



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:

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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)

All sections of the PDP, particularly the following -

Definitions

National direction – NPS for freshwater management

Strategic direction

Infrastructure

Ecosystems and indigenous biodiversity

Freshwater



Natural character
Natural features and landscapes
Subdivision
Coastal environment
Earthworks
Light
Zones
Appendix 3
Maps

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

My submission is:

(Include details and reasons for your position)

GENERAL COMMENTS

Core principles / obligations for environmental protection

s74(1) of the RMA states that district plans must be prepared in accordance with the provisions of Part 2 of the RMA.

The purpose of the RMA (s5) includes:

'managing the ... protection of natural and physical resources ...

(a) Sustaining the potential of natural and physical resources ... to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."

RMA matters of national importance (s6) include -

(a) the preservation of the natural character of the coastal environment ..., wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;

(e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga'

RMA s7 matters include:

(a) Kaitiakitanga:

(aa) The ethic of stewardship:

(c) The maintenance and enhancement of amenity values:

(d) Intrinsic values of ecosystems:

(e) Maintenance and enhancement of the quality of the environment:

(f) Any finite characteristics of natural and physical resources:

(g) The effects of climate change.

RMA s31 specifies that councils shall have the following functions for the purpose of giving effect to the RMA in their district:

(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of ...

(iii) the maintenance of indigenous biological diversity. ...

The methods used to carry out [the functions above] may include the control of subdivision.



The Council's strategy for the district set out in *Far North 2100* includes 'the protection of the natural environment for future generations'.

Cumulative/combination effects and potential long-term effects on the environment

When considering the effects of a proposed activity, s3 of the RMA states that the term *effect* 'includes ... any cumulative effect which arises over time or in combination with other effects ...'

The Regional Policy Statement for Northland, Policy 5.1.1 states that

*'Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which... Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects.'*¹

When considering proposed subdivision, land use and development, the DP needs to address *potential cumulative effects* and *potential long-term effects* on the environment.

This has implications for many topics covered by the DP, including Ecosystems and indigenous biodiversity, Natural character, Natural features and landscapes, Zones, etc. VKK recommends that all relevant parts of the DP should specifically recognise the need to identify and address *any cumulative effect* and *potential cumulative effects*, and require sufficient information to assess *potential long-term effects* of the proposed activity on the environment. **S527.001**

PDP proposals in the light of RMA provisions

We consider that the proposed DP does not give full and proper effect to the RMA provisions noted above. PDP policies and rules need to be strengthened to implement key principles and obligations.

The Environmental Defence Society (EDS), in the context of RMA reforms, has highlighted the concern that positive environmental objectives should not be balanced against economic development. This has fostered a trade-off approach, where the environment always loses out. Ideally, a DP should pursue synergies rather than balancing trade-offs, i.e. good outcomes should be pursued in ways that also achieve other good outcomes, as recommended by EDS.² **S527.002**

ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

The PDP Overview on Ecosystems and Indigenous Biodiversity notes that:

'The District is home to a wide range of indigenous species, habitats and ecosystems and a high number of regionally endemic species, including a number that are of cultural significance to tangata whenua. The protection, maintenance and enhancement of indigenous biodiversity contributes to the District's unique scenery, its natural character, its amenity values, and its economic opportunities, such as tourism and recreation.'

Principles and obligations relating to indigenous biodiversity

RMA: The PDP s32 report on this topic (p.3) recognises that the 'Council has obligations under section 6(c) of the RMA to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna'.

The s32 report (p.16) also recognises that '*the maintenance of indigenous biodiversity*' is a core function of territorial authorities under section 31(1)(b)(iii) of the RMA'.

Te Mana o te Taiao – Aotearoa New Zealand National Biodiversity Strategy 2020: Te Mana o te Taiao sets out a strategic direction for the maintenance, protection and restoration of indigenous biodiversity in New Zealand for the next 30 years (2020-2050). Te Mana o te Taiao aims to stop the degradation of New Zealand's biodiversity and is coupled with an implementation plan which is still being developed. The Strategy includes an overall vision: "The mauri of nature is vibrant and vigorous" with five key outcomes to achieve by 2050:

¹ NRC (2016) *Regional Policy Statement for Northland*, updated May 2018, <https://www.nrc.govt.nz/resource-library-summary/plans-and-policies/regional-policy-statement/>

² Environmental Defence Society, media release June 2021, *EDS welcomes exposure draft of [Natural and Built Environments] bill but says more work needed to protect environment*, www.eds.org.nz



- Ecosystems, from mountain tops to ocean depths, are thriving.
- Indigenous species and their habitats across Aotearoa New Zealand and beyond are thriving. People's lives are enriched through their connection with nature.
- Treaty partners, whānau, hapū and iwi are exercising their full role as rangatira and kaitiaki.
- Prosperity is intrinsically linked with a thriving biodiversity.

The PDP's s32 report on ecosystems and biodiversity (p.12) considers that the proposed PDP provisions are in line with the overarching aim of Te Mana o te Taiao. We disagree with that opinion.

Anticipated NPS for Indigenous Biodiversity: The objectives of the anticipated NPS for indigenous biodiversity seek to maintain indigenous biodiversity, improve the integrated management of indigenous biodiversity, restore or enhance it where possible and recognise the role of landowners, communities and tangata whenua as stewards and kaitiaki of indigenous biodiversity.

Regional Policy Statement: The RPS sets out a number of objectives/policies relating to indigenous ecosystems and biodiversity – examples are shown in Box 1 below. Section 75(3)(c) of the RMA requires district plans to 'give effect' to any RPS.

Environment Court decision: The s32 report highlighted a relevant Environment Court decision relating to Part 2 of the RMA which concluded that if an ecosystem is found to be significant then that ecosystem is to be protected

The Environment Court has attempted to explain (in summary) the scheme of Part 2 of the RMA with respect to indigenous biodiversity in *Director General of Conservation v Invercargill City Council*³. Some key extracts from that decision are provided below (emphasis added).

[44] In part 2 of the RMA there are three provisions that are particularly important and relevant to biodiversity issues. They are the obligations: "safeguard ... the life-supporting capacity of ... ecosystems" (section 5(2)(b) RMA); " ... protect ... areas of significant indigenous vegetation and significant habitats of indigenous fauna" (section 6(c)); and ...to have particular regard to the "intrinsic values of ecosystems" (section 7(d) recalling that is a defined term).

[45] Five points should be made here about the scheme of the RMA in relation to indigenous biodiversity. First, the primary responsibility of local authorities when exercising their functions in respect of indigenous biodiversity is part of the very definition of "sustainable management": to safeguard the life-supporting capacity of ecosystems.

[46] Second, **the recognition and protection of areas of significant indigenous vegetation, nationally important as it is, is an extension of that primary obligation. If an ecosystem or part of an ecosystem (being in either case an area of indigenous vegetation or a habitat of indigenous fauna) is found to be significant then that ecosystem is to be protected in itself, not merely to have its life-supporting capacity protected.**

[47] Third, safeguarding (or protecting) the life-supporting capacity of ecosystems includes in each case having particular regard to each of its components including – as the definition of 'intrinsic values' 6 implies.

Conclusion: The PDP provisions do not provide the level of protection noted in the RMA and policies above. Several examples are provided below. We share the many of the concerns expressed by Forest and Bird's feedback in 2021 about provisions relating to ecosystems and biodiversity – please refer to Appendix 1 (attached).

S527.003

PDP strategic direction on ecosystems and biodiversity

The PDP's strategic objectives for the natural environment include the following objectives relating to ecosystems and indigenous biodiversity –

- SD-EP-O3: 'Active management of ecosystems to protect, maintain and increase indigenous biodiversity for future generations'



- SD-EP-O6: 'Areas of significant indigenous vegetation and significant habitats of indigenous fauna [are] protected for current and future generations'. **S527.004 and S527.005**

We support these objectives. However the PDP provisions, as currently drafted, contain very little that will actually implement the objectives to 'protect, maintain and increase indigenous biodiversity for future generations', or protect significant vegetation and fauna 'for future generations'.

The Overview in the PDP Ecosystems and Indigenous Biodiversity chapter notes that:

'Council has responsibilities under the RMA, the NZCPS and the RPS to identify and protect areas of significant indigenous biodiversity (Significant Natural Areas) and maintain indigenous biodiversity.'

PDP approach on protection of significant indigenous biodiversity

Due to issues with earlier Significant Natural Area (SNA) mapping (largely based on desk studies) and opposition by parts of the community,³ the PDP focuses on voluntary mapping/identification of SNAs. The main focus of the PDP provisions in the Ecosystems and Indigenous Biodiversity chapter is on the clearance of indigenous vegetation (four of the five rules in the Ecosystems and indigenous biodiversity chapter are for the permitted clearance of indigenous vegetation) -

- The chapter identifies quantitative amounts (areas) that can be cleared without resource consent. When the extent of indigenous vegetation clearance is above permitted thresholds, a landowner would need to provide an assessment of the ecological significance of indigenous vegetation/habitat.
- Landowners are encouraged but not required to include their SNA in PDP schedule 4 on a case by case basis.

The s32 report (s8.3.3 table) notes that this approach chosen for the PDP has a substantially higher long-term cost due to case by case ecological assessments/consenting etc: 'costs ... are ultimately expected to be substantially higher than the one-off SNA mapping approach'.

The s32 report notes that the proposed PDP's reliance on voluntary collaboration 'increases the likelihood that SNAs will not be added to the schedule voluntarily and that [SNAs] will not receive the same level of protection as they would under Option 1', and noted that the chosen PDP approach 'will have an environmental cost', i.e. 'less ... protection of SNAs'.

Clearance of indigenous vegetation

Proposed rule IB-R1 allows indigenous vegetation clearance within and outside SNAs for a list of specified purposes which is too broad. For example:

- The rule allows clearance up to 1,000m² for building a residential unit in a SNA without requiring or considering whether existing clear areas can be used instead.
- The clearance of dead trees (if they are not unsafe) or indigenous vegetation less than 10 years old can be detrimental for *at risk* indigenous species/habitat.

Rules IB-R3 and IB-R4 allow clearance of indigenous vegetation up to 100m² per calendar year in areas confirmed (by ecological assessment) to be SNAs and in areas where a report has not been obtained. The cumulative effect of this rule, over time, would allow significant amounts of indigenous vegetation to be eliminated. In areas that are considered not to meet the criteria for a SNA, rule IB-R4 allows clearance of 500m² in most zones, and up to 5,000m² clearance of indigenous vegetation in rural production and horticulture zone if not in a remnant forest. We consider that the proposed rules on clearance are too lax. **S527.006 to S527.008**

Vegetation clearance in general

The PDP provisions do not address some on-going practical problems with vegetation clearance, which often involved heavy machinery. For example, local conservation groups have experienced cases in recent years where landowners claim they are only or primarily clearing exotic vegetation, even when the destruction of a significant amount of indigenous vegetation is clearly visible on the site. To address this problem, PDP rules on clearance need to apply to vegetation that includes indigenous vegetation.

³ FNDC news release, 17 June 2021, <https://www.fndc.govt.nz/Whats-new/Latest-news/What-next-for-SNAs>



The clearance of any type of vegetation, including plantation forests, can cause problems in areas where at-risk species are present. Local conservation groups have found that substantial areas of exotic or mixed vegetation have been cleared by large diggers or bulldozers without any precautions or regard for vulnerable types of indigenous species that are present or nesting on the ground or in the vegetation (eg. nesting kiwis, rare native lizards).

PDP rules should actively protect areas where kiwi or indigenous species classed as *threatened* or *at risk* (under NZ Threat Classification System) are present. For example, landowners should be required to contact DOC for a trained detection dog or other investigation, and agree with DOC a clear plan to protect vulnerable species, before any vegetation clearance starts. Where appropriate, clearance should be staggered over time, so that indigenous species are able to move to shelter. An appendix to the PDP could include, or refer to, a protocol that sets out guiding principles and procedures. **S527.009**

Threatened & at risk species and maintenance of indigenous biological diversity

A large number of indigenous species are currently classed as *threatened* or *at risk* under the national NZ Threat Classification System.⁴ About 50 indigenous bird species have become extinct in Aotearoa New Zealand as a result of human activities.⁵ Many technical and policy reports have noted that concerted action is required to prevent further deterioration.⁶

As noted above, RMA s31(1) applies to decision-making in relation to the use and development of land - District Council functions include *'the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of ... (iii) the maintenance of indigenous biological diversity'*.

The Regional Policy Statement for Northland and Regional Plan contain a number of provisions that refer to aspects of biodiversity that are not about mapped SNAs (Box 1, below, provides examples). As noted above, under s75 of the RMA, the DP is required to give effect to the Regional Policy Statement, and must avoid inconsistency with the Regional Plan. The DP can be more stringent than the RPS, but cannot be more relaxed.

Disappointingly, the PDP provisions pay insufficient attention to RPS s4.4 regarding *'Maintaining and enhancing indigenous ecosystems and species'* and *'indigenous taxa that are listed as threatened or at risk'*. We support policies IB-P7 – IB-P9. However, these seem to be almost the only policies that aim to protect indigenous biodiversity, and the PDP lacks rules to implement policies. **S527.010 to S527.013**

The draft PDP of 2021 contained a policy (IB-P10) that specifically aimed to *'Protect indigenous biodiversity by considering the following matters when assessing proposals for land use and subdivision:*

- a. the temporary or permanent nature of any adverse effects;*
- b. cumulative effects of activities that may result in loss or degradation of habitats...'*

It is a matter of concern that the PDP contains a weaker policy and the word *'protect'* was removed.

Box 1: Examples of biodiversity provisions in Regional Policy Statement & Regional Plan

The Regional Policy Statement and Regional Plan contain provisions that address the maintenance and protection of indigenous biodiversity and species that are listed as *threatened* or *at risk*. These provisions are relevant district-wide.

Regional Policy Statement for Northland

s4.4 Maintaining and enhancing indigenous ecosystems and species

Policy 4.4.1 includes the following general provisions -

'(1) In the coastal environment, avoid adverse effects, and outside the coastal environment avoid, remedy or mitigate adverse effects of subdivision, use and development so they are no more than minor on:

⁴ NZ Threat Classification System, <https://nztcs.org.nz/>

⁵ Parliamentary Commissioner for the Environment (2017) *Taonga of an Island Nation: Saving New Zealand's Birds*, p.20, <https://www.pce.parliament.nz/publications/taonga-of-an-island-nation-saving-new-zealands-birds>

⁶ PCE (2017) *Taonga of an Island Nation* (above).



(a) Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists; ‘...’

‘(3) Outside the coastal environment and where clause (1) does not apply, avoid, remedy or mitigate adverse effects of subdivision, use and development so they are not significant on any of the following:

- (a) Areas of predominantly indigenous vegetation;
- (b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;
- (c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including ... floodplains and margins of freshwater bodies ...’.

Method 4.4.3 states: ‘within two years after the Regional Policy Statement becomes operative the district councils shall amend district plans to the extent needed to ensure the plans implement Policy 4.4.1 on land outside of the beds of rivers and lakes, wetlands, and the coastal marine area.’

Regional Plan

DP provisions on biodiversity must not be inconsistent with the Regional Plan.

The Regional Plan sD.2.18 *Managing adverse effects on indigenous biodiversity* sets out provisions for managing adverse effects of activities on indigenous biodiversity (in the Coastal Environment and areas outside the Coastal Environment, separately). For illustration, the following text quotes some of the provisions that apply to areas outside Coastal Environments –

‘Manage the adverse effects of activities on indigenous biodiversity by: ...

(2) outside the coastal environment:

- a) avoiding, remedying or mitigating adverse effects so they are no more than minor on:
 - i. indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists’ ...
- b) avoiding, remedying or mitigating adverse effects so they are not significant on:
 - i. areas of predominantly indigenous vegetation, and
 - ii. habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and
 - iii. indigenous ecosystems and habitats that are particularly vulnerable to modification...

4) recognising damage, disturbance or loss to the following as being potential adverse effects:

- a) connections between areas of indigenous biodiversity, and
- b) the life-supporting capacity of the area of indigenous biodiversity, and
- c) flora and fauna that are supported by the area of indigenous biodiversity, and
- d) natural processes or systems that contribute to the area of indigenous biodiversity ...’⁷

Domestic predators

Policy 12.2.4.10 of the Operative DP currently provides for controls on domestic predators (such as dogs, cats, mustelids etc) in order to protect three indigenous species: kiwi, dotterel and brown teal:

‘In order to protect areas of significant indigenous fauna:

- (a) that dogs (excluding working dogs), cats, possums, rats, mustelids and other pest species are not introduced into areas with populations of kiwi, dotterel and brown teal;...’

The Regional Policy Statement (Method 4.4.3(2)(b)) requires the DP to implement ‘Controls on the introduction or keeping of species with recognised pest potential’ as part of its implementation of RPS Policy 4.4.1 (examples in Box 1 above).

⁷ NRC, *Proposed Regional Plan for Northland*, appeals version May 2021, p.239, s.D.2.18, <https://www.nrc.govt.nz/your-council/about-us/council-projects/new-regional-plan/>



We consider that the DP should include Policy similar to Policy 12.2.4.10 of the Operative DP but with the aim of protecting not just kiwi, dotterel and brown teal, but also other indigenous species that are classed as *threatened* or *at risk* (under NZTCS) and vulnerable to this type of predation.

S527.014

NATURAL CHARACTER

RMA (s6) matters of national importance include –

‘the preservation of the natural character of the coastal environment... wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development’

The regional council is responsible for waterbodies themselves, while the district plan ‘manages their margins and the activities that can occur in these areas’ (PDP Natural character chapter Overview). The chapter ‘seeks to manage these activities to ensure that the characteristics and qualities that contribute to the natural character values are preserved’.

We support the PDP objective NATC-O1, however overall, the PDP provisions will not preserve the natural character of waterways and wetlands. S527.015

For example, NATC-R3 PER-2 & NATC-S2 allow an excessive amount of earthworks and indigenous vegetation clearance up to 400m² within the margins of wetlands, lakes and rivers. This provision does not align with RMA s6 nor with NPS-Freshwater provisions. S527.016 and S527.017

The PDP defines the margins of wetlands, lakes and rivers as 20 - 30m, depending on the zone. The definition should be based on 30m, especially in the industrial and residential zones where greater protection is needed. S527.018

A note under NATS-S2 states: *‘Note: The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.’*

However, this statement is incomplete and therefore misleading – it refers only to a 10m setback distance, when in fact the NES-F provisions also cover some activities within 100m of a natural wetland that require consent from the regional council. The Note should be amended to provide the correct information.

SUBDIVISION

PDP subdivision policy SUB-P4 refers to ‘manage’ subdivision as detailed in the district-wide natural environment values, but there are very few rules that put any effective environmental protection policies into effect. Those do not take account of the need to, at least, maintain indigenous biodiversity or ecosystems. S527.019

Environmental benefit subdivision

SUB-P8 and SUB-R6 create a type of subdivision called ‘Environmental benefit subdivision’ as a restricted discretionary activity. This appears to be poorly conceived provision – the protection of SNAs should be an essential prerequisite for any rural subdivision to be approved, not a means of getting additional lots. S527.020 and S527.021

Management plan subdivision

SUB-P9 and SUB-R7 encourage inappropriate subdivision in the rural production and lifestyle zones if the development achieves so-called environmental outcomes of the management plan subdivision rule. This provision is also poorly conceived. The management plan criteria proposed in Appendix 3 (APP3) are vague, low-reaching and don't set clear expectations for either developers, land owners, or planning officers. The proposed elements and criteria for Management Plans are less than we should expect for all subdivisions in today's world. We consider that management plan subdivisions, to date, have historically failed to achieve quality development or environmental outcomes. If the concept of management plan subdivision is retained, they criteria need to be greatly improved to provide superior environmental outcomes. S527.022 and S527.023

COASTAL ENVIRONMENT

The Coastal environment chapter of the PDP notes that:



'Council has a responsibility under the RMA, the NZCPS and the RPS to preserve and protect the natural character of the coastal environment from inappropriate land use and subdivision.'

The NZ Coastal Policy Statement (NZCPS) 2010, for example, contains key objectives/policies for environmental protection, such as Objective 1: *To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems.*

NZCPS policies include the following:

- Avoid adverse effects of activities on indigenous taxa that are listed as threatened or at risk in NZ Threat Classification System lists, and indigenous ecosystems and vegetation types that are threatened in the coastal environment or are naturally rare, and other significant indigenous community types.
- Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on areas of predominantly indigenous vegetation in the coastal environment, as well as vulnerable habitats, habitats that are important for different purposes, migratory species and ecological corridors.
- Preserve the natural character of the coastal environment, which may include protecting areas of indigenous biodiversity that contribute to natural character.

Greatly diminished area of coastal zone

The Operative DP defined large areas of coastal land as coastal zones. In contrast, the mapped area of the PDP regards only a narrow band of land as 'Coastal environment'.

Much of the coastal land in the ODP coastal zones is now Rural Production or other zone. This change greatly reduces the area of coastal land that can be protected by coastal provisions/rules. Large areas of coastal land visible from the marine area will have little or no protection for their visual qualities, character or other coastal values.

S527.024

Earthworks and indigenous vegetation clearance

PDP standard CE-S3 allows an excessively large area (up to 400m²) earthworks or indigenous vegetation clearance in areas that are not high or outstanding natural character areas.

A Note under CE-S3 incorrectly refers only to a 10m setback distance in the NES-F in relation to regional council consent, when in fact the NES-F provisions also cover some activities within 100m of a natural wetland that require consent from the regional council. The Note should be amended.

S527.025 and S527.026

NATURAL RESOURCES – PRODUCTIVE LAND AND SOIL

Loss of highly productive land

Productive soil and land are essential but finite natural resources. It is important to conserve these natural resources for future generations, to support food needs of an ever-increasing population in NZ and globally, as well as providing an important economic resource.

The PDP's Introduction notes that:

'A permissive planning framework has led, in some areas, to incompatible land uses, land fragmentation and significant adverse effects on rural character In some cases, highly productive land (which includes versatile soils) have been used in a way that compromises the future viability of primary production activities...

From a national perspective, MfE & Stats NZ reported that the area of highly productive land that was no longer available for agriculture, due to housing development, increased by 54% between 2002 and 2019.⁸

About fifteen years ago, NRC's *State of the Environment* report of 2007 warned about the substantial loss of prime soils due to subdivision, particularly around Kerikeri:

'Based on subdivision data supplied by the region's three district councils,... about 9% of Northland's prime soils for horticultural and agricultural (includes land resource inventory soil

⁸ MfE & Stats NZ (2021) *Our Land 2021*, p.18.



classes 1c1, 2e1, 2w1, 2s1, 3e1, 3s1 and 3s2) have been subdivided into 2,209 lots over approximately the last six years, particularly around Whangarei and Kerikeri.⁹

NRC's *State of the Environment* report 2015 noted that:

'The most significant economic asset we have in Northland is our land.'

The report noted that retaining prime soil areas for primary production is one of the two main challenges facing Northland's land.¹⁰

FNDC has also noted the loss of large areas of horticultural land around Kerikeri, noting that it is vital to protect the remaining areas of highly productive rural land -

*'Kerikeri has converted large areas of horticulture land into residential and rural lifestyle activities over the last 20 years. Therefore it is vital to protect this remaining finite resource and other rural land that is highly productive.'*¹¹

Obligations of NPS-HPL and RMA

The National Policy Statement for Highly Productive Land (NPS-HPL) came into force on 17 October 2022. HPL is normally defined as LUC class 1-3 land, but may include additional types of productive land. The objective is to protect HPL for us in primary production, both now and for future generations. The NPS sets out a range of provisions to avoid subdivision of HPL and protect it from inappropriate use or development. Each regional council must map HPL in their region, however in the interim, territorial authorities are expected to apply the NPS provisions to relevant land mapped by NZ Land Resource Inventory (which is normally compiled and updated by Landcare Research).

In addition, the RMA specifies several broader goals for protecting natural resources and soil. The purpose of the RMA (s5) specifically includes sustaining the potential of natural resources for future generations and safe-guarding the life-supporting capacity of soil:

'managing the ... protection of natural and physical resources ...

(a) Sustaining the potential of natural and physical resources ... to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of ... soil ...'

PDP provisions for productive land

We support the PDP's definition of *highly productive land* which includes versatile soils, LUC Class 4 land and other LUC classes that have the potential to be highly productive having regard to soil type, physical characteristics, climatic conditions and water availability. However, the name could perhaps be changed (throughout the PDP) to 'priority productive land' or 'significant productive capacity' or other phrase to reduce potential confusion with the new NPS-HPL. **S527.027**

We support HZ-P2 which *avoids* land use that will result in the loss of productive capacity and does not have a functional need in that zone. However, that policy refers only to land use, not subdivision. Policy HZ-P5 only seeks to 'manage' subdivision in relation to the viability of productive land, but the policy should 'avoid' subdivision of such land. **S527.028 and S527.029**

We consider that all zones, except urban zones, need to be covered by firm PDP policies and rules to protect a key natural resource - productive land - now and for future generations. This means preventing fragmentation and loss of productive land from productive use, especially LUC Class 1-3 land and productive types of soil/land suitable for horticulture. It is not necessary to wait until the regional council has implemented the NPS-HPL. **S527.030**

We consider that it would be appropriate to add the NZ Land Resource Inventory maps (as updated) as overlays in the PDP map now to provide an essential guide until the regional council has completed its

⁹ NRC, *State of the Environment 2007*, section 14 Land & Soils, p.353,
<https://www.nrc.govt.nz/media/nxgilzp4/14landandsoils.pdf>

¹⁰ NRC, *State of the Environment Report 2015*, p.8,
<https://www.nrc.govt.nz/media/opbpljxu/stateoftheenvironmentreport2015website.pdf>

¹¹ FNDC submission to MPI & MfE on proposed National Policy Statement for Highly Productive Land, p.1,
https://www.mpi.govt.nz/assets/dmstemp/HPL_submissions/00061_Far_North_District_CouncilSargent_Darrell_Redacted.pdf



mapping of HPL. This would make sense because the regional council is very likely to adopt NZ LRI mapping as the recognised standard. **S527.031**

LIGHT

Street lights for subdivisions/developments should be energy-efficient, suitable for nocturnal wildlife such as kiwi,¹² and 'dark sky friendly' to minimise glare, minimise upward light and scattered light, and retain the visibility of stars.¹³

NATURAL OPEN SPACE ZONE

The PDP replaces the Conservation zone with the term *Natural Open Space* zone (as specified in National Planning Standards). The PDP Overview section states that 'The Natural Open Space zone generally applies to public land ... and includes a variety of parks and historic reserves. In most cases these areas have a high degree of biodiversity requiring active management.'

We support, in particular, objective NOSZ-01 and policy NOSZ-P1 which state – **S527.032 and S527.033**

'The ecological, historic heritage, cultural and natural character values of the Natural Open Space zone are protected and enhanced for the benefit of current and future generations'

'Enable land use that conserves, protects and enhances the natural, ecological, historic heritage, cultural and natural character values of the zone'

However, some policies/rules do not support those points. For example, the rule on vegetation planting (rule NOSZ-R7, permitted activity) states that 'planting of indigenous species is preferred'. When planting takes place in reserves and the Natural Open Space zone, indigenous species should be required, in order to conserve and enhance indigenous biodiversity. Planting exotic vegetation in this zone should be a non-complying activity. Conservation land, in particular, should be planted only with indigenous species, and even for parks there is a range of suitable indigenous plant species. **S527.034**

NPS FOR FRESHWATER MANAGEMENT

RMA s74(1) states that: '*A territorial authority must prepare and change its district plan in accordance with ... a national policy statement*'.

District councils manage the margins of water bodies and the activities that can occur in these areas. Several parts of the National Policy Statement for Freshwater Management 2020 (NPS-FM) give national direction to *district councils* specifically.

The NPS-FM contains objectives and policies to ensure that natural and physical resources are managed in a way that prioritises:

- (a) First, the health and well-being of water bodies and freshwater ecosystems
- (b) Second, the health needs of people (such as drinking water)
- (c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The implementation of the NPS-FM and managing freshwater to give effect to Te Mana o Te Wai is primarily the responsibility of the regional council, however clause 3.5(4) specifically requires that every territorial authority includes objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments –

'Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative

¹² For example, some wildlife-friendly lights avoid white or blue light by using a colour temperature below 3000 Kelvins, while newer techniques use light of a specific wavelength which is not visible to animals but provides sufficient light for humans (around 590 nanometers).

¹³ Examples of certified dark sky friendly lighting products: <https://www.darksky.org/our-work/lighting/lighting-for-industry/fsa/fsa-products/>



effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.’ (s3.5(4))

Recent government guidance on the NPS-FM¹⁴ (p.8) notes that *district plans* must be reviewed/amended to give effect to the NPS-FM, including the following aspects:

‘District plans must be reviewed and, if necessary, amended to give effect to the NPS-FM “as soon as reasonably practicable”.

‘The NPS-FM applies to all freshwater, and Te Mana o te Wai is relevant to all resource management where it affects freshwater, including in city and district planning.

‘Clause 3.5 Integrated management requires a ki uta ki tai (integrated approach) to give effect to Te Mana o te Wai. It also sets out requirements relevant to city and district councils. This includes encouraging the coordination and sequencing of urban growth, and promoting positive effects and managing adverse effects of urban development on freshwater bodies.

‘To give effect to Te Mana o te Wai, councils must consider matters such as how urban growth and increases in impervious surfaces will impact on stormwater flows, how stormwater affects the water bodies it is discharged to, and methods to manage urban growth and stormwater discharge. The identification and control of urban growth areas must prioritise the health and well-being of water bodies.’

We consider that the new PDP should address the above issues now – these issues must not be put on the shelf for another 10 years. The NPS Freshwater Management of 2020 needs to be given effect in all relevant parts of the DP, including the Ecosystems & Biodiversity chapter and Natural Character chapter.

Box 2. Principles of NPS-Freshwater Management and Te Mana o te Wai

The NPS for Freshwater Management (NPS-FM) came into force on 3 Sept 2020,¹⁵ and s4.1 says that every local authority must give effect to this NPS as soon as reasonably practicable.

The NPS for Freshwater Management (s3.1) allows a local authority to adopt more stringent measures than required by that NPS.

The NPS for Freshwater Management contains a number of important principles, such as -

Fundamental concept of Te Mana o te Wai:

The NPS FM (s.1.3(1)) specifies the fundamental concept of *Te Mana o te Wai* which refers to the importance of water, as follows –

‘Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.’

Te Mana o te Wai is relevant to all freshwater management:

s1.3(2) states that Te Mana o te Wai is relevant to all freshwater management, not just the specific aspects referred to in the NPS:

‘Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in this National Policy Statement’

Managing freshwater under Te Mana o te Wai:

s2.2 Policy 1 states that freshwater is managed in a way that gives effect to Te Mana o te Wai -

‘Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.’

Hierarchy of obligations:

¹⁴ MfE Guidance on the National Objectives Framework of the NPS-FM (2022), <https://environment.govt.nz/assets/publications/NOF-Guidance-ME1658-Final-28.7.pdf>

¹⁵ NPS for Freshwater Management, <https://environment.govt.nz/assets/Publications/Files/national-policy-statement-for-freshwater-management-2020.pdf>



s1.3(5) specifies a fixed hierarchy of obligations -

'There is a hierarchy of obligations in Te Mana o te Wai that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.' (s1.3(5))

Box 3. Effects of sediment on river ecosystems

Sedimentation of rivers due to human activities (such as development) 'is known to have wide-ranging impacts on river ecosystem health, particularly river biota'.¹⁶ Fine sediments have wide-ranging impacts on aquatic biota, both when in suspension and when they are deposited on the river-bed. These impacts have been described comprehensively in a number of reviews, including those by Wood & Armitage (1997), Waters (1995), Newcombe & MacDonald (1991) and Ryan (1991).

Fine sediment deposited in stream environments has the potential to alter water chemistry, increase turbidity and decrease light penetration. The deposition of sediment can easily smother instream surfaces and decrease the amount of suitable habitat available for benthic invertebrates. A common impact on aquatic plants is a reduction in photosynthesis due to reduced light. For some fish species, sediment has negative effects on their feeding.¹⁷

Water quality, water-sensitive and low impact designs

Stormwater and wastewater should be fully managed to avoid sediment/pollutants being carried to waterways and wetlands, especially during high rainfall events which are expected to become more extreme due to climate change. Under s7(i) of the RMA, councils must have particular regard to the effects of climate change.

In general, water sensitive and low impact designs should be a standard requirement, not just encouraged. For example, stormwater and water from wastewater disposal fields can carry pollutants and silt into waterways during high rainfall events. They should not be discharged directly into waterways but be retained in constructed wetlands (vegetated retention ponds) or other water sensitive and low impacts features.

Sewage treatment plants – Infrastructure chapter

The disposal of wastewater from sewage treatment plants into wetlands and water bodies has been a matter of concern to communities for some time. The Council's Infrastructure Committee requested further investigation of disposal-to-land options for several wastewater schemes, and requested a wastewater disposal-to-land workshop in late 2021 to cover methodologies and processes associated with establishing a disposal-to-land scheme.¹⁸

The Infrastructure chapter includes rule I-R17 on construction and upgrading of wastewater systems. However, the rule does not refer to the need to protect water and waterways from pollution due to discharge or disposal of treated wastewater. The PDP should support future transition to disposal-to-land schemes, which is anticipated to start within the life of the PDP. The PDP should include provisions to encourage and progressively require disposal-to-land wastewater treatment methods (based on coagulation and flocculation) and ensure the responsible use of solid waste from treatment plants as fertilizer and the use of wastewater for irrigation purposes. **S527.036**

¹⁶ Effects of Fine Sediment on River Biota, Cawthron Institute, report 951, sections 1 and 2, <https://icm.landcareresearch.co.nz/knowledgebase/publications/documents/SedimentReview.pdf>

¹⁷ Effects of Fine Sediment on River Biota, Cawthron Institute

¹⁸ FNDC Infrastructure Committee meeting 16 June 2021, Resolution 2021/14, https://infocouncil.fndc.govt.nz/Open/2021/06/INC_20210616_AGN_2405_AT.htm



COMMENTS BY FOREST & BIRD (attached)

We share many of the concerns raised in Forest & Bird's submission on the PDP, and we consider that the PDP should take on board their comments (copy attached).

I seek the following decision from the Council:

Provisions relating to vegetation clearance:

Policies and rules relating to vegetation clearance are too permissive and do not provide sufficient protection for even the minimal maintenance of (a) indigenous vegetation and ecosystems, (b) kiwi and indigenous species classed as *threatened* or *at risk* (under the NZ Threat Classification System), (c) freshwater, and (d) other ecological, landscape, character and amenity values.

Provisions relating to ecosystems and indigenous biodiversity:

PDP provisions in all relevant chapters should be revised to address elements such as -

- Policies/rules to *control any actual or potential effects* of the use and development of land, or protection of land, for the purpose of *the maintenance of indigenous biodiversity* (under s31 of RMA) and *protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna* (RMA s6).
- Policies/rules that will give better effect to biodiversity/ecosystem provisions in the Regional Policy Statement (which became operative from May 2016) and ensure that the district plan implements RPS Policy 4.4.1 (as required by RPS Method 4.4.3).
- Adopt provisions specifically for maintaining and protecting indigenous species that are classed as *threatened* or *at risk* in NZTCS lists to be consistent with Regional Plan provisions on this topic (as required under s75 of RMA). Examples of relevant provisions are given in Box 1.
- Adopt rules to control and place consent conditions on subdivision, land use or development in, or adjacent to, locations where indigenous species classed as *threatened* or *at risk* (under the NZTCS) are present.

Additional specific provisions include -

- Rules for banning potential predator pets (dogs, cats, mustelids, etc) from areas where kiwi or other *at risk/threatened* species are present and vulnerable to these predators (e.g. shore birds such as dotterel, wetland birds such as bittern and dabchick, at-risk lizards, and other animals).
- Consent conditions should require fencing on the boundaries of public land, such as esplanade reserve, and around areas of wetlands and waterways.
- Consent conditions for areas of significant vegetation/habitat etc. should set high standards of protection for indigenous vegetation, kiwi, *at risk/threatened* species and biodiversity, including appropriate types of fencing, predator control, protection and restoration of native vegetation, weed control, restrictions on planting exotic vegetation, etc. Covenants should be legally binding in perpetuity and should include provisions for monitoring implementation and enforcement.
- Fencing needs to be appropriate for vulnerable species in the area, for example, fencing that allows free movement of kiwi; or in other cases fencing to stop dogs entering a kiwi area.
- Signage to help protect kiwi and other vulnerable species, such as wetland species, shore birds.
- Street lights for subdivisions/developments should be suitable for nocturnal wildlife, such as kiwi, and dark-sky-friendly (certified to minimise glare, reduce light trespass and protect the visibility of stars).

Provisions relating to freshwater:

In areas where freshwater issues are relevant to District Council functions and the DP:

- The NPS Freshwater Management of 2020 needs to be given effect in all relevant parts of the DP, including the Ecosystems & Biodiversity chapter and Natural Character chapter.

When subdivision, land use or development is considered, ensure that the DP gives effect to:



- the NPS FM's fundamental concept of *Te Mana o te Wai* (including the principles and the hierarchy of obligations) should be applied to all freshwater issues that may be affected by development, not just the aspects of freshwater management referred to in the NPS (this point is stated in NPS FM s1.3(2))
- Policies and rules to promote positive effects and avoid, remedy, or mitigate adverse effects (including cumulative effects) of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments (NPS FM s3.5(4))
- Avoiding the loss of wetlands and protecting their values: '*The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted...*' (NPS FM s3.22). We note, in particular, that some provisions of the Natural Character chapter seem to contradict the NPS-FM.
- Requirements to use water sensitive and low impact designs for stormwater and wastewater, including constructed wetlands (vegetated retention ponds) to retain stormwater and runoff and prevent silt and pollutants being carried into waterways.
- To avoid/reduce freshwater pollution generated by wastewater emissions, it should be a requirement to use enclosed wastewater systems that use disposal-to-land (i.e. systems that do not rely on dispersal via water or disposal into water) such as electrocoagulation methods involving coagulation and flocculation, widely used in parts of Europe. If not a requirement, these systems should at minimum be given priority over systems that rely on dispersal or disposal via water.
- When subdivision or development takes place, all waterways should be protected by requirements for native planting and other measures.

Forest & Bird comments:

We consider that the PDP should take on board the changes proposed by Forest & Bird that will provide necessary provisions for the natural environment. **S527.037**

Other issues:

Please refer to our detailed comments above for additional changes that we seek in the PDP.

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: Jo Lumkong on behalf of Vision Kerikeri
(or person authorised to sign on behalf of submitter)

Date: 21 October 2022



21 October 2022

To: Far North District Council

By Email: pdp@fndc.govt.nz

From: Royal Forest and Bird Protection Society of New Zealand

Contact: Dean Baigent-Mercer
Regional Conservation Manager

Email: D.Baigent-Mercer@forestandbird.org.nz

RE: Submission proposed Far North District Plan

Introduction

Forest & Bird is New Zealand's largest non-governmental conservation organization with many members and supporters. The main purpose of Forest & Bird is the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand.

In support of that purpose, Forest & Bird regularly participates in resource management processes.

Forest & Bird has for many years expressed a strong interest in Northland, particularly with regard to the coastal environment, the maintenance of indigenous biodiversity and the protection of freshwater. This has included advocating for greater protection of indigenous species through direction in the Northland RPS, measures to control Kauri Dieback and an ongoing role in promoting pest control on private and public land to address native forest collapse in Northland.

Forest & Bird considers that the identification of significant natural areas (SNAs) across Northland which the councils have jointly undertaken, is a significant step in the right direction for the protection of significant indigenous biodiversity. Including SNAs in the Far North District Plan is not only necessary for implementing the Council's functions, it is appropriate to recognizing the values of these areas to all New Zealanders as a matter of national importance, and the responsibilities we all share to protect these areas for current and future generations.

Despite the identification of SNAs, Forest & Bird is concerned that as drafted provisions in the District Plan could result in the continued decline and loss of indigenous biodiversity in the Far North.

These provisions are inconsistent with the RPS direction to protect and maintain indigenous biodiversity and the NZCPS direction to protect the unique and special qualities of our coastal environment.

Context:

Te Taitokerau and te Hiku o te Ika are in an era of great change for people and the environment we share.

We see increasing environmental and social pressure points, and sometimes they are combining together. We face the twin crises of biodiversity collapse, which includes extinctions, and a changed and increasingly super-charged climate.

At the same time the human population is growing in the north both from hapū members returning to tribal homelands and a building boom attracting people from other areas to live here.

The Far North District council area covers the most complex tribal areas in Aotearoa.

Some iwi are in a post settlement phase and Ngāpuhi looks to be lining up for Treaty settlement negotiations. WAI262 is being worked through too and outcomes expected to be implemented across the board over the next decade.

We know wetlands, mangroves and native forests form important carbon sinks and protections in an era where extreme weather events are more frequent and the sea level is rising. We need to give coastlines and rivers room to move while managing retreat of where people live and community infrastructure like urupā, water pipes, powerlines and roading.

In adapting to an increasingly unsettled and extreme climate, if we can help nature, nature can help us. But this is only possible if we work with - not against - nature.

It is in this context that we make our submission.

PART 2 DISTRICT-WIDE MATTERS

ENERGY, INFRASTRUCTURE, AND TRANSPORT

1. Infrastructure

- 1.1. The scope of this chapter is not clearly explained in the overview. It is not clear if the chapter applies to all infrastructure or whether “important infrastructure” is or is not intended to be different to regionally significant infrastructure (RSI) as defined in the RPS. The wording confuses infrastructure with network utilities rather than including any network utility operations carried out by network utility operators that may not be covered by the infrastructure already described. This is particularly confusing when it comes to interpreting the rules which refer to network utilities rather than infrastructure.
- 1.2. Forest & Bird considers that the scope of this chapter needs to be clarified. Infrastructure as defined in the RMA is broader than the matters identified as RSI in the RPS. This means

that the provisions necessary to give effect to the RPS for RSI are generally not appropriate for other infrastructure in Forest & Birds experience.

- 1.3. Forest & Bird does not support the general approach to infrastructure in this chapter as currently drafted. It is not clear how higher order direction is given effect to and a number of policies appear to override the policy direction in other chapters of the plan.
- 1.4. It is not clear why the rules are specific to network utility operations undertaken by a network utility operator when the policies appear to apply more broadly to infrastructure. The inconsistency within the rules as to whether the activity must be that undertaken by a network utility operator is also confusing when reference is made back to the policy direction for infrastructure. If the rules for other infrastructure are in another chapter(s) this should be explained out in the chapter overview.
- 1.5. Forest & Bird would like to see that all permitted rules for infrastructure, including new RSI, include conditions which exclude and set back activities from the identified SNA overlay areas and the areas and sites set out on the ONC, ONF and ONL overlays. Forest & Bird will consider provision for maintenance and minor upgrading within SNAs as a permitted activity where this relates to lawfully established infrastructure and where the rules include appropriate limits. Such rules would sit better within the Ecosystems and indigenous biodiversity chapter to ensure alignment with the objective and policy framework in that chapter.
- 1.6. Forest & Bird considers that a useful approach to provisions for indigenous biodiversity is that:
 - The Ecosystem and indigenous biodiversity chapter include all rules for any activities anticipated, and a catch all for those that are not anticipated or only to be considered in exceptional circumstances, in an SNA overlay. Any prohibited activities within SNAs should also be identified in this chapter.
 - That rules for activities in other chapters exclude the activity from an SNA overlay. This ensures the rules for activities in SNAs are all in the one chapter.
 - Policies from other chapters can be considered in decision making for activities under the rules in the SNA chapter.
 - Rules for vegetation clearance (beyond SNA overlay areas) in relation to specific activities/purposes should only be included in the chapter relevant to that activity where they are more restrictive than any general vegetation clearance rule in the IB chapter.
 - The IB chapter should include a general vegetation clearance rule (beyond SNA overlay areas) as a catch all for activities that are not specifically addressed in another rules which applies vegetation clearance limits.

- That clearance should be defined by the term “vegetation clearance” when applying to SNA’s. Non-native plant species can have important habitat values and because clearance activities can also have adverse effects on an SNA.

1.7. For this reason the ‘overview’ for the Infrastructure chapter should explain the relationship between chapters such that adverse effects on indigenous biodiversity and rules for vegetation clearance relating to infrastructure are addressed in the biodiversity chapter. Similarly, that adverse effects of infrastructure on ONC, ONL, ONF and the Coastal environment, is addressed within those chapters. This approach is consistent with the National Planning Standards that state that overlay provisions must be located in the relevant District-wide matters chapter.

2. Renewable Energy and Energy efficiency

- 2.1. Forest & Bird is supportive of provisions for energy efficiency and would be keen to see this extend beyond electricity usage to the consideration of energy efficiency in transport mode options and travel distance when considering the location and design of subdivision and commercial developments.
- 2.2. Forest & Bird also supports the avoidance of large-scale renewable energy generation activities within ‘resource overlays’ assuming this includes SNAs, ONCs and ONLF’s. It would be helpful to use consistent language or define new terms and to identify within the relevant chapters that the scheduled areas listed in the appendices are shown as overlays on the planning maps.
- 2.3. Forest & Bird has concerns with the directive wording to provide for and enable activities for the same reasons as explained in relation to the Infrastructure chapter above.
- 2.4. As drafted the rules are uncertain with respect to the protection of SNAs and the maintenance of indigenous biodiversity. Conditions in this respect will be required in these rules or through appropriate rules included within the IB chapter, for these activities. Some consideration as to whether renewable energy devices are “infrastructure” or “structures” may also be helpful so that consistent terms can be used in provisions. For example rules which provide for earthworks around structures could include structures, for renewable energy purposes where appropriate.

3. Transport

- 3.1. Forest & Bird supports a strategic approach to transport planning, however, provisions for location of new activities and any change in scale for maintenance or upgrading of lawfully established activities need to recognise potential for adverse effects and provide for protection and maintenance of ecosystems and indigenous biodiversity.
- 3.2. Transport infrastructure including new, replacement and realignment of roads needs to consider opportunities to provide for management retreat of indigenous biodiversity where effects of sea level rise would result in loss of habitat between roads and the Coastal Marine Area.

- 3.3. While the overview recognises that land use and subdivision may impact transport networks, the statement that this chapter only regulates transport is not sufficient to help the plan user navigate the plan. Nor is it clear that provisions of this chapter relate to land use, development and subdivision activities which may have adverse effects on the transport network.
- 3.4. Forest & Bird supports some consideration of the relationship with annual and long term plans in the overview however, as written it is not clear that the environmental effects of activities which the council funds through said plans is the subject of this plan under the RMA.
- 3.5. As currently drafted it is difficult to determine whether ecosystems and indigenous biodiversity are appropriately protected and maintained when considering transport activities.
- 3.6. However, it is not clear if the rules actually relate to vegetation clearance. Presumably they do not. Whichever it is this needs to be expressly stated in the section. This is the same for Infrastructure and renewable Energy chapters. It appears that the permitted activity rules will not protect SNAs as there are no conditions to exclude or restrict activities within the identified SNA overlay or within sensitive receiving environments or to limit vegetation clearance outside identified SNAs.
- 3.7. Forest & Bird supports a discretionary activity classification for new roads outside of the identified SNA overlay areas. However, within the overlay areas a non-complying activity is appropriate to recognise that roads would not generally be appropriate or anticipated within those areas due to potential for significant adverse effects.

NATURAL ENVIRONMENT VALUES

4. Ecosystems and indigenous biodiversity

- 4.1. Forest & Bird supports a number of aspects in the provisions including:
- 4.2. Forest & Bird acknowledges that the draft National Policy Statement on Indigenous Biodiversity is still in draft form. The Government states on the Ministry for the Environment's website that it is intended to gazette the exposure draft of the NPS-IB sometime in December. If this occurs the Far North District Council will have to give effect to this policy direction. The exposure draft of the NPS-IP currently requires all councils to identify and map all SNAs. The exposure draft NPS-IB clause 3.10 provisions for protection for SNAs apply to all SNAs not any particular type of SNA except SNAs on whenua Maori; geothermal SNAs; SNAs within Plantation Forests; along with a number of other exclusions. These latter types of SNAs are managed through a separate regime.
- 4.3. It is also important to note in the Far North context that the exposure draft NPS-IB provides for a separate management regime for an area that is a SNA solely because of the presence of a kanuka or manuka species that has been listed as threatened exclusively on the precaution of myrtle rust impacts. The threat level status may yet

change in the near future, and likely to lower given that myrtle rust has not had the effect on these species that scientist thought may have come to pass.

- 4.4. While the district plan has to give effect to the RPS, there has to be scope to interpret the SNA provisions in a way that achieves the underlying intent - which is to protect areas that are genuinely ecologically significant.
- 4.5. Many people don't know what is ecologically significant on their land so Forest & Bird supports the mapping of Significant Natural Areas (SNAs) both to inform people about the land they are responsible for and how special it is, and to support good decision-making for councils, hapū and iwi.
- 4.6. This is why Forest & Bird oppose the removal of mapped SNAs in the district plan and would like them returned.
- 4.7. We support 'encouraging and enabling landowners' to protect SNAs. However, if SNAs are not mapped and without a rules framework, the council cannot 'encourage and enable' via rates relief, nor can these areas be targeted for biodiversity bonus or other funding outside the scope of the District Plan.
- 4.8. Native habitats that are fenced and are healthy because of ongoing quality pest control are great carbon sinks and offer us resilience in extreme weather events. Forest & Bird has asked Central Government that only native habitats that are fenced; have ongoing pest control for introduced browsing animals (e.g., goats, deer, possums etc.); and are designated as SNAs qualify as carbon sinks to be able to earn carbon credits and to prioritise for pest control funding.
- 4.9. This could mean that areas of manuka and kanuka that would otherwise not meet the criteria for SNA may yet be sought to be included in SNA mapping by landowners to qualify for carbon credits – so long as the fencing and ongoing pest control criteria are met.
- 4.10. SNAs will also contribute to achievement of the National Emissions Reduction Plan 2021 and the National Adaptation Plan 2022 and in so doing contribute towards maintaining the life supporting capacity of ecosystems, including the role that the atmosphere plays, and in reducing risks from climate impacts.
 - Action 4.1 of the Emissions Reduction Plan prioritises the use of nature-based solutions within our planning and regulatory systems, where possible, for both carbon removals and climate change adaptation.
 - Action 5.9 of the National Adaptation Plan prioritises nature-based solutions for both carbon removals and climate change adaptation
 - Protecting SNAs will contribute to the following objectives in the National Adaptation Plan by reducing risks from riparian and gully erosion and flooding
 - HBP1 Homes and buildings are climate resilient, and meet social and cultural needs

- HBP2 New and existing places are planned and managed to minimise risks to communities from climate
 - INF1 Reduce the vulnerability of assets exposed to climate change
 - INF2 Ensure all new infrastructure is fit for a changing climate
 - INF3 Use renewal programmes to improve adaptive capacity
- 4.11. Protecting these SNAs will also contribute to carbon removals within the district.
- 4.12. We would like to see a policy in respect of SNAs to support and alignment with implementation of the National Adaptation Plan 2022 and the Emissions Reduction Plan 2021.
- 4.13. We have written this submission keeping in mind that Te Mana o te Taiao/the national Biodiversity Strategy requires that climate and biodiversity issues are integrated across all areas of Government.
- 4.14. Forest & Bird supports a number of aspects in the provisions including:
- Those for the identification and protection of SNAs. However, we consider that policy direction for protection needs to be extended to all areas meeting the significance criteria of the RPS, not just those identified in the SNA overlay;
 - The avoidance of adverse effects on SNA's in the coastal environment. However, we consider that policy direction for avoidance of adverse effects needs to be extended to all areas meeting the significance criteria and in particular the matters set out in Policy 11(a) of the NZCPS, and RPS, policy 4.4.1 not just those areas identified in the SNA overlay;
 - To avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on indigenous biodiversity in the coastal environment. This is appropriate to give effect to the RPS and recognises the importance of indigenous biodiversity in the coastal environment particularly given the impacts of climate change. However, Forest & Bird considers this needs to be extended to include the matters set out in Policy 11(b) of the NZCPS and the RPS, policy 4.4.1;
 - That offsetting is not to be considered within the coastal environment or within the SNA overlay except as specified for RSI, and the National Grid. Offsetting and compensation need to include clear limits to what can be offset or compensated and ensure that significant indigenous biodiversity is identified and retained unless there is a true exceptional reason not to;
 - To encourage active management of introduced pest plants and animals and support voluntary ecological restoration initiatives;

- The promotion of protection to species endemic to Northland and species listed as threatened or at-risk in the most up to date NZ Threat Level classification. However, Forest & Bird considers that:
 - protection from domestic cats, dogs and mustelids should be advanced before a species becomes acutely or chronically threatened and to protect those that are;
 - restrictions on ownership of domestic cats, dogs and mustelids are necessary, in some cases, in addition to responsible pet ownership and that these requirements should extend beyond areas of kiwi habitat to include bat, banded rail, fernbird and bittern present areas; and
 - that measures to reduce the spread of kauri dieback should be added into this provision.
- 4.15. Forest & Bird is concerned that the chapter lacks adequate provision for indigenous biodiversity beyond the identified SNA overlay areas and thus fails to:
- protect significant indigenous biodiversity beyond those identified areas;
 - maintain indigenous biodiversity, including the natural genetics of the district; and
 - include direction for considering restoration and enhancement opportunities in consenting processes.
- 4.16. The protection for 6(c) RMA indigenous biodiversity is to be afforded in all areas that meet the criteria as set out in the RPS and within the coastal environment to all matters specified in Policy 11 of the NZCPS and the RPS. Forest & Bird supports the identification and use of an overlay for known sites as this significantly improves the ability for council to carry out its responsibilities and functions. However, limiting the policy direction and rules to identified SNA overlay areas does not give effect to these higher order provisions.
- 4.17. Policy direction for the maintenance of indigenous biodiversity is needed, as are rules which trigger a consenting requirement under which an ecological assessment can be carried out. An ecological assessment at the time of consent gives the most up-to-date information on ecological values present and can be used to determine if any indigenous biodiversity meets the criteria for significance in the RPS, whether the proposal is consistent with protection of those values and enable consideration of other indigenous biodiversity values, so that the maintenance of indigenous biodiversity can be achieved.
- 4.18. Forest & Bird considers that activities within the identified SNA overlay areas should generally be a Non-complying activity unless there are specific activities which can appropriately be provided for as permitted activities or anticipated as potentially acceptable when considered through a consent process, such as relating to the National Grid and renewable electricity generation.
- 4.19. It would be appropriate in Forest & Bird's view for the Council to have discretion to decline consent in forests where kauri are present. This is because the felling of kauri can no longer be considered appropriate given the impacts of kauri dieback disease and

because felling and soil movement (i.e. from earthworks for roading, via vehicles and dragging of logs) can spread or exacerbate the disease. There is also very little kauri forest left in within the District and where kauri forest once existed.

- 4.20. Forest & Bird also considers that there needs to be some consideration of how indigenous vegetation adjacent to wetlands in managed in the Plan. This is an area where there is a close relationship with Regional Council functions for the maintenance of indigenous biodiversity¹ in water bodies, including wetlands. There is now an overlap between District Council functions for the maintenance of indigenous biodiversity and Regional Council implementation of the NES for Freshwater which includes regulation of vegetation clearance within 10 m of wetlands.
- 4.21. This means that in carrying out its responsibilities for protection SNAs and functions for maintenance of indigenous biodiversity the District Council must ensure the Plan provisions for vegetation clearance are not more lenient than the NES for Freshwater.
- 4.22. Rules in a district plan can only be more stringent where they address the same matters as the NES for Freshwater. This means that any rules which provide circumstances for vegetation clearance adjacent to a wetland can only be more stringent than the NES for Freshwater. With respect to SNAs Forest & Bird considers that a non-complying activity status creates the least risk of conflict.
- 4.23. Lastly Forest & Bird is concerned with the directive wording in other chapters to enable and provide for activities without, or with inadequate, consideration of adverse effects on indigenous biodiversity. Such provisions are inappropriate as they would result in the loss of indigenous biodiversity and conflict with requirements for protection and to avoid adverse effects and avoid significant adverse effects, including as set out in the IB chapter provisions. There needs to be more cross referencing between chapters and in particular, within rules to ensure consistency and to achieve the objectives for ecosystems and indigenous biodiversity.

5. Natural character

- 5.1. Forest & Bird is supportive of an approach to provide for the preservation of natural character of wetlands, lakes and river margins. However, the provisions as drafted fail to provide policy direction on how this is to be achieved.
- 5.2. Rather than setting direction towards adverse effects on Natural Character they enable the clearance of indigenous vegetation for a number of purposes or where significant adverse effects are avoided and any other effects on natural character are avoided, remedied or mitigated. This direction potentially conflicts with the ecosystem and indigenous biodiversity provisions.
- 5.3. Provisions need to set out clear direction with respect to natural character and avoid conflicting with provisions for ecosystem and indigenous biodiversity. These provisions

¹ Section 1.6 of the Northland RPS Statement of regional and district 1.6 council responsibilities maintenance of indigenous biodiversity

should support each other rather than potentially detract from each other as currently drafted.

- 5.4. It is not clear if APP1- Mapping methodology and criteria is meant to be used in terms of areas of natural character that are not ONCs. It may be helpful to guide users to the Natural Character assessment criteria section of APP1 Mapping where it refers to natural character that is less than outstanding and include direction for assessing that natural character in policies.
- 5.5. For the purposes of NATC-P2 It would be helpful to include policy direction on considerations for determining adverse effects.
- 5.6. While the overview states that provisions relating to the natural character of the coastal environment are located in the Coastal Environment chapter, this is not the case for the natural character addressed in this chapter. The Coastal environment chapter does not include provisions specific to the natural character of wetlands, lakes and rivers in the coastal environment.
- 5.7. Forest & Bird considers that the Coastal environment chapter must be applied in addition to the Natural charter chapter within the coastal environment.
- 5.8. Forest & Bird has similar concerns with the rules in this chapter as discussed on the IB chapter above.

6. Natural features and landscapes

- 6.1. Forest & Bird largely supports the overview explanation and the direction of draft provisions of this chapter.
- 6.2. In the overlay rules for consistency and to avoid confusion the left rule column should also (like other theme and topic chapters) refer to zones and the rule heading, description and/or conditions should identify the overlay which the activity relates to.
- 6.3. Forest & Bird has similar concerns with the rules in this chapter as discussed on the IB and NC chapters above.

GENERAL DISTRICT-WIDE MATTERS

7. Coastal environment

- 7.1. It would be helpful to explain the aspects of the NZCPS as they related to the Council's functions, identifying those that are given effect to through provisions in this chapter or where they are in other chapters of the plan.
- 7.2. Forest & Bird suggest that the overview for the chapter should explain the relationship of the coastal environment provisions with all other chapters including the underlying zones.
- 7.3. Forest & Bird supports specific provision for preservation of high natural character (HNC) in overlay areas within the rules as the overlay approach provides certainty to uses and the assessment sheets provide a starting point for assessing adverse effects.

- 7.4. To ensure integration with the coastal environment chapter provisions, the rules in other chapters should exclude or restricted activities in HNC, ONC, ONL, ONF and SNAs, through conditions in permitted, controlled, restricted discretionary and discretionary activity rules. It may also be relevant to consider these areas for activities adjacent to then through inclusion as a matter of control/discretion.
- 7.5. There is a need to clarify the focus of provisions relating to the coastal environment within the chapter and for integration across chapters such that the protection and avoid directives of Policies 11, 13 and 15 and the recognition and protection provided by Policy 2 of the NZCPS are given effect to in a clear and consistent manner.

8. Mineral extraction/quarrying/mining

- 8.1. Forest & Bird supports in principle the identification of areas where mineral extraction resources are available, where consideration is also given to the appropriateness of the accessing the mineral resource in such areas given location specific ecological, indigenous biodiversity, freshwater and cultural values.
- 8.2. In drafting plan provisions for mineral extraction, quarrying and mining it is appropriate to recognise that s6 of the Act does not set out any specific direction with respect to such resources or the activities to extract them. Nor is there any current National Policy Statement. It is necessary to ensure that the higher order provisions for significant indigenous biodiversity and freshwater amongst other matters, are achieved while giving effect to RPS provisions and district aspirations for mineral extraction activities.
- 8.3. It is confusing that the term “overlay” is used in the chapter heading when the scope of the chapter is not restricted to an overlay and other chapters which include overlays do not have that term in the chapter heading.
- 8.4. Given these issues and that the approach set out in the chapter provisions is to facilitate specific mining and quarrying activities while restricting other activities rather than to preserve natural values as the provisions for the SNA, ONC and other overlays there seems to be some disparity in using an overlay in this way. Provisions for quarrying activities may be more appropriately addressed by using a special purpose zone rather than an overlay.
- 8.5. Forest & Bird also seeks that the ecosystem and indigenous biodiversity provision apply over any new or expansion of mineral extraction within the Mineral Extraction resource overlay.
- 8.6. Forest & Bird seeks clarity for the scope of this chapter and its relationship to the zone chapters which also including mineral extraction activities so that the indigenous biodiversity provisions can be appropriately recognised and provided for with respect to the adverse effects of such activities.
- 8.7. As currently written in the draft plan it is not clear whether the objectives and policies in the biodiversity chapter will be achieved with respect to mineral extraction activities.

9. Zone chapters - purpose

- 9.1. Forest & Bird seeks that any objective or policy setting out the purpose of the zone includes recognition of the ecological context of the zone and the importance of maintaining indigenous biodiversity values. This approach is necessary to improve consistency and reduce the chance of conflict where provisions in the zone chapters enable or provide for activities on the basis that they achieve the purpose of the zone.

10. Rural Production Zone

- 10.1. This zone covers most of the district and includes most SNAs and the coastal land outside of the conservation estate. This needs to be recognised in the chapter overview to set the appropriate context for the chapter and integration with other chapters in the plan. This needs to be captured in the purpose of the zone; recognising the ecological context (including protecting significant natural areas) and importance of maintaining indigenous biodiversity values as an integral part of the objectives and policies to achieve the purpose of the rural production zone.

Thank you for the opportunity to provide comment on the draft district plan. I hope you find our comments helpful and constructive.

We would be happy to discuss these matters further should you wish to do so.

A signature is not required if the submission is filed electronically.

Ngā Mihinui,

Dean Baigent-Mercer

Appendix 1

Provisions to which submission relates:	Position:	Reasons:	Relief:
Part One – Introduction and General Provisions Interpretation Definitions			
Biodiversity Offset	Support	Clear definition Consistent with best practice and policy under the proposed plan	Retain
Coastal environment	Neutral		Retain
Conservation activity	Neutral		Retain
Cultivation	Neutral		Retain
Environmental Biodiversity Compensation	Support	Clear definition Consistent with best practice and policy under the proposed plan	Retain, perhaps if anything it could be stipulated to make it abundantly clear that compensation occurs offsite. This will help ensure there is no confusion between whether this is mitigation of offsetting.
Exploration	Neutral	This is the same or similar to the definition found in the Crown Minerals Act 1991. There is a cross reference for all of the definitions that are the same as the RMA, query why there is no cross reference to the Crown Minerals Act. Note definition for mining refers to the Crown Minerals Act	Consider cross-referencing the Crown Minerals Act
Functional need	Neutral	Recognize this is defined in the NPS-IB exposure draft and may yet be amended	Retain
Net gain	Neutral		Retain
No net loss	Partially supportive	This definition generally reflects the NPS-FW. However, the NPS does not refer to the offset within the definition. The NPS-FW rather refers to the type of habitat.	Amend “Means the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type, values function and

Provisions to which submission relates:	Position:	Reasons:	Relief:
		Further, there is no Indigenous biodiversity offset defined in the Far North Plan it is just 'Biodiversity Offset'y	location <u>of the ecosystem type or the species type meant to be offset indigenous biodiversity offset</u> or some other words to this effect.
Operational need	Neutral	Recognize this is defined in the NPS-IB exposure draft and may yet be amended	Retain
Prospecting	Neutral	This is the same or similar to the definition found in the Crown Minerals Act 1991. There is a cross reference for all of the definitions that are the same as the RMA, query why there is no cross reference to the Crown Minerals Act. Note definition for mining refers to the Crown Minerals Act	Consider cross-referencing Crown Minerals Act
Quarry	Partially support	No entirely clear why the term "permanent" is used and whether it adds any clarity to the definition. Consider the term could confusion to plan users and use of the term may have unintended consequences	Remove "permanent"
Residual adverse effect	Neutral		Retain
Renewable Electricity Generation Activities	Support in Part	<p>The meaning is firstly set out to be "of structures associated with renewable electricity generation". However, the further inclusions appear to extend to infrastructure beyond "structures" and possibly to earthworks and planting for site rehabilitation works. It is also unclear whether the definition includes structures specifically for renewable electricity generation rather than just associated with it.</p> <p>The inclusion of ancillary activities needs to be reconsidered and captured within this definition only where renewable electricity generation meets the definition of RSI.</p>	Amend the definition to clarify its application to generation structures and associated/ancillary infrastructure and to limit the definition to RSI. That is where generation is of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks.

Provisions to which submission relates:	Position:	Reasons:	Relief:
		Limiting the definition to renewable electricity generation within the scope of the definition for RSI is appropriate given the special considerations provided for in provisions, including ECO and CE chapters for these activities in terms of adverse environmental effects.	
Sensitive environment	Support		Retain
Significant natural area	Support		Retain
Wetland, Lake and River Margins	Support		Retain
How the Plan Works			
General Approach			
Part 3 – Area Specific Matters	Support in Part	The relationship between the provisions and rules in the zone chapters and the district wide chapter is not clearly explained. This could result in plan users focusing on zone provisions and failure to consider the overlay provisions for indigenous biodiversity. It would be helpful to include a statement with respect to zone/area specific chapter provision to clarify that the district wide provisions also apply. That with respect to rules it is the more stringent rule that applies.	<p>Amend the last sentence under Zones</p> <p><i>Area specific zone matters chapters do not contain rules and standards that apply generally across the district specifically to the area or zone. <u>There are additional rules and standards which apply generally across the district in the District Wide Matters chapters. This may result in more than one rule applying to an activity, in which case the more stringent will apply.</u></i></p> <p>And Add</p> <p><i><u>Where there is a conflict between the provisions in an area specific matters chapter and a provision for an overlay in a district wide matters chapter that cannot be resolved by carefully considering the wording of the provisions, it is the district wide overlay provision which prevails.</u></i></p>

Provisions to which submission relates:	Position:	Reasons:	Relief:
Part 2 District Wide Matters			
Strategic Directions			
Overview	Support in Part	<p>Disagree that objectives found in other chapters are subservient to the strategic objective. Agree that there is no hierarchy and over-arching does not of itself imply supervisory direction.</p> <p>Saying that interpreting and Implementing the District Plan that all other objectives and policies are to be read and achieved in a manner consistent with the strategic directions may not allow the plan to give effect to higher order documents such as the NZCPS or the RS or the NPS-FW. The imperative of all chapters' objectives and policies to be read and achieved in a manner consistent with the Strategic Directions will not protect or maintain indigenous biodiversity in the Far North. The detail found in other chapters is where the plan gives effects to these higher order documents and should ensure that biodiversity is protected and maintained.</p> <p>Forest & Bird's proposed relief is the wording as approved by the Environment Court (with some modifications) in <i>Darby Planning Ltd Partnership v QLDC</i> [2019] NZEnvC 133 at annexure 2 clause 3.1B. See also Annexure 3 to this decision which is a Minute of the Court dated 29 March 2019 at [34] - [39] where this issue was discussed and the Court sought input on the suggested wording.</p>	<p>Amend:</p> <p><i>For the purposes of preparing, changing, interpreting, and implementing the District Plan, all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these Strategic Directions. There is no hierarchy between the stated Objectives (i.e. no one Strategic Objective has primacy over another Strategic Objective, and the Strategic Objectives should be read as a whole).</i></p> <p><u><i>For the purpose of District Plan development, including plan changes, the strategic objectives in this chapter provide direction for the development of the more detailed provisions contained in the District Plan.</i></u></p> <p><u><i>For the purpose of District Plan implementation (including the determination of resource consent applications and notices of requirement):</i></u></p> <p><u><i>a) the strategic objectives may provide guidance on what the related objectives and policies in other chapters of the District Plan are seeking to achieve; and</i></u></p> <p><u><i>b) the relevant objectives and policies of the District Plan (including strategic objectives in this chapter) are to be considered together and no fixed hierarchy exists between them.</i></u></p>

Provisions to which submission relates:	Position:	Reasons:	Relief:
Overview of Historic, cultural, Economic, Urban, Infrastructure, electricity, rural environment and natural environment	Support in part	<p>The overview in these section repeat problematic words from the Strategic Directions Overview.</p> <p>It's not clear why this statement need to be repeated in every section when it is found in the strategic overview.</p>	<p>Delete from each sections overview:</p> <p>...</p> <p><u>For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives</u></p> <p>If it is preferred by the decision maker then replace with the desired wording for the Strategic Overview set out above</p>
Overview – Natural Environment	Support in Part	<p>In terms of indigenous biodiversity, Forest & Bird considers that the issues include:</p> <ul style="list-style-type: none"> • the risk of species reaching threat status and of those already threatened becoming more so; • the need to increase and enhance indigenous biodiversity: <ul style="list-style-type: none"> ○ for habitat benefits to native species; ○ for the significant contribution native trees and wetlands provide as carbon sinks; and ○ for resilience in a changing climate; • recognising that Northland is a strong hold for some species and should remain so; • that development pressures are resulting in the loss of indigenous biodiversity including through incremental vegetation clearance, the effects of introduced species and potential to spread kauri dieback. <p>These should be reflected in the Overview</p>	Amend to include the issues set out in the reasons

Provisions to which submission relates:	Position:	Reasons:	Relief:
SD-EP-01 to 06		Suggest amending the 'EP' this is the same as the strategic directions for Economic Prosperity. This lead to confusion for plan users	Either Amend the title Economic Prosperity or the title to Environmental Prosperity.
SD-EP-01	Support		Retain
SD-EP-02	Support		Retain
SD-EP-03	Support		Retain
SD-EP-04	Support		Retain
SD-EP-05	Support in part	RMA, s6(a) says preserve natural character and it includes waterbodies and their margins. RMA s6(b) says protect ONL and ONFs. In order to preserve something they must first be identified if they have not been already	Amend <i>...The natural character of the coastal environment, <u>waterbodies and their margins are preserved, and outstanding natural features and landscapes are identified and managed to ensure their long-term protection-for future generations</u></i>
SD-EP06	Support	In order to protect something they must first be identified if they have not been already. This may have been a typo as well given that the objective has an 'and' in front of 'protected' which implies that something is missing from this objective.	Amend <i>... fauna and <u>are identified and protected</u> ...</i>
New SD-EP-0X	Add	F&B considers the strategic direction objectives and policies should at a minimum provide for the protection of significant indigenous biodiversity, the maintenance of indigenous biodiversity and opportunities for enhancement where indigenous biodiversity has been degraded.	Add <i><u>Indigenous Biodiversity is maintained.</u></i>
New SD-UFD-0X	Support in part	The objectives lack recognition of the importance of indigenous biodiversity in relation to urban development. This includes protecting and maintaining indigenous biodiversity and recognizing the value of it to communities and to achieving well functioning urban environments. The NPSUD 2020 includes a number of considerations for well-functioning urban	Add an addition clause to SD-UFD as follows: <i><u>Urban growth and development incorporates and sustains indigenous biodiversity</u></i>

Provisions to which submission relates:	Position:	Reasons:	Relief:
		<p>environments but this is not an exclusive list. Indigenous biodiversity is not only appropriate within urban areas for its own sake but also to provide for social and cultural wellbeing and making these environments attractive.</p> <p>It should be clear at a strategic level within the plan that urban development and infrastructure is intended to be provided in a way that incorporates and sustains indigenous biodiversity.</p>	
New SD-RE-OX	Support in part	The rural zone objectives should also limit the other activities that can occur in the rural zones and give an indication that other activities should not have reverse sensitivity effects on primary production activities	<p>Add an addition clause to SD-RE as follows:</p> <p><u>Ensure that within rural areas the establishment and operation of primary production activities are not limited by new incompatible sensitive activities and limit those other activities in the rural areas.</u></p>
District Wide Matters – Energy, Infrastructure and Transport			
Infrastructure			
Intro		This chapter is confusing because it appears to use RSI and infrastructure in the objectives and policies interchangeably. In many instances under the RPS only RSI gains access to the mitigation hierarchy, not all infrastructure in general. The definition of RSI is already broad and bringing in all of infrastructure is not warranted.	Create policies and objectives that separate out infrastructure from RSI.
I-O4	Support in Part	The word ‘minimise’ is not appropriate and does not reflect the terminology used in RMA, s5	<p>Amend:</p> <p><u>“ ... avoid, remedy or mitigate minimise ...”</u></p>

Provisions to which submission relates:	Position:	Reasons:	Relief:
		<p>This chapter does not have any rules that address indigenous biodiversity.</p> <p>It may be that this objective is better reflected in the IB chapter.</p>	
I-P2	Support in Part	<p>There are no rules in this chapter that regulate the removal of indigenous biodiversity. For this reason this chapter may not be the most appropriate place for these policies. It means that plan users have to go to the IB chapter then if they are undertaking an infrastructure activity then they will need to go back to the Infrastructure chapter to pick up on these policies.</p> <p>This policy elevates all infrastructure in the Far North to the status of RSI, National Grid, electricity transmission and renewable electricity generation activities. The definition for RSI is already far ranging and including all of infrastructure is a step to far and has no support from higher order planning documents.</p> <p>This policy does not meet the requirements of the NZCPS because it provides access to the effects mitigation hierarchy for all infrastructure in the Far North. This is contrary to the express requirements of the NZCPS in regards to ONLs, ONFs, and policy 11(a) matters.</p> <p>It also runs counter to RPS, policies 5.3.3, 4.4.1, 4.6.1 and 4.6.2.</p> <p>The RPS only provides access to the mitigation hierarchy for RSI not infrastructure as a whole in</p>	<p>Amend:</p> <p><i>In the coastal environment, manage the effects of the development, operation, maintenance and upgrading of infrastructure <u>and new Regionally Significant Infrastructure or re-consenting of existing of Regionally Significant Infrastructure</u> activities by:</i></p> <ul style="list-style-type: none"> a. <i>avoiding adverse effects on the <u>values, qualities and characteristics</u> of: <ul style="list-style-type: none"> a. <i>significant natural areas,</i> b. <i>The outstanding natural features or landscapes, areas of outstanding natural character;</i> </i> b. <i>Avoiding adverse effects on: <ul style="list-style-type: none"> a. <u>Indigenous taxa that are listed as threatened or at risk in the NZ Threat Classification System lists; and</u> b. <u>Areas set aside for full or partial protection of indigenous biodiversity under other legislation</u> </i> c. <i>avoiding significant adverse effects <u>and avoid, remedy, mitigate other adverse effects</u> on: <ul style="list-style-type: none"> a. <i>other natural features and landscapes, and areas of natural character;</i> </i>

Provisions to which submission relates:	Position:	Reasons:	Relief:
		<p>certain circumstances. These suggested amendments reflect these restrictions.</p> <p>Further the RPS does not provide access to offsetting and compensation principles in the Coastal Environment for new or re-consenting of RSI under RPS, policy 5.5.3, 4.4.1 (1) and (2)</p> <p>The RPS, policy 5.5.3 only provides access to offsetting and compensation for maintenance, and upgrading of existing RSI, in the coastal environment.</p> <p>Under the RPS infrastructure in general must comply with RPS policies 4.4.1 and 4.6.1 and 4.6.2. No further policy direction is required for infrastructure in general and it should fall to the natural environment chapter objectives and policies to assist resource consent applications.</p>	<ul style="list-style-type: none"> b. <u>areas of predominantly indigenous vegetation;</u> c. <u>Habitats of indigenous species important for recreational, commercial, traditional, or cultural purposes;</u> d. <u>Indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reefs systems, eelgrass, northern wet heathlands, coastal and headwater streams, floodplains, margins of the coastal marine area and freshwater bodies, spawning and nursery areas and saltmarsh; and</u> e. <u>Historic heritage</u> <p>d. recognising the technical, operational and functional needs and constraints of infrastructure activities; and</p> <p>e. having regard to offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated.</p> <p>Then create new policies reflecting direction operation, maintenance and upgrading of RSI as follows:</p> <p><u>In the coastal environment, manage the effects of the, operation, maintenance and upgrading of Regionally Significant Infrastructure activities by:</u></p>

Provisions to which submission relates:	Position:	Reasons:	Relief:
			<ul style="list-style-type: none"> a. <u>avoiding adverse effects on the values, qualities and characteristics of:</u> <ul style="list-style-type: none"> i. <u>significant natural areas,</u> ii. <u>The outstanding natural features or landscapes, areas of outstanding natural character;</u> b. <u>Avoiding adverse effects on:</u> <ul style="list-style-type: none"> i. <u>Indigenous taxa that are listed as threatened or at risk in the NZ Threat Classification System lists; and</u> ii. <u>Areas set aside for full or partial protection of indigenous biodiversity under other legislation</u> c. <u>avoiding significant adverse effects on:</u> <ul style="list-style-type: none"> i. <u>other natural features and landscapes, and areas of natural character;</u> ii. <u>areas of predominantly indigenous vegetation;</u> iii. <u>Habitats of indigenous species important for recreational, commercial, traditional, or cultural purposes;</u> iv. <u>Indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reefs systems, eelgrass, northern wet heathlands, coastal and headwater streams, floodplains, margins of the coastal marine area and freshwater bodies,</u>

Provisions to which submission relates:	Position:	Reasons:	Relief:
			<p><u>spawning and nursery areas and saltmarsh; and</u></p> <p>v. <u>Historic heritage</u></p> <p>d. <u>avoid, remedy, mitigate other adverse effects;</u></p> <p>e. <u>recognising the technical, operational and functional needs and constraints of infrastructure activities; and</u></p> <p>f. <u>where significant adverse effects are avoided and the adverse effects after the conclusion of the maintenance or upgrading or operation are the same or similar to before the activity being undertaken consider offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated.</u></p>
I-P3	Oppose	The policy does not give effect to the RPS, policies 5.3.3, 4.4.1(3) and 4.6.1.	<p>Amend</p> <p><i>Outside the coastal environment, manage the effects of the development, operation, maintenance and upgrading of infrastructure activities by:</i></p> <p>a. <i>avoiding effects on historical and cultural values, significant natural areas, and outstanding natural features or landscapes to the extent practicable;</i></p>

Provisions to which submission relates:	Position:	Reasons:	Relief:
			<p>b. <u>avoiding significant adverse effects on of the following:</u></p> <ul style="list-style-type: none"> i. <u>Areas of predominantly indigenous vegetation;</u> ii. <u>Habitat of indigenous species that are important for recreational, commercial, traditional or cultural purposes;</u> iii. <u>Indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, dunelands, norther wet heathlands, headwater strerams, floodplains and margins of freshwater bodies, spawning and nursery areas; and</u> iv. <u>Outstanding natural features and outstanding natural landscaps and the natural character of freshwater bodies:</u> <p>c. minimising <u>remedying or mitiqating other adverse effects on historical and cultural values, natural environment values that cannot be avoided;</u></p> <p>d. <u>recognising the technical, operational and functional needs and constraints of infrastructure activities; and</u></p> <p>e. <u>considering where more than minor residual adverse effects remain from (c) biodiversity having regard to offsetting; and</u></p> <p>f. <u>considering where more than minor residual adverse effects cannot be biodiversity offset in (e) an environmental biodiversity compensation measure where there are more than</u></p>

Provisions to which submission relates:	Position:	Reasons:	Relief:
			<p>minor residual adverse effects that cannot be avoided, remedied or mitigated.</p> <p>Then for Regionally Significant Infrastructure include the following two new policies:</p> <p><u>Outside the coastal environment manage the effects of new and the re-consenting of existing Regionally Significant Infrastructure by:</u></p> <ul style="list-style-type: none"> <u>g. avoiding effects on historical and cultural values, significant natural areas, and outstanding natural features or landscapes to the extent practicable;</u> <u>h. minimising mitigating or remedying adverse effects on historical and cultural values, natural environment values that cannot be avoided;</u> <u>i. recognising the technical, operational and functional needs and constraints of infrastructure activities;</u> <u>j. Biodiversity offsetting more than minor residual adverse effects that cannot be avoided, remedied or mitigated; and</u> <u>k. If more than minor residual adverse effects remain after biodiversity offsetting then consider Environmental biodiversity</u>

Provisions to which submission relates:	Position:	Reasons:	Relief:
			<p><u>compensation measures to ensure that any residual adverse effect is no more than minor.</u></p> <p>And then add a new policy to address maintenance, operation and upgrading of RSI</p> <p><u>Outside the coastal environment manage the effects of operation, maintenance and upgrading of existing Regionally Significant Infrastructure by:</u></p> <ul style="list-style-type: none"> a. <u>Avoiding significant adverse effects and the adverse effects after the conclusion of the maintenance or upgrading or operation are the same or similar to before the activity being undertaken; and</u> b. <u>Then consider offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated.</u>
I-P10	Support in Part	Recognize that National Grid is very important	Amend to reflect that there may be instances in the Coastal Environment where avoidance of indigenous biodiversity may be required
I-P13	Support in part	It is not clear what types of environments this policy is aimed at given that I-P2 and I-P3 already address the Coastal Environment and SNAs and other important natural and cultural matters outside the Coastal Environment.	<p>Amend</p> <p>Manage the adverse effects of infrastructure _on the environment by:</p> <ul style="list-style-type: none"> a. avoiding, remedying or mitigating the adverse effects of substantial upgrades to, or

Provisions to which submission relates:	Position:	Reasons:	Relief:
		<p>This policy should appropriately be aimed for infrastructure in general at values that are not covered by I-P2 and I-P3 (and those others recommended by Forest & Bird)</p> <p>Under the RPS infrastructure in general must comply with RPS policies 4.4.1 and 4.6.1 and 4.6.2</p>	<p>the development of new infrastructure, including effects on:</p> <ul style="list-style-type: none"> i. natural and physical resources; ii. amenity values; iii. sensitive activities; iv. the safe and efficient operation of other infrastructure; v. the health, well-being and safety of people and communities. <p>b. avoiding radio, electric and magnetic emissions that do not meet the recognised standards or guidelines;</p> <p>c. requiring the undergrounding of network utilities in Urban zones and the Settlement zone where it:</p> <ul style="list-style-type: none"> i. is technically feasible; ii. is justified by the extent of adverse visual effects; and iii. provides for the safety of the community.
Notes	Support in part	Note 1 only refers to other District Wide Matters as potentially applying. It should say that Area Specific Matters may apply as well	Amend to include reference “Area-Specific Matters Chapter”
Renewable Electricity Generation			
REG-O3	Support in part	The word ‘minimise’ is not appropriate and does not reflect the terminology used in RMA, s5	<p>Amend:</p> <p>“ ... <i>avoid, remedy or mitigate</i> minimise ...”</p>

Provisions to which submission relates:	Position:	Reasons:	Relief:
		<p>This chapter does not have any rules that address indigenous biodiversity.</p> <p>It may be that this objective is better reflected in the IB chapter.</p>	
REG-P5	Oppose	<p>This policy mirrors I-P2.</p> <p>Forest & Bird concerns are the same as those for I-P2</p>	Amend same as relief above for I-P2, replace the words Regionally Significant Infrastructure with 'Renewable Electricity Generation'
REG-P6	Oppose	<p>This policy mirrors I-P3</p> <p>Forest & Bird's concerns are the same as those for I-P3</p>	Amend same as a relief above for I-P3, replace the words Regionally Significant Infrastructure with 'Renewable Electricity Generation'
Notes	Support in part	Note 1 only refers to other District Wide Matters as potentially applying. It should say that Area Specific Matters may apply as well	Amend to include reference "Area-Specific Matters Chapter"
Notes	Support in part	Note 1 only refers to other District Wide Matters as potentially applying. It should say that Area Specific Matters may apply as well	Amend to include reference "Area-Specific Matters Chapter"
REG-R3; R4; R5	Support in part	The scope of these activities is not clear. Within the Restricted discretionary matters of discretion it list vegetation clearance. The context of the wording seems to imply that the activity includes vegetation clearance. It should be made abundantly clear that this rule does not apply to indigenous vegetation clearance and that the IB chapter on indigenous vegetation clearance apply	Amend to make abundantly clear that these activities do not include indigenous vegetation clearance or areas of non-indigenous vegetation that is significant habitat for indigenous fauna.
Natural Environment Values			
Ecosystems and Indigenous Biodiversity			

Provisions to which submission relates:	Position:	Reasons:	Relief:
IB-02	Oppose	<p>Fails to give effect to the environmental bottom lines approach required under the RMA. Human centric and use orientated.</p> <p>There will be threatened indigenous biodiversity which occurs outside areas identified as SNAs</p>	<p>Amend</p> <p><i><u>The extent and diversity of Indigenous biodiversity across the district is managed to maintained its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.</u></i></p>
New Objective	Support	Consider New Objectives to encourage landowners to protect, and enhance biodiversity	<p>Add</p> <p><i><u>Landowners are encouraged and supported to protect and enhance the biodiversity values of their land.</u></i></p>
New Objective	Support	Ecosystem services are little acknowledged in this plan, yet they form a critical part of the environment	<p>Add</p> <p><i><u>The ecosystem services provided by areas of indigenous biodiversity are recognized and enhanced. These services include increased resilience to the effects of climate change.</u></i></p>
IB-P1	Oppose in part	SNAs need to be identified and mapped throughout the district not just where landowners agree	Amend to reflect district wide mapping and rules applicable to SNAs
IB-P2	Oppose in part	<p>RMA, s75 says a district plan must give effect to the NZCPS and the RPS.</p> <p>This policy is a good start, however, this policy does not give full effect to the RPS, policy 4.4.1(1). And NZCPS policy 11</p> <p>For example the NZCPS, policy 11(a) and the RPS, policy 4.4.1(1)(a) requires the avoidance of adverse effects on indigenous taxa that are listed as threatened or at-risk.</p>	Amend to give full effect to RPS and the NZCPS, policy 11(a) and (b)

Provisions to which submission relates:	Position:	Reasons:	Relief:
		<p>Reliance solely on the criteria may not necessarily pick these matters up. These need to be expressly listed in the plan to give full effect to the higher order documents.</p> <p>Also (b) only picks up one of the matters in RPS, policy 4.4.1(2) when there actually 3. Also the NZCPS, policy 11(b) lists 6 individually.</p> <p>A useful comparison and perhaps template is the proposed Northland Regional Plan, policy D.2.18 or the Whangarei District Plan, CA. 1.3 (4) and . This policy mirrors the RPS, policy 4.4.1. RMA, s75(4) and (5) says a district plan must not be inconsistent with a regional plan.</p>	
IB-P3	Oppose in Part	<p>Many of the reasons listed for IB-P2 apply to this policy in regards to giving effect to the RPS, policy 4.4.1. This policy only partially gives effect to the RPS.</p> <p>A useful comparison and perhaps template is the proposed Northland Regional Plan, policy D.2.18. This policy mirrors the RPS, policy 4.4.1. RMA, s75(4) says a district plan must not be inconsistent with a regional plan.</p>	Amend to give full effect to the RPS. Policy 4.4.1 for indigenous biodiversity outside of the coastal environment.
IB-P4	Neutral	Forest & Bird tentatively supports this policy but wishes to see where discussions on other policies land	Retain
IB-P5	Oppose	This policy is trying to do too much. It is combining the protection of SNAs elements with maintenance of other indigenous biodiversity into one policy direction.	Delete in the first instance, if not deleted then Amen as follows

Provisions to which submission relates:	Position:	Reasons:	Relief:
		<p>Sub policy (a) - Existing primary production areas are already cleared or highly modified so shouldn't generally be captured by the RPS SNA definition. The maintenance of biodiversity will likely be the only provisions applying. The wording of this sub-policy does not align with the wording of the other three sub-policies and gives primary production activities primacy over the protection and maintenance of indigenous biodiversity. There are no higher document directions indicating this should be the case. Also the term "unreasonable" is far too ambiguous. The sub-policy if it remains requires tightening up.</p> <p>Sub-Policy (b) and (c) are already provided for in the infrastructure and renewable energy chapters. It also gives all infrastructure primacy over indigenous biodiversity when there is no higher order direction for this</p> <p>Sub-policy (d) could be retained in a separate format.</p>	<p><i>Ensure that the management of land use, <u>development and subdivision to protect Significant Natural Areas and maintain indigenous biodiversity is done in a way that:</u></i></p> <p>a) <i>Does not impose unreasonable restrictions on</i> <i><u>Allows for existing primary production activities, to continue particularly on highly versatile soils where the Significant Natural Areas's values are protected and indigenous biodiversity values are maintained;</u></i></p> <p>...</p>
IB-P6	Support in part	Non-regulatory methods are supported but also need district wide mapping and rules around SNA protection	<p>Amend to reflect introduction of district wide mapping and rules for SNAs in addition to non-regulatory methods.</p> <p>Amend to include reference to consideration of nature based solutions to mitigating the effects of climate change e.g wetlands and afforestation to mitigate drought and flood effects.</p> <p>Amend to include potential for a reduction or waiver of rates where there is good pest and weed control in place or where maintenance/enhancement of indigenous biodiversity will provide significant</p>

Provisions to which submission relates:	Position:	Reasons:	Relief:
			ecosystem services e.g. wetland establishment to mitigate flood risk to the wider area.
IB-P8	Support in part	Eco sourcing of native plants extremely important to protect variations in species genetics	Amend <i><u>Assist with protections of Promote the protection of species that are endemic to Northland by <u>promoting, supporting and using</u> eco-sourced plants from within the ecological district</u></i>
IB-P9	Support in part	Question the practicality and enforceability of requiring landowners to manage pest species. This would be a particularly onerous requirement for owners of large blocks of native forest. Focus on non-regulatory methods may be more appropriate. This policy would have more success if it was restricted to subdivision and development consents rather than as a general provisions applicable to all landowners.	Amend to clarify that restrictions on pet ownership and pest/weed control will be considered as conditions of consent for subdivision and development.
IB-P10	Support in part	Support the broad identification of matters that may be considered but the provision should also include development.	Amend <i>"<u>Manage development, land use and subdivision...</u>"</i>
Rules in general	Support in Part	The chapter rules say the rules simply apply to all zones. However, there is a mismatch between the proposed plan and the National Environmental Standard for Freshwater. Under the NES-FW 2020, reg 54 vegetation clearance is a non-complying activity. The rules are not permitted to be more lenient than the NES-FW.	Amend so as not to conflict or be more lenient than the NES-FW
Rules in general	Support in Part		
IB-R1	Oppose in part	Para(2) – Dead trees should not be removed from SNAs but may be felled for safety reasons. Leaving	Amend

Provisions to which submission relates:	Position:	Reasons:	Relief:
		<p>them to rot down in situ is critical for nutrient cycling and providing habitat for native species.</p> <p>Sub-policies 3 and 12 does not protect or maintain indigenous biodiversity when it is found in a permitted activity. Allowing for vegetation clearance that is covered in the listed documents abrogates Council's authority.</p> <p>Sub-policy 4 is to lose and needs to refer directly to the Northland Regional Pest Plan or directions under the Biosecurity Act</p> <p>Sub-policy 6 – clearance within 20 meters is to far and an enormous amount significant vegetation could be cleared with 20, this should be a maximum of 10 meters or limit it to the curtilage</p> <p>Sub-Polily 7 – clearance of vegetation for the purposes of developing a residential unit within an SNA should be a controlled activity to enable the council to have input about what areas are to be cleared and potential mitigation / offsetting etc.,</p> <p>Sub-policy 8 – council unlawfully abrogates its duties under ss6(c) and 31 in relation to protecting and maintaining indigenous biodiversity. All of the other instruments listed have there own purposes which may not necessarily reflect the requirements of the RMA</p> <p>Sub-Policy 9 allows for an extremely wide clearance on either side of the fence of 3.5 m. That would accommodate an exceptionally large bulldozer or</p>	<p>2. <u>To fell dead trees in SNAs that are a safety risk to life or property remove... felled trees should remain in situ in SNAs if it is possible, no more indigenous vegetation is cleared or trimmed than is necessary for safe felling and the clearance is ndertaken in accordance with advice from a suitably qualified arborist;</u></p> <p>Delete sub-policies 3, and 12.</p> <p>Replace sub-policy 4 with</p> <p><u>4. Clearance for biosecurity reasons. Clearance is for the removal of material infected y unwanted organims as declared by the Minister for Primary industries Chief Technical Officer, or an emergency declared under the Biosecurity Act 1993; or</u></p> <p><u>4X.The clearance is unavoidable in the course of removing pest plants and pest animals in accordance with any regional pest management plan or the Biosecurity Act 1993 or where this occurs as part of indigenous biodiversity restoration or enhancement</u></p> <p>Amend sub-policy 6 as:</p> <p><u>6. To create or maintain a 10-20 meter setback ...</u></p> <p>Delete Sub-policy 7 and add a new controlled activity rule for new residential units in SNAs</p> <p>Make sub-policy 8 at least a controlled activity</p> <p>Amend</p> <p>9. ... <u>not exceed 3.5 1 m in width either side of the fence line</u></p>

Provisions to which submission relates:	Position:	Reasons:	Relief:
		<p>tractor. This should be reduced to 1 meter either side of the fence which in effect is 2 meters in total</p> <p>Sub-Policy 10 - Forest & Bird acknowledge that this is down from 20 year old in the previous draft, however we remain concerned. It may be difficult to determine the age of some plant species and may require expert assessment in some cases. For example in a stunted wet area and for coastal vegetation. it is not appropriate to require expert assessor in a permitted rule and this makes the rule uncertain and difficult to enforce. F&B is also concerned that this rule will result in the loss of regenerating vegetation or enhancement plantings, for example where land changes hands or land use changes.</p> <p>Sub-Policy 11 – needs to be tied to a specific figure to make this certain or limit it to maintenance of existing firebreaks</p> <p>Sub-policy 13 is very broad and could include a range of clearances. The cub-policy is uncertain at the moment because it is left to the discretion of the person udnertaking the activity to determine how much clearance should occur.</p>	<p>Delete sub-policy 10 consider relating this to kanuka and manuka that is less than 10 years old and is only significant because of the risk of myrtle rust or reduce it vegetation where it is possible to prove that it is no older than 5 years old.</p> <p>Amend sub-policy 11 <i>11. Maintenance of firebreaks to manage fire risk</i></p> <p>Amend sub-policy 13 as <i>13. It is for the operation, repair and maintenance of the following activities <u>and is within 1 meter (either side) of the ...</u></i></p>
IB-R3	Oppose in part	<p>Allowing for yearly 100m2 clearance of vegetation likely to result in incremental degradation and loss of SNAs. Restricting to 50m2 clearance every 5-10 years in lower value SNAs would achieve a better balance.</p> <p>NOTE inconsistency between management of SNAs inland and high natural character areas in the coastal</p>	<p>Amend to list the most sensitive types of areas of indigenous biodiversity in the Far North and reduce the threshold for clearance to 50 square meters every 5 years.</p>

Provisions to which submission relates:	Position:	Reasons:	Relief:
		environment to which a 50m2 over 10 year limit applies	For other less sensitive types of indigenous biodiversity keep set at 100 square meters every 5 years
IB-R4	Oppose in part	<p>Per-1 Remnant Forests should qualify as SNAs under the broad RPS definition and as a likely Tier 1 SNA under the Forest & Bird proposed framework. The extent of clearance allowed as a permitted activity is excessive, particularly given the climate and biodiversity crises and the national level focus on revegetation. Allowable clearance will add up to very large areas where land is held in multiple titles and over longer time periods. Justifiable reasons for clearance could be provided by clearly defined exceptions related to particular activities e.g. maintaining fences and cleared farmland. How this rule will look will also be determined by whether SNAs are mapped in general. If they are not then will need to delete all threshold rules and restrict clearance in all identified / mapped SNAs and the list of important indigenous biodiversity</p> <p>Per-2 Clearance of up to 100m2 in a potential SNA will result in incremental loss and degradation. Without the assessment then it will be very difficult to determine if significant natural areas are being cleared Also the note is inappropriate. This note will last the life of the plan and will cause plan users confusion</p>	<p>Will depend on whether the Council maps SNAs Amend Per-1(2)(i) to limit permitted clearance to 500 square meters every 5 years or restrict it to clearly defined purposes e.g., maintaining cleared pasture and fence lines.</p> <p>Also need to Delete Per-1(2)(i) references to clearance within a remnant forest</p> <p>Amend Per-2(2) to limit clearance of up to 50m2 every 5 years.</p> <p>Delete Note</p>
IB-R5	Oppose	Plantation forestry within an SNA should be a non-complying activity.	Amend to non-complying activity status
Natural character			

Provisions to which submission relates:	Position:	Reasons:	Relief:
NATC - Objectives	Support in part	<p>Need to assess and map natural character areas as has been done for the coastal environment.</p> <p>The extent of these natural character areas should reflect the need to allow for change / retreat as a result of the effects of climate change. E.g. there should be buffer zones which anticipate future changes to their nature and/or extent.</p>	<p>Insert new objective “Assess and identify in district plan maps natural character areas around wetland, lake, and river margins” or similar.</p> <p>Insert new objective “Provide for changes in the location and extent of natural character areas as a result of the effects of climate change, including inclusion of buffer areas to take into account increased flooding and the need for ecosystem retreat as a result of sea level rise.”</p>
NATC-P2	Support in part	<p>Support identification and assessment of these natural character areas. Assessment and mapping needs to be undertaken for the entire district and included within the plan.</p> <p>The Coastal Environment Chapter does not address natural character of wetlands lakes and river margins.</p>	Amend to include reference to maps of identified natural character areas inside and outside the coastal environment
NATC-P3	Oppose in part	The reference to “enabling” is inappropriate in that it suggests the clearance and disturbance is a desirable activity. Suggests a highly permissive approach	Amend to “Allow for restricted amounts vegetation clearance ...”
Rules Explanation	Support in Part	<p>For some reason Note 2 only refers to the Earthworks chapter. When Rule NATC-R3 applies to both Earthworks and indigenous vegetation clearance. This note should also relate to the Ecosystems and Indigenous Biodiversity Chapter</p> <p>There may be further significant indigenous biodiversity beyond the areas identified as SNA in the overlays where preservation and protection is required in accordance with the RPS. As well there may be other</p>	<p>Amend</p> <p>The Earthworks <u>and Ecosystems and Indigenous Biodiversity</u> Chapter rules apply in addition to the earthwork and indigenous vegetation clearance rules in this overlay chapter, not instead of. In the event of a conflict between the earthworks <u>and ecosystems and indigenous biodiversity chapters</u> earthworks <u>indigenous vegetation rules</u>, the most stringent rule will apply.</p>

Provisions to which submission relates:	Position:	Reasons:	Relief:
		vegetation that requires protection in alignment with the RPS, policy 4.4.1.	
NATC-R2	Support in part	This rule is referred to by NATC-R3	If NATC-R3 is not amended then will require amendment to this rule to give effect to relief sought for NATC-R3 Per-1(1)
NATC-R3	Oppose in part	It is not clear if this rule conflicts with the NES-FW. Sub-policy Per-1(1) is too loose, same relief as requested for IB-R1(13) Sub-policy Per-1(4) is also too loose. Request same relief as for IB-R1(4)	Amend if required to so as not to be more lenient than the NES-FW Amend sub-policy 1 the same as requested for IB-R1(13) Amend sub-policy 4 the same as requested for IB-R1(4)
NATC-S2	Support in part	NATC-(1) should refer to (4). This standard also points out the clear need for the indigenous biodiversity to apply to this chapter as well because this standard is far more lenient than IB-R3	Amend “ ... 5-4 ... ”
Natural Features and Landscapes			
Title	Support in part	This chapter only deals with ONLs and ONFs. It also only deals with ONF and ONLS outside the coastal environment. This chapter would also be more appropriately identified as “Outstanding natural features and landscapes” to avoid confusion as to the scope of the chapter which is different to the Natural character chapter.	Amend “ <u>Outstanding Natural Features and Outstanding Landscapes</u> ”
Overview	Support in part	There is need to clarify that natural landscapes and features within the coastal environment which are not identified as ONL or ONF are addressed through provisions in the Coastal environment chapter.	Amend to clarify that Coastal Environment cover landscapes and natural features that are not outstanding

Provisions to which submission relates:	Position:	Reasons:	Relief:
Rules Explanation	Support in Part	<p>For some reason Note 3 only refers to the Earthworks chapter. When Rule NFL-R3 applies to both Earthworks and indigenous vegetation clearance. This note should also relate to the Ecosystems and Indigenous Biodiversity Chapter</p> <p>There may be further significant indigenous biodiversity beyond the areas identified as SNA in the overlays where preservation and protection is required in accordance with the RPS. As well there may be other vegetation that requires protection in alignment with the RPS, policy 4.4.1.</p>	<p>Amend</p> <p>The Earthworks <u>and Ecosystems and Indigenous Biodiversity</u> Chapter rules apply in addition to the earthwork and indigenous vegetation clearance rules in this overlay chapter, not instead of. In the event of a conflict between the earthworks <u>and ecosystems and indigenous biodiversity chapters</u> earthworks <u>indigenous vegetation rules</u>, the most stringent rule will apply.</p>
NFL-R3	Oppose	There is a risk that including this rule will lead to contradictions with the IB and earthwork rules.	<p>Delete in first instance</p> <p>Or</p> <p>Amend to include conditions that ensure compliance with the IB and earthworks rules.</p>
NFL-R7	Oppose	<p>Forest & Bird does not support the rule for extending mineral extraction activities in ONL's and ONFs. The extension of such existing activities would more appropriately be non-complying in ONL's and prohibited in ONFs. This is because while ONLs may be able to absorb some further modification from quarrying activities the same can not be said for ONFs. New quarrying activities should be prohibited for both ONLs and ONFs as should new plantation forestry.</p>	<p>Delete Rule</p> <p>Then create new rule</p> <p><i>"Extension to Mineral Extraction activity in ONL Activity Status: non-complying"</i></p> <p>And another New Rule</p> <p><i>"Extension to Mineral Extraction activity in ONF Activity Status: prohibited"</i></p>

Provisions to which submission relates:	Position:	Reasons:	Relief:
NFL-S3	Oppose	There is a risk that including this rule will lead to contradictions with the IB and earthwork rules.	Delete in first instance Or Amend to include conditions that ensure compliance with the IB and earthworks rules.
Subdivision			
Subdivision Rules in General	Support in Part	SUB-R17 makes subdivision of a scheduled SNA a discretionary activity. However, there are no scheduled SNAs in the Plan and it is unknown when the Plan will schedule any. SUB-R17 should apply to all SNAs not just scheduled SNAs There needs to be an assessment of a property for an SNA prior to any subdivision so the land owner can work out which rules will apply. As drafted the subdivision rules have the potential to carve up SNAs throughout the district and these rules do not give effect Council's responsibilities under the RMA, s6(c) and the RPS.	Amend rules so SNAs are protected this may require an assessment before all subdivisions are commenced to determine activity status
SUB-R17	Support in Part	Agree subdivision of land containing an SNA should be an SNA. However, the proposed plan does not have any scheduled SNAs. It is unknown when the plan will schedule any SNAs. If SNAs are not mapped then the land owner will need to work out if the land does actually contain an SNA. This condition should be added to all of the	If SNAs not scheduled then amend activity: <i>Subdivision of a site containing a scheduled SNA</i>
General District Wide			
Coastal environment			

Provisions to which submission relates:	Position:	Reasons:	Relief:
Overview	Support in Part	It appears that the focus of the coastal environment chapter is on natural character, however a number of provisions refer broadly to the coastal environment and its values while others are specific to ONL and ONF. It is confusing that the policies cover both ONL and ONF but there are no rules that cover these features	Add wording to reflect that the section covers other characteristics and values of the Coastal Environment, e.g. ONLs & ONFs Make it abundantly clear in an explanation somewhere that rules covering ONL and ONFs in the coastal environment are covered in the ONF and ONL chapter
Chapter in General	Support in part	Forest & Bird considers that the term “development” must also be specified in the provisions which refer to ‘land use and subdivision’. “Development is specifically referred to in the NZCPS.	Add “development,” in front of land use and subdivision in every instance the phrase is utilized in the chapter.
Rules Explanation	Support in Part	For some reason Note 3 only refers to the Earthworks chapter. When Rule CE-R3 applies to both Earthworks and indigenous vegetation clearance. This note should also relate to the Ecosystems and Indigenous Biodiversity Chapter There may be further significant indigenous biodiversity beyond the areas identified as SNA in the overlays where preservation and protection is required in accordance with Policy 11 of the NZCPS.	Amend The Earthworks <u>and Ecosystems and Indigenous Biodiversity</u> Chapter rules apply in addition to the earthwork and indigenous vegetation clearance rules in this overlay chapter, not instead of. In the event of a conflict between the earthworks <u>and ecosystems and indigenous biodiversity chapters</u> earthworks <u>indigenous vegetation rules</u> , the most stringent rule will apply.
CE-P2 & P3	Support in Part	Generally support the directive wording of these policies. However, when APP1 is analysed it is slightly confusing between ONL, ONFs, natural character and the Coastal Environment. Certain ‘Areas/Characteristics” seem to apply to natural character, natural features and landscapes. However it is difficult to resolve which parts of APP1 should apply and what characteristics and qualities are being	Clarify the relationship between all the elements of APP-1 and P2 and P3 to make sure all the applicable values, characteristics and qualities are protected and preserved as required.

Provisions to which submission relates:	Position:	Reasons:	Relief:
		protected or preserved. This is because the ONL and ONFs only discuss values, not characteristics. The criteria for Coastal Environment discuss characteristics. These characteristics of the Coastal Environment do not seem to include ONL, ONFs, and outstanding natural character in APP1	
CE-R3	Oppose	There is a risk that including this rule will lead to contradictions with the IB and earthwork rules. The standards do look more strict than the IB chapter for areas that are in a ONC, HNC and other	Delete in first instance Or Amend to include conditions that ensure compliance with the IB and earthworks rules or make them even more strict
CE-R5	Support in Part	CE-R5 fails to require the removal of demolished materials from a site	Amend with conditions requiring the removal of demolition material
CE-R8	Support	Support prohibition on any new mineral extraction activities in the coastal environment	Retain
CE-R9	Support	Support prohibition on land fills, managed fills and clean fills	Retain
CE-S3	Support in part	Support strict limits on vegetation clearance and earthworks in high and outstanding natural character areas. Particularly CE-S3(3) appears to override the IB provisions in regards to SNAs. This is not clear and should be tightened up.	Amend to ensure alignment with any amendments to CE-R3 above to make sure these rules and standards are at least as strict as the IB chapter or even stricter.
Genetically modified organisms			
Whole chapter	Support	Forest & Bird support a precautionary approach to GMO. It accepts that rigorously contained research into GMA methods of pest and weed can take place under strict conditions of consent.	Retain

Provisions to which submission relates:	Position:	Reasons:	Relief:
Treaty settlement land overlay			
Whole chapter	Support	Support general concept of a Treaty settlement land overlay as a useful tool	Retain overlay approach
TSL-P3	Oppose in part	Need to include more specific recognition of the importance of protecting and enhancing natural values, including protection of SNAs	Amend
Mineral extraction overlay			
ME in General	Neutral	In general there is no explanation to how this chapter should interact with the IB chapter and in many respects this chapter is lacking in protecting significant indigenous biodiversity and maintenance of other indigenous biodiversity This chapter should be amended to ensure compliance with the IB chapter	Amend to ensure compliance with the IB chapter
ME-O1	Support in part	Support reference to meeting District's needs rather than international / global corporate needs	Retain
ME-P2	Support in Part	Should only apply to the Mineral Extraction Overlay	Amend to include reference to 'Mineral Extraction Overlay'
ME-P3	Oppose	Forest & Bird considers that mineral extraction activities should not be provided for outside of the Mineral Extraction overlay Further the conditions are entirely loose to serve as any sort of restraint. For example any level of public benefit seems to loose. (c) is far too ambiguous to serve useful purpose. Also (d) is already provided for in ME-P2	Delete Or amend so it is not "Provide". A possible alternative is consider then amend sub-policies to reflect simple, clear and enforceable provisions that may be reflected in standards or conditions.

Provisions to which submission relates:	Position:	Reasons:	Relief:
		Need to check extent of “Natural Environment Overlays” referred to in (b) and consider need for amendment here	
ME-P4	Neutral	It is not entirely clear why a policy that pertains specifically to the rural production zone is found in the Mineral Extraction Overlay chapter.	Move to appropriate chapter
ME-P5	Support in Part	This policy needs to apply specifically to the Mineral Extraction Overlay area. Additionally this policy does not go far enough in terms of protecting indigenous biodiversity in accordance with RPS policy 4.4.1(3)	Amend to include reference to Mineral Extraction Overlay within the policy Amend to protect indigenous biodiversity in accordance with RPS, policy 4.4.1(3)
ME-P6	Support in Part	This policy needs to also reflect the protections afforded to NZCPS, policy 11(a), RPS policy 4.4.1(1) and s6(c) matters.	Amend so as to avoid adverse effects on NZCPS policy 11(a) and s6(c) matters. Add SNAs
ME-P7	Support in part	This policy only works if ME-P6 is amended to ensure the NZCPS, policy 11, RPS 4.4.1 and s6(c) are complied with	Add reference to SNAs in ME-P6
Notes to Rules	Support in Part	Need to make it abundantly clear that the IB rules will apply	Amend to include reference IB Chapter
ME-R2	Oppose	The Council should retain an ability to refuse consent for the expansion of mineral extraction activities. At the time of assessment of the overlay the knowledge of the site may not have been comprehensive enough to identify all important values	Change activity status to restricted discretionary
Rural Production Zone			
General	Neutral	This chapter covers mineral extraction activities and farm quarries. However, there is no policy direction in the Chapter to reflect the rules to mineral extraction	Include objectives and policies to reflect the rule status of mineral extraction activities in accordance with the relief set out below.
RPROZ	Oppose	This activity should only be permitted in the Mineral Extraction Overlay. This rule covers the same thing as	Change activity status to Controlled

Provisions to which submission relates:	Position:	Reasons:	Relief:
		the ME rule on prospecting and exploration just not in the ME Overlay.	
RPROZ	Oppose	This activity should be a discretionary activity outside of the Mineral Extraction Overlay	Change activity status to discretionary
Natural Open Space Zone			
NOSZ-01	Support in part	This and every other objective should use consistent language. This is one of few spots if not only spot where the term ecological values is used. Various other terms are used throughout the plan such as environmental values, natural values, indigenous biodiversity values and natural environment values. The plan should pick one term and stick with it. Even within this chapter itself it uses multiple variations such as ecological, natural and indigenous biodiversity.	Amend <i>The <u>natural environment</u>, ecological...</i> Other Objectives and Policies throughout the plan may require amendment to reflect a consistent message and language.
NOSZ-R2	Oppose	It is difficult to envision how an impermeable surface that covers 10% or 1000 square meter whichever is the lesser of a site in a Natural Open Space Zone does not cause some sort of adverse effect	This should be a controlled activity enable the Council to at least control where the surface is located in the very least but recommend restricted discretionary.
NOSZ-R6	Oppose in part	Not clear what a leisure facility is and why it should be permitted. It is not defined in the Plan. If leisure facilities includes the likes of shelters these can be quite large and have effects. If it does these should likely comply with the new building rule and standards	Amend so make is clear that leisure facilities such as shelters come under the permitted rule for buildings and structures.
Part 4 Appendices & Schedules			
SCHED4	Support in part	Support having the schedule but the schedule does not have any SNAs listed. This schedule should be filled with SNAs	Fill this Schedule with SNAs