



## Proposed District Plan Submission

Clause 6 of Schedule 1, Resource Management Act 1991

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

### 1. Submitter details:

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<p>2. (Please select one of the two options below)</p> <p><input type="checkbox"/> I <b>could not</b> gain an advantage in trade competition through this submission</p> <p><input type="checkbox"/> I <b>could</b> gain an advantage in trade competition through this submission</p> <p><i>If you could gain an advantage in trade competition through this submission, please complete point 3 below</i></p>			
<p>3. <input type="checkbox"/> I <b>am</b> directly affected by an effect of the subject matter of the submission that:</p> <p>(A) Adversely affects the environment; and</p> <p>(B) Does not relate to trade competition or the effect of trade competition</p> <p><input type="checkbox"/> I <b>am not</b> directly affected by an effect of the subject matter of the submission that:</p> <p>(A) Adversely affects the environment; and</p> <p>(B) Does not relate to trade competition or the effect of trade competition</p> <p><i>Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991</i></p>			
<p><b>The specific provisions of the Plan that my submission relates to are:</b></p> <p>Natural Hazards / Coastal Environment</p>			
<p>Confirm your position: <input type="checkbox"/> Support <input type="checkbox"/> Support In-part <input type="checkbox"/> <b>Oppose</b></p> <p><i>(please tick relevant box)</i></p>			
<p><b>My submission is:</b></p> <p>It is understood there are strong higher order provisions and intent within the Resource Management Act 1991 to appropriately manage natural hazards, however there are numerous hazards, and numerous hazard zones which apply to the land under consideration.</p>			



The natural hazard zones under consideration are the Coastal Flood Zone 3 (1:100 Year + Rapid Sea Level Rise), Zone 2 (1:100 Year), and Zone 1 (1:50 Year).

The PDP nor any of its supporting documents refer to Section 10 or Section 20 the RMA (as they relate to existing use rights).

Section 10(1) of the RMA addresses existing use rights for land use. Under this section, land may be used in a manner that contravenes a rule in a district plan or proposed district plan if both:

- the use was lawfully established before the rule became operative or the proposed plan was notified
- the effects of the use are the same or similar in character, intensity and scale.

Section 10 of the RMA does not apply to activities that have been discontinued for a continuous period of more than 12 months after the new rule became operative or the proposed plan was notified.

Existing use rights under section 10 do not apply to:

- reconstruction, alteration of, or extension to, any building that increases the degree to which the building fails to comply with any rule in a plan or proposed plan
- use of land controlled for the purposes specified in s30(1)(c)
- restrictions of use of the coastal marine area under s12
- restrictions on uses of lake and river beds under s13.

On the basis of the above, it is contended that a provision should be provided within the PDP which enables, as a permitted activity, the ability for people to exercise their existing use rights, where rebuilding a house 'like for like' and which result in effects which are the same or similar in character, intensity, and scale.

**I seek the following decision from the Council:**

Add additional provisions which allow residents within the district to develop a house / building / activity in accordance with Section 10 of the RMA 1991 despite the hazard overlays which may apply to their properties.

S391.001

- I wish to be heard in support of my submission  
 I do not wish to be heard in support of my submission  
(Please tick relevant box)

If others make a similar submission, I will consider presenting a joint case with them at a hearing

- Yes  No

Do you wish to present your submission via Microsoft Teams?

- Yes  No

**Signature of submitter:**



*Quinslow*

Date: 21 October 2022

**SUBMISSION NUMBER**

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