



Kerikeri Service Centre
20 OCT 2022

Remember
submissions
close at 5pm,
Friday 21
October 2022

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:	Denis Thomson		
Company / Organisation Name: (if applicable)	Thomson Survey Ltd		
Contact person (if different):			
Full Postal Address:	P O Box 372		
	Kerikeri 0472		
Phone contact:	Mobile: 021 407 732	Home:	Work: 407 7360
Email (please print):	denis@tsurvey.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:

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

SUB-R6 – Environmental benefit subdivision

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



My submission is:

(Include details and reasons for your position)

I support this initiative and the starting category of activity (restricted discretionary). However, I can only call it a “good start” and have several reservations and strong suggestions.

- The rule gives no recognition to habitat already voluntarily legally protected by landowners, only looking to reward areas ‘to be’ protected. There is no justification for the distinction. If a landowner has already voluntarily legally protected land, not having done so through any consent process or requirement of the Council, but voluntarily doing so; and they have not previously received any ‘bonus’ through the current Operative District Plan, then why can’t the same bonus lot(s) provision apply? If anything someone who has already been voluntarily legally protecting habitat for a number of years should receive more reward because they have been providing an environmental service for longer and the quality of the habitat will already be high.
- There is no ecologically based rationale for restricting the area to be protected to having to be a minimum of 4ha in area. QEII Open Space Covenants, for example, will often apply to areas less than 1ha in area. If QEII considers smaller habitat areas to be worthy of permanent legal protection, then the Council should acknowledge that habitat can be valuable, no matter its size.
- There is no good logic in requiring any bonus lot to be a minimum size of 2ha. A bonus lot need not contain the area to be permanently and legally protected, it might be located in any other lot being created. It would be better to ensure that a bonus lot or lots is/are not so large as to have an impact on the use of productive land.
- Neither is there any logic in requiring the balance lot to be greater than 40ha as this immediately removes any incentive for anybody owning an existing property of less than 40ha to protect areas of habitat. This is totally counterproductive to the whole intent of this provision – to provide a positive incentive to protect habitat.
- There should not be any discouragement to landowners wanting to utilise this rule, and yet making non-achievement of with RDIS-6, RDIS-7 and RDIS-8 defaulting to non-complying activity status does just that. I believe non-achievement of any of the RDIS requirements should only default to discretionary activity status.
- The rule should make it clear that the protected area can be within either the nominated bonus lot or any other lot. The key is the protection of habitat regardless of the size of the lot that it is within. There can also be more than one area being protected and these may be on more than one lot.
- Why is this a one-off opportunity with no residual rights available? Subdivision isn’t a one-off opportunity if the standards for minimum lot sizes can be achieved. There should be no reason why a landowner cannot come back for a second or third bonus lot at a later date just as a landowner can carry out more than one subdivision over time. Provided there is land and habitat that is still able to comply with the parameters, there should not be any reason they cannot create another legally protected area and get a bonus lot.

I seek the following decision from the Council:

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

S203.001 Retain SUB-R6, amended as follows:

Under Activity Status, replace with:

“Activity status where compliance not achieved with RDIS-1 through RDIS-8 is Discretionary” and

Delete “Activity status where compliance not achieved with RDIS-6, RDIS-7 and RDIS-8 is not achieved: Non-complying.

Under Table 1, in first column, amend heading to:

“Total area of significant indigenous vegetation or significant indigenous habitat ~~to be~~ legally protected on an individual Record of Title.” (delete the words “to be”). Add as part of RDIS-2 “Any area already legally protected must have been voluntarily protected by the landowner and not required by the Council has a condition of resource consent or previously used to obtain any bonus provision as provided for in any previous Operative District Plan”.

Amend first row of Table 1 to read:

“up to 10ha” – (delete minimum size requirement of 4ha).



Amend RDIS-4 as follows:

"The subdivision *includes or* proposes protection by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977".

Amend RDIS-6 to read:

"All proposed new environmental bonus (additional) allotments are to be a minimum size of 4,000m²".

Balance lot: First preference is to delete any minimum lot requirement for the balance allotment; second preference if there must be a minimum size for any balance (which may include the area to be protected) is a 12ha minimum size. This provides for up to say 10ha of protected habitat within a 12ha property, plus one or two bonus lots. There are enough caveats in the remaining RDIS requirements to ensure the lots are capable of supporting their intended use; to ensure protection of habitat; and to ensure protection of highly versatile soils.

Either Amend RDIS-7 to read:

"Where the full rights for bonus lot(s) as specified in Tables 1 & 2 have not been utilised, the land owner can apply again to use up the available allowance."

Or as a second preference and as already stated above, make the inability to comply with RDIS-7 as currently written, a discretionary activity. This would mean a landowner could come back for a second application but as a discretionary activity rather than restricted discretionary.

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)

[Handwritten signature]

Date: *19 October 22*

(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