

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”)		
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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.

S177.001

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.

S177.002 to
S177.13

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

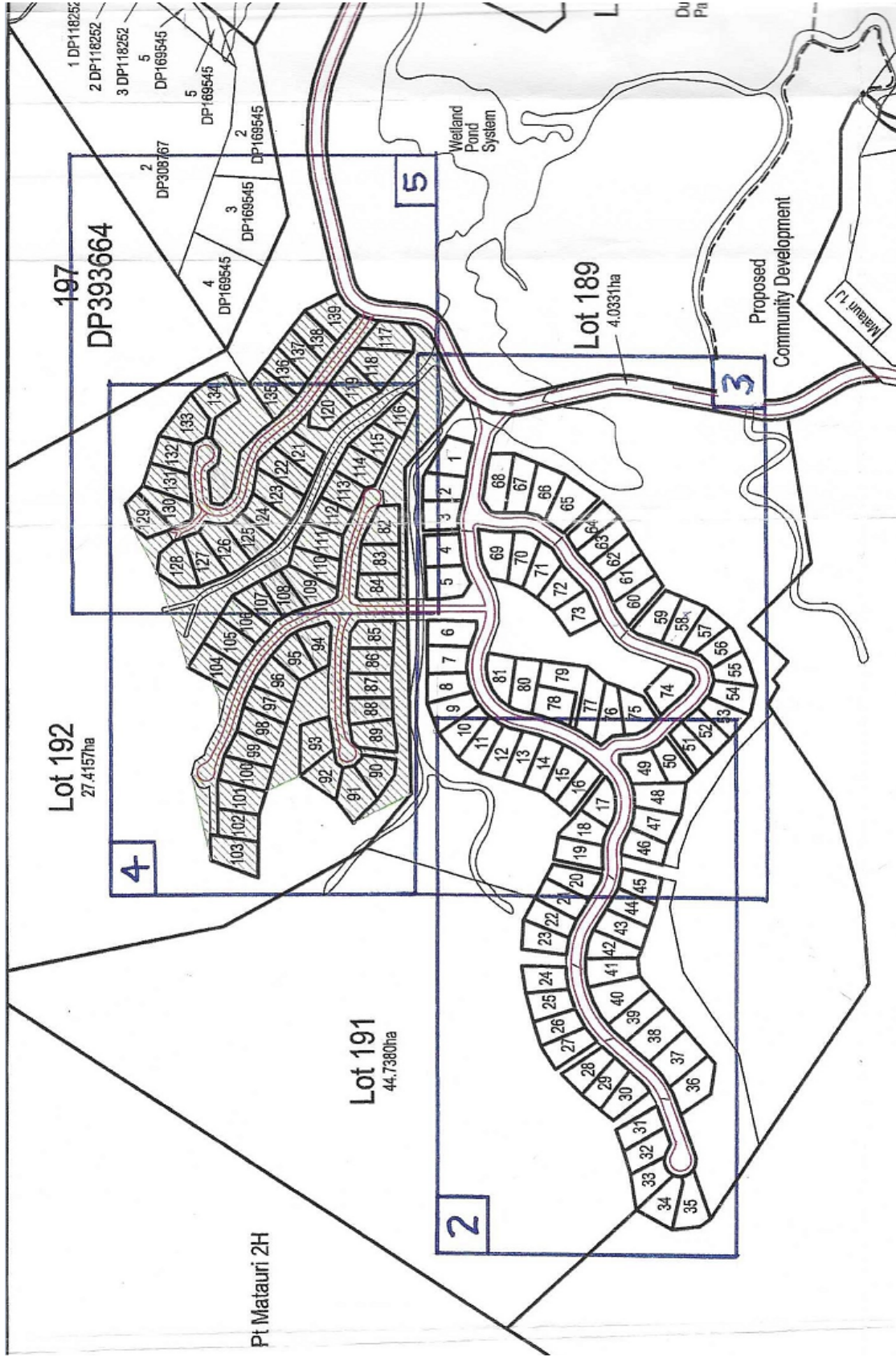
If others make a similar submission, the Company will consider presenting a joint case with them at a hearing.

Signature:



Date: 19 October 2022

MATAURI BAY SUBDIVISION



ANNEXURE 1 – CAVALLI PROPERTIES SUBMISSION TO FAR NORTH PROPOSED DISTRICT PLAN

SHOWING STAGE 1 (LOTS 1 – 81) AND STAGE 2 (LOTS 82 – 139) AS APPROVED BY FAR NORTH DISTRICT COUNCIL IN 2006.