

**BEFORE THE KAIPARA DISTRICT COUNCIL'S HEARING PANEL**

**IN THE MATTER OF**

the Resource Management Act 1991 (**the Act**)

AND

**IN THE MATTER**

An application for Private Plan Change 85 (**PC85**) -  
**MANGAWHAI EAST** by Foundry Group Limited  
(formerly Cabra Mangawhai Limited) and Pro Land  
Matters Company to rezone approximately 94-  
hectares of land at Black Swamp and Raymond Bull  
Roads, Mangawhai

---

**SUPPLEMENTARY STATEMENT OF EVIDENCE OF BURNETTE ANNE O'CONNOR ON**

**BEHALF OF THE APPLICANTS**

**(Planning)**

**30 January 2026**

---

Jeremy Brabant

Barrister

Level 7, 50 Albert Street, Auckland Central

PO Box 1502, Shortland St, Auckland 1140

M: 021 494 506

E: [jeremy@brabant.co.nz](mailto:jeremy@brabant.co.nz)

## **INTRODUCTION**

1. My full name is Burnette Anne O'Connor.
2. I have previously prepared a statement of evidence dated 18 December 2025 on behalf of Foundry Group Limited (formerly Cabra Mangawhai Limited) and Pro Land Matters Company regarding an application for Private Plan Change 85 (**PC85**) under the Operative Kaipara District Plan 2013.
3. This supplementary evidence relates to recent changes to various National Direction documents that came into effect on the 15 January 2026 and the Council supplementary statements and s42A report that respond to them.

## **QUALIFICATIONS AND EXPERIENCE**

4. I confirm I have the qualifications and experience set out at paragraphs 1-5 of my statement of evidence dated 18 December 2025 (**statement of evidence**).

## **EXPERT WITNESS CODE OF CONDUCT**

5. I repeat the confirmation provided in my statement of evidence that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with that Code. I confirm that the issues addressed in this supplementary evidence are within my area of expertise, and I have not omitted to consider material facts that might alter or detract from the opinions that I express.

## **SCOPE OF EVIDENCE**

6. My supplementary evidence will cover:
  - a. Whether any of the changes to National Direction have altered my planning opinion with respect to PC85; and
  - b. Respond to the supplementary planning evidence of Mr Clease.

## CHANGES TO NATIONAL DIRECTION

7. As set out in Panel Direction #2 there have been 3 new national instruments introduced and amendments to 7 existing national instruments.
8. I have reviewed the Supplementary statements of the council experts and also the Supplementary statements prepared for the applicant by Messer's Thompson, Hunt, Davis and Peters.
9. I agree with Mr Clease that those amendments listed at [4.1] of his supplementary statement of evidence have no relevance to this matter.
10. The new or amended national instruments relevant to PC85 are:
  - a. Amendments to the NPS-HPL 2025.
  - b. The National Environmental Standard for Detached Minor Residential Dwellings Regulations 2025 (**NES-DMRU**).
  - c. National Policy Statement for Natural Hazards 2025.
  - d. Amendments to the New Zealand Coastal Policy Statement 2025.
  - e. National Policy Statement for Infrastructure 2025.
11. My professional opinion regarding the appropriateness of PC85 has not changed. In my opinion, in general terms the changes to National Direction ease the path for PC85. Specifically, the amendments to the NPS-HPL now remove a policy hurdle that also represented the key difference in opinion between the council planner and me. Now that the NPS-HPL is no longer relevant to the aspects of PC85 seeking urban rezoning I consider the reasons for granting PC85 are strengthened.

## SUPPLEMENTARY PLANNING EVIDENCE – JONATHAN CLEASE

12. As noted above, I have reviewed the Supplementary planning evidence prepared by Mr Clease. I concur with his assessments of the relevance of the various changes to National Direction and therefore I do not need to repeat that assessment for the Panel.
13. There is alignment between the experts in all disciplines other than economics and housing capacity.

14. Mr Clease states at paragraph 10.3 that the NES-DMRU has the potential to increase the overall housing yield across PPC85 and also across the balance of Mangawhai's existing urban zones.
15. In my opinion, the new NES-DMRU is not likely to have impacts on capacity in a way that would mean PC85 is not required. I rely on the evidence of Mr Thompson in that regard. In my opinion minor dwellings are a subsidiary type of housing and would be unlikely to fulfil demand for individual homes for families for example. In any event there is no policy limitation to providing more supply than is thought might be needed and there is a policy directive to provide choice of housing and living environments.
16. With respect to the amendments to the NPS-HPL I consider clause 3.6 (5) is not engaged in this matter in the context of LUC3 land being excluded from the 3.6(4) tests and proposed urbanisation of LUC3 land. I therefore agree with Mr Clease's overall assessment at paragraph 9.9 of his supplementary statement.
17. At paragraph 9.6 of his Supplementary statement Mr Clease states "*As such, the national policy direction to restrict urban rezoning of HPL under 3.6 is no longer in play for PPC85. What was a significant policy hurdle and one of the key reasons for the s42A report recommendation that the plan change be declined has therefore been removed*". It is unclear whether on this basis Mr Clease is changing his recommendation that PC85 be declined. At paragraph 487 of the s42A report Mr Clease states "*In my view the crux of this plan change turns on both the ability to service the site with reticulated wastewater; and the difference in views expressed between economists for the council and the applicant regarding residential capacity. These two matters go to the heart of how the plan change aligns with both the NPS-UD and the NPS-HPL*".
18. In my opinion, now that the NPS-HPL is not in play with respect to the urban zoning aspects, and all experts agree that the tests of the NPS-HPL for zoning land rural lifestyle, are met; the only potential remaining matter in contention is residential capacity. Given that there are policy directives to provide choices of housing typologies and living locations, and there is a policy directive in the NPS-UD to provide at least sufficient capacity for housing and business land (Policy 2 NPS-UD), the appropriate and best outcome is to approve PC85. It has also been demonstrated, and previously agreed by council, that the land can be serviced. In any event there are known and

available solutions to servicing the land with wastewater, so this is not a limitation to approving the plan change.

## **CONCLUSION**

19. As stated, above PC85 should be approved. The changes in National Direction are positive for the assessment of the plan change and the significant policy hurdle of the NPS-HPL with respect to the urban zoning of land is no longer relevant to the assessment because the land is not classified as LUC 1 or 2.

A handwritten signature in blue ink that reads "Burnette O'Connor".

---

**Burnette O'Connor**

30 January 2026