

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

1. Submitter details:

Full Name:	RHL & LM Ferguson Family Trust		
Company / Organisation Name: (if applicable)			
Contact person (if different):	Jan Ferguson		
Full Postal Address:	PO Box 195, Mangonui 0442		
Phone contact:	Mobile: 0273214656	Home: 094060006	Work:
Email (please print):	Butler.point@xtra.co.nz		

2. (Please select one of the two options below)

- I **could not** gain an advantage in trade competition through this submission
 I **could** gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission, please complete point 3 below

3. I **am** 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
- I **am not** 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

Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

The specific provisions of the Plan that my submission relates to are:

(please provide details including the reference number of the specific provision you are submitting on)

The zoning of our property as 'Rural Production'

S57.001



Confirm your position: Support Support In-part Oppose
(please tick relevant box)

My submission is:

(Include details and reasons for your position)

All of the privately owned land, amounting to some 51 hectares, on the Rangitoto Peninsula (i.e. land on the eastern side of the Mangonui Harbour to the west of the Hihi urban area, and including Butler Point) is proposed to be zoned Rural Production. This land is currently zoned General Coastal. Our property, known as Butler Point, is situated at 95 Marchant Rd Hihi, and consists of 6 separate titles (corresponding to six separate Sites as that term is defined in the PDP, despite being listed as a single Property in the Rating Information Database).

The Rural Environment Section 32 Report associated with the PDP states that: **“The purpose of this [Rural Production] zone is to provide for primary production activities”**; implying commercially viable primary productive use of the land.

However, our land does not meet the stated purpose of, and cannot contribute to the stated objectives of, the Rural Production zone for the following reasons:

1. Historically Butler Pt has never been viable farmland. The previous owner, Bob Marchant, ran a few sheep but made his living as a commercial fisherman and working his boat as a cable layer. The Marchant Family led a more or less subsistence existence on the property.
2. More than 2/3 of our land is covered by regenerating native bush and is not available for any form of rural productive or development activity. This followed the harvesting of a pine plantation, planted in 1973, that was a loss making venture.
3. The only fertile area of the property was planted with a Macadamia orchard, but this also proved to be uneconomically viable.
4. Excluding these areas the property consists of impoverished northland clay. The Land Use Capability (LUC) of our property has been officially coded as 6e2, and thus has been deemed unsuitable for cropping and horticulture. Soils of this quality are considered suitable for forestry, however as mentioned above we lost money with this enterprise.
5. Over the years a number of bores on the property that supplied fresh water have all become salinated. In recent years over the dry summers we have resorted to buying water to maintain the gardens around the historic Butler House. This is a notable garden with the New Zealand Gardens Trust, and no way could it be converted to “rural primary production”.
6. Much of the bush areas are very steep, some of it covered with notable trees.
7. The remainder of the property is already subject to conservation covenants either with Heritage New Zealand, or with the Far North District Council’s proposed Heritage areas.

The rateable value of our property derives from its coastal/harbour location and aesthetic qualities, as well as being in close proximity to local townships and associated retail outlets (particularly Mangonui & Coopers Beach). In view of the high land value implicit in this it would be commercially irrational for some or all of the titles on our property to be acquired by someone intending the land be used primarily for a primary production enterprise. In general, it may be argued (as in the above referenced Section 32 report) that changing the zone of land from Rural Production to Rural Lifestyle would be *“at the expense of the productive capacity of the rural land resource.”*, and result in the *“loss of highly productive land”*, and/or the *“loss of versatile soils”*. However, in the case of the Butler Point property this would not be so for the reasons listed above.

Areas of more agrarian character than Butler Point on the other (eastern) side of the Hihi urban area are proposed to be zoned Rural Lifestyle. For example, the RID (Rating Information Database) records that land with the property address of 376 Hihi Rd is classified for rating purposes as:

“Land Use : 12 - Primary Industry-Stock Fattening”, but nevertheless the more coastal part of that land is proposed to be zoned ‘Rural Lifestyle’. The major Site (ie title NA-135D/101) that comprises this property and which is proposed to be partially zoned Rural Lifestyle is a relatively large block (120.448 hectares) which contradicts the stated rationale of not zoning large productive primary industry land as Rural Lifestyle to avoid fragmentation of such land. We however are not objecting to the proposed zoning of such land on



the eastern side of Hihi (in fact we support it), but we provide it only as an example of the inequitable and arguably irrational proposed zoning treatment that negatively impacts us. It is demonstrably incongruent that large blocks of coastal land on the eastern side of Hihi that for rating purposes are classified as 'Primary Industry' are proposed to be zoned Rural Lifestyle while our small blocks on the western side of Hihi that are classified as 'Lifestyle' or 'Residential' for rating purposes are proposed to be zoned Rural Production.

In contrast to its incongruence with the Rural Production zone purpose and objectives, our land meets all of the criteria and objectives associated with the Rural Lifestyle zone, including (quoting from the Rural Lifestyle Overview section of the PDP):

- *"being close to transport routes with good access to services in urban areas and settlements",*
- *"enables people to undertake primary production activities, or primarily undertake a residential activity while having the option of growing their own food, or having horses or other livestock at a domestic scale".*
- *"they are already fragmented with residential land uses, are on low value soils or where consent has already been granted to undertake more dense living than anticipated in the Rural Production Zone".*

With respect to the 'fragmentation' aspect, note that the Butler Point property already consists of 6 separate titles, consistent with the "already fragmented" criteria appropriate for Rural Lifestyle zoning.

Since the Ferguson family acquired the property in 1970, land development has consisted of converting areas dominated by scrub and invasive species into various new plantings, including native trees, ornamental gardens and small orchards, in addition to preserving and enhancing regenerating native bush areas. Our central aim with the property has been the preservation of the historic Butler House as the focal point of gathering and preserving the early history, both European and pre-European, of the property and Mangonui itself- including the development of the Whaling Museum. The property is open to the public for tours on a daily basis, and remains so as a community service, as the cost of doing so far exceeds the fees that are generated. Re-zoning our property as a Rural Production zone would curtail our ability to future proof our operation by utilizing one or more of our titles to generate the future funding that will inevitably be required.

I seek the following decision from the Council:

(Give precise details. If seeking amendments, how would you like to see the provision amended?)

In summary the Butler Point property has failed to be viable in any form of primary production despite concerted efforts by both the current and previous owners, for the reasons detailed above. Furthermore the property is already fragmented into 6 legal titles, defeating one of the purposes of the re-zoning. Finally the re-zoning increases the likelihood of this historic property, long treasured by the local community and visiting tourists, being removed from the public domain. We object strenuously to the proposed re-zoning of Butler Point as a Rural Production Zone and submit that it meets all of your criteria for Rural Lifestyle status.

- I **wish** to be heard in support of my submission
 I **do not wish** to be heard in support of my submission

(Please tick relevant box)

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

- Yes No

Do you wish to present your submission via Microsoft Teams?

- Yes No

Signature of submitter:

(or person authorised to sign on behalf of submitter)



Date: 14 October 2022

(A signature is not required if you are making your submission by electronic means)

Important information:

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

Send your submission to:

Post to: Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council,
Private Bag 752
KAIKOHE 0400

Email to: pdp@fndc.govt.nz

Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.

Submissions close 5pm, 21 October 2022

Please refer to pdp.fndc.govt.nz for further information and updates.

Please note that original documents will not be returned. Please retain copies for your file.

Note to person making submission

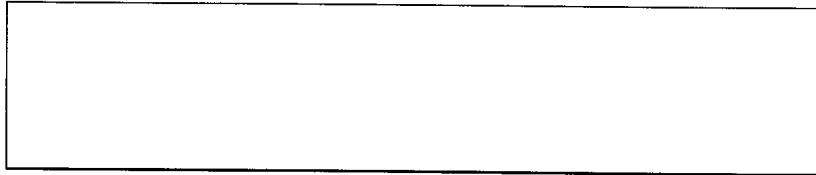
Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Liz Searle

From: Jan Ferguson <butler.point@xtra.co.nz>
Sent: Thursday, 3 November 2022 9:20 am
To: Proposed District Plan
Subject: Re: District Plan Submission Re zoning Rural Production

CAUTION: This email originated from outside Far North District Council.
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Kia ora Liz

Thankyou for your email.
Please add to our submission: Re zoning of our land Rural Production

- We could not gain an advantage in trade competition
- We wish to be heard

Kind regards

Jan Ferguson
Butler Point Whaling Museum
Hihi
Mangonui 0494

0800 Museum



www.butlerpoint.co.nz

On 1/11/2022 12:00 pm, Proposed District Plan wrote:

Hi Jan,

Thank you for your submission (as attached) that was received prior to the closing date for submissions.

We've undertaken an initial review of your submission and note that there's some information gaps where council requires further detail, in particular statements relating to trade competition and confirmation as to whether you wish to be heard. If you could either annotate the attached to address these matters and email back to me please (and I'll attach it to your submission), or provide a response to this email addressing the trade competition questions and whether you wish to be heard, whichever is easiest for you.

Once we've received the necessary information, we'll include it as part of your submission and retain a written record of this correspondence.

We look forward to your response. Please don't hesitate to contact me if there are any matters you'd like to discuss.

Kind regards



Liz Searle

Policy Planner

Strategic Planning & Policy, Far North District Council | 24-hour Contact Centre 0800 920 029

DDI +6494070357 | M +64272457555 | Liz.Searle@fndc.govt.nz

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Contractors are to verify the exact location of all Council services on site before work commences. Contractors are liable for any damage they may cause to Council services, including any services not identified on this plan.

Far North District Council | Te Kaunihera o Tai Tokerau Ki Te Raki | Phone: 09 401 5200 | Email: ask.us@fndc.govt.nz

Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

Get it done online at your convenience, visit our website: www.fndc.govt.nz

 Please consider the environment before printing this email.

From: Proposed District Plan <pdp@fndc.govt.nz>

Sent: Friday, 14 October 2022 12:29 pm

To: Jan Ferguson <butler.point@xtra.co.nz>

Subject: RE: District Plan Submission

Dear Submitter

The Far North District Council acknowledges receipt of your submission on the Proposed District Plan.

A copy of your submission is attached to this email. Following the submission period, all submissions and decisions requested will be summarised and made available on the council's website, followed by a further submissions process, hearings and decisions. At this stage, hearings are likely to be held from mid-2023. When hearings are being scheduled, you will be contacted directly if you have indicated that you wish to be heard. For more information and next steps please visit: <https://pdp.fndc.govt.nz>.

If you require any further information, please feel free to contact the District Planning Team on email pdp@fndc.govt.nz or 0800 920 029.

Kind Regards,

District Planning Team

Far North District Council



Liz Searle

Policy Planner

Strategic Planning & Policy, Far North District Council | 24-hour Contact Centre 0800 920 029

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Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

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From: Jan Ferguson <butler.point@xtra.co.nz>
Sent: Friday, 14 October 2022 11:55 am
To: Proposed District Plan <pdp@fndc.govt.nz>
Subject: District Plan Submission

CAUTION: This email originated from outside Far North District Council.
Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find attached our submission for the proposed District Plan.

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Kind regards

Jan Ferguson
Butler Point Whaling Museum
Hihi
Mangonui 0494

0800 Museum



Get it done online at your convenience, visit our website - www.fndc.govt.nz

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Address. Memorial Avenue, Private Bag 752, Kaikohe 0440, New Zealand

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