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Friday 21
October 2022

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

Full Name:	Kapiro Conservation Trust		
Company / Organisation Name: (if applicable)	Kapiro Conservation Trust		
Contact person (if different):	Dr Melanie Miller		
Full Postal Address:	123 Equestrian Drive, RD1 Kerikeri, Northland 0294		
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1. **Submitter details:**

2. (Please select one of the two options below)

- I **could not** gain an advantage in trade competition through this submission
I **could** gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission, please complete point 3 below

3. I **am** directly affected by an effect of the subject matter of the submission that:

- (A) Adversely affects the environment; and
(B) Does not relate to trade competition or the effect of trade competition

I **am not** directly affected by an effect of the subject matter of the submission that:

- (A) Adversely affects the environment; and
(B) Does not relate to trade competition or the effect of trade competition

Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

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

- District Plan zone map: zoning of SNAs and sites with high ecological values
- Zoning of Lot 3 DP 415575, a protected SNA site in Kurapari Road, Rangitane
- Ecosystems & indigenous biodiversity, SNAs, Natural character
- PDP Schedule 4

Confirm your position: Support Support In-part Oppose

The submitter seeks amendment to various specific areas of the PDP identified in this submission.



Our submission is:

ZONING of PROTECTED SNAs AND SIMILAR ECOLOGICAL SITES

Example of issues: Protected SNA site at LOT 3 DP 415575, Kurapari Road, Rangitane

Our submission addresses issues in the PDP related to the inappropriate zoning and lack of protection for blocks of land that have already been recognised and protected through the resource consenting process as SNAs and sites with high ecological values.

To illustrate the issues, we are providing information about an existing protected SNA site at LOT 3 DP 415575, Kurapari Road, Rangitane -

- **Protected SNA and PNA site:** Lot 3, highlighted in map below, was identified as a part of PNA survey site in 1999 (PO5087).¹ This part of the PNA site (Lot 3) was recognised and protected as a SNA through the resource consent process, when a large block was subdivided into several lots in the past. 97.8% of the land area of Lot 3 was protected (15.899 hectares of total 16.249 hectares on the lot).

Yellow circle highlights Lot 3, part of PNA survey site, 1999:



- **The site has high ecological values under NRC Regional Policy Statement Appendix 5 assessment criteria:** The property has the highest recorded kiwi electronic call count in the area. Kiwi electronic listening devices have been used at the site for three of the last four years by Kerikeri Peninsula Conservation Trust monitoring programme (formerly Kerikeri Peninsula Pest Control). The site has the highest kiwi count among the total 15 or more properties where kiwi electronic listening has been conducted in the area. (We can provide a copy of the listening data if you wish)
- **Site is protected by s221 consent notice:** A s221 consent notice protects the native vegetation on the site and prohibits any predators of kiwi (details below). In addition, a covenant protected 97.8% of the SNA site, and allowed vegetation clearance for a single house site (on 2.2% of the site).

Problems relevant to the PDP -

The PDP does not contain any information to indicate that this block (Lot 3 DP 415575) is already protected as a SNA site created through the consenting process –

a) The SNA site is not listed in Schedule 4 list of SNAs – the schedule is blank, even though the council's consent process has already protected a number of sites that are SNAs or equivalent. This is a grave

¹ DOC (1999) Natural Areas of Kerikeri Ecological District for the Protected Natural Areas Programme, <https://www.doc.govt.nz/about-us/science-publications/conservation-publications/land-and-freshwater/land/northland-conservancy-ecological-districts-survey-reports/natural-areas-of-kerikeri-ecological-district/>



omission. Schedule 4 should contain a list of all SNAs and similar protected sites that have already been protected through the resource consent process.

The council should promptly add into Schedule 4 all of the SNAs, and similar areas of land, that have already been protected through the resource consent process.

b) The map does not show existing protected SNAs – A number of SNAs have already been protected via the resource consent process, but they are not shown on the PDP map. There is no justification for omitting existing protected SNAs from the maps. They should be added to the map promptly.

c) The PDP proposes to zone the protected SNA block in a residential zone, as Rural Lifestyle. The block's current zone is General Coastal, and the southern end of the site is Coastal Environment. Rural Lifestyle or any other residential zone is totally inappropriate for a protected SNA site.

The PDP needs to add a special zoning or precinct for recognised/protected SNA sites and similar sites that are protected for their high ecological value, possibly a status similar to a reserve or sub-zone of Natural Open Space sub-zone for SNA sites on private property.

Background information on LOT 3 DP 415575, Kurapari Road, Rangitane

In the past, FNDC granted consent for a large block (Lot 1 DP 116416 etc.) to be subdivided into three separate lots, on condition that the PNA/SNA/kiwi area (Lot 3 DP 415575) was protected by s221 consent notice, applicable to all current and future owners.

s221 consent notice requirements:

The s221 consent notice registered on the property title² recognises that Lot 3 is 'located within a significant natural area'.

The consent notice (para. (ii)) specifies that the clearance of indigenous vegetation on the site is restricted to a house site and access, and "The landowners/occupier shall protect and maintain the remaining area of bush and shall not without the prior written consent of the council and then in strict compliance with any conditions imposed by the council, cut down, damage or destroy any mature native trees." reproduced below –

The land is located within a significant natural area known as 'Rangitane Shrublands'. Therefore the clearance of indigenous vegetation on the site shall be restricted for the purpose of providing a house site and its immediate surroundings; and/or vehicle access. The landowners/occupier shall protect and maintain the remaining area of bush and shall not without the prior written consent of the council and then in strict compliance with any conditions imposed by the council, cut down, damage or destroy any mature native trees. The landowners/occupiers shall not be deemed to be in breach of this prohibition if any such vegetation shall die from natural causes not attributable to any act or default by or on behalf of the landowners or for which the landowner is responsible.

The consent notice also banned the introduction/keeping of all potential kiwi predators such as cats, dogs etc. –

"The landowners/occupiers of the land shall not keep or allow the introduction onto the site of carnivorous or omnivorous animals such as cats, dogs or ferrets which have the potential to be kiwi predators. This prohibition includes the bringing of any such animals onto the site by visitors".

² s221 Consent Notice registered on the property title (LINZ 8945742.1). There is also a Council covenant registered on the property title.



The consent notice registered on the property title clearly states that the notice applies to all current and future owners. It states that the conditions “are to be complied with on a continuing basis by the subdividing owner and the subsequent owners” –

PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

We seek the following decision from the Council:

PDP Schedule 4: SNAs and similar sites that have already been protected through the council’s resource consent process, as well as future sites, should be added automatically by the council into Schedule 4 of the PDP. The existing protected sites need to be added promptly into Schedule 4 - there is no justification for omitting the existing protected sites.

S448.001

All new protected sites also need to be added in Schedule 4 promptly

PDP maps: SNAs and similar sites that have been protected via the council’s consenting process must be clearly indicated on the district plan maps.

S448.002

Zoning of SNAs and similar sites that are already protected through the resource consenting process, and sites that will be added by future consenting, should be zoned (or automatically rezoned) in a special zoning or overlay for protected SNAs and similar ecological sites and/or given status similar to a Reserve on private property, in order to protect ecological values at the site.

S448.003

Zoning of Lot 3 DP 415575: We firmly oppose the proposed zoning of Lot 3 DP 415575 (Kurapari Road) in Rural Lifestyle zone or any other residential zone. As noted above, this block should be zoned in a special zoning for SNAs and similar ecological sites and/or given status similar to a Reserve on private property, in order to protect high ecological at the site.

S448.004

- 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: Melanie Miller

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

Date: 20 October 2022

SUBMISSION NUMBER