

7 November 2024

Hearings Administrator  
Proposed Far North District Plan  
Far North District Council

**HEARING STREAM 8 (MINERAL EXTRACTION PROVISIONS) – SCOPE ISSUES ARISING**

1. We act for Waiaua Bay Farm Limited ("**WBFL**", submitter no. S463).
2. WBFL submitted on certain Mineral Extraction provisions to be heard in hearing stream 8. WBFL accepts the s42A Report on Mineral Extraction (**s42A Report**) recommendations regarding the provisions it submitted on.<sup>1</sup>
3. However, in their report the s42A author seeks to introduce a new discretionary activity status for subdivision of land that is outside, but within 100m of, any boundary of a Mineral Extraction Zone.<sup>2</sup>
4. This discretionary activity status is a new recommendation that did not form part of the notified proposal and has not been signalled previously as a possible inclusion in the Proposed Far North District Plan (**Proposed Plan**) through submissions.<sup>3</sup>
5. Accordingly, this change goes beyond what was reasonably and fairly raised in the notified proposal and submissions, giving rise to issues of fairness for those who are impacted by this change and may have submitted, presented evidence, or otherwise involved themselves in the Proposed Plan, had they been aware of this.
6. The new discretionary activity status is therefore beyond the scope of what may be considered at this stage in the Proposed Plan process. We respectfully suggest that this recommendation be withdrawn by Council. Should Council seek to advance the discretionary activity status it would need to pursue a variation to the Proposed Plan which correctly and legally provides the required scope for this substantial change. WBFL suggests that it may not be

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<sup>1</sup> As noted at paragraph 43 of the section 42A report, WBFL has withdrawn its submission point on policy ME-P3.

<sup>2</sup> See s42A Report at [154 – 158], Appendix 3, and the text of rule SUB-RXX in Appendix 1.

<sup>3</sup> See s42A Report at [156]: "I recommend a **new rule** to for Discretionary activity status for Subdivision of land within 100m Mineral Extraction Zone." (emphasis added)

the only party affected by this proposed new discretionary activity status for subdivision.

7. In the alternative, should the Panel decide that scope exists for this inclusion, WBFL would request an extension to the evidence timetable to allow for exchange of evidence from all parties affected by this newly introduced change being sought by Council. As signalled above, WBFL would oppose the inclusion of this activity status as out of scope.

Yours faithfully

**HOLM MAJUREY**



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