

IN THE MATTER OF

The Resource Management Act 1991 ("the Act")

AND

IN THE MATTER OF

the Far North Proposed District Plan

AND

Nicole Way and Christopher Huljich as Trustees of the  
Trssh Birnie Settlement Trust

Submitter

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Submission to the  
Proposed Far North District Plan 2022

21 October 2022

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**SUBMISSION FORM**

**To:** FAR NORTH DISTRICT COUNCIL

1. Name of submitter: **Nicole Way and Christopher Huljich as Trustees of the Trssh Birnie Settlement Trust.**
2. This is a submission on the **Far North Proposed District Plan 2022**
3. We could **NOT** gain an advantage in trade competition through this submission.
4. The specific provisions of the Proposed District Plan that my submission relates to are:
  - (a) The proposed zoning of property at Lot 14 DP 323083 and contained in Record of Title 92538(**"the Property"**) which is part of Mataka Station, Purerua Peninsula; and
  - (b) The site generally described as Mataka Station, Purerua Peninsula.
5. Our submission **OPPOSES** the proposed provisions affecting the Property and Mataka Station, including but not limited to the following provisions of the Proposed District Plan:
  - (i) The proposed Coastal Environment (**"CE"**) provisions including the overlay, objectives, policies and rules applying to the Property and Mataka Station generally;
  - (ii) The proposed Outstanding Natural Landscape (**"ONL"**) provisions including the overlay, overview, objectives, policies and rules applying to the Property and Mataka Station generally; and
  - (iii) The proposed High Natural Character (**"HNC"**) provisions including the overlay, overview, objectives, policies and rules applying to the Property and Mataka Station generally.
  - (iv) The proposed Rural Production zone provisions including the overview, objectives, policies and rules applying to the Property and Mataka Station generally.
  - (v) And, the following specific provisions of the Proposed District Plan:
    - (a) NATC – S1(1) and (2)

- (b) NFL-R1 (PER1,2 and 3)
- (c) CE-02 and related policies
- (d) CE-R1 (PER2)
- (e) CE-S1
- (f) CE-S2

6. The **reasons** for our submission are:

### **Background**

- 6.1 The Property is part of the Mataka Station Development, which has had various resource consents dating back to 2001 granted by Far North District Council enabling the comprehensive development and subdivision of that property (RC2010428, RC2020211, RC2030467, RC2030988 and RC2041080) (collectively “**the Resource Consents**”).
- 6.2 Mataka Station is a comprehensive development of 30 Lots, in a farm-park type development totalling some 1150ha.
- 6.3 A single dwelling, together with accessways is consented under the Resource Consents on each of the lots. On most lots, including the Property, ancillary buildings are also consented.
- 6.4 Presently, ten of the lots have been built on, and the remainder are undeveloped.
- 6.5 All of the lots are subject to controls, secured by Consent Notice, relating to building form and dimension, location and (in some instances), landscaping.
- 6.6 Conservation Areas have been identified within Mataka Station and these are legally and physically protected by operation of the Resource Consents. Revegetation and enhancement of identified areas is also required.
- 6.7 The Resource Consents also impose restrictions on earthworks, archaeological sites, pedestrian accesses and roading.
- 6.8 Currently, the Property is vacant. However, the submitters have plans underway for the construction of a residence.

### Grounds for Submission

7. The Resource Consents have been given effect to, and remain live, thus development of Mataka Station, including vacant lots and the Property itself continue to be enabled by those consents. In other words, the Resource Consents enable development, and completion of the Mataka Station development, notwithstanding the provisions of the Proposed District Plan.
8. However, the Proposed District Plan fails to recognise, have regard to, or provide for the development and subdivision enabled by the Resource Consents.
9. The Proposed District Plan provisions will restrict development of the Property, and Mataka Station more generally, in a manner that is inconsistent with the Resource Consents and the integrated and comprehensive development authorised by those. Especially the controls within the CE, ONL and HNC Overlays.
10. The Council's s32 analysis does not mention, or consider approved but unimplemented developments within the Property and Mataka Station more generally, nor elsewhere. The "low intensity" development controls and height limits proposed within the Coastal Environment are given very little analysis.
11. The proposed provisions are inconsistent with the Act and relevant planning instruments.

12. **We seek the following decision from the local authority:**

S345.001,  
S345.002,  
S345.003,  
S345.004,  
S345.005,  
S345.006,  
S345.007,  
S345.008,  
S345.009,  
S345.010,  
S345.011,  
S345.012,  
S345.013 and  
S345.014

- 12.1 That the Proposed District Plan (and in particular the provisions of the Rural Production Zone, CE, ONL and HNC overlays) be amended to explicitly, and specifically provide for, and preserve the activities and land uses authorised under the Resource Consents; and/or
- 12.2 Insert a new special purpose zone and/or structure plan together with appropriate provisions (objectives, policies and rules) enabling the residential activity and development as is authorised by the Resource Consents as a permitted activity (where they are in general accordance with the Resource Consents) as well as appropriate activities within the Rural Production Zone, regardless of the provisions of the CE, ONL or HNC; and/or

- 12.3 Otherwise amend the provisions of the Proposed District Plan to preserve the activities and buildings authorised by the Resource Consents on the Property;
  - 12.4 Such other further and consequential relief as may be necessary to provide for, and recognise the development and land use authorised by the Resource Consents.
  - 12.5 Such other consequential relief as may be necessary to recognise these concerns.
13. We **do wish** to be heard in support of our submission.
  14. If others make a similar submission, **we will** consider presenting jointly with them.

A handwritten signature in blue ink, appearing to read 'J Dawson', with a stylized flourish underneath.

Signed by Julian Dawson – Barrister

Counsel for Nicole Way and Christopher Huljich as Trustees of the Trssh Birnie Settlement Trust

**Dated:** 21 October 2022

The address for service of the submitter is:

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