

**Before the Environment Court
At Auckland**

**I Mua I Te Kōti Taiao
Tāmaki Makaurau Rohe**

ENV-2026-AKL-000174

Under the Resource Management Act 1991 ("RMA")

In the matter of an appeal under clause 14(1) of Schedule 1 of the RMA

And in the matter of the Proposed Far North District Plan

Between **Mark Wyborn**
Appellant

And **Far North District Council**
Respondent

**Notice of Setar Thirty Six Limited's wish to
be a party to proceedings**

Dated: 2 September 2026

Presented for filing by:



Joanna Beresford

PO Box 1088 Shortland Street,
Auckland 1140

joanna@beresfordlaw.co.nz
+64 21 114 1277

TO: The Registrar
Environment Court
Auckland

AND: Far North District Council

AND: The Appellant

1. Setar Thirty Six Limited (**Setar**) wishes to be a party under s 274 of the Resource Management Act 1991 (**RMA**) to the following proceedings:

The appeal by Mark Wyborn (**the Appellant**) against the decision of the Far North District Council in respect of the Proposed Far North District Plan (**PDP**), ENV-2026-AKL-000174 (**the Appeal**).

2. Setar is a person who has made a submission about the subject matter of the proceedings in terms of s 274(e) of the RMA having lodged an original (No. S168) and further submissions (No. FS069 and FS377) on the PDP.
3. Setar is not a trade competitor for the purposes of section 308C of the RMA.
4. Setar is interested in the parts of the proceeding that relate to the relief sought in the Appeal identified in **Schedule One**. Setar supports the relief sought as set out in Schedule One.
5. Setar supports the relief sought by the Appellant on the grounds that it:
 - (a) Will promote the sustainable management of natural and physical resources and is otherwise consistent with the purpose and principles of the RMA.
 - (b) Will not generate significant adverse effects on the environment.
 - (c) Is appropriate in terms of the requirements of s 32 of the RMA and the relevant provisions of applicable planning instruments.
6. Setar agrees to participate in mediation or other alternative dispute resolution.

Dated: 2 September 2026

SETAR THIRTY SIX LIMITED by its solicitors and duly authorised agents
Beresford Law

A handwritten signature in blue ink that reads "JL Beresford". The signature is written in a cursive style with a light blue rectangular highlight behind it.

JL Beresford

Address for service: The offices of Beresford Law. Level 6, 20 Waterloo Quadrant, Auckland, 1010. PO Box 1088 Shortland Street Auckland 1140. Attention: Joanna Beresford, Telephone: +64 9 307 1277, Mobile: +64 21 114 1277, Email: joanna@beresfordlaw.co.nz.

Schedule One: Relevant Parts of Relief Sought in Appeal

Appellant	Provision	Relief Sought in Appeal	Support/Oppose
Mark Wyborn	Rule CE-R1	Primary Relief 2. Amend Rule CE-R1 by deleting the provisions imposing limitations on the area of new buildings located within the Coastal Environment overlay, as expressly sought in Submission S497.006, including by: a. deleting PER-1(1), being the requirement that a new building or structure be no greater than 300m²; and b. deleting PER-2(b), including the limitations of: - o 25m² within Outstanding Natural Character; - o 50m² within High Natural Character; and - o 110m² within all other parts of the Coastal Environment. 3. Make all consequential amendments to Rule CE-R1, associated standards, activity status provisions, assessment matters and other provisions of the Proposed District Plan necessary to give effect to that relief. Alternative Relief 4. If the Court determines that building-area controls remain necessary within areas specifically identified as having High Natural Character or Outstanding Natural Character, amend Rule CE-R1 so that: a. the 110m² limitation applying to new buildings in the balance of the Coastal Environment is deleted; b. no maximum building-area limitation applies merely because a site is located within the Coastal Environment where the site is not also subject to a High Natural Character or Outstanding Natural Character classification; c. any building-area controls retained within High Natural Character or Outstanding Natural Character are appropriately related to the particular characteristics and values sought to be protected and are no more restrictive than necessary to manage the identified effects of development; and d. appropriate permitted, controlled or restricted discretionary activity pathways are provided to enable reasonable use and development while protecting identified natural-character values. Further or consequential relief as stated in the appeal	Support