

From: [Diana Bell](#)
To: [Proposed District Plan](#)
Subject: RE: Late further submission to Proposed Far North District Plan - Dempsey Family Trust
Date: Wednesday, 18 October 2023 11:23:48 AM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image001.png](#)

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Hi there,

Thank you for the email.

The reason for lateness was due to sickness and Covid doing its rounds again in our office.

Nga mihi / Kind regards



Diana Bell

Manager | Planner BPlan, MNZPI and RMLA



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From: Proposed District Plan <pdp@fndc.govt.nz>
Sent: Tuesday, October 17, 2023 2:04 PM
To: Diana Bell <Diana@thepc.co.nz>
Subject: RE: Late further submission to Proposed Far North District Plan - Dempsey Family Trust

Dear Submitter

The Far North District Council acknowledges receipt of your further submission, received at 13th September at 4.32pm on the Proposed District Plan.

A copy of your submission is attached to this email. Because your submission was received after the closing date for submissions (5pm, Monday 4th September):

- Your submission will be summarised and made available on the Council's website, alongside all other submissions, but will be labelled as a 'late further submission'.
- When the Independent Hearing Panel for the Proposed District Plan is appointed, they will make a procedural decision on whether to accept the late submissions. *To assist with their decision please advise the reasons that your submission was submitted late.*

We will let you know the outcome of this decision when it is made.

If your submission is accepted and you have indicated that you would like to speak to your submission at a hearing, you will be contacted directly when hearings are being scheduled for the topics relevant to your submission. For more information and next steps please visit: <https://pdp.fndc.govt.nz>.

If you require any further information, please feel free to contact the District Planning Team on email pdp@fndc.govt.nz or 0800 920 029.

From: Jessica Andrews <Jessica@thepec.co.nz>
Sent: Wednesday, 13 September 2023 4:32 PM
To: Proposed District Plan <pdp@fndc.govt.nz>
Cc: Diana Bell <Diana@thepec.co.nz>; conal@dempseywood.co.nz
Subject: Late further submission to Proposed Far North District Plan - Dempsey Family Trust

CAUTION: This email originated from outside Far North District Council.
Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,

Please find attached a late further submission to the Far North Proposed District Plan on behalf of Dempsey Family Trust which addresses further submission points omitted from the further submission lodged on 4 September.

Nga mihi / Kind regards



Jessica Andrews

Planner BPlan and IMNZPI



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13 September 2023

Planning and Policy, Far North District Council
Via email: pdp@fndc.govt.nz

To whom it may concern,

Late Further Submission on Proposed Far North District Plan - Dempsey Family Trust

Please find attached late further submissions made on behalf of Dempsey Family Trust to the Far North Proposed District Plan (FNPDP) which addresses further submission points omitted from the original further submission lodged on 4 September 2023.

Dempsey Family Trust wishes to be heard in relation to their further submission.

Yours sincerely

Jessica Andrews
Planner
The Planning Collective
E: Jessica@thepc.co.nz
M: 021-422-713

Attachments:

- 1) Form 6
- 2) Further Submission Table

Attachment 1:



THE PLANNING
COLLECTIVE

Form 6

FURTHER SUBMISSIONS TO PROPOSED FAR NORTH DISTRICT PLAN

Clause 8 of Schedule 1, Resource Management Act 1991 (Form 6)

.....

To: **Far North District Council**

1. SUBMITTER DETAILS

Name of Submitter: Dempsey Family Trust
Agent: Diana Bell, The Planning Collective
Address for Service: P.O Box 591
Warkworth, 0941
Mobile: 021-382-000
Email: diana@thepec.co.nz

2. SCOPE OF FURTHER SUBMISSION

Please refer to the further submission table provided as **Attachment 2** which details the further submission/s and decisions sought.

(Persons authorised to sign on behalf of submitter)

Date: 13 September 2023

Attachment 2: Further Submission Table on Proposed Far North District Plan- Dempsey Family

Trust

1

Sub #	Sub Point	Submitter	Summary	Decision Requested	Further Submission		
					Support/ Oppose	Reasons	Decision Requested
Rural Subdivision Provisions							
SUB-R6 Environmental Benefit Subdivision							
116	001	Lynley Newport	Support initiative for environmental benefit subdivision and the starting category of activity (restricted discretionary). There should not be any discouragement to landowners wanting to utilise this rule, and yet making non achievement of with RDIS-6, RDIS-7 and RDIS-8 defaulting to non-complying activity status does just that. Believe non achievement of the RDIS requirements should only default to discretionary activity status.	Retain Rule SUB-R6, subject to the following amendments to activity status: Activity status where compliance not achieved with RDIS -1, RDIS-2, RDIS-3, RDIS-4, and RDIS-5, RDIS-6, RDIS-7 and RDIS-8 is not achieved: Discretionary and Delete Activity status where compliance not achieved with RDIS-6, RDIS-7 and RDIS-8 is not achieved: Non-complying	Support	Support the decision sought.	Allow the submission subject to appropriate drafting FS564.001
116	002	Lynley Newport	There is no good logic in requiring any bonus lot to be a minimum size of 2ha... Neither is there any logic in requiring the balance lot to be greater than 40ha as this immediately removes any incentive for anybody owning an existing property of less than 40ha to protect areas of habitat.	Amend RDIS-6 as follows: • Amend the balance lot requirements - First preference is to delete any minimum lot requirement for the balance allotment; second preference if there must be a minimum size for any balance (which may include the area to be protected) is a 12ha minimum size.	Support	Support to the extent that the minimum site size for rural residential lots created should be less than 2 ha. Support removing the requirement for the balance lot to be 40 ha. This standard disincentivises landowners with significant areas of vegetation or wetland from utilising the environmental benefit subdivision provisions.	Allow the submission subject to appropriate drafting. FS564.002
116	004	Lynley Newport	Why is this a one-off opportunity with no residual rights available? Subdivision isn't a one-off opportunity if the standards for minimum lot sizes can be achieved. There should be no reason why a landowner cannot come back for a	Amend RDIS-7 as follows This rule has not been used previously to gain an additional subdivision where the full rights for bonus lot(s) as specified in Tables 1 and 2 have not been utilised, the landowner can apply again to use up the available allowance OR	Support	The submitter has an interest in the outcome of this submission.	Allow the submission subject to drafting. FS564.003

Sub #	Sub Point	Submitter	Summary	Decision Requested	Further Submission		
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			second or third bonus lot at a later date just as a landowner can carry out more than one subdivision over time. Provided there is land and habitat that is still able to comply with the parameters, there should not be any reason they cannot create another legally protected area and get a bonus lot.	As a second preference and as already stated in submission, make the inability to comply with RDIS-7 as currently written, a discretionary activity. This would mean a landowner could come back for a second application but as a discretionary activity rather than restricted discretionary.			
151	005	NFS Farms Limited	This rule will result in loss of high value (ecological and landscape value) watercourses, wetlands and indigenous vegetation on smaller sites across the district, and fails to recognise the potential for protection and enhancement of these natural assets.	Delete the minimum balance lot size requirement for 40 ha for Environmental Benefit Subdivision (RDIS-6), or significantly reduce the minimum balance lot size area.	Support	Support the removal of the minimum balance lot size requirement for the reasons set out above.	Allow the submission subject to drafting. FS564.004
167	057	Bentzen Farm Limited	The rule appropriately recognises that that limited rural lifestyle subdivision may be a sustainable use of land resources.	Amend Rule SUB-R6 by: 1. Deleting RDIS-3; and 2. Amending RDIS-6 as follows: All proposed new environmental allotments are to be a minimum size of 2ha in area.	Oppose	Oppose to the extent that Rule SUB-R6 should enable the creation of environmental allotments less than 2 ha.	Reject the submission.
168	058	Setar Thirty Six Limited					
203	001	The Shooting Box Limited	RDIS-3 which requires the protected area to be added to the list of scheduled Significant Natural Areas in the District Plan cannot be met as a standard, unless by private plan change: the burden of which is significant and would negate the effectiveness of the rule.				
243	075	Matauri Trustee Limited					
333	050	P S Yates Family Trust	The council is able to capture such areas in its own plan changes, without risk of interim adverse impacts on such areas due to the obligation under the rule that they be legally protected.			FS564.005 FS564.006 FS564.007 FS564.008 FS564.009	

Sub #	Sub Point	Submitter	Summary	Decision Requested	Further Submission		
					Support/ Oppose	Reasons	Decision Requested
			The balance lot requirement of 40ha is unnecessary and will negate the effectiveness of the rule on smaller sites which may have equal or better ecological values worthy of protection.				
253	009	IDF Developments Limited	The general tenor of Rule SUB-R6 draws upon provisions found within the ODP. Some of those provisions have worked well and should be enhanced within the PDP. Table 1 and Table 2 should allow for the creation of covenant areas held in the ownership of various lots, with the environmental benefit lots distributed between those lots. Indeed, it may well be better management of a sites resource to have all the benefit lots on one lot rather than distributing these across a number of sites. These amendments give effect to attaining the purposes of the Act.	Retain Rule SUB-R6 subject to the following amendments; Amend Table 1 and Table 2 to allow for the area of vegetation or habitat and wetlands to be held in one Record of Title and the environmental lots distributed against the Record of Title which hold common ownership in the covenanted area. Amend RDIS-6 from 40ha to a 20ha balance area;	Oppose	Oppose to the extent that the rule should not specify a minimum balance lot size.	Reject this submission. FS564.010
276	002	Russell Landcare Trust	The guidance and rules for environmental benefit subdivision and management plan subdivision are inadequate to ensure that the purpose of the Act will be achieved.	Amend rule to provide definitions and criteria that must be met to qualify for an environmental benefit. Revise the rules so that: all of the ecological feature is protected, the ecological significance of the feature is considered, any additional lots have a suitable house site at least 20m away from any protected ecological feature or greater (e.g. in accordance with the NES-F), provides more details on the required content and objectives of an ecological management plan (including how the management actions will be monitored and reported on), sprawling or sporadic	Oppose	It is more appropriate for these provisions to be included as assessment criteria as opposed to standards.	Reject the submission. FS564.011

Sub #	Sub Point	Submitter	Summary	Decision Requested	Further Submission		
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				subdivision and development is avoided, and natural character is protected and preserved.			
290	001	Matthew Otway	The 2ha minimum size is not realistic in many locations and is too big for many owners to manage. There are significant areas with marginal production land covered in invasive species which should be subdividable so that they can be managed to control invasive species spreading onto productive land.	Amend minimum size in RDIS-6 from 2ha to 1ha.	Support	Support reducing the minimum site size requirement to 1 ha.	Allow the submission subject to drafting. FS564.012
364	055	Director-General of Conservation (Department of Conservation)	The Director-General considers the word "significant" should be removed from RDIS-2 of Rule SUB-R6. The vegetation that should be assessed by the ecologist is any "indigenous vegetation". Currently, the wording implies that the ecologist only assesses the vegetation if it is already considered to be significant.	Amend Rule SUB-R6 as follows: RDIS-2 Each separate area of indigenous vegetation, indigenous habitat or natural wetland included in the proposal must be assessed by a suitably qualified and experienced ecologist as satisfying at least one criteria in Appendix 5 of the Northland RPS (Criteria for determining significance of indigenous biodiversity).	Support	Support the decision sought.	Allow the submission. FS564.013
386	015	Sarah Ballantyne and Dean Agnew	Ballantyne & Agnew support the inclusion of an environmental benefit subdivision (EBS). However, it is unclear how the identified thresholds in Table 1 have been established. Whilst this is mentioned in the section 32, there is no ecological assessment to confirm that an environmental benefit would be achieved by those thresholds or in fact whether a number ratio of allotments is appropriate. It is considered that this is required to understand whether these are appropriate. Further, it is considered that environmental outcomes could be	That FNDC provide evidence (ecological assessment) to confirm that environmental benefit would be achieved by the thresholds in Table 1, or amend the thresholds in Table 1 as necessary to achieve an environment benefit. Amend the EBS provisions to include rules which enable subdivision when other section 6 matters are protected, such as for the protection of an ONL, ONF or heritage resource.	Neutral	The submitter has an interest in the outcome of this submission point.	N/A FS564.014

Sub #	Sub Point	Submitter	Summary	Decision Requested	Further Submission		
					Support/ Oppose	Reasons	Decision Requested
			<p>improved with a provision that promotes ecological enhancement and or restoration.</p> <p>In addition to this, it is noted that there are no provisions for the protection of other section 6 matters, such as for the protection of an ONL, ONF or heritage resources. It is considered that there is an opportunity to incorporate a range of EBS provisions to protect these natural resources, that encourage the clustering of smaller allotments away from these significant resources.</p>				
421	178	Northland Federated Farmers of New Zealand	Federated Farmers supports the provision for benefit subdivision within the rural zones. However, it is essential that the rule allows for the creation of benefit lots under 4ha. There are positive benefits to be had from Council considering smaller areas for wetlands and biodiversity improvements for more significant or critical catchments. There are some areas around the district that may be more significant than others to protect. A blanket size approach does not target specific catchments or locations that will have more significant gains.	Amend RDIS-2 (inferred) of Rule SUB-R6 to allow for case-by-case approval for areas less than those listed in tables 1 and 2	Support	Support the decision sought to facilitate ecological benefit subdivision on smaller rural sites.	Accept this submission subject to appropriate drafting. FS564.015
431	086	John Andrew Riddell	The guidance and rules relating to environment benefit subdivision and management plan subdivision are inadequate to ensure that the purpose of the Act will be achieved.	Amend Rule SUB-R6, environmental benefit, and its supporting policies to ensure that <ul style="list-style-type: none"> ◦ all of the ecological feature is protected, ◦ the ecological significance of the feature is considered, 	Oppose	It is not appropriate to require the entirety environmental area to be protected, particularly given that the environmental benefit lot thresholds are based on the protection of a certain area of significant bush or wetland.	Reject the submission. FS564.016

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				<ul style="list-style-type: none"> ◦ any additional lots have a suitable house site at least 20 metres away from any protected ecological feature, ◦ more details are provided on the required content and objectives of an ecological management plan (including how the management actions will be monitored and reported on), ◦ sprawling or sporadic subdivision and development is avoided, and ◦ natural character is protected and preserved. 		Oppose the decision sought to include provision to avoid sprawling or sporadic subdivision and development.	
456	003	New Zealand Eco Farms Ltd	<p>RDIS-6 requires a balance lot of over 40ha, or the activity status defaults to non-complying.... It is requested that the balance area requirement in RDIS-R6 be deleted.</p> <p>Furthermore, the 2ha minimum lot size in RDIS- 6 is unnecessarily large, and should be reduced to 4,000m² to minimise the amount of land potentially taken out of rural production.</p>	Amend SUB-R6 RDIS-6 should be reduced to encourage the protection of ecological features.	Support	<p>Support the removal of RDIS-6 as it relates to the balance lot size requirements.</p> <p>Support to the extent that the minimum lot size for new environmental allotments should be reduced from the 2ha minimum site size requirement.</p>	<p>Allow the submission subject to appropriate redrafting.</p> <p>FS564.017</p>
SUB-R7 Management Plan Subdivision							
167	059	Bentzen Farm Limited	The rule appropriately recognises that that limited rural lifestyle subdivision may be a sustainable use of land resources, particularly where they are degraded and unsuited to productive use and significant environmental gains can be made. In these circumstances, subdivision allows for restoration and enhancement opportunities to be	Retain Rule SUB-R7	Support	Support the decision sought.	<p>Allow the submission.</p> <p>FS564.018 FS564.019 FS564.020</p>
168	059	Setar Thirty Six Limited					
187	051	The Shooting Box Limited					
243	076						

Sub #	Sub Point	Submitter	Summary	Decision Requested	Further Submission		
					Support/ Oppose	Reasons	Decision Requested
333	051	Matauri Trustee Limited P S Yates Family Trust	implemented and maintained in perpetuity.				FS564.021 FS564.022
253	010	IDF Development s Lintied	The general tenor of Rule SUB-R7 draws upon provisions found within the ODP. Those provisions have worked well and should be enhanced within the PDP as this gives effect to the purposes of the Act.	Retain Rule SUB-R7 (inferred)	Support	Support the decision sought.	Allow the submission. FS564.023
431	087	John Andrew Riddell	The guidance and rules relating to environment benefit subdivision and management plan subdivision are inadequate to ensure that the purpose of the Act will be achieved.	Amend DIS-1.1 of Rule SUB-R7 so that it sets out a 6ha average lot size for Rural Production zoned land which is also in the Coastal Environment overlay, and a 2ha average lots size for Rural Lifestyle zone land which is also in the Coastal Environment overlay.	Oppose	The decision sought would result in an inefficient use of land. Assessment criteria relating to the location of building sites and design guidelines for development of lots is a more appropriate mechanism for mitigating effects of development within the Coastal Environment.	Reject the submission. FS564.024
527 529	023 148	Vision Kerikeri Carbon Neutral NZ Trust	SUB-P9 and SUB-R7 encourage inappropriate subdivision in the rural production and lifestyle zones if the development achieves so-called environmental outcomes of the management plan subdivision rule. This provision is also poorly conceived. The management plan criteria proposed in Appendix 3 (APP3) are vague, low-reaching and don't set clear expectations for either developers, land owners, or planning officers. The proposed elements and criteria for Management Plans are less than we should expect for all subdivisions in today's world. We consider that management plan subdivisions, to date, have historically	Delete this rule SUB-R7 (inferred). If the concept of management plan subdivision is retained, the criteria need to be greatly improved to provide superior environmental outcomes.	Oppose	A minimum discretionary activity subdivision consent is required for management plan subdivision applications. The Council has full discretion to consider the appropriateness of the proposal and environmental outcomes to be achieved through the subdivision when deciding whether to approve or decline an application. The submitter considers that the management plan subdivision provisions should be retained as the provisions enable a more integrated form of subdivision and development of rural sites.	Reject the submission. FS564.025 FS564.026

Sub #	Sub Point	Submitter	Summary	Decision Requested	Further Submission		
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			failed to achieve quality development or environmental outcomes. If the concept of management plan subdivision is retained, they criteria need to be greatly improved to provide superior environmental outcomes.				