

## 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:

<b>Full Name:</b>	Neil Mumby		
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<b>Contact person (if different):</b>	Neil Mumby		
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2. (Please select one of the two options below)

- I **could not** gain an advantage in trade competition through this submission  
 I **could** gain an advantage in trade competition through this submission

*If you could gain an advantage in trade competition through this submission, please complete point 3 below*

3.  I **am** directly affected by an effect of the subject matter of the submission that:  
 (A) Adversely affects the environment; and  
 (B) Does not relate to trade competition or the effect of trade competition
- I **am not** directly affected by an effect of the subject matter of the submission that:  
 (A) Adversely affects the environment; and  
 (B) Does not relate to trade competition or the effect of trade competition

*Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991*

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

*(please provide details including the reference number of the specific provision you are submitting on)*

- Part 1 – Classes of Activities
- The objectives, policies, methods, and rules of the Mixed Use Zone in their entirety (MUZ-01 to MUZ-05 inclusive, MUZ-P1 to P8 inclusive, MUZ-R1-R22 inclusive, MUZ-S1-S 10 inclusive)



3. The planning maps illustrating the Mixed Use Zone within that geographic area spanned by Ngati Kahu Road on the western edge of Taipa to the Oruaiti River to the east, encompassing the settlements of Taipa, Cable Bay, Coopers Beach, and Mangonui.
4. The objectives, policies, methods, and rules of the Coastal Environment Overlay in their entirety ((CE-01 – CE-03 inclusive, CE-P1-P10 inclusive, CE-R1 – R9 inclusive, CE-S1 – S3 inclusive, CE-R10 – R19 inclusive, CE-S4-S5 inclusive).
5. The planning maps illustrating the Coastal Environment Overlay that extends along the full coastline from Ngati Kahu Road on the western edge of Taipa to the Oruaiti River to the east, encompassing the settlements of Taipa, Cable Bay, Coopers Beach, and Mangonui.
6. The objectives, policies, methods, and rules of Part 2 Transport in their entirety ( TRAN 01-06 inclusive, TRAN P1-P8 inclusive, TRAN R1-R10 inclusive, TRAN S1 – S5 inclusive, TRAN Table 1-11 inclusive).
7. The corresponding definitions in “Part 1” of the PDP referred to in the Coastal Environment Overlay provisions, the Mixed Use Zone provisions, and “Part 2 Transport”.

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

**My submission is:**

(Include details and reasons for your position)

## General

The provisions of the PDP are such that double negatives are used in the plan provisions (see example for service stations in the Mixed Use zone below) which can create confusion and the wording should be simplified so that the community can understand the purpose and effect of these rules. Moreover there appears to be an undue reliance on full discretionary activity status for what should be straight forward applications which unduly adds to uncertainty and compliance costs and this is not appropriately recognised in Part 1 “Classes of Activities” and the corresponding rules nor the accompanying s.32 analysis.

## Mixed Use Zone

The application of the Mixed Use zone to those sites within the geographic area spanned by Ngati Kahu Road on the western edge of Taipa to the Oruaiti River to the east, encompassing the settlements of Taipa, Cable Bay, Coopers Beach, and Mangonui is **supported**. The reasons for this is that the extent and location of the Mixed Use zone is logical, is supported by appropriate analysis, meets the provisions of s.32 of the Act, and accords with Part II of the RMA 1991.

The objectives, policies, methods, and rules of the Mixed Use Zone (MUZ-01 to MUZ-05 inclusive, MUZ-P1 to P8 inclusive, MUZ-R1-R22 inclusive, MUZ-S1-S 10 inclusive) **are opposed in part**. The reasons for this is that there are apparent errors in the plan drafting such that activities that were clearly intended to be permitted, will in fact trigger resource consent on the face of the wording, and there is an undue emphasis on restricting retail that exceeds 400m<sup>2</sup> in GFA by requiring fully discretionary resource consent.



Specifically;

MUZ-R2 states that commercial activities are permitted where;

The activity **is** a service station  
Any office does not exceed GFA of 200m<sup>2</sup>

And that the activity status where compliance is **not** achieved is Discretionary.

The mixture of double negatives in the wording of the rules is unfortunate, and seems to have the effect of making retail a fully discretionary activity and service stations a permitted activity in the MUZ, which is the opposite of what is intended.

This could be addressed by amending the wording of PER-1 to ‘the activity is not a service station”

Retail exceeding 400m<sup>2</sup> in GFA should not be discouraged via a fully discretionary activity status in a district where retail is in general decline. The provisions should be reworded to incentivise retail of this nature but provide standards so that good urban design outcomes are the result.

## Coastal Environment Overlay

The Application of the Coastal Environment Overlay as shown on the planning maps to the geographic area spanned by Ngati Kahu Road on the western edge of Taipa to the Oruaiti River to the east, encompassing the settlements of Taipa, Cable Bay, Coopers Beach, and Mangonui is **opposed**. The reasons for this is that the extent and location of the Coastal Environment Overlay is illogical, is not supported by appropriate analysis, does not meet the provisions of s.32 of the Act, and does not accord with Part II of the RMA 1991.

The objectives, policies, methods, and rules of the Coastal Environment Overlay ((CE-01 – CE-03 inclusive, CE-P1-P10 inclusive, CE-R1 – R9 inclusive, CE-S1 – S3 inclusive, CE-R10 – R19 inclusive, CE-S4-S5 inclusive) are **opposed**. The reason for this is that the provisions are not supported by appropriate analysis, do not meet the provisions of s.32 of the Act, and do not accord with Part II of the RMA 1991.

It is notable that the coastal environment overlay plans spans areas of coastline with very different character, landscape values, and zonings.

An example of this is comparing the attributes of the coastline to the west of Ngati Kahu Road through to Aurere and the eastern end of Tokerau Beach, which is in rolling pasture and dunes with very little built development present, versus the fully urban zoned area east of Ngati Kahu Road encompassing Taipa, Cable Bay, Coopers Beach and Mangonui through to the Oruaiti river.

Despite this, the planning maps apply the coastal environment overlay throughout, and the rules and standards within the Coastal Environment overlay also do not recognise



these differences and apply a generic set of rules and performance standards that are unwarranted in an urban environment.

Review of the s.32 analysis that informed the Coastal Environment provisions appear to be driven by landscape perspective based on an unnecessarily narrow interpretation of the NZCPS, as opposed to an overall perspective informed by the principles of sustainable management - and critically how the rules and standards will operate as a cohesive whole. There is a question as to whether the full discretionary activity status for buildings in urban zone areas within the coastal environment overlay (as set out below) was ever contemplated by the s.32 analysis.

An example of my concern is that the nett effect of the coastal environment overlay provisions is that all newly built form or extensions within an urban zoned area (which contains both residential and mixed use development zones) will trigger **full discretionary resource consent** for any development which;

- Exceeds one storey in height (CE-S1)
- Exceeds the height of the nearest ridgeline (CE-S1)
- Increases the floor area by more than 20% (CE-R1)
- Is not finished in a BS5252 colour palette (CE-S2)
- Has a reflectance value greater than 30% (CE-S2)

It appears that;

- The planning principles informing the application of these provisions to urban zoned areas have not been fully and appropriately considered,
- The planning rules and standards work in a conjunctive manner with insufficient thought given the nett effect of the proposed planning rules.
- The compliance costs generated by these provisions relative to any environmental benefit have not been thought through,
- The level of uncertainty created by the FNDC's unfettered ability to decline applications that do not meet these standards in an urban environment has not appropriately been taken into account.

## Transport

The objectives, policies, methods, and rules of Part 2 Transport ( TRAN 01-06 inclusive, TRAN P1-P8 inclusive, TRAN R1-R10 inclusive, TRAN S1 – S5 inclusive, TRAN Table 1-11 inclusive) are opposed to the extent that car parking minimums are still specified in the Mixed Use zone.

The reasons for this opposition is that that the rules are presented as such, that should existing operations wish to more intensively develop their sites in the Mixed Use zone by increasing the amount of "gross business area" and / or the provision of residential accommodation (See TRANS S1 and TRAN Table 1) additional carparks are required.

Moreover, notwithstanding the retention of minimum car park standards, additional controls such as bicycle parks and end of trip facilities are **also** required (see TRAN Table 4 for example).



This is effectively a doubling up of a compliance cost and a disincentive for the establishment or an expansion of a business in the Mixed Use zone.

Intensification and development of Mixed Use areas should be encouraged by the removal of minimum car parking standards in recognition of the benefits that Mixed Use zones can bring in terms of both land use outcomes and travel patterns.

**I seek the following decision from the Council:**

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

General;

- The simplifying of wording within the PDP such that the provisions (together with the associated definitions) can be readily understood by a broad sector of the community. **S82.001**
- That limited use be made of fully discretionary activity status in the provisions, and greater use be made of controlled and restricted discretionary activity status with clear limits on discretion and assessment criteria so as to enhance certainty for the development community. **S82.002**

AND

For the Mixed Use Zone;

- The extent of the Mixed Use zone be as notified. **S82.003**
- The provisions of the Mixed Use zone be amended as described above. **S82.004, S82.005, S82.006 and S82.007**

AND

For the Coastal Environment Overlay;

- The removal of the coastal environment overlay from the geographic area referenced in this submission and / or **S82.008**
- In urban areas affected by the coastal environment overlay, the removal of the requirements for resource consent for building additions exceeding 20% in GFA, buildings exceeding one storey in height, reference to specific colours and reflectivity limitations. **S82.009, S82.010, S82.011 and S82.012**

AND


For Part 2 Transport

- The removal of car park minimums in the Mixed Use Zone. **S82.013, S82.014, S82.015, S82.016, S82.017, S82.018,**

AND

- Such other relief that will satisfy the concerns of the submitter. **S82.019, S82.020, S82.021, S82.022, S82.023, S82.024, S82.025, S82.026 and S82.027**



<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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Do you wish to present your submission via Microsoft Teams? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Signature of submitter:</b> <i>(or person authorised to sign on behalf of submitter)</i>    Date: 14/10/22  <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](mailto: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](http://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**