

Hearing 4 - Natural Environment Values & Coastal Environment

SUBMITTER: ZEJIA HU

SUBMISSION: S242 + POST S42A REPORT 'LAY EVIDENCE'

SPEAKER: IAN PALMER (HUSBAND OF SUBMITTER)

Reason for appearance

- 1) Primarily to be available to respond to questions or comments
- 2) Take as read:
 - a. Submission S242, and
 - b. 'lay evidence' submitted July 20th in response to S.42A report

Submission concern

- ❖ Rules NFL-R1 & NFL-R3 as applied to a Site overlaid entirely by CE+ONL results in:

- ❖ Constructing any dwelling and most likely associated earthworks on such a Site: 'Non-Complying'

- ❖ likely impossible to completely comply with associated Objectives and Policy

- ❖ S-42A report makes clear expectation that any Resource Consent to be declined in such circumstances

- ❖ Conflicts with intent of RMA:

- ❖ Language used in multiple sections: "makes any land incapable of reasonable use", including:

- ❖ S.85 (3A) , (3B): "The Environment Court, ... may direct the local authority to modify, delete, or replace the provision in the plan or proposed plan, [if] the provision ... (a) makes any land incapable of reasonable use and (b) places an unfair and unreasonable burden on any person who has an interest in the land."

- ❖ Concern is not confined to land we own but is a district wide general concern

Others with same Concern

- ❖ **EVIDENCE OF PETER HALL (PLANNER) ON BEHALF OF BENTZEN FARM LIMITED et al**

- ❖ at para 9.6 : “ .. In these cases, there should be a **reasonable expectation** to be able to build on the site ...”
 - ❖ 9.7 “ ... distinction is made in the Whangarei District Plan (Operative in Part 2022) where a **restricted discretionary** activity consent status is applied to buildings **for residential units in an ONL, within** or outside of the **coastal environment**, where the entire property title is included within the ONL and does not include an existing dwelling¹⁹ [emphasis added]
 - ❖ Nb 19: “Whangarei District Plan, Rule NFL-ONL-R3 Construction of Buildings and Major Structures”
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- ❖ **Question 1: “reasonable expectation” or legal right under the RMA??**
 - ❖ **Question 2: Does “restricted discretionary” remove potential conflict with RMA?**
 - ❖ **We suggest must be no more than “Controlled” to be allowed to build a dwelling on your Site ‘as of right’**