

**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

Lucklaw Farm Limited

Appellant

And

Far North District Council

Respondent

Notice of appeal to Environment Court against decision on proposed plan

(Designation FN160)

Dated: 12 August 2026

Solicitor:

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To The Registrar
Environment Court
Wellington

1. Lucklaw Farm Limited (**Lucklaw**) appeals against a decision of the Far North District Council on the following proposed Far North District Plan ("Proposed **FNDP**") in relation to:
 - (a) Proposed Far North District Plan – Designation FN160 (Rangiputa Wastewater Plan, S551.007)
2. Lucklaw made a submission on the PDP (submission number S551.007).
3. Lucklaw is not a trade competitor for the purposes of section 308D of the Act.
4. Lucklaw received notice of the decision on Tuesday, 30 June 2026.
5. The part of the decision that Lucklaw is appealing against is:
 - (a) The recommendations and decisions on designation FN160 (Rangiputa Wastewater plant) (**the decision**).
6. The reasons for the appeal are as follows:
 - a) The decision erred in deciding that FN160 be confirmed without any further and better conditions or modifications.
 - b) The decision erred by failing to adequately consider actual and potential environmental effects (section 171(1)(a) of the Act), by not adequately addressing the evidence of the appellant, in particular in relation to:
 - i) treatment capacity of ponds;
 - ii) stormwater inflows and infiltration, and future adverse effects on treatment performance and capacity;
 - iii) the use of the inlet screen;
 - iv) the location of the Waste Water Treatment Plant (WWTP) being in a surface water catchment not a coast.
 - v) evidence of e. coli results;

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- vi) the likely adverse effects adjacent land, such that further and better conditions were reasonably necessary to ensure effects on the receiving environment are avoided, remedied, or mitigated.
 - vii) The designation as confirmed does not address the reverse sensitivity effects associated with development in the vicinity of the WWTP or the cumulative effects on the wider altered groundwater chemistry table.
 - c) Confirming designation FN160 without further and better conditions or modifications does not represent the sustainable management of natural and physical resources for the purposes of section 5 Part 2 of the Act.
7. Lucklaw seeks the following relief:
- a) That designation FN160 be amended to include conditions or modifications requiring further and better conditions to ensure effects on the receiving environment are avoided, remedied, or mitigated, including:
 - i) further testing, monitoring and reporting conditions as necessary to ensure the effects of the Rangiputa Wastewater Treatment Plant on the adjacent environment, including on the downstream catchment, including the farm land, Lakes Rotokawau (East and West) and associated wetlands, other dune lakes and the Karikari Bay coastal environment, are adequately identified, monitored and reported;
 - ii) conditions providing for restoration or remediation in the event of adverse effects occurring beyond the footprint of the designation.
 - iii) compliance with all conditions of Consent CON20070263501 (or any consent granted in substitution for it) held by the Far North District Council for the discharge of wastewater from the Rangiputa Wastewater Treatment Plant;
 - iv) the wastewater inlet screen at the Rangiputa Wastewater Treatment Plant to be connected and maintained in operation, and other modifications as recommended of wastewater treatment engineer, Mr Sole;
 - v) there shall be no odour caused by discharges at the Rangiputa Wastewater Treatment Plant site beyond the boundary of an odour

buffer, measured at a distance of 100 metres from the oxidation ponds, which, in the opinion of an enforcement officer, is noxious, offensive, or objectionable.

b) In the alternative, to (a) –(f) above, that the matter be remitted to the Far North District Council for reconsideration of further and better conditions to be imposed on designation FN160.

c) Any further or consequential changes to give effect to the above.

8. The following persons have been served with a copy of this appeal:

a) Far North District Council (respondent), email: pdp@fndc.govt.nz

9. The following documents are attached to this notice:

a) Lucklaw's submission. S551 (S551.007).

b) Extracts from hearing panel decision recommendation Hearing 11 (Designations).

Date: 12 August 2026



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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

Far North District Council (respondent), email: pdp@fndc.govt.nz

Attachment 2- Lucklaw submission S551

showing more extensive ONC overlay on Puwheke Beach. Lucklaw Farm reserves the right to provide further comment upon receipt of this further information.

20. Amend the overlays for ONC and HNC to give effect to the findings from [18] and [19] above.

21. The PDP should give effect to the RPS, Lucklaw Farm supports refinement of the spatial extent of the maps.

S551.006 22. ONC area “OC44” should be mapped in accordance with the mapping shown in the RPS.

Designation FN160

23. The Rangiputa Oxidation Ponds at FN160 are authorised by previous resource consent to the Far North District Council for sewage treatment and disposal purposes. The PDP states that there are no conditions applying to this designation.

24. The ponds likely require future capital works in order to properly serve the current settlement at Rangiputa and avoid adverse effects on the environment and on Lucklaw Farm.

25. Providing for planned expansion of the Rangiputa Beach settlement (as sought above in [9]) provides opportunity for funding the necessary capital works in connection with the ponds (or suitable replacements) servicing a wider catchment.

Relief – Designation FN160

S551.007 26. Amend FN160, and its conditions, in order to address adverse effects to the environment from the operation of the wastewater ponds for Rangiputa.

Overall Outcomes Sought – Relief

27. In summary, Lucklaw Farm seeks the following relief:

- a. Rezoning in accordance with Schedule 2, subject to master planning;
- b. Overlays for the Far North District Plan are mapped in a way which gives effect to the higher order planning instruments namely, the Northland Regional Policy Statement, and any necessary changes are incorporated into the Far North District Plan.
- c. Designation FN160 is amended to address adverse effects on the environment from the operation of the oxidation ponds.
- d. Any necessary or consequential amendments to objectives, policies and provisions required to achieve the above.

28. Lucklaw Farm **does wish** to be heard in support of this submission.

29. If others make a similar submission, Lucklaw Farm will consider presenting a joint case with them at a hearing.

Attachment 3 – Extracts from hearing panel report

and as a result had recommended accordingly. The Panel was concerned that the designations may not be correct and requested the reporting officer to try and resolve the issue with the Met Service.

6.2 Submissions and Key Issues

A total of 10 original submissions and one further submission were received on the Designations topic. The reporting officer covered evaluation of the designations in sections 3.2.1 to 3.2.16 of the hearing report and we have taken this evaluation into account when making our recommendations (if needed). The vast majority of the designations were simply 'rolled over' without any modifications.

6.3 Matters Raised in Submissions and Hearings Panel Evaluation

The submissions covered only minor issues and we only heard and/or received legal submissions or evidence at the hearing from a very small number of submitters on mainly minor issues.

As outlined in the hearing report, the designations in the PDP included 41 which were simply rollovers without modifications, 145 were rollovers with minor modifications and three (3) were new.

In the right of reply the reporting officer provided the Panel with additional information on designation FN253 – KKWTP, with the information relating to an application to amend FN253 which was made and granted after the PDP was notified. The new conditions were set out in Appendix 1 to the addendum.

In the addendum right of reply dated 1 July 2025 the reporting officer (as outlined above) responded to a request from the Panel for further information on designations FN 160, MS 124 and MS 143. We are grateful to the reporting officer for pursuing the issue with Met Service to ensure that its designations are shown correctly in the PDP.

For those notices which were included without modification and on which the Council had received no submissions, the Council (Panel) is not allowed to make a recommendation and must simply include the 'roll over' designation in the PDP. This is what we have done.

A list of all designations was contained in Appendix 1 to the hearing report.

The reporting officer had held some pre-hearing meetings with FNDC and NZTA and this was reported on in section 2.7.4 of the hearing report. The hearing report also included comment on, and recommendations to the Panel on each designation including those which were 'roll overs' and had received no submissions.

At the hearing we received little evidence in opposition to the designations with submitter Lucklaw Farms Limited providing legal submissions and evidence in support of its submissions. This is commented on above and below.

Lucklaw Farms Limited submission was in opposition to designation FN 160 – Rangiputa Oxidation Pond. We received legal submissions and evidence to support the submission and we heard from representatives of Lucklaw Farms Limited at the hearing, and also from Council officer's. During questioning at the hearing, it was apparent that Lucklaw Farms Limited's opposition was against the operation and maintenance of the oxidation

ponds and not the designation *per se*. This was also clear from the written evidence supplied to us. Although Mr Ryan's written submissions referred to additional conditions being added to FN 160 this was not pursued at the hearing and during questioning Mr Ryan indicated that Lucklaw Farms Limited would be pursuing a possible review of the resource consent (Consent CON20070263501 issued July 2008 with an expiry of 30 November 2032) with the NRC. We reached the same view of the evidence and submission from Lucklaw Farms Limited as the reporting officer in her right of reply.

Without evidence to the contrary, and after reading all of the submissions, further submissions, evidence and legal submissions, we accept the recommendations of the reporting officer as shown in the hearing report and the right of reply. The right of reply reporting officer's position was that FN 160 should be confirmed with no modifications.

6.3.1 Hearings Panel Recommendations

In accordance with clause 9 (3) of Schedule 1 of the Act no recommendations or decisions are made for designations that are included in the PDP without modification or on which no submissions were received. These are shown in **Appendix 2.4**.

In accordance with clause 9 (1) of Schedule 1 and Section 171 (2) (a) and (b) of the Act, the Panel recommends to the relevant requiring authority that it confirms the requirement where no modifications are required, or modifies the requirements as set out in Appendix 2 to this report and that the Designations chapter of the PDP is amended in accordance with the changes outlined in Appendix 2 of this Report.

The Panel recommends that the submissions and further submissions) are accepted, accepted in part or rejected as outlined in **Appendix 3.4**.

7. Conclusion

For the reasons set out in this recommendation report, we recommend the adoption of a set of changes to the PDP provisions relating to the Renewable Electricity Generation, Infrastructure, Transport and Designations chapters.

The Hearings Panel recommended amendments are shown in **Appendices 2.1 – 2.4**.

Our recommendations also include recommendations for consequential amendments to or from other recommendation reports.

We have had regard to the submissions and further submissions received, the evidence tabled and presented to us and to the council's hearing reports (including the rights of reply). We have also incorporated our own s32AA evaluation when needed into the body of our recommendation report as part of our reasons for any recommended amendments.

Accordingly, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in this recommendation report and in the table of Recommended Decisions on Submissions in **Appendices 3.1 – 3.4**.

Overall, we consider that our recommendations will ensure the PDP achieves the statutory requirements, national and regional policy directions, and provide for the PDP being easier to implement and understand for users of it.