



Submission on Proposed Far North District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Far North District Council - District Planning

Date received: 21/10/2022

This is a submission on the following proposed plan (the **proposal**): Proposed Far North District Plan

Address for service:

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I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- No

Are you 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 effects of trade competition

- Yes

Submission points

Point 54.1 **S259.001**

Section: Rural production

Sub-section: Objectives

Sentiment: Support

Submission:

Our family operates a beef unit, beehives, with a mixed fruit orchard, that supplies local markets. Horticulture and farming

activities have been undertaken by our family on this property since 1902. It is important to ensure that farming / horticulture activities are not restricted in this zone, as no other zone is suitable for the range of primary production activities we have established. Unlike a residential activity or commercial / industrial activity we cannot establish in a settlement or town and therefore those activities should not constrain or control what occurs on our land to facilitate our businesses, which needs to adapt to a changing marketplace, regulations and environment. Farmers should not be required to provide the amenity for life stylers / small lots, or urban dwellers who expect them to have lambs bouncing in the paddocks! and rolling pastures vs the smells, building and spray's that are used for example. Having a horticulture activity on our property means we do not want residential activities occurring in close proximity that will complain about the use of sprays, which while we avoid where possible at times, we do spray to control a disease / pest issue.

Relief sought

Ensure that the rural production zone provides for farming / horticulture activities, and is protected from inappropriate life style, residential, commercial and industrial activities. These activities can establish in a range of locations, but we can't pick up our farm and move it.

Point 54.2 S259.002

Section: Planning Maps

Sentiment: Oppose

Submission:

The flood hazard maps incorrectly identify a river food hazard next to the house that was built in 1970s (first house as you enter the property). This at the most is an overland flow path in heavy rains which is very shallow and once the rain stops the water disappears immediately. The property has been in our family ownership since 1902 and this area is not affected by river flooding. The overall mapping also identifies much larger areas of where flooding actually occurs in large weather events such has what occurred in 2007, which was a 1 in 100 year event if not worse. It is over representing the floodable areas. The orchard areas do not flood for example, nor does much of the farmland due to the drainage networks in place even in extreme weather events.

Relief sought

Correctly map the river flood hazards in consultation with us taking into account existing drainage and other flood mitigation infrastructure.

Point 54.3 S259.003

Section: Ecosystems and indigenous biodiversity

Sub-section: Objectives

Sentiment: Support in Part

Submission:

There is no recognition of landowners as stewards. Our farm has been in our family ownership for 4 generations and the intention is for it to stay in continual family ownership. The land is not just a financial asset its is our home and a place for the

wider family to stay connected with. Due to this stewardship the land has not been as extensively farmed, unlike neighbouring land, and has areas of regenerating vegetation vs just pasture.

Relief sought

That not just tangata whenua are recognised as stewards of the land. Landowners also take on this role especially with intergenerational properties and the policy framework should recognise this.

Point 54.4 S259.004

Section: Ecosystems and indigenous biodiversity

Sub-section: Policies

Provision:

IB-P6 Encourage the protection, maintenance and restoration of indigenous biodiversity, with priority given to Significant Natural Areas, through non-regulatory methods including consideration of:

- a. assisting landowners with physical assessments by suitably qualified ecologists to determine whether an area is a Significant Natural Area;
- b. reducing or waiving resource consent application fees;
- c. providing, or assisting in obtaining funding from other agencies and trusts;
- d. sharing and helping to improve information on indigenous biodiversity; and
- e. working directly with iwi and hapū, landowners and community groups on ecological protection and enhancement projects.

Sentiment: Support in Part

Submission:

P7 refers to support while this policy is not that clear. To get these outcomes support is required and should be provided as its a community / country benefit at the cost of the landowner as they lose the ability for any other landuse in most instances especially if in the coastal environment. The individual landowner does not benefit as under other govt regs most of this veg would not qualify for carbon credits or emission offsets due to the vegetation age and the way the emission scheme is being proposed. It also means that unlike land that has been extensively farmed it can be planted to obtain carbon credits, while an SNA for example would not be allowed to be cleared to benefit from this new activity which may be the only financially viable option for marginal farm operations with reducing profits, uncertainty over future meat demand and greater regulations. Support should also be in the form of financial aid due to the community benefit, e.g an ecological fund, or help from an ecologist. Compensation in the form of support is important as reasonable use of the land no longer exists if vegetation cannot be removed and applies for large areas of your property.

Relief sought

Change wording to include support in the first part and council to provide financial aid to actively manage large protected areas due to the community benefit.

Point 54.5 S259.005

Section: Ecosystems and indigenous biodiversity

Sub-section: Rules

Sentiment: Support in Part

Submission:

If mapping is introduced through submission or the government releasing the NPS on IBS then the draft mapping for this property is reviewed and changed as required as in error it has incorrectly identified SNA areas on this property. Mapping must be refined to ensure that it is correct due to the level of controls that will apply to land identified as an SNA. Council should work with us to do this. There is also concern that the mapping was based on flora only and no consideration to lack of fauna. Council should continue to fund the mapping exercise for land owners that are not developing their land.

Relief sought

If SNA mapping is brought into the plan, that the mapping for this property is fully reviewed and corrected to not protect land that is not an SNA.

Point 54.6 **S259.006 S259.007, S259.008**

Section: Ecosystems and indigenous biodiversity

Sub-section: Objectives

Provision:

IB-O1 Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected for current and future generations.

Sentiment: Support in Part

Submission:

Currently the identification of SNA captures large areas of regenerating manuka and kanuka on our property. It is unclear how this results in being significant when in this location manuka and kanuka quickly establishes if land is not actively farmed or keep cleared. The vegetation and surrounding areas are not located near any DOC estate and due to the surrounding areas being mostly cleared off vegetation (open farmland), and the area heavily populated with possums and wild pigs for example there is for example no longer any kiwi in the area. Even though we kill any pigs that we find on the property, they are continually released in the area by pig hunters. For example it is impossible to control their numbers, one year we killed 100 plus pigs found on the property. In reality having allowed / retained native vegetation on the property has resulted in at times significant damage to our horticulture crops and paddocks. Possums and wild pigs love to eat our fruit for example, additionally pigs destroy young fruit trees when eating the fruit. If we had retained / continued to clear land like our neighbours we would not have these financial costs. If the vegetation is not providing habitat for any significant fauna, then we are unsure why these areas are SNAs as manuka and kanuka grows like a weed in this location and is not at risk. Also, your prevented from trimming in addition to clearing, therefore you could not even undertake activities to collect manuka oil which i believe does not require removal of the entire tree. In terms of the oil industry and even honey the best product comes from young trees, so removal and regeneration of manuka is actually best for the industry in this regard. For a short period of time there was some limited financial gain with earnings from the honey industry, however since MPI reclassified what is active manuka rated honey, the value has significantly dropped and in recent years many bee keepers have exited the industry and in 2021/22 we did not bother to harvest any honey as the costs of doing this was higher than the return. Currently it is difficult if not impossible to sell bulk honey as there is a lack of demand domestically and internationally.

Relief sought

Areas of manuka and kanuka that do not contain any significant fauna should not be classified as SNAs in this location as they are not a significant flora. Different rules should apply to manuka and kanuka in this type of location due to this. If this is supported the general vegetation clearance rules should also provide for a reasonable level of clearance allowed as a permitted activity for this type of situation.

Point 54.7 **S259.025**

Section: Maori Purpose

Sub-section: Rules

Sentiment: Support in Part

Submission:

Our property shares a boundary with land that would qualify as being "Māori land", as while it is not in Māori freehold title it is ancestral land and benefits from the same framework. This means a scale of development not anticipated in this rural location could occur. We are not opposed to a different framework being applied to Māori owned land due to the multiple ownership issue but am concerned with how effects would be managed on the boundary, to avoid constraints on our existing rural landuses or future landuses we may want to do e.g tourism to offset increasing farming uncertainty.

Relief sought

The development must be compatible with and does not unduly constrain existing farming activities. If there is the potential for adverse effects, then the development on our neighbouring property should have to be undertaken in a manner that offsets these effects vs the cost and issue having to be dealt with by us. It is unclear how 10 dwellings within 10m of your boundary will not result in potential conflict for example.

Point 54.8 **S259.011**

Section: Coastal environment

Sub-section: Standards

Provision:

CE-S3	Earthworks or indigenous vegetation clearance	
Coastal environment	Any earthworks or indigenous vegetation clearance must (where relevant): <ol style="list-style-type: none">1. not occur in outstanding natural character areas.2. not exceed a total area of 50m² for 10 years from the notification of the District Plan in an area of high natural character.3. not exceed a total area of 400m² for 10 years from the notification of the District Plan in an area outside high or outstanding natural character areas.4. not exceed a cut height or fill depth of 1m.5. screen any exposed faces. 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.	Where the standard is not met, matters of discretion are restricted to: Not applicable

Sentiment: Support in Part

Submission:

A family cemetery that we are trustees for is located in the coastal environment, it is unclear if earthworks associated with a cemetery would be permitted? The rules do not provide for it as an activity and it would breach these standards due to depth for example and overall area over the course of 10 years. However, Council may consider that this would be covered by existing use rights for an lawfully established cemetery that is continuing to be used.

Relief sought

The operations of an existing cemetery in a coastal environment are provided for in the rules, or Council confirms it is not required as it is covered by existing use rights.

Section: Coastal environment

Sub-section: Rules

Provision:

CE-R1	New buildings or structures, and extensions or alterations to existing buildings or structures	
Coastal environment	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>If a new building or structure is located in an urban zone it is:</p> <ol style="list-style-type: none"> 1. no greater than 300m². 2. located outside high or outstanding natural character areas. <p>PER-2</p> <p>If a new building or structure is not located within an urban zone it is:</p> <ol style="list-style-type: none"> 1. ancillary to farming activities (excluding a residential unit). 2. no greater then 25m². 3. located outside outstanding natural character areas. <p>PER-3</p> <p>Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.</p> <p>PER-4</p> <p>The building or structure, or extension or addition to an existing building or structure, complies with standards:</p> <p>CE-S1 Maximum height.</p> <p>CE-S2 Colours and materials.</p>	<p>Activity status where compliance not achieved with PER-1:</p> <p>Discretionary (inside a high natural character area)</p> <p>Non-complying (inside an outstanding natural character area)</p> <p>Activity status where compliance not achieved with PER-2:</p> <p>Discretionary (outside an outstanding natural character area)</p> <p>Non-complying (inside an outstanding natural character area)</p> <p>Activity status where compliance not achieved with PER-3 or PER-4:</p> <p>Discretionary</p>

Sentiment: Support in Part

Submission:

A family cemetery is located within the coastal environment that we are trustees for and it is unclear if headstones etc would be captured by this rule as they would be considered to be structures as they are fixed to the land as is any concrete area associated with the grave or plaque of memorial for example. Unsure if this would however perhaps be covered by existing use rights and therefore not need to be covered by a rule for existing cemeteries.

Relief sought

Provide for the continued operation of existing cemeteries in the coastal environment or confirm that they are covered by existing use rights and not regulated by these rules.

Point 54.10 S259.013

Section: Coastal environment

Sub-section: Standards

Provision:

CE-S2	Colours and materials
Coastal environment	<p>The exterior surfaces of buildings or structures shall:</p> <ol style="list-style-type: none">1. be constructed of materials and/or finished to achieve a reflectance value no greater than 30%.2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette.

Where the standard is not met, matters of discretion are restricted to: Not applicable

Sentiment: Support in Part

Submission:

Bridges over coastal areas, boat ramps and wharfs would be regulated by this standard as in many cases they start on land which occurs in the case of our wharf and boat ramp. Clause 2 is impracticable as we do not paint our wharf for example. Further graves and associated headstones may also be inadvertently captured by this rule and not comply.

Relief sought

Either create a rule that regulates graves, bridges, wharfs and boat ramps or provide for their natural finish etc,

Point 54.11 S259.014 S259.015

Section: General

Sentiment: Support

Submission:

provision needs to be made for roading takes to address climate change in areas like north hokianga and where our farm is located. if a person subdivides or does a large scale landuse the plan should allow for consideration of new roading routes to avoid or address hazards. For example an alternative route for the mangamuka gorge, as we have lost access to a 45 min direct route to our closest town. The coastal hazard mapping also identifies our local roading network being significantly affected. Council should be linking the District Plan to a climate response strategy to ensure communities have a safe and useable roading network.

Relief sought

ensure that plan has the ability to take roading to address climate change / hazard issues not just urban connections

Point 54.12 S259.016

Section: Coastal environment

Sub-section: Rules

Provision:

CE-R6	Plantation forestry and plantation forestry activity	
Coastal environment	Activity status: Discretionary	Activity status where compliance not achieved with DIS-1: Non-complying
	Where:	
	DIS-1	
	The plantation forestry or plantation forestry activity is located outside outstanding natural character areas.	

Sentiment: Support in Part

Submission:

Is the intent to control the planting of exotic plantation forests such as pine trees or any type of plantation forest e.g. manuka or totora? This may take on more importance as farmland is converted into different land uses with govt regulations promoting land use changes through freshwater regs and future emission taxes. Marginal farmland in the coastal environment may be converted into forestry for either milling or carbon credits. This is applicable to our property as a portion of the farm is in the coastal environment and environmentally / economically over time it may be more suited to forestry or carbon credits. You may for example plant manuka to then collect the oil as well. If you allowed the area to naturally regenerate (to avoid needing a consent under the rule) then it would potentially be considered a SNA therefore you would want to have a plantation forest to be exempt.

Relief sought

Consider whether only exotic trees should require resource consent.

Point 54.13 **S259.017**

Section: General residential

Sub-section: Rules

Provision:

GRZ-R3	Residential activity (standalone residential units)	
General Residential zone	Activity status: Permitted	Activity status where compliance not achieved with PER-1: Discretionary
	Where:	
	PER-1	
	<ol style="list-style-type: none">1. The number of standalone residential units on a site does not exceed one; and2. The site does not contain a multi-unit development.	

Sentiment: Support in Part

Submission:

The family has interests in a property located in the General Residential zone (Kerikeri). The property is 2,000m2 as it was created before Council expanded the wastewater network last year, which it is now connected to. Due to the private covenants registered against the title and surrounding properties the land cannot be subdivided. Therefore, it is only through having more than one residential unit on the sites that an appropriate level of infilling will occur to get the outcomes sought by Council in this zone. However, this rule would require a discretionary consent even if all other rules / standards were complied with. If the purpose of this control is due to uncertainty in additional capacity in the council wastewater network, then this would be addressed at the building consent stage and does not need to be regulated through a resource consent for example.

Relief sought

Consider allowing the same level of density provided for in the subdivision allotment standards for this rule as a permitted activity.

Point 54.14 S259.018

Section: Rural production

Sub-section: Standards

Provision:

RPROZ-S4	Setbacks from MHWS	
Rural Production Zone	The building or structure, or extension or alteration to an existing building or structure must be setback at least 30m from MHWS.	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. the natural character of the coastal environment; b. screening, planting and landscaping on the site; c. the design and siting of the building or structure with respect to dominance on adjoining public space; d. natural hazard mitigation and site constricts; e. the effectiveness of the proposed method for controlling stormwater; and f. the impacts on existing and planned roads, public walkways, reserves and esplanades.

Sentiment: Support in Part

Submission:

In the rural environment it is not uncommon where a farm has coastal water access that wharfs or boat ramps exist for private use, especially in places like the hokianga (e.g our family farm) where prior to roads being constructed access was obtained via the river and harbour network. However, the rule does not appear to provide for a setback exemption for these types of activities.

Relief sought

Consideration to whether wharfs / boat ramps should be exempt from the setback rules in relation to the MHW in the Rural Production zone.

Point 54.15 S259.019

Section: Rural production

Sub-section: Standards

Provision:

RPROZ-S3	Setback (excluding from MHWS or wetland, lake and river margins)	
Rural Production zone	<p>The building or structure, or extension or alteration to an existing building or structure must be setback at least 10m from all site boundaries, except:</p> <ol style="list-style-type: none">1. on sites less than 5,000m² accessory buildings can be setback to a minimum of 3m for boundaries that do not adjoin a road;2. artificial crop protection and support structures must be setback at least 3m from all site boundaries; and3. habitable buildings must be setback at least 30m from the boundary of an unsealed road. <p>This standard does not apply to:</p> <ol style="list-style-type: none">i. fences or walls no more than 2m in height above ground level;ii. uncovered decks less than 1m in height above ground level;iii. underground wastewater infrastructure;iv. water tanks less than 2.7m in height above ground level.	<p>Where the standard is not met, matters of discretion are restricted to:</p> <ol style="list-style-type: none">a. the character and amenity of the surrounding area;b. screening, planting and landscaping on the site;c. the design and siting of the building or structure with respect to privacy and shading;d. natural hazard mitigation and site constraints;e. the effectiveness of the proposed method for controlling stormwater;f. the safety and efficiency of the current or future access, egress on site and the roading network; andg. the impacts on existing and planned public walkways, reserves and esplanades.

Sentiment: Support in Part

Submission:

Due to bee hives not meeting the definition of structures or a building they are not regulated by the plan in relation to setback from boundaries. Consideration needs to be given to proximity to an adjoining site due to health and safety issues for people with allergies or do not want swarming bees right next to there boundary due to perhaps it adjoining an outdoor area they may use for example or adjoin a public road. In some instances bee keepers will place hives right up against a boundary to get as close as possible to vegetation on an adjoining properties site, or to be located next to a public road for ease of access. This can result in health and safety issues. For example when using the horeke / okaihau cycleway track, there was a larger number of hives right up against the road boundary which result in thousands of bees swarming over the cycleway, and people to ride amongst all these bees, there was no way to avoid them.

Relief sought

Consider whether there should be setback rules for bee hives to help mitigate health and safety issues

Point 54.16 **S259.019**

Section: Rural production

Sub-section: Standards

Provision:

RPROZ-S3	Setback (excluding from MHWS or wetland, lake and river margins)	
Rural Production	<p>The building or structure, or extension or alteration to an existing building or structure must be setback at least 10m</p>	<p>Where the standard is not met, matters of discretion are restricted to:</p>

zone

from all site boundaries, except:

1. on sites less than 5,000m² accessory buildings can be setback to a minimum of 3m for boundaries that do not adjoin a road;
2. artificial crop protection and support structures must be setback at least 3m from all site boundaries; and
3. habitable buildings must be setback at least 30m from the boundary of an unsealed road.

This standard does not apply to:

- i. fences or walls no more than 2m in height above ground level;
- ii. uncovered decks less than 1m in height above ground level;
- iii. underground wastewater infrastructure;
- iv. water tanks less than 2.7m in height above ground level.

- a. the character and amenity of the surrounding area;
- b. screening, planting and landscaping on the site;
- c. the design and siting of the building or structure with respect to privacy and shading;
- d. natural hazard mitigation and site constraints;
- e. the effectiveness of the proposed method for controlling stormwater;
- f. the safety and efficiency of the current or future access, egress on site and the roading network; and
- g. the impacts on existing and planned public walkways, reserves and esplanades.

Sentiment: Support in Part

Submission:

Bee hives are not controlled by this rule as they are not a building or structure, however they can create health and safety issues when in close proximity to a road boundary or adjoining site. For example when using the council cycle way a number of bee hives were right up against the road boundary and thousands of bees were swarming over the cycleway, which could not be avoided, this could have resulted in multiple stings or prevented a person with an allergy from using the cycleway. Setbacks should be considered to prevent swarming over a adjoining site or road. Bees fly up to 5km to access food, and do not need to be located right up against a boundary, in many cases this is simply done for the convience of the bee keeper or an attempt to access adjoining sites resources.

Relief sought

Consider a setback for bee hives from adjoining sites and road boundaries.

Point 54.17 **S259.020**

Section: Planning Maps

Sentiment: Support in Part

Submission:

We accept that coastal hazards exist and will change over time as sea level rises. However if any issues is established with the mapping we want the coastal hazards identified on our property reviewed and amended as appropriate.

Relief sought

Amend coastal hazard maps as appropriate to ensure that they are correctly identifying current and future risk

Point 54.18 **S259.021**

Section: Transport

Sub-section: Rules

Provision:

TRAN-R3	Maintenance or upgrading of existing transport infrastructure within the existing road corridor	
All zones	Activity status: Permitted	Activity status where compliance not achieved with PER-1 or PER-2: Discretionary
	Where:	
	PER-1 The maintenance or upgrade is wholly within the existing road corridor (and is subject to an existing designation for a road).	
	PER-2 The upgrade complies with standards: TRAN-S4 Requirements for road design; and TRAN-S5 Requirements for streetlighting.	

Sentiment: Support in Part

Submission:

Access to our property is via a portion of public road, which is not maintained by the Council, as such we undertake all maintenance, repairs from slips / tree damage and in the past as required to address safety concerns by widening the road carriageway, e.g trucks. In effect it is acting as a private accessway and is treated as Council as such. We are at the end of the public road and therefore we are the sole users of this portion of the road. It has never been maintained by Council since it was constructed by the then local body or govt department back in the 1930s. At our gate the council stops all works and there is a turning area for vehicles. It has been only formed to a private accessway standard due to the situation.

Relief sought

In this instance, the plan needs to provide for these situations and not require a higher standard of works or not allow the landowner to maintain or upgrade the road for safety reasons without requiring consent due to the standards attached to this rule.

Point 54.19 **S259.022** **S259.023**

Section: Coastal environment

Sub-section: Rules

Provision:

CE-R3	Earthworks or indigenous vegetation clearance	
Coastal environment	Activity status: Permitted	Activity status where compliance not achieved with PER-1:
	Where:	Discretionary
	PER-1	Activity status where compliance not achieved with PER-2: Non-complying

The earthworks or indigenous vegetation clearance is:

1. required for repair or maintenance permitted under CE-R2 Repair or Maintenance.
2. required to provide for safe and reasonable clearance for existing overhead power lines.
3. necessary to ensure the health and safety of the public.
4. for biosecurity reasons.
5. for the sustainable non-commercial harvest of plant material for rongoā Māori.

PER-2

The earthworks or indigenous vegetation clearance is not provided for within CE-R3 PER-1 but it complies with standard CE-S3 Earthworks or indigenous vegetation clearance.

Sentiment: Support in Part

Submission:

A portion of the access to our property is via a portion of legal road, which has never been maintained by the council since it was formed in the 1930s as it is the end of the road and is only used by us. We are not covered by the road destination as the requiring authority doesn't look after it. However, if we needed to upgrade it to provide better access or to get a larger vehicle in with say a relocatable building we would need to get a resource consent even though its an existing road.

Relief sought

Either provide for this type of activity as permitted or alter the location of the coastal environment mapping to not include the road. The road is formed along the first ridge line which we understand has been used in some instances to define the coastal boundary.

Point 54.20 **S259.024**

Section: Ecosystems and indigenous biodiversity

Sub-section: Rules

Sentiment: Support in Part

Submission:

While we understand and agree that it is important to protect biodiversity, we note that more flexibility on the rules has been given to land within the maori purpose zone due to a number of reasons. It is hoped that Council where possible will provide for more opportunities for non maori purpose land that also has a high degree of indigenous vegetation on it to provide for the economic and social wellbeing of those landowners. This is important for intergenerational properties that may have multiple family interests and need to develop areas that are covered in indigenous vegetation but still retain the overall biodiversity of the site but would have to go through an expensive resource consent process to demonstrate that intent.

Relief sought

Further consideration to rules in relation to thresholds that trigger the need for consent to ensure people have reasonable use of their property and not penalised for retaining large areas of vegetation.