land use activity zone was the *Residential Zone*. You will be aware that under the *Residential Zone* the *Coastal Environment* provisions do not apply for permitted activities.

13. A consequential amendment to **Rule CE-R1/PER-2** should read:

If a new building or structure is not located in an Urban Zone or the Settlement Zone at Matauri Bay, it is:.....

This minor amendment provides consistency with the rule structure.

Conclusion

14. In my opinion this is a satisfactory resolution of Submission #177 that has been brought about through the consultation process recommended by the Panel and which was undertaken by the Submitter's representatives and the relevant Council staff. The relevant s42A report for **Hearing 15C Urban: Rezoning Submissions** has accepted the requests of Submitter #177 and provided an amended map adjusting the zone allocations. The missing piece remains the Stage 2 area of the Matauri Bay subdivision which is consented and under construction. This area should be shown as *Settlement Zone* consistent with the s42A recommendations on this matter.
15. It is my recommendation to the Panel that these minor changes as supported by the reporting planner, are recommended in the Panel's decisions on the proposed District Plan hearings and in the Panel's recommendations to the Far North District Council in due course.

**Evidence Prepared By
Brian William Putt
Town Planner
15 September 2025**

SIGNED: _____ 

**For an on behalf of Cavalli Properties Ltd
Submitter #177**