



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:	Trustees of Jet#2 Trust		
Company / Organisation Name: (if applicable)	Trustees of Jet#2 Trust		
Contact person (if different):			
Full Postal Address:	Level 11, 59 High Street, Auckland 1010		
Phone contact:	Mobile:	Home:	Work: + 64 9 309 5150
Email (please print):	judy@akaranachambers.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

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

District wide matters – Treaty Settlement land overlay, and relationship of treaty settlement land overlay provisions relating to the character and amenity of the surrounding area, including for the ONC and ONF.

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



My submission is:

1. There is an understandable aspiration for the proposed plan to provide opportunities to use Treaty settlement lands to provide for social, cultural wellbeing of people. However, some provisions in the provisions and framework for Treaty settlement lands would appear to:
 - a. potentially conflict with objectives to provide for a coherent and coordinated planning framework;
 - b. risk creating sporadic use or development which potentially conflicts with other policy imperatives, including Part 2 considerations;
 - c. undermine a consistent approach, relevant to maintaining public confidence in the district plan and its administration.
2. Examples are provided in the **schedule** attached.

I seek the following decision from the Council:

3. The permissive approach with exemptions for Treaty Settlement lands requires review and revision to achieve a fair and consistent planning framework.
4. Rather than providing exemptions for Treaty settlement lands, it is preferable to adopt established planning concepts, such as Papakainga zones, settlement zones, special purpose zones, precincts etc. to provide opportunities for use and development of Treaty settlement lands in a planned and coherent way. This is preferable to provisions which provide for 'less stringent' application or exemptions, which risk incoherent, inconsistent or sporadic outcomes.
5. Relief is sought to revise and amend the provisions and planning framework in the proposed District plan related to Treaty settlement lands, to address the concerns raised in this submission.

S383.001

I **wish** to be heard in support of my submission
 I **do not wish** to be heard in support of my submission
(Please tick relevant box)

If others make a similar submission, I will consider presenting a joint case with them at a hearing
 Yes No

Do you wish to present your submission via Microsoft Teams?
 Yes No

Signature of submitter:
(or person authorised to sign on behalf of submitter)

'Trustees of Jet trust (No. 2)'

Date 21 October 2022
(A signature is not required if you are making your submission by electronic means)



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



Schedule - Treaty Settlement Lands Provisions

1. Part 1 – Introduction and General Provisions / How the Plan Works / General Approach

Applications Subject to Multiple Provisions

The overall activity status of a proposal will be determined on the basis of **all rules which apply to the proposal**. This includes rules in the District-Wide Matters and Area-Specific Matters. When a proposal involves several activities that are subject to multiple rules with different activity statuses, and/or involves an activity/activities across multiple zones, precincts, areas, overlays or features, and it is appropriate to "bundle" the activities, **the proposal will be assessed on the basis of the most restrictive activity status** (unless otherwise stated).

Where a rule for an overlay, zone or precinct controls an activity by reference to a proportion or percentage of the site, the control will be limited to that part of the site to which the overlay or zone applies.

Some of the Overlay chapters only include rules for certain types of activities (e.g. natural character, natural features and landscapes or coastal 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).

2. However, in the section Part 2 – District-wide Matters > General District-Wide Matters > Treaty settlement land overlay, there is a Note 3:

1. The following provisions apply to [land](#) identified by the Treaty Settlement land overlay. Applicants may need to provide documentation in the form of final deeds of settlement, associated settlement legislation and confirmation that the [land](#) is still held with the post-settlement governance entity.
2. The provisions of the underlying zone apply to [Treaty Settlement Land](#) unless otherwise specified in this section. The rules provide that where the activity for the relevant zone provides for the same activity, or where there is conflict between a rule or standard in the underlying zone chapter, the less restrictive rule applies.

3. According the PDP, the Puwheke Beach marginal strip is in the 'Rural Production Zone'.

4. The Puwheke Recreation Reserve and the Karikari Conservation Area are located in the 'Natural Open Space' zone. They also have several overlays such as Outstanding Natural Landscape.

5. In the Natural Open Space Zone, Rule NOSZ-R2 sets out that impermeable surface coverage is permitted where PER-1 is complied with:

The impermeable surface coverage of any site is no more than 10% or 1,000m, whichever is the lesser.



6. In the Rural Production Zone RPROZ-R2 states that the permitted activity of impermeable surface coverage should be no more than 15%.
7. In comparison, the rule for permitted impermeable surfaces under the Treaty Settlement Land overlay is much more permissive. Rule TSL-R2 states that impermeable surfaces are permitted where:

PER-1: The impermeable surface coverage of any site is no more than 35%.

Except that:

On sites less than 5000m containing marae, the impermeable surface coverage is no more than 50%.

8. In the Natural Open Space Zone, the 'Visitor accommodation' activity is discretionary.
9. In comparison, the activity 'Visitor accommodation' is permitted under the Treaty Settlement Overlay (under Rule TSL-R5) where it meets certain criteria i.e. where:

PER-1

The occupancy does not exceed six guests per night.

Note: PER-1 does not apply to marae provided for under TSL-R6.

10. Community facility is discretionary in the Natural Open Space Zone under Rule NOSZ-R13 while it is permitted in the Treaty Settlement Overlay under Rule TSL-R7. Community facility is also discretionary under Rural Production Zone RPROZ-R26.
11. Commercial activity is non-complying in the Natural Open Space Zone under NOSZ-R15 while it is permitted in the Treaty Settlement Zone TSL-R12 where:

PER-1

The commercial activity does not exceed a GBA of 250m.

12. Educational facility is discretionary under NOSZ-R13 but it is permitted under TSL-R11 where:

PER-1

The educational facility is within a residential unit or accessory building.

PER-2

The number of persons attending at any one time does not exceed four, excluding those who reside on site.

These standards do not apply to: Kōhanga reo activities.

13. Residential activity is non-complying under NOSZ-R16 while permitted with criteria in the Treaty Settlement Overlay Rule TSL-R3.
14. Standards are also more permissive in general under the Treaty Settlement Overlay. For example, maximum height under NOSZ-S1 is 8m above ground level whereas under TSL-S1 it is 12m above ground level.
15. Another example is Building or structure coverage. Under NOSZ-S5, building or structure coverage of the site area is no more than 8% or 800m², whichever is the lesser whereas under TSL-S5 it should be no more than 50%.



16. Papakainga Housing is restricted discretionary under the Rural Production Zone (RPROZ-R20) while it is permitted where certain criteria is met under TSL-R4.
17. Rural tourism activity is restricted discretionary under RPROZ-R22 but permitted under TSL-R13 where it does not exceed a GBA of 250m2.
18. In the Natural features and landscapes section of the plan, one of the policies is:
 - NFL-P5** 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 identified characteristics and qualities.
19. It is uncertain and potentially open to abuse as to what constitutes (in modern terms) an activity that is 'consistent with ancestral use of the land'.
20. It would be a surprising outcome from the proposed plan if identified 'outstanding' natural features or landscapes (such as adjacent to Puheke Beach, including Puheke Hill at Karikari Peninsula) were subject to development and subdivision activities, which would run counter to Part 2 Imperatives.

End