

**SUBMISSION ON THE PROPOSED FAR NORTH DISTRICT PLAN CHANGE 2022 BY  
James William Rogers and Sara Rogers**

**TO:** Far North District Council  
  
Private Bag 752  
  
Kaikohe 0400

**FROM:** James William Rogers and Sara Rogers  
127 Mangatete Heights, Kaingaroa

**James William Rogers and Sara Rogers** at the address for service set out below makes the following submission on the Proposed Far North District Plan Change 2022.

<b>Legal Description</b>	<b>Address</b>
Lot 27 DP 377680	120 Mangatete Heights, Kaingaroa

James William Rogers and Sara Rogers do not consider they can gain an advantage in trade competition through this submission. In any event, James William Rogers and Sara Rogers are directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

This submission letter provides an overview of the matters of interest to James William Rogers and Sara Rogers, with **Attachment A** providing the detail of the properties to which this submission relates.

### **Background**

The proposed plan change proposes to replace the existing operative zones in the Far North District with new zones. The Foreword of the Proposed Plan states that “The sustainable management role of the Far North District Plan gains importance when viewed against this backdrop of unique natural and cultural resources along with meeting the wellbeing needs of communities that face economic challenges and opportunity.

The preparation of the Plan has brought these matters together into an integrated set of objectives, policies and rules to ensure that the needs of both current and future generations are well met.”

1. Ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the District.

<b>Current Operative Zoning</b>	<b>Current Proposed Zoning</b>	<b>Relief Sought</b>
Rural Production	Rural Production	Re-zone to Settlement Zone

2. This submission focuses on the Far North Proposed District Plan - Plan Change, particularly the Rural Production Zone (RPROZ) and District Wide Subdivision Chapter, as well as the notified Definitions Chapter.

### **Scope of Submission**

3. The submission relates to the Proposed District Plan Change as a whole.

### **Site Context**

4. The site is located on the northern side of Mangatete Heights and is predominately grass covered with a mix of native bush. The topography of the site is elevated and flat at the western end and slopes steeply eastwards down to an undulating mixed grass and native bush area. The site is bounded by a 4ha site to the north, the Mangatete River/coastal area to the east, a 5.1ha site to the south, and Mangatete Heights on the western boundary.
5. Map showing the existing rural production zoning:



Image 1: Red dot shows submitters site (Green= Rural Production zoning)

6. The submitters site has an area of 3.7 hectares as shown below:



Image 2: Yellow highlight is submitters site

7. Area proposed for re-zoning below:

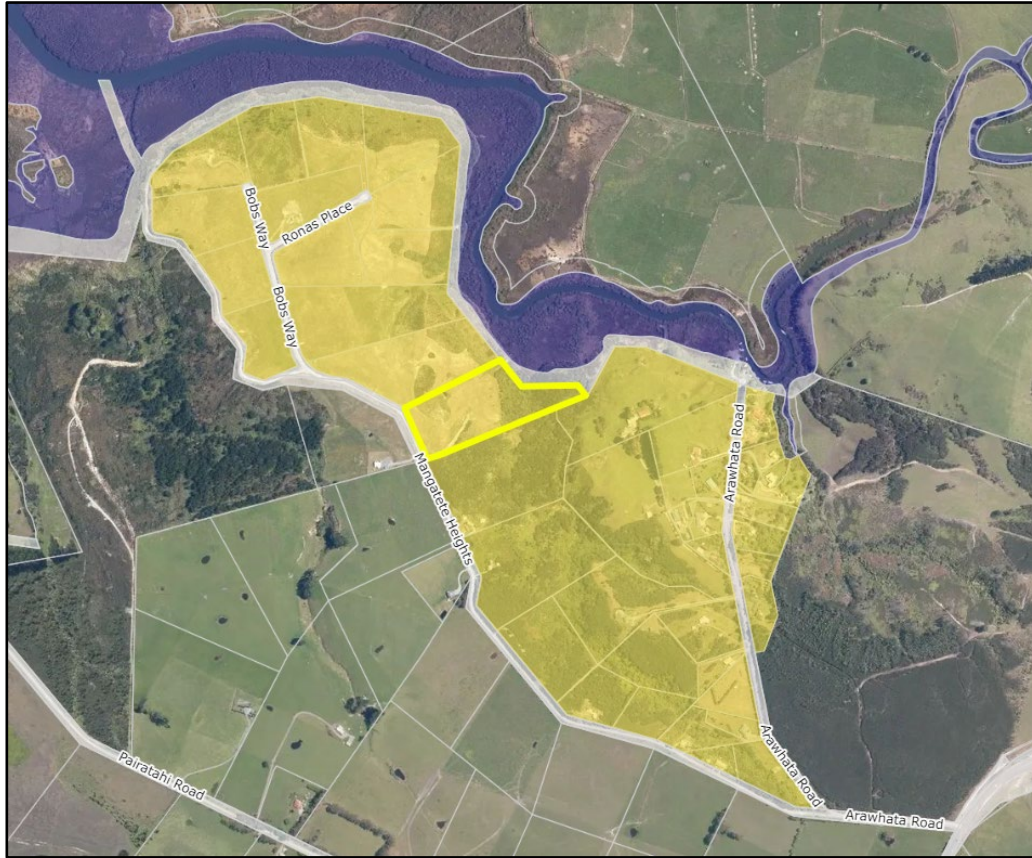


Image 3: Area proposed for re-zoning

8. A summary of the existing allotments of Mangatete Heights and Arawhata Road are as below under the proposed Rural Production Zoning (refer **Attachment A** for specific area):

Size	N.o of allotments	Potential additional lots/Growth
40ha plus	0	0
20ha – 40ha	0	0
10ha – 20ha	0	0
4ha – 10ha	6 (range 4.0 – 5.8)	CA 0 DA 0
1ha – 4ha	21	0
Less than 1ha	17	0
	44 lots	0 possible additional allotments

9. The site has no mapped Outstanding Landscape, Outstanding Landscape Feature, nor Outstanding Natural Character.

**The specific provisions of the plan change that this submission relates to are:**

**Proposed District Plan**

10. The Proposed Plan Change seeks to outline Strategic Directions that should ensure the interpreting and implementation of the Plan is achieved in a manner consistent with the identified Strategic Directions. The Strategic Directions are intended to demonstrate:
1. *Commitment to, and articulation of Council's partnership with tangata whenua;*
  2. *Alignment with Council's aspirations for the development and environmental quality of the District as expressed through Far North 2100 - an 80 year strategy for the district;*
  3. *Integrated management through the grouping of environmental considerations which combine to achieve strategic outcomes; and avoiding strategic objectives becoming isolated within various chapters of the District Plan;*
  4. *Achievement of particular aspects of the use, development, or protection of natural and physical resources that have been elevated to matters of national importance by the Resource Management Act and those matters of national and regional significance by National and Regional Policy Statements;*
  5. *A prosperous economy through enabling a wide range of rural and urban business activities in the right locations; and*
  6. *The management of urban growth integrating existing and future infrastructure, providing sufficient land, or opportunity to meet growth demands for housing and business.*
11. This submission seeks amendment to the specific provisions listed above, or any consequential amendments to achieve the relief sought.

**James William Rogers and Sara Rogers Submission is:**

12. James William Rogers and Sara Rogers oppose the Proposed District Plan Changes, for the reasons set out below.
13. Provided that the relief sought below and attached is granted:
- (a) The Proposed District Plan Changes will be in accordance with the purpose and principles of the Resource Management Act 1991 ("**the Act**") and will be appropriate in terms of section 32 of the Act; and

- (b) The potential adverse effects that might arise from activities allowed by the Proposed District Plan Change will have been addressed appropriately.
14. In the absence of the relief sought, the Proposed District Plan Changes:
- (c) Are contrary to the sustainable management of natural and physical resources and is otherwise inconsistent with Part 2 of the Act;
  - (d) Will in those circumstances impact significantly and adversely on the ability of people and communities to provide for their social, economic and cultural wellbeing.
15. In particular, but without limiting the generality of the above:
16. The current proposed rural production zoning does not recognise that the subject area is currently comprised entirely of lots that are significantly smaller than that anticipated under the Subdivision Rule as a Controlled activity (some allotments being 100 times too small), and further significantly less than even that anticipated as a Discretionary Activity, is currently highly unsuitable for undertaking rural production activities, and therefore additional ability for residential purposes, which is the existing land use for almost all allotments, would not result in a loss of productive land as the productive capacity of the land is already absent.

**The reasons for this submission are:**

**Proposed Plan Change**

17. The Executive Summary, at page 4, of the s32 report overview states that “the PDP will guide the sustainable management of natural and physical resources in the District to provide for the well-being of current and future generations. It is a forward-looking document that manages use and development of the natural and physical resources, while protecting the interests and opportunities of current and future generations to utilise those resources in a sustainable way”. This is important in relation to this submission as it is advanced that the proposed zoning is not forward looking in regard to providing a supply of land for predicted future growth of the district over the short, medium or long term.
18. Section 7.3.8 ‘Rural Environment’, at page 44 of the Section 32 Overview states that the strategic objectives are “SD-RE-O1 Primary production activities are able to operate efficiently and effectively and the contribution they make to the economic and social well-being and prosperity of the district is recognised. SD-RE-O2 Protection of highly

productive land from inappropriate development to ensure its production potential for generations to come". The proposed Rural Production Zone is supported by this statement but needs to apply to suitable allotments when considering whether the sites currently hold any production potential.

19. Further the s32 for the Rural Environment states "8ha was adopted as the discretionary minimum lot size to recognise that sites with good access to water can still be productive at this scale". "A 4ha lot is considered to be the absolute minimum lot size that can still be a productive parcel (in some circumstances) ...". Of the 44 lots within the subject area, just five are 4ha or larger, with all being smaller than 6ha. The sites within the subject area have poor access to water, and it is noted that there are no lots within the area that contain highly productive soils. The majority of the area contains class 6 soils, with the remainder being class 4. Given the absolute minimum productive lot size being 4ha, with good access to water, and that 39 of the 44 lots within the subject area are below this size, have poor access to water, and contain poor soil, it is difficult to understand how rural production activities would be able to be carried out within the area, as per the expectations of the Rural production Zoning.
20. Section 4.1 'Context', at page 10 of the Section 32 for the Settlement Zone sets out the key criteria for a settlement to be Zoned Settlement Zone. There are two **must** have criteria and two **may** have criteria. The criteria are as follows:
  - **Must** have at least 15 houses clustered around a central point (i.e. not just a ribbon of houses along a stretch of road)
  - **Must** not have reticulated wastewater servicing (all wastewater reticulated areas have been given an urban zoning)
  - **May** have an existing Urban zoning or Coastal Residential zoning (although there are a few exceptions where a settlement has a Rural Production zoning under the Operative Plan i.e. Mangamuka)
  - **May** have existing commercial activities or existing community infrastructure (e.g. schools, halls, churches etc).
21. The subject area meets the two **must** have criteria in that the subject area contains at least 30 houses that are clustered around a central point and bound by geographical and road boundaries, and there is no reticulated wastewater infrastructure available to service the area. Furthermore, the subject area meets one of the '**may**' criteria being zoned under the Operative plan as rural production. It is also noted that, although not within the subject area, there is a school within 2km, and a community hall within 1.5km of the subject area. An assessment table against the key criteria is provided as **Attachment B**.

22. Geographically, the subject area provides an appropriate shape and location for its own zone, being geographically bound by a large 55ha rural production lot to the west, the Mangatete River and Coastal Marine Area to the east and north, and Mangatete Heights to the south and west. The subject area represents a cluster of development that is distinct from the surrounding environment, and sufficiently contained within existing natural and road boundaries, providing for an ideal location to accommodate re-zoning.
23. James William Rogers and Sara Rogers seek amendments to the Far North Proposed District Plan Change which are set out in further detail in this submission and set out in:
  - (a) **Attachment B** – assessment against Settlement Zone provisions;

### **Relief Sought**

24. The primary relief sought is the re-zoning of the subject area to the more appropriate Settlement Zone.

**S504.001**
25. Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.

### **Conclusion**

26. The area has a current rural production zoning yet is used for residential purposes with 38 of the 44 lots being below the “4ha absolute minimum lot size” defined in the Section 32 report for the rural environment, and contains at least 30 houses. This submission has demonstrated that the current Operative and proposed rural production zoning is inappropriate and when assessing the existing environment of the subject site, the Zone that is most aligned to the site’s existing pattern of development, location, and nature is the Settlement Zone. This submission proposes to re-zone the subject area to the more appropriate and applicable Settlement Zone.
27. James William Rogers and Sara Rogers do not consider they can gain an advantage in trade competition through this submission.
28. James William Rogers and Sara Rogers wish to be heard in support of this submission.
29. If others make a similar submission, James William Rogers and Sara Rogers would be willing to consider presenting a joint case with them at hearing.

**Dated** this 20<sup>th</sup> day of October 2022

James William Rogers and Sara Rogers Submission

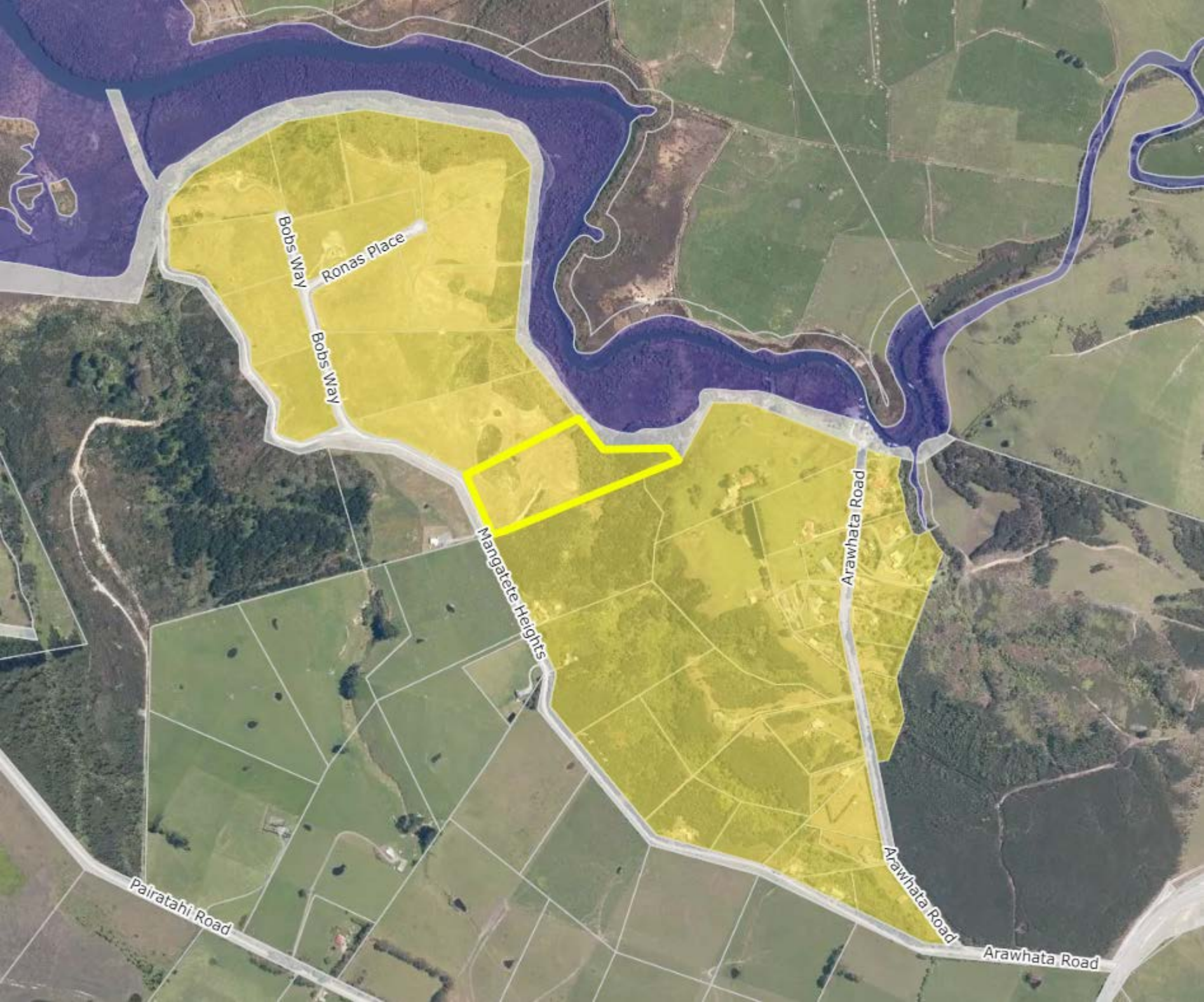


**James William Rogers and Sara Rogers**

---

**ADDRESS FOR SERVICE:**

James and Sara Rogers, 2 Bush Point Road, Cable Bay 0420  
(ph) 09 406 1245, (email) [maccotage@xtra.co.nz](mailto:maccotage@xtra.co.nz)



Bobs Way

Ronas Place

Bobs Way

Mangatete Heights

Arawhata Road

Paratahi Road

Arawhata Road

Arawhata Road

Place Names	No Council reticulated W/W (Must)	Existing urban zoning or coastal residential zone	Existing commercial activities	Existing community infrastructure	15+ Cluster of houses (Must)	Zoning Recommendation	Rationale
Kaingaroa	Yes	No*	No	No	Yes	Settlement zone	Meets all must have criteria, in that it is un-serviced, meets house cluster and may have zoning criteria. In regard to remaining 'may have' criteria, it is noted that there is both a school and community hall located within 2km of the subject area.

\* Key criteria, page 10 Section 4.1 of the s32 for Settlement Zone states “May have an existing Urban zoning or Coastal Residential zoning (although there are a few exceptions where a settlement has a Rural Production zoning under the Operative Plan”.