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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:	James F Phillips		
Company / Organisation Name: (if applicable)			
Contact person (if different):			
Full Postal Address:	Po Box 169 Kerikeri		
Phone contact:	Mobile: 021 407947	Home:	Work:
Email (please print):	ljphillips@xtra.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

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

Natural Hazards / Coastal Environment -----/Wild Fire

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

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



It is understood there are strong higher order provisions and intent within the Resource Management Act 1991 to appropriately manage natural hazards, however there are numerous hazards, and numerous hazard zones which apply to the land under consideration.

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

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

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

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

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

Existing use rights under section 10 do not apply to:

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

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

I would like NH-R5 and NH-R6 to be removed from the Plan. In respect to the General Residential Zone.

S484.002
S484.003



I seek the following decision from the Council:

(Give precise details. If seeking amendments, how would you like to see the provision amended?)

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

S484.001

- I wish to be heard in support of my submission
 I do not wish to be heard in support of my submission

(Please tick relevant box)

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

- Yes No

Do you wish to present your submission via Microsoft Teams?

- Yes No

Signature of submitter:

(or person authorised to sign on behalf of submitter)

Date: 21 October 2022

(A signature is not required if you are making your submission by electronic means)

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.