

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:	Bentzen Farm 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

Bentzen Farm Limited owns 561 ha of land in the Eastern Bay of Islands at Parekura Bay on Manawaora Road. The property comprises some 561ha, with farm pasture on the valley floors with the balance in regenerating native forest. The property comprises separate titles legally described as: Lot 1 Deposited Plan 87944; Lot 3 Deposited Plan 479155; and Lot 4 Deposited Plan 479155 and Part Lot 4 Deposited Plan 38894 and Lot 5 Deposited Plan 38894 and Section 27-28 Block III Russell Survey District.

Bentzen Farm Limited also has an interest in Ōmarino, which was formerly part of the farm and comprises an additional 141ha on the coastal edge of the property. Ōmarino was a Management Plan subdivision which was approved by Environment Court Consent Order in 2006. It comprises 17 separate titles, each with an identified house site area. Significant restoration and conservation measures have been undertaken and are on-going, including the



planting of over 1 million native plants and pest and predator control. Several houses have been constructed on approved house sites in accordance with the Management Plan. Each separate title is subject to instruments on the title which require adherence to the Ōmarino Management Plan. This includes controls on the location, height and design of houses to ensure they are appropriate to the coastal environment and landscape values.

Ōmarino comprises separate titles legally described as set out in **Attachment 1** in the relief seeking rezoning.

A copy of the resource consent for Ōmarino is included at **Attachment 2**. This includes for example at condition 32: prohibitions on further subdivision, maximum height limits for each lot, design in accordance with design guidelines and revegetation requirements.

Bentzen Farm Limited played an active role in the previous review of the Far North District Plan, including seeking the inclusion of the Management Plan subdivision provisions which were ultimately endorsed by the Environment Court.

The properties are in the Rural Production Zone and, in large part, in the Coastal Environment. They are subject to a number of overlays including High Natural Character and Outstanding Natural Landscape.

The Proposed Plan puts at risk the ability to build on the consented house sites at Ōmarino, where 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.

The Proposed Plan will also impose significant consenting risk and cost implications on the farming operation on the Bentzen Farm inland blocks due to the impact of the coastal environment and other overlays. In this respect, the objectives, policies and rules relating to the 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 the coastal and landscape character. Various changes are sought to the Proposed Plan in this submission seeking more workable provisions for farming.

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 of the zone. Various amendments are sought to address this disconnect between the Rural Production Zone and the full range of activities, and subdivision opportunities, that do and should occur within the zone.

The submission also seeks that the properties at Ōmarino be re-zoned either to Rural Lifestyle or Special Purpose Zone: Ōmarino. The existing restrictive instruments on the titles will protect against further re-subdivision of the property; however these zones better suit the nature and scale of land uses at Ōmarino (comprising 17 rural-residential allotments set in regenerating coastal forest) and the particular circumstances of the consented development. The rationale for this re-zoning is set out in **Attachment 1**.

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: <i>(Give precise details. If seeking amendments, how would you like to see the provision amended?)</i>
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.
<input checked="" type="checkbox"/> I wish to be heard in support of my submission <input type="checkbox"/> I do not wish to be heard in support of my submission <i>(Please tick relevant box)</i>
If others make a similar submission, I will consider presenting a joint case with them at a hearing <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Do you wish to present your submission via Microsoft Teams? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Signature of submitter: <i>(or person authorised to sign on behalf of submitter)</i>  Date: 18/10/22 <i>(A signature is not required if you are making your submission by electronic means)</i>

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

167

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
PART 1 – INTRODUCTION AND GENERAL PROVISIONS HOW THE PLAN WORKS General approach			
<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>In many instances, overlays apply to part of but not the whole of the site. Applying the provisions to the site as a whole in these situation would not serve the resource management purpose of the overlay.</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> <p style="text-align: center; color: red;">S167.001</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<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			
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: S167.002 <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>
Definitions Highly Productive Land	Oppose	Clause 3.4 of the National Policy Statement for Highly Productive Land 2022 requires regional councils to map as highly productive land any land in its region that: (a) is in a general rural zone or rural production zone; and (b) is predominantly LUC 1, 2, or 3 land; and (c) forms a large and geographically cohesive area.	Amend the definition of Highly Productive Land as follows: <i>means land that is, or has the potential to be, highly productive for farming activities <u>land-based primary production</u>. It includes versatile soils and Land Use Capability Class 4 <u>1, 2 and 3 land</u> and other Land Use Capability classes <u>Land Use Capability</u>, or has the potential to be, highly productive having regard to:</i> a. <i>Soil type;</i> S167.003 b. <i>Physical characteristics;</i>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>The proposed definition of Highly Productive Land refers to Land Use Capability Class 4 land which is generally not highly productive land.</p> <p>The definition should apply only to LUC 1, 2, and 3 consistent with the National Policy Statement for Highly Productive Land 2022.</p> <p>The Section 32 Report on the Rural provisions assesses versatile soils as LUC 1, 2, or 3.</p> <p>The definition should similarly be revised to refer only to LUC 1, 2, or 3, in order to most efficiently and effectively achieve related objectives in the plan on protecting “highly productive land” from sterilisation and to enable it to be used for more productive forms of primary production (for example objective RPROZ-O3.</p> <p>In addition, as drafted the definition is confusing with a stray reference to “Land Use Capability”.</p> <p>Furthermore, reference to “land-based primary production” in this definition rather than “farming activities” better gives effect to the National Policy Statement for Highly Productive Land 2022.</p>	<p><i>c. <u>Climate conditions; and</u></i> <i>d. <u>Water availability.</u></i></p>
<p>PART 2 – DISTRICT-WIDE MATTERS STRATEGIC DIRECTION Economic and social wellbeing</p>			
<p>Strategic direction: Economic and social wellbeing</p> <p>Objectives SD-SP-O1 - SD-EP-O5</p>	<p>Support</p>	<p>These strategic objectives are supported, in particular the encouragement of opportunities for fulfilment of the community's cultural, social, environmental, and economic wellbeing.</p>	<p>Retain Strategic Objectives SD-SP-O1 - SD-EP-O5</p> <p style="text-align: center;">S167.004</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
Strategic direction Rural environment	Support subject to amendments	The Far North is predominantly a rural environment. This environment incorporates a diverse range of 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	Add the following new Strategic Objective. <u><i>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.</i></u> S167.005
Strategic direction Environmental prosperity Objective SD-EP-O5	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: <i>The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations, <u>including their restoration.</u></i> S167.006
Strategic direction Environmental prosperity Objective SD-EP-O6	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: <i>Areas of significant indigenous vegetation and significant habitats of indigenous fauna and <u>are</u> protected for current and future generations.</i> S167.007

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
PART 2 – DISTRICT-WIDE MATTERS			
HAZARDS AND RISKS			
Natural hazards			
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: S167.008 <i>Manage land use and subdivision that may be susceptible to wildfire risk by requiring <u>the following for vulnerable activities</u>:</i> <i>a. setbacks from any contiguous scrub or shrubland, woodlot or forestry;</i> <i>b. access for emergency vehicles; and</i> <i>c. sufficient accessible water supply for firefighting purposes</i>
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 <i>2. 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. S167.009</i>
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: <i>a. <u>The availability of water for fire-fighting;</u></i> <i>b. <u>The scale of the extension or alteration;</u></i> <i>c. <u>Alternative options for the location of the extension or alteration;</u></i> <i>d. <u>The use of building materials to reduce fire</u></i>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<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 some 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 style="text-align: center;">S167.010</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 style="text-align: center;">S167.011</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 style="text-align: center;">S167.012</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>
<p>PART 2 – DISTRICT-WIDE MATTERS NATURAL ENVIRONMENT VALUES Ecosystems and indigenous biodiversity</p>			
Ecosystems and indigenous biodiversity	Oppose	Amendments to the overview section, and the objectives, policies and rules are sought to:	Amend the Overview as follows:

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
Overview		<p>1. Recognise that the Council has not identified Significant Natural Areas in the Proposed Plan; and</p> <p>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> <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><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 are identified in the District Plan</u> 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> <p style="text-align: center;">S167.013</p>
Ecosystems and indigenous biodiversity Objectives IB-O1	Oppose	As above.	<p>Amend Objective IB-O1 as follows:</p> <p style="text-align: center;">S167.014</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>
Ecosystems and indigenous biodiversity Policies IB-P1	Oppose	<p>Policy IB-P1 seeks to “<i>encouraging landowners to include identified Significant Natural Areas in Schedule 4 of the District Plan at the time of subdivision and development;...</i>”</p> <p>This policy cannot be achieved unless by way of 4th schedule process private plan change which is an unreasonable burden to place on landowners.</p>	<p>Delete Policy IB-P1</p> <p style="text-align: center;">S167.015</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
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: S167.016 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>
Ecosystems and indigenous biodiversity Policies IB-P3	Oppose	As above.	Amend Policy IB-P3 as follows: S167.017 <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>
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: S167.018 <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 indigenous fauna</u> and maintain indigenous biodiversity is done in a way that:</i> <i>a. does not impose unreasonable restrictions on existing primary production activities, particularly on highly versatile soils;</i>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<p>b. 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;</p> <p>c. allows for maintenance, use and operation of existing structures, including infrastructure; and</p> <p>d. 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.</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 “ecologically beneficial use and development and voluntary efforts can be actively encouraged by including appropriate rules and incentives in regional and district plans”.</p> <p>Subdivision is one such incentive – providing the necessary capital injection to enact the land use change required and establishing a community of care, and on-going obligations in respect to biodiversity.</p>	<p>Amend Policy IB-P6 as follows: S167.019</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. reducing or waiving resource consent application fees;</p> <p>c. providing, or assisting in obtaining funding from other agencies and trusts;</p> <p>d. sharing and helping to improve information on indigenous biodiversity; and</p> <p>e. working directly with iwi and hapū, landowners and community groups on ecological protection and enhancement projects.</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
<p>Ecosystems and indigenous biodiversity</p> <p>Policies 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: S167.020</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>Ecosystems and indigenous biodiversity</p> <p>Rules IB-R1</p> <p>Indigenous vegetation pruning, trimming and clearance and any associated land disturbance</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 underlying zoning. A more effective and efficient way to achieve the objective is to simply refer to ‘building platforms’.</p>	<p>Amend rule IB-R1 as follows: s167.021</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> <p><i>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 ;</i></p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
for specified activities within and outside a Significant Natural Area		<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><u>14. For existing domestic gardens</u></p> <p><u>15. It is for ecosystem protection, rehabilitation or restoration works</u></p>
<p>Ecosystems and indigenous biodiversity</p> <p>Rules IB-R2 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.	<p>Delete Rule IB-R2</p> <p>S167.022</p>
<p>Ecosystems and indigenous biodiversity</p> <p>Rules IB-R3 Indigenous vegetation clearance and any associated land disturbance within a Significant</p>	Oppose	As above in the reasons for the changes to the Overview section.	<p>Delete Rule IB-R3</p> <p>S167.023</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strike through)
Natural Area			
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 S167.024
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 S167.025
PART 2 – DISTRICT-WIDE MATTERS			
NATURAL ENVIRONMENT VALUES			
Natural character			
Natural Character Rules NATC-R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Oppose	The provision is targeted only to effects on natural character and such potential effects can be properly anticipated when considering this activity class. As such the rule is more efficient and effective if restricted discretionary activity, rather than a full discretionary activity. The assessment matters set out in the relief sought are taken from policy NATC-P6, and provide a complete basis to assess likely and potential effects on natural character.	Amend rule NATC-R1 to change the activity status where compliance is not achieved with PER-2, PER-3 and PER-4 from discretionary to <u>restricted discretionary</u> , with discretion limited to the effects on natural character values as follows: a. the presence or absence of buildings, structures or infrastructure; b. the temporary or permanent nature of any adverse effects;

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strike through)
			c. the location, scale and design of any proposed development; d. any means of integrating the building, structure or activity; e. the ability of the environment to absorb change; f. the need for and location of earthworks or vegetation clearance; g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location; h. any viable alternative locations for the activity or development; i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6; j. the likelihood of the activity exacerbating natural hazards; k. the opportunity to enhance public access and recreation; l. the ability to improve the overall water quality; and m. any positive contribution the development has on the characteristics and qualities. S167.026
Natural Character Rules NATC-R2 Repair or maintenance	Oppose	The provision is targeted only to effects on natural character and such potential effects can be properly anticipated when considering this activity class. As such the rule is more efficient and effective if restricted discretionary activity, rather than a full discretionary activity. The assessment matters set out in the relief sought are taken from policy NATC-P6, and provide a complete basis to assess likely and potential effects on natural character.	Amend rule NATC-R2 to change the activity status where compliance is not achieved with PER-1 from discretionary to <u>restricted discretionary</u> , with discretion limited to the effects on natural character values as follows: a. the presence or absence of buildings, structures or infrastructure; b. the temporary or permanent nature of any adverse effects; c. the location, scale and design of any proposed development;

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<p>d. any means of integrating the building, structure or activity;</p> <p>e. the ability of the environment to absorb change;</p> <p>f. the need for and location of earthworks or vegetation clearance;</p> <p>g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</p> <p>h. any viable alternative locations for the activity or development;</p> <p>i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</p> <p>j. the likelihood of the activity exacerbating natural hazards;</p> <p>k. the opportunity to enhance public access and recreation;</p> <p>l. the ability to improve the overall water quality; and</p> <p>m. any positive contribution the development has on the characteristics and qualities. S167.027</p>
<p>Natural Character</p> <p>Rules</p> <p>NATC-R3 Earthworks or indigenous vegetation clearance</p>	<p>Oppose</p>	<p>The provision is targeted only to effects on natural character and such potential effects can be properly anticipated when considering this activity class. As such the rule is more efficient and effective if restricted discretionary activity, rather than a full discretionary activity. The assessment matters set out in the relief sought are taken from policy NATC-P6, and provide a complete basis to assess likely and potential effects on natural character.</p>	<p>Amend rule NATC-R3 to change the activity status where compliance is not achieved with PER-1 and PER-1 from discretionary/non-complying to <u>restricted discretionary</u>, with discretion limited to the effects on natural character values as follows:</p> <p>a. the presence or absence of buildings, structures or infrastructure;</p> <p>b. the temporary or permanent nature of any adverse effects;</p> <p>c. the location, scale and design of any proposed development;</p> <p>d. any means of integrating the building, structure or activity;</p> <p>e. the ability of the environment to absorb change;</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			f. the need for and location of earthworks or vegetation clearance; g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location; h. any viable alternative locations for the activity or development; i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6; j. the likelihood of the activity exacerbating natural hazards; k. the opportunity to enhance public access and recreation; l. the ability to improve the overall water quality; and m. any positive contribution the development has on the characteristics and qualities. S167.028
Natural Character Standards Earthworks or indigenous vegetation clearance	Oppose	<p>The limitation on earthworks for 400m² for 10 years from the notification of the Proposed Plan is unduly restrictive and does not recognise that the effects of earthworks (complying with the other standards proposed in the rule) can effectively ‘heal’ over a calendar year through re-grassing, establishment of vegetation or the construction of the building or accessway for which the earthworks were required. To impose area limitations for the 10-year time frame will trigger resource consent applications for subsequent earthworks which need only be assessed against this new established environment, rather than against earthworks occurring some time over the preceding 10 year period.</p> <p>Clause 3 of the rule implies visual screening, and that being the case, it should state where screening is to be</p>	<p>Amend NATC-S2 as follows:</p> <p><i>Any earthworks or indigenous vegetation on a site within wetland, lake (<u>where the lake bed has an area of 5ha or more or is a body of freshwater impounded by a dam</u>) and river margins clearance must:</i></p> <ol style="list-style-type: none"> <i>1. not exceed a total area of 400m² for 10 years from the notification of the District Plan <u>per calendar year</u>, unless a control in 5. below applies;</i> <i>2. not exceed a cut height or fill depth of 1m;</i> <i>3. screen exposed faces <u>visible from a public place</u>; and</i> <i>4. comply with Ecosystems and indigenous biodiversity chapter, NFL-S3 Earthworks or indigenous vegetation clearance and CE-S3 Earthworks or indigenous vegetation clearance.</i> <p><i>Note: The NESF requires a 10m setback from any</i></p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>from. This should be a public place given that is where natural character values will be seen from.</p> <p>The Standard references 'control in 5 below', however there is no number 5 in the standard. On the basis that this was intended to reference sediment control methods as follows (taken from EW-S5 Erosion and sediment control), then this is an appropriate addition to the rule as an effective method to control :</p> <p><i>Earthworks</i></p> <p>i. <i>must for their duration be controlled in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005);</i></p> <p>ii. <i>shall be implemented to prevent silt or sediment from entering water bodies, coastal marine area, any stormwater system, overland flow paths, or roads.</i></p>	<p><i>natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.</i></p> <p>Add the following as '5'.</p> <p><u>Earthworks</u></p> <p><u>i. _____ must for their duration be controlled in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005);</u></p> <p><u>ii. _____ shall be implemented to prevent silt or sediment from entering water bodies, coastal marine area, any stormwater system, overland flow paths, or roads.</u></p> <p style="text-align: center;">S167.029</p>
<p>PART 2 – DISTRICT-WIDE MATTERS NATURAL ENVIRONMENT VALUES Natural features and landscapes</p>			
<p>Natural Features and Landscapes</p> <p>Overview</p>	<p>Oppose</p>	<p>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.</p> <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,</p>	<p>Amend the Overview as follows:</p> <p><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. 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</i></p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>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>heritage and in some cases challenging topography and geomorphology.</p> <p>S167.030</p>
<p>Natural Features and Landscapes</p> <p>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>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.</p> <p>Or alternatively</p> <p><u>The identified characteristics and values of ONLs and ONFs are protected from inappropriate subdivision, use and development..</u></p> <p>S167.031</p>
<p>Natural Features and Landscapes</p> <p>Policies NFL-P2</p>	Oppose	As per submission point on NFL-O2	<p>Amend Policy NFL-P2 as follows:</p> <p>S167.032</p> <p>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.</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
Natural Features and Landscapes Policies NFL-P3	Oppose	As per submission point on NFL-O2	Amend Policy NFL-P3 as follows: S167.033 <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>
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: S167.034 <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>
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: S167.035 <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>
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: S167.036 <i>Encourage the restoration and enhancement of ONL and ONF <u>areas</u> where it is consistent with the characteristics and qualities.</i>
Natural Features and Landscapes Policies NFL-P7	Oppose	Prohibit land use that would result in any loss of and/or destruction of the characteristics and qualities of ONL and ONF. 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	Delete Policy NFL-P7 S167.037

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		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.	
Natural Features and Landscapes Policies NFL-P8	Oppose	<p>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:</p> <p>This is not a policy but a method of assessment, and therefore more appropriately an assessment criterion.</p> <p>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.</p>	<p>Delete Policy NFL-P6</p> <p style="text-align: center;">S167.038</p>
Natural Features and Landscapes Policies New Policy	Oppose	<p>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.</p>	<p>Add a new policy as follows:</p> <p><u>Recognise that identified ONLs and ONFs may contain existing and/or authorised subdivision, use and development and provide for these activities.</u></p> <p style="text-align: center;">S167.039</p>
Natural Features and Landscapes	Oppose	<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</p>	<p>Amend Rule NFL-R1 as follows:</p> <p><i>Activity status: Permitted</i> S167.040</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
<p>Rules NFL-R1 New buildings or structures, and extensions or alterations to existing buildings or structures</p>		<p>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>Non-conformity with the rule is more effectively and efficiently dealt with as a restricted discretionary</p>	<p><i>Where:</i> <i>PER-1</i> <i>If a new building or structure is located outside the coastal environment it is:</i> <i>1. ancillary to farming (excluding a residential unit);</i> <u><i>1. 2. no greater than 25 50m2 .</i></u> <i>PER-2</i> <i>If a new building or structure is located within the coastal environment it is:</i> <i>1. ancillary to farming (excluding a residential unit);</i> <u><i>1 2. no greater than 25 50m2.</i></u> <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 alteration to an existing building or structure, complies with standards:</i> <i>NFL-S1 Maximum height</i> <i>NFL-S2 Colours and materials</i></p> <p>Add the following rule: <u><i>PER-5</i></u> <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 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</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>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 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> j. <u>the natural landform and processes of the location; and</u> k. <u>any positive contribution the development has on the characteristics and qualities.</u>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<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>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</p>	<p>Add new rule as follows:</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> <p>1. <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</u></p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>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>Act unless special circumstances exist or notification is required under section 95B(2) and (3).</u></p> <p>S167.041</p>
<p>Natural Features and Landscapes</p> <p>Rules NFL-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</p>	<p>Delete Rule NFL-R2</p> <p>S167.042</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>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 the vegetation controls provide protection. In particular, exceptions are required for:</p>	<p>Amend Rule NFL-R3 as follows:</p> <p style="text-align: right;">S167.043</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> <i><u>6. cycling tracks</u></i> <i><u>7. farming tracks.</u></i> <p><i>2. required to provide for safe and reasonable</i></p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<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>clearance for existing overhead power lines.</p> <p><u>3. necessary to address a risk to public health and safety.</u></p> <p><u>4. for biosecurity reasons.</u></p> <p><u>5. for the sustainable non-commercial harvest of plant material for rongoā Māori.</u></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> <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>Except as permitted under PER-1, the earthworks or indigenous vegetation clearance outside the coastal environment is not provided for within NFL-R3 PER-1 but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearance PER-3</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<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>Except as permitted under PER-1 the earthworks or indigenous vegetation clearance 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> f. <u>any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</u> g. <u>the characteristics and qualities of the landscape or feature;</u>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<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>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</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><u>Or</u>, in the alternative,</p> <p>Amend rule NFL-R3 so that Farming is a permitted activity in the overlay.</p> <p style="text-align: center;">S167.044</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>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>	
<p>Natural Features and Landscapes</p> <p>Standards</p> <p>NFL-S1 Maximum Height</p>	<p>Oppose</p>	<p>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 under NFL-R1.</p> <p>The height limit of the zone would otherwise apply to smaller (less than 50m structures).</p>	<p>Standard NFL-S1</p> <p>S167.045</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		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.	
Natural Features and Landscapes Standards NFL-S2 Colours and materials	Support subject to amendments	The rule should allow for natural materials also.	Amend Standard NFL-S2 as follows: S167.046 <i>The exterior surfaces of buildings or structures shall:</i> 1. <i>be constructed of materials and/or finished to achieve a reflectance value no greater than 30%.</i> 2. <i>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	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). 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). These changes are appropriate because earthworks or indigenous vegetation clearance associated with the building is assessed as a restricted discretionary activity matter with the building resource consent application. Life of District Plan as a compliance measure is unnecessarily limited and does not recognise the	Amend rule NFL-S2 as follows: <i>Any earthworks or indigenous vegetation clearance must (where relevant):</i> 1. <i>not exceed a total area of 50m2 over the life of the District Plan <u>per calendar year; and</u></i> 2. <i>not exceed a cut height or fill depth of 1m <u>1.5m;</u> and</i> 3. <i>screen any exposed faces <u>visible from a public place;</u> or</i> 4. <i>be for the purpose of access and/or a building platform.</i> <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> S167.047

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>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 NATURAL ENVIRONMENT VALUES Public access			
Public access Policies PA-P2	Oppose	<p>Policy PA-P2 sets out a number of circumstances at a.g. where public access is required to be provided at subdivision. These do not align with the subdivision rules which implement this policy, where such circumstances are limited.</p> <p>The policy should integrate with the equivalent policy in the subdivision section (SUB- P7) so that the specific method for achieving the policy is specified in the rule rather than in the policy. For example, the obligation of policy PA-P2 to require the creation of esplanade reserves where it ‘c. <i>protects, maintains or enhances public access</i>’ goes beyond the limited circumstances specified in rule SUB-S8.</p>	<p>Delete policy PA-P2 and replace with:</p> <p><u>“Require esplanade reserves or strips when subdividing to specified lot sizes land adjoining the coast and other qualifying water-bodies”.</u></p> <p>S167.048</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</p>	<p>Amend policy SUB-P1 as follows:</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>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		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).	b. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions. S167.049
Subdivision Policies SUB-P3	Support	The provision of subdivision in the circumstances listed is supported as an efficient use of the land resource of the district.	Retain Policy SUB-P3 S167.050
Subdivision Policies SUB-P7	Support	The policy that requires the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying waterbodies. Although a more accurate expression of policy intent than policy PA-P2, it should limit its application to specified lots sizes to align with its associated rules.	Amend Policy SUB-P7 as follows <i>Require the vesting of esplanade reserves when subdividing <u>to specified lots sizes</u> land adjoining the coast or other qualifying waterbodies.</i> S167.051
Subdivision Policies SUB-P8	Oppose	<p>Policy SUB-P7 which seeks to avoid rural lifestyle subdivision in rural zones, does not set out all of the circumstances where limited rural lifestyle subdivision in the Rural Production Zone may be appropriate, and can provide economic and environmental benefit.</p> <p>The policy should recognise 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, through an injection of capital and introduction of a ‘community of care’, allows for restoration and enhancement opportunities to be implemented and maintained through legal protection and ongoing obligations. The policy as drafted does not support subdivision rules SUB-R6 “Environmental benefit subdivision” nor SUB-R7 “Management plan subdivision” and should be redrafted to actively ‘provide for’ such opportunities.</p>	<p>Delete Policy SUB-P7 and replace with the following:</p> <p><u>SUB-P8</u> <u>Provide limited opportunities for rural lifestyle subdivision in rural areas while ensuring that:</u></p> <ul style="list-style-type: none"> (a) <u>there will be significant environmental protection of indigenous vegetation including restoration, or wetlands;</u> (b) <u>subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;</u> (c) <u>subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;</u> (d) <u>adverse effects on rural and coastal character are avoided, remedied or mitigated;</u> (e) <u>sites are of sufficient size to absorb and manage adverse effects within the site; and</u>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<p>(f) <u>reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production; and</u></p> <p>(g) <u>loss of versatile soils for primary production activities is avoided.</u> S167.052</p>
Subdivision Policies SUB-P9	Oppose	Policy SUB-P9 seeks to avoid subdivision rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule. This policy is not needed with the new policy SUB-P8 sought by this submission.	<p>Delete Policy SUB-P9</p> <p>S167.053</p>
Subdivision Policies SUB-P11	Oppose	The matters set out in Policy SUB-P11 are information requirements for assessment of applications and do not prescribe policy as such. They are better placed as assessment matters/criteria against which applications are to be assessed.	<p>Delete Policy SUB-P11</p> <p>S167.054</p>
Subdivision Rules SUB-R1 Boundary adjustments	Support subject to amendments	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>Amend Rule SUB-R1 as follows:</p> <p><i>CON-1</i> S167.055</p> <p><i>The boundary adjustment complies with standards: SUB-1 Minimum allotment sizes for controlled activities, except where an existing allotment size is already non-compliant, the degree of non-compliance shall not be increased;</i></p> <p><i>SUB-S2 Requirements for building platforms for each allotment;</i></p> <p><i>SUB-S3 Water supply;</i></p> <p><i>SUB-S4 Stormwater management;</i></p> <p><i>SUB-S5 Wastewater disposal;</i></p> <p><i>SUB-S6 Telecommunications and power supply; and</i></p> <p><i>SUB-S7 Easements for any purpose;</i></p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
Subdivision Rules SUB-R3 Subdivision of land to create a new allotment	Support	The rule provides an appropriate range of standards and controlled activity matters for subdivision.	Retain Rule SUB-R3 S167.056
Subdivision Rules SUB-R6 Environmental benefit subdivision	Support subject to amendments	<p>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, through an injection of capital and introduction of a 'community of care' and legal protection/going obligations, allows for restoration and enhancement opportunities to be implemented and maintained in perpetuity.</p> <p>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. 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.</p> <p>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.</p>	<p>Amend Rule SUB-R6 by:</p> <ol style="list-style-type: none"> 1. Deleting RDIS-3; and 2. Amending RDIS-6 as follows: <p><i>All proposed new environmental allotments are to be a minimum size of 2ha in area and the balance lot must be greater than 40ha.</i></p> <p>S167.057</p>
Subdivision Rules SUB-R7 Management Plan subdivision	Support	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	Retain Rule SUB-R7 S167.058

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		circumstances, subdivision allows for restoration and enhancement opportunities to be implemented and maintained in perpetuity.	
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 S167.059
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 <u>only to the creation of new lots.</u>	Amend Rule SUB-R18 as follows: <i>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></i> S167.060
Subdivision Rules SUB-R19 Subdivision of a site within wetland, lake and river margins	Support subject to amendments	As above in this submission.	Amend Rule SUB-R19 as follows: S167.061 <i>SUB-R18 SUB-R19 Subdivision of a site within wetland, lake and river margins <u>(where any boundary of a new lot to be created (excluding boundary adjustments) is within the margin)</u></i>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
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: S167.062 <i>SUB-R20 Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas) <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></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: S167.063 <i>SUB-R21 Subdivision of a site within Outstanding Natural Character Areas in the Coastal Environment <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></i>
Subdivision Standards SUB-S1 Minimum allotment sizes	Oppose	The Proposed 40ha minimum allotment size in the Rural Production Zone is opposed and a 20ha <i>average</i> lot size is sought for the following reasons: <ol style="list-style-type: none"> 1. The 40ha minimum follows a productive use of land imperative for the zone which in many instances cannot be achieved and is unsuitable to many steep, coastal and/or bush-clad parts of the district. A smaller 20ha lot size is more able to be managed by owners with non-productive land units such as bush blocks and regenerating land. 2. The district has a long-established subdivision pattern through a minimum lot size of 20ha. 3. 20ha can be a productive lot. 4. An average lot size reduces the risk of arbitrary lot design, enabling the landowner to design a subdivision in a manner that takes the characteristics of the land and its resources into account. 	Amend SUB-S1 Minimum allotment sizes to a 20ha minimum <u>average</u> allotment size as a controlled activity in the Rural Production Zone. Amend SUB-S1 Minimum allotment sizes to a 8ha minimum <u>average</u> allotment size as a discretionary activity in the Rural Production Zone. S167.064

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in striketrough)
Subdivision Standards SUB-S8 Esplanades	Support	The rule appropriately aligns with the esplanade reserve requirements of the RMA 1991. A lake of 8ha is suitably defined in the rule, with esplanades around smaller lakes likely of no or of limited public benefit and a significant imposition on landowners.	Retain Rule SUB-S8 S167.065
PART 2 – DISTRICT-WIDE MATTERS			
GENERAL DISTRICT-WIDE MATTERS			
Coastal environment			
Coastal Environment Objectives CE-01 and CE-02	Oppose	<p>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.</p> <p>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 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>Delete Objectives CE-01 and CE-02 and replace with the following: S167.066 and S167.067</p> <p><u>Objective CE-01 Subdivision, use and development in the Coastal Environment:</u></p> <ol style="list-style-type: none"> 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> c. <u>Protects the indigenous biodiversity values of the Coastal Environment in relation to the biodiversity values present; and</u> d. <u>Preserves the natural character of the Coastal Environment in relation to the level of natural character present; and</u> 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> f. <u>Recognises and provides for the relationship of tāngata whenua with the Coastal Environment; and</u>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<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: S167.068</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>
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.	<p>Amend Policy CE-P3 as follows: S167.069</p> <p><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></p> <p>a. <i>outstanding natural character;</i></p> <p>b. <i>ONL;</i></p> <p>c. <i>ONF.</i></p>
Coastal Environment Policies	Support subject to amendments	The policy seeks to enable farming activities in the coastal environment and that part of the policy is	Amend Policy CE-P6 as follows:

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
CE-P6		supported. The qualifications that farming is only supported where <i>“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”</i> , 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).	<i>Enable farming activities within the coastal environment</i> where: 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. S167.070
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 S167.071
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 characteristics and qualities in outstanding natural character areas. This policy is not implemented by any rules and, moreover, is inconsistent with Policy CE-P2 which better gives effect to the NZCPS.	Delete Policy CE-P9 S167.072
Coastal Environment Policies CE-P10	Oppose	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,	Delete Policy CE-P10 S167.073

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>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>Coastal Environment Rules CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures</p>	<p>Oppose</p>	<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>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</p>	<p>Amend rule CE-R1 as follows:</p> <p><i>Activity status: Permitted</i> \$167.074</p> <p><i>Where:</i></p> <p><i>PER-1</i> <i>If a new building or structure is located in an urban zone it is:</i></p> <ol style="list-style-type: none"> <i>1. no greater than 300m2.</i> <i>2. located outside high or outstanding natural character areas.</i> <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 50m2.</u> 25m2 50m2.</i> <i>3. located outside outstanding natural character areas.</i> <p><i>PER-3</i></p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>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>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) consideration of the following matters where relevant to the application:</i></u></p> <ul style="list-style-type: none"> a. <u><i>the presence or absence of buildings, structures or infrastructure;</i></u> b. <u><i>the temporary or permanent nature of any adverse effects;</i></u> c. <u><i>the location, scale and design of any proposed development;</i></u> d. <u><i>any means of integrating the building, structure or activity;</i></u> e. <u><i>the ability of the environment to absorb change;</i></u>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<p>f. <u>the need for and location of earthworks or vegetation clearance;</u></p> <p>g. <u>the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</u></p> <p>h. <u>Except as provided for under n and o below, any viable alternative locations for the activity or development;</u></p> <p>i. <u>any historical, spiritual or cultural association held by tanqata whenua, with regard to the matters set out in Policy TW-P6;</u></p> <p>j. <u>the likelihood of the activity exacerbating natural hazards;</u></p> <p>k. <u>the opportunity to enhance public access and recreation;</u></p> <p>l. <u>the ability to improve the overall quality of coastal waters; and</u></p> <p>m. <u>any positive contribution the development has on the characteristics and qualities.</u></p> <p>n. <u>Whether locating the activity within the coastal environment is required to enable reasonable residential or farming use.</u></p> <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>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
<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. 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</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:</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> <p style="text-align: center;">S167.075</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>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>Coastal Environment Rules CE-R2 Repair or maintenance</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</p>	<p>Delete Rule CE-R2</p> <p style="text-align: center;">S167.076</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>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>Coastal Environment Rules CE-R3 Earthworks or indigenous vegetation clearance</p>	<p>Oppose</p>	<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 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>Amend Rule CE-R3 as follows:</p> <p><i>Activity status: Permitted</i> S167.077</p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>The earthworks or indigenous vegetation clearance is:</i></p> <p><i>1. required for the repair or maintenance permitted under CE-R2 Repair or maintenance.</i></p> <p><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> <p><i><u>1. roads.</u></i></p> <p><i><u>2. fences</u></i></p> <p><i><u>3. network utilities</u></i></p> <p><i><u>4. driveways and access</u></i></p> <p><i><u>5. walking tracks</u></i></p> <p><i><u>6. cycling tracks</u></i></p> <p><i><u>7. farming tracks.</u></i></p> <p><i>2. required to provide for safe and reasonable</i></p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<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>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>clearance for existing overhead power lines. <u>3. necessary to address a risk to public health and safety.</u> <u>4. for biosecurity reasons.</u> <u>5. 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 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</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<p>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 activity or development outside the coastal environment;</u> f. <u>any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</u> g. <u>the likelihood of the activity exacerbating natural hazards;</u> h. <u>the ability to improve the overall quality of coastal waters; and</u> i. <u>any positive contribution the development has on the characteristics and qualities.</u> j. <u>Whether locating the activity within the coastal environment is required to enable reasonable residential or farming use.</u>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<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>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</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><u>Or</u>, in the alternative,</p> <p>Amend rule CE-R4 so 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>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>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>	<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> <p style="text-align: center;">S167.078</p>
Coastal Environment Standards CE-S1 Maximum height	Oppose	<p>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.</p> <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>	<p>Delete Standard CE-S1</p> <p style="text-align: center;">S167.079</p>
Coastal Environment Standards CE-S2 Colours and materials	Support subject to amendments	<p>The rule should allow for natural materials also which typically sit well in the coastal environment.</p>	<p>Amend Standard CE-S2 as follows:</p> <p style="text-align: right;">S167.080</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>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<p>2. <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></p>
<p>Coastal Environment Standards CE-S3</p> <p>Earthworks or indigenous vegetation clearance</p>	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 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>Amend Standard CE-S2 as follows:</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> <i><u>be for the purpose of access and/or a building platform.</u></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> <p style="text-align: center;">S167.081</p>
<p>Coastal Environment Standards in coastal hazard areas CE-S5</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</p>	<p>Amend standard CE-S5 as follows:</p> <p style="text-align: center;">S167.082</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</i></p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
Information requirements		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.	<i>qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion.</i>
PART 2 – DISTRICT-WIDE MATTERS			
GENERAL DISTRICT-WIDE MATTERS			
Earthworks			
Earthworks Objectives EW-O1	Support subject to amendments	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, however neglects to enable earthworks associated with rural activities which are otherwise provided for under policy EW-P1.	<p>Amend Objective EW-01 as follows:</p> <p><i>Earthworks are enabled where they are required <u>for rural land uses and development 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.</u></i></p> <p style="text-align: center;">S167.083</p>
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><i><u>EW-R14 General earthworks not provided for by EW-R1 – EWR13</u></i></p> <p><i><u>All zones</u></i></p> <p><i><u>Activity status: Permitted</u></i></p> <p><i><u>Where:</u></i></p> <p><i><u>PER-1</u></i></p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			<p><i>The earthworks complies with standards:</i> <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> S167.084 <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>S167.085</p>
Earthworks Standards EW-S2 Maximum depth and slope	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>S167.086</p>
<p>PART 2 – DISTRICT-WIDE MATTERS GENERAL DISTRICT-WIDE MATTERS Noise</p>			
Noise Rule Noise-R7 Helicopter landing areas	Oppose	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	<p>Amend Rule Noise-R7 as follows (adding “<u>Or</u>”):</p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>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>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</p>	<p><i>Flight movements are for emergency purposes such as medical emergencies, search and rescue or firefighting purposes;</i></p> <p><u><i>Or</i></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> <i>iii. 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.</i> <p style="text-align: center;">S167.087</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p>use is warranted to give the rule specificity. The following definition is proposed to be included by this submission:</p> <p><i><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></i></p>	
Noise Standards NOISE-S4 Helicopter landing areas	Oppose	<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 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>Delete NOISE-S4 Helicopter landing areas and replace with a rule that:</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). <p style="text-align: center;">S167.088</p>
PART 3 – AREA-SPECIFIC MATTERS			
ZONES			
Rural zones			
Rural production			
PART 3 – AREA-SPECIFIC MATTERS ZONES	Oppose	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	Replace “Rural Production” zone in every instance in the Proposed District Plan with “ <u>General Rural</u> ” zone.

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
<p>Rural zones Rural production Zone General</p>		<p>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 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</p>	<p style="text-align: center;">S167.089</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		activities and does not recognise the broad applicability of the zone in many unproductive areas. This point is taken up further in this submission.	
Rural zones Rural production Zone Overview	Oppose	For the reasons set out above in this submission.	Add the following to the Overview: S167.090 <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>
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 <i>“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”.</i></p> <p>There is a disconnect here with the subdivision opportunities provided for in the Rural Production 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.</p>	<p>Amend Objective RPROZ-O2</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> <p>S167.091</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
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. 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 S167.092
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: <u><i>Subdivision, use and development in the Rural Area maintain the rural character and amenity of the zone.</i></u> S167.093
Rural zones Rural production Policies RPROZ-P4	Support	The policy is supported because it recognises that the rural character and amenity of the zone includes “a diverse range of rural environments, rural character and amenity values throughout the District”.	Retain Policy RPROZ-P4 S167.094
Rural zones Rural production Zone Policies RPROZ-P5	Oppose	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.	Delete Policy RPROZ-P5 <u>Or alternatively</u> S167.095 Amend Policy RPROZ-P5 as follows: <i>Avoid land use that:</i> <i>a. is incompatible with the purpose, character and amenity of the Rural Production zone;</i>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<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>b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;</p> <p>c. would result in the loss of productive capacity of highly productive land;</p> <p>d. would exacerbate natural hazards; and</p> <p>e. cannot provide appropriate on-site infrastructure.</p>
<p>Rural zones Rural production Zone Policies RPROZ-P6</p>	<p>Oppose</p>	<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:</p> <p><u>Provide limited opportunities for subdivision in the general rural zone while ensuring</u> <u>that:</u> S167.096</p> <p>a. <u>there will be significant environmental protection of indigenous vegetation including restoration, or wetlands;</u></p> <p>b. <u>subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;</u></p> <p>c. <u>subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural 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>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
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>S167.097</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><i>Activity status: Permitted</i> S167.098</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> <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	<p>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>	<p>Retain Rule RPROZ-R7</p> <p>S167.099</p>
Rural production Zone Rules	Support	<p>Rule RPROZ-R8 is supported because it enables conservation activities, thereby giving effect to wider</p>	<p>Retain Rule RPROZ-R8</p> <p>S167.100</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
RPROZ-R8 Conservation activity		District Plan objectives and policies such as <i>“CE-P8 Encourage the restoration and enhancement of the natural character of the coastal environment”</i> .	
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 of the proliferation of minor units as de-facto gull dwellings.</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>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> <p style="text-align: center;">S167.101</p>
Rural production Zone Standards RPROZ-S1 - RPROZ-S7	Support	The standards, exclusions and matters of discretion are appropriate for buildings in the rural zone.	<p>Retain RPROZ-S1- RPROZ-S7</p> <p style="text-align: center;">S167.102, S167.111 to S167.116</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
PART 3 – AREA-SPECIFIC MATTERS			
ZONES			
Rural zones			
Rural lifestyle			
PART 3 – AREA-SPECIFIC MATTERS ZONES Rural zones Rural lifestyle Overview	Support subject to amendments	Land zoned Rural lifestyle is not necessarily close to urban areas and settlements as expressed in the overview. There are, for example, pockets of Rural lifestyle zoned land in the eastern Bay of Islands which are not close to urban areas and settlements, including at Parekura Bay.	Amend the Overview as follows: S167.103 <i>Given the proximity of <u>most of this zone</u> to urban areas and settlements, there is the potential for activities that are more typically associated with urban areas to seek to establish in this zone.</i>
Rural zones Rural lifestyle Objectives RLZ-O1 - RLZ-O4	Support	The objectives are the most appropriate to achieve the purpose of the RMA 1991 and give effect to higher order planning documents as required.	Retain Objectives RLZ-O1 - RLZ-O4 S167.104, S167.118 to S167.120
Rural zones Rural lifestyle Policies RLZ-P1- RLZ-P4	Support	The policies RLZ-P1- RLZ-P4 are the most appropriate way to achieve the objectives	Retain Policies RLZ-P1- RLZ-P3 S167.105, S167.121, S167.122, S167.130
Rural zones Rural lifestyle Rules RLZ-R1 - RLZ-R28	Support	The rules are the most appropriate way to achieve the objectives	Retain Rules RLZ-R1 - RLZ-R28 S167.106
Rural zones Rural lifestyle Standards RLZ-S1- RLZ-S6	Support	The standards are the most appropriate way to achieve the objectives	Retain Standards RLZ-S1- RLZ-S6 S167.107, S167.125 to S167.129
PART 4 – APPENDICES AND SCHEDULES			
APPENDICES			
APP3 – Subdivision management plan criteria			
PART 4 – APPENDICES AND SCHEDULES APPENDICES APP3 – Subdivision management plan criteria	Support	The Management Plan Subdivision matters set out an appropriate set of provisions to secure environmental benefits from the once off management plan subdivision opportunity.	Retain Management Plan Subdivision S167.108

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
MAPPING			
Zone Maps and Part 3 Specific Matters	Oppose	<p>The Proposed Plan describes the Rural Lifestyle Zone as being characterised by open space and vegetated landscapes, interspersed by farm buildings, structures and residential units. It states that areas suitable for rural lifestyle living have been identified because they are already fragmented with residential land uses, are on low value soils or where consent has already been granted to undertake more dense living than anticipated in the Rural Production Zone.</p> <p>These circumstances equally apply to the properties at Ōmarino where subdivision consent was granted in 2006 (by way of an Environment Court Consent Order) for the creation of 17 rural residential titles, supported by a Management Plan, Design Guidelines and a significant programme of ecological restoration. The property was subsequently subdivided to lots no smaller than 4ha, with restrictive covenants on the titles prohibiting further subdivision and requiring adherence to the Management Plan and Design Guidelines, including controls on the design, location and scale of dwellings. Native Planting is now well established and several of the house sites have been built on.</p> <p>The specific objectives of the Rural Lifestyle Zone are the most appropriate way to achieve the purpose of the RMA in respect of Ōmarino and are more appropriate to the property because (with reference to these objectives and policies):</p> <p><i>Objective RLZ-O1 The Rural Lifestyle Zone is used predominantly for low density residential activities</i></p>	<p>Rezone from Rural Production to either <u>Rural Lifestyle</u> or <u>Special Purpose Zone: Ōmarino</u> all the properties at Ōmarino, Manawaora Road, legally described as:</p> <p>Lot 1 Deposited Plan 391213 Lot 2 Deposited Plan 391213 Lot 3 Deposited Plan 391213 S167.109 Lot 4 Deposited Plan 391213 Lot 5 Deposited Plan 391213 Lot 6, 21 Deposited Plan 391213 Lot 7 Deposited Plan 391213 Lot 8, 20 Deposited Plan 391213 Lot 9 Deposited Plan 391213 Lot 10 Deposited Plan 391213 Lot 11 Deposited Plan 391213 Lot 12 Deposited Plan 391213 Lot 14 Deposited Plan 391213 Lot 15 Deposited Plan 391213 Lot 17, 19 Deposited Plan 391213 Lot 18 Deposited Plan 391213 Lot 16 Deposited Plan 512589 Lot 25 Deposited Plan 512589</p> <p><u>And</u> as shown on the map below.</p> <p>If Special Purpose Zone: Ōmarino, <u>then amend Part 3 – Area Specific Matters</u> to include appropriate objectives, policies and rules to enable residential activity and associated buildings as a controlled activity where they are in accordance with resource consents granted for Ōmarino and consent notices applying on the titles and located on a consented house site, and to enable conservation, recreation and common facilities.</p>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		<p><i>and small scale farming activities that are compatible with the rural character and amenity of the zone.</i></p> <p>The density at Ōmarino is low scale (no smaller than 4ha lots, and dispersed across five bays). Development is not visible from the road and the extensive planting ensures it sits well with the existing rural coastal character of the local environment.</p> <p><i>Objective RLZ-O2 The predominant character and amenity of the Rural Lifestyle Zone is characterised by:</i></p> <ul style="list-style-type: none"> <i>a. low density residential activities;</i> <i>b. small scale farming activities with limited buildings and structures;</i> <i>c. smaller lot sizes than anticipated in the Rural Production Zone;</i> <i>d. a general absence of urban infrastructure;</i> <i>e. rural roads with low traffic volumes;</i> <i>f. areas of vegetation, natural features and open space.</i> <p>Ōmarino aligns with each of these features.</p> <p><i>Objective RLZ-O3 The role, function and predominant character and amenity of the Rural Lifestyle Zone is not compromised by incompatible activities.</i></p> <p>Ōmarino is a master planned subdivision, with strict controls on land use through a Resident’s Association. There is no risk of incompatible activities within the property, or externally (noting in particular that rural production activities are distant from the property).</p>	

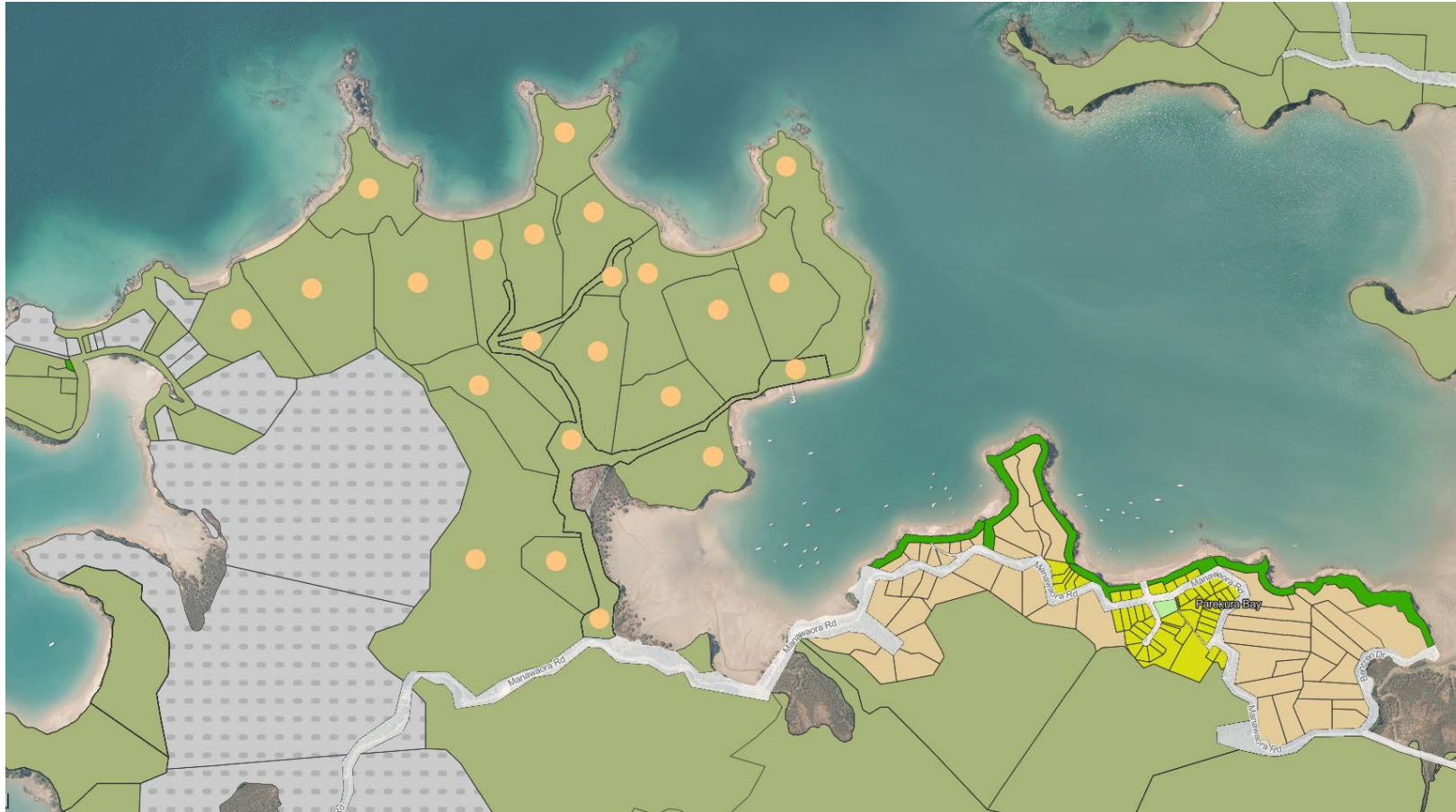
Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in striketrough)
		<p><i>Objective RLZ-O4 Land use and subdivision in the Rural Lifestyle Zone does not compromise the effective and efficient operation of primary production activities in the adjacent Rural Production Zones.</i></p> <p>As noted above, there are no rural production activities in close proximity to the property. Furthermore, residential sections are buffered by extensive areas of vegetation.</p> <p>In contrast, for the reasons set out in this submission, the Rural Production Zone (as currently drafted in the Proposed Plan) fails to recognise existing and potentially future rural residential opportunities, where this does not compromise rural production activities.</p> <p>In the alternative, a new Special Purpose Zone: Ōmarino could an equally appropriate way to achieve the purpose of the RMA 1991, provided it appropriately recognises the particular circumstances of Ōmarino, including providing for residential dwellings and associated buildings in accordance with the conditions of the resource consent, the Management Plans, consent notices and Design Guidelines which apply to the property.</p>	

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
-------------------------	----------------	-----------------------	---

Properties sought to be rezoned to either Rural Lifestyle or Special Purpose Zone: Ōmarino (shown with a dot: "●")



Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
Coastal Environment Overlay	Oppose	The objectives, policies and rules in the Coastal Overlay in combination fail to recognise and provide for farming (including enabling people and communities to provide for their social, economic, and cultural well-being) , and where the overlay applies to those parts of the property actively farmed, it therefore fails to achieve the purpose of the RMA 1991.	<u>In the alternative</u> to the relief sought in this submission to the coastal objectives, policies and rules relating to farming activities: delete the Coastal Overlay from the Bentzen Farms property legally described as Lot 1 Deposited Plan 87944; Lot 3 Deposited Plan 479155; and Lot 4 Deposited Plan 479155 and Part Lot 4 Deposited Plan 38894 and Lot 5 Deposited Plan 38894 and Section 27-28 Block III Russell Survey District. S167.110

Attachment 2: Bentzen Farm Limited Resource Consent

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of an appeal under section
120 of the Act

BETWEEN BENTZEN FARM
LIMITED

ENV-2006-AKL-000194
(formerly ENV A 205/05)

Appellant

AND

FAR NORTH DISTRICT
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Court Judge L.J. Newhook sitting alone under Section 279 of the Act

In Chambers at Auckland on the 30th day of August 2006

CONSENT ORDER




Having considered the appeal lodged in this matter, the reply filed by the Respondent and the consent memorandum submitted on behalf of the parties this Court hereby orders that the conditions of consent attaching to the grants of consent by the Respondent authorising the Appellant to:

- Subdivide Pt Rawhiti No. 2 Block CT 35A/947, Pareanui Block ML 8418, Russell SD CT 35D/223, and Pt Rawhiti No. 2 Block CT 35A/592, into 17 house site allotments and an access utility lot.
- Establish two separate boatshed buildings each containing storage for 8 boats both on lot 18, construct and operate a recreation facility and one 4 bedroom accommodation building and a utility building all to be on lot 18.
- Retrospective consent for earthworks at logging platform and retaining wall already completed.
- Conduct earthworks to construct access and to reinstate logging platform subject to the following conditions.

be amended to read in the manner set out in the Schedule attached.

The appeal is otherwise dismissed.

There is no order for costs.



L J Newhook

Environment Judge



MODIFICATION CONDITIONS

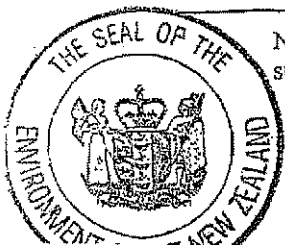
Explanation: Conditions 1 - 5 record amendments to the proposal arising from evidence or modification the Applicant has proposed during the course of the hearing, and conditions 6 and 7 are required by the Council to mitigate adverse effects:

1. That two boatshed buildings contain 8 sheds in each building be located in the two positions on lot 18 as shown on Pete Bossley Architects Plan 0-01~3-03 Revision A (Dated for issue 05/05), and 0-01~0-02 Revision B (dated for issue 23/09/04) as submitted at the hearing on 3rd June 2005¹.
2. That the woolshed roof be replaced with an iron roof in a colour that is in keeping with the existing buildings on that foreshore location,
3. That the proposed accommodation on Lot 18 be modified to a one unit 4 bedroom accommodation as detailed in the closing submission of Mr Cavanagh on 3rd June 2005.
4. That all building platforms on Lot 7 be located below the dominant ridgeline and that no building consent can be granted for this lot until such time as a backdrop of native vegetation reaches 4 m above ground height.
5. That a small area of foreshore on Lot 11, as proposed, be a public access easement as shown on the Development Plan contained in the Draft Management Plan Ref: W04044 Revision 20/05/05 as Attachment 1 as presented at the hearing.
6. That all buildings on Lots 1- 16 and any new buildings on Lots 17 & 18 erected after (the date of this resource consent) be located at least 30 m landward of MHWS.
7. No construction of buildings or construction activity shall be located within 10 m of the outer edge of any archaeological site protected by the NZ Historic Places Act 1993 in the absence of an authority to modify or destroy that site protected by the NZ Historic Places Act 1993.

GENERAL CONDITIONS

8. That the proposal proceeds in general accordance with the details and plans submitted with this application including the Assessment of Environmental Effects (AEE), evidence presented at the hearing and the Draft Management Plan submitted at the hearing on 30th May 2005.
9. In accordance with Section 128 of the Resource Management Act 1991, the Far North District Council may serve notice on the Consent Holder of its intention to

Note this is not the same drawing as that which was attached to Mr Bossley's evidence as submitted to the hearing on 30th May 2005.



review the conditions of this consent annually during the month of May. The review may be initiated for any one or more of the following purposes:

- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Far North District Council monitoring of the state of the environment in the area.
- (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
- (c) To provide for compliance with rules in any district plan that has been made operative since the commencement of the consent.
- (d) To deal with any inadequacies or inconsistencies the Far North District Council considers there to be, in the conditions of the consent, following the establishment of the activity the subject of this consent.
- (e) To deal with any material inaccuracies that may in future be found in the information made available with the application. (Notice may be served at any time for this reason)
- (f) The Consent Holder shall meet all reasonable costs of any such review.

EARTHWORKS & ARCHAEOLOGY CONDITIONS

10. All earthworks to be undertaken on the site are to be supervised by a Chartered Professional Engineer to be engaged by the Consent Holder. Council is to be advised in writing of the appointment of the engineer, and notified when work is to commence, and when it has been completed.
11. The Consent Holder, or subsequent owners of Lots 1-17 and the Resident's Association in the context of Lot 18, should notify the New Zealand Historic Places Trust one week prior to commencing any work involving building, ground disturbance or tree planting, with regard to the historic (archaeological) sites registered on each lot, and should comply with the requirements and provisions of the Historic Places Act 1993.
12. All earthworks shall be undertaken such that the camber or gradient of accessways does not result in stormwater ponding or scouring.
13. That any earthworks or vegetation clearance be undertaken in strict compliance with the recommendations of the Clough & Associates Archaeological Assessment dated 2004 as submitted with the application.
14. Prior to the commencement of any earthworks in the immediate vicinity of any registered archaeological sites, such archaeological sites are to be temporarily fenced off to protect them.
15. All earthworks within a 10 m radius of any archaeological site shall be monitored by an appropriately qualified archaeologist.



16. That if subsurface archaeological remains (eg intact shell midden, hangi, storage pits relating to Maori occupation, or building foundations and rubbish pits relating to 19th century occupation) are unearthed during construction or landscaping, work shall cease in the immediate vicinity of the remains and a representative of the local Iwi, a suitably qualified archaeologist and the New Zealand Historic Places Trust shall be advised.
17. Where the modification or destruction of recorded archaeological sites cannot be avoided an application under Section 11 of the Historic Places Act 1993 shall be lodged with the NZ Historic Places Trust seeking the appropriate approvals.
18. If, during earthworks any kiwi or human remains are uncovered, work shall cease, the area shall be temporarily fenced off and the NZ Police, Iwi and the New Zealand Historic Places Trust shall be advised immediately.



BOATSHED CONDITIONS

19. The location, and external cladding of the two boatshed buildings to be in accordance with the details submitted by Pete Bossley in evidence at the hearing and the modifications presented on 3rd June 2005 being Plans: 0-01~3-03 Revision A, 0-01~0-02 Revision B, 3-01~3-04 Revision B.
20. The boatsheds shall remain as non-residential ancillary buildings and shall not to be used as a separate residential unit without prior written consent from the Council. No cooking or food preparation facility is to be installed in these buildings.

RESTORATION OF LOGGING HEAD CONDITIONS

21. That the area be re-contoured with properly compacted hard fill material.
22. That the area be covered with a layer of topsoil and re grassed.
23. That stormwater control measures be implemented to control stormwater runoff and remove silt and debris from the runoff.
24. That all measures be implemented in accordance with the ARC publication TP10 and maintained until the vegetation cover has completely re-established.

RETAINING WALL CONDITION

25. That the Consent Holder obtains a building consent for each of the proposed walls. A building consent is required where the retained height exceeds 1.5m or for any wall subject to a surcharge loading.

CONSTRUCTION MANAGEMENT CONDITION

26. Ten working days before the commencement of any physical work on the site, provide a construction management plan from a suitably qualified project manager for approval by the Council. The plan is to contain information on, and site management procedures for, the following matters:



- a. The timing of civil engineering, building construction and any demolition works, including hours of operation and key project and site management personnel and their contact details;
- b. The transportation of demolition, construction and waste materials to and from the site, the loading and unloading of materials and the associated controls on vehicles through sign-posted site entrances and exits;
- c. The excavation and filling works, including any retaining structures and any necessary de-watering requirements/methods, to be prepared by a Chartered Professional Engineer with suitable geotechnical qualifications and expertise;
- d. Control of dust and on-site noise (including compliance with construction noise standards) and any appropriate avoidance or remedial measures;
- e. Prevention of earth, mud, gravel or other material being deposited on adjoining roads by vehicles exiting the site, and proposing remedial measures should that occur;
- f. Identification measures, including signage, to inform adjacent landowners, occupiers, pedestrians and other users of Manawaora Road.

CONDITIONS RELATING TO ALL STAGES OF SUBDIVISION

Utilities

27. All electricity, telecommunications and other utility services shall be underground except where a building site is adjacent to an existing overhead supply.
28. All effluent disposal fields shall be located at least 30 m landward of MHWS.

Private Land Covenants

29. Further subdivision of Lots 1 - 18 is prohibited *(at the invitation of the Appellant)*.
30. The agreement for sale and purchase for the individual house lots, shall include the following covenants:
 - a. The imposition of Development Covenants that require adherence to Design Guidelines outlined in the AEE with the application and the Draft Management Plan submitted on 30th May 2005 at the hearing² and the final approved Management Plan as required in Conditions 41 and 52 below.



Which will include conditions that reflectivity will not exceed a maximum of 30%

- b. Notification of the archaeological records affecting the lot purchased by each owner. A prohibition on the destruction of any archaeological site in contravention of the Historic Places Act 1993. A requirement to carry out an archaeological assessment prior to undertaking any earthworks near a recorded site.
- c. A prohibition on future subdivision *(at the invitation of the Appellant)*.
- d. A prohibition on the keeping or bringing of cats and mustelids to the lots.
- e. Unless authorised by a resource consent or by the District Plan as a permitted activity, buildings on each lot in this subdivision (RC 2050363) be restricted to:
- i) One residential unit.
 - ii) One caretaker's residential unit not more than 125m² in gross floor area.
 - iii) One non-residential building, and
 - iv) Water storage facilities

With the combined size of any caretaker's unit and non-residential building not exceeding 50% of the residential unit's gross floor area.

- f. The external appearance of all buildings on Lots 1-16 shall be in accordance with the design details contained in the approved Management Plan and shall be traditional cladding and colours for buildings on Lots 17 & 18.
- g. All electricity, telecommunication and other utility services shall be underground.
- h. Any earthworks including those required to construct accessways to building sites shall be so designed to cause minimal impacts on the landscape and any exposed cuts shall be re-grassed or planted in native vegetation.
- i. The keeping of dogs is limited to a maximum of 2 per lot. All dogs must be:
- (i) Confined to the registered proprietors curtilage area when in the company of that registered proprietor or their invitees or otherwise enclosed in an escape proof enclosure; or
 - (ii) If outside the registered proprietors curtilage area then secured by way of a handheld leash.



VEGETATION AND ENHANCEMENT CONDITIONS

31. Revegetation plans shall be submitted first within 6 months of the consent being granted for Stage 1 of the subdivision and secondly within 6 months of the pines being removed for Stage 2 of the subdivision for all of the areas of each lot outside of the curtilage area (including the first 20m landward of MHWS) where proposed planting is to occur within each lot to the satisfaction of the Environmental Services Manager of Far North District Council. The Revegetation Plan shall be consistent with the information submitted in the AEE, evidence and draft Management Plan presented at the hearing and any approved Management Plan under Conditions 41 and 52. The Revegetation Plan shall provide for:
- a. The ongoing re-planting and maintenance programme.
 - b. The ongoing pest and weed management programme.
 - c. The maintenance and enhancement of vegetated areas and understorey planting

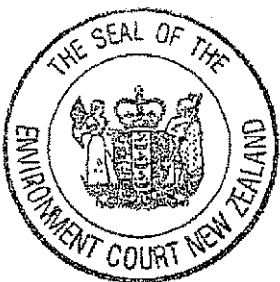
CONTINUING CONDITIONS:

32. The following are conditions that must be complied with on a continuing basis by the consent holder and its successors in title, and a consent notice pursuant to Section 221 of the Act shall be entered into by the consent holder. Such consent notices shall be prepared at the Consent Holder's expense and be to the satisfaction of Council's solicitor:

- a. Condition 29 a prohibition on the subdivision of Lots 1 - 18 *(at the invitation of the appellant)*.
- b. Condition 30.c a prohibition on the subdivision of Lots 1-18 *(at the invitation of the appellant)*.
- c. The maximum rolling height above ground level (as defined in the District Plan as at 30th May 2005) of each building on Lots 7, 11 & 12 shall be no more than 4 m above ground level.
- d. No buildings on lot 7 shall be erected until such time as the native screen planting backdrop has reached a height of 4 m when viewed from a position no closer than 500 m offshore. This backdrop planting shall be maintained at a height of no less than the building thereafter.
- e. The maximum rolling height above ground level (as defined in the District Plan as at 30th May 2005) of any building on lots 1, 2, 4, 6, 8, 9, 10, 13, 14, 15 and 16 shall be no more than 5 m.



- f. The maximum rolling height above ground level (as defined in the district plan as at 30 May 2005) of any building on lot 3 shall be:
- (i) No more than 6 metres if the structure or any part thereof is located above a topographical line that is 16 metres or more above mean high water springs; or
 - (ii) No more than 8 metres if the structure or any part thereof is located below a topographical line that is 16 metres or more above mean high water springs.
- g. The external cladding of all buildings shall be in accordance with the approved Management Plan that is required as part of Conditions 41 and 52.
- h. Heritage Covenants for those areas on Lots 3 & 10 as identified on Plan "Tai Awhi Awhi" Job No W04044 revised 05/05/2005 in favour of the NZ Historic Places Trust.
- i. Revegetation Covenant that covers all land on Lots 1-17 that are outside of the curtilage areas of each allotment in favour of the Tai Awhi Awhi Resident's Association and the Far North District Council.
- j. A consent notice, in accordance with Section 221 of the Resource Management Act, shall be registered against Lots 1-18, including the heritage covenant areas on Lots 3 & 10 and all archaeological sites and other waahi tapu, which is identified in the Assessment of Environmental Effects and Archaeological Assessment, of national historic and inter-generational heritage significance.
- a. Such consent notice shall require that all the archaeological sites located within the proposed Lots 1-18 remain undisturbed, and that access to the archaeological sites, other waahi tapu and heritage covenant areas be provided to members of Patukeha Hapu, Ngati Kuta Hapu, and other Tangata whenua for the purposes of enabling Tangata whenua to conduct their kaitiaki responsibilities. Such access is to be on 48 hours notice to the Lot owner (or agent) and for such period and frequency to be agreed upon by the Lot owner (or agent) and Tangata whenua, and that access to the archaeological sites be provided to Tangata whenua on such terms as may be agreed between the Lot owner and Tangata whenua following them having given 48 hours notice to the Lot owner.



- b. Access shall be limited to the hours of daylight and the frequency of visits and the number of visitors (being Tangata whenua) shall be such that they do not cause a nuisance or disturbance to the archaeological sites, other waahi tapu and heritage covenant areas or to the vegetation or improvements on the lots, or other activities. The Tangata whenua that visit the archaeological sites, other waahi tapu and heritage covenant areas shall ensure that the sites are protected and remain undisturbed. Other members of the public being those that have not sought, or been provided with permission from the Lot owner are trespassers in the context of this condition of consent.
 - c. Lot owner consent shall not be unreasonably withheld or declined. If there is any dispute as to the interpretation of this condition or as to the exercise by the Lot owner or Tangata whenua of their respective entitlements or obligations under this condition then before the Lot owner may deny access to the sites or before members of the public visit the sites pursuant to this condition, the dispute shall be referred to the President of the Auckland District Law Society whose decision shall be binding on all parties.
 - k. Conditions 50 and 61 a requirement to maintain and replant vegetation in landscaping planting.
 - l. Conditions 41 and 52 requiring adherence to an approved Management Plan.
 - m. The maximum rolling height above ground level (as defined in the district plan as at 30 May 2005) of any building on lot 5 shall be no more than 6 metres.
33. The development of each buildable area is to proceed in accordance with the recommendations contained within the Geotechnical Report prepared by Tonkin & Taylor and submitted with the application. Specifically, that a site-specific geotechnical investigation be carried out for all of the proposed building platforms, accessways and effluent fields prior to the building consent application and earthworks commencing.
34. None of the non-residential ancillary buildings and water storage facilities on lots 1-17 shall be used for residential purposes without the prior written consent of Council. No cooking or food preparation facilities are to be installed in these non residential buildings or water storage facilities.



35. No part of the recreation facility on Lot 18 is to be used as a licensed restaurant / hotel / bar without further written consent from Council.
36. That effluent disposal on each lot shall be located in accordance with the recommendations contained in the Richardson Stevens report dated 28 September 2004 as submitted in the AEE. Each effluent disposal field on Lots 1-18 shall be located at least 30 m from MHWS. The ongoing operation and maintenance of the system is to be covered by a maintenance agreement undertaken by the system supplier or its authorized agent.

ROADING CONDITIONS:

37. Prior to being approved under Section 223 of the Act the survey plan shall:
- a. Submit plans and details of all works on public land and all work on private land for the approval of Council prior to commencing construction. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines: 2004 and NZS 4404 2004.

In particular these plans shall show:

- i) The intersection of the internal access road and Manawaora Road
- ii) The widened section sealed with a 2 coat chip seal.
- iii) Road markings, and signage at the intersection.
- iv) The main internal road on Lot 18 upgraded and sealed or concreted to 5.5m carriageway width with all corners designed to accommodate a heavy rigid vehicle provided that the spur to Lot 17 and the jetty be a 3.5m carriageway width with all corners and passing bays designed to the satisfaction of the Environmental Services Engineer.
- v) The secondary access road on Lot 18 to serve lots 13, 14, 15, and 16 formed and sealed to provide a 3.5m carriageway width with all corners designed to accommodate a heavy rigid vehicle and passing bays complying with rule 14.1.6.1.2 of the Revised Proposed District Plan.
- vi) Access on ROW A, B, D, E and F formed and sealed or concreted to 3m finished carriageway width with passing bays.
- vii) Access on ROW C & G formed and sealed to 3m finished metallised carriageway width
- viii) Stormwater collection and disposal from the roading access network.
- ix) The gated entrance to the property set back at least 25m and



complying with the Council Standard FNDC/S/6D.

- b. Following approval of the plans and selection of the contractor provide to Council;
- i) Details of the successful contractor
 - ii) Details of the planned date and duration of contract
 - iii) Details of the supervising engineer
 - iv) A traffic management plan.

STAGE 1 (LOTS 1-13, 17 & 18)

38. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Lands and Survey Ref: 7271 dated May 2005 and as submitted in evidence at the hearing on 30th May 2005, (as attached to this consent with Council's APPROVED stamp affixed).
39. Pursuant to section 220 (1)(b)(iii) the following amalgamation conditions will apply [DLR ref: 465028]:
- a) Lots 6 and Lot 6A shall be amalgamated and be held together and one certificate of title be issued to include both parcels.
 - b) Lots 8 and Lot 8A shall be amalgamated and be held together and one certificate of title be issued to include both parcels.
 - c) Lots 17 and Lot 17A shall be amalgamated and be held together and one certificate of title be issued to include both parcels.
40. The endorsement of the following conditional amalgamation, pursuant to Section 220 (1)(b)(iv) of the Resource Management Act 1991; That Lot 18 [legal access] be held as to seventeen undivided one- 17 shares by the owners of Lots 1 - 17 thereon as Tenants in Common in the said shares and that individual certificates of title be issued in accordance therewith.
41. By the time of the lodgement of the Survey Plan under section 223 of the Resource Management Act, there shall at all times be an approved Management Plan for Lots 1-13, 17 & 18 in accordance with Rule 12.9.2 of the Proposed District Plan for the approval of the Council's Resource Consents Manager. The Management Plan is to:
- a. Clearly specify the responsibilities of the Residents' Association (management entity termed the Tai Awhi Awhi Residents Association) and of the individual lot owners particularly in relation to the on-going



management of the revegetation, archaeological, heritage utility and recreational areas,

- b. Contain mechanisms for compliance with the design guidelines for buildings,
- c. Detail the covenants for the heritage and revegetation,
- d. Incorporate both the Northland Regional Council conditions and those conditions of the landuse and subdivision consents that are relevant to the Management Plan in these conditions of consent.

42. This Management Plan may be reviewed on an annual basis by the Resident's Association, and any necessary changes to the Management Plan are to be sought in writing for the approval of and to the satisfaction of Council's Resource Consents Manager.

43A To ensure the performance of Condition 10 - (Earthworks) the consent holder shall pay a bond to the sum of - \$150,000.00 to Council, to be held under the following conditions:

- (a) *This bond shall be paid prior to the commencement of construction work on the site and shall be either cash or guaranteed in accordance with Council's Bonds and Undertakings Policy # 3102.*
- (b) *The bond shall be held for a minimum period of 6 months for the earthworks under Condition 10 from the date of receipt, and shall be released when in the opinion of Council's Monitoring Officer the said conditions have been satisfied.*
- (c) *Any costs incurred in the preparing, checking, monitoring and release of the bond are to be met by the consent holder.*

43B To ensure the performance of Condition 49 (Stage 1 of the subdivision) and Condition 60 (Stage 2 of the subdivision) the consent holder shall pay a bond to the sum of \$225,000.00 inclusive of GST to Council, to be held under the following conditions:

- (a) *This bond shall be paid prior to approval of both the landscape plan and any building consents or any allotment and shall be either cash or guaranteed in accordance with Council's Bonds and Undertakings Policy # 3102.*
- (b) *The bond shall be held for a minimum period of 36 months for the landscaping under Condition 49 from the date of receipt, and shall be released when in the opinion of Councils Monitoring Officer the said conditions have been satisfied. The landscaping bond shall be*



reviewed on an annual basis and if satisfactory progress has been made the bond will be refunded on the following basis:

- *50% after planting*
- *25% after plants have been planted for 1 year*
- *25% after plants have been planted for 3 years.*

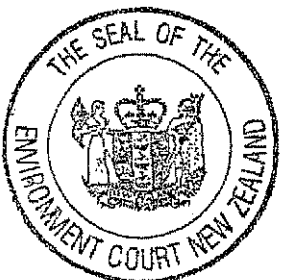
(c) Any costs incurred in the preparing, checking, monitoring and release of the bond are to be met by the consent holder.

44. Prior to being approved under Section 223 of the Act the survey plan shall:

- a. Show all easements to be duly granted or reserved.
- b. Show the Public Access Easement Boundary on Lot 11
- c. Show all land below MHWS that is contained within any of the Certificates of Title involved in the overall subdivision, to be vested in the Crown pursuant to section 237(1)(b)(ii).

45. That before a certificate is issued pursuant to Section 224(c) of the Act, the Consent Holder shall:

- a. Provide access to all lots created under Stage 1 and upon completion of the work provide certification of the work from a Chartered Professional Engineer that all work has been completed in accordance with the approved plan.
- b. Provide three copies of as-builts for all work located within the legal road. Plans of which are to include the following information:
 - i) *Drawings showing the location of all underground services, valves and manhole lids and levels of manhole inverts and lids to DOSDLI datum. This information is also to be provided in a digital format to enable it to be added to Council's GIS data base.*
 - ii) *Information for RAMM database;*
 - *Subgrade depth, aggregate Type and source*
 - *Base course depth, aggregate type and source*
 - *Lime or cement stabilisation details*
 - *Seal coat details including binder type/grade and residual*



application rate.

46. Provide evidence that the private land covenants and the public access easements required by Condition 5 will be registered against the appropriate lots by providing a letter of undertaking from a solicitor. The details of the proposed covenants are to be to the satisfaction of Council.
47. Provide evidence to the Council that all underground power and telephone services have been reticulated to the boundary of each Lot.
- 48A Revegetation plans shall be submitted first within 6 months of the consent being granted for stage 1 of the subdivision and secondly within 6 months of the pines being removed for Stage 2 of the subdivision for all of the areas of each lot outside of the curtilage area (including the first 20m landward of MHWS) where proposed planting is to occur within each lot to the satisfaction of the Environmental Services Manager of Far North District Council. The Revegetation Plan shall be consistent with the information submitted in the AEE, evidence and draft Management Plan presented at the hearing and any approved Management Plan under Conditions 41 and 52. The Revegetation Plan shall provide for:
- a. The ongoing re-planting and maintenance programme.
 - b. The ongoing pest and weed management programme.
 - c. The maintenance and enhancement of vegetated areas and understorey planting.
- 48B Implement and continue to maintain and replant vegetation in terms of the relevant revegetation plan approved pursuant to Condition 48A of this consent.
49. Ensure that the approved landscape planting is commenced within 12 months of the landscape plan being approved, and is maintained for the duration of the consent. Any plants that are removed or damaged are to be replaced as soon as possible, or within the next planting season (1st May to 30th September each calendar year).
50. Implement and continue to maintain and replant revegetation landscape planting as provided for in the approved Management Plan under Condition 41 of all covenanted areas and maintain or repair any stock exclusion structures

Stage 2 Lots 14 – 16

51. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Lands and Survey Ref: 7271 dated May 2005 and as submitted in evidence at the hearing on 30th May 2005, (as attached to this consent with Council's APPROVED stamp affixed).
52. By the time of lodgement of the Survey Plan under section 223 of the Resource Management Act, there shall at all times be an approved Management Plan for Lots 14 -16 in accordance with Rule 12.9.2 of the Proposed District Plan for the



approval of the Council's Resource Consents Manager. The Management Plan is to:

- a. Clearly specify the responsibilities of the Residents' Association (management entity termed the Tai Awhi Awhi Residents Association) and of the individual lot owners particularly in relation to the on-going management of the revegetation, archaeological, heritage utility and recreational areas,
 - b. Contain mechanisms for compliance with the design guidelines for buildings,
 - c. Detail the covenants for the heritage and revegetation,
 - d. Incorporate both the Northland Regional Council conditions and those conditions of the landuse and subdivision consents that are relevant to the Management Plan in these conditions of consent.
 - e. This Management Plan may be incorporated with the Management Plan required under Condition 41.
53. This Management Plan may be reviewed on an annual basis by the Resident's Association, and any necessary changes to the Management Plan are to be sought in writing for the approval of and to the satisfaction of Council's Resource Consents Manager.
54. To ensure the performance of Condition 60 (landscaping) the consent holder shall pay a bond to the sum of \$225,000.00 inclusive of GST to Council, to be held under the following conditions:
- (a) *This bond shall be paid prior to the commencement of construction work on the site and prior to the approval of both the landscape plan and any building consent for any allotment and shall be either cash or guaranteed in accordance with Council's Bonds and Undertakings Policy # 3102.*
 - (b) *The bond shall be held for a minimum period of 36 months for the landscaping under Condition 60 from the date of receipt, and shall be released when in the opinion of Council's Monitoring Officer the said conditions have been satisfied. The landscaping bond shall be reviewed on an annual basis and if satisfactory progress has been made the bond will be refunded on the following basis:*
 - 50% after planting
 - 25% after plants have been planted for 1 year
 - 25% after plants have been planted for 3 years.



(c) *Any costs incurred in the preparing, checking, monitoring and release of the bond are to be met by the consent holder.*

55. Prior to being approved under Section 223 of the Act the survey plan shall:
- a. Show all easements to be duly granted or reserved.
 - b. Show any land below MHWS that is contained within any of the Certificates of Title involved in the overall subdivision, to be vested in the Crown pursuant to Section 237(1)(b)(ii).
56. That before a certificate is issued pursuant to Section 224(c) of the Act, the Consent Holder shall:
- a. Complete all work required to provide access to lots created by Stage 2 of the proposed subdivision and provide certification from a Chartered Professional Engineer that all work has been completed in accordance with the plans approved under Condition 37 of this consent.
57. Provide evidence that the private land covenants will be registered against the appropriate lots by providing a letter of undertaking from a solicitor. The details of the proposed covenants are to be to the satisfaction of Council.
58. Provide evidence to the Council that all underground power and telephone services have been reticulated to the boundary of each Lot.
59. Provide a landscape and revegetation plan for all lots within this stage of the subdivision for all the areas of each lot outside of the curtilage area to the satisfaction of the Resource Consents Manager of Council. The plan has been prepared by a suitably qualified professional, which details the species proposed to be planted in all of the native revegetation areas, including the means of reducing the visual impact of the buildings, associated structures and earthworks, by way of suitable plantings. The plan is to identify the species of plants to be used, their numbers and locations on the site, and the means of maintaining these plants for a minimum of 10 further years, until they have become established. The plants proposed to be used shall be:
- a. Appropriate to the landscape and ecological area and the coastal environment that they are proposed to be planted in, and
 - b. Native species, and where practical be derived or sourced from local stock as specified in the Management Plan.
60. Ensure that the approved landscape planting is commenced within 12 months of the landscape plan being approved, and is maintained for the duration of the consent. Any plants that are removed or damaged are to be replaced as soon as



possible, or within the next planting season (1st May to 30th September each calendar year).

61. Implement and continue to maintain and replant revegetation landscape planting as provided for in the approved Management Plan under Conditions 41 & 52 of all covenanted areas and maintain or repair any stock exclusion structures.

Records of
FURTHER RESOLUTION

HAS
THAT THE FAR NORTH DISTRICT COUNCIL APPROVED PURSUANT TO SECTION 348 OF THE LOCAL GOVERNMENT ACT 1974, THE ACCESS LOT 18 AND RIGHTS-OF-WAY "A" TO "G" SHOWN ON PLAN REF 7271 BY LANDS & SURVEY DATED MAY 2005, BEING GRANTED AS FOLLOWS FOR ACCESS OVER LAND CONTAINED IN LOT. PT RAWHITI NO.2 BLOCK CT 35A/947, PAREANUI BLOCK ML 8418, RUSSELL SD CT 35D/223, AND PT RAWHITI NO.2 BLOCK CT 35A/592

Proposed Rights-of-Way		
Shown	Servient tenement	Dominant Tenement
A	Lot 5	Lots 1 - 4
B	Lot 4	Lots 1 - 3
C	Lot 2	Lot 1
D	Lot 9	Lots 8A, 10 - 12
E	Lot 9	Lots 10 - 12
F	Lot 10	Lots 11 & 12
G	Lot 8	Lot 7

Advice Notes:




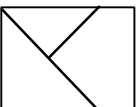
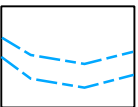
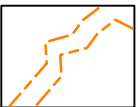
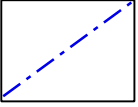
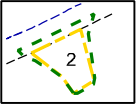



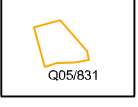

1. That the Consent Holder be advised that an invoice will follow this decision being additional to the costs incurred in the processing of this consent.
 2. Development contributions may be payable for this proposal. This will be advised under separate cover.
 3. Buildings over 50 m² require a resource consent of the Far North District Council.
 4. That effluent disposal over 5 m³/ day will require a resource consent of the Northland Regional Council.
 5. Consent of the Northland Regional Council is required for the existing ROW causeway that is located within the coastal marine area.
 6. Redevelopment of the existing woolshed and shearer's quarters may require strengthening and fire alarms under the provisions of the Building Act 2002.
 7. Any spill or washdown that drains to the coastal marine area requires a resource consent from the Northland Regional Council.
- Compliance with the provisions of the Historic Places Act 1993 is required.

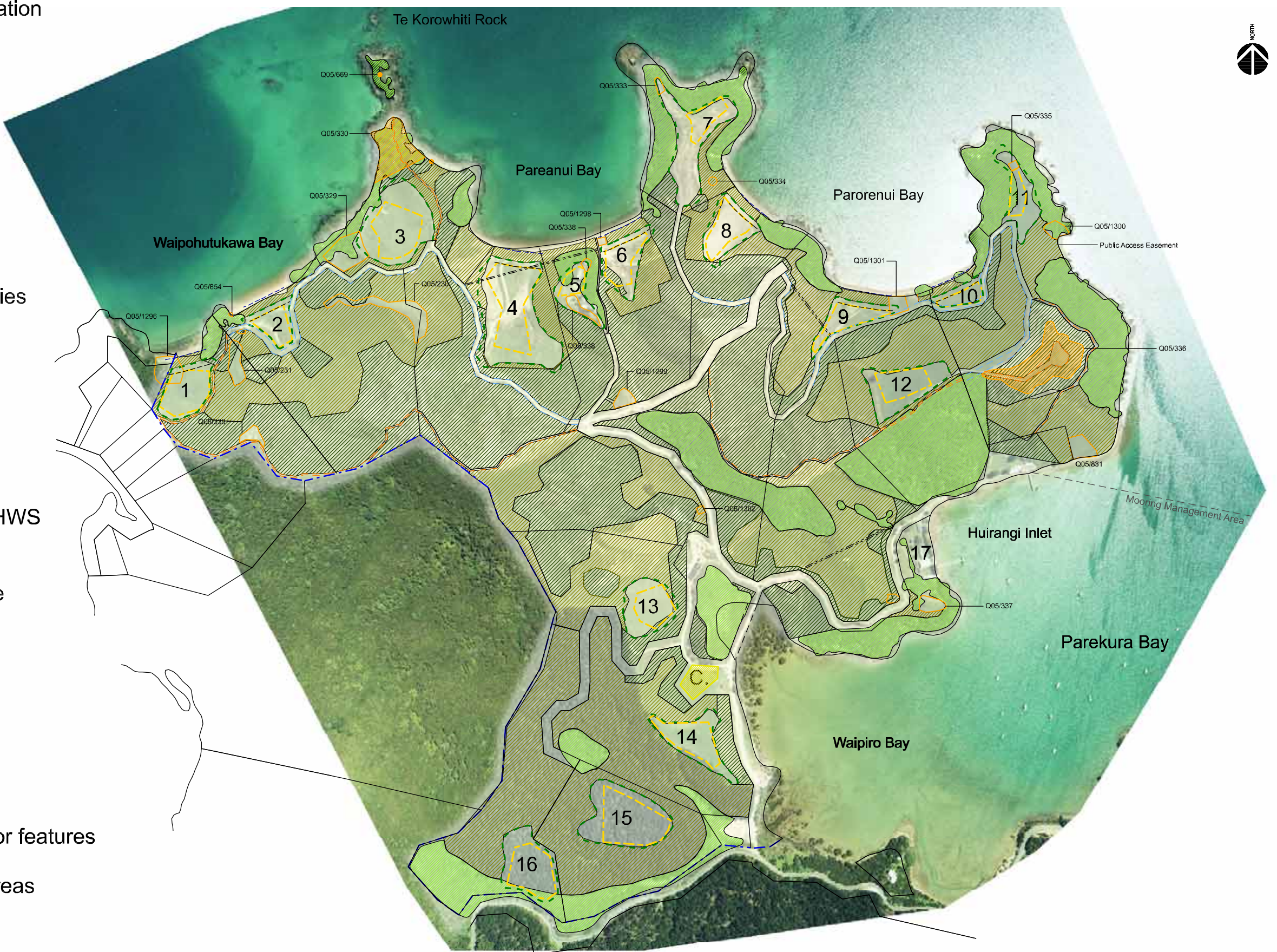


9. That a landscape planting plan for planting within the curtilage areas (that area of land between the external perimeter of the curtilage area and the buildable area) of each lot shall be lodged for approval prior to the issuing of any building consent for the lot. The Planting Plan shall be consistent with the information submitted in the AEE, evidence and draft Management Plan presented at the hearing and any approved Management Plan under Conditions 41 and 52. The Planting Plan shall provide for:
- a. The ongoing re-planting and maintenance programme.
 - b. The on-going pest and weed management programme.
 - c. The maintenance and enhancement of vegetated areas and understorey planting.





-  Existing native vegetation
-  Recently completed native revegetation
-  Proposed native revegetation
-  Lot Boundaries
-  Right of way boundaries
-  Walkway and service access
-  Site boundary
-  30m setback from MHWS
-  Caretaker's residence
-  Buildable areas
-  Curtilage areas/ exclusive use areas
-  Maximum extent of Archaeological sites or features
-  Heritage Covenant areas



NOTE: Archaeological and Heritage Covenant areas not to be planted.

Tai Awhi Awhi Vegetation Framework