

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSED PLAN CHANGE
UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE
MANAGEMENT ACT 1991**

TO: Far North District Council ("**Council**")

SUBMISSION ON: Far North Proposed District Plan ("**Proposed Plan**")

SUBMITTER: Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen Graham Lockwood (together "**Motukiekie Owners**")

Introduction

1. The Motukiekie Owners own Motukiekie Island within the Bay of Islands. They purchased Motukiekie Island in 2000. Before this, Motukiekie Island was privately owned and leased to the Department of Conservation for 26 years.
2. The Motukiekie Owners have a large residential house on Motukiekie Island and have resource consent to construct a caretaker's house. They have created tracks and operated a native planting programme for 15 years. They have planted more than 100,000 native trees and removed 1,000 mature pines.
3. Under the Proposed Plan, Motukiekie Island is proposed to be zoned Natural Open Space Zone.
4. The Motukiekie Owners could not gain an advantage in trade competition through this submission.

Scope of submission

5. This submission relates to the zoning, and the corresponding objectives, policies and standards that apply to Motukiekie Island.

Nature of submission

6. The Motukiekie Owners oppose the Natural Open Space zoning of Motukiekie Island. They seek an alternative appropriate zoning with corresponding objectives, policies and standards.

Reasons for submission

7. The Motukiekie Owners consider that the Proposed Plan in its current form will not:
 - (a) promote the sustainable management of resources, and therefore will not achieve the purpose and principles of the Resource Management Act 1991 ("**RMA**");

- (b) meet the reasonably foreseeable needs of future generations;
- (c) enable social, economic and cultural wellbeing;
- (d) avoid, remedy or mitigate adverse effects on the environment; and
- (e) represent the most appropriate way to achieve the objectives of the Proposed Plan, in terms of section 32 of the RMA.

Specific reasons for submission

8. Without limiting the generality of paragraph 7 above, the Motukiekie Owners are particularly concerned to ensure an appropriate planning framework for Motukiekie Island.

Natural Open Space Zone not appropriate

9. Motukiekie Island is currently proposed to be zoned Natural Open Space Zone. However, in the Natural Open Space Zone:

- (a) land is generally public and intended for public use;¹
- (b) land use and development is restricted to being of a scale and type that complements and is consistent with the conservation values of the zone;²
- (c) land cannot be used for residential activities;³ and
- (d) land may not be able to be used for visitor accommodation based on this being a discretionary activity.⁴

10. These rules are inappropriate for Motukiekie Island as a whole because:

- (a) Motukiekie Island is privately-owned land intended for private accommodation and recreational purposes;
- (b) the land use provisions are inappropriately restrictive in the context of privately owned land. This is especially so given that residential activity may not be allowed;
- (c) parts of Motukiekie Island contain vegetation that is not representative of a Natural Open Space zoning; and
- (d) parts of Motukiekie Island are already used for activities that do not sit comfortably with Natural Open Space zoning, such as the existing house, associated utilities, and jetty.

¹ Proposed Far North District Plan *Natural open space*; and Proposed Far North District Plan *Natural open space* at NOSZ-O3 and NOSZ-P4.

² Proposed Far North District Plan *Natural open space* at NOSZ-O2 and NOSZ-P2–P4.

³ Proposed Far North District Plan *Natural open space* at NOSZ-R16.

⁴ Proposed Far North District Plan *Natural open space* at NOSZ-R10.

11. The Council may have mistakenly thought Motukiekie Island was public land, resulting in this inappropriate Natural Open Space zoning. This misunderstanding may have been caused by the fact that Motukiekie Island used to be held by the Department of Conservation on a long-term lease. That is no longer the case.

Expanded Moturoa Island Zone

12. The most appropriate solution is to provide a zone consistent with that which applies to Moturoa Island (the Moturoa Island Zone) for Motukiekie Island, or expand the Moturoa Island Zone to include Motukiekie Island. This addresses the shortcomings and inconsistencies of applying the Natural Open Space Zone and provides a more durable planning solution. In particular, it recognises the private ownership and use of Motukiekie Island, and enables and encourages the ongoing conservation work.
13. The objectives and policies of the Moturoa Island Zone are appropriate for Motukiekie Island because both Moturoa Island and Motukiekie Island are privately owned, are used for private accommodation and recreation, are undergoing conservation work, and have the same Coastal Environment and Natural Environment overlays.⁵ Therefore, it is efficient and appropriate to apply a consistent zone to Moturoa Island Zone.
14. It is acknowledged that Motukiekie Island is smaller and less developed than Moturoa Island. On this basis, it would be appropriate to amend (or supplement) Policy MIZ-P1 as it applies to Motukiekie Island to reflect that a lesser number of residential units in addition to the existing residential unit are enabled, compared to the number of units enabled on Moturoa Island.
15. The suitability of the Natural Open Space Zone compared with that of other zones for Motukiekie Island does not appear to have been assessed or considered by the Council in proposing a zone for Motukiekie Island. The Motukiekie Owners are willing to work with the Council to determine the appropriate number, extent and location for identified building platforms, determine the appropriate areas to be identified and reserved for conservation activities, and develop a 'Development Plan'.
16. An alternative option is to create a new Motukiekie Island Zone that recognises the private ownership and use of the island, and enables and encourages the Motukiekie Owners' conservation work. However, this would largely reflect the Moturoa Island Zone, so it may not be necessary to create an entirely new zone.

Decision sought

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17. The Motukiekie Owners seek that the Proposed Plan is amended to provide Motukiekie Island with a more appropriate zone by:
 - (a) either:

⁵ In particular, see Proposed Far North District Plan *Moturoa Island zone* at MIZ-O1–O3, MIZ-P1–P7 and MIZ-R2–R4.

- (i) amending Moturoa Island Zone to include appropriate references to Motukiekie Island; or
- (ii) creating a new Motukiekie Island Zone that is consistent with the approach taken for the Moturoa Island Zone;

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and in either case, identifying an appropriate number of building platforms on Motukiekie Island for additional development;

- (b) rezoning Motukiekie Island to either Moturoa Island Zone or the new Motukiekie Island Zone; and
 - (c) such further other relief or alternative or consequential amendments as considered appropriate and necessary to address the concerns set out above.
18. The Motukiekie Owners wish to be heard in support of their submission.
19. If other parties make a similar submission, the Motukiekie Owners would consider presenting a joint case at any hearing.

Date: 29 September 2022

Signature: by its solicitors and authorised agents Russell McVeagh:



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