

Form 5**Submission on notified proposal for policy statement or plan, change or variation**

[Clause 6](#) of Schedule 1, Resource Management Act 1991

To Far North District Council

Name of submitter: John Bayley

This is a submission on the Proposed District Plan for the Far North District. (the **proposal**):

I could not gain an advantage in trade competition through this submission.

I am directly affected by an effect of the subject matter of the submission that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

The specific provisions of the proposal that my submission relates to are:

The identification of High Natural Character (*HNC*) and Outstanding Natural Landscape (*ONL*) overlays on my property and provisions relating to the Rural Production Zone and Coastal Environment overlay.

My submission is:

The submitter owns a site at Orokawa Bay in the Bay of Islands within the Rural Production Zone which is also subject to the HNC and ONL overlays identified above in terms of the proposed plan's provisions. The submitter considers these overlays inappropriate and impose unduly restrictive controls on the reasonable use and development of the site and adjacent land.

The submitter considers that these overlays do not reflect the existing state of the subject property or the surrounding land, which is that of a developed and modified human landscape containing dwellings located within extensively developed and landscaped grounds. The majority of the land within and adjacent to the site adjacent to Orokawa Bay is in reality devoid of any landscape qualities that could reasonably be described as comprising an outstanding natural landscape.

The land in question enjoys an attractive aesthetic, but due to the predominantly human landscape qualities exhibited by the specific property and others within close proximity, which include significant buildings and infrastructure cannot be considered to meet the high bar of having the landscape values ascribed to it.

The following aerial photograph shows the nature of the property and adjacent land, which when assessed in greater detail demonstrates that the imposition of controls intended to manage development in highly sensitive areas are inappropriate in this context and will make the reasonable use and development of the property unfairly and unnecessarily constrained.

The submitter considers that the HNC and ONL overlays should be removed from this land such that the land can be used in a manner consistent with the present planning regimen.

The aerial photograph below illustrates the site from which the submitter seeks to have the notations removed noting that the site enjoys riparian rights and thus extends beyond the boundary lines shown in the district plan maps.

Site Subject of this Submission



The submitter's land is also subject to the coastal environment overlay.

As a corollary to the above, the submitter considers that the proposed standards that apply to activities located within the overlays identified above would limit the reasonable development of land within the overlay to an extent that is unnecessarily onerous and inconsistent with the purpose of the Act.

Further, the submitter considers that the activity status imposed on activities within the coastal environment are unnecessarily onerous. These include imitations on the height, colour and reflectivity of buildings.

The submitter seeks the following decision from the local authority:

1. That the HNC and ONL overlays be removed from the site and adjacent land to the extent illustrated by the blue shading in the map below. **S490.001 and S490.002**



2. Without derogating from the above:
 - that provisions limiting the height, area and defining the colours and reflectivity of new buildings in ONLs be removed. **S490.003**
 - that all provisions in the plan that require activities located within an identified ONL to be assessed as non-complying activities be deleted. **S490.004**
3. With respect to controls over activities in the coastal environment overlay that:
 - the provisions within in the plan that impose limitations on the area, height and exterior finishes of new buildings located within the coastal environment overlay be deleted. **S490.005**
 - standards limiting the aerial extent and height of cut and fill of earthworks be deleted. **S490.006**
4. That the standard requiring buildings within the Rural Production Zone be set back 30 metres from MHWS be deleted. **S490.007**

I wish to be heard in support of my submission.

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

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Signature of submitter

Owen Burn as duly authorised agent for John Bayley

Date 20th October 2022

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