

BEFORE THE AUCKLAND COUNCIL

IN THE MATTER

of the Resource Management Act 1991 (“Act”)

AND

IN THE MATTER

of an application by Cavalli Properties Limited for a new zone at Matauri Bay, Northland.

MEMORANDUM FOR THE PANEL

Dated: 22 November 2024

MAY IT PLEASE THE COMMISSIONERS:

1. This memorandum is submitted on behalf of Cavalli Properties Limited (**Cavalli**) – submission #177.
2. Cavalli’s submission was originally scheduled for Hearing 4, but due to the unavailability of Mr Putt, the Panel generously agreed to defer the matter until Hearing 9. Cavalli has been offered a speaking slot at 9a.m. on Tuesday 3 December 2024.
3. So far expert evidence has been filed by Mr Putt. Cavalli intends to file legal submissions and further lay evidence by no later than Wednesday 27 November 2024. This memorandum is filed to address a procedural issue that arises.

Submission #177

4. Submission #177 was allocated to Hearing 4 as it sought relief on the coastal overlay. However, submission #177 also sought zoning relief (change the settlement zone area at Matauri Bay to general residential) for the reasons explained by Mr Putt (and to be explained by Mr Durham).
5. The Council’s position in respect of submission #177 is that:
 - (a) It opposes the removal of the coastal overlay; and

(b) Otherwise defers its position as to the proposed zone change until Hearing 15C General Rezoning.¹

6. That means Cavalli (and the Panel) will not yet know the Council's position as to the rezoning submission by 3 December.
7. Cavalli regards this as fortuitous in the sense that, the evidence and legal submissions to be filed will inform and update the Council staff/contractors about the historical events that support submission #177. This will in turn inform them about the final position they should take on the zoning issue. With respect, it appears from discussions that Mr Putt has had with Council planners so far, that appreciation of this very important background is sorely missing.
8. Therefore, Cavalli sees strong merit in proceeding with Hearing 4 to explain its position both on the overlay and on the zoning.

Procedural Issue

9. However, Cavalli would also be seeking directions from the Panel that the Council file its reply to both issues (overlay and zoning) in the s 42A report back due on 20 December 2024. It is submitted now, that the Council will be in possession of all information required to make this assessment, accepting of course that ultimately such determination is for the Panel.
10. As will be further explained at the hearing, there is some urgency on this issue. Once the s 42A report is received, Cavalli will be able to consider what further steps are required in respect of the land at Matauri Bay.
11. This memorandum is to simply highlight in advance this background it would like to discuss further at Hearing 9. That is also why Cavalli will file its submissions and further lay evidence early next week, to enable time for it to be considered.

Dated: 22 November 2024



Alan G W Webb
Cavalli Properties Limited

¹ See Coastal Overlay s 42A Report for Hearing 4 at paragraph 263 - No recommendation is required in response to the evidence of Mr Putt as until the primary relief of Cavalli Properties is considered through the rezoning hearing. However, regardless of the outcome of that hearing, I do not consider that it is appropriate to remove the coastal environment overlay and only rely on ONC, HNC, ONF and ONF overlays. As discussed in the Coastal Environment section 42A report, the coastal environment overlay in the PDP gives effect to the mapping of the coastal environment in the RPS which gives effect to Policy 1 in the NZCPS.