



**Further Submission on Proposed Kaipara District Plan**  
Clause 7 of Schedule 1, Resource Management Act 1991 (Form 6)

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**To:** Kaipara District Council (via email: [districtplanreview@kaipara.govt.nz](mailto:districtplanreview@kaipara.govt.nz))

**1. SUBMITTER DETAILS**

**Name of Further Submitter:** Mangawhai Heads Holdings Limited (“MHH”), owner of Lots 1 and 2 DP 316176, Kapawiti Road, Mangawhai.

This is a further submission on the Proposed Kaipara District Plan (“PKDP”). Original submitter number: 276.

**2. ELIGIBILITY TO MAKE A FURTHER SUBMISSION**

MHH has an interest in the proposal greater than the interest that the general public has, because they are owners of land and users of resources directly affected by plan provisions.

**3. HEARING OF SUBMISSION**

MHH wish to be heard in support of its submission and will consider presenting a joint case at a hearing with others if they make a similar submission.

Yours sincerely

Burnette O'Connor

The Planning Collective Limited

*(person authorised to sign on behalf of submitter)*

Date: 15<sup>th</sup> December 2025

**Address for Service:**

Mangawhai Heads Holdings Limited

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FURTHER SUBMISSION

FS71.1

Name of original submitter	Original submitter number	Original Submission Point number	Support or Oppose	Reasons for supporting or opposing	I seek that the whole (or part) of the submission be allowed (or disallowed)
Evolve Planning and Landscape Architecture	50	50.27	Oppose	<p>Oppose the deletion of NFL-R2.5. as this is not in line with the Environment Court Decision determined in Calveley v Kaipara District Council [2015] NZEnvC 69 (17 April 2015).</p> <p>There is no valid resource management reason to delete the provision given that the land will be developed within the life of the Proposed District Plan (10 years under the existing legislation).</p> <p>Retaining the rule provides better clarity and is more effective and efficient than removing it from the Plan when the sites are yet to be developed.</p> <p>The submission seeks retention of the rule in the Operative Plan with amendments to reflect the current status of the subdivision.</p>	<p>We seek that the whole of these submission points be disallowed.</p> <p>The granted subdivision consent (RM090103), together with the approved s127 variations, authorised the creation of rural residential lots within an Outstanding Natural Landscape and imposed a suite of approved design controls. These controls were recommended by the Landscape and Visual expert involved in the original application and are required to be secured by way of consent notices on the newly created lots.</p> <p>Given that these consents have been granted, it is reasonable for the consent holder to undertake the approved activities in accordance with the conditions of consent. These matters have already been assessed and determined through the statutory resource consent process.</p>
M Fyson	224	224.1	Oppose	<p>Oppose the deletion of NFL-R2.5. as this is not in line with the Environment Court Decision determined in Calveley v Kaipara District Council [2015] NZEnvC 69 (17 April 2015).</p> <p>There is no valid resource management reason to</p>	

FS71.2

FS71.3

FS71.4

Name of original submitter	Original submitter number	Original Submission Point number	Support or Oppose	Reasons for supporting or opposing	I seek that the whole (or part) of the submission be allowed (or disallowed)
				delete the provision given that the land will be developed within the life of the Proposed District Plan (10 years under the existing legislation).	
J Henschman	316	316.1	Oppose	<p>Oppose the deletion of NFL-R2.5. as this is not in line with the Environment Court Decision determined in Calveley v Kaipara District Council [2015] NZEnvC 69 (17 April 2015).</p> <p>There is no valid resource management reason to delete the provision given that the land will be developed within the life of the Proposed District Plan (10 years under the existing legislation).</p>	
N Evans	328	328.1	Oppose	<p>Oppose the deletion of NFL-R2.5. and the “restricted discretionary pathway it provides” as the Environment Court Decision in Calveley v Kaipara District Council [2015] NZEnvC 69 (17 April 2015), specifically directed the Council to “<i>amend Variation 1 to the Plan by the inclusion of a restricted discretionary activity rule</i>” to be prepared in accordance with their direction.</p> <p>There is no valid resource management reason to delete the provision given that the land will be developed within the life of the Proposed District Plan (10 years under the existing legislation).</p>	

FS71.5

FS71.6

Name of original submitter	Original submitter number	Original Submission Point number	Support or Oppose	Reasons for supporting or opposing	I seek that the whole (or part) of the submission be allowed (or disallowed)
S Smail	345	345.1	Oppose	<p>Oppose the deletion of NFL-R2.5. as this is not in line with the Environment Court Decision determined in Calveley v Kaipara District Council [2015] NZEnvC 69 (17 April 2015).</p> <p>There is no valid resource management reason to delete the provision given that the land will be developed within the life of the Proposed District Plan (10 years under the existing legislation).</p>	
J & C Hawley	272	272.9	Oppose	<p>Oppose the deletion of “any reference to RM090103 for Lot 2 DP 316176 (inferred)” as this is not in line with the Environment Court Decision determined in Calveley v Kaipara District Council [2015] NZEnvC 69 (17 April 2015).</p> <p>There is no valid resource management reason to delete the provision given that the land will be developed within the life of the Proposed District Plan (10 years under the existing legislation).</p> <p>However, the alternative request to “provide clarity that the Restricted Discretionary Activity Status is an exception as a result of Environment Court Decision No. [2015] NZEnvC 069” is supported as it holds true to the Environment Court decision and does not seek</p>	<p>We seek that this submission point be partially disallowed and partially allowed.</p> <p>Specifically, we seek to disallow the DELETE decision requested; and we seek to allow the clarification that the Restricted Discretionary Activity Status is an exception due to Environment Court Decision No. [2015] NZEnvC 069.</p>

	Name of original submitter	Original submitter number	Original Submission Point number	Support or Oppose	Reasons for supporting or opposing	I seek that the whole (or part) of the submission be allowed (or disallowed)
					to remove the provision from the PKDP.	
<b>FS71.7</b>	Clarus	309	309.69	Support	Support the retainment of NFL-R2.	<p>We seek that this submission point be allowed in part.</p> <p>We seek amendments to NFL-R2.5 and therefore do not seek to retain NFL-R2 in its entirety. However, we support the submitter's reasoning in recognising the need for existing lawful activities to continue, operate, and be upgraded.</p>
<b>FS71.8</b>	Horizon Surveying & Land Development	315	315.118	Support	Support the retainment of NFL-R2.	<p>We seek that this submission point be allowed in part.</p> <p>We seek amendments to NFL-R2.5 and therefore do not seek to retain NFL-R2 in its entirety. We support retaining the broader provisions of NFL-R2 but continue to seek amendments to NFL-R2.5.</p>
<b>FS71.9</b>	KiwiRail Holdings Limited	323	323.59	Support	Support the retainment of NFL-R2.	<p>We seek that this submission point be allowed in part.</p> <p>We seek amendments to NFL-R2.5 and therefore do not seek to retain NFL-R2 in its entirety. We support retaining the broader provisions of NFL-R2 but continue to seek amendments to NFL-R2.5.</p> <p>We are neutral on their request to "AMEND the</p>

	Name of original submitter	Original submitter number	Original Submission Point number	Support or Oppose	Reasons for supporting or opposing	I seek that the whole (or part) of the submission be allowed (or disallowed)
						definition of 'Regionally Significant Infrastructure' to include rail infrastructure as requested. AND any consequential changes to link and/or accommodate the requested change in the stated, or alternate location." As this was not within the scope of our submission.
<b>FS71.10</b>	M Tschirky	352	352.3	Oppose	Oppose the submission as is it considered that the current proposed activity status (restricted discretionary) is suitable for rule NFL-R2.5.	Disallow the submission.
<b>FS71.11</b>	Marunui Conservation	278	278.8	Oppose	Oppose the submission as it is considered that the current proposed activity status for when compliance is not achieved (restricted discretionary) is suitable for rule NFL-R2	Disallow the submission.
<b>FS71.12</b>	Piroa Conservation	257	257.8	Oppose		
<b>FS71.13</b>	J and C Hawley	272	272.8	Oppose		