

IN THE MATTER OF

The Resource Management Act 1991 (“the Act”)

AND

IN THE MATTER OF

the Far North Proposed District Plan

AND

Matthew Draper & Michaela Jannard

Submitter

---

Submission to the

Proposed Far North District Plan 2022

21 October 2022

---

---

**Julian  
Dawson**  
BARRISTER

e [julian@rimalawyer.co.nz](mailto:julian@rimalawyer.co.nz)  
m 0274 200 223  
post PO Box 531  
Whangarei 0140

Northland Office:  
Kowhai Court,  
Suite 6, 27 Rust Avenue  
Whangarei 0110  
Auckland Office:  
By Arrangement

## SUBMISSION FORM

To: FAR NORTH DISTRICT COUNCIL

1. Name of submitter: **Matthew Draper and Michaela Jannard**
2. This is a submission on the **Far North Proposed District Plan 2022**
3. We could **NOT** gain an advantage in trade competition through this submission.
4. The specific provisions of the Proposed District Plan that my submission relates to are:
  - (a) The proposed zoning of property at Lot 19 DP323083 and contained in Record of Title 92538 ("**the Property**") which is part of Mataka Station, Purerua Peninsula Peninsula; and
  - (b) The site generally described as Mataka Station, Purerua Peninsula.
5. Our submission **OPPOSES** the proposed provisions affecting the Property and Mataka Station, including but not limited to the following provisions of the Proposed District Plan:
  - (i) The proposed Coastal Environment ("**CE**") provisions including the overlay, objectives, policies and rules applying to the Property and Mataka Station generally;
  - (ii) The proposed Outstanding Natural Landscape ("**ONL**") provisions including the overlay, overview, objectives, policies and rules applying to the Property and Mataka Station generally; and
  - (iii) The proposed High Natural Character ("**HNC**") provisions including the overlay, overview, objectives, policies and rules applying to the Property and Mataka Station generally.
  - (iv) The proposed Rural Production zone provisions including the overview, objectives, policies and rules applying to the Property and Mataka Station generally.
  - (v) And, the following specific provisions of the Proposed District Plan:

- (a) NATC – S1(1) and (2)
- (b) NFL-R1 (PER1,2 and 3)
- (c) CE-02 and related policies
- (d) CE-R1 (PER2)
- (e) CE-S1
- (f) CE-S2

6. The **reasons** for our submission are:

### **Background**

- 6.1 The Property is part of the Mataka Station Development, which has had various resource consents dating back to 2001 granted by Far North District Council enabling the comprehensive development and subdivision of that property (RC2010428, RC2020211, RC2030467, RC2030988 and RC2041080) (collectively “**the Resource Consents**”).
- 6.2 Mataka Station is a comprehensive development of 30 Lots, in a farm-park type development totaling some 1150ha.
- 6.3 A single dwelling, together with accessways is consented under the Resource Consents on each of the lots. On most lots, but not including the Property, ancillary buildings are also consented.
- 6.4 Presently, ten of the lots have been built on, and the remainder are undeveloped.
- 6.5 All of the lots are subject to controls, secured by Consent Notice, relating to building form and dimension, location and (in some instances), landscaping. In addition to the general provisions for Mataka Station, the Property has specific controls limiting building to one building of 500m<sup>2</sup> (in a defined location), with a height limit of 5m. Parking areas, exterior appearance and access is also subject to control under the Resource Consents.
- 6.6 Conservation Areas have been identified within Mataka Station and these are legally and physically protected by operation of the Resource Consents. Revegetation and enhancement of identified areas is also required.

6.7 The Resource Consents also impose restrictions on earthworks, archaeological sites, pedestrian accesses and roading.

6.8 Development of the Property is controlled under condition 17A of the Resource Consents, that provides:

*Development on Lots 19 & 23 shall be limited to one building only of not more than 500m<sup>2</sup> per lot and shall be within the identified building area as shown on the survey plan. The buildings on Lots 19 & 23 shall be located below the ridgeline behind the building site and shall not exceed a height of 5 metres above natural ground level or finished ground height whichever results in the height of the building being lesser when measured above sea level. Any parking areas shall be located landward of the building. The exterior appearance of any buildings shall be designed to be visually unobtrusive by the use of appropriate design, materials and exterior colours. The access to the building areas including landscaping shall be completed generally in accordance with the plans and details provided to satisfy condition 1 B of this consent.*

6.9 Currently, the Property is vacant, but the submitters have plans underway for the construction of a residence.

### **Grounds for Submission**

7. The Resource Consents have been given effect to, and remain live, thus development of Mataka Station, including vacant lots and the Property itself continue to be enabled by those consents. In other words, the Resource Consents enable development, and completion of the Mataka Station development, notwithstanding the provisions of the Proposed District Plan.
8. However, the Proposed District Plan fails to recognise, have regard to, or provide for the development and subdivision enabled by the Resource Consents.
9. The Proposed District Plan provisions will restrict development of the Property, and Mataka Station more generally, in a manner that is inconsistent with the Resource Consents and the integrated and comprehensive development authorised by that. Especially the controls within the CE, ONL and HNC Overlays.
10. The Council's s32 analysis does not mention, or consider approved but unimplemented developments within the Property and Mataka Station more generally, nor elsewhere. The "low

intensity” development controls and height limits proposed within the Coastal Environment are given very little analysis.

11. The proposed provisions are inconsistent with the Act and relevant planning instruments.

12. **We seek the following decision from the local authority:**

S347.001  
to S347.005

12.1 That the Proposed District Plan (and in particular the provisions of the Rural Production Zone, CE, ONL and HNC overlays) be amended to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the Resource Consents; and/or

12.2 Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development as is authorised by the Resource Consents as a permitted activity (where they are in general accordance with the Resource Consents) as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the CE, ONL or HNC; and/or

12.3 Otherwise amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the Resource Consents;

12.4 Such other further and consequential relief as may be necessary to provide for, and recognise the development and land use authorised by the Resource Consents.

12.5 Such other consequential relief as may be necessary to recognise these concerns.

13. We **do wish** to be heard in support of our submission.

14. If others make a similar submission, **we will** consider presenting jointly with them.

A handwritten signature in blue ink, appearing to read 'Julian Dawson'.

Signed by Julian Dawson – Barrister

Counsel for M Draper and M Jannard

**Dated:** 21 October 2022

The address for service of the submitter is:

c/ Mr Julian Dawson – Barrister

Suite 6, 27 Rust Avenue, Whangarei 0110

**Post:** PO Box 531, Whangarei 0140

**Phone:** (0274) 200 223

**Email:** julian@rmaalawyer.co.nz