

## Form 5

### Submission on notified proposal for policy statement or plan, change or variation

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

To Far North District Council

Name of submitter: Ricky Faesen Kloet

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

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

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

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

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

The identification of areas of High Natural Character (*HNC*), Outstanding Natural Landscapes (*ONLs*) and provisions relating to the Coastal Environment overlay.

**My submission is:**

The submitter owns land on Motuarohia Island in the Bay of Islands. The submitter's property is in Rural Production Zone, and is also subject to the overlays referred to above in terms of the proposed plan's provisions, which the submitter considers are inappropriate and impose unduly restrictive controls on the reasonable use and development of the submitter's land.

The submitter is particularly concerned that the site in the ownership of the submitter has imposed upon it the HNC and ONL overlays. These overlays appear to have been painted with a rather 'broad brush' and do not reflect the environment of the western end of Motuarohia Island in general and the subject property in particular. This part of Motuarohia Island is largely developed with holiday homes with domestic infrastructure occupying the curtilages surrounding the dwellings. While these sites contain stands of bush these are discontinuous and do not create a coherent natural landscape unit. As such the part on the island within which the site is located has all the characteristics of that of a developed and modified human landscape containing buildings and other domestic infrastructure. When considered in its entirety it does not exhibit the landscape qualities that could not reasonably be described as having high natural character or comprise an outstanding natural landscape.

While the site enjoys an attractive aesthetic, but due to the predominantly human landscape qualities exhibited by the specific property and environs, which include significant buildings and infrastructure as well as roading it cannot be considered to have the values ascribed to it over the whole of Motuarohia Island.

The following aerial photograph show the nature of the property and environs. It is considered that the imposition of controls intended to manage development in relatively undeveloped and highly sensitive areas are inappropriate in this context, and will make the reasonable use and development of the property unfairly and unnecessarily constrained.



The submitter seeks that the *HNC* and *ONL* notations be removed from the land such that the submitter can continue to use his land in a manner consistent with the present planning regimen.

The extract from the planning maps below the Proposed Plan illustrates the area of land from which the submitter seeks to have the notations removed.

The submitter's land is also subject to the coastal environment overlay which imposes additional restrictions on development

As a corollary to the above, the submitter considers that the proposed standards that apply to activities located within the overlays identified above would limit the reasonable development of land to an extent that is unnecessarily onerous and inconsistent with the purpose of the Act. These include as imitations on the height and colour of buildings.

**The submitter seeks the following decision from the local authority:**

1. That the HNC and ONL overlay notations be removed from the submitter's property to the extent shown in the area shaded blue on the excerpt from the planning map below. S495.001,  
S495.002



2. Without derogating from the above:
  - that provisions limiting the height, area and defining the colours and reflectivity of new buildings in ONLs be removed. \$495.003 to \$495.005
  - that all provisions in the plan that require activities located within an identified ONL to be assessed as non-complying activities be deleted. \$495.006, \$495.012 to \$495.015
3. With respect to controls over activities in the coastal environment overlay that:
  - the provisions within in the plan that impose limitations on the area, height and exterior finishes of new buildings located within the coastal environment overlay be deleted. \$495.007, \$495.008, \$495.009,
  - standards limiting the aerial extent and height of cut and fill of earthworks be deleted. \$495.010
4. That the standard requiring buildings within the Rural Production Zone be set back 30 metres from MHWS be deleted. \$495.011

**I wish to be heard in support of my submission.**

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



Signature of submitter

Owen Burn as duly authorised agent for Ricky Faesen Kloet

Date 20<sup>th</sup> October 2022

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