

**BEFORE THE COMMISSIONERS
AT KAIKOHE**

IN THE MATTER

of the Resource Management Act 1991
(the Act)

AND

IN THE MATTER

of the Proposed Far North District Plan
2022

LEGAL SUBMISSIONS ON BEHALF OF MLP LLC

1 SEPTEMBER 2025



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INTRODUCTION AND OVERVIEW

1. MLP LLC (**MLP**) owns The Landing, a 1,000-acre (400 ha) property, which comprises approximately 8.5 kms of coastline, a jetty and boat ramp, six beaches, an award-winning vineyard, lush restored wetlands, and seven dwellings – four of which are currently available for hire.
2. MLP has invested significant time, effort, and expense in developing The Landing to the high-quality successful venture it is today. The development has been master-planned to create an outstanding, high quality residential accommodation, complete with environmental enhancements, biking and walking tracks, and vineyard.
3. The development of The Landing has involved extensive wetland creation and restoration, and re-establishment of native bush – including extensive planting. MLP has also facilitated the preservation of archaeological and historical sites, including the development of Rangihoua Heritage Park.
4. MLP has resource consent for the creation of 45 residential lots (**The Landing Scheme**)¹ and for the balance of the land to be held under a single title. 20 residential titles been created to date.²

Proposed Landing Precinct

5. The notified version of the Proposed Far North District Plan (**Proposed Plan**) did not practically provide for the existing resource consents by including overlays which restricted development and reduced rights where subdivision is already consented.³
6. MLP seeks the Landing Precinct (**TLP**) in order for the Proposed Plan to recognise and provide for these existing subdivision and development rights while maintaining a balance through ensuring appropriate and consistent design restrictions, landscape and biodiversity benefits, and environmental restoration.
7. Conservation will be maintained, with 47% of the property continuing to be set aside in perpetuity for heritage and conservation purposes,⁴ and 85% being held in common ownership.⁵
8. The changes sought by MLP are supported by the s42A Report author, Mr Wyeth, in principle subject to outstanding matters identified in the s42A Report being appropriately addressed in rebuttal evidence.

¹ Evidence of Vijay Lala (May 2025) at [5.1].

² Evidence of Vijay Lala (May 2025) at [4.3].

³ Evidence of Vijay Lala (May 2025) at [4.5].

⁴ Evidence of Vijay Lala (May 2025) at [7.13].

⁵ Evidence of Pip Cheshire (April 2025) at [1.1].

CHANGES SOUGHT AND CURRENT POSITION

9. TLP includes objectives, policies, rules, and standards to provide for consented residential development as either a controlled or restricted discretionary activity, subject to that activity meeting the strict and specific architectural and landscape design guidelines.⁶
10. The provisions sought are set out in the evidence of Mr Lala, and these have been updated in his rebuttal evidence to reflect changes and recommendations sought in the s42A Report.⁷

Evidence

11. MLP provided the Hearings Panel with evidence from the following witnesses in support of its position:
 - (a) Pip Cheshire: Mr Cheshire considers the 9m dwelling height⁸ and 60% footprint⁹ standards, along with the proposed activity rules and matters of control and discretion as set out in the Precinct Architectural and Landscape Design Guidelines, are appropriate for The Landing. He considers these measures will continue to ensure high quality design outcomes while ensuring complementarity to the natural landscape and coastal environment.¹⁰ Mr Cheshire has provided documentation to illustrate how a house may be located using the 60% rule.
 - (b) Gavin Lister: Mr Lister considers the TLP provisions reflect the intent and outcomes of the existing consent with respect to landscape and natural character matters.¹¹ He considers TLP enables consistent development while retaining and restoring open space. He also considers that limiting the property to 45 residential lots, with nestled houses and guidelines for building and landscape design, will ensure houses are visually recessive.¹² In his reply, Mr Lister addressed the matters raised in the s42A Report and provided the Landing Development Area Architectural and Landscape Design Guidelines. Ms Absolum and Mr Lister disagree on the standard relating to colours.¹³ In general, Mr Lister considers TLP provisions and Architectural and Landscape Guidelines will achieve appropriate outcomes for The Landing.
 - (c) Vijay Lala: Mr Lala considers that the notified zoning and overlays did not provide for development that had been consented at The Landing, and instead supports TLP as being appropriate and providing for coherent outcomes

⁶ Evidence of Vijay Lala (May 2025) at [1.6], [6.3].

⁷ S42A Report at [125] – [132].

⁸ Evidence of Pip Cheshire (April 2025) at [5.5].

⁹ Diagram from Pip Cheshire (24 August 2025).

¹⁰ Evidence of Pip Cheshire (April 2025) at [1.1]-[1.6]; [5.1]-[5.6].

¹¹ Evidence of Gavin Lister (May 2025) at [1.5]-[1.9].

¹² Evidence of Gavin Lister (May 2025) at [1.5]-[1.9].

¹³ Rebuttal evidence of Gavin Lister (25 August 2025) at [4.1].

which are consistent with landscape and coastal environment outcomes envisaged for the locality.¹⁴ Mr Lala's assessment of TLP provisions shows accordance with the PDP Strategic Direction and Zone outcomes, and gives effect to the higher order documents.¹⁵ Mr Lala states that TLP, in conjunction with consent and design guidelines, will ensure protection and restoration of significant biodiversity habitats and indigenous ecosystems,¹⁶ and will enable economic wellbeing.¹⁷ In his reply, Mr Lala addressed the matters raised in the s42A Report and provided:

- i. The Landing Development Area Plan at finer scale and in a format compatible with the PDP maps;
- ii. An updated version of TLP Provisions with further amendments proposed by MLP.

Mr Lala did not support the Council's proposed wording changes in the s42A from 'acknowledge' and 'respect' to 'protect' and 'enhance'.¹⁸ It is Mr Lala's opinion that the changes sought by MLP to create TLP satisfies s32 of the Resource Management Act 1991 (**RMA**), and are in accordance with the sustainable management principles in Part 2 of the RMA.¹⁹

S42A Report

12. There are no major areas of disagreement between MLP's experts and Council's experts, and the s42A is generally in support.
13. MLP supports Mr Wyeth's position that the use of a "Precinct" to achieve planning outcomes is appropriate.²⁰ Further, Mr Wyeth recognises the elements which contribute to the unique nature of The Landing, including the high-quality, low-density development, and the "strong focus on conservation with significant environmental enhancements, including wetland restoration, native tree planting, and heritage preservation".²¹
14. Mr Wyeth considered that the controlled activity rules for residential units on defined building platforms would address many of the issues raised by MLP. He agrees that there are benefits in having a targeted set of provisions for The Landing to provide clarity on the landscape, ecological and development outcomes to be achieved, more specificity on the location of building platforms, specific design guidelines to ensure high-quality developments, and to provide certainty to landowners.²²

¹⁴ Evidence of Vijay Lala (May 2025) at [7.9-7.11], [8.45], [9.9].

¹⁵ Evidence of Vijay Lala (May 2025) at [7].

¹⁶ Evidence of Vijay Lala (May 2025) at [8.29].

¹⁷ Evidence of Vijay Lala (May 2025) at [8.31].

¹⁸ Reply evidence of Vijay Lala (25 August 2025) at [2.7].

¹⁹ Evidence of Vijay Lala (May 2025) at [13.4].

²⁰ S42A Report at [113], [114].

²¹ S42A Report at [116].

²² S42A Report at [122].

15. Mr Wyeth concludes that:²³

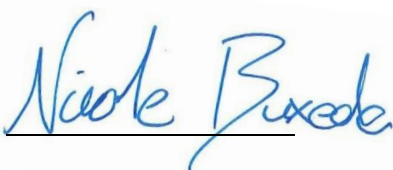
Overall, in my view, it is clear that The Landing has been subject to a detailed landscape assessment through the subdivision consent process which has considered the location of each lot. It was also clear when visiting the site that numerous conservation and ecological benefits are being achieved and residential development to date has been carefully designed. In this respect, I support the outcomes being sought at The Landing and agree that the PDP should not act as barrier to consented development that has been subject a detailed landscape assessment.

16. Mr Wyeth set out changes and recommendations to TLP.²⁴ He noted his support for TLP in the PDP in principle, subject to matters being appropriately addressed. These changes and recommendations have been answered and provided in rebuttal evidence.
17. There was no evidence or submissions filed in opposition. Mataka Residents Association filed in support of MLP's proposed changes.

SUMMARY

18. MLP has made a significant investment in developing its property into a high-quality residential accommodation and environmental experience which has local economic and employment benefits.
19. MLP wishes to ensure that the Proposed Plan continues to enable the existing development as well as appropriately providing for future development. The associated conservation and ecological benefits, and careful design of residential development are clearly outlined in expert evidence, and not contested.
20. The amendments proposed by Mr Lala in the TLP will ensure that these goals, including environmental and conservation goals, are achieved in an appropriate, consistent, and effects-based manner, and one which ultimately gives effect to the sustainable management purpose of the RMA.
21. The changes recommended by Mr Wyeth, and clarifications provided by MLP in rebuttal, are appropriate, supported by comprehensive expert evidence, and provide a future development path for MLP which will ensure responsible environmental protection and enhancement alongside appropriate and planned development.

DATE: 1 September 2025



Mike Holm / Nicole Buxeda
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²³ S42A Report at [119].

²⁴ S42A Report at [125] – [132].