

**BEFORE THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY
I TE KOTI TAIAO O AOTEROA
TAMAKI MAKAUROA ROHE**

ENV-2026-AKL

IN THE MATTER OF the Resource Management Act 1991

A N D

IN THE MATTER OF an appeal pursuant to Cl.14, First Schedule of the
Act against the decision of the Far North District
Council in respect of the Far North District Plan

BETWEEN **CAVALLI PROPERTIES LIMITED**
Appellant

A N D

FAR NORTH DISTRICT COUNCIL
Respondent

NOTICE OF APPEAL

Dated: 11 August 2026

Counsel acting:
Alan Webb KC
Quay Chambers
Quay Street
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TO: The Registrar
Environment Court
AUCKLAND

1. **Cavalli Properties Limited (“the Company”)** appeals against a decision of Far North District Council on the Proposed Far North District Plan.
2. **The Company** (Submitter No.#177) made a submission on the Proposed Far North District Plan.
3. **The Company** is not a trade competitor for the purposes of section 308D of the Act.
4. **The notice of decision** was received at the office of the appellant’s address for service on 30 June 2026, making the last day for the lodgement of appeals 12 August 2026 .
5. **The decision** was made by the Far North District Council.
6. **The part of the decision** that the Company is appealing is the omission of the consented Stage 2 subdivision cadastral layout from the Matauri Bay planning (zone) map which correctly depicts the *Settlement Zone* over the Stage 2 area.
7. **The reason for the appeal** is that to be consistent with the depiction of the Stage 1 Matauri Bay subdivision, the Stage 2 consented cadastral layout must be shown with the *Settlement Zone* overlaying the subdivision.

8. **The company seeks the following relief** – impose the Consented Stage 2 cadastral plan of the subdivision (attached as Annexure A) in the correct location on the Matauri Bay Zone map
9. **The following documents** are attached to this notice:
- **Annexure A** - The consented subdivision plan for Stage 2 of the Cavalli Properties Limited development at Matauri Bay, Tai Tokerau.
 - **Annexure B** - A copy of the Company's original submission opposing the Proposed Far North District Plan.
10. **I confirm** that no parties were involved in the Company's submission other than the Defendant, the Far North District Council. A copy of the appeal has been served on the Defendant.



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Brian William Putt for and on behalf of Cavalli Properties Limited

Date: 11 August 2026

Address for Service:
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ANNEXURE A

The consented subdivision plan for Stage 2 of the Cavalli Properties Limited development at Matauri Bay, Tai Tokerau.



ANNEXURE B

Copy of Original Submission

TO THE FAR NORTH DISTRICT COUNCIL

Proposed District Plan 2022 Submission

Form 5, Clause 6 of Schedule 1, Resource Management Act 1991

This is a submission on the Proposed District Plan 2022 (“the PDP”) for the Far North District.

Full Name:	Robert Mihaljevich, Property Manager		
Company / Organisation Name: (if applicable)	Cavalli Properties Ltd (“the Company”)		
Contact person (if different):	Brian Putt Metro Planning Ltd		
Full Postal Address:	P O Box 90273, Victoria Street West AUCKLAND, 1011		
Phone contact:	Mobile: 021 902 744	Home:	Work: 09 3033457
Email:	brian@metroplanning.co.nz		

The Company cannot gain an advantage in trade competition through this submission

The Company is directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effect of trade competition

1. The specific provisions of the Plan that this submission relates to are:

- a) Part 3 Zones – General Residential, Rural Settlement and Māori Purpose Rural Zones** in relation to all residential lots in the Matauri Bay 2008 urban subdivision and adjacent Stage 2 land (“**the Matauri subdivision**”). The Matauri subdivision land relevant to this submission is depicted on the annexed plan.
- b) Part 2 District-wide Matter – Coastal Environment** – in particular, Rules CE-R1 to CE-R9 and Standards CE-S1 to CE-S3.

The Company considers that the PDP is not consistent with sound resource management practice, the sustainable management purpose and principles of Part 2 of the Resource Management Act 1991 and will not enable people and communities to provide for their social and economic well-being.

Accordingly, the Company opposes or seeks changes to these provisions of the Plan as they affect the Company’s land in Matauri Bay.

2. The Company’s submission is:

Māori Purpose Rural & Rural Settlement Zones v. General Residential Zone

- a) The Company’s Matauri subdivision at Matauri Bay is held in Fee Simple titles as Māori Freehold. The eleven privately owned sections within the Matauri subdivision have inexplicably been zoned *Māori Purpose Rural*. That zone prevents any non-Māori owner from exercising their basic property rights over their urban lots.
- b) By imposing the Māori Purpose Rural Zone over privately owned land the Council has failed to understand the provisions of Te Ture Whenua Act in respect of Māori

freehold land which can be owned by non-Māori. This zone unfairly abrogates the rights of these landowners and is contrary to their human rights under the laws of Aotearoa New Zealand.

- c) The Company owns 70 titles in the Stage 1 part of the Matauri subdivision which are zoned *Rural Settlement* in the PDP. The Matauri subdivision is an urban subdivision and is fully served with an urban wastewater reticulation and treatment system using the Innoflow system which the Council owns and operates.
- d) The Rural Settlement zone is the wrong choice under the expressed provisions of the PDP, in particular Objective GRZ-O2 and Policies GRZ-P1 & P2. The correct and appropriate choice is *General Residential* for the urban Stage 1 Matauri subdivision at Matauri Bay.
- e) The adjacent Stage 2 Matauri subdivision land (comprising 58 new lots) depicted on the annexed plan is owned by the Company and is approved for earthworks and site works to implement the approved subdivision. This works programme is about to begin at the time of preparation of this submission. The PDP has zoned the Stage 2 land *Māori Purposes Rural* which for the reasons set out in Part 2 (a) & (b) above is legally wrong.
- f) The appropriate zone for the proposed new lots within the approved Stage 2 subdivision is *General Residential* for the same reason stated in Part 2 (d) above.

Coastal Environment Overlay

- a) Where there is no ONC, ONL or ONF within the Coastal Environment Overlay, there is no requirement to restrict development to any extent greater than provided for by the

rules of the underlying zone. In the case of the Matauri subdivision the underlying zone should be *General Residential*.

- b) Rules CE-R1 to CE-R9 and Standards CE-S1 to CE-S3 are an unnecessary constraint on permitted development under the General Residential Zone and are inconsistent with the Northland Regional Policy Statement provisions for the Coastal Environment. It is requested these rules and standards only apply where ONC, ONL or ONF are extant.

3. The Company seeks the following Decisions from the Council:

- a) Zone the Company's entire Matauri subdivision, including privately owned lots, to **General Residential** in keeping with the instruction of the PDP to provide the General Residential zone over serviced urban land where wastewater management is provided and authorised by the Council as is the case at Matauri Bay.
- b) Remove the imposition and application of Rules CE-R1 to CE-R9 and Standards CE-S1 to CE-S3 from land within the Coastal Environment overlay where such land is not within an ONC, ONL or ONF overlay or identification.

The Company wishes to be heard in support of this submission.

If others make a similar submission, the Company will consider presenting a joint case with them at a hearing.

Signature:



19 October 2022

