

**SUBMISSION ON A NOTIFIED PROPOSAL FOR PLAN CHANGE****Clause 6 of First Schedule, Resource Management Act 1991**

**TO: FAR NORTH DISTRICT COUNCIL**

**SUBMITTER: MLP LLC**

**INTRODUCTION**

1. This is a submission on the proposed Far North District Plan (**Proposed Plan**).
2. MLP LLC (**MLP**) made a submission on the first and second draft Far North District Council Plans and welcomes the opportunity to provide a submission on the Proposed Plan.

**BACKGROUND TO MLP**

3. MLP owns The Landing, a 1,000-acre (approximately 338 hectares) property at 623 Rangihoua Road, Te Tii, Purerua Peninsula (**Site**). The Site which comprises 8.5 kms of coastline, a jetty and boat ramp, six beaches, an award-winning vineyard, lush wetlands, and seven dwellings – four of which are currently available for hire.
4. MLP has invested significant time, effort and expense in developing The Landing to the high-quality successful venture it is today. The development has been master-planned to create a burgeoning luxury accommodation destination, complete with intensively maintained grounds, environmental enhancements, biking and walking tracks, and vineyard.
5. The development of The Landing has involved extensive wetland creation and restoration, and the re-establishment of native bush – including the planting of more than one million native trees. MLP has also facilitated the preservation of archaeological and historical sites, including the development and ongoing maintenance of Rangihoua Heritage Park.
6. MLP has subdivision consent for a seven-stage subdivision across the entirety of its 338-hectare property. Consent was granted for 41 residential lots and 7 other lots which are either used for farm, heritage preservation or non-residential uses in February 2005. Subsequently, a further parcel of land was purchased from Mataka Station and consent was granted for a further five residential lots and balance land. The consents have been continuously implemented over several stages. Figure 1 below shows the 2005 approved scheme plan for The Landing. The site is located to the west of the Mataka Station land.

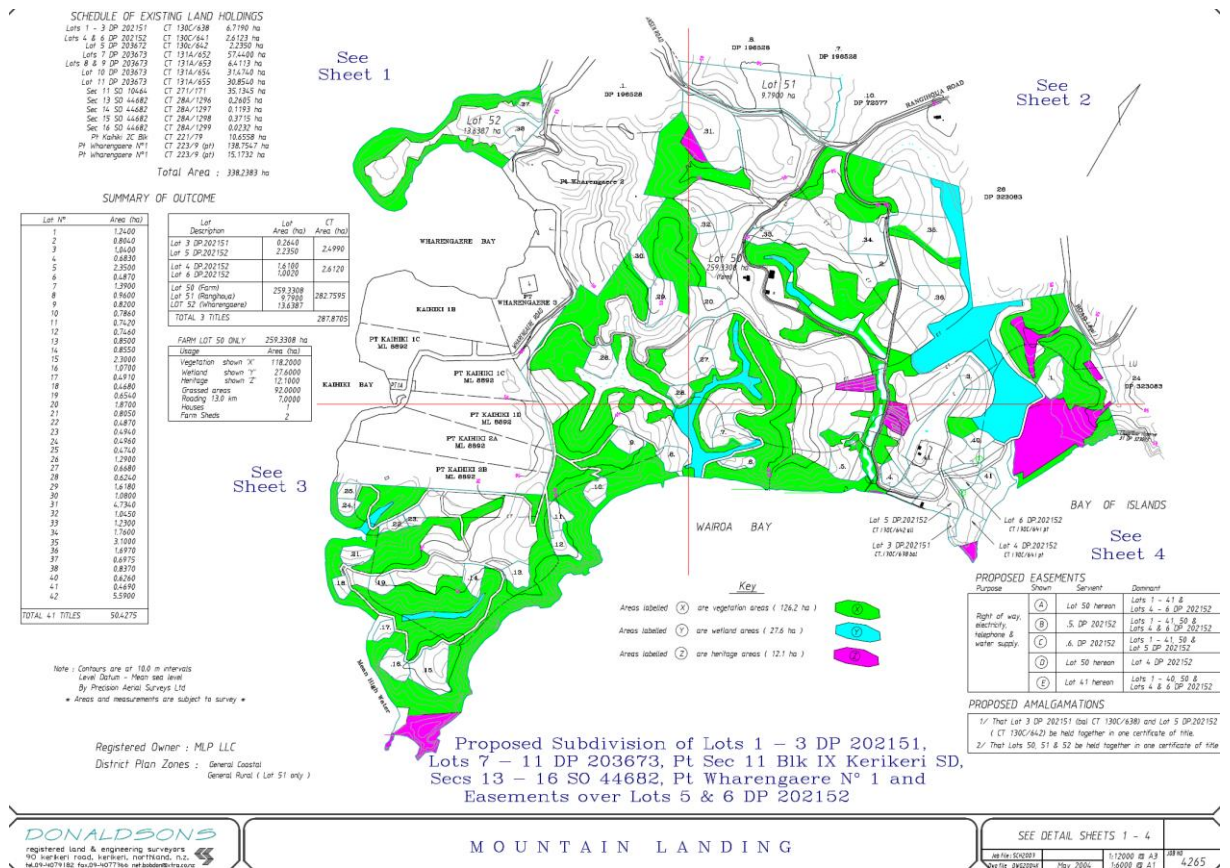


Figure 1: The Landing Site

- MLP wishes to ensure that the Proposed Plan appropriately provides for its current operation at The Landing, recognises and retains the current permitted baseline, and provides for future (and already contemplated) development. In this regard, MLP seeks to retain its development rights from its existing resource consents within the Proposed Plan. In doing so it recognises its obligations to covenant conservation and historic reserve areas, esplanade strip and wetland/vegetation protection and continues to commit to those obligations.
- The Proposed Plan proposes the removal of the General Coastal zone, the rezoning of all the Purerua Peninsula to Rural Production zone and the implementation of the Coastal Environment overlay to effectively 'replace' the operative General Coastal zone. Additional overlays are also proposed over the Purerua Peninsula, including the High Natural Character overlay and the Outstanding Natural Landscape overlay.
- The Proposed Plan, if approved, will directly affect The Landing by imposing undue restrictions on the construction of residential dwellings on the Site through the application of specified overlays and rules.

10. The Landing makes this submission in relation to all relevant provisions affecting the Purerua Peninsula, including but not limited to the following:
- (a) The proposed Coastal Environment overlay, overview, objectives, policies and rules applying to the Site;
  - (b) The proposed Outstanding Natural Landscape overlay, overview, objectives, policies and rules applying to the Site; and
  - (c) The proposed High Natural Character overlay, overview, objectives, policies and rules applying to the Site.
  - (d) The proposed Rural Production zone overview, objectives, policies and rules applying to the Site.

11. The Landing could not gain an advantage in trade competition through this submission.

#### **REASONS FOR SUBMISSION**

12. The Proposed Plan will restrict the ability of The Landing to construct a residential dwelling on each of the residential lots through the application of CE, ONL and/or HNC overlays and rules.
13. The Landing's primary concerns relate to the following provisions:
- (a) Pursuant to rule NFL-R1 and NFL Standards of the Proposed Plan, the construction of a new building/dwelling on land that is within the coastal environment and subject to an ONL will require resource consent as a non-complying activity if permitted development standards cannot be met.
  - (b) Pursuant to rule CE-R1 and Coastal Environment Standards of the Proposed Plan, the construction of a new building/dwelling on land that is within the coastal environment and subject to a high natural character area will require resource consent as a discretionary activity if permitted development standards cannot be met.
  - (c) Pursuant to the RPROZ rules and standards of the Proposed Plan, the construction of a new building/dwelling on land that is within the rural production zone on an existing lot where the rules and standards are not met should be provided for as a permitted activity.
  - (d) The relevant overview, objectives and policies relating to the Coastal Environment overlay, High Natural Character overlay, Outstanding Natural Character overlay and Rural Production zone
14. The proposed default to non-complying activity status is particularly problematic as it would require a wholesale reassessment of the

appropriateness to build on an approved building platform on the Site. It imposes considerable unnecessary cost and risk to The Landing.

15. The Landing submits that the application of non-complying and/or discretionary activity status to the construction of a residential dwelling on an authorised building platform that has been subject to extensive landscape and visual analysis amounts to an excessive constraint on residential activity on the Site.
16. The land covenant on each house site requires compliance with detailed design guidelines and assessment/approval from the design review committee. This will ensure high quality environmental and development outcomes will result.
17. The Landing opposes the application of specified overlays and associated rules to the Site on the basis that those provisions:
  - (a) fail to provide for residential activity in accordance with the consented Landing Scheme;
  - (b) will impose undue restrictions on residential activity that is anticipated by the consented Landing Scheme to the detriment of the owners;
  - (c) 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
  - (d) 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 (**RMA**).
18. The Landing submits that provisions of the Proposed Plan should be amended to enable the construction of a residential dwelling within the residential lots, as authorised by The Landing Scheme.

## **DECISIONS SOUGHT**

19. The Landing seeks the following decision from Far North District Council: Accept the Proposed Plan but with the following amendments:
  - (a) Insert a new Special Purpose Zone for "The Landing Precinct" under 'Part 3 – Area Specific Matters' of the Proposed Plan; and include appropriate objectives, policies and rules to enable residential activity and buildings as a permitted activity where they are within a residential lot and to enable farming, conservation, recreation and common facilities where they are in accordance with the Landing Scheme. The Precinct will also need to include other activities

appropriate for this locality including farming and other Rural Production activities and will need to include the protection provisions included within the consent.

- (b) Include appropriate permitted activity standards, including but not limited to the following:
- i. The dwelling shall be located on a residential lot;
  - ii. Maximum height = 12m above existing ground level;
  - iii. Building or structure coverage = 12.5%;
  - iv. Compliance with the design guidelines for new structures within the land covenants for each house site title.
- (c) Include an overview, objectives and policies for the new Special Purpose zone that address the matters raised above in this submission and any further standards and/or design criteria that are consistent with the resource consents granted to date.
- (d) Amend the Overview, Objectives and Policies of the Coastal Environment Overlay, High Natural Character Overlay, Outstanding Natural Landscape overlay and Rural Production zone to recognise the proposed Landing Precinct provisions and the existing resource consent which provides for dwellings and buildings/structures on the Lots within the Landing Scheme as well as the continuation of farming activities.
- (e) In the alternative, any other provisions including alternative activity status rules, matters for discretion and assessment criteria that give effect to this submission.
- (f) Any other consequential relief required to give effect to this submission.

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**DATE:** 20 October 2022



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