

**FURTHER SUBMISSION FROM PETER ANTHONY and MARIE
ELIZABETH ANN NORGATE**

On our original submission [3.5.1.7.] Peter Anthony and Marie Elizabeth Ann Norgate (371.1) the 4th reason given for our property to be rezoned from GRUZ to RLZ was not considered, which is that each consent be considered on its own merit NOT one size fits all. And this is what the Officer's report on Rezoning Requests has done and lumped us with other properties which are not in our immediate area.

LUC Rating : on the locations of land use capability classes 1 -3 in Greater Christchurch map which was last updated 19th April 2024 our property has no class 3 land mapped. Question: Where did the map that was supplied by WAIMAP come from and from whom ?

108 – according to the map we only have 0.2 % HPL which is very minor HPL area and which is subject to flooding and gets water logged for most of the winter and any time we have heavy rain.

109 - Answers to points made

1

(A) No rural production in this Area

(B) Not Predominate Luc 1, 2 or 3 land

(C) Does not form geographically cohesive area as surrounded by RLZ blocks

111- Our property fits the criteria for rezoning as land based primary production has not able to be economical viable for at least 30 years .This has been proved for us as we have owned the Property for 39 years and it has not been financially viable . We have always had to create additional income off farm to support the financial standing of the farm's income .We have financial statements to back this .

113- Quote: The NPS-HPL is not relevant to the non -HPL parts, and I note that this is a very high proportion (99.8%) of the site subject to the rezoning request by Peter Anthony and Marie Elizabeth Ann Norgate (371.1)

To our understanding our property was viewed from the road side on the 1st of April 2024. From the roadside it gives very little perspective of the lay of the land that consists of steep foothills that run into gullies that are not suitable for cultivation or the grazing of stock . There is very little soil depth on a large proportion of the property that is not suitable for cultivation and are very dependant on weather conditions for allowing access and uses of the land. Our property is not viable to join any other land to make it viable to farm . As all the property and land surrounding us consists of lifestyle blocks . The position of our property is that it is situated 2 kms to the Oxford town centre and local

ammunities . Our reason for having our property rezoned is to be able to consolidate land around the house and sheds within one block and also to be able to allocate 4 ha blocks of land for family members who wish to be near to assist us .



Figure 14: Zoning map - 713 Bay Road, Oxford [Peter Anthony and Marie Elizabeth Ann Norgate - 371.1] (Source: WAIMAP)



Figure 15: LUC map - 713 Bay Road, Oxford [Peter Anthony and Marie Elizabeth Ann Norgate - 371.1] (Source: WAIMAP)

3.5.2 Assessment

107. For the purpose of avoiding duplication, the following assessment applies to all the above rezone requests that are partly located within HPL.

3.5.2.1 NPS-HPL

108. As shown in **Table 3** to **Table 9** and **Figure 4** to **Figure 15** above, these rezone requests are all partly located within HPL. Submission points [98.1], [415.1], [415.3], [415.5], [14.1], [103.1] and [67.1] range from 79% to 94.9% HPL thus are on a majority HPL. John Waller's request [89.1] is on a District-wide scale so HPL is not quantifiable as such. The request by Peter Anthony and Marie Elizabeth Ann Norgate [371.1] is only 0.2% HPL, equating to 246m², thus comprises a very negligible HPL area (refer to **Figure 15** above).

109. Clause 3.4 of the NPS-HPL details how regional councils should map HPL thus I consider it may provide some direction on how to consider part HPL rezone requests:

"(1) Every regional council must map as highly productive land any land in its region that:

(a) is in a general rural zone or rural production zone; and

(b) is predominantly LUC 1, 2, or 3 land; and

(c) forms a large and geographically cohesive area."

"(5) For the purpose of identifying land referred to in subclause (1):

(a) mapping based on the New Zealand Land Resource Inventory is conclusive of LUC status, unless a regional council accepts any more detailed mapping that uses the Land Use Capability classification in the New Zealand Land Resource Inventory; and

(b) where possible, the boundaries of large and geographically cohesive areas must be identified by reference to natural boundaries (such as the margins of waterbodies), or legal or non-natural boundaries (such as roads, property boundaries, and fence-lines); and

(c) small, discrete areas of land that are not LUC 1, 2, or 3 land, but are within a large and geographically cohesive area of LUC 1, 2, or 3 land, may be included; and

(d) small, discrete areas of LUC 1, 2, or 3 land need not be included if they are separated from any large and geographically cohesive area of LUC 1, 2, or 3 land."

110. I do not consider that any of the LUC 1, 2, and 3 areas within these rezone sites (shown in **Figure 5** to **Figure 15** above) are 'small, discrete areas of LUC 1, 2, or 3' as per Clause 3.4(5)(d) as they are part of larger LUC 1, 2, and 3 areas. Thus, I consider these areas would likely remain HPL if mapped by Environment Canterbury, as per Clause 3.4(1)(c) as they form "part of a large and geographically cohesive area". However, I acknowledge that I while there is uncertainty around exactly how Environment Canterbury will map HPL as per Clause 3.4 of the NPS-HPL and potentially these areas may end up not being mapped as HPL, but at this point I am considering them as HPL as they meet the criteria in Clause 3.5(7).

111. I consider that Policy 6 of the NPS-HPL applies to the parts of these sites with HPL. Policy 6 seeks avoidance of the rezoning and development of HPL as rural lifestyle, except as provided for in Clause 3.10 of the NPS-HPL. Clause 3.10 sets out the criteria for such rezonings, and primarily relates to whether the site is subject to permanent or long-term constraints that mean land-based primary production is not able to be economically viable for at least 30 years.

112. None of these submitters have provided any evidence regarding permanent or long-term constraints in accordance with Clause 3.10. While some mention reverse sensitivity issues arising due to surrounding lifestyle blocks as a reason for requesting the rezoning, none provide an evaluation of reasonably practical options for addressing this issue as per Clause 3.10(2). Without such evidence, I cannot see how the exemptions of Clause 3.10 would apply and as such I consider that the parts of these rezone areas that are HPL do not give effect to the NPS-HPL.
113. The NPS-HPL is not relevant to the non-HPL parts, and I note that this is a very high proportion (99.8%) of the site subject to the rezoning request by Peter Anthony and Marie Elizabeth Ann Norgate [371.1].

3.5.2.2 CRPS

114. As per the assessment framework set out in **Figure 3**, the portions of land within these rezone requests that are located within HPL did not pass through the NPS-HPL 'gateway test', however the NPS-HPL does not apply to the portions of these areas that are not within HPL, thus these areas must be assessed against the CRPS. To be clear, the following CRPS assessment relates to the portions of these rezone request areas that are not within HPL.
115. To form a basis for this assessment, I will firstly set out the primary production potential of these non-HPL areas based on their LUC class.

3.5.2.2.1 Primary production potential

116. The majority of the non-HPL areas are LUC 4²⁶ (refer to **Table 3** to **Table 9** and also **Figure D18** in **Appendix D**). The Manaaki Whenua - Our Environment – Land Use Capability map²⁷ describes LUC 4 soils as: "LUC Class 4 - Arable. Significant limitations for arable use or cultivation, very limited crop types, suitable for occasional cropping, pastoralism, tree crops and forestry. Some Class 4 is also suitable for viticulture and berry fruit". I therefore consider that these areas still have primary production potential. I note that there are a number of large farm holdings located on LUC 4 soils within the District currently (e.g., the Eyrewell area), as is evident in **Figure 16** below by the number of centre pivot circles in the aerial imagery.

²⁶ Source: Canterbury Maps – Land Resource Inventory (Landcare Research) layer
<https://mapviewer.canterburymaps.govt.nz/>

²⁷ https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/lri_luc_main

Locations of land use capability classes 1-3 in Greater Christchurch



Info



Click on the map to view feature information

last updated
19th April 2024

LUC land
classes



HOVELL & ASSOCIATES

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13/03/2021

Dear Peter & Beth Norgate
1231 Tram Road
Rangiora

Dear Peter & Beth

Please find attached for your information a copy of the financial accounts for the PA & MEA Norgate Partnership for the year ended 31 March 2021.

Financial Performance PA & MEA Norgate Partnership

For the year ended 31 March 2021 the entity made a loss for taxation purposes across all revenue types of \$45,637.13. As the entity is a partnership this loss has been split equally amongst the partners as detailed in the attached financial accounts.

HOVELL & ASSOCIATES

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23 June 2019

Peter & Beth Norgate
713 Bay Road
Oxford

Dear Peter & Beth

Please find attached for your information a copy of the financial accounts for the PA & MEA Norgate Partnership for the year ended 31 March 2019.

Financial Performance PA & MEA Norgate Partnership

For the year ended 31 March 2019 the entity made a loss for taxation purposes across all revenue types of \$4,149.31. As the entity is a partnership this loss has been split equally amongst the partners as detailed in the attached financial accounts.

HOVELL & ASSOCIATES

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31 May 2017

Peter & Beth Norgate
713 Bay Road
Oxford

Dear Peter & Beth

Please find attached for your information a copy of the financial accounts for the PA & MEA Norgate Partnership for the year ended 31 March 2017.

Financial Performance PA & MEA Norgate Partnership

For the year ended 31 March 2017 the entity made a loss for taxation purposes across all revenue types of \$3,699.37. As the entity is a partnership this loss has been split equally amongst the partners as detailed in the attached financial accounts.

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23 June 2018

Peter & Beth Norgate
713 Bay Road
Oxford

Dear Peter & Beth

Please find attached for your information a copy of the financial accounts for the PA & MEA Norgate Partnership for the year ended 31 March 2018.

Financial Performance PA & MEA Norgate Partnership

For the year ended 31 March 2018 the entity made a loss for taxation purposes across all revenue types of \$15,674.70. As the entity is a partnership this loss has been split equally amongst the partners as detailed in the attached financial accounts.

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16 April 2016

Peter & Beth Norgate
713 Bay Road
Oxford

Dear Peter & Beth

Please find attached for your information a copy of the financial accounts for the PA & MEA Norgate Partnership for the year ended 31 March 2016.

I am awaiting Inland Revenue issuing me with the partnership and your personal DLN numbers. The DLN is required to file the tax returns online. Once I have these I will file and forward to you a copy of the respective tax returns.

Financial Performance PA & MEA Norgate Partnership

For the year ended 31 March 2016 the entity made a loss for taxation purposes across all revenue types of \$23,356.88. As the entity is a partnership this loss has been split equally amongst the partners as detailed in the attached financial accounts.

HOVELL & ASSOCIATES

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28 May 2015

Peter & Beth Norgate
713 Bay Road
Oxford

Dear Peter & Beth

Please find attached for your information a copy of the financial accounts for the PA & MEA Norgate Partnership for the year ended 31 March 2015.

I have also attached for your information copies of the partnership tax return together with copies (confirmation) of the filing of your personal income tax returns for the year ended 31 March 2015.

Financial Performance PA & MEA Norgate Partnership

For the year ended 31 March 2015 the entity made a profit across all revenue types of \$26,089.83. As the entity is a partnership this profit is split equally amongst the partners as detailed in the attached financial accounts.

HOVELL & ASSOCIATES

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03 April 2014

Peter & Beth Norgate
713 Bay Road
Oxford

Dear Peter & Beth

Please find attached for your information a copy of the financial accounts for the PA & MEA Norgate Partnership for the year ended 31 March 2014.

I have also attached for your information copies of the partnership tax return together with copies (confirmation) of the filing of your personal income tax returns for the year ended 31 March 2014.

Financial Performance PA & MEA Norgate Partnership

For the year ended 31 March 2014 the entity made a loss across all revenue types of \$3,680.95. As the entity is a partnership this loss has been split equally amongst the partners as detailed in the attached financial accounts.

HOVELL & ASSOCIATES

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05 July 2013

Peter & Beth Norgate
713 Bay Road
Oxford

Dear Peter & Beth

Please find attached for your information a copy of the financial accounts for the PA & MEA Norgate Partnership for the year ended 31 March 2013.

I have also attached for your information copies of the partnership tax return together with copies (confirmation) of the filing of your personal income tax returns for the year ended 31 March 2013.

Financial Performance PA & MEA Norgate Partnership

For the year ended 31 March 2013 the entity made a profit across all revenue types of \$441.01. As the entity is a partnership this profit has been split equally amongst the partners as detailed in the attached financial accounts.

HOVELL & ASSOCIATES

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26 June 2022

Peter & Beth Norgate
703 Bay Road
Oxford

Dear Peter & Beth

Please find attached for your information a copy of the financial accounts for the PA & MEA Norgate Partnership for the year ended 31 March 2022.

I have also attached for your information copies of the partnership tax return together with copies (confirmation) of the filing of your personal income tax returns for the year ended 31 March 2022.

Financial Performance PA & MEA Norgate Partnership

For the year ended 31 March 2022 the entity made a loss across all revenue types of \$17,936.32. As the entity is a partnership this loss has been split equally amongst the partners as detailed in the attached Financial Statements.