

**In the Environment Court of New Zealand
Auckland Registry**

**I Mua I Te Kooti Taiao O Aotearoa
Tāmaki Makaurau Rohe**

ENV-2026-AKL-

In the matter of

an appeal under clause 14 of Schedule 1
of the of the Resource Management Act
1991

Between

Trustees of the Taranaki Trust
Appellant

And

Far North District Council
Respondent

Notice of appeal to Environment Court against decision on proposed plan

(Rezoning - Rural Lifestyle Zone)

Dated: 12 August 2026

Solicitor:

Martelli McKegg
Solicitors
Level 20/188 Quay Street,
Auckland 1010

PO Box 5745
Victoria Street West
Auckland 1142, New Zealand

Counsel:

Stuart Ryan, Barrister
Ākarana Chambers
Level 11, Southern Cross Building
59-67 High Street
Auckland 1010

PO Box 1296, Shortland Street
Auckland 1140
Telephone: 09 357 0599
Email: stuart@stuartryan.co.nz

To The Registrar
Environment Court

1. The Trustees of the Taranaki Trust (**the Trust**) appeal against a decision of the Far North District Council on the proposed Far North District Plan (**“Proposed FNDP”**):
 - a) Proposed FNDP – Rezoning request – rural and urban (S552).
2. The Trust made a submission on the Proposed FNDP (submission S552).
3. The Trust is not a trade competitor for the purposes of section 308D of the Act.
4. The Trust received notice of the decision on Tuesday, 30 June 2026.
5. The part of the decision that The Trust is appealing against is:
 - a) The decision in relation to “Area B” (proposed Rural Lifestyle Zone), as recorded in Recommendation Report 15C: Hearing 15C – Rezoning Requests – Rural and Urban Areas (March 2026) at Key Issue 13 (paragraphs 3.16.1 to 3.16.3), being to reject the submissions of the Trust (S552.001) and related submitter Lucklaw Farm Limited (S551.001) insofar as the decision declined to rezone the land identified as “Area B”, from Rural Production Zone to Rural Lifestyle Zone.
6. The reasons for the appeal are as follows:
 - a) The Panel's evaluation of the submissions of the Trust (S552.001) and for supporting submitter Lucklaw Farm Limited (S551.001) treated the rezoning request as a single, indivisible proposal, rather than assessing the merits of the proposed Rural Lifestyle Zone sought for Area B separate from the urban (Mixed Use/General Residential) zoning sought for Area A and the development area mechanism.
 - b) The matters identified by the Panel as justifying rejection of the overall request – namely inadequate wastewater servicing capacity, traffic and transportation effects at the coastal interface and boat ramp, evidence justifying additional urban capacity, inadequate consultation with tangata whenua and the local community – relate to the scale and intensity of the proposed urban (Mixed Use and General Residential) zoning of Area A.

Those matters do not apply, or apply with substantially less force to the Rural Lifestyle zoning of Area B.

- c) The Panel accordingly erred in rejecting the proposed Rural Lifestyle zoning of Area B for reasons that applied only, or principally, to the urban and development area components of the request.
- d) The Panel failed to give adequate weight to the existing pattern of small, previously subdivided allotments within Area B, which are already used, or are capable of being used, for rural lifestyle purposes, and to the limited ability of the notified Rural Production zoning to recognise a right to establish a dwelling on these undersized, undeveloped allotments.
- e) Rezoning of Area B to Rural Lifestyle Zone is the most appropriate way to achieve the purpose of the Act and gives effect to Part 2 of the Act and the relevant objectives and policies of the proposed FNDP (including the Strategic Direction chapter), the Northland Regional Policy Statement, the New Zealand Coastal Policy Statement, and the National Policy Statement on Indigenous Biodiversity.
- f) If rezoned to Rural Lifestyle Zone appropriate protection of the landscape, natural character, and ecological values within Area B, including any land within the Coastal Environment overlay, can be achieved through the existing subdivision provisions of the proposed FNDP (including the relevant matters of control for subdivision consent), without the need for a bespoke development area or precinct.
- g) In the alternative, the Panel failed to adequately address, or give reasons for rejecting, the Rural Lifestyle zoning of Area B as a severable and stand-alone element of relief, separately from Areas A and C, notwithstanding that such relief was expressly sought by the Trust in its submission (S552.001) as either primary or alternative relief for the land of the submitter.
- h) The Panel erred, in giving due weight to a requirement for consultation by the submitter, whereas no such duty exists.
- i) For the above reasons, the decision to reject the rezoning of Area B from Rural Production Zone to Rural Lifestyle Zone was not the most

appropriate way to achieve the objectives of the proposed FNDP, having regard to the benefits and costs of that more limited rezoning, and was contrary to sections 32 and 32AA of the Act.

7. The Trust seeks the following relief:

- a) The appeal on submissions S552.001 (Trustees of the Taranaki Trust) be allowed so that the land identified as “Area B” in the submission is rezoned from Rural Production Zone to Rural Lifestyle Zone.
- b) That the planning maps for the proposed FNDP be amended accordingly.
- c) That any consequential amendments be made to the objectives, policies, rules, and other provisions of the Proposed FNDP as necessary to give effect to the rezoning of Area B to Rural Lifestyle Zone.
- d) Costs.

8. The following documents are attached to this notice:

- a) A list of the person to be served with a copy of this appeal
- b) A copy of the Trust's submission, S552.
- c) Extracts from Recommendation Report 15C: Hearing 15C – Rezoning Requests – Rural and Urban Areas (March 2026), being Key Issue 13 (Lucklaw Farm Ltd/Taranaki Trust Trustees), and the relevant Panel recommendations at paragraphs 3.16.1 to 3.16.3;

Date: 12 August 2026



S J Ryan
Counsel for the appellant

Address for service of appellant:

Stuart Ryan, Barrister
Ākarana Chambers
Level 11, Southern Cross Building
59-67 High Street
Auckland 1010
PO Box 1255, Shortland Street
Auckland 1140
Telephone: 09 357 0599
Email: stuart@stuartryan.co.nz

Advice to recipients of copy of notice of appeal*How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Attachment 1: Persons to be served with a copy of this appeal:

- a) Far North District Council (respondent), email: pdp@fndc.govt.nz
- b) Lucklaw Farm Ltd (FS373), Attention: John Sturgess by email:
john@lucklaw.co.nz

**Attachment 2 – A copy of submission of The Trustees of the Taranaki Trust
(s552)**

**Remember
submissions
close at 5pm,
Friday 21
October 2022**

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:	John Gilbert Sturgess as Trustee for the Taranaki Trust		
Company / Organisation Name: (if applicable)	Trustees of the Taranaki Trust		
Contact person (if different):			
Full Postal Address:	700 Rangiputa Road, Karikari Peninsula 0483		
Phone contact:	Mobile: 021 656 920	Home:	Work:
Email (please print):	john@lucklaw.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:

1. RPROZ-P5

RPROZ-P5

Avoid land use that:

- a. is incompatible with the purpose, character and amenity of the Rural Production zone

2. The zoning of land (as indicated in the planning maps) at 700 Rangiputa Road at Karikari Peninsula and adjacent land as identified in Schedule 2 attached.
3. Objectives, policies and provisions which relate to zoning for the land identified in Schedule 2.

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

My submission is:

The land use for this 52 ha property is currently Lifestyle – Multiuse (see Schedule 1 attached FNDC rating info).

The property is owned by a family trust and has two modern dwellings, 4 older style batches and 2 sheds.

The FNDC PDP now proposes that this property is zoned Rural Production.

This submission is that this use of this land which is adjacent to a residential area (Rangiputa settlement) and is used for residential purposes such as accommodation is not compatible with the purpose, character and amenity of a Rural Production zone.

Rezoning of land adjacent to the Rangiputa settlement as Rural lifestyle / Mixed Use / Residential, with the balance as Rural Production will allow for the planned expansion of the existing Rangiputa settlement in accordance with the strategic direction objectives for urban form and development, while allowing for a mix of housing typologies.

To give effect to this objective, and the actual use of the land, re-zoning is sought which aligns with Schedule 2 (attached) so that:

1. Part A – is zoned as Mixed Use / Residential
2. Part B – is zoned as Rural Lifestyle
3. Part C – is zoned as Rural Production

I seek the following decision from the Council:

1. Amend the zoning of land (as indicated in the planning maps) at 700 Rangiputa Road at Karikari Peninsula and adjacent land as identified in Schedule 2 attached.
2. Amend the objectives, policies and provisions which relate to zoning for the land identified in Schedule 2, consistent with the zoning outcomes sought.
3. Alternatively, Rural Lifestyle or Rural Settlement zoning is sought for the property at 700 Rangiputa Road, Karikari Peninsula.
4. Further or consequential relief amending the objectives, policies and other provisions of the plan in order to give effect to this submission.

☒ 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)

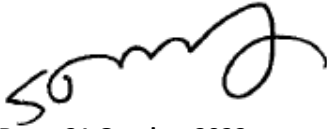
If others make a similar submission, I will consider presenting a joint case with them at a hearing
☒ Yes ☐ No

Do you wish to present your submission via Microsoft Teams?
☐ Yes ☒ No

S552.001

Signature of submitter:

(or person authorised to sign on behalf of submitter)



Date: 21 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.

SUBMISSION NUMBER

Schedule 1 – Rating Information for 700 Rangiputa Road, Karikari

Local election 2022 - Preliminary results

Preliminary results are posted on our Local Elections 2022 page. These are the known results as at 1.30pm on Sunday 9 October.

Final results may be known by Friday 14 October 2022.

Local Elections 2022

[Home](#) / [Our services](#) / [Rates](#) / [Rating Information Database](#)

Rating Information Database

About the database

You can use this database to find rating information on any property in the district. You can also use this rating information database to look for the following:

- Property details – valuation number, property address, land area.
- Valuation details – capital value, improvement value, land value.
- Rates details – rates by year, rates levied by Northland Regional Council, general and targeted rates levied by Far North District Council.

Looking for the balance or an amount owing on your rates account?

Please note you can't use this database to find out information about your rates account, however, you can find out how much you owe by lodging a [general request](#). You don't need to be a registered user of [online services](#) to do this.

To register with online services [click here](#). If you are a registered member then you can view your rating information via your account or access via [this link](#).

Before you start!

What you need to know about this Rating database:

- It provides a breakdown of rates and the total due for the property selected for the next two years. The 2023 year is 1 July 2022 - 30 June 2023 and the 2024 year is 1 July 2023 - 30 June 2024
- The figures incorporate the latest property valuations as at the 1st August 2019
- Variations in rates from one year to the next are due to changes in land values calculated independently every three years and annual adjustments made by Far North District Council
- Each breakdown of rates includes those levied by Northland Regional Council and collected by Far North District Council
- FNDC and NRC rates for 2022-2023 are the actual rates. 2023-2024 proposed rate are not yet available.

How to use the database

Search for rating information by entering an valuation number or a street address in the corresponding boxes below, check that you are not a robot and click submit. Please take note of the year you are searching.

The Rating Information Database

Rate Information Database last updated : 10/09/2022

Property Details for Valuation: 00081-06102

Property Address : 700 Rangiputa Road, Karikan Peninsula 0483

Current Legal Description : Lot 2 DP 446414

Title References : CT-562361

Values for Property ID : 3356725

Code	Type	Value
CV	Capital Value (\$)	2070000
IV	Improvement Value (\$)	700000
LA	Land Area (sq metres)	521201
LV	Land Value (\$)	1370000

Ratesability : Ratesable
Land Use : 20 **Business/Multi Use**
Section 20-20A Local Government (Rating) Act 2002 – Rating units in common ownership
Main assessment : None
Linked assessment(s) : None
Nature of Improvements: 4 Bach 2 Dwelling Fencing Other Buildings Other Improvement

Rates for 2023 for rate assessment : 5013006

Rate Type	Type	Value	Rate or Charge	Amount
Stormwater Targeted Rate CV	Capital Value	2070000	0.00030010	621.21
Sewerage Public Good	Rating Unit	1		15.00
Water Public Good	Rating Unit	1		15.00
Roading Rate Uniform Rate	Separate Part	2	100.00	200.00
Roading Rate Lifestyle Differential	Land Value	1370000	0.00012230	167.55
General Rate Uniform Annual General Charge	Separate Part	2	450.00	900.00
Ward Services Rate Te Hiku Differential	Separate Part	2	353.30	706.60
General Rate General Differential	Land Value	1370000	0.00477200	6,537.64
NRC Council Services Rate	Separate Part	2	140.02	280.04
NRC Pest Management Rate	Separate Part	2	71.77	143.54
NRC Flood Infrastructure Rate	Separate Part	2	33.34	66.68
NRC Emergency and Hazard Management Rate	Separate Part	2	40.15	80.30
NRC Emergency Services Rate	Separate Part	2	11.60	23.20
NRC Sporting Facilities Rate	Separate Part	2	16.60	33.20
NRC Far North Transport Rate	Separate Part	2	8.79	17.58
NRC Economic Development Rate - Far North District	Land Value	1370000	0.00002600	35.62
NRC Land and Freshwater Management Rate	Land Value	1370000	0.00038350	525.40
Total Years Rates				10,968.35

Related Information

- [About the rating database](#)
- [Lodge a service request for your rates account information](#)
- [Register for an online services account](#)
- [Check your account with Online Services](#)
- [Printer friendly Rating Information Database](#)

Last updated 04 July 2022

Was the information on this page helpful?

Help us improve this site

Yes

Maybe

No

Share    

Get in touch

[Contact us](#)

[Visit our Service Centres](#)

[Media enquiries](#)

Far North District Council
5 Memorial Ave (Head Office)
Kaikohe 0405
Mail to: Private Bag 752, Kaikohe 0440

P 2800 920 029 (free within NZ)

Follow us

-  Like us on Facebook
-  Follow us on Twitter
-  Watch our YouTube Channel
-  Connect on LinkedIn

Quick links

- No water?
- Climate change planning
- Reduced opening hours

Do more online

[Request a service with MyFNDC](#)

Our other sites

[Be water wise](#)
[Proposed District Plan](#)

Schedule 2 – Proposed Rezoning of Puwheke / Rangiputa



Property Rates (FNDC)



Zones

-  Airport
-  Carrington Estate
-  General Residential
-  Heavy Industrial
-  Horticulture
-  Horticulture Processing Facilities
-  Hospital
-  Kauri Cliffs
-  Kororāreka Russell Township
-  Light Industrial
-  Mixed Use
-  Moturoa Island
-  Māori Purpose - Rural
-  Māori Purpose - Urban
-  Natural Open Space
-  Ngawha Innovation And Enterprise Park
-  Open Space
-  Orongo Bay
-  Quail Ridge
-  Rural Lifestyle
-  Rural Production
-  Rural Residential
-  Settlement
-  Sport And Active Recreation

Zones



-  Airport
-  Carrington Estate
-  General Residential
-  Heavy Industrial
-  Horticulture Processing Facilities
-  Hospital
-  Kauri Cliffs
-  Kororāreka Russell Township
-  Light Industrial
-  Mixed Use
-  Moturoa Island
-  Māori Purpose - Rural
-  Natural Open Space
-  Ngawha Innovation And Enterprise Park
-  Open Space
-  Orongo Bay
-  Quail Ridge
-  Rural Lifestyle



	Rural Lifestyle
	Rural Production
	Rural Residential
	Settlement
	Sport And Active Recreation
	Horticulture
	Māori Purpose - Urban
	Kauri Cliffs Special Areas
	Golf Living Environment
	Golf Playing Environment
	Lodge Environment
	Natural Heritage Environment
	Designations
	National Grid Line
	Critical Electricity Line
	Airport Protection Surfaces
	Treaty Settlement Land
	Pedestrian Frontage
	Mineral Extraction
	Outer Control Boundary (55 dB Ldn)
	Air Noise Boundary (65 dB Ldn)
	Coastal Environment
	Building Height Control
	Area A
	Area B
	Precincts
	Innovation and Enterprise Precinct
	Te Oneroa-a-Tōhe Beach Management Area
	Te Oneroa-a-Tōhē
	Sites & Areas of Significance to Māori
	Heritage Area
	Heritage Item
	Notable Tree
	Outstanding Natural Landscape
	Outstanding Natural Feature
	High Natural Character
	Outstanding Natural Character

Attachment 3 – Extracts from recommendations of the hearing panel



s

**PROPOSED FAR NORTH DISTRICT PLAN
RECOMMENDATIONS OF THE INDEPENDENT HEARINGS
PANEL**

RECOMMENDATION REPORT 15C

Hearing 15C: Rezoning Requests – Rural and Urban Areas

March 2026

in light of the more restrictive subdivision provisions in the RPROZ (which surrounds the settlement on all sides) and Okaihau being a vibrant rural settlement that would benefit from additional residential capacity.

3.15.3 Hearings Panel Recommendations

For the reasons set out in 13.16.2 above, we recommend that:

- a) The submissions (S397.006 and S397.007) by Mr Carr (Lot 2, DP 336924) to rezone 5.3ha of land from Rural Production zone to Settlement zone be accepted; and
- b) The mapping be amended as set out in **Appendix 3.1**.

3.16 Key Issue 13 - Lucklaw Farm Ltd/Taranaki Trust Trustees

3.16.1 Matters Raised in Submissions

Lucklaw Farm Ltd (S551.001) partially support the selection of zones in and around Rangiputa on the Karikari Peninsula. There are three requests made by Lucklaw Farm Ltd relating to the properties at 690 and 700 Rangiputa Road (Lot 2 DP 446414, Sections 3 and 4 Block III Karikari Survey District) surrounding Rangiputa, Lake Rotokawau and Puheke Beach. These are as follows:

- a) Rezone area 'A' (as marked in Schedule 2 of the submission document) from Rural Production to a mixture of Mixed Use and General Residential to enable future urban growth and development around Rangiputa. Lucklaw Farm Ltd considers that expansion of the urban area of Rangiputa could result in better funding for, and the eventual replacement of, the existing wastewater ponds.
- b) Rezone area 'B' (as marked in Schedule 2) from Rural Production to Rural Lifestyle Zone.
- c) Retain area 'C' within the Rural Production zone (as marked in Schedule 2) as the land use is compatible with the purpose, character and amenity of zone as notified.

The Trustees of the Taranaki Trust (S552.001) (**Taranaki Trust**) have made a submission that is very similar to that made by Lucklaw Farm Ltd and requests the same relief. The Taranaki Trust provide further information relating to the 52ha property at 700 Rangiputa Road, which is located within the area 'B' shown in the Lucklaw Farm Ltd submission. This property is legally described as Lot 2 DP 446414 and is noted as containing a mix of lifestyle activities and other uses, with several primary dwellings, baches and sheds. The Taranaki Trust assert that the area marked 'B' (refer Schedule 2 of the submission) does not feature land use that is compatible with the purpose, character and amenity of the Rural Production zone. In lieu of the primary relief not being granted (being the full rezoning of areas 'A' and 'B'), Taranaki Trust request that Rural Lifestyle or Settlement zoning be applied to the property at 700 Rangiputa Road.



Figure 13 - Proposed rezoning areas – Lucklaw Farm Ltd and Trustees of the Taranaki Trust

The hearing report advised that in accordance with Minute 14 there were several pre-hearing meetings with the submitter (represented by Mr John Sturgess) and his consultant team and with the Panel's encouragement, meetings were held following the hearing.

The hearing report summarises the objectives of the submitter as follows²⁴:

- a. Obtain the ability to develop areas of the site for both urban and rural lifestyle purposes to fund the protection of the most environmentally important areas of the site and to fund the necessary wastewater upgrades necessary to justify additional urban zoned land; and
- b. Undertake development in accordance with a masterplan to manage the sensitive landscape and ecological values of the site as well as manage potential adverse impacts on water quality.

The evidence of Lucklaw Farm comprised planning evidence from Marcus Langman, Landscape evidence from Bridget Gilbert, wastewater evidence from Gavin Sole, ecological evidence from Melanie Dixon and water quality/hydrology evidence from James Blyth.

We visited the Lucklaw Farm land on 3 October 2025 and were helpfully escorted around the property by Mr Sturgess.

Planning Evidence – Marcus Langman

The evidence of Mr Langman set out the vision for Lucklaw Farms. The submissions essential seek a mixture of Mixed Use or General Residential (identified in Area A), Rural

²⁴ Hearing 15C - Hearing report paragraph 284

Lifestyle zone (RLZ) (identified in Area B) and Rural Production zone (RPROZ) (identified as Area C). The Taranaki Trust submission supports the Lucklaw Submission but also sought an alternative of Rural Lifestyle or Rural Settlement zoning for the property at 700 Rangiputa Road. The submission also sought any further consequential relief amending the objectives, policies and other provisions of the district plan in order to give effect to the submission.

As we understood from the evidence presented to us the vision for the Lucklaw Farms land is the development of a range of rural lifestyle living opportunities, as well as mixed use development to provide for a commercial centre for Rangiputa (for which there is no current commercial zoning), and residential activity which builds on and attaches to the existing settlement of Rangiputa. Active protection and restoration of natural ecological values is also an important component of the proposal.

We were advised that Area C is intended to be used for a combination of eco-tourism and sustainable farming activities and ecological protection and enhancement. We were advised that these could include an education centre, a lodge and visitor accommodation, a mountain bike park, and a “glamping” accommodation facility.

Mr Langman’s evidence addressed the relevant national and regional planning instruments and the relevant zoning and spatial planning options consistent with the National Planning Standards. Mr Langman identified three options:

Option 1

Retain the notified Rural Production zoning for all of the sites within the area subject to the submission;

Option 2

Amend the zoning in accordance with the submission from Lucklaw Farm and Trustees for the Taranaki Trust, providing for a mixture of Mixed Use/Residential zoning in Area A and Rural Lifestyle zoning in Area B;

Option 3

Creation of Development Areas (as a spatial planning technique) in accordance with a finalised masterplan.

The primary evidence of Mr Langman supported the second option but with the third option as an alternative. In rebuttal evidence, Mr Langman revised the relief and sought a Development Area – Option 3.

Landscape Evidence – Bridget Gilbert

Ms Gilbert’s evidence evaluated the existing landscape and natural character values of the Lucklaw Farms land and the surrounding locality her evidence then made a number of recommendations with respect to the key landscape characteristics of any future rezoning of the land and the landscape-related effects of the proposed rezoning. Attached to her evidence was a “Preliminary Spatial Strategy”. We were somewhat confused as to which component of Ms Gilbert’s evidence comprised the masterplan and this was addressed in rebuttal evidence through the production of a Development Plan to accompany the Development Area provisions proposed by Mr Langman.

Ecological Evidence – Melanie Dixon

Ms Dixon set out the ecological values on the Lucklaw Farms land including the sensitive ecological areas of Puwheke Beach, Rotokawau Lakes and areas of existing or regenerating indigenous vegetation and wetlands. She supported the proposed rezoning and Development Area requests subject to the drafted provisions set out by in Mr Langman's evidence.

Wastewater Evidence – Gavin Sole

The evidence of Mr Sole addressed the likely wastewater infrastructure requirements necessary to implement the Lucklaw Farms proposal. He concluded that the urban components of the proposal (Mixed Use zone and General Residential zone) would exceed the capacity of the Rangiputa WWTP and recommends a new wastewater treatment plant be provided that allows for flow from the current catchment and additional flows to allow for development in the General Residential and Mixed Use areas.

He further recommended that any new wastewater treatment plant should be staged to match growth from both areas. The current wastewater treatment plant could be repurposed for primary treatment and flow attenuation or alternatively polishing treated water from a new wastewater treatment plant. If of adequate quality, the treated wastewater may be used as an emergency firefighting water supply.

Water Quality and Hydrology Evidence – James Blyth

The evidence of Mr Blyth described the soils at Karikari as having little groundwater storage due to the presence of podzolised soils with iron/silica pans that results in poor drainage and limited groundwater recharge to the deeper aquifer. He recommends "water sensitive design" principles be adopted for any development which includes enhancement planting and protection of riparian areas with the use of detention and other water treatment devices to address any contaminated runoff from development areas and roads.

Council Hearing Report

The Lucklaw Farm submission and evidence was assessed by the reporting officer, Ms Pearson, with assistance from the following Council specialists: Landscape – Melean Absolum, Economics – Lawerance McIlrath, Ecology – Elizabeth Morrison; and Traffic – Mat Colins.

In the hearing report and following expert peer review, the reporting officer advised that she did not support the Lucklaw Farms request and her reasons (given in the hearing report, at the hearing and in the right of reply report) can be summarised as follows:

- a. The rezoning request (based on the areas A-C) as set out in Mr Marcus Langman's planning evidence does not align with the Preliminary Spatial Strategy (PSS), prepared by landscape architect Ms Bridget Gilbert. The reporting officer acknowledged that this disconnect was partially addressed in the rebuttal evidence of Mr Langman but disagreed that a Development Area was the correct approach and that a Precinct was a better method.

- b. The level of engagement has been assessed as inadequate. In particular, the reporting officer was concerned that there had been little engagement with local iwi and the local community at Rangiputa.
- c. The proposal was unlikely to be supported by the FNDC Infrastructure team even if a private wastewater treatment plant was introduced. The primary concern raised was that the Council was focussed on other larger areas within the District for urban growth (i.e. Kerikeri/Waipapa) and Rangiputa was not a priority for growth. We were advised that while it was proposed to use private funding to construct a new wastewater treatment plant, it would be an on-going Council responsibility to operate and maintain it.
- d. No specific transport evidence was provided in support of the proposal, and specialist review by Mr Collins stated that more investigation on the transportation effects (especially in the proposed urban areas) was needed to support any new rezoning.

In the Council right of reply report the reporting officer reiterated her opposition to the rezoning request and we noted the following aspects in the right of reply:

- a. Opposition to the urban component of the proposal with a key concern being wastewater servicing and transportation/traffic congestion effects especially around the coastal interface and boat ramp area of Rangiputa.
- b. Concerns regarding engagement with iwi and the local community remained and was further reinforced by evidence from these groups (discussed further in the sections below).
- c. Concerns over the scope and adequacy of archaeological investigations on the property.
- d. Concerns for a number of drafting approaches taken in the proposed Development Area provisions²⁵ and a clear preference for a precinct, should the Panel agree to the approach proposed by Lucklaw Farms.

Submitter Evidence

We received evidence from two further submitters being Michael Morse (FS98) and Ross Morley (FS286) who were both in opposition to the Lucklaw Farm submission. Mr Morse also exchanged legal submissions from Aiden Cameron and brought two witnesses with him being Nina Rahahuri (who read out the legal submissions from Mr Cameron) and Graham MacMillan who is the Chair of the Rangiputa Community Incorporated Society. We also received a tabled email from Keringawai Evans Haititaimarangai Marae Trust Chairperson which was read out by Ms Rahahuri.

While the Panel had no issue with the presentation of this evidence from Mr Morley and Mr Morse (and their witnesses) we advised Ms Rahahuri that we could not ask her any questions pertaining to the evidence that she read out as it was not her evidence.

Mr Morley addressed his key concerns which were:

²⁵ See paragraph 59 and Table 2 in the Hearing 15C – Rural Council right of reply report.

- a. Rangiputa is a small coastal settlement and any further intensification (further subdivision) will result in placing significant unnecessary pressure on existing services (boat launching/parking facilities), parking and infrastructure. Rangiputa is already under severe pressure, particularly at peak holiday times, without the addition of potentially a further 100 -150 sections.
- b. Whilst capital cost of wastewater infrastructure will (should) be born by the developer ongoing operational/maintenance costs will fall on FNDC and therefore the ratepayer. This at a time when annual rate increases are significant and the demand for Council funding is needed elsewhere.
- c. There is no need for a Mixed Use zone (commercial) as the settlement is principally a holiday destination and adequately serviced by existing (basic needs at the motel and wider needs at Whatuwhiwhi/Kaitaia/Doubtless Bay).
- d. Development will result in clearance of extensive areas of scrubland, habitat to a variety of fauna/flora already under pressure. Stormwater runoff will have a detrimental effect on Lake Rotokawau and the surrounding wetlands.
- e. There appears to have been a complete lack of engagement by the submitter with the residents of Rangiputa, the people who will be most affected by the proposed rezoning. Until recently, the majority have been completely unaware of what has/is being proposed. Greater engagement is required.

The legal submissions of Aiden Cameron opposed the Development Area approach set out in the evidence of Mr Langman and reiterated the concerns of the hearing report in this regard. The evidence highlighted natural justice concerns regarding the introduction of the Development Area provisions at a late stage (i.e. rebuttal evidence) and the lack of engagement with mana whenua.

The email from Keringawai Evans Haititaimarangai Marae Trust Chairperson highlight a lack of consultation, infrastructure issues (especially wastewater) and its impact on tikanga Māori, the need to protect Wahi Tapu and Cultural Landscapes, reverse sensitivity and access concerns.

3.16.2 Hearings Panel Evaluation

We acknowledge the considerable amount of effort put into this proposal from Mr Sturgess and his expert advisors. We see many potential positive outcomes associated with this proposal including the further protection of Puwheke Beach and foredune areas and the sensitive ecological values associated with the lake and wetlands especially within Area C.

We are also generally supportive of the proposed eco-tourism, educational activities within Area C. In that light we asked the reporting officer to comment on the ability to establish these activities under the current RPROZ zoning. The reporting officer replied in the right of reply report²⁶ that the following activities can be established as restricted discretionary or discretionary activity in the RPROZ:

- Management Plan subdivision

²⁶ See Hearing Report 15C – Rural Table 3 paragraph 60

- Mountain bike complex (including parking, buildings and tracks)
- Zipline
- Education centre
- Visitor accommodation (includes lodge and glamping).

We note that this advice does not include the presence of overlays or the potential impact of other district wide rules. Nonetheless, we are of the view that the RPROZ is reasonably enabling with regard to the establishment of these activities.

Turning now to the proposed spatial planning method to establish the Lucklaw Farm “vision” we agree with the reporting officer that a Precinct method is a better fit than the use of a Development Area method. In our view and supported by the reporting officer, the key difference between the two spatial tools is whether or not the provisions of the associated chapter need to apply for the life of the PDP, or whether they can fall away once the development has been completed and simply rely on the underlying zone provisions. We have concerns with the proposed provisions and whether certain provisions need to remain following completion of development. In our assessment, a number of provisions relating to protection, and enhancement of vegetation and riparian areas would need to be ongoing even once the “development” was deemed to be complete. In that light a precinct approach would be more robust as it:

- a. Can rely on the RPROZ as an underlying zone; and
- b. Can include ongoing obligations to protect and enhance regard to ecological values – as has been the case with other precincts recommended by the Panel (e.g. Mataka, The Landing and Wiroa Station).

We acknowledge the assessment of the Precinct versus Development Area approaches in Mr Langman’s rebuttal evidence but prefer the analysis and conclusions made by the reporting officer.

Furthermore, as set out by the reporting officer in the Council right of reply report, we have significant concerns with the proposed urban components to this proposal – being the proposed Mixed Use zone and General Residential zone components. Both rezoning proposals are significant in scale and would have a significant, if not transformative effect on Rangiputa as a community. As set out in the hearing report, we also have concerns regarding the traffic effects that could arise from the increased residential zoning particularly at the coastal interface at Rangiputa Road and the single boat ramp located there. During our site visit (being on a weekday in October 2025) we observed the narrowness of Rangiputa Road and an existing high level of demand for boat parking competing with the traffic demand from dwellings located on both sides of Rangiputa Road.

At the hearing Mr Sturgess suggested that an additional boat parking areas could be established further along Rangiputa Road on the higher elevations to the east. However, we do not see this as being particularly viable given its distance and elevation from the actual boat ramp.

We also share the Council's concerns regarding wastewater servicing and the viability of a private wastewater facility to provide the necessary capacity to service the urban areas proposed. We share the concerns raised by the FNDC infrastructure team that private wastewater systems can be inefficient and costly to manage and their reluctance to take on the responsibility to operate and maintain these facilities.

We have concerns regarding the consultation undertaken with both the local community and the local iwi who both appear to be opposed to the proposal. We acknowledge the evidence presented by the Rangiputa community and their desire to retain the character of the settlement as it currently stands. We Also acknowledge the legal submission and evidence from Haititaimarangai Marae Trust regarding the lack of engagement and the concerns raised by them with regard to cultural values and obligations under Te Tititi o Waitangi.

Finally, we have concerns that the urban rezoning aspects of the proposal have not been supported by any economic assessment, which we see as an important component in any rezoning request and a part of Our Minute 14 criteria to be addressed. We note the economic assessment of Mr McIlrath which assessed demand and capacity for additional urban growth across the district and concluded that the PDP already has sufficient capacity in its smaller settlements to meet demand for the next 30 years. We did not receive any economic evidence to demonstrate that there is demand for additional residential or mixed use commercial zoning.

Accordingly, we conclude that the rezoning requested and the method proposed to achieve it are not the best way to achieve the purpose of the RMA and we recommend that these submissions from Lucklaw Farms be rejected. In making this recommendation, we also acknowledge that elements to this proposal that potentially have merit and could be pursued via a resource consent. These include the opportunity to pursue a management plan subdivision to establish residential lots along with environmental protection and enhancement and the various eco-tourism/education components discussed above.

3.16.3 Hearings Panel Recommendations

For the reasons set out in 13.16.2 above we recommend that the rezoning request from Lucklaw Farm Ltd (S551.001) and Trustees of the Taranaki Trust (S552.001) mix or urban zones (General Residential zone and Mixed Use zone) and a Development Area at the properties at 690 and 700 Rangiputa Road (Lot 2 DP 446414, Sections 3 and 4 Block III Karikari Survey District) be rejected.

4. Topic 2: Rezoning Requests Urban

4.1 Relevant Provisions

The relevant provisions we address in the Recommendation Report for this topic concern those submissions that sought rezoning or support for the notified zoning within the urban areas.