



**Remember
submissions
close at 5pm,
Friday 21
October 2022**

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

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:

Full Name:	Wendover Two Limited		
Company / Organisation Name: (if applicable)			
Contact person (if different):	Peter Hall Peter Hall Planning Limited		
Full Postal Address:	Level 3, 43 High Street		
	Auckland 1010		
Phone contact:	Mobile: 0274222118	Home:	Work:
Email (please print):	peter@phplanning.co.nz		

2. (Please select one of the two options below)

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

If you could gain an advantage in trade competition through this submission, please complete point 3 below

3. 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 effect of trade competition

- I **am not** 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 effect of trade competition

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

Wendover Two Limited owns the 20.09 hectares property at Mataka Station legally described as Lot 24 Deposited Plan 346421.

Mataka Station at the end of the Purerua Peninsula comprises 30 house lots and includes the permanent preservation and legal protection of 350 ha of covenanted conservation land and 800 ha of farmland and coastal open space. The farming operation at Mataka is under the supervision of a full-time farm manager.

Consent notices apply to each title specifying the location of house sites and requirements to comply with design guidelines, controls on buildings and revegetation requirements. The Mataka Station Design Guidelines ensure that



development of homes is maintained at high standards and that buildings are sympathetic to the landscape and the character of the property.

Within each property, owners are entitled to construct one dwelling together with ancillary buildings on a designated house site and a guest or manager's house.

Wendover obtained resource consent after purchasing the property for the construction of a dwelling which was carefully designed to be sympathetic to the elevated coastal location. The subdivision consent which was previously obtained for Mataka Station confirmed the suitability of a house site at this location after extensive landscape and visual analysis. Wendover have undertaken landscaping planting work and formed the driveway and building platform in anticipation of building.

The subject site and wider Mataka Station are in the Rural Production Zone. The nominated building platform on the property is in the Coastal Environment and Outstanding Natural Landscape overlays.

The Proposed Plan puts at risk the ability to build on the consented house site. Due to both the coastal and outstanding landscape overlays applying, resource consent for a non-complying activity is required, with no recognition of the existing building platforms consented by subdivision, for which titles have issued. Changes are sought to the Proposed Plan to provide for use and development of sites in such circumstances, including support for a new Special Purpose Zone for Mataka Station, as is being promoted by the Mataka Residents' Association Inc.

In addition, there is little recognition in the objectives, policies and rules of the Rural Production Zone and overlays for other non-farming land uses in rural areas, despite farming not occupying all the zone. Various amendments are sought to address this disconnect between the Rural Production Zone and the full range of activities, that do and should occur within the zone, including rural residential and conservation land uses.

The Proposed Plan will also impose significant consenting risk and cost implications on the farming operation due to the impact of the coastal environment and other overlays. In this respect, the objectives, policies and rules relating to these overlays make only very limited provision for farming, despite farming being a key part of the economy of the Far North, and despite farming activities defining in many instances coastal and landscape character. Various changes are also sought to the Proposed Plan in this submission seeking more workable provisions for farming.

The submitter opposes and seeks amendments to the provisions as specified in **Attachment 1** for the specific reasons set out therein and including:

- a) That they do not represent the most appropriate way of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions, and in particular the assessment of the benefits and costs of the environmental, economic and social effects that are anticipated from the implementation of the provisions; and
- b) That they will not promote the sustainable management of natural and physical resources and are not the most appropriate way to achieve the purpose of the Resource Management Act 1991.



Confirm your position: Support Support In-part Oppose
(please tick relevant box)

The position of the submitter on the specific provisions of the Plan that this submission relates to are as set out in **Attachment 1**.

My submission is:
(Include details and reasons for your position)

The submission points and reasons are as set out in **Attachment 1**.

I seek the following decision from the Council:
(Give precise details. If seeking amendments, how would you like to see the provision amended?)

The decision from Council sought in respect of each of the submission points is as set out in **Attachment 1** and includes in each case any consequential amendments or alternative relief to address the matters raised in this submission.

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:
(or person authorised to sign on behalf of submitter)

Date: 20/10/22



Important information:

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

Send your submission to:

Post to: Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council,
Private Bag 752
KAIKOHE 0400

Email to: pdp@fndc.govt.nz

Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.

Submissions close 5pm, 21 October 2022

Please refer to pdp.fndc.govt.nz for further information and updates.

Please note that original documents will not be returned. Please retain copies for your file.

Note to person making submission

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION NUMBER

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strike through)
PART 1 – INTRODUCTION AND GENERAL PROVISIONS HOW THE PLAN WORKS General approach			
<p>S222.001</p> <p>General Approach</p> <p>Section titled “Applications Subject to Multiple Provisions”</p>	<p>Support subject to amendments</p>	<p>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.</p> <p>It follows that the provisions relating to the overlay only apply to that part of a site so mapped.</p> <p>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.</p> <p>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.</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:</p> <p><i>“Some of the Overlay chapters only include rules for certain types of activities (e.g. natural character, natural features and landscapes or coastal</i></p>	<p>Add 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.</p>

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		<i>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)".</i>	
PART 1 – INTRODUCTION AND GENERAL PROVISIONS			
INTERPRETATION			
Definitions			
S222.002 Definitions New Definition: "Helicopter landing areas".	Oppose	See submission point in this submission on rule NOISE-S4 Helicopter landing areas	Add the following new definition: <u>"Helicopter landing areas means an identified landing area for helicopter landing, loading and take-off but does not include refuelling, servicing, a hangar, or a freight handling facility".</u>
PART 2 – DISTRICT-WIDE MATTERS			
STRATEGIC DIRECTION			
Economic and social wellbeing			
S222.003 S222.011 S222.012 S222.013 S222.014 S222.015 S222.016 S222.017 S222.018 Strategic direction: Economic and social wellbeing Objectives SD-SP-O1 - SD-EP-O5	Support	These strategic objectives are supported, in particular the encouragement of opportunities for fulfilment of the community's cultural, social, environmental, and economic wellbeing.	Retain Strategic Objectives SD-SP-O1 - SD-EP-O5
Strategic direction Rural environment	Support subject to amendments	The Far North is predominantly a rural environment. This environment incorporates a diverse range of	Add the following new Strategic Objective.

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S222.004		activities, supported by a range of zones, including rural lifestyle, rural residential and settlement. Significant areas of the rural environment are not defined by rural production activities, nor are they suitable for this purpose (including lifestyle areas, unsuitable soils, some coastal land and bush blocks). Without detracting from the strategic importance expressed in Strategic objectives SD-RE-O1 and SD-RE-O2, it is appropriate that the strategic objectives also recognise and enable the broader range of activities which occur in rural zones. This strategic objective is necessary to provide a strategic policy basis for the various rural environment zone objectives and policies which follow in the Plan	<u>SD-RE-O2 The importance of non-primary production activities in the rural environment to the social, economic and cultural well-being of the district is recognised and provided for.</u>
S222.005	Support subject to amendments	The long term protection of the values set out in this strategic objective may not necessary mean their restoration. The natural character of the coastal environment is in most cases degraded, and opportunities for its restoration or rehabilitation should be promoted as required by policy 14 of the NZCPS 2010.	Amend Strategic Objective SD-EP-O5 as follows: <u>The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations, including their restoration.</u>
S222.006	Support subject to amendments	The objective follows the section 6(c) matter of national importance, though is realised in limited terms in the Proposed Plan as notified, with some methods included to implement it. Nevertheless, there are methods included in for example the Ecosystems and indigenous biodiversity section of the Plan. Subject to the deletion of Significant Natural Areas as sought in this submission (for the reasons set out below), the objective is supported with the typo amendment as noted.	Amend Strategic Objective SD-EP-O6 as follows: <u>Areas of significant indigenous vegetation and significant habitats of indigenous fauna and are protected for current and future generations.</u>

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PART 2 – DISTRICT-WIDE MATTERS			
HAZARDS AND RISKS			
Natural hazards			
S222.007 Natural Hazards Wildfire Policy NH-P9	Oppose	The policy on wildfire protection should be targeted towards vulnerable activities only, consistent with the methods that implement the policy (ie rules NH-R5 and NH-R6).	Amend Policy NH-P9 as follows: <i>Manage land use and subdivision that may be susceptible to wildfire risk by requiring <u>the following for vulnerable activities</u>:</i> <ul style="list-style-type: none"> a. <i>setbacks from any contiguous scrub or shrubland, woodlot or forestry;</i> b. <i>access for emergency vehicles; and</i> c. <i>sufficient accessible water supply for firefighting purposes</i>
S222.008 Natural Hazards Rules Notes	Oppose	Note 2 to the rule 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 hazard, imposing unnecessary cost. The amendments sought target the requirements just to the mapped hazard area.	Amend note 2 as follows 2. <i>Any application for a land use resource consent in relation to a site <u>location</u> that is potentially affected by natural hazards 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. Any application for a subdivision consent must additionally include an assessment of whether the site <u>any new site to be created</u> includes an area of land susceptible to instability.</i>
S222.009 Natural Hazards Rules NH-R5: Wild fire - Buildings used for a vulnerable activity (excluding accessory buildings)	Oppose	Non-conformity with the rule should be a restricted discretionary activity, rather than full discretionary, as the matters managed by the rule are confined to the single issue of fire risk. There are circumstances where the rule can not be met, and indeed such an outcome would be a compromise compared to wider landscape and biodiversity outcomes. For example, new dwellings where landscape mitigation close to the house is	Amend the activity status in Rule NH-R5 where compliance is not achieved with PER-1 or PER-1 from Discretionary to <u>Restricted Discretionary Activity</u> . Add the following matters of discretion: <ul style="list-style-type: none"> a. <u>The availability of water for fire-fighting;</u> b. <u>The scale of the extension or alteration;</u> c. <u>Alternative options for the location of the extension or alteration;</u> d. <u>The use of building materials to reduce fire</u>

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		<p>desirable or required as an existing condition of subdivision consent. In these circumstances, the matters of discretion sought to be added by this submission will appropriately direct decision making. These include the ability to consider the suitability of low flammability plant species as fire risk mitigation adjoining the house as described in the following reference:</p> <p>https://fireandemergency.nz/home-and-community-fire-safety/flammability-of-plant-species/</p>	<p><i>risk;</i> <u>e. The extent and type of vegetation present and</u> <u>f. The nature and density of any planting to reduce fire risk, including use of low flammability species.</u></p>
<p>S222.010</p> <p>Natural Hazards Rules NH-R6: Wild fire - extensions and alterations to buildings used for a vulnerable activity (excluding accessory buildings) that increase the GFA</p>	Support subject to amendments	Reasons as above.	<p>Add the following matter of discretion to rule NH-R6:</p> <p><u>f. The nature and density of any planting to reduce fire risk, including use of low flammability species.</u></p>
<p>S222.019</p> <p>Natural Hazards Standards NH-S1 All Natural Hazards</p>	Oppose	<p>The information requirement applies the need for a report prepared by a suitably qualified and experienced engineer/instability to activities and subdivision on the site as a whole, rather than just that part impacted by the identified natural hazard, imposing unnecessary cost. The amendments sought target the requirements just to the mapped hazard area location.</p>	<p>Amend Information Requirement NH-S1 as follows:</p> <p><i>Any application for a resource consent in relation to a <u>site location</u> that is potentially affected by natural hazards 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.</i></p>

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PART 2 – DISTRICT-WIDE MATTERS			
NATURAL ENVIRONMENT VALUES			
Ecosystems and indigenous biodiversity			
S222.020 Ecosystems and indigenous biodiversity Overview	Oppose	<p>Amendments to the overview section, and the objectives, policies and rules are sought to:</p> <ol style="list-style-type: none"> 1. Recognise that the Council has not identified Significant Natural Areas in the Proposed Plan; and 2. Clarify that the role of identifying SNAs cannot be passed onto landowners; however areas of significant indigenous vegetation and significant habitats of indigenous fauna may be desirably protected through the consent process. <p>Without the SNA areas being mapped, the section 32 analysis cannot properly conclude that the associated objectives, policies and rules are most appropriate or efficient or effective methods to protect such areas.</p> <p>Without mapping the SNAs, the associated rules lack precision, and in relying on case-by-case assessment by landowners as proposed, risk not being consistently applied.</p>	<p>Amend the Overview as follows:</p> <p><i>Council has responsibilities under the RMA, the NZCPS and the RPS to identify and protect areas of significant indigenous biodiversity (Significant Natural Areas) and maintain indigenous biodiversity. Where Significant Natural Areas <u>areas of significant indigenous vegetation and significant habitats of indigenous fauna</u> are identified in the District Plan or through ecological assessments in accordance with the significance criteria in Appendix 5 of the RPS or any more recent National Policy Statement on indigenous biodiversity there will be greater control over land use and subdivision <u>conditions may be placed on consents</u> to ensure that the ecological significance of these areas are protected. There may be tension between the public and ecological benefits in protecting, maintaining or enhancing indigenous biodiversity and the associated costs or restrictions to private and public (including Māori) landowners</i></p>
S222.021 Ecosystems and indigenous biodiversity Objectives IB-O1	Oppose	As above.	<p>Amend Objective IB-O1 as follows:</p> <p><i>Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected for current and future generations</i></p>
S222.022 Ecosystems and indigenous biodiversity	Oppose	Policy IB-P1 seeks to "encouraging landowners to include identified Significant Natural Areas in Schedule	Delete Policy IB-P1

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Policies IB-P1		<i>4 of the District Plan at the time of subdivision and development;...”</i> This policy cannot be achieved unless by way of 4 th schedule process private plan change which is an unreasonable burden to place on landowners.	
S222.023 Ecosystems and indigenous biodiversity Policies IB-P2	Oppose	Because areas of Significant Natural Area are not mapped, avoidance can only be achieved in relation to areas of significant indigenous vegetation and significant habitats of indigenous fauna. The change proposed by this submission gives effect to the requirements of the NZCPS 2010.	Amend Policy IB-P2 as follows: Within the coastal environment: <i>a. avoid adverse effects of land use and subdivision on Significant Natural Areas <u>areas of significant indigenous vegetation and significant habitats of indigenous fauna</u> ; and</i> <i>b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems.</i>
S222.024 Ecosystems and indigenous biodiversity Policies IB-P3	Oppose	As above.	Amend Policy IB-P3 as follows: <i>Outside the coastal environment:</i> <i>a. avoid, remedy or mitigate adverse effects of land use and subdivision on Significant Natural Areas <u>areas of significant indigenous vegetation and significant habitats of indigenous fauna</u> to ensure adverse effects are no more than minor; and</i> <i>b. avoid, remedy or mitigate adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems to ensure there are no significant adverse effects.</i>
S222.025 Ecosystems and indigenous biodiversity Policies IB-P5	Oppose	As above in the reasons for the changes to the Overview section.	Amend Policy IB-P5 as follows: <i>Ensure that the management of land use and subdivision to protect Significant Natural Areas <u>areas of significant indigenous vegetation and significant habitats of</u></i>

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			<p><u>indigenous fauna and maintain indigenous biodiversity is done in a way that:</u></p> <p>a. <u>does not impose unreasonable restrictions on existing primary production activities, particularly on highly versatile soils;</u></p> <p>b. <u>recognises the operational need and functional need of some activities, including regionally significant infrastructure, to be located within Significant Natural Areas <u>areas of significant indigenous vegetation and significant habitats of indigenous fauna</u> in some circumstances;</u></p> <p>c. <u>allows for maintenance, use and operation of existing structures, including infrastructure; and</u></p> <p>d. <u>enables Māori land to be used and developed to support the social, economic and cultural well-being of tangata whenua, including the provision of papakāinga, marae and associated residential units and infrastructure.</u></p>
<p>Ecosystems and indigenous biodiversity</p> <p>Policies IB-P6</p>	<p>Support subject to amendments</p>	<p>As above in the reasons for the changes to the Overview section.</p> <p>In addition, an amendment is sought to provide a policy basis for rule SUB-R6 Environmental benefit subdivision and SUB-R7 Management plan subdivision.</p> <p>This outcome gives effect to objective 3.4 and policy 4.4.2 of the Regional Policy Statement for Northland.</p> <p>The RPS recognises at 4.4.3 that “<i>ecologically beneficial use and development and voluntary efforts can be actively encouraged by including appropriate rules and incentives in regional and district plans</i>”.</p> <p>Subdivision is one such incentive – providing the necessary capital injection to enact the land use</p>	<p>Amend Policy IB-P6 as follows:</p> <p><i>Encourage the protection, maintenance and restoration of indigenous biodiversity, with priority given to Significant Natural Areas, through <u>both regulatory and non-regulatory methods including consideration of:</u></i></p> <p>a. assisting landowners with physical assessments by suitably qualified ecologists to determine whether an area is a Significant Natural Area;</p> <p><u>a. Enabling subdivision and land use where that results in the restoration or enhancement of indigenous biodiversity, including under-represented ecosystems, and where biodiversity is increased and legally protected.</u></p> <p>b. <i>reducing or waiving resource consent application fees;</i></p> <p>c. <i>providing, or assisting in obtaining funding from other agencies and trusts;</i></p>

S222.026

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		change required and establishing a community of care, and on-going obligations in respect to biodiversity.	<p><i>d. sharing and helping to improve information on indigenous biodiversity; and</i></p> <p><i>e. working directly with iwi and hapū, landowners and community groups on ecological protection and enhancement projects.</i></p>
<p>S222.027</p> <p>Ecosystems and indigenous biodiversity</p> <p>Policies</p> <p>IB-P10</p>	Support subject to amendments	As above in the reasons for the changes to the Overview section.	<p>Amend Policy IB-P10 as follows:</p> <p><i>Manage land use and subdivision to address the effects of the activity requiring resource consent for indigenous vegetation clearance and associated land disturbance, including (but not limited to) consideration of the following matters where relevant to the application:</i></p> <p>...</p> <p>h. where the area has been mapped or assessed as a Significant Natural Areas:</p> <p><i>i. the extent to which the proposal will adversely affect the ecological significance, values and function of that area;</i></p> <p><i>ii. whether it is appropriate or practicable to use biodiversity offsets or environmental biodiversity compensation to address more than minor residual adverse effects;</i></p> <p>...."</p>
<p>S222.028</p> <p>Ecosystems and indigenous biodiversity</p> <p>Rules</p> <p>IB-R1</p>	Support subject to amendments	<p>As above in the reasons for the changes to the Overview section.</p> <p>In addition, the use of building platform (ie single residential unit) should not matter in assessing its effects relative to Indigenous vegetation. The provision for the use should be conferred from the</p>	<p>Amend rule IB-R1 as follows:</p> <p><i>Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area</i></p> <p>...</p>

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Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area		<p>underlying zoning. A more effective and efficient way to achieve the objective is to simply refer to 'building platforms'.</p> <p>Furthermore, the rule confuses density rules applying to residential units which are specified elsewhere in the Plan.</p> <p>It is appropriate to add further exclusions for 'existing domestic gardens' in recognition that many existing gardens include indigenous vegetation. In addition, ecosystem protection, rehabilitation or restoration works should be excluded in recognition that Indigenous vegetation may need to be modified for such purposes, including for access tracks for planting and pest control and to release new plants.</p>	<p>7. To allow for the construction of a single residential unit on a title <u>building platform</u> and essential associated onsite infrastructure and access and it does not exceed 1,000m ;</p> <p><u>14. For existing domestic gardens</u></p> <p><u>15. It is for ecosystem protection, rehabilitation or restoration works</u></p>
<p>S222.029</p> <p>Ecosystems and indigenous biodiversity</p> <p>Rules IB-R2</p> <p>Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area for papakāinga</p>	Oppose	As above in the reasons for the changes to the Overview section.	Delete Rule IB-R2
<p>S222.030</p> <p>Ecosystems and indigenous biodiversity</p> <p>Rules IB-R3</p>	Oppose	As above in the reasons for the changes to the Overview section.	Delete Rule IB-R3

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area			
S222.031 Ecosystems and indigenous biodiversity Rules IB-R4 Indigenous vegetation clearance and any associated land disturbance outside a Significant Natural Area	Oppose	As above in the reasons for the changes to the Overview section. In addition, the rule includes the requirement that “ <i>a report has been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and it is submitted to Council 14 days in advance of the clearance being undertaken</i> ”. This requirement lacks precision necessary for a permitted activity, and imposes an unfair cost and burden on landowners to identify SNA areas. The rule is unfairly structured such that the areas are assumed SNA unless proven otherwise by landowners and, as such, does not satisfy the requirements of section 32 of the RMA 1991.	Delete Rule IB-R4
S222.032 IB-R5 Plantation forestry and plantation forestry activities within a Significant Natural Area	Oppose	As above in the reasons for the changes to the Overview section.	Delete Rule IB-R5
PART 2 – DISTRICT-WIDE MATTERS			
NATURAL ENVIRONMENT VALUES			
Natural features and landscapes			
S222.033 Natural Features and Landscapes Overview	Oppose	Outstanding natural landscapes (ONL) account for approximately 22% of the Far North District's land area. Of this, a significant portion has been highly modified in the past.	Amend the Overview as follows: <i>The Far North District has an extensive coastline with many harbours, large tracts of indigenous vegetation and a wide variety of natural processes that operate at varying scales.</i>

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		<p>The Overview incorrectly identifies that modification of ONLs has been minimal. Large tracts of ONLs are highly modified from their natural state by land uses including historical settlement, burn-offs, logging, forestry and farming practices. In many instances the characteristics of the ONL are in fact defined by these previous or current land uses. The Overview as written sets up an incorrect expectation that ONLs as mapped are in a natural state.</p> <p>The objective is also internally Inconsistent with policy NFL-P4 which correctly recognises that farming is part of ONLs.</p>	<p><i>This has created a District rich in unique landscapes and features. In many instances, they are celebrated by cultural associations and stories. Modification of these places has been minimal largely due to their remote locations, historic heritage and in some cases challenging topography and geomorphology.</i></p>
<p>S222.034</p> <p>Natural Features and Landscapes Objectives NFL-O2</p>	Oppose	<p>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.</p> <p>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.</p> <p>“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.</p>	<p>Amend Objective NFL-O2 as follows:</p> <p><i>Land use and subdivision in ONL and ONF is consistent with and does not compromise the <u>identified characteristics and qualities values</u> of that landscape or feature.</i></p> <p>Or alternatively</p> <p><i><u>The identified characteristics and values of ONLs and ONFs are protected from inappropriate subdivision, use and development.</u></i></p>
<p>S222.035</p> <p>Natural Features and Landscapes</p>	Oppose	As per submission point on NFL-O2	Amend Policy NFL-P2 as follows:

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Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
Policies NFL-P2			<i>Avoid adverse effects of land use and subdivision on the <u>identified characteristics and qualities values</u> of ONL and ONF within the coastal environment.</i>
S222.036 Natural Features and Landscapes Policies NFL-P3	Oppose	As per submission point on NFL-O2	Amend Policy NFL-P3 as follows: <i>Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the <u>identified characteristics and qualities values</u> of ONL and ONF outside the coastal environment.</i>
S222.037 Natural Features and Landscapes Policies NFL-P4	Support subject to amendments	The policy provides appropriate recognition that farming should be provided for in ONLs and ONFs and that the use can form part of the characteristics and values that established the landscape or feature. Changes are sought in line with reasons for submission point on NFL-O2	Amend Policy NFL-P4 as follows: <i>Provide for farming activities within ONL and on ONF where: a. the use forms part of the <u>identified characteristics and qualities values</u> that established the landscape or feature; and b. the use is consistent with, and does not compromise the characteristics and qualities of the landscape or feature.</i>
S222.038 Natural Features and Landscapes Policies NFL-P5	Support subject to amendments	Support the use of 'identified' as has been used in this policy, but should be used elsewhere to allow a measurable method to determine compliance with the policy.	Amend Policy NFL-P5 as follows: <i>Provide for the use of Māori Purpose zoned land and Treaty Settlement land in ONL and ONF where land use and subdivision is consistent with the ancestral use of that land and does not compromise any <u>identified characteristics and qualities values</u>.</i>
S222.039 Natural Features and Landscapes Policies NFL-P6	Support subject to amendments	The restoration and enhancement of ONLs and ONF should always be encouraged and to do otherwise may hold such areas in a degraded state.	Amend Policy NFL-P6 as follows: <i>Encourage the restoration and enhancement of ONL and ONF areas where it is consistent with the characteristics and qualities.</i>
S222.040 Natural Features and Landscapes Policies	Oppose	Prohibit land use that would result in any loss of and/or destruction of the characteristics and qualities of ONL and ONF.	Delete Policy NFL-P7

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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.	
S222.041 Natural Features and Landscapes Policies NFL-P8	Oppose	Policy NFL-P6 seeks to manage land use and subdivision to Protect ONL and ONF and address the effects of the activity requiring resource consent, including (but not limited to) consideration of a range of matters where relevant to the application: 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 – not a way to achieve an unspecified outcome as is this policy.	Delete Policy NFL-P6
S222.042 Natural Features and Landscapes Policies New Policy	Oppose	As drafted, the Proposed Plan does not provide appropriate recognition of existing and/or authorised subdivision, use and development in ONLs and ONFs. Many values and characteristics of ONLs have been enhanced through development and subdivision through for example native planting regeneration and its ongoing protection. Such activities have been deemed to be appropriate in the past and in the more recent past, typically subject to legally binding ongoing obligations to protect and enhance the values which comprise the ONL or ONF. A new policy is required to recognise the positive benefits that can accrue from such activities and enable their continuation.	Add a new policy as follows: <u>Recognise that identified ONLs and ONFs may contain existing and/or authorised subdivision, use and development and provide for these activities.</u>

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
<p>S222.043</p> <p>Natural Features and Landscapes</p> <p>Rules NFL-R1</p> <p>New buildings or structures, and extensions or alterations to existing buildings or structures</p>	<p>Oppose</p>	<p>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.</p> <p>Residential Units should be provided for in the overlay, in accordance with the 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.</p> <p>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.</p>	<p>Amend Rule NFL-R1 as follows:</p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>If a new building or structure is located outside the coastal environment it is:</i></p> <p>1. ancillary to farming (excluding a residential unit);</p> <p><u>1. 2. no greater than 25 50m2 .</u></p> <p><i>PER-2</i></p> <p><i>If a new building or structure is located within the coastal environment it is:</i></p> <p>1. ancillary to farming (excluding a residential unit);</p> <p><u>1. 2. no greater than 25 50m2.</u></p> <p><i>PER-3</i></p> <p><i>Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.</i></p> <p><i>PER-4</i></p> <p><i>The building or structure, or extension or alteration to an existing building or structure, complies with standards:</i></p> <p><i>NFL-S1 Maximum height</i></p> <p><i>NFL-S2 Colours and materials</i></p> <p>Add the following rule:</p> <p><u><i>PER-5</i></u></p> <p><u><i>Where the new building is for a residential unit, there is only one residential unit within the ONL and ONF area on the lot.</i></u></p> <p>Amend the activity status where compliance is not</p>

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>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 identified characteristics and values of the feature.</p> <p>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. .</p>	<p>achieved with rules PER-1, PER-2, PER-3 and PER-4 from discretionary /non complying to <u>restricted discretionary</u> in the case of each rule.</p> <p>Add a new activity status where compliance is not achieved with rule PER-5 as a <u>non-complying activity</u>.</p> <p>Add a matter of discretion as follows:</p> <ol style="list-style-type: none"> 1. <u>The effects on the identified characteristics and values that established the landscape or feature, having regard to:</u> <ol style="list-style-type: none"> a. <u>the temporary or permanent nature of any adverse effects;</u> b. <u>the location, scale and design of any proposed development;</u> c. <u>any means of Integrating the building, structure or activity;</u> d. <u>the ability of the environment to absorb change;</u> e. <u>the need for and location of earthworks or vegetation clearance;</u> f. <u>the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</u> g. <u>Except as provided for under m and n below, any viable alternative locations for the activity or development outside the landscape or feature;</u> h. <u>the characteristics and qualities of the landscape or feature;</u> i. <u>the physical and visual integrity of the landscape or feature;</u>

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Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<p>j. <u>the natural landform and processes of the location; and</u></p> <p>k. <u>any positive contribution the development has on the characteristics and qualities.</u></p> <p>l. <u>Whether locating the activity within the ONF or ONL area is required to enable reasonable residential or farming use of the lot.</u></p> <p>m. <u>Whether the location is on a previously approved building platform.</u></p> <p>Add new clause as follows:</p> <p><u>Building/s which do not comply with PER1, PER2, PER3 or PER4 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).</u></p>
<p>Natural Features and Landscapes</p> <p>Rules</p> <p>New Rule</p>	<p>Oppose</p>	<p>There are subdivisions in the district, including in coastal environments, where resource consents have been granted and/or titles issued specifying controls on the location and size of building platforms, and controlling these through legally binding instruments. Such forms of subdivision were encouraged under the Management Plan rule of the Operative Plan.</p> <p>This form of rule is proposed to be carried over into the Proposed Plan, and so may result in more such forms of subdivision.</p> <p>As drafted in rule NFL-R1, where these occur in the coastal areas, the activity status of dwellings defaults to non-complying, regardless of prior entitlements provided by subdivision.</p>	<p>Add new rule as follows: S222.044</p> <p><u>“New buildings or structures, and extensions or alterations to existing buildings or structures within an approved building platform or buildable area on a site for which a subdivision consent was granted after 1 January 2000”</u></p> <p>Specify the activity status as <u>controlled activity</u></p> <p>Include the following matter of control:</p> <ol style="list-style-type: none"> <u>Compliance with location, height, design and mitigation conditions which apply to the site or building platform by way of resource consent condition or consent notice.</u> <p>Include the following clause:</p>

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		<p>In many cases, the subdivisions have been carefully designed and have detailed controls imposed by way of consent condition and consent notices on the titles to manage the effects of buildings. Owners have purchased lots on the understanding that their entitlement to build on them is protected.</p> <p>The default to non-complying activity would require a wholesale reassessment of the appropriateness to build on an approved building platform. It imposes considerable unnecessary cost and risk to current owners.</p> <p>Controlled activity is an appropriate activity class because the Council will have already assessed appropriations in such circumstance and all that may be required will be an evaluation against the conditions of the subdivision consent/consent notices.</p> <p>Typically, such subdivisions have occurred in more recent times and so a cut-off date as proposed in the relief may also be appropriate.</p> <p>Non-notification is also appropriate as the substantive consideration as to whether a building is acceptable on the approved building platform will have occurred already at subdivision stage.</p> <p>A similar provision is in the Operative Whangarei District Plan 2022</p>	<p><u>Building/s which are a controlled activity under this rule shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).</u></p>
Natural Features and Landscapes	Oppose	There is no need not be a rule for an activity class of repair and maintenance.	<p>Delete Rule NFL-R2 S222.045</p>

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<p>Rules NFL-R2 Repair or maintenance</p>		<p>Repairs and maintenance should be otherwise be permitted under the respective rules relating to the buildings, earthworks and indigenous vegetation clearance activity classes within the overlay. Those rules (as sought to be amended by this submission) most effectively and efficiently manage the effects of relevant activities on the resources managed by the overlay.</p> <p>Unforeseen consequences will result with the rule as drafted where classes of repairs and maintenance not listed will fall to discretionary activity, triggering costly and unnecessary consent processes. An example is existing houses in the ONF and ONL, whereby their repair and maintenance (including any normal domestic maintenance) would trigger a full discretionary activity resource consent because they are not specified in the repair or maintenance rule.</p>	
<p>Natural Features and Landscapes</p> <p>Rules NFL-R3 Earthworks or indigenous vegetation clearance</p>	<p>Oppose</p>	<p>Given the nature of the PER-1 repair and maintenance activities (ie lawfully established and like for like works), there should be no limit in the volume of earthworks associated with these.</p> <p>For the reasons set out above in this submission, the repair and maintenance activities are better placed as a permitted activity clause within this rule itself, rather than a separate activity class.</p> <p>More exceptions for normal farming and rural practices should be provided for. In this regard, farming activities are often a feature of the overlay area and not providing for such activities would impose significant consent cost and risks on land owners. Where ONLs and ONFs are not farmed, then</p>	<p>Amend Rule NFL-R3 as follows: S222.046</p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i> <i>PER-1</i></p> <p><i>The earthworks or indigenous vegetation clearance is:</i> <i>1. required for the repair or maintenance permitted under NFL-R2 Repair or maintenance.</i> <i><u>1. Required for the repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:</u></i></p> <ol style="list-style-type: none"> <i><u>1. roads.</u></i> <i><u>2. fences</u></i> <i><u>3. network utilities</u></i> <i><u>4. driveways and access</u></i> <i><u>5. walking tracks</u></i>

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		<p>the vegetation controls provide protection. In particular, exceptions are required for:</p> <ul style="list-style-type: none"> • Maintenance of fire breaks (for ecosystem protection and providing for the health and safety of people) • Cultivation and domestic gardens (continuation of domestic and rural activities). • Ecosystem protection and enhancement (where vegetation may need to be thinned to release new plantings) • Maintenance of driveways and roads. <p>The need for such exemptions is heightened by the very broad definition of “earthworks” under the National Planning Standard 2019 that has been adopted in the plan. Almost all ground disturbance is captured by this definition.</p> <p>In each instance non conformity should be a restricted discretionary activity. The scope of assessment is limited and the potential effects well-understood and able to be categorised as assessment matters. The policy NFL-P8, provides the necessary matters of assessment and are sought to be repeated in the rule, with the addition of new matters:</p> <ul style="list-style-type: none"> • Whether locating the activity within the ONF or ONL area is required to enable reasonable residential or farming use of the lot. • Whether the location is on a previously approved building platform. 	<p><u>6. cycling tracks</u> <u>7. farming tracks.</u></p> <p>2. <u>required to provide for safe and reasonable clearance for existing overhead power lines.</u> 3. <u>necessary to address a risk to public health and safety.</u> 4. <u>for biosecurity reasons.</u> 5. <u>for the sustainable non-commercial harvest of plant material for rongoā Māori.</u> <u>6. for vegetation clearance required to establish or maintain a firebreak within 20m of a dwelling.</u> <u>7. for cultivation (for earthworks only) or domestic gardens.</u> <u>8. for ecosystem protection, rehabilitation or restoration works.</u> <u>9. required to maintain an operational farm (including the maintenance or reinstatement of pasture where the vegetation to be cleared is less than 15 years old and less than 6m in height) or operate a plantation forestry activity.</u> <u>10. required for vegetation clearance to maintain an existing driveway to a dwelling, within 5m of that driveway.</u> <u>11. required for vegetation clearance as a strip of no more than 3.5m wide to construct new fences for the purpose of stock control or boundary delineation.</u> <u>12. required for vegetation clearance within the legal width of an existing formed road.</u></p> <p>PER-2 <u>Except as permitted under PER-1, the earthworks or indigenous vegetation clearance outside the coastal environment is not provided for</u></p>

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		<p>The importance of providing for development on previously approved building platforms is discussed earlier in this submission.</p> <p>As essentially a technical assessment against a defined set of matters, a non-notification rule is appropriate as it will avoid unnecessary consent cost and risk burden on landowners.</p>	<p>within NFL-R3-PER-1 but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearance PER-3</p> <p><u>Except as permitted under PER-1</u> the earthworks or indigenous vegetation clearance</p> <p>inside the coastal environment is not provided for within NFL-R3-PER-1 but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearance</p> <p>Amend the activity status where compliance is not achieved with rules PER-1, PER-2 and PER-3 from discretionary /non complying to <u>restricted discretionary</u> in the case of each rule.</p> <p>Add a matter of discretion as follows:</p> <ol style="list-style-type: none"> 1. <u>The effects on the identified characteristics and qualities values that established the landscape or feature, having regard to:</u> <ol style="list-style-type: none"> a. <u>the temporary or permanent nature of any adverse effects;</u> b. <u>the ability of the environment to absorb change;</u> c. <u>the need for and location of earthworks or vegetation clearance;</u> d. <u>the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</u> e. <u>Except as provided for under k and l below, any viable alternative locations for the activity or development outside the landscape or feature;</u>

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			<p>f. <u>any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</u></p> <p>g. <u>the characteristics and qualities of the landscape or feature;</u></p> <p>h. <u>the physical and visual integrity of the landscape or feature;</u></p> <p>i. <u>the natural landform and processes of the location; and</u></p> <p>j. <u>any positive contribution the development has on the characteristics and qualities.</u></p> <p>k. <u>Whether locating the activity within the ONF or ONL area is required to enable reasonable residential or farming use of the lot.</u></p> <p>l. <u>Whether the location is on a previously approved building platform.</u></p> <p>Add new clause as follows:</p> <p><u>Earthworks or indigenous vegetation clearance which do not comply with PER1, PER2 or PER3 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).</u></p>
<p>Natural Features and Landscapes</p> <p>Rules NFL-R3 Farming</p>	<p>Oppose</p>	<p>Under this rule, farming becomes a non-complying activity in the coastal environment and discretionary elsewhere. .</p> <p>This does not implement policy NFL-P4 of the Proposed Plan which recognises that that farming should be provided for in ONLs and ONFs and that the use can form part of the characteristics and values that established the landscape or feature;</p>	<p>Delete rule NFL-R3 (assuming reliance can then be placed on the activity status for farming in the underlying zoning as per “Applications Subject to Multiple Provisions” section of the Proposed Plan)</p> <p style="text-align: right;">S222.047</p> <p><u>Or</u>, in the alternative,</p> <p>Amend rule NFL-R3 so that Farming is a permitted activity in the overlay.</p>

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		<p>While existing farms may be protected by existing use rights, new farming methods or practices may not be, and may trigger the need for a resource consent with the rule as proposed. This ignores that in large sections of the district, ONF and ONLs apply over working farms. Furthermore, the values sought to be protected in these overlays often refer to pastoral and open characteristics of landscapes.</p> <p>The rule will impose significant compliance costs on existing farms where resource consents may be required for every new aspect of their operation.</p> <p>The rule as proposed is not effective nor efficient as the effects on the values and characterises of the overlays are better managed through controls on earthworks, vegetation clearance and buildings, rather than the activity of farming.</p> <p>As per the overview explanation of overlays in the Proposed Plan, where there is no specific rule relevant to the activity, then it reverts to its underlying zoning (for example, if Rural Production then farming is a permitted activity). If this is the case, the then the rule can and should be deleted for the reasons above.</p> <p>If that is not the case, then an alternative relief is sought that farming is a permitted activity in the overlay.</p>	
Natural Features and Landscapes	Oppose	The maximum height specified of 5m may or may not be appropriate in the circumstances, and is best	<p>Detete Standard NFL-S1</p> <p style="color: red;">S222.048</p>

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Standards NFL-S1 Maximum Height		<p>assessed and determined at resource consent stage for the building under NFL-R1.</p> <p>The height limit of the zone would otherwise apply to smaller (less than 50m structures).</p> <p>The requirement to not exceed the height of the nearest ridgeline, headland or peninsula as a height limit lacks precision and measurability, with these factors better taken into account at resource consent stage.</p>	
Natural Features and Landscapes Standards NFL-S2 Colours and materials	Support subject to amendments	The rule should allow for natural materials also.	<p>Amend Standard NFL-S2 as follows: S222.049</p> <p><i>The exterior surfaces of buildings or structures shall:</i></p> <ol style="list-style-type: none"> <i>1. be constructed of materials and/or finished to achieve a reflectance value no greater than 30%.</i> <i>2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette <u>or are a natural finish stone or timber.</u></i>
Natural Features and Landscapes Standards NFL-S3 Earthworks or indigenous vegetation clearance	Support subject to amendments	<p>Amendments are sought to the rule so that earthworks or indigenous vegetation clearance associated with access and/or a building platform are not subject to the preceding subclause 1-3s. Otherwise, such works would trigger the need for consent in almost every instance (building platforms generally being greater than 50m2).</p> <p>Also, as drafted, it could be interpreted that only earthworks and vegetation clearance for the purpose of access and/or a building platform are permitted (eg not farming earthworks and vegetation clearance).</p> <p>These changes are appropriate because earthworks or indigenous vegetation clearance associated with the</p>	<p>Amend rule NFL-S2 as follows: S222.050</p> <p><i>Any earthworks or indigenous vegetation clearance must (where relevant):</i></p> <ol style="list-style-type: none"> <i>1. not exceed a total area of 50m2 over the life of the District Plan <u>per calendar year</u>; and</i> <i>2. not exceed a cut height or fill depth of 1m <u>1.5m</u>; and</i> <i>3. screen any exposed faces <u>visible from a public place</u>; or</i> <i>4. be for the purpose of access and/or a building platform.</i> <p><i>Note: The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.</i></p>

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		<p>building is assessed as a restricted discretionary activity matter with the building resource consent application.</p> <p>Life of District Plan as a compliance measure is unnecessarily limited and does not recognise the ability for the land to heal each season (ie calendar year) after earthworks.</p> <p>Screening should only be from public places (which includes the CMA) for the rule to efficiently apply.</p>	
PART 2 – DISTRICT-WIDE MATTERS SUBDIVISION Subdivision			
Subdivision Policies SUB-P1	Support subject to amendments	<p>Policy SUB-P1 enables boundary adjustments where they are in accordance with the minimum lot sizes of the zone. Many existing lots do not comply with the minimum lot size standards and subdivisions (and more so, should that be increased to 40ha in the rural production zone). Boundary adjustments in such circumstances should also be enabled where they do not increase the number of lots created. The effect of the non-confirming lot already exists and therefore allowing boundary adjustments will not increase density not give rise to further effects on the environment that already exist (subject to meeting the controlled activity matters).</p>	<p>Amend policy SUB-P1 as follows: S222.051</p> <p><i>Enable boundary adjustments that:</i></p> <p><i>a. do not alter:</i></p> <p><i>i. the degree of non compliance with District Plan rules and standards;</i></p> <p><i>ii. the number and location of any access; and</i></p> <p><i>iii. the number of certificates of title; and</i></p> <p><i>b. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.</i></p>
Subdivision Rules SUB-R1 Boundary adjustments	Support subject to amendments	<p>Many existing lots do not comply with the minimum lot size standards and subdivisions should also be enabled where boundary adjustments to such lots do not increase the number of lots created. The effect of the non-confirming lot already exists and therefore allowing boundary adjustments will not give rise to further effects on the environment.</p>	<p>Amend Rule SUB-R1 as follows: S222.052</p> <p><i>CON-1</i></p> <p><i>The boundary adjustment complies with standards:</i> <i>SUB-1 Minimum allotment sizes for controlled activities,</i> <i>except where an existing allotment size is already non-</i></p>

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			compliant, the degree of non-compliance shall not be increased; SUB-S2 Requirements for building platforms for each allotment; SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 Telecommunications and power supply; and SUB-S7 Easements for any purpose;
Subdivision Rules SUB-R17 Subdivision of a site containing a scheduled SNA	Oppose	There are no scheduled SNAs in the Proposed Plan. In any event the existence of an SNA on a site should not alter the activity status to full discretionary / non-complying activity.	Delete Rule SUB-R17 S222.053
Subdivision Rules SUB-R18 Subdivision of a site within an Outstanding Natural Landscape and Outstanding Natural Feature	Support subject to amendments	On many sites the overlay or margin is a small component of a larger site. Subdivision of the balance of the site not covered by the overlay or margin should be able to occur in accordance with the standard subdivision provisions. Only where the new lot to be created (or boundary) is within the overlay should assessment be required under this rule. That may have been the intent of the drafting; however, as drafted, it may capture sites where only a part of them is within an overlay or margin yet applies the rule and activity status to subdivisions of the site as a whole. The rule should also only be restricted to the creation of new lots within these overlays/margins and should not apply to the other classes of subdivision provided for (for example, boundary adjustments). The revisions sought in this submission seeks to limit the application of the rule only to the creation of new lots.	Amend Rule SUB-R18 as follows: S222.054 SUB-R18 Subdivision of a site within an Outstanding Natural Landscape and Outstanding Natural Feature <u>(where any boundary of a new lot to be created (excluding boundary adjustments) is within that part of the existing site covered by the overlay)</u>
Subdivision Rules	Support subject to amendments	As above in this submission.	Amend Rule SUB-R19 as follows: S222.055

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SUB-R19 Subdivision of a site within wetland, lake and river margins			SUB-R18 SUB-R19 Subdivision of a site within wetland, lake and river margins (where any boundary of a new lot to be created (excluding boundary adjustments) is within the margin)
Subdivision Rules SUB-R20 Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)	Support subject to amendments	As above in this submission.	Amend Rule SUB-R20 as follows: S222.056 <i>SUB-R20 Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas) (where any boundary of a new lot to be created (excluding boundary adjustments) is within that part of the existing site covered by the overlay)</i>
Subdivision Rules SUB-R21 Subdivision of a site within Outstanding Natural Character Areas in the Coastal Environment	Support subject to amendments	As above in this submission.	Amend Rule SUB-R21 as follows: S222.057 <i>SUB-R21 Subdivision of a site within Outstanding Natural Character Areas in the Coastal Environment (where any boundary of a new lot to be created (excluding boundary adjustments) is within that part of the existing site covered by the overlay)</i>
PART 2 – DISTRICT-WIDE MATTERS			
GENERAL DISTRICT-WIDE MATTERS			
Coastal environment			
Coastal Environment Objectives CE-01 and CE-02	Oppose	Objective CE-01 seeks that the natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations. This objective lacks specificity as to the outcome sought for the coastal environment and, together with Objective CE-02, 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 (including opportunities for restoration or	Delete Objectives CE-01 and CE-02 and replace with the following: S222.058 S222.059 <u>Objective CE-01 Subdivision, use and development in the Coastal Environment:</u> a. <u>Enables people and their communities to provide for the social, economic, and cultural well-being and their health and safety;</u> b. <u>Maintains or restores the integrity, form, functioning and resilience of the Coastal Environment; and</u>

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Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>rehabilitation of modified or degraded areas of natural character through land use and subdivision).</p> <p>This submission seeks both objectives both be deleted and replaced with a consolidated single objective which sets out a clear and specific outcome for resources in the coastal environment, and which gives effects to the NZCPS.</p>	<p>c. <u>Protects the indigenous biodiversity values of the Coastal Environment in relation to the biodiversity values present; and</u></p> <p>d. <u>Preserves the natural character of the Coastal Environment in relation to the level of natural character present; and</u></p> <p>e. <u>Protects natural features and landscapes values of the Coastal Environment in relation to the level of natural feature and landscape values present; and</u></p> <p>f. <u>Recognises and provides for the relationship of tāngata whenua with the Coastal Environment; and</u></p> <p>g. <u>Maintains and enhances public open space and recreation opportunities in the Coastal Environment; and</u></p> <p>h. <u>Manages coastal hazard risks, including the long-term projected effects of climate change; and</u></p> <p>i. <u>Protects and enhances historic heritage values; and</u></p> <p>j. <u>Avoids sprawling or sporadic patterns of development and enabling consolidation of existing settlements.</u></p> <p>k. <u>Where appropriate, promotes opportunities for restoration or rehabilitation of modified or degraded areas of natural character.</u></p>
Coastal Environment Policies CE-P2	Support subject to amendments	An amendment is sought to the policy to recognise that some of the overlays referenced identify “values” in APP-1.	<p>Amend Policy CE-P2 as follows: S222.060</p> <p><i>Avoid adverse effects of land use and subdivision on the characteristics, <u>values</u> and qualities of the coastal environment identified as:</i></p> <p>a. <i>outstanding natural character;</i></p> <p>b. <i>ONL;</i></p> <p>c. <i>ONF.</i></p>

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Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
Coastal Environment Policies CE-P3	Support subject to amendments	An amendment is sought to the policy to recognise that some of the overlays referenced identify “values” in APP-1.	Amend Policy CE-P3 as follows: <i>Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, <u>values</u> and qualities of the coastal environment not identified as:</i> S222.061 a. <i>outstanding natural character;</i> b. <i>ONL;</i> c. <i>ONF.</i>
Coastal Environment Policies CE-P6	Support subject to amendments	The policy seeks to enable farming activities in the coastal environment and that part of the policy is supported. The qualifications that farming is only supported where “its use forms part of the values that established natural character of the coastal environment; or the use is consistent with, and does not compromise the characteristics and qualities”, are unnecessary. Farming is a typical activity in the coastal environment in the Far North, and as recognised by the Proposed Plan, in many instances it defines its character. The qualifications proposed in the policy are better managed by other overlays that are targeted to the management of specific resources (for example indigenous vegetation clearance in the High and Outstanding Natural Character overlay).	Amend Policy CE-P6 as follows: S222.062 <i>Enable farming activities within the coastal environment where:</i> a. the use forms part of the values that established natural character of the coastal environment; or b. the use is consistent with, and does not compromise the characteristics and qualities.
Coastal Environment Policies CE-P8	Support	The natural character of the coastal environment is in many instances significantly modified or degraded and it is appropriate that the Proposed Plan encourages its restoration and enhancement to give effect to the NZCPS.	Retain Policy CE-P8 S222.063
Coastal Environment Policies CE-P9	Oppose	Policy CE-P9 seeks to prohibit land use and subdivision that would result in any loss and/or destruction of the	Delete Policy CE-P9 S222.064

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Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>characteristics and qualities in outstanding natural character areas.</p> <p>This policy is not implemented by any rules and, moreover, is inconsistent with Policy CE-P2 which better gives effect to the NZCPS.</p>	
Coastal Environment Policies CE-P10	Oppose	<p>Policy CE-P10 seeks to manage land use and subdivision to preserve and protect the natural character of the coastal environment, and to address the effects of the activity requiring resource consent, including (but not limited to) consideration of a range of matters "where relevant to the application".</p> <p>This is not a policy but a method of assessment, and therefore more appropriately an assessment criterion.</p> <p>Noncomplying and discretionary activity applications should be assessed against objectives and policies which should be a clear expression of a desired outcome – not a way to achieve an unspecified outcome as is this policy.</p>	<p>Delete Policy CE-P10</p> <p style="text-align: center;">S222.065</p>
Coastal Environment Rules CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Oppose	<p>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 bring in the coastal environment. Provision should be made for buildings not ancillary farming activities (including residential units).</p> <p>50m2, rather than 25m2, better provides for small farm sheds that are typical in rural environments.</p>	<p>Amend rule CE-R1 as follows:</p> <p style="text-align: center;">S222.066</p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>If a new building or structure is located in an urban zone it is:</i></p> <ol style="list-style-type: none"> 1. <i>no greater than 300m2.</i> 2. <i>located outside high or outstanding natural character areas.</i>

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Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>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 identified characteristics and values of the coastal environment.</p> <p>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>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. .</p>	<p><i>PER-2</i> <i>If a new building or structure is not located within an urban zone it is:</i></p> <ol style="list-style-type: none"> <i>1. ancillary to farming activities (excluding a residential unit).</i> <i>2. <u>If not ancillary farming activities (including a residential unit) no greater than 25m² 50m².</u></i> <i>3. located outside outstanding natural character areas.</i> <p><i>PER-3</i> <i>Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.</i></p> <p><i>PER-4</i> <i>The building or structure, or extension or addition to an existing building or structure, complies with standards:</i></p> <p><i>CE-S1 Maximum height.</i> <i>CE-S2 Colours and materials.</i></p> <p>Amend the activity status for non compliance with PER-1, PER-2 and PER-3 from discretionary and non-complying to <u>restricted discretionary activity</u> in each case.</p> <p>Add the following restricted discretionary activity assessment matter:</p> <p><u><i>The effects on the characteristics, values and qualities of the coastal environment, including (but not limited to)</i></u></p>

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<p><u>consideration of the following matters where relevant to the application:</u></p> <ul style="list-style-type: none"> a. <u>the presence or absence of buildings, structures or infrastructure;</u> b. <u>the temporary or permanent nature of any adverse effects;</u> c. <u>the location, scale and design of any proposed development;</u> d. <u>any means of integrating the building, structure or activity;</u> e. <u>the ability of the environment to absorb change;</u> f. <u>the need for and location of earthworks or vegetation clearance;</u> g. <u>the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</u> h. <u>Except as provided for under n and o below, any viable alternative locations for the activity or development;</u> i. <u>any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</u> j. <u>the likelihood of the activity exacerbating natural hazards;</u> k. <u>the opportunity to enhance public access and recreation;</u> l. <u>the ability to improve the overall quality of coastal waters; and</u> m. <u>any positive contribution the development has on the characteristics and qualities.</u> n. <u>Whether locating the activity within the coastal environment is required to enable reasonable residential or farming use.</u>

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<p>o. <u>Whether the location is on a previously approved building platform.</u></p> <p>Add the following clause:</p> <p><u>New buildings or structures, and extensions or alterations to existing buildings or structures which do not comply with PER1, PER2, PER3 or PER4 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).</u></p>
<p>Coastal Environment Rules New Rule</p>	<p>Oppose</p>	<p>There is no need not be a rule for an activity class of repair and maintenance.</p> <p>Repairs and maintenance should be otherwise be permitted under the respective rules relating to the buildings, earthworks and indigenous vegetation clearance activity classes within the overlay. Those rules (as sought to be amended by this submission) most effectively and efficiently manage the effects of relevant activities on the resources managed by the overlay.</p> <p>Unforeseen consequences will result with the rule as drafted where classes of repairs and maintenance not listed will fall to discretionary activity, triggering costly and unnecessary consent processes. An example is existing houses in the ONF and ONL, whereby their repair and maintenance (including any normal domestic maintenance) would trigger a full discretionary activity resource consent because they are not specified in the repair or maintenance rule.</p>	<p>Add new rule as follows: <u>“New buildings or structures, and extensions or alterations to existing buildings or structures within an approved building platform or buildable area on a site for which a subdivision consent was granted after 1 January 2000”</u></p> <p>Specify the activity status as <u>controlled activity</u></p> <p>Include the following matter of control: S222.067</p> <p>2. <u>Compliance with location, height, design and mitigation conditions which apply to the site or building platform by way of resource consent condition or consent notice.</u></p> <p>Include the following clause:</p> <p><u>Building/s which are a controlled activity under this rule shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).</u></p>

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		<p>This form of rule is proposed to be carried over into the Proposed Plan, and so may result in more such forms of subdivision.</p> <p>As drafted in rule CE-R1, where these occur in the coastal areas and are within an ONL/ONF, the activity status of dwellings defaults to non-complying, regardless of prior entitlements provided by subdivision.</p> <p>In many cases, the subdivisions have been carefully designed and have detailed controls imposed by way of consent condition and consent notices on the titles to manage the effects of buildings. Owners have purchased lots on the understanding that their entitlement to build on them is protected.</p> <p>The default to non-complying activity would require a wholesale reassessment of the appropriateness to build on an approved building platform. It imposes considerable unnecessary cost and risk to current owners.</p> <p>Controlled activity is an appropriate activity class because the Council will have already assessed appropriations in such circumstance and all that may be required will be an evaluation against the conditions of the subdivision consent/consent notices.</p> <p>Typically, such subdivisions have occurred in more recent times and so a cut-off date as proposed in the relief may also be appropriate.</p>	

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Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>Non-notification is also appropriate as the substantive consideration as to whether a building is acceptable on the approved building platform will have occurred already at subdivision stage.</p> <p>A similar provision is in the Operative Whangarei District Plan 2022</p>	
<p>Coastal Environment Rules CE-R2 Repair or maintenance</p>	Oppose	<p>There is no need not be a rule for an activity class of repair and maintenance.</p> <p>Repairs and maintenance should be otherwise be permitted under the respective rules relating to the buildings, earthworks and indigenous vegetation clearance activity classes within the overlay. Those rules (as sought to be amended by this submission) most effectively and efficiently manage the effects of relevant activities on the resources managed by the overlay.</p> <p>Unforeseen consequences will result with the rule as drafted where classes of repairs and maintenance not listed will fall to discretionary activity, triggering costly and unnecessary consent processes. An example is existing houses in the coastal environment, whereby their repair and maintenance (including any normal domestic maintenance) would trigger a full discretionary activity resource consent because they are not specified in the repair or maintenance rule.</p>	<p>Delete Rule CE-R2</p> <p style="text-align: right;">S222.068</p>
<p>Coastal Environment Rules CE-R3 Earthworks or indigenous vegetation clearance</p>	Oppose	<p>More exceptions for normal farming and rural practices should be provided for. In this regard, farming activities are typically part of the coastal environment and not providing for such activities would impose significant consent cost and risks on landowners. Where such areas are not farmed, then</p>	<p>Amend Rule CE-R3 as follows:</p> <p style="text-align: right;">S222.069</p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>The earthworks or indigenous vegetation clearance is:</i></p>

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>the vegetation controls provide protection from inappropriate use and development. In particular, exceptions are required for:</p> <ul style="list-style-type: none"> • Maintenance of fire breaks (for ecosystem protection and providing for the health and safety of people) • Cultivation and domestic gardens (continuation of domestic and rural activities). • Ecosystem protection and enhancement (where vegetation may need to be thinned to release new plantings) • Maintenance of driveways and roads. <p>The need for such exemptions is heightened by the very broad definition of “earthworks” under the National Planning Standard 2019 that has been adopted in the plan. Almost all ground disturbance is captured by the control.</p> <p>In each instance non conformity should be a restricted discretionary activity. The scope of assessment is limited and the potential effects well-understood and able to be categorised as assessment matters. The policy CE-P10, provides the necessary matters of assessment and are sought to be repeated in the rule, with the addition of new matters:</p> <ul style="list-style-type: none"> • Whether locating the activity within the ONF or ONL area is required to enable reasonable residential or farming use of the lot. • Whether the location is on a previously approved building platform. 	<p>1. required for the repair or maintenance permitted under CE R2 Repair or maintenance.</p> <p><u>1. Required for the repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:</u></p> <p><u>1. roads.</u></p> <p><u>2. fences</u></p> <p><u>3. network utilities</u></p> <p><u>4. driveways and access</u></p> <p><u>5. walking tracks</u></p> <p><u>6. cycling tracks</u></p> <p><u>7. farming tracks.</u></p> <p>2. required to provide for safe and reasonable clearance for existing overhead power lines.</p> <p>3. necessary to address a risk to public health and safety.</p> <p>4. for biosecurity reasons.</p> <p>5. for the sustainable non-commercial harvest of plant material for rongoā Māori.</p> <p><u>6. for vegetation clearance required to establish or maintain a firebreak within 20m of a dwelling.</u></p> <p><u>7. for cultivation (for earthworks only) or domestic gardens.</u></p> <p><u>8. for ecosystem protection, rehabilitation or restoration works.</u></p> <p><u>9. required to maintain an operational farm (including the maintenance or reinstatement of pasture where the vegetation to be cleared is less than 15 years old and less than 6m in height) or operate a plantation forestry activity.</u></p> <p><u>10. required for vegetation clearance to maintain an existing driveway to a dwelling, within 5m of that driveway.</u></p>

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		<p>The importance of providing for development on previously approved building platforms is discussed earlier in this submission.</p> <p>As essentially a technical assessment against a defined set of matters, a non-notification rule is appropriate as it will avoid unnecessary consent cost and risk burden on landowners.</p>	<p><u>11. required for vegetation clearance as a strip of no more than 3.5m wide to construct new fences for the purpose of stock control or boundary delineation.</u></p> <p><u>12. required for vegetation clearance within the legal width of an existing formed road.</u></p> <p>PER-2</p> <p><u>Except as permitted under PER-1, The earthworks or indigenous vegetation clearance is not provided for within CE-R3 PER-1 but it complies with standard CE-S3 Earthworks or indigenous vegetation clearance</u></p> <p>Amend the activity status where compliance is not achieved with rules PER-1 and PER-2 from discretionary /non complying to <u>restricted discretionary</u> in the case of each rule.</p> <p>Add a matter of discretion as follows:</p> <ol style="list-style-type: none"> 1. <u>The effects characteristics, values and qualities of the coastal environment, having regard to:</u> <ol style="list-style-type: none"> a. <u>the temporary or permanent nature of any adverse effects;</u> b. <u>the ability of the environment to absorb change;</u> c. <u>the need for and location of earthworks or vegetation clearance;</u> d. <u>the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</u> e. <u>Except as provided for under k and l below, any viable alternative locations for the</u>

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<p><u>activity or development outside the coastal environment;</u></p> <p>f. <u>any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</u></p> <p>g. <u>the likelihood of the activity exacerbating natural hazards;</u></p> <p>h. <u>the ability to improve the overall quality of coastal waters; and</u></p> <p>i. <u>any positive contribution the development has on the characteristics and qualities.</u></p> <p>j. <u>Whether locating the activity within the coastal environment is required to enable reasonable residential or farming use.</u></p> <p>k. <u>Whether the location is on a previously approved building platform or access drive.</u></p> <p>Add new clause as follows:</p> <p><u>Earthworks or indigenous vegetation clearance which do not comply with PER1, PER2 or PER3 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).</u></p>
<p>Coastal Environment Rules CE-R4 Farming</p>	<p>Oppose</p>	<p>Under this rule, farming becomes a non-complying activity in the coastal environment when combined with the ONL or ONF overlay.</p> <p>This does not implement policy CE-P6 of the Proposed Plan which recognises that that farming should be provided for in the coastal environment.</p>	<p>Delete rule CE-R4 (assuming reliance can then be placed on the activity status for farming in the underlying zoning as per “Applications Subject to Multiple Provisions” section of the Proposed Plan)</p> <p style="text-align: right;">S222.070</p> <p><u>Or,</u> in the alternative,</p> <p>Amend rule CE-R4 so that Farming is a permitted activity in the overlay.</p>

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		<p>While existing farms may be protected by existing use rights, new farming methods or practices may not be, and may trigger the need for a resource consent with the rule as proposed. This ignores that in large sections of the district, working farms are in the coastal environment.</p> <p>The rule will impose significant compliance costs on existing farms where resource consents may be required for every new aspect of their operation.</p> <p>The rule as proposed is not effective nor efficient as the effects on the coastal environment are better managed through controls on earthworks, vegetation clearance and buildings, rather than the activity of farming.</p> <p>As per the overview explanation of overlays in the Proposed Plan, where there is no specific rule relevant to the activity, then it reverts to its underlying zoning (for example, if Rural Production then farming is a permitted activity). If this is the case, then the rule can and should be deleted for the reasons above.</p> <p>If that is not the case, then an alternative relief is sought that farming is a permitted activity in the overlay.</p>	<p>Amend rule CE-R4 as follows:</p> <p><i>Activity status: Permitted</i></p> <p>Where:</p> <p>PER-1</p> <p>The farming activity is located outside high or outstanding natural character areas.</p> <p>Activity status where compliance is not achieved with PER-1:</p> <p>Discretionary (outside an outstanding natural character area)</p> <p>Non-complying (inside an outstanding natural character area)</p> <p><u>Activity status where compliance not achieved: Not applicable</u></p>
Coastal Environment Standards CE-S1 Maximum height	Oppose	The maximum height specified of 5m may or may not be appropriate in the circumstances, and is best assessed and determined at resource consent stage for the building.	Delete Standard CE-S1 S222.071

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		<p>The height limit of the zone would otherwise apply to smaller (less than 50m² structures).</p> <p>The requirement to not exceed the height of the nearest ridgeline, headland or peninsula as a height limit lacks precision and measurability, with these factors better taken into account at resource consent stage.</p>	
Coastal Environment Standards CE-S2 Colours and materials	Support subject to amendments	The rule should allow for natural materials also which typically sit well in the coastal environment.	<p>Amend Standard CE-S2 as follows: S222.072</p> <p><i>The exterior surfaces of buildings or structures shall:</i></p> <ol style="list-style-type: none"> <i>be constructed of materials and/or finished to achieve a reflectance value no greater than 30%.</i> <i>have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette or are a natural finish stone or timber.</i>
Coastal Environment Standards CE-S3 Earthworks or indigenous vegetation clearance	Oppose	<p>Amendments are sought to the rule so that earthworks or indigenous vegetation clearance associated with access and/or a building platform are not subject to the preceding subclause 1-3s. Otherwise, such works would trigger the need for consent in almost every instance (building platforms generally being greater than 50m²).</p> <p>Also, as drafted, it could be interpreted that only earthworks and vegetation clearance for the purpose of access and/or a building platform are permitted (eg not farming earthworks and vegetation clearance).</p> <p>These changes are appropriate because earthworks or indigenous vegetation clearance associated with the building is assessed as a restricted discretionary</p>	<p>Amend Standard CE-S2 as follows: S222.073</p> <p><i>Any earthworks or indigenous vegetation clearance must (where relevant):</i></p> <ol style="list-style-type: none"> <i>not occur in outstanding natural character areas.</i> <i>not exceed a total area of 50m² for 10 years from the notification of the District Plan <u>per calendar year</u> in an area of high natural character.</i> <i>not exceed a total area of 400m² for 10 years from the notification of the District Plan <u>per calendar year</u> in an area outside high or outstanding natural character areas.</i> <i>not exceed a cut height or fill depth of 1m <u>1.5m</u>.</i> <i>screen any exposed faces <u>visible from a public place</u>; or</i>

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		<p>activity matter with the building resource consent application.</p> <p>Life of District Plan as a compliance measure is unnecessarily limited and does not recognise the ability for the land to heal each season (ie calendar year) after earthworks.</p> <p>Screening should only be from public places (which includes the CMA) for the rule to efficiently apply.</p>	<p>6. <u>be for the purpose of access and/or a building platform.</u></p> <p><i>Note: The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.</i></p>
<p>Coastal Environment Standards in coastal hazard areas CE-S5</p> <p>Information requirements</p>	Oppose	<p>As drafted, the standard may trigger the need for an engineering report for a resource consent for an activity <i>anywhere</i> 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.</p>	<p>Amend standard CE-S5 as follows: S222.074</p> <p><i>Any application for a resource consent in relation to a <u>site location</u> 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.</i></p>
<p>PART 2 – DISTRICT-WIDE MATTERS GENERAL DISTRICT-WIDE MATTERS Earthworks</p>			
<p>Earthworks Objectives EW-01</p>	Support subject to amendments	<p>The definition of earthworks is broadly cast as means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts. As such it captures many rural activities, which should be exempt from the rules (ie they can occur subject to standards, without the need for resource consent). The objective as drafted seeks to enable earthworks associated with subdivision and development,</p>	<p>Amend Objective EW-01 as follows: S222.075</p> <p><i>Earthworks are enabled where they are required <u>for rural land uses and development</u> and to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, coastal marine area, public safety, surrounding land and infrastructure.</i></p>

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		however neglects to enable earthworks associated with rural activities which are otherwise provided for under policy EW-P1.	
Earthworks Rules EW-R14 Activities not otherwise listed in this chapter	Oppose	The effects of earthworks are mostly the same irrespective of the purpose of the earthworks and can be anticipated and managed by standards. Subject to compliance with the full suite of standards, such earthworks should also be a permitted activity. The construction of the earthworks rule as drafted runs the risk of requiring earthworks for many activities not anticipated in EW-R1 – EWR13, yet provided for in the various underlying zones.	<p>Delete Rule EW-R14 and replace with the following:</p> <p><u>EW-R14 General earthworks not provided for by EW-R1 – EWR13</u></p> <p style="text-align: right;">S222.076</p> <p><u>All zones</u></p> <p><u>Activity status: Permitted</u></p> <p><u>Where:</u></p> <p><u>PER-1</u></p> <p><u>The earthworks complies with standards:</u> <u>EW-S1 Maximum earthworks thresholds;</u> <u>EW-S2 Maximum depth and slope;</u> <u>EW-S4 Site reinstatement;</u> <u>EW-S6 Setbacks;</u> <u>EW-S7 Land stability;</u> <u>EW-S8 Nature of filling material; and</u> <u>EW-S9 Flood and coastal hazards.</u></p> <p><u>EW-S1 does not apply to Motoura Island or Orongo Bay zones”.</u></p>
Earthworks Standards EW-S1 Maximum earthworks thresholds	Support	The thresholds, per calendar year measurements method and activity status are supported.	<p>Retain rule EW-S1</p> <p style="text-align: right;">S222.077</p>
Earthworks Standards	Support	The maximum depth of any cut or height of any fill thresholds and activity status are supported	<p>Retain rule EW-S2</p> <p style="text-align: right;">S222.078</p>

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EW-S2 Maximum depth and slope			
PART 2 – DISTRICT-WIDE MATTERS GENERAL DISTRICT-WIDE MATTERS Noise			
Noise Rule Noise-R7 Helicopter landing areas	Oppose	<p>As drafted, Rule Noise-R7 only permits Helicopter landing areas where flight movements are for emergency purposes such as medical emergencies, search and rescue or firefighting purposes <u>and</u> the helicopter landing site complies with standard: NOISE-S4 Helicopter landing areas. In other words, both PER-1 and PER-2 need to be met in order to comply with the rule (consistent with the structure of other rules in the Plan).</p> <p>Given the nature of the activity, it would serve a better resource management purpose, if flight movements for emergency purposes such as medical emergencies, search and rescue or firefighting purposes are exempt from the standard NOISE-S4 Helicopter landing areas. That would also be consistent with note 10 in this section that the noise rules and standards do not apply to helicopters used for an emergency and as an air ambulance.</p> <p>As drafted there would appear to be no provision for helicopters other than flight movements for emergency purposes such as medical emergencies, search and rescue or firefighting purposes. The intent of the rule might be better served by allowing helicopter landing site complying with standard: NOISE-S4 Helicopter landing areas, irrespective of the use of the helicopter.</p>	<p>Amend Rule Noise-R7 as follows: S222.079</p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i> <i>Flight movements are for emergency purposes such as medical emergencies, search and rescue or firefighting purposes;</i></p> <p><u>Or</u></p> <p><i>PER-2</i> <i>The helicopter landing site complies with standard: NOISE-S4 Helicopter landing areas.</i></p> <p><i>This standard does not apply to:</i></p> <ul style="list-style-type: none"> <i>i. Emergency or rescue helicopter operation occurring to or from Bay of Islands, Rawene or Kaitaia Hospital (excludes established helicopter bases on hospital land).</i> <i>ii. Emergency or rescue helicopter landings, departures, overflights or activity during operations that occur away from the permanently established helicopter base.</i>

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		<p>Redrafting of the rule to make PER-1 and PER-2 separately applicable would meet the above issues (ie the addition of an 'or')</p> <p>In addition, the rule lacks specificity as to what comprises a helicopter landing area, although there is a disconnect between the title of the rule which applies to "helicopter landing areas" (presumably dedicated areas for this purpose) and the content of the rule which applies to the movements and landing of helicopters. If the intent is to apply to dedicated helicopter landing areas, then a definition of that land use is warranted to give the rule specificity. The following definition is proposed to be included by this submission:</p> <p><u>"Helicopter landing areas means an identified landing area for helicopter landing, loading and take-off but does not include refuelling, servicing, a hangar, or a freight handling facility".</u></p>	<p>iii. <u>Cropping, top dressing, and spraying for the purpose of farming or conservation carried out in the Rural Production, Horticulture zones, or within Significant Natural Area on a seasonal, temporary, or intermittent basis for a period up to 30 days in any 12 month period.</u></p>
<p>Noise Standards NOISE-S4 Helicopter landing areas</p>	<p>Oppose</p>	<p>The rule NOISE-S4 rule does not specify the noise standard to be complied with: referring to 'the following noise limits', without specifying what that is (with only reference to being 'assessed' in accordance with NZS 6807:1994: Noise Management and Land Use Planning for Helicopter Landing Areas, rather than any noise limit contained therein or otherwise expressing a noise limit). That lacks measurability as a rule.</p> <p>In addition, the rule ostensibly applies to 'helicopter landing areas' which presumably is the land use as</p>	<p>Delete NOISE-S4 Helicopter landing areas and replace with a rule that:</p> <p style="text-align: center;">S222.81</p> <ol style="list-style-type: none"> 1. Applies the rule to helicopter landing areas only as sought to be defined by this submission. 2. References an appropriate noise limit to be complied with (for example 50 dB Ldn at the notional boundary of a vulnerable activity).

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		<p>proposed to be defined by this submission (ie dedicated landing areas), rather than simply the landing and take off of helicopter areas per se. If this is the case, then this would appropriately link with NZS 6807:1994: Noise Management and Land Use Planning for Helicopter Landing Areas.</p>	
<p>PART 3 – AREA-SPECIFIC MATTERS ZONES Rural zones Rural production</p>			
<p>PART 3 – AREA-SPECIFIC MATTERS ZONES Rural zones Rural production Zone General</p>	<p>Oppose</p>	<p>The zoned is inappropriately named “Rural Production”. Large parts of the district that is zoned this is not suitable for rural production and certainly is not retained for rural production purposes. The zone should be renamed to “General Rural” which more accurately reflects the wider range of activities that occur in the rural environments of the Far North.</p> <p>These activities are provided for in the zone as drafted (at least by the rules), but not recognised in the zone name.</p> <p>This is not to diminish the importance of rural production activities and these should be enabled and protected by the objectives and policies of the zone. The zone name however should recognise the broader range of land uses which occur in rural parts of the district; including bush blocks, smaller titles, residential activity and land holding which are unsuitable for rural production uses.</p> <p>It is important to strengthen the District's economy by providing for a range of land use activities in the rural area; however, accepting the priority is to sustain the</p>	<p>Replace “Rural Production” zone in every instance in the Proposed District Plan with “<u>General Rural</u>” zone.</p> <p style="text-align: center; color: red;">S222.082</p>

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		<p>productive capacity of the soil and the rural character and amenity values that are key elements.</p> <p>The National Planning Standards “Zone Framework Standard” refers to the “General rural zone” which is a better fit.</p> <p>There is more to it than the name, with the stated primary objective of the zone being that it “is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment”. That puts undue emphasis on farming activities and does not recognise the broad applicability of the zone in many unproductive areas. This point is taken up further in this submission.</p>	
Rural zones Rural production Zone Overview	Oppose	For the reasons set out above in this submission.	<p>Add the following to the Overview: S222.083</p> <p><i>“The purpose of the zone is also to contribute to the social, economic and cultural well-being of the district by providing for a range of other land use activities”.</i></p>
Rural zones Rural production Zone Objectives RPROZ-O2	Support subject to amendments	<p>Reference to “functional need” in this objective potentially negates the ability for other activities to establish which may be a sustainable use of land and also contribute to the economic and social development of the district.</p> <p>Functional need is tightly defined in the Proposed Plan as “the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment”.</p> <p>There is a disconnect here with the subdivision opportunities provided for in the Rural Production</p>	<p>Amend Objective RPROZ-O2 S222.084</p> <p><i>“The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment”.</i></p>

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		Zone (eg environmental enhancement and management plan opportunities). Also with the range of uses permitted in the zone that perhaps also have no 'functional need' to locate within the tight constraint of the definition ie the activity can only occur in that environment (such as Residential activities, Visitor accommodation, Educational facilities, Conservation activities, Recreational activities, Cemeteries / Urupā and Minor residential units). These subdivision opportunities where they result in environmental benefit are recognised by policy RPROZ-P6.	
Rural zones Rural production Zone Objectives RPROZ-O3	Support	The support for this objective is conditional on the amendments to the definition of highly productive land also sought by this submission. S222.080 Reference to "other compatible activities" is supported because it recognises the broader range of land uses which occur in rural parts of the district.	Retain Objective RPROZ-O3 S222.085
Rural zones Rural production Zone Objectives RPROZ-O4	Oppose	The proposed objective that " <i>the rural character and amenity associated with a rural working environment is maintained</i> ", fails to recognise that character and amenity of the zone is not only defined by a working rural environment for the reasons discussed above in this submission, and that such character and amenity can be very location specific. The proposed alternative objective allows a more nuanced assessment of character and amenity. In contrast, this diverse range of rural environments, rural character and amenity values throughout the District is recognised by policy RPROZ-P4.	Delete Objective RPROZ-O4 and replace with the following: S222.086 <u>Subdivision, use and development in the Rural Area maintain the rural character and amenity of the zone.</u>
Rural zones Rural production	Support	The policy is supported because it recognises that the rural character and amenity of the zone includes "a	Retain Policy RPROZ-P4 S222.087

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Policies RPROZ-P4		diverse range of rural environments, rural character and amenity values throughout the District”.	
Rural zones Rural production Zone Policies RPROZ-P5	Oppose	<p>Reference to “functional need” in this policy potentially negates the ability for other activities to establish which may be a sustainable use of land and also contribute to the economic and social development of the district, or bring environmental benefit such as residential activities, Visitor accommodation, Educational facilities, Conservation activities, Recreational activities, Cemeteries / Urupā and Minor residential units.</p> <p>The zone purpose presumably is from the overview. Sub clause a. is only supported with the amendment to that overview sought in this submission.</p> <p>Similarly, reference to Highly Productive Land in subclause c. is only supported with the amendments to the definition of Highly Productive Land also sought in this submission.</p>	<p>Delete Policy RPROZ-P5 S222.088</p> <p><u>Or alternatively</u></p> <p>Amend Policy RPROZ-P5 as follows:</p> <p><i>Avoid land use that:</i></p> <ul style="list-style-type: none"> a. <i>is incompatible with the purpose, character and amenity of the Rural Production zone;</i> b. <i>does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;</i> c. <i>would result in the loss of productive capacity of highly productive land;</i> d. <i>would exacerbate natural hazards; and</i> e. <i>cannot provide appropriate on-site infrastructure.</i>
Rural zones Rural production Zone Policies RPROZ-P6	Oppose	<p>Policy RPROZ-P6 seeks to avoid subdivision except in the limited circumstances specified. This fails to recognise the forms and subdivision otherwise enabled by the Proposed Plan in rural environment (Management Plan and Environmental benefit subdivisions). The zone should recognise and provide for these opportunities on the basis that they may represent the only viable pathway to achieve sustainable land use change on a rural block and that they actively promote the biodiversity/natural character enhancement policies of the Proposed Plan, the RPS and the NZCPS. Other features of the rural environment can be appropriately managed in the manner sought in the relief.</p>	<p>Delete Policy RPROZ-P6 and replace with the following: S222.089</p> <p><u>Provide limited opportunities for subdivision in the general rural zone while ensuring that:</u></p> <ul style="list-style-type: none"> a. <u><i>there will be significant environmental protection of indigenous vegetation including restoration, or wetlands;</i></u> b. <u><i>subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;</i></u> c. <u><i>subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural</i></u>

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			<p><u>Character Overlay, High Natural Character Overlay and the coastal environment;</u></p> <p>d. <u>adverse effects on rural and coastal character are avoided, remedied or mitigated;</u></p> <p>e. <u>sites are of sufficient size to absorb and manage adverse effects within the site; and</u></p> <p>f. <u>reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.</u></p> <p>g. <u>The fragmentation of highly productive land is avoided.</u></p>
Rural zones Rural production Zone Policies RPROZ-P7	Oppose	<p>Policy RPROZ-P7 seeks to manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of matters listed.</p> <p>This is not a policy but a method of assessment, and therefore more appropriately an assessment criterion.</p> <p>Noncomplying and discretionary activity applications should be assessed against objectives and policies which should be a clear expression of a desired outcome – not a way to achieve an unspecified outcome as is this policy.</p>	<p>Delete Policy RPROZ-P7</p> <p style="text-align: right;">S222.090</p>
Rural zones Rural production Zone Rules RPROZ-R3 Residential activity	Oppose	<p>Amend the rule to align with the minimum lot size of 20ha sought in this submission, with a consequent pro-rata amendment to PER-2.</p> <p>The provision that PER-1 does not apply to: a single residential unit located on a site less than 20ha (as sought) is supported because it recognises existing and potential new sites provided for in the zone with smaller lot sizes .</p>	<p>Amend Rule RPROZ-R3 as follows:</p> <p style="text-align: right;">S222.091</p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i> <i>The site area per residential unit is at least 40ha <u>20ha</u>.</i></p> <p><i>PER-2</i></p>

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			<p><i>The number of residential units on a site does not exceed six <u>three</u>.</i></p> <p><i>PER-1 does not apply to: a single residential unit located on a site less than 40 <u>20</u>ha.</i></p>
Rural production Zone Rules RPROZ-R7 Farming activity	Support	Rule RPROZ-R7 is supported because it effectively and efficiently enables farming activities in the zone giving direct effect to the zone’s objectives.	<p>Retain Rule RPROZ-R7</p> <p style="text-align: right;">S222.092</p>
Rural production Zone Rules RPROZ-R8 Conservation activity	Support	Rule RPROZ-R8 is supported because it enables conservation activities, thereby giving effect to wider District Plan objectives and policies such as “ <i>CE-P8 Encourage the restoration and enhancement of the natural character of the coastal environment</i> ”.	<p>Retain Rule RPROZ-R8</p> <p style="text-align: right;">S222.093</p>
Rural production Zone Rules RPROZ-R19 Minor residential unit	Oppose	<p>This rule should be a permitted activity and it is unclear from the drafting whether that was in fact the intent.</p> <p>The matters sought to be managed by the rules (density, access, separation distance and size) are easily controlled by the standards at CON-1 to CON-5. Council is able to ascertain compliance with these matters at building consent stage, with the requirement for a controlled activity resource consent unnecessary.</p> <p>The requirement that the separation distance between the minor residential unit and the principal residential unit does not exceed 15m should be deleted. There are many site-specific characterises which may necessitate a greater separation distance, including availability o a suitable building platform and the desirability of screening the minor unit. The size limit of 65m2 as proposed effectively controls the risk</p>	<p>Amend the activity status for Minor residential units RPROZ-R19 from controlled to <u>permitted</u>, where the standards are complied with.</p> <p style="text-align: right;">S222.094</p> <p>Replace CON to PER in the rule.</p> <p>Delete the requirement that the separation distance between the minor residential unit and the principal residential unit does not exceed 15m (CON-4).</p>

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		of the proliferation of minor units as de-facto gull dwellings.	
Part 3 – Area Specific Matters			
Part 3 – Area Specific Matters New Special Purpose Zone Mataka Station Precinct & Planning Maps	Oppose the Proposed Plan to the extent it does not provide for a Special Purpose Zone for Mataka Station.	The Proposed Plan fails to recognise or provide for residential development in accordance with the resource consents issued for Mataka Station. A bespoke Special Purpose zone for Mataka Station Precinct is appropriate because it will appropriately recognise and provide for the circumstances of the property, which distinguishes it from other rural properties in the district as described in this submission.	Insert a new Special Purpose Zone “Mataka Station Precinct” under Part 3 – Area Specific Matters of the Proposed Plan to apply to the whole of Mataka Station. Include appropriate objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are in accordance with resource consents granted for Mataka Station and located on a consented house site and to enable farming, conservation, recreation and common facilities. The Precinct should include: <ul style="list-style-type: none"> a) Provision for other activities appropriate for this locality including farming and other rural production activities; b) Appropriate permitted activity standards for dwellings and other structures, consistent with the resource consents granted to date; and c) Overview, objectives and policies for the new Special Purpose zone that address the matters raised in this submission. S222.095