



THE PLANNING
COLLECTIVE

4 September 2023

Planning and Policy, Far North District Council

Via email: pdp@fndc.govt.nz

To whom it may concern,

Further Submission on Proposed Far North District Plan - Dempsey Family Trust

Please find attached further submissions made on behalf of Dempsey Family Trust to the Far North Proposed District Plan (FNPDP).

Dempsey Family Trust has an interest in the following land:

Lot 3 DP 206044, Inland Road, Tokerau

The land is zoned Rural Production in the FNPDP:

- Approximately half of the site is within the Coastal Environment Overlay.
- An extremely small portion of the site adjacent to the southern boundary is covered by the Outstanding Natural Landscape Overlay relating to the Tokerau Rangaunu Wetland (Ref. 16).
- Parts of the site adjacent to the eastern boundary are covered by the High Natural Character Overlay (Reference 122 - Backdune adjoining 113/12. From northern end of the grass & Norfolk pines, the foredune is also included within unit. Foredune is dominated by spinifex with some blowouts, introduced grasses, knobbly clubrush. Back dune with pohuehue, bracken, knobbly clubrush, grasses & other native shrubs).
- Areas of the site are covered by the River Floor Hazard (10 year ARI and 100 year ARI) and the Coastal Flood Hazard (Zone 3: 100 year + rapid sea level rise scenario and Zone 1: 50 year scenario) Overlays.



Figure 1 – Far North Proposed District Plan Maps for Lot 3 DP 206044, Inland Road, Tokerau, 1/9/2023

Dempsey Family Trust has an interest in the FNPDP that is greater than the public generally as the submitter has an interest in land situated within the Far North District. The provisions of the Proposed District Plan will have a direct impact on land use, development and subdivision constraints and opportunities of this land.

Dempsey Family Trust wishes to be heard in relation to their further submission.

Yours sincerely

Jessica Andrews
Planner
The Planning Collective
E: Jessica@thepec.co.nz
M: 021-422-713

Attachments:

- 1) Form 6
- 2) Further Submission Table

Attachment 1:



THE PLANNING
COLLECTIVE

Form 6

FURTHER SUBMISSIONS TO PROPOSED FAR NORTH DISTRICT PLAN

Clause 8 of Schedule 1, Resource Management Act 1991 (Form 6)

To: **Far North District Council**

1. SUBMITTER DETAILS

Name of Submitter: Dempsey Family Trust
Agent: Diana Bell, The Planning Collective
Address for Service: P.O Box 591
Warkworth, 0941
Mobile: 021-382-000
Email: diana@thepec.co.nz

2. SCOPE OF FURTHER SUBMISSION

Please refer to the further submission table provided as **Attachment 2** which details the further submission/s and decisions sought.

(Persons authorised to sign on behalf of submitter)

Date: 4 September 2023

Attachment 2: Further Submission Table on Proposed Far North District Plan- Dempsey Family Trust

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
Coastal Hazard Rules								
93	013	Lynley Newport	Rules	Support the need to manage development within coastal hazard areas but believe all hazard provisions should be located in the Natural Hazards chapter. A cross reference in the Coastal Environment back to the Natural hazards chapter can be included.	Transfer the rules from the Coastal Environment chapter (rules section addressing coastal hazards) into the Natural Hazards chapter. Consequently, insert a cross reference within the Coastal Environment chapter to this effect.	Support	Support request to locate coastal hazard rules in Natural Hazards Chapter. This will assist future users with easily locating all natural hazards provisions	Allow the submission, subject to appropriate drafting. FS305.001
94	004	Lynley Newport	General	It is confusing when reading the Natural hazards chapter. At the end of the policies, one of which relates solely to Coastal Hazards (NH-P7), there is the statement that 'Coastal Hazard Rules are located in the Coastal Environment Chapter'. I am of the opinion that all natural hazard objectives, policies and rules should be in one place – in	Amend the Natural hazards chapter to transfer any provisions from the Coastal Environment section relating to hazards to the Natural Hazards chapter	Support	Support request to locate coastal hazard rules in Natural Hazards Chapter. This will assist future users with easily locating all natural hazards provisions	Allow the submission, subject to appropriate drafting. FS305.002

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
				this instance the Natural Hazards Chapter.				
194	001	Thomson Survey Limited	General Process	Support the need to manage development within coastal hazard areas, I believe all hazard provisions should be located in the Natural Hazards chapter. A cross reference in the Coastal Environment back to the Natural Hazards chapter can be included.	Amend the location of the Coastal Hazard rules by transferring them along with the Standards out of the Coastal Environment chapter and into the Natural Hazards chapter. Insert a cross reference in the Coastal Environment chapter to this effect.	Support	Support request to locate coastal hazard rules in Natural Hazards Chapter. This will assist future users with easily locating all natural hazards provisions	Allow the submission, subject to appropriate drafting. FS305.003
Application of Overlays								
222	001	Wendover Two Limited	General/Plan Content/Miscellaneous	As described in the National Planning Standard 2019, an overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions. It follows that the provisions relating to the overlay only apply to that part of a site so mapped. While this may be the intent of the overlays, in some instances in the Proposed Plan for overlay provisions, reference is made to 'the site'; the potential implication being that the overlay provisions apply to the site as a whole. While this may be the intent of the overlays, in some instances in the Proposed Plan for overlay provisions, reference is made to 'the site'; the potential implication being that the	Insert a new clause specifying that if an overlay is shown on the Planning Maps, the overlay provisions only apply to the portion of the property covered by the overlay.	Support	The overlay rules should only apply to the part(s) of a site which they cover, not the site as a whole.	Allow the submission. FS305.004

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
				<p>overlay provisions apply to the site as a whole.</p> <p>In addition to the above, the following part of the explanation is necessary to specify that overlay chapters do not contain all the provisions relating to an activity. For example, residential activity may not be provided for in the overlay, but is provided for in the underlying zoning: "Some of the Overlay chapters only include rules for certain types of activities (e.g. natural character, natural features and landscapes or coastal environment). If your proposed activity is within one of these overlays, but there are no overlay rules that are applicable to your activity, then your activity can be treated as a permitted activity under the Overlay Chapter unless stated otherwise. Resource consent may still be required under other Part 2: District-wide Matters chapters and/or Part 3: Area-Specific chapters (including the underlying zone)"</p>				
Setbacks from freshwater bodies								
355	001	Wakaiti Dalton	General/ Plan Content/ Miscellaneous	We note that across the PDP the standards for building setbacks from MHW does not have standards for setbacks from rivers, lakes and wetlands. We consider this to be an issue as stormwater generation from impermeable surfaces can adversely affect the waterbodies.	Seek amendments across the PDP to incorporate setbacks from all freshwater bodies.	Support in Part	Some setbacks from water courses and bodies is acceptable.	Allow submission subject to drafting. FS305.005

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
Hazard Mapping								
359	009	Northland Regional Council	General/ Plan Content/ Miscellaneous	Recent updates from the Ministry for the Environment indicate that sea level is rising faster than anticipated. The Proposed Plan should therefore consider the potential for updating of NRC hazard maps and working with NRC to reflect new understanding of the issue.	Amend the planning maps to align with updated NRC hazard maps (inferred).	Oppose	Any mapping that has potentially greater impacts on property needs to be fully tested and a full analysis and planning process is required to determine the best methods to address updated information. A further hazards mapping plan change may be required to ensure a clear and consistent approach to hazard management throughout the region and Far North District.	Reject Submission FS305.006
Requests to align Proposed District Plan provisions with National Policy Statements								
359	004	Northland Regional Council	General/ Plan Content/ Miscellaneous	The National Policy Statement-Highly Productive Land will, and the National Policy Statement-Indigenous Biodiversity is likely to, take effect prior to the end of 2022 and the proposed plan will need to be reviewed in light of these new pieces of national direction.	Amend the plan to have regard to the National Policy Statement-Highly Productive Land (NPS:HPL) and the National Policy Statement-Indigenous Biodiversity (NPS:IB)	Oppose	The Plan give effect to the NPS however separate planning processes are required as it could create	Reject submission FS305.007

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
							natural justice issues attempting to retrofit this planning document to make the changes required by new NPS that have come into force since the Proposed Plan was prepared.	
364	004	Director-General of Conservation (Department of Conservation)	General/Plan Content/Miscellaneous	There are no scheduled SNAs within Schedule 4 of the Proposed District Plan. The Director-General is strongly opposed to this decision, which is considered contrary to section 6(c) of the RMA, the objectives and policies of the Regional Policy Statement for Northland, and the NPSIB exposure draft. The Director-General is concerned that the current wording of the subdivision chapter will allow potential SNA sites to be subdivided with minimal ability to consider the adverse effects of the subdivision on indigenous biodiversity.	Amend all restricted discretionary activity and controlled activity rules to insert matters of discretion/control for indigenous biodiversity where appropriate and not already identified (inferred).	Oppose	Implementation of the NPS IB requires a thorough and robust planning process to ensure a clear and consistent direction is adopted throughout Northland and the Far North District. The current planning process (Proposed District Plan) is too far advanced. A separate plan change is required.	Reject submission FS305.008
364	005	Director-General of	General/	The s32 reports have identified that it is effective and efficient to align the PDP	Amend the Plan to be consistent with the NPSIB exposure draft. Specifically, but not limited to:		The submitter agrees that the Plan has to give	Reject submission

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
		Conservation (Department of Conservation)	Plan Content/ Miscellaneous	approach with the expected policy direction and requirements of the exposure draft of the National Policy Statement on Indigenous Biodiversity (NPSIB). The NPSIB is anticipated to come into effect during the PDP further submissions and hearing process. For this reason, the PDP should be reviewed and updated to be consistent with the NPSIB exposure draft.	<ul style="list-style-type: none"> Protect SNAs and identified taonga on Māori lands inline with clause 3.18 of the NPSIB exposure draft. Include objectives, policies, or methods in the PDP for managing the adverse effects of new subdivision, use, and development on highly mobile fauna areas. Incorporate NPSIB Appendices 3 and 4 or like principles into the PDP. Update proposed Policy IB-P4 to require that any biodiversity offset, or biodiversity compensation be in accordance with these principles. 		effect to National Policy Statements however, as above, this plan process is too far advanced and to ensure there are no natural justice issues a separate plan change process is required.	FS305.009
Rural Production – Subdivision and Landuse								
40	015	Martin John Yuretich	Rural Production Subdivision	The new subdivision rules, requiring a minimum lot size of 8ha (without a Management Plan) will severely restrict the ability to create small rural lots in the rural production zone. The reason given for this rule is to protect the productive potential of the rural area, in particular, highly productive land. However, the majority of land in the Far North District does not come under this category, and the PDP does not distinguish between highly productive land and less productive land when it comes to subdivision. With Council struggling to provide urban amenities (sewerage, water supply and stormwater) and people wanting to live independent of these services in the rural areas without too much land to care for, it makes sense to allow small rural blocks. It is correct to protect rural productive	<p>Previously blocks down to 4000sqm were allowed under the Operative District Plan. Perhaps the new District Plan could reconsider allotment sizes, perhaps with a limited number of allotments of a minimum of 8000sqm or 1ha, then 4ha generally after that. Smaller lot sizes should apply for properties (or parts thereof) that do not consist of highly productive land. This would give effect to Policy SUB-P8.</p> <p>Consequential amendments to RPROZ-R3 Residential activity and SUB-R7 Management plan subdivision.</p>	Support	Further subdivision opportunities within the Rural Production zone should be provided for	Allow the submission. FS305.0010

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
				potential, but this can be achieved without imposing a total restriction on rural lifestyle properties.				
118	003	Lynley Newport	SUB-P8	The submitter considers that in SUB-P9 the use of the word "avoid" is too negative and restrictive and that the use of more positive terms can achieve the same outcome.	Amend SUB-P9 to read: Provide for rural lifestyle subdivision in the Rural Production zone, and for Rural Residential subdivision in the Rural Lifestyle zone where the development achieves the environmental outcomes required in the management plan subdivision rule.	Support in part	Support the policy framework should provide for limited subdivision opportunities where it can be demonstrated that the subdivision of the land is appropriate, that adverse effects on the environment resulting from the subdivision can be appropriately avoided, remedied or mitigated and the subdivision will result in positive effects	Allow the submission subject to drafting FS305.011
104	001	Lynley Newport	Rural Production Subdivision	The discretionary activity minimum lot size should remain at 4 hectares and, as such, the discretionary residential intensity ratio in Rule RPROZ-R3 DIS-1 should similarly be four hectares	Amend Rule RPROX-R3 DIS-1 as follows: the site area per residential unit is at least 4ha.	Support in part	Further residential opportunities within the Rural Production zone should be provided for	Allow the submission FS305.012
334	001	FNR Properties Limited	Rural Production	It is also noted that the PDP does not provide for any subdivision in the RPZ as a Restricted Discretionary Activity, and	Amend the RPZ provisions to allow for a higher density in the RPZ and/or to provide for more options	Support	Further residential opportunities within the Rural	Allow the submission

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
				that the Discretionary Activity thresholds have been significantly reduced.	for residential intensity as a Controlled, Restricted Discretionary and Discretionary Activity.		Production zone should be provided for	FS305.013
334	002	FNR Properties Limited	Rural Production	Do not support the RPZ provisions relating to minimum allotment size for the same reasons as outlined above.	To amend SUB-S! Minimum Allotment Sizes (Rural Production) and reduce the minimum lot size in the RPZ, and/or to provide for more options for subdivision in the RPZ as a Controlled, Restricted Discretionary and Discretionary Activity.	Support	Further residential / subdivision opportunities within the Rural Production zone should be provided for	Allow the submission FS305.014
421	208	Northland Federated Farmers of NZ	Rural Production	<p>Federated Farmers supports the recognition in the overview of the fact it is important to differentiate the rural production zone from the rural lifestyle and rural residential zones. We also support the strong recognition that has been given to rural land as an important resource.</p> <p>The concern Federated Farmers has is that the overview is focused on the absolute protection of highly productive from any activities other than primary production. The approach taken by the Council to prevent the fragmentation of rural production land is support but acknowledgement is also needed that all highly productive may not be profitable for the landowner. It would be unequitable for the Council to prohibit a rural landowner who has cared for the land for many years from achieving the real potential value of that land. The proposed district plan has strayed into private property rights through</p>	Amend the Standards to recognise and provide for private property rights and allow landowners to subdivide land in the rural production zone for specific purposes such as creating lifestyle lots and lots for family members (amongst other matters)	Support in Part	Further residential / subdivision opportunities within the Rural Production zone should be provided for	Allow the submission subject to drafting FS305.015

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
				<p>dictating what can and cannot be done on rural production land. Returns from farming are variable due to a variety of factors including weather conditions, economic conditions, individual property circumstances and market demands. Like any business, diversification, flexibility, responsiveness, and cash flow are critically important to retaining their viability.</p> <p>Farmers undertake low impact subdivision for a variety of reasons. These vary from diversifying their business into tourism operations (luxury lodges and or associated tourism development and infrastructure), providing for disposing of a surplus dwelling on the property where a neighbouring farm is purchased, providing for a family member or staff member to live on the farm or to implement a succession plan for multiple siblings through small lot subdivision. The proposed chapter has taken away any flexibility for farmers to subdivide their land for specific purposes without undermining the primary production or life-style value of the remaining land. The chapter as drafted, adds another layer complexity on top of the regulations and provisions that exist in regional council planning documents</p>				

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
				and in National Policy Statements. The Council seems intent of duplicating provisions which may have already been dealt with at regional and national levels.				
243	070	Matauri Trustee Limited	Subdivision	<p>Policy SUB-P8 (inferred) which seeks to avoid rural lifestyle subdivision in rural zones, does not set out all of the circumstances where limited rural lifestyle subdivision in the Rural Production Zone may be appropriate, and can provide economic and environmental benefit. The policy should recognise that limited rural lifestyle subdivision may be a sustainable use of land resources, particularly where they are degraded and unsuited to productive use and significant environmental gains can be made. In these circumstances, subdivision, through an injection of capital and introduction of a 'community of care', allows for restoration and enhancement opportunities to be implemented and maintained through legal protection and ongoing obligations. The policy as drafted does not support subdivision rules SUB-R6 "Environmental benefit subdivision" nor SUB-R7 "Management plan subdivision" and should be redrafted to actively 'provide for' such opportunities.</p>	Delete Policy SUB-P8 (inferred) and replace	Support	Further residential / subdivision opportunities within the Rural Production zone should be provided for	Allow the submission subject to drafting FS305.016

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
358	008	Leah Frieling	SUB-P8	We do not support the large title sizes in the Rural Production zone. We submit that subdivision should allow lots to 4ha or smaller, and that the subdivision of smaller lots around existing houses be provided for. With Council struggling to provide urban amenities and people wanting to live independent of these services in the rural areas without too much land to care for, it makes sense to allow small rural blocks. It is correct to protect rural productive potential, but this can be achieved without imposing a total restriction on rural lifestyle properties.	Amend policy SUB-P8, by adding more circumstances where rural lifestyle bocks can be allowed in the Rural Production Zone, especially around existing houses.	Support	The policy framework should provide for limited subdivision opportunities where it can be demonstrated that the subdivision of the land is appropriate, that adverse effects on the environment resulting from the subdivision can be appropriately avoided, remedied or mitigated and the subdivision will result in positive effects - such as the ongoing protection and enhancement of SNA bush or wetland areas.	Allow submission subject to drafting FS305.017
Coastal Environment								

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
333	072	P S Yates Family Trust	Coastal Environment	As drafted, the standard may trigger the need for an engineering report for a resource consent for an activity anywhere on a site subject to a coastal hazard overlay. In most instances, the coastal hazard overlays are limited in area on a property. The related rules in this section consistently refer to 'location' which limits the assessment to the location of the activity sought, relative to the overlay. The standard should also refer to location to avoid this potential interpretation.	Amend Standard CE-S5 as follows: Any application for a resource consent in relation to a site location that is potentially affected by a coastal hazard must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion	Support	The rule should only be applicable where activities or development are proposed within a natural hazard area.	Allow the submission FS305.018
442	107	Kapiro Conservation Trust	Overview	It appears that the focus of the coastal environment chapter is on natural character, however a number of provisions refer broadly to the coastal environment and its values while others are specific to ONL and ONF. It is confusing that the policies cover both ONL and ONF but there are no rules that cover these features.	Amend wording to reflect that the section covers other characteristics and values of the Coastal Environment, e.g. ONLs & ONFs. Make it abundantly clear in an explanation somewhere that rules covering ONL and ONFs in the coastal environment are covered in the ONF and ONL chapter.	Support in principle		Subject to appropriate provisions FS305.019
511	088	Royal Forest and Bird Protection Society of New Zealand	Overview	It appears that the focus of the coastal environment chapter is on natural character, however a number of provisions refer broadly to the coastal environment and its values while others are specific to ONL and ONF. It is confusing that the policies cover both ONL and ONF but there are no rules that cover these features.	Amend wording to reflect that the section covers other characteristics and values of the Coastal Environment, e.g. ONLs & ONFs. Make it abundantly clear in an explanation somewhere that rules covering ONL and ONFs in the coastal environment are covered in the ONF and ONL chapter.	Support in principle		Subject to appropriate provisions FS305.020
187	058	The Shooting Box Limited	CE-01	Refer to submission for detailed reasons for decision(s) requested relating, but not limited to, the following: CE-01 lacks	Delete Objectives CE-01 and CE-02 and replace with the following:	Support in principle	Support subject to appropriate wording to guide	Allow the submission FS305.021

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
				specificity as to the outcome sought for the coastal environment, and together with CE-O2, fails to take into account the full scope of resources in the coastal environment and the range of existing and potential new sustainable land uses able to be supported in the coastal environment.	Objective CE-O1 Subdivision, use and development in the Coastal Environment: a. Enables people and their communities to provide for the social, economic, and cultural well-being and their health and safety; b. Maintains or restores the integrity, form, functioning and resilience of the Coastal Environment; and c. Protects the indigenous biodiversity values of the Coastal Environment in relation to the biodiversity values present; and d. Preserves the natural character of the Coastal Environment in relation to the level of natural character present; and e. Protects natural features and landscapes values of the Coastal Environment in relation to the level of natural feature and landscape values present; and f. Recognises and provides for the relationship of tāngata whenua with the Coastal Environment; and g. Maintains and enhances public open space and recreation opportunities in the Coastal Environment; and h. Manages coastal hazard risks, including the long-term projected effects of climate change; and i. Protects and enhances historic heritage values; and j. Avoids sprawling or sporadic patterns of development and enabling consolidation of existing settlements. k. Where appropriate, promotes opportunities for restoration or rehabilitation of modified or degraded areas of natural character.		subdivision, use and development within the Coastal Environment to ensure the provisions enable the varying character of land within the coastal environment to be recognized. Many parts of the coastal environment have rural residential or urban characteristics.	subject to drafting
565	018	Paihia Properties	Rules	The default to discretionary activity for all activities within the HNCA is onerous	Amend rules to default to restricted discretionary activity inside the high natural character area.	Support	Restricted Discretionary activity status is	Allow subject to drafting FS305.022

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
		Holdings Corporate Trustee Limited and UP Management		and potential effects can be appropriately managed through a restricted discretionary activity status, with targeted matters of discretion, as opposed to a blanket discretionary status.			supported with clear and directive matters of discretion and related assessment criteria.	
493	007	William Goodfellow	Rules	The submitter also considers that the activity status and standards imposed on activities within the coastal environment are unnecessarily onerous.	Amend to allow farming within the coastal environment and High Natural Character Overlay as a permitted activity.	Support	The High Natural Character Overlay largely covers rural areas where farming activities are anticipated within the zones. Conal Dempsey understands the importance of ensuring that buildings associated with farming are designed and located to manage adverse effects on areas of High Natural Character which can be assessed through the resource consent process.	Allow the submission subject to drafting FS305.023
167	074	Bentzen Farm Limited	CE-R1	The rule as proposed fails to recognise the existence of residential units in the coastal environment and the benefits that subdivision, use and development associated with residential units can	Amend rule CE-R1	Support in Part	Residential dwellings need to be provided for in the coastal environment	Allow in part subject to drafting FS305.024 FS305.025
168	073	Setar Thirty Six Limited						

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
187	064	The Shooting Box Limited		bring in the coastal environment. Provision should be made for buildings not ancillary farming activities (including residential units).				FS305.026 - FS305.029
222	066	Wendover Two Limited		As drafted, the rule ignores that there are titles, including titles with approved building platforms, which have occurred through a subdivision process which has confirmed the suitability of a residential unit, but are as yet unbuilt on. That should be recognised as a matter of discretion, or in the preferred alternative, added as a controlled activity as also sought by this submission.				
243	092	Matauri Trustee Limited		Except for more than one dwelling per lot, notification should not be a consideration, as the restricted discretionary matters are limited in their scope and need not involve third party input.				
333	065	P S Yates Family Trust						
502	018	Northland Planning and Development 2020 Limited	CE-S1	Amendment to the permitted height allowance is requested. Within the underlying Operative zone rules, the minimum permitted height is 8 metres, with the exception of the rural production zone which allows for 12 metres. The coastal zone covers a large area of rural zoned land which has a functional need to establish sheds for machinery and general farm buildings which would easily exceed the 5m threshold. Enabling an 8m height restriction ensures most farm buildings	Amend point 1 of Standard CE-S1 as follows: 1. The maximum height of any new building or structure above ground level is 5 8m and must not exceed the height of the nearest ridgeline, headland or peninsula. In the event that an 8m height restriction is not accepted we seek further relief that a 6m height restriction be accepted as generally most single story houses would fit within this height restriction. In the event the above relief is not accepted, we seek that the changes apply insofar as the Waitangi Estate.	Support in part	Support the change sought to amend the permitted height for buildings within the Coastal Environment to 8m to reflect the zoning provisions. This will enable a functional height for buildings within the	Support subject to drafting FS305.030

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
				are able to comply with the standard. The additional requirement to not exceed the height of the nearest ridgeline, headland or peninsula provides additional mitigation in comparison to the existing rule set.			Coastal Environment and will retain a consenting pathway for buildings which protrude above the nearest ridgeline, headland or peninsula.	
502	019	Northland Planning and Development 2020 Limited		Reference to the BS5252 standard colour range has been removed. Many coloursteel colours, which have an LRV of less than 30% are not listed within the BS5252 standard colour palette. This results in consent being required for a large number of sheds/garages, dwelling roofs, which are constructed of coloursteel materials and have an LRV of less than 30%, but are not stated within the BS5252 standard colour palette range. The Resene BS5252 colour range was created in 2008 and is therefore very outdated. It also gives an unfair trade advantage to Resene where only their products can be utilised. It is considered that with the requirement of an LRV no greater than 30%, the intention of this rule will still be achieved, and will remove the need for consent for coloursteel products which have an LRV of less than 30% (as well as any other products which have the same issue). Furthermore, by deleting point 2,	Amend CE-S2 The exterior surfaces of buildings or structures shall: 1. be constructed of materials and/or finished to achieve a light reflectance value no greater than 30%. 2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette or if not accepted 2. If painted have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette or equivalent product.	Support		Support subject to drafting. FS305.031

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
				it enables natural wood products such as cedar to be utilised which are not painted or stained without requiring consent.				
Natural Hazards								
94	001	Lynley Newport	Natural Hazards	<p>Policy NH-P6 reads as a rule, not a policy. A policy cannot "require" anything because it is not a rule. Parroting the Regional Policy Statement is not valid. That document is not a rules document in the first instance. It is far too specific and directive as a policy.</p> <p>The Council should be placing reliance on rules to achieve compliance and where compliance is not possible or practicable, then to achieve remedy and/or mitigation.</p>	Amend Policy NH-P6	Support	Inappropriate plan drafting	<p>Allow the submission</p> <p>FS305.032</p>
94	002	Lynley Newport	Natural Hazards	<p>Policy NH-P7 reads as a rule or standard, not a policy.</p> <p>It is far too specific and directive as a policy.</p> <p>The Council should be placing reliance on rules to achieve compliance and where compliance is not possible or practicable, then to achieve remedy and/or mitigation.</p>	Amend Policy NZ P7	Support	Rules relating to Natural Hazards should only apply to the portion of the site over which the overlay applies.	<p>Allow the submission</p> <p>FS305.033</p>
168	016	Setar Thirty Six Limited	Natural Hazards	Note 2 to the rules applies the requirement for a report prepared by a suitably qualified and experienced engineer/instability assessment to activities and subdivision on the site as a whole, rather than just that part impacted by the identified natural	Amend note 2	Support	Rules relating to Natural Hazards should only apply to the portion of the site over which the overlay applies.	<p>Allow the submission</p> <p>FS305.034</p>

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
				hazard, imposing unnecessary cost. The amendments sought target the requirements just to the mapped hazard area.				
Provisions relating to Natural Features and Landscapes								
167	031	Bentzen Farm Limited	NFL-O2	By its nature, land use and subdivision cannot be 'consistent with' the characteristics and qualities of an ONL or ONF: those being defined by a current state. It can however not compromise their characteristics and values as have been identified by the higher order planning documents. The NRC Landscape Assessment Work Sheets refer to "values" not qualities.	Amend Objective NFL-O2 as follows: Land use and subdivision in ONL and ONF does not compromise the identified characteristics and values of that landscape or feature. Or alternatively: The identified characteristics and values of ONLs and ONFs are protected from inappropriate subdivision, use and development.	Support	Support the alternative amendment sought by the submitters to Objective 2 - <i>The identified characteristics and values of ONLs and ONFs are protected from inappropriate subdivision, use and development.</i>	Allow submission subject to drafting FS305.035 - FS305.040
168	034	Setar Thirty Six Limited						
187	027	The Shooting Box Limited						
222	034	Wendover Two Limited						
243	049	Matauri Trustee Limited	In order for this objective to be the most appropriate way to achieve the requirements of the RMA and give effect to the NPS (ie allow a measurable assessment), it should use the same language as the Landscape Assessment methodology. "Identified" characteristics has been correctly used in policy NFL-P5, allowing a more measurable test of compliance with the policy. This should be consistently used thoroughly this objectives ad policy set. "Identified" characteristics has been correctly used in policy NFL-P5, allowing a more measurable test of compliance with the policy. This should be consistently used thoroughly this objectives ad policy set.					
333	026	P S Yates Family Trust						

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
167	032	Bentzen Farm Limited	NFL-P2	By its nature, land use and subdivision cannot be 'consistent with' the characteristics and qualities of an ONL or ONF. It can however not compromise their characteristics and values as have been identified by the higher order planning documents. The NRC Landscape Assessment Work Sheets refer to "values" not qualities. In order for this objective to be the most appropriate way to achieve the requirements of the RMA and give effect to the NPS (ie allow a measurable assessment), it should use the same language as the Landscape Assessment methodology. "Identified" characteristics has been correctly used in policy NFL-P5, allowing a more measurable test of compliance with the policy. This should be consistently used thoroughly this objectives and policy set.	Amend Policy NFL-P2 as follows: Avoid adverse effects of land use and subdivision on the identified characteristics and values of ONL and ONF within the coastal environment.	Support in Part	The submitter considers that the policy should be revised to include provision to remedy or mitigate effects to account for circumstances where adverse effects on the characteristics and values of ONL or ONF cannot be avoided. The suggested wording is: <i>Avoid, remedy or mitigate adverse effects of land use and subdivision on the identified characteristics and values of ONL and ONF within the coastal environment.</i>	Allow subject to drafting FS305.041 - FS305.046
168	035	Setar Thirty Six Limited						
187	028	The Shooting Box Limited						
222	035	Wendover Two Limited						
243	050	Matauri Trustee Limited						
333	027	P S Yates Family Trust						
167	033	Bentzen Farm Limited	NFL-P3	By its nature, land use and subdivision cannot be 'consistent with' the characteristics and qualities of an ONL or ONF. It can however not compromise their characteristics and values as have	Amend Policy NFL-P3 as follows: Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the identified characteristics and values of ONL and ONF outside the coastal environment.	Support	Need to avoid significant effects and avoid, remedy or	Allow submission subject to drafting
168	036	Setar Thirty Six Limited						
187	098							

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
187	029	The Shooting Box Limited		been identified by the higher order planning documents. The NRC Landscape Assessment Work Sheets refer to "values" not qualities. In order for this objective to be the most appropriate way to achieve the requirements of the RMA and give effect to the NPS (ie allow a measurable assessment), it should use the same language as the Landscape Assessment methodology. "Identified" characteristics has been correctly used in policy NFL-P5, allowing a more measurable test of compliance with the policy. This should be consistently used thoroughly this objectives and policy set.			mitigate other adverse effects	FS305.047 - FS305.054
222	036	Wendover Two Limited						
243	051	Matauri Trustee Limited						
333	028	P S Yates Family Trust						
167	037	Bentzen Farm Limited	NFL-P7	Some loss of 'characteristics and qualities' should be able to be sustained before those values are gone. The classification system used by the NRC uses a ranking within which the value should be able to move along before it is lost. In this context prohibiting 'any loss' is an unreasonable test.	Delete Policy NFL-P7.	Support		Allow submission FS305.055 - FS305.060
168	040	Setar Thirty Six Limited						
187	032	The Shooting Box Limited						
222	040	Wendover Two Limited						
243	055	Matauri Trustee Limited						
333	032							

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
		P S Yates Family Trust						
167	038	Bentzen Farm Limited	NFL-P8	This is not a policy but a method of assessment, and therefore more appropriately an assessment criterion. Non complying and discretionary activity applications should be assessed against objectives and policies which should be a clear expression of a desired outcome	Delete Policy NFL-P8 (inferred).	Support	This is not a policy but a method of assessment, and therefore more appropriately an assessment criterion	Allow submission
168	041	Setar Thirty Six Limited						
187	033	The Shooting Box Limited						
222	041	Wendover Two Limited						
243	056	Matauri Trustee Limited						
333	033	P S Yates Family Trust						
167	040	Bentzen Farm Limited	NFL-R1	The building per-se, rather than the use of the building, is the matter that should be controlled in this instance, having regard to the purpose of the rule. As such the requirement for the building to be ancillary to farming should be deleted. Reliance is still able to be placed on the other controls and standards referred to in the rule to manage effects on natural features and landscapes. Residential Units should be provided for in the overlay, in accordance with the	Amend Rule NFL-R1 as follows: Activity status: Permitted Where: PER-1 If a new building or structure is located outside the coastal environment it is: 1. no greater than 50m ² . PER-2 If a new building or structure is located within the coastal environment it is: 1. no greater than 50m ² . PER-3 Any extension to a lawfully established building or structure is no greater than 20% of the	Support in part	Residential Units should be provided for in the overlay	Allow subject to drafting
168	043	Setar Thirty Six Limited						
187	035	The Shooting Box Limited						
222	043	Wendover Two Limited						
243	058							

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
333	035	Matauri Trustee Limited P S Yates Family Trust		<p>underlying zone. They otherwise default to non-complying in the coastal environment as this rule is drafted in the Proposed Plan. This fails to recognise the existence of residential units in ONLs and the benefits that subdivision, use and development associated with residential units can bring to ONFs and ONLs.</p> <p>Should the concern be the proliferation of residential dwellings in the coastal environment, then this can be managed by the inclusion of a rule limiting as a per the drafting proposed at PER-5. As drafted, the rule ignores that there are titles, including titles with approved building platforms, which have occurred through a subdivision process which has confirmed the suitability of a residential unit, but are as yet unbuilt on. That should be recognised as a matter of discretion, or in the preferred alternative added as a controlled activity as also sought by this submission.</p> <p>50m², rather than 25m², better provides for small farm sheds that are typical in rural environments. Non-conformity with the rule is more effectively and efficiently dealt with as a restricted discretionary activity. This is because the matters of discretion are capable of being confined to effects on the</p>	<p>GFA of the existing lawfully established building or structure.</p> <p>PER-4 The building or structure, or extension or alteration to an existing building or structure, complies with standards: NFL-S1 Maximum height NFL-S2 Colours and materials</p> <p>Add the following rule: PER-5Where the new building is for a residential unit, there is only one residential unit within the ONL and ONF area on the lot.</p> <p>Amend the activity status where compliance is not achieved with rules PER-1, PER-2, PER-3 and PER-4 from discretionary /non complying to restricted discretionary in</p>			

Sub #	Sub Point	Submitter	Theme	Summary	Decision Requested	Further Submission		
						Support/Oppose	Reasons	Decision Requested
				identified characteristics and values of the feature. Except for more than one dwelling per lot, notification should not be a consideration, as the restricted discretionary matters are limited in their scope and need not involve third party input.				