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To: District Plan Team – Attention: Greg Wilson
Strategic Planning & Policy
5 Memorial Avenue
Private Bag 752
Kaikohe 0440.
Email: greg.wilson@fnhc.govt.nz

RE: Submission on the Proposed Far North District Plan 2022

1. **Details of persons making submission**

Mark & Emma Klinac (the **'Submitters'**)
C/- Bay of Islands Planning (2022) Limited
Attention: Steven Sanson
PO Box 318
PAIHIA 0247

2. **General Statement**

The submitters are directly affected by the Proposed Far North District Plan. They seek changes to the Rural Production Zoning applied over their site in favour of the Light Industrial Zone.

The submitters cannot gain an advantage in trade competition through this submission. They are directly impacted by the Proposed District Plan. The effects are not related to trade competition.

3. **Background & Context**

Background

The submitters own two Record of Title's along State Highway 10 entering Waipapa heading north. As shown on **Figure 1 & 2** below, RT 87084 contains an existing residential dwelling with a ½ share in a small access allotment with an existing shed present. RT 87084 includes both a residential dwelling and yard and an existing yard and shed associated with an earthworks business.

Site Descriptions

The land to which this submission relates comprises the following Records of Title:

- 87084 – Lot 2 DP 321759 & Lot 3 DP 321759 (1/2 share); and
- 87083 – Lot 1 DP 321759 & Lot 3 DP 321759 (1/2 share)

Plans showing the location of the land is provided at **Figure 1 & 2**.



Figure 1 – Site RT: 87084 (Source: Prover)



Figure 2 – Site RT: 87083 (Source: Prover)

Operative and Proposed District Plan Zoning

The zoning for both Record of Titles are both Rural Production in the Operative Far North District Plan. The zoning is shown in **Figure 3**.

There are no resource features that are attributed to the relevant sites. The site is impacted by river flooding as mapped by the Northland Regional Council. Refer **Figure 5**.

Both sites are bordered by a Local Purpose Esplanade Reserve (Lot 4 DP 321759) and the Waipেকakoura River beyond this Reserve.

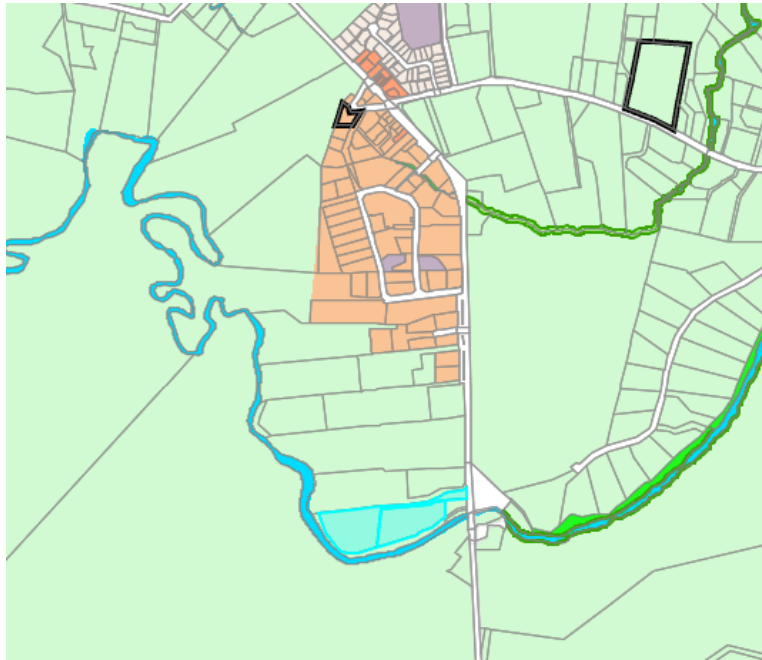


Figure 3 – Operative Zoning (Source: Far North Maps)

The Proposed District Plan seeks to retain the Rural Production Zone on the landholdings. However, as can be seen, the Proposed District Plan has changed the immediate environment to the north to Heavy Industrial – Refer **Figure 4**.

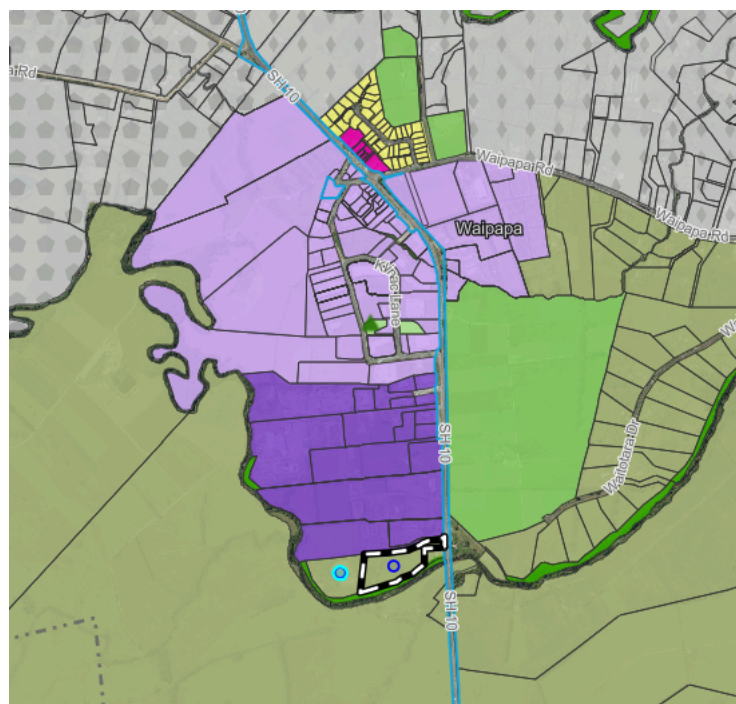


Figure 4 – Proposed Zoning (Source: Far North Maps)



Figure 5 – Proposed Zoning (Source: Far North Maps)

4. **The specific provisions of the Proposed Far North District Plan that this submission relates to are:**

- Proposed Zone Maps which relate to the landholding referred to in Section 3 of this submission;
- HIZ-S3 Setback or alternatively a new rule to provide relief for noise sensitive activities in close proximity to the Heavy Industrial Zone.

5. **The Submitters seek the following amendments/relief:**

This submission requests that the Proposed Far North District Plan:

- Replaces the existing Rural Production Zone applied over the landholdings referred to in favour of the Heavy Industrial Zone; and **S140.001**
- Removal of the River Flood Hazard Zone (10 Year ARI Event & 100 Year ARI Event). **S140.002**

- Amendments to HIZ-S3 Setback or a new rule in relation to setbacks of new heavy industrial activities from existing noise sensitive activities in the Heavy Industrial Zone. The rule proposed is as follows: **S140.003**
 - No new heavy industrial activity and associated outdoor areas, or extensions to existing heavy industrial activities and outdoor areas, shall be erected within 200m from any existing noise sensitive activity (when rule not met – Discretionary Activity).

6. **The reasons for making the submission on the Proposed District Plan are as follows:**

- Proposed Zoning Change: The Proposed District Plan retains the Rural Production Zone for the sites under consideration without due regard to existing and proposed environment that could be created. The proposed zoning will effectively create a Rural Production 'island' adjoined by potential Heavy Industrial Zoned properties on the landholdings and subsequent heavy industrial activities.
- There is no narrative within the relevant s32 reports for the site in question, therefore only assumptions can be made as to why Council zoned the land in question Rural Production. There are various factors present that would limit genuine rural production activities occurring (flooding, size, existing development, topography).

- If flooding is the key concern present for the zoning of the site, it is noted that in Waipapa, many sites are implicated by the flood hazard maps, yet have been appropriately zoned for Heavy and Light Industrial purposes.
- Our clients wish for their landholdings to be considered as Heavy Industrial, however; given the existing sensitive activities on each site (dwellings); further controls are needed to ensure that sensitive activities are appropriately considered should the Heavy Industrial Zone prevail. This is not considered as 'having a bob each-way' but a genuine reflection of the need to consider effects from new activities to existing ones (reverse sensitivity).
- New Rule: As currently drafted, there would be minimal amenity protections from new Heavy Industrial activities that may appear if the zoning is to carry through to the surrounding environment. At present there is no setback from sensitive activities type rule and this does not reflect the on the ground conditions for the landholdings under consideration.
- Flooding: Our clients also question the extent of flooding. The site has only been subjected to flooding on one occasion – Cyclone Bola. Since then, flood protection has occurred throughout the Kerikeri / Waipapa Region resulting in less flooding effects to the region. Whilst our clients have not engaged any technical expert evidence in this respect, they have owned the site for some time and have confirmed that the site does not flood.
- Part 2 of the RMA: The proposed changes are considered to more appropriately respond to Part 2 of the RMA.

7. **The submitters wish that the Far North District Council to address the above issue by:**

1. Amend the proposed zone for the subject sites from Rural Production to Heavy Industrial and removal of the flooding extent which covers their site;
2. Promote a new rule in relation to setback from sensitive activities in the Heavy Industrial Zone; and
3. Any other relief to achieve the outcomes sought by this submission.

8. Our clients wish to be **heard** in relation this submission.

Yours sincerely,



Steven Sanson

Director | Consultant Planner

On behalf of Mark and Emma Klinac

Dated this 18th Day of October 2022