



Remember
submissions
close at 5pm,
Friday 21
October 2022

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

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

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

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

Full Name:	Rolf Mueller-Glodde		
Company / Organisation Name: (if applicable)	Carbon Neutral NZ Trust		
Contact person (if different):			
Full Postal Address:	28 Landing Road, Kerikeri		
Phone contact:	Mobile:	094073598	Work:
Email (please print):	carbonneutraltrust@gmail.com		

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:

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

We fully support the submissions made by Vision Kerikeri

- Urban & rural planning & zoning
- Climate change
- Esplanade
- Active transport & cycling
- Signage
- Tubbs farm zoning
- Biodiversity & natural environment

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

My submission is:

(Include details and reasons for your position)

We request full consideration of Vision Kerikeri's submission with all details and reasons stated.

I seek the following decision from the Council:

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

We request full consideration of Vision Kerikeri's submissions with all details and reasons stated.

- 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 x Yes No
Do you wish to present your submission via Microsoft Teams? x Yes No
Signature of submitter: <i>(or person authorised to sign on behalf of submitter)</i> Rolf Mueller-Glodde
Date: 21.10.2022
<i>(A signature is not required if you are making your submission by electronic means)</i>

Important information:

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

Send your submission to:

Post to: Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council,
Private Bag 752
KAIKOHE 0400

Email to: pdp@fndc.govt.nz

Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.

Submissions close 5pm, 21 October 2022

Please refer to pdp.fndc.govt.nz for further information and updates.

Please note that original documents will not be returned. Please retain copies for your file.

Note to person making submission

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.





Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

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

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

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

1. Submitter details:

Full Name:	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)		
Company / Organisation Name: (if applicable)	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)		
Contact person (if different):	Jo Lumkong (Chair)		
Full Postal Address:	2299 SH10, Waipapa		
Phone contact:	Mobile: 02726 73688	Home:	Work:
Email (please print):	visionkerikeri@gmail.com		
2. (Please select one of the two options below)			
<input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission			
<input type="checkbox"/> I could gain an advantage in trade competition through this submission			
<i>If you could gain an advantage in trade competition through this submission, please complete point 3 below</i>			
3. <input type="checkbox"/> 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			
<input type="checkbox"/> 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			
<i>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</i>			
The specific provisions of the Plan that my submission relates to are:			
<ul style="list-style-type: none">• How the Plan Works• Definitions• Strategic Direction• Transport• Subdivision• Zone chapters			

- Maps
- All other chapters of the PDP

Confirm your position:

The submitter opposes, supports or seeks amendment to chapters of the PDP identified in this submission. The reasons are provided below

My submission is:

GENERAL COMMENTS

Proper urban, rural and coastal planning positively contributes towards the environmental, social, cultural and economic wellbeing of the District’s communities.

Shift from effects-based approach

Our group (Vision Kerikeri) has always been concerned about the negative impacts that have arisen from a permissive approach to planning and development to date. We agreed with the Draft DP statements last year that recognised adverse impacts from a permissive approach:

‘A permissive approach to development has led to adverse impacts on urban character, amenity and infrastructure provision and created incompatible land uses’...¹

‘A permissive planning framework has led, in some areas, to incompatible land uses and significant adverse effects on rural character, amenity and indigenous biodiversity’...²

VKK strongly supports the shift away from a permissive effects-based approach.

A substantial focus of the PDP is on rules for permitted activities. This is a sensible approach in principle, because projects that comply with the rules do not need to apply for resource consent. However, the PDP has several significant weaknesses that make it difficult to achieve the intended overall objectives:

- The rules/standard for permitted activities address limited matters. For example, the rules for subdivision cover the traditional matters of height, water supply, stormwater, telecommunications, etc. The PDP contains insufficient rules/standards relating to environmental values, for example.
- In cases where a proposed development breaches a rule, the PDP frequently defaults to ‘discretionary activity’ status. This means the proposal should be considered by developers and council planners on the basis of PDP objectives and policies. However, many of the policies are written in vague terms that are open to wide interpretation.

We consider that the PDP needs clear criteria for assessing discretionary activities.³ To reduce the ambiguities in policies, the word ‘avoid’ should be applied more often, and other phrasing should be clarified and strengthened substantially to meet today’s expectations and standards. Undesirable activities that should be avoided should be classed as non-complying or prohibited, instead of discretionary. Additional rules are needed to protect the environment and amenity values, and to address climate change issues relevant to the types of activities covered by district plans (please refer to our submission on climate issues).

We are concerned that the PDP, as currently drafted, would support development in a form that undermines character, amenity values and other aspects of the environment that our communities value.

S529.001

¹ Draft DP *Strategic Direction chapter, Urban sustainability* section.

² Draft DP *Strategic Direction chapter, Rural sustainability* section.

³ The PDP at present sets assessment criteria for specific mapped areas such as sites of Outstanding Natural Character, based on Regional Policy Statement, but rarely sets criteria for assessing discretionary activities in the PDP.

Comments below refer to various urban, rural and coastal planning and zoning issues

URBAN AND RURAL PLANNING AND ZONING

CONSIDERATIONS FOR IDENTIFYING APPROPRIATE AREAS FOR GROWTH

We firmly believe that spatial planning is an essential valuable tool that needs to be used – to the full extent - to provide strategic direction for Council and developers to ensure good integrated outcomes for the wellbeing of our community.

To date, ad hoc development with little strategic direction has resulted in poor urban design outcomes and poor functionality in most of the District’s urban centres. This is particularly evident around Kerikeri, Waipapa and Kapiro Road area where development has recently been undertaken, and more has been consented, without taking account of issues such as inadequate infrastructure and poor connectivity.

Projected growth in Kerikeri area

Historically, the population growth of Kerikeri has exceeded forecasts used by Council for planning purposes. The current growth projections for Kerikeri prepared by Infometrix put too much weight on movement of people for employment in Agriculture, Horticulture and Forestry sectors. Some people are no longer tethered to their offices and are working where they want to live, from home. Kerikeri has an airport, fast broad band internet in some areas, good schools, access to the Bay of Islands maritime reserve, and a cosmopolitan population which has attracted people to live and work. The other driver of population growth has been retirement and baby-boomers set to retire across New Zealand over the next 10 to 15 years.

Key considerations for identifying appropriate areas for growth include infrastructure, connectivity, minimising traffic (climate emissions, congestion), and other issues discussed further below.

Appropriate locations for future growth

Intensification of urban area: We support intensification of the urban area for the reasons outlined in our previous submissions and discussions with council. However, intensification needs to be carefully planned, with good design principles, appropriate infrastructure and adequate green open spaces for the community. Sub-zones or precincts (or whatever terms are now required by the National Planning Standards) need to be identified to achieve good connectivity, good functionality and protect character and amenity values. Sub-zones are needed to ensure that building height and density are reduced in a graduated manner moving out from the central area to high density residential areas and then lower density residential areas. Policies/rules are also needed to avoid pepper-potting multi-storied buildings in diverse locations in random fashion.

S529.002

Within close distance to Kerikeri township, there are limited opportunities to develop greenfield land for future growth. We consider that the PDP zoning, at present, does not focus on greenfield sites that are more appropriate for future growth, taking into account potential for infrastructure, connectivity, traffic, and other issues.

S529.003

Land next to the CBD: Proximity to the CBD is a key issue. The area currently owned by the Bing family should be zoned as a combination of Mixed Use and Residential zones, with a lower height limit than the CBD, such as 7m or two stories. Ideally it should provide several green corridor walkways and cycleways (e.g. on the margins of the intermittent stream) to create links between the CBD, Kerikeri River margin and westwards to Fairway Drive. Adjacent to the river reserve there should include a large green public space with native trees, restful areas, and cafés and restaurant facilities (low impact facilities). This area should be designed in a sensitive manner to be in keeping with the conservation areas around the river, particularly the natural character and high ecological values of the river margins, large areas of native trees/vegetation and wildlife in the vicinity, and the historical and cultural areas downstream.

S529.004

Land between Waipapa and KK golf course: The Brownlie property development currently under consideration offers a more appropriate location for future growth than the areas to the north or south of Kerikeri indicated in the PDP zone map. The area between Waipapa and the golf course has the potential to provide connectivity between SH10 and the CBD, and between SH10 and Waipapa Road, and safe connectivity between the new FNDC Sports Hub on SH10 and local schools. Integrated planning is generally easier on a greenfield site. Importantly, growth in this area would eventually provide a relatively compact footprint for Kerikeri/Waipapa. No other site offers this advantage. The current lack of infrastructure could be addressed by requiring the developer to provide roading, water supply, on-site wastewater system and other needs. Our group supports the rezoning of this area for future development (primarily as a mix of residential, mixed use and natural open space zones)

S529.046

Inappropriate areas for future growth

Southern part of Kerikeri Road: Kerikeri Road is reported (by council) to be the busiest road in the District. Further development in the southern area of Kerikeri Road will only exacerbate the traffic problem, generating the need for more traffic management, such as additional roundabouts and associated costs. This area would not produce a compact urban footprint overall.

Land to the north of Landing Road and Inlet area southeast of Kerikeri: We consider that these areas are not suitable as future growth areas. Growth to the north of Landing Road or on the south side of the Inlet would create disjointed patches of urban area spread out over a wide area. Growth along the north and south sides of the Inlet would considerably alter the coastal and natural character of the Inlet. Growth within the traffic catchment area north of Landing Road is unsuitable because it will exacerbate significant traffic issues on Landing Road. The Kerikeri-Waipapa Structure Plan recognised the high ecological values of the land on the north and south sides of the Inlet, and identified these two areas as 'Enhanced environmental habitat and protection area' on the Structure Plan map.

S529.005

NOTES ON ISSUES RELATED TO GROWTH

Principles of good urban design

We consider that the PDP should enshrine the principles/design qualities of the Urban Design Protocol, and Good Solution Guide 2007 North Shore City Council,⁴ and also take on board more recent improvements/developments in quality urban design [add ref xxx] –

S529.006

- Context
- Character
- Choice
- Connections
- Creativity
- Custodianship
- Collaboration

RPS regional form and development objectives

The Regional Policy Statement for Northland identifies objectives relating to regional form and development, noting that –

'Under section 7 of the RMA, councils are required to have particular regard to maintaining and enhancing amenity values and maintaining and enhancing the quality of the environment (this includes all natural and physical resources).'

⁴ <https://environment.govt.nz/publications/urban-design-case-studies-local-government/mixed-use-town-centres-design-guide-north-shore-city-council/>

Good urban and infrastructure design and well planned, coordinated development throughout the region can lead to higher levels of amenity, lower infrastructure costs and greater community wellbeing.’⁵

The Regional Policy Statement’s *Regional urban design guidelines* (RPS Appendix 2, Part B) include guidance. We note, in particular, the following guidance on *Custodianship* -

‘Quality urban design reduces the environmental impacts of our towns and cities through environmentally sustainable and responsive design solutions. Custodianship recognises the lifetime costs of buildings and infrastructure, and aims to hand on places to the next generation in as good or better condition. In this regard, quality urban design:

- *Maintains landscape values, ecological services and cultural values; and*
- *Considers the ongoing care and maintenance of buildings, spaces, places and networks;*
- *Manages the use of resources carefully, through environmentally responsive and sustainable design solutions; and*
- *Incorporates renewable energy sources and passive solar gain; and*
- *Incorporates the enhancement of the health and safety of communities.’⁶*

Visions and goals of communities in the District

Some communities around the District have identified specific goals and visions for their area in the Community Plans published on FNDC’s website. The following goals were developed by *Our Kerikeri*’s detailed Kerikeri community consultation process. They indicate the types of community aspirations and goals that the PDP should seek to support and implement -

Our Kerikeri community goals -

- Revitalize and preserve our vibrant village feel
- Promote effective, planning infrastructure and growth for a beautiful functional Kerikeri
- Create opportunities for all to thrive and prosper in a sustainable resilient and productive economy
- Embracing diversity and holding an overlying sense of belonging as a society while respecting Tikanga Māori values
- Care for the well-being of our people, supporting healthy resilient and meaningful lives
- Restore and conserve our surroundings, where each generation strives to leave a better Kerikeri to the ones that follow
- Build a culture of innovative sustainable Living. Living lightly and learning from nature

The PDP should include provisions that support urban design principles for quality and innovative developments that cater for mixed use, mixed dwellings and mixed income levels, whilst protecting and preserving the characteristics of respective townships and the things that communities value.

Importance of spatial plans, community plans, masterplans etc.

Spatial planning is an essential tool for achieving good planning outcomes. While we are encouraged to see that integrated development is identified as a strategic direction of the PDP, it is difficult to see how this will be implemented without having the relevant local plans to provide such direction, such as spatial plans, community plans or masterplans. We consider the lack of such documents to be a missed opportunity to rectify the historic pattern of ad-hoc development done in isolation resulting in poor planning outcomes.

⁵ NRC, *Regional Policy Statement*, p.44

⁶ NRC, *Regional Policy Statement*, p.165, Appendix 2, Part B.

The Council should embed good urban design principles into everyday practices, strategies and guidelines and give effect to these in the Proposed District Plan. The necessary supporting documents, strategies, plans and guidelines must be prioritised and completed with urgency to ensure higher density developments and the new mixed-use zones have quality urban design outcomes. For Kerikeri/Waipapa, these critical documents/guidelines would include:

- Spatial Plan
- Downtown masterplan
- Strategy and plan for active transport networks, including green corridors
- Urban Design Protocol incorporating Mixed Use, High/Medium density housing and effective subdivision guidelines for Developers and Council Staff.

We urge Council to continue to develop spatial and strategic planning documents, such as the Kerikeri-Waipapa spatial plan and Kerikeri CBD masterplan, as soon as possible, to help rectify this legacy issue and future-proof our District, noting that we are still early in the statutory review process for the PDP.

As part of this submission, we seek a space holder through all relevant provisions in the plan to enable Council to continue to develop spatial plans, masterplans etc, and provide PDP mechanisms to implement such plans promptly, including through the review process should the plans be completed prior to the Proposed Plan being made Operative.

S529.008

Infrastructure

Having relevant infrastructure in place should be a prerequisite for future development. The provision of necessary infrastructure must be high priority in PDP policies/rules. Given the Council's funding constraints, we consider that developers should normally be required to provide the necessary infrastructure, including items such as on-site community wastewater systems.

S529.009
to
S529.012

Development contributions

s199 of the Local Government Act notes that development contributions may be required by a local authority if a development will require the territorial authority to expend funds to provide appropriate reserves, network infrastructure or community infrastructure for the development (section 199 of the Local Government Act 2002). The contribution may be in the form of money, land or both.

The Operative DP contains a chapter on development financial contributions (chapter 14). However, some years ago the council eliminated most requirements for development contributions. This has resulted in a large accumulated shortfall in infrastructure and related funding, and ratepayers are unfairly expected to carry this cost burden. It is important that the PDP (or equivalent mechanism) should include provisions for meaningful development contributions to address the need for, and cost of, infrastructure.

S529.013

Traffic and connectivity

A large survey conducted by *Our Kerikeri* found that traffic is the single biggest issue for the Kerikeri community. Each new subdivision outside the urban area generates additional traffic. However, intensification of the urban area would allow many more people to live, work or go to school withing a walkable or cyclable distance from home. But this ideal can only be achieved if PDP requires new subdivisions and developments to provide connected walkways and cycleways that will contribute to future networks of walkways and cycleways. It also requires a spatial plan for Kerikeri as a matter of urgency.

S529.014
S529.015
S529.016
S529.017

Settlement zones

Settlement zones don't allow for small local shops or facilities at present. However, a combined dairy/café in larger Settlement zones would allow local people to walk to obtain everyday needs

S529.018

instead of driving 4 to 15 kms to the CBD, and could be allowed in case where there are suitable locations, and where it would not create additional traffic problems or other adverse effects on local communities or small roads leading to the Settlements.

Productive land and irrigation infrastructure

Land that is regarded as highly productive (LUC Classes 1,2 and 3) is a strictly finite resource, essential for future food production for a growing population here and worldwide, and important for jobs and economic development. The recently issued *National Policy Statement for Highly Productive Land* requires councils to protect LUC Class 1-3 land from fragmentation and loss (outside of identified urban zones) and allows councils to protect other types of productive land in similar manner.

Existing irrigation schemes with large networks of pipes installed underground in the outskirts of Kerikeri are extremely valuable assets. The cost of building a similar irrigation scheme today would be prohibitive, and it makes sense to protect this existing asset. Please also refer to our comments on existing rural lifestyle properties in the horticulture zone below.

We support the current PDP definition of *highly productive land* which provides protection for a wider range of productive land, including water availability and other factors. The PDP should specify policies/rules to prevent fragmentation and loss of land in rural and horticulture zones.

S529.019
S529.020

Sprawl and sporadic patterns of development

Future urban/residential development needs to be compact. Sprawling residential growth outside the urban areas brings negative effects – it generates longer driving distances for basic services, climate emissions, fragments rural land, reduces the area of productive land and undermines the character and amenity values of rural and coastal areas.

We support Coastal environment policy CE-P4 which states ‘avoiding sprawl or sporadic patterns of development’. The PDP should add similar provisions/rules in other zones/chapters. We seek strong policies/rules that will avoid urban/residential sprawl in rural and coastal areas, and prevent the fragmentation of these areas.

S529.021
S529.022

Ribbon development

Ribbon development in rural areas is an undesirable form of development that needs to be strictly controlled by PDP zoning rules. Examples are seen along SH10 and several other major routes. If left unchecked, ribbon development produces sprawling areas of development that may become miles long, with multiple single accessways off main roads, and problems such as traffic blocking major highways while vehicles wait to turn into those accessways.

S522.023

More balanced and equitable development across the District

Although this submission highlights issues related to Kerikeri/Waipapa area, many of the principles and comments we raise apply to all urban and rural areas in the District.

We recognise that appropriate development and investment is needed in other towns and communities in this District - to ensure more balanced and equitable development across the District, and support local jobs and sustainable economic development. This will help to create diverse great places to live and work around the District, and also help to distribute increases in the population in future decades.

AMENITY VALUES AND CHARACTER

General comments on amenity and character

We consider that the PDP provisions for subdivision, land use and development need to place greater emphasis on character and amenity values, and promote ‘placemaking’ and other aspects that communities value. Under the RMA (s2) the term *environment* includes *amenity values*:

‘amenity values means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes’

The RMA (s7) requires the District Council, when managing the use and development of natural/physical resources, to have particular regard to the *maintenance and enhancement of amenity values* -

‘all persons exercising functions and powers under [the RMA], in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to ... the maintenance and enhancement of amenity values’ (s7)

The Operative DP contains several provisions that aim to protect some amenity values for specific parts of Kerikeri Road (e.g. s7.6 Context, Objective 7.6.3.3, Policy 7.6.4.11). Such provisions need to be strengthened and expanded to protect the character and amenity values of additional areas that are valued by the community. In townships, examples could include –

- Master plans or community plans for key areas
- Building setbacks on key roads that contribute to the character of a town (e.g. Kerikeri Road between SH10 roundabout and the town centre)
- Improved restrictions on signage along roads
- Retaining green spaces and open public spaces, requirements for landscaping and tree canopy areas
- Design principles for specific areas, to maintain and enhance specific characteristics

Examples of measures that would help to maintain rural landscapes and amenity values (under s7 of the RMA) –

- Larger setbacks from boundaries
- Improved restrictions on signage along roads
- Requirements for landscaping (tall tree/plant species) to screen new functional structures (such as crop protection structures, warehouses etc.) that are clearly visible from public roads or residential properties.
- Definition of traditional ‘rural character’ to preserve visual amenity and prevent the term being undermined or eroded by new dominant structures.

Overall, PDP policies/rules should pay particular regard to the *‘maintenance and enhancement of amenity values’* (as required by s7 of the RMA) and include provisions that will protect the traditional and/or distinctive character of townships and rural areas, and other characteristics that are valued by local communities.

S529.024

Standards for types and qualities of buildings

The PDP should control the types, qualities and quantity of buildings occurring in towns such as Kerikeri. We need sensible design aesthetic in the new mixed use zone to preserve the character of the town. The PDP or other appropriate mechanism needs to set standards relating to older houses (sometimes in relatively poor condition) moved from elsewhere, low cost housing and rental housing, so that quality standards are maintained for affordable housing.

S529.025

S529.026

Height Restrictions

The current height restrictions in the proposed DP are 8m in the General Residential zone and 12m in the Mixed Use zone. Our submission is that these height restrictions should be strictly adhered to, and that exceptions to these height limits should not be allowed for multi-unit developments or other purpose.

S529.027

S529.028

Allowing exceptions to the height limits of 8m and 12m would undermine the Council’s objective, specifically the objective GRZ-01:

"The General Residential zone provides a variety of densities, housing types and lot sizes that respond to: ...

*c. the amenity and character of the receiving residential environment; and
d. historic heritage."*

However, we accept that a height limit exception may be made where necessary in the Sport and Active Recreation zone, specifically for competition purposes – refer to our separate submission on that zone.

Multi-unit developments

We agree that multi-unit developments such as terraced housing and low rise apartment blocks can contribute to the greater vibrancy of Kerikeri, and allow for the construction of a greater variety of housing types and sizes. However, one of our concerns is that the rules around outdoor space are inadequate, and there is a danger that in the drive for higher density, the planning rules will not achieve the overall goal of protecting what is valued by the community. We believe that intensification in urban zones should be encouraged in the form of well-designed two or three storey buildings (e.g. apartment blocks) with permeable areas including garden/landscaped ground.

Outdoor space for multi-unit developments and residential zones

GRZ-P3 states *"Enable multi-unit developments within the General Residential zone, including terraced housing and apartments, where there is adequacy and capacity of available or programmed development infrastructure"*

While we support the need for greater density we are concerned that, if not planned well, it will undermine the key drivers of the overall vision for the Far North outlined in "Far North 2100", especially, "Wellbeing of Communities and People", and Connecting People place and Communities".

In too many multi-unit developments in other districts, the only outdoor space is the concrete used to move and park cars. Especially where these developments take place alongside each other the importance of outdoor space increases. Outdoor spaces provide the opportunity for people to connect, to create a sense of community. When designed well, working within well designed rules, multi-unit developments could enhance the sense of community with Kerikeri and become a real asset.

The PDP provisions for multi-unit developments should:

- include requirements for outdoor space beyond the area needed to move and park vehicles private, including private and shared outdoor space on the north, east or west side of a building
- Where multi-unit developments take place alongside each other, the rules for shared 'green space' reflects the greater density and the need for places for people to share and connect, pedestrian walkways and access to community facilities and amenities.

As many developments occur by individual developers in silo, we see too many poorly designed, fragmented developments adjacent to each other, with no connectivity, nor potentially greater open spaces for residents to enjoy. This is where policies, guidelines and protocols should be developed to ensure that all developers work toward common design goals and principles that contribute positively and cohesively to the township and immediate area.

Community open spaces, green open spaces, green corridors

The PDP should wherever possible require or at least promote the creation of community open spaces, green open spaces, green corridors and linkages to support active transport, amenity and community wellbeing.

Urban design to reduce fear of crime

S529.029
S529.030
S529.031

S529.032,
S529.194 to
S529.198

S529.033
S529.199

CPTED is a crime prevention philosophy based on proper design and effective use of the built environment leading to a reduction in the incidence and fear of crime, as well as an improvement in quality of life. Local authorities have a key role to implement CPTED principles. In most cases, it is anticipated that the local authority will initiate, lead, and facilitate the partnership with the police and other groups. It's a key aspect to planning improved infrastructure to enhance community safety, health, and wellbeing, particularly with females feeling safe in these environments.

Crop protection structures and similar structures

We recognise that windbreaks such as shelterbelt trees and manmade crop protection structures perform a necessary function in orchard areas. However, crop protection structures (CPS) that are visible from roads and residential properties have destroyed visual amenity and rural character in the areas where they are located. Examples can be seen along Kapiro Road and next to SH10 in Pakaraka. These structures are industrial-style scars on the face of traditional vegetated rural landscapes. Over time, they attract graffiti and the cloth rips and becomes even more unsightly. The proliferation of crop protection structures is expected to continue. It is essential that PDP provisions on crop protection structures and other orchard/agricultural structures are strengthened promptly, to prevent further destruction of visual amenity and rural character.

Setbacks and landscaping/screening: We support PDP rules/standards that specify CPS and support structures must be set back at least 3m from all site boundaries (eg. RLZ-S3).

However, the PDP needs additional specific rules/standards, as follows –

- In locations where crop protection structures, cloth/fabric fences or agricultural support structures more than 1.5m high are erected near boundaries that adjoin a road, public land or residential property:
 - Those structures must not exceed 5m height and must be setback at least 3m from the boundary; suitable trees or tall hedging or vegetation must be planted between the structure and boundary to provide a landscaping screen and maintain visual amenity; netting or any other fabric must be black or very dark colour.
- Breach of rules/standards relating to CPS and support structures must be a 'non-complying' activity (not discretionary, not restricted discretionary), and the local community must be given an opportunity to object if they wish. (If a breach is merely discretionary, the local communities who pass by these ugly structures on a daily basis will not have any opportunity to comment or object.)

S529.034,
S529.200 to
S529.216

PDP provisions need to be strengthened as above, but in the meantime, we encourage socially responsible orchardists to voluntarily plant landscaping screens to hide their orchard structures from roads and nearby houses, as a common courtesy to the local community.

EFFECTS OF TRAFFIC ON PEOPLE AND COMMUNITIES

Our separate submission provides comments relating to active modes of transport.

This submission provides comments on issues associated with vehicular traffic. The proposed PDP rules (TRAN-R5, TRAN-Table 11 – Trip generation) appear to allow a relatively large amount of 'trip generation' or 'car movements' associated with new development in any zone, and the chapter requires further consideration.

Many new subdivisions in Kerikeri and the surrounding rural area have greatly increased the volume of traffic using the central shopping/service area and roads leading to/from the CBD (e.g. Kerikeri Road, Waipapa Road, Landing Road, Kapiro Road, Purerua Road). When new developments are approved, insufficient account is taken of the total/cumulative impact of multiple developments on traffic. Other negative impacts on the community are not taken into account – such as such

additional levels of noise, disruption and other changes that can affect people, amenity values and the character of the area -

The RMA's definition of *environment* specifically includes "people and communities" and "amenity values" (RMA s2).

RMA Schedule 4, Clause 7(1)(a) requires that all assessments of environmental effects "must address... any effect on those in the neighbourhood and, where relevant, the wider community"

PDP policies/rules should therefore include policies/rules to address the adverse effects of traffic on those in the neighbourhood and, where relevant, the wider community. These may include -

- **Cumulative effects:** 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 ...'*
- **Noise:** s31 of the RMA specifies that council functions include "the control of the emission of noise and the mitigation of the effects of noise"
- **Amenity values and character of an area:** as provided for in the RMA.

PDP policies/rules need to take full account of the impacts of motorised traffic from existing and planned subdivision and development when assessing proposals for new developments. It should require full consideration of cumulative/combined traffic effects, congestion, emissions, noise etc. in townships and roads, especially roads leading to/from a CBD or service centres. PDP policies/rules should allow development proposals to be rejected on the grounds of significant adverse effects from traffic.

S529.035

S529.036

HORTICULTURE ZONE

We support PDP provisions that will prevent further land fragmentation, sprawling development, and loss of productive agricultural/horticultural land. We support the creation of Horticulture zones to protect the productive land and irrigation infrastructure assets in the district.

S529.037

As noted in the draft DP, the council has a responsibility under the RMA and Regional Policy Statement to protect highly versatile soils and prevent land fragmentation and sterilisation, including from reverse sensitivity.⁷ We consider that further residential development on productive land should be avoided.

Existing residential clusters in Horticulture zone

We consider that clusters of existing residential lifestyle properties in the Horticulture zone could be zoned as Rural Lifestyle. In effect this would create several islands of Rural Lifestyle zone within the Horticulture zone.

The PDP policies/rules relating to Rural Living zone should retain the potential for some of this land to be returned to agricultural production at a future date, if owners wish, so further residential development on productive land in existing residential areas of the Horticulture zone is undesirable. Satellite property maps can be used to identify clusters of existing residential lifestyle properties in the Horticulture zone. The following roads have existing residential lifestyle properties that do not have commercial-scale orchards or visible agricultural production, clustered around a road or access lane - these could be zoned as Rural Living islands within the Horticulture zone:

- Blue Gum Lane
- Conifer Lane
- Equestrian Drive, east side & northern area
- Ironbark Road, west & northern area
- McCaughan Road, southern area
- Ness Road, several clusters

⁷ Draft DP Horticulture zone chapter, Overview text.

- River Drive, northern area
- Riverstream Drive
- Tanekaha Lane
- Waipapa West Road, several clusters

Clusters of existing small residential lifestyle properties lying within the area proposed as Horticulture zone could be classed as Rural Lifestyle zone in cases where they meet criteria such as the following:

- Existing small residential lifestyle property less than 2.5 ha, and
- Without commercial agricultural/horticultural production, and
- Part of an existing cluster of at least 8 or so residential lifestyle properties clustered around a road or access lane.

S529.038

A secondary dwelling on existing larger residential lifestyle properties could be allowed in the Horticulture zone as a discretionary activity, but not within productive horticultural areas.

MISCELLANEOUS ISSUES

Light industrial zone

The following Light Industrial zone Overview statement should be deleted: 'the Light Industrial zone is not required to focus on pedestrian access or amenity or provide public spaces'. We disagree with this sentence, especially since the Light Industrial zone may be located next to residential or mixed use zones. Connectivity and amenity should be considered in all zones, while public spaces should be considered for the majority of zones where people live or work.

S529.039

As an example, we note that Mill Lane (Kerikeri) in the Light Industrial zone is very close to schools, kohanga reos, childcare centres, and links to Hall Road. It is important that the PDP allows such locations to be used for safe pedestrian and cycling access.

Resource consenting procedures

Currently the resource consenting process can take six months and is very frustrating for many applicants. We consider the process should be made clearer and simpler, while at the same time containing appropriate rules and policies that will protect and enhance our urban and natural environments and other things that our communities value.

S529.040

We believe the council should consider introducing a two-queue system, comprising one queue for applications for small simple minor works by the general public, and a separate queue for other larger or more complex applications. We believe that two separate queues for processing applications could prevent simple minor works being held up by larger or more complex applications.

Specific zoning and overlays proposed in PDP maps

Some of the proposed zoning is inappropriate. Several examples are provided below.

- **Coastal areas:** Many of the coastal areas that were zoned in coastal zones in the ODP are proposed as rural zones in the PDP, and the Coastal Environment area now covers a rather narrow coastal fringe. These changes have a negative effect, removing many of the protections that exist for coastal areas under the RMA and NZCPS. The PDP should add coastal overlays, or similar mechanism, to all coastal areas visible from marine areas, so that coastal landscapes, coastal character and coastal environments will be protected appropriately.
- **Areas already protected as a result of the consenting process:** Some areas of significant ecological value on private land have already been recognised and protected (by consent conditions, covenant, etc.) during a resource consenting process in recent years. However, the PDP map does not identify these sites and has applied entirely inappropriate zoning in some

S529.041

S529.042
S529.043

cases. This problem needs to be rectified promptly, so that existing protected sites are indicated on maps, protected by appropriate zoning and/or overlay, and are promptly included in Schedule 4 of the PDP.

- **Waipapa Landing:** The area around Waipapa Landing and Cherry Park house grounds should be recognised for its history, ecological, riparian and coastal values, and as an area for peaceful enjoyment of the natural environment. The zoning of the grounds around Cherry Park house should be changed to Natural Open Space.

S529.044

We seek the following decision from the Council:

Please refer to the text above for areas where our group opposes, supports or seeks amendment to 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

Date: 20 October 2022

SUBMISSION NUMBER



Remember
submissions
close at 5pm,
Friday 21
October 2022

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

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

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

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

1. Submitter details:

Full Name:	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)		
Company / Organisation Name: (if applicable)	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)		
Contact person (if different):	Jo Lumkong (Chair)		
Full Postal Address:	2299 SH10, Waipapa		
Phone contact:	Mobile: 02726 73688	Home:	Work:
Email (please print):	visionkerikeri@gmail.com		

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:

- Strategic Direction
- Renewable electricity generation
- Transport
- Natural hazards
- Subdivision
- Coastal environment
- Zones
- Other sections of the PDP

Confirm your position:

The submitter opposes, supports or seeks amendment to various areas of the PDP identified in this submission. The reasons are provided below

My submission is:

PDP provisions to address the climate emergency

Reducing greenhouse gas emissions by 2030 and beyond

Scientists have warned that, in order to limit global warming to 1.5°C, CO₂ emissions from human activities need to be cut by about 45% (from 2010 levels) by 2030.¹

The pressing deadline of 2030 means that the Council and all of us must do our part to change course substantially now, to reduce greenhouse gases in the atmosphere and avoid much larger costly impacts in future.

Wherever feasible, it's important that the PDP should include policies/rules that will reduce greenhouse gas emissions related to activities that may be covered by a DP. This issue cannot be set aside until the next district plan in ten years' time.

A recent Climate Change Commission report (June 2021) points out the key role of local government in achieving essential emission reduction targets.²

s7(i) of the RMA requires councils to have particular regard to the effects of climate change, and related issues such as energy efficiency, when exercising functions in relation to managing the use and development of natural/physical resources, and the protection of natural/physical resources –

'In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to' -

(a) kaitiakitanga

(aa) the ethic of stewardship

(ba) the efficiency of the end use of energy

(f) maintenance and enhancement of the quality of the environment

(i) the effects of climate change

(j) the benefits to be derived from the use and development of renewable energy.

FNDC's Long Term Plan consultation document noted the importance of coordinating activities 'to reduce our carbon footprint and find ways to ensure climate change is addressed in all strategy, planning, policy and decision-making.' (p.5)

FNDC's Climate Change Road Map³ (attached as Appendix 1) sets out guiding principles and recognises the need to act now. It states that 'We will make climate change risks a key consideration in all our planning ...' -

GUIDING PRINCIPLES

1. We acknowledge the reality of climate change and will act now in response to the risks this poses

There is clear evidence of the need to act now on climate change to reduce future risks and costs for our District. We will make climate change risks a key consideration in all our planning and decisions

The proposed District Plan presents an opportunity for the Council and communities to be proactive and to do significantly more to reduce emissions and protect and safeguard our communities and places against the effects of climate change.

PDP Strategic Direction / Natural Environment

¹ Intergovernmental Panel on Climate Change (2019) *Special Report on Global Warming of 1.5°C: Summary for Policymakers*, page 12, section C.1, <https://www.ipcc.ch/sr15/>

² Climate Change Commission (June 2021) *Low Emissions Future for Aotearoa*, p.230-231, <https://ccc-production-media.s3.ap-southeast-2.amazonaws.com/public/Inaia-tonu-nei-a-low-emissions-future-for-Aotearoa/Inaia-tonu-nei-a-low-emissions-future-for-Aotearoa.pdf>

³ FNDC Climate Change Road Map (2020), <https://www.fndc.govt.nz/Your-district/Climate-change-in-the-Far-North>

The PDP Strategic Direction objectives for the natural environment include SD-EP-O4: 'Land use practices reverse climate change by enabling carbon storage and reducing carbon emissions'. We support this objective. However the current PDP provisions mainly pursue a business-as-usual approach and contain very little to support the objective of reducing carbon emissions.

Transport

A report by the Climate Change Commission estimated that transport accounted for more than 33% of long-lived greenhouse gas emissions in Aotearoa in 2019.⁴

PDP provisions should take account of transport-related guidelines on connectivity in Appendix 2 of the Regional Policy Statement, such as the following points on *Connections* and urban design -

- '(a) Creates safe, attractive and secure pathways and links between neighbourhoods and centres;...*
- (c) Places a high priority on walking, cycling and where relevant, public transport; and*
- (d) Improves accessibility to public services and facilities.'*⁵

We seek PDP provisions that will support active modes of transport, including pedestrians, cyclists, disability scooters etc. The PDP needs revised/additional policies and rules to ensure that active transport modes will be supported in practice when consents are assessed/granted. For example, the PDP should require subdivisions and developments to provide cycleways and pedestrian walkways that will be ready to connect into future networks of cycleways and walkways (networks to be identified in plans such as spatial plans, structure plans or community transport planning for townships).

Please refer to our separate submission on cycling and multi-modal transport for further comments.

Management of Natural Hazards due to climate change

As a matter of national importance, s6(h) of the RMA requires councils to provide for the management of significant risks from natural hazards (e.g. flooding, coastal erosion) in relation to managing the use, development and the protection of natural/physical resources –

'In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance: ... the management of significant risks from natural hazards.'

FNDC's recent Long Term Plan consultation document states that:

'We have identified climate change as the number one risk facing the Far North' (p.5).

Flood risks due to climate change

Inland flooding: Climate change is expected to make Northland drier overall, however heavy downpours are likely to become more extreme.⁶ This will increase the risk of inland flooding in areas near rivers/waterways. Flooding and rising groundwater are likely to affect houses, domestic wastewater tanks and disposal fields, roads and access ways to houses, and other structures built on former flood plains or land that has been drained.

Coastal inundation: The average global sea level is expected to continue rising for several centuries in future as a result of long-lived emissions from past decades alone (irrespective of sea level rise due to future emissions). A report by the Parliamentary Commissioner for the Environment in 2015 estimated that 1 in 100-year high water level events would occur very frequently in future - for example, every 4 years at the port of Auckland and once a year at Wellington and Christchurch ports.⁷ Furthermore, storm surges can add several tens of centimetres to high tides.⁸

⁴ Climate Change commission (2021) as above, p.88, Figure 6.1.

⁵ NRC, *Regional Policy Statement*, p.165, Appendix 2, Part B Regional urban design guidelines

⁶ Parliamentary Commissioner for the Environment, PCE (2015), *Preparing NZ for Rising Seas*, p.22, <https://www.pce.parliament.nz/media/1390/preparing-nz-for-rising-seas-web-small.pdf>

⁷ PCE (2015) *Preparing NZ for Rising Seas*, p.28.

⁸ PCE (2015) *Preparing NZ for Rising Seas*

The NZ SeaRise mapping project (funded by MBIE, supported by NIWA and other scientific bodies⁹) has identified specific coastal locations in the Far North that are particularly vulnerable to sea level rise due to climate change (taking account of land rising or falling due to tectonic movement etc.). SeaRise has published maps specifically for the use of planners.¹⁰

Low-lying coastal homes will become increasingly impacted by storm surges, erosion etc. as time progresses. A report by the Parliamentary Commissioner for the Environment in 2015 stated that:

- *'Sea level rise is inexorable but gradual, so there is time to develop a better approach, but we do need to start now.'*¹¹ (Note: this statement was made in 2015)
- *'councils are responsible for planning for the impacts of sea level rise under the RMA'*.¹²
- *'Both the New Zealand Coastal Policy Statement and the MfE Guidance Manual require councils to take a **'precautionary approach'** to planning for coastal hazards.'*¹³

We support the principle of PDP Policy NH-P3 which aims to *'take a precautionary approach'* to the management of natural hazard risk associated with land use and subdivision. And we support PDP Policy NH-01 which aims to manage risks from natural hazards taking into account the *'likely long-term effects of climate change'*.

However, the PDP contains insufficient provisions to implement these policies. Overall, the PDP fails to address the urgent need to reduce greenhouse gas emissions wherever possible now, and fails to adequately avoid or mitigate the anticipated effects.

Adverse effects of consenting new buildings/infrastructure in at-risk areas

Giving consent for a new house or building to be constructed in a location gives people the expectation that buildings can remain there in perpetuity. However, the government has indicated that a retreat from affected coastal areas will be needed in future due to climate change.¹⁴ The retreat from climate hazard areas will be complex and very challenging for the Council and for affected communities.

If the Council continues to allow new buildings and infrastructure in future climate-risk areas, it would be irresponsible, because it would generate an unnecessarily large social disruption and economic cost for the retreat – a financial burden that taxpayers and ratepayers will be forced to pay.

We note that the New Zealand Coastal Policy Statement (NZCPS) of 2010 emphasises placing coastal subdivision and greenfield developments away from areas prone to coastal hazard risks (including climate change) and the need to avoid these risks.

The *Regional development guidelines* in the Regional Policy Statement (Appendix 2) state that:

'New subdivision, use and development should ... be directed away from 10-year and 100-year flood areas and high risk coastal hazard areas.'

FNDC's Climate Change Road Map (p.8) also acknowledged that *'Under the NRC Regional Policy Statement future development of land will need to be located away from coastal and low-lying areas vulnerable to sea-level rise, coastal erosion and flooding'*.

The PDP is required to give effect to the NZCPS and Regional Policy Statement (under the RMA), and may adopt stricter requirements. Although the PDP rules on natural hazards (e.g. NH-R3, CE-R12) indicate that new buildings constructed in locations mapped as '1 in 100 year river flood hazard areas' or 'coastal hazard area' would often be regarded as restricted discretionary activities, these provisions should be strengthened. The PDP does not implement the *precautionary approach* indicated above.

Already, some locations mapped as 1 in 100 year river flood areas experience severe flooding at much more frequent time intervals. In order to apply the precautionary approach and take account of

⁹ NZ SeaRise project, <https://www.searise.nz/about>

¹⁰ NZ SeaRise maps for planners, <https://www.searise.nz/>

¹¹ Parliamentary Commissioner for the Environment (2015) FAQ, <https://www.pce.parliament.nz/media/1388/preparing-nz-for-rising-seas-faq-final.pdf>

¹² Parliamentary Commissioner for the Environment (2015) FAQ.

¹³ Parliamentary Commissioner for the Environment (2015) *Preparing NZ for Rising Seas*, p.66.

¹⁴ For example, https://resiliencechallenge.nz/wp-content/uploads/2018/08/Owen-et-al-2018_planning-quarterly.pdf

longer-term changes due to climate change, it would be necessary to apply additional large safety margins in areas at risk of flood/inundation.

We note that NRC Natural Hazard maps provide data on 1 in 100 year + cc (climate change) river flood extent (hazard zone) for priority rivers as well as data on coastal flood 100 years + rapid sea level rise scenario (hazard zone 3).¹⁵ It appears that, at minimum, the available '+ CC' climate flood estimates could be referenced in the district plan. We notice that some applications for subdivision in this District already refer to +CC flood estimates.

We recognise that it is feasible to build properties on stilts, however related issues would need to be addressed, such as requiring raised accessways (above the high flood level) so that people are able to leave a flooded property, and ensuring that domestic wastewater tanks and disposal fields are well above any flood level, to avoid risks to public health from sewage-contaminated water inside flooded houses and the receiving environment.

Taking a precautionary approach means it's necessary to focus primarily on avoiding new residential or sensitive structures/infrastructure in hazard areas, rather than just managing or mitigating the impacts and paying the costs of retreat.

We consider that new buildings and infrastructure should not normally be permitted in hazard areas, with the exception of essential/unavoidable infrastructure. In principle, PDP policies/rules should ideally be strengthened to apply 'no build' areas to prevent new buildings, residential wastewater tanks and disposal fields, accessways and infrastructure in areas that are likely to be flooded or inundated, taking into account the *precautionary approach* and *likely long-term effects*.

Failing this, council should, at the very least, place LIM notices on property files. Future liabilities should also be addressed. We note there are existing cases where Council exempts itself from financial liability in relation to subdivision - FNDC has imposed a number of legally-binding fencing covenants that exempt FNDC from all financial liability for fencing on boundaries adjacent to FNDC land. In a similar manner, Council could specify in new subdivision/development consent notices (and building consents) that if a building/infrastructure is constructed in a climate hazard area it is done entirely at the landowner's own risk, and local authorities bear no financial responsibility. Without these types of measures, the council would impose an untenable cost burden on ratepayers and taxpayers in future years.

Using updated flood hazard maps

A pop-out window in the PDP map, entitled *News Feed – How to use the Eplan*, points out that the coastal and flooding hazard maps in the draft plan are out of date, and asks users to check the updated NRC Natural Hazards Maps on NRC website¹⁶ -

Hazard Mapping

The coastal and flooding hazard maps in the draft district plan, no longer reflects the most updated hazard information created and published by the Northland Regional Council (NRC). This is due to the draft district plan being created in March 2020, and Northland Regional Council releasing new hazard information in April and December 2021. To confirm if a property is affected by a coastal or flood hazard please refer to the [NRC Natural Hazards Maps](#) or for background information please refer to the [Northland Regional Council](#) as the draft district plan hazard maps may be not showing a hazard on a property or incorrectly identifying a property as being affected by a hazard.

However, the sections of the PDP that refer to flooding and natural hazards do not provide the above warning to users. As a result, people may use out-of-date mapping information. The PDP section should

¹⁵ NRC Natural Hazard map, River Flood Hazard Zone 100 year CC extent - priority rivers, <https://nrcgis.maps.arcgis.com/apps/webappviewer/index.html?id=81b958563a2c40ec89f2f60efc99b13b>

¹⁶ <https://nrcgis.maps.arcgis.com/apps/webappviewer/index.html?id=81b958563a2c40ec89f2f60efc99b13b>

refer specifically to the most recent NRC Natural Hazards maps, and PDP maps should be updated regularly, as soon as possible.

Permeable surface area and water sensitive designs

Heavy downpours are expected to become more extreme due to climate change. Our group strongly supports intensification in urban areas while also noting that the PDP should address the fact that intensification can result in much larger impermeable surfaces covering a very high percentage of the urban land with houses, garages, other buildings, driveways, paving, tarmac, concrete etc.

We support the principle of PDP provisions controlling the area of impermeable surface per site, and consider it is probably also necessary to monitor and limit the total **cumulative** impermeable area in residential/urban zones.

The intensification of urban zones needs to be carefully managed, as discussed in our submission on multi-unit development. It should be encouraged in the form of well-designed two or three storey buildings, for example, with requirements for permeable open areas including garden/landscaped ground. Developments should use permeable materials wherever feasible for surfaces such as driveways, paths.

PDP provisions should require best practice water-sensitive designs and measures to prevent problems associated with more extreme rainfall events in future:

- Flood risk: If the majority of land in residential/urban areas becomes covered by impermeable surfaces, it would eliminate much of the existing soakaway area for stormwater and increase the risk of flooding in residential/urban areas during high rainfall events.
- Water quality: Large impermeable surface area would increase urban runoff to waterways during heavy rain. The latest government guidance on the NPS for Freshwater Management (Guidance on the National Objectives Framework of the NPS-FM, 2022, p.8¹⁷) states that *district plans* must be reviewed to give effect to the NPS-FM:

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

'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.'

Drought, rainwater harvesting and efficient use of water

During drought, water supplies in parts of the District become over-stretched. Climate change is expected to make the situation significantly worse in future decades.

The *Regional development guidelines* in the Regional Policy Statement (Appendix 2, Part A) state that:

*'New subdivision, use and development should: ... Adopt, where appropriate, sustainable design technologies such as the incorporation of ... rain gardens, ... rainwater storage and grey water recycling techniques ...'*¹⁸

The PDP should require all new buildings to store/use roof water wherever possible, to avoid the need for expensive reticulation systems and reduce the need for water top-ups via water tankers.

New buildings connected to a public water supply should be required to collect roof water in storage vessels to use for gardens and flushing toilets (at minimum) and contribute to other household water uses such as laundry connections. Water storage vessels do not need to be a traditional round tank – other useful shapes exist, such as rectangular upright vessels that are easy to install against the side of a house or garage, or short flat vessels designed to be completely buried underground or placed under the foundations of new builds.

¹⁷ <https://environment.govt.nz/assets/publications/NOF-Guidance-ME1658-Final-28.7.pdf>

¹⁸ NRC, *Regional Policy Statement*, p.163, Appendix 2, Part A, clause (p).

Greywater harvesting and re-use should also be required for new buildings.¹⁹ These types of water-saving measures would also reduce future Council infrastructure costs for additional water supplies and wastewater.

Renewable energy & energy efficiency

A recent Climate Change Commission report stated that:

*'Replacing fossil fuels with low-emissions electricity is an essential part of the transition and will require major expansion in the electricity system that needs to start now.'*²⁰

The District Council is required to give effect to the Regional Policy Statement (under s75(3) of the RMA). The RPS *Regional development guidelines* (in Appendix 2) state that:

*'New subdivision, use and development should: ... Adopt, where appropriate, sustainable design technologies such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, ... renewable energy technologies ...'*²¹

Given the climate crisis, it is necessary to give active support and incentivise energy efficient designs and renewable energy generation, especially in cases where it is cost-neutral or there are cost benefits to the developer or house occupier.

Traditionally, district plans include rules/standards for a range of items such as water supply, stormwater management, wastewater system, etc. We note that resource consent conditions may also include diverse additional requirements - such as recessive paint colours, non-reflective windows, specific provisions for ancillary buildings, landscaping plans, controls on dogs, etc. Those consent conditions aim to address adverse effects on natural character, landscapes, biodiversity, etc., in order to meet the RMA provisions. Given that 'the effects of climate change' has been added into the RMA, it is logical and appropriate that the district plan and consent conditions should now require items to help mitigate climate change.

It is time to bring the PDP into the 21st century by updating rules/standards in the light of climate change and developments in social/environmental issues and improved technologies and designs.

For example, standards should preferably require, or at minimum actively encourage, the adoption of *'sustainable design technologies such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, ... renewable energy technologies'*, as stated in the RPS.

Passive heating and cooling designs, for example, reduce energy consumption and the on-going costs of heating/cooling. Solar panels with batteries, for example, can be purchased on lease-to-buy schemes so that the owner/occupier only pays the amount that they would have paid anyway for grid electricity. Additional electricity generation by households will be essential for powering EVs in future because current national generation capacity is not sufficient.

The measures mentioned above would also benefit the community and support Council objectives beyond the DP – such as generating jobs and increasing the number of healthy homes in the Far North. The Climate Change Commission notes that energy efficiency requirements can generate jobs.²²

We seek the following decisions from the Council:

- The PDP objectives, policies and rules needs to be updated in order to implement Council statements on the need to address climate change in all planning and policy – to reduce climate emissions and help reduce the adverse effects of climate change:

S529.047

¹⁹ Auckland Watercare, <https://www.watercare.co.nz/Help-and-advice/Be-Waterwise/Recycling-grey-water>

²⁰ Climate Change Commission (June 2021) *Low Emissions Future for Aotearoa*, p.86, <https://ccc-production-media.s3.ap-southeast-2.amazonaws.com/public/Inaia-tonu-nei-a-low-emissions-future-for-Aotearoa/Chapter-15-inaia-tonu-nei.pdf>

²¹ NRC, *Regional Policy Statement*, p.163, Appendix 2, Part A, clause (p).

²² Climate Change Commission (June 2021) *Low Emissions Future for Aotearoa*, p.294, Recommendation 22.

- FNDC’s Long Term Plan consultation (p.5) recognised the importance of coordinating activities ‘to reduce our carbon footprint and find ways to ensure climate change is addressed in all strategy, planning, policy and decision-making’.

- FNDC’s Climate Change Road Map 2020 stated that: ‘We will operationalise climate change adaptation so it becomes ‘business as usual’ through our plans and strategies including the Long Term Plan, the District Plan, our Infrastructure Strategy, ...’

➤ We ask the council to acknowledge that the climate emergency requires a new approach in the district plan right now. The Council’s Climate Change Road Map recognised the need to ‘act now’. This matter cannot be set aside until the next district plan in ten years’ time. S529.048

➤ Wherever feasible, the PDP should include policies/rules/standards that will reduce greenhouse gas emissions related to the activities covered by district plans. S529.049

➤ PDP should promote and support active transport and multi modal integrated transport – please refer to our separate submission on this topic. S529.050

➤ FNDC’s Climate Change Road Map (p.8) recognises that ‘Under the NRC Regional Policy Statement future development of land will need to be located away from coastal and low-lying areas vulnerable to sea-level rise, coastal erosion and flooding’. To implement this change, the PDP needs stronger rules, including ‘no build’ areas, to prevent new buildings, wastewater systems, accessways, roads and other infrastructure in areas that are likely to be impacted by sea level rise, storm surges, flooding etc. New construction in hazard areas makes little or no sense; it will generate high costs of remediation and retreat which will have to be paid by future rate payers and tax payers, or will generate increased insurance premiums for everyone. S529.051

➤ The PDP should apply *the precautionary approach* with regard to mapped inland flood and coastal hazard areas, to take account of longer-term changes expected from climate change, as well as the limitations in mapping. S529.052

➤ The PDP should require best practice water-sensitive, low-impact designs and measures for all stormwater and wastewater engineering, infrastructure and related development, to prevent problems associated with more extreme rainfall events in future, including provisions to implement relevant parts of NPS-FM – refer to details in our detailed Submission text above. S529.053

➤ We support greater limits on impermeable areas (and/or requirements for minimum permeable areas) for subdivision, use and development. In urban/residential zones, it will also be necessary to adopt measures to limit the cumulative total impermeable surface and/or protect a specified cumulative total permeable area. S529.054,
S529.217 &
S529.218

➤ The PDP should include objectives, policies and rules/standards that require best practice environmentally sustainable techniques for new developments, including -

- Permeable materials wherever feasible for surfaces such as driveways, paths etc.
- Best practice for lowest environmental impact and water sensitive designs, requiring grey water recycling techniques and other technologies to ensure efficient use of water, rain storage tanks for properties connected to a public water supply, additional water storage for buildings that rely solely on roof water (to cope with drought), and other measures
- Renewable energy technologies and energy-efficient technologies, and similar requirements that foster improved environmental design/technologies and lower lifecycle climate impacts
- Specified area (percentage) of tree canopy cover and green corridors should be required within new subdivisions. These will be increasingly important for shade/cooling for buildings and pedestrians in future.

S529.055,
S529.219 to
S529.233

➤ Please refer to additional changes we seek in our detailed Submission text above.

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, chair, Vision Kerikeri (Vision for Kerikeri and Environs)

Date: 20 October 2022

SUBMISSION NUMBER



Far North District Council Climate Change Roadmap

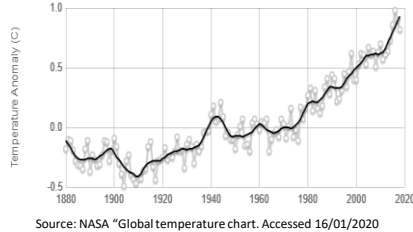
April 2020

The intention of this document is to obtain approval from elected members for Council's broad approach to climate change, including:

- key objectives and associated guiding principles
- work on four key focus areas involving mitigation and adaptation

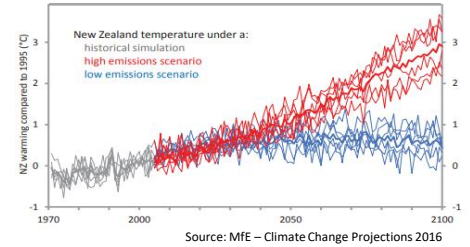
GLOBAL CONTEXT

- Due largely to increasing levels of greenhouse gases in the atmosphere, the planet is experiencing a warming trend that is happening faster than has been seen in recent history (Source: Intergovernmental Panel on Climate Change, IPCC - 2013)
- Eighteen of the 19 warmest years since 1951 have all occurred since 2001.(NASA).



NATIONAL CONTEXT

- The extent of warming in New Zealand will depend on the level of global carbon emissions, which has been forecast by MfE using a range of scenarios
- Even under a low emissions scenario, the temperature will increase in New Zealand and the sea level will rise.



FAR NORTH CONTEXT

Climate change effects

A range of impacts of climate change have been predicted for Northland by NIWA:

- Sea level rise
- More warmer days
- Frosts becoming very rare
- More droughts
- More extreme weather events

Summary NIWA Northland predictions: [LINK](#)

Detailed report: [LINK](#)

Potential impacts

- Severe storms
- Coastal erosion & inundation
- Water shortages
- Increased sedimentation
- Contamination of soil
- Salination of water sources
- Slips and floods
- Damage to the transport network
- Agriculture/horticulture will be different
- Threat of vector diseases e.g. dengue fever
- Threat of new agricultural pests.

Significant risks to the community

- Communities at risk through coastal retreat and displacement of people
- Public health risks
- Burden of rates for the District as whole and especially for deprived communities
- Increasing risk of forest fires
- Risks to the economy
- More civil defence emergencies.

“We need to think and plan ahead now”

Quote from survey of managers at FNDC

Significant risks for Council

- Vulnerable infrastructure
- Vulnerable parks and reserves
- Large/long term financial risks
- Cost to protect/shift/future-proof infrastructure and assets
- Increasing insurance costs and potential inability to insure some areas
- Affordability of adapting to climate change
- Reputational risks
- Our ability to borrow money will be at risk if we have inadequate climate-related financial disclosure.

FNDC'S STATUTORY OBLIGATIONS

- Council has obligations and responsibilities under the Resource Management Act, the Local Government Act, the Civil Defence Act and particularly the Zero Carbon Amendment Act 2019
- Our policies must be consistent with Northland Regional Council's Regional Policy Statements relating to hazards and biodiversity, water quantity and quality.

FNDC'S RESPONSE TO DATE

- Council has acknowledged that climate change is the number one risk it faces
- We signed the Local Government Leaders Declaration in 2017 with a commitment to “*develop and implement ambitious action plans*” for climate change mitigation and adaptation
- We are an active member of Climate Adaptation TeTaitokerau (CATT) a Group of the four local authorities in Northland charged with developing the Regional Climate Change Adaptation Framework
- In August 2019 Council resolved that a KPI for the Chief Executive was to develop a Climate Change Roadmap.

DEVELOPING THIS ROADMAP

Work to date includes:

- A survey of all senior managers at FNDC
- Forming an internal Climate Change Working group
- Preparing website and education materials/links
- Study of government guidelines, what other local authorities are doing and attendance at relevant conferences
- Commissioning a carbon footprint assessment for Council itself.

CLIMATE CHANGE OBJECTIVES

- 1 To reduce council's own greenhouse gas emissions in line with the government's national emission reduction targets or better
- 2 To support our communities towards carbon zero 2050
- 3 To manage council's resources and assets to best future-proof them from the risks of climate change
- 4 To help our communities prepare for and adapt to the impacts of climate change

We will engage in dialogue with the community on the objectives and guiding principles before they are formally adopted

GUIDING PRINCIPLES

1. **We acknowledge the reality of climate change and will act now in response to the risks this poses**
There is clear evidence of the need to act now on climate change to reduce future risks and costs for our District. We will make climate change risks a key consideration in all our planning and decisions
2. **We recognise the importance of kaitiakitanga**
We recognise the role of tangata whenua as kaitiaki in relation to natural and physical resources in their rohe.
3. **We will be thoughtful and considered in our planning for climate change**
Long-term thinking, policies and actions will ensure the needs of current and future generations are met. The risks of climate change are complex, so we will be careful and considered in our approach. Our plans will evolve over time as new information on climate change becomes apparent.
4. **We will learn with and support our communities to address the risks and potential opportunities of climate change**
Enhancing the resilience and readiness of our communities and businesses will help us adapt to climate change. We will engage with our communities and also advocate on their behalf to central government
5. **We will work cooperatively with others**
The nature and scale of climate change means that we cannot go it alone in our approach to climate change. We will work together with central government and other agencies as well as community groups, iwi and hapū to co-ordinate our response.

"This is not centuries away, it's happening now ... it is an urgent problem"

Professor James Renwick – Professor of Physical Geography at Victoria University, member of the Climate Commission

"Make sure climate change is the centre of all planning moving forward"

Quote from survey of managers at FNDC

"Climate change is the defining issue of our time and we are at a defining moment"

United Nations

TWO TYPES OF RESPONSE TO CLIMATE CHANGE

Mitigation

Reducing or preventing the emission of greenhouse gases

The target Paris Agreement target is to limit global temperature increase this century to between 1.5 - 2°C above pre-industrial levels. Global temperatures are already between 0.8-1.0°C above this level, so the window to respond is narrowing rapidly.

In line with the Paris agreement, the Climate Change Response (Zero Carbon) Amendment Act 2019 (ZCA) sets targets for New Zealand:

- To reduce emissions of greenhouse gases (except biogenic methane) to zero by 2050 and to reduce emissions of biogenic methane to 24–47 per cent below 2017 levels by 2050, including to 10 per cent below 2017 levels by 2030 (ten years' time)

Under this legislation, Council will be required to reduce its own carbon emissions and report on progress to government.

Mitigation activity is an immediate and pressing need with targets set by government. Some actions have taken place such as replacing incandescent street lighting with LED lights and developing a Procurement Policy in line with MBIE's guidelines etc. However, much more is required to meet the ZCA targets.

Adaptation

Adapting to climate change

Climate change poses many adverse threats but there will also be positive opportunities. Our challenge is to adapt to these changes

We will operationalise climate change adaptation so it becomes 'business as usual' through our plans and strategies including the Long Term Plan, the District Plan, our Infrastructure Strategy, Asset Plans and the Financial Plan etc.

Adaptation and Mitigation Activity can be Linked

Our actions to adapt to climate change can be linked to climate change mitigation. For example, planting trees on marginal land to help reduce erosion will also assist mitigation through increased carbon sequestration. Conversely, some major adaptation projects may mean an increase in council's carbon footprint, so this will need to be considered in our decision making in a new regime where we will be expected to reduce this footprint.

FOUR FOCUS AREAS

RESPONDING TO CLIMATE CHANGE

MITIGATION

ADAPTATION

COUNCIL	1 "Walking the talk" Council reduces its carbon emissions	3 "Prudent future proofing" Council adapts to climate change
	2 "Reducing our carbon emissions together" Supporting our communities to achieve zero carbon by 2050	4 "Developing resilience" Help our communities prepare for and adapt to the impacts of climate change
FOCUS AREAS	THE COMMUNITY	

"We have a mandate from central government to look after the wellbeing of the people of the Far North"

Quote from survey of managers at FNDC

"Council can be the heroes in the climate change area"

Mary-Jane Ardley – Coastal Restoration Trust

FOCUS AREA 1 (MITIGATION) – ‘WALKING THE TALK’ COUNCIL REDUCES ITS CARBON EMISSIONS

RESPONDING TO CLIMATE CHANGE
MITIGATION ADAPTATION

	1 "walking the talk" Council reduces its carbon emissions	
COUNCIL		
FOCUS AREAS		
THE COMMUNITY		

Meets Objective 1 to reduce council's own greenhouse gas emissions in line with the government's national emission reduction targets or better

“We’ve moved and renovated offices so they are all now of 5-star standard, we’re electrifying our vehicle fleet, and we’ve invested in quality video conferencing and calling, which cuts down how much we fly between our offices. Measuring our carbon has highlighted all sorts of opportunities to reduce our emissions, and to influence our suppliers to do the same”

Alison Howard, Head of Sustainability, Meridian Energy

WHY MEASURE AND REDUCE OUR EMISSIONS

- To contribute to New Zealand’s collective effort to reduce its emissions. New Zealand is the fourth highest per capita producer of greenhouse gas in the world, beaten only by the United States, Canada and Australia
- To identify operating efficiencies and cost savings
- We will need to meet our reporting requirements under ZCA
- The Emissions Trading Scheme (ETS) will be tightened and the price of carbon credits will increase so we will need to pay more for our carbon emissions
- To demonstrate social and environmental responsibility
- To play our part in the Far North and “walk the talk”
- To identify business opportunities

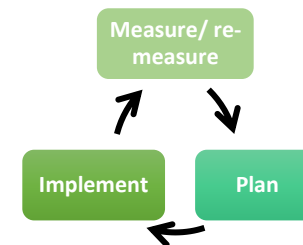
BEING TRANSPARENT

- We will openly communicate the results of our emissions inventory and our improvement targets on our website
- We will also report on progress to reduce our emissions
- We will recognise where trade-offs have been made e.g. while reducing air travel will reduce our carbon emissions reductions, this would have an impact on our ability to do business and engage nationally. In these cases, we will look to offset these emissions

“Get started – you can always build on that foundation and increase sophistication of measurement over time. The key is to have some information to start working with. Reporting and communication is really important, making data visible and relatable to managers, staff and stakeholders”

Grant Heather — Senior Strategy Manager, NZ Rail

IMPROVEMENT PROCESS



STEPS IN THE PROCESS

1. MEASURE OUR EMISSIONS

- An emissions inventory is underway focusing on FY 2018/19
- Conducted by WSP (formerly Opus Consulting)

2. PLANNING

- We will identify and prioritise opportunities to improve, setting targets for mitigation activity

3. IMPLEMENTATION

- We will put in place plans to reduce our emissions

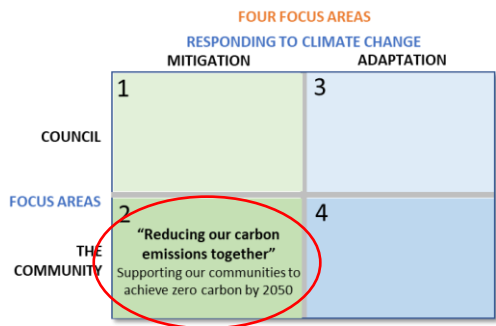
4. RE-MEASURE EVERY TWO YEARS

- With the goal to reach zero carbon by 2050 or earlier

“Do an audit of the current state, set goals, then another audit in 12-24 months to compare improvements. Be open and accountable about our targets and progress towards them. Report on our website how we’re tracking”

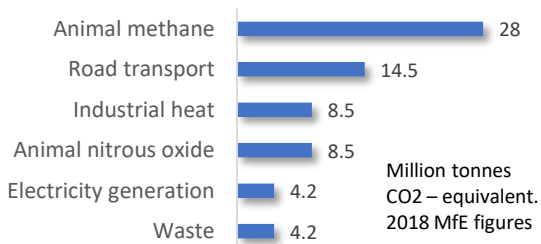
Internal survey of managers at FNDC

FOCUS AREA 2 (MITIGATION) – ‘EDUCATION & GUIDANCE’ SUPPORTING OUR COMMUNITIES TO ACHIEVE ZERO CARBON BY 2050



Meets Objective 2 to support our communities to achieve zero carbon by 2050

SIX MAIN SOURCES OF GHG EMISSIONS IN NZ



MITIGATION ACTIVITIES THAT WILL HAVE THE GREATEST EFFECT NATIONALLY

- Plant trees to sequester carbon
- Convert the national vehicle fleet to electric
- Eliminate fossil fuels from industrial processes up to 300°C
- Develop new solutions to reduce emissions from agriculture
- Better management of landfill sites including capture of methane
- Move to 100% renewable electricity generation

WHY SUPPORT THE COMMUNITY?

- To contribute to New Zealand’s collective effort to reduce its emissions
- To demonstrate social and environmental responsibility
- To play our part in the Far North
- To become a leader in this area

HOW WE WILL SUPPORT OUR COMMUNITIES

- We will provide information on the many ways that people can reduce their carbon footprint
- Our plans will incorporate carbon emission reduction policies, in line with the government’s GHG reduction plan
- We will support community projects in this area as we have with the Crimson Coast Electric Vehicle Highway

CRIMSON COAST ELECTRIC VEHICLE HIGHWAY

Since 2017 we have helped expand the EV charging station network in the Far North from one to eight stations. We:

- arranged funding through ChargeNet NZ and the Energy Efficiency & Conservation Authority
- offered Council land for the charging sites
- collaborated with Top Energy, Northland Regional Council and local EV user group RevUp to install these stations.

“Clean air and water, and a liveable climate are inalienable human rights. And solving this crisis is not a question of politics. It is our moral obligation”

Leonardo DiCaprio

WORKING WITH THE BUSINESS SECTOR

Where possible we will work with the business sector, to reduce GHG emissions. Areas we can help address include:

- Road transport – extending the electric vehicle charging station network
- Supporting the rail network
- Electricity generation using renewable sources including solar, wind energy and geothermal sources such as Ngawha
- Encouraging commercial planting of trees to sequester carbon

ACKNOWLEDGING GOVERNMENT’S KEY ROLE IN SETTING NATIONAL POLICIES

Many of the broader ‘levers’ to reduce carbon emissions relate to government planning and policies e.g.

- Government Investment in renewable energy projects
- Managing the Emissions Trading Scheme etc
- National policy to meet the emissions targets etc.

COMMUNICATION & ADVOCACY

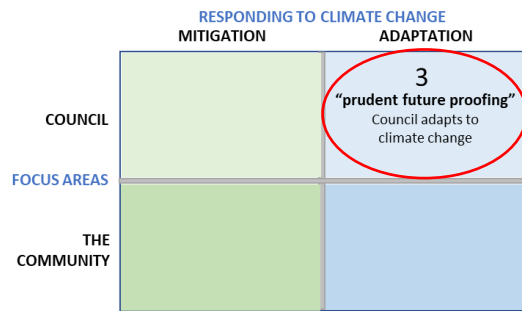
We will regularly communicate with the community on climate change topics, encouraging two-way dialogue. We will also advocate on behalf of our communities to central government

“This is not centuries away, it’s happening now ... it is an urgent problem”

Professor James Renwick – Professor of Physical Geography at Victoria University, member of the Climate Commission

FOCUS AREA 3 (ADAPTATION) – ‘PRUDENT FUTURE PROOFING’

COUNCIL ADAPTS TO CLIMATE CHANGE



Meets Objective 3 to manage council's resources and assets to best future-proof them from the risks of climate change

ADAPTATION ANTICIPATES CHANGE AND FOCUSES ON BEING PROACTIVE RATHER THAN REACTIVE

Anticipating the ongoing risks of climate change and taking timely action to reduce and prevent future damage is fundamental to effective adaptation.

This can be achieved using:

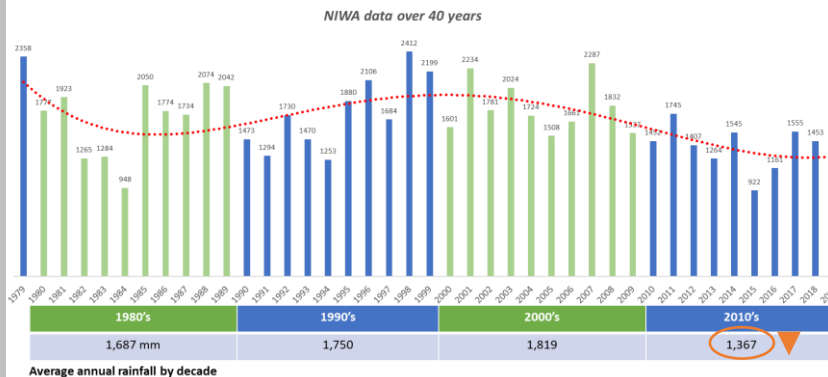
- predictive methods (where uncertainty is low)
- scenarios (where uncertainties are high)
- adaptive planning (where a trend exists such as rising sea level but the rate of change in the future is uncertain. Points on the trend-line will trigger particular responses)

Shifting from a reactive approach where we respond to climate events after they occur to a more proactive approach will enhance resilience and reduce our financial and social exposure to climate change impacts across the Far North District.

“Active and adaptive management is required in response to climate change”

Sir Peter Gluckman

KERIKERI MEAN ANNUAL RAINFALL TREND – REDUCED RAINFALL



While the mean annual rainfall in Kerikeri varies from year to year, it has decreased in the last decade compared with previous decades

Only one year in the last decade has annual rainfall been above the average over the last 40 years.

CASE STUDY – NORTH SHORE CITY WASTEWATER MANAGEMENT

In 1997 North Shore City experienced a significant number of beach pollution events linked to overflows from its wastewater system.

Community concern led to analysis of what would be needed to rectify the problem. Two scenarios were developed – the first costing \$260 million did not account for climate change effects while in the second scenario, an extra \$150 million was required to respond to climate change.

The community chose the lower cost option with reduced levels of protection compared with the higher cost option which factored in climate change. However, reviews of the system were required every three to five years to assess if further spending was necessary, thus putting in place an adaptive response.

Example included in the MfE document *Preparing for climate change – a guide for local government in New Zealand*. See Link in the Appendix

PROPOSED ADAPTATION PROCESS

We recognise that while adaptation may involve extra costs, carrying on ‘as normal’ may be more costly in the long-run.

RECOMMENDED APPROACH

1. Conduct evidence-based and site-specific planning
2. Evaluate the long-term costs and benefits of different adaptive solutions
2. Use the Dynamic Adaptive Planning Protocol (DAPP) process recommended by MfE where climate change risks are uncertain
4. For significant projects, seek guidance from the community and elected members regarding preferred options before proceeding (see the North Shore City case study).

REGIONAL INTEGRATION

We will align our adaption approach with the Regional Adaptation Strategy being developed by the Northland local authorities regional group (CATT).

FOCUS AREA 4 (ADAPTATION) – ‘DEVELOPING RESILIENCE’

HELPING OUR COMMUNITIES PREPARE FOR AND ADAPT TO THE IMPACTS OF CLIMATE CHANGE

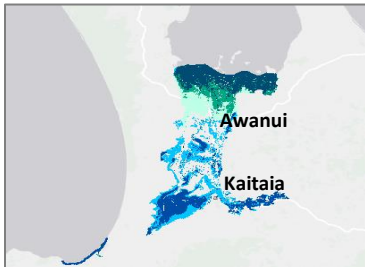
		RESPONDING TO CLIMATE CHANGE	
		MITIGATION	ADAPTATION
COUNCIL	1 "Walking the talk" Council reduces its carbon emissions	3 "Prudent future proofing" Council adapts to climate change	
THE COMMUNITY	2 "Education and guidance" Supporting our communities to reduce their carbon emissions	4 "Developing resilience" Helping our communities prepare for and adapt to the impacts of climate change	

Meets Objective 4 To help our communities prepare for and adapt to the impacts of climate change

HAZARD MAPPING

Mapping of coastal and flood hazards by NRC will help us identify vulnerable communities

The Kaitiaki flood plain stands out as the largest geographical area at risk in the Far North.



NRC Hazard mapping

DEVELOPMENT IN HAZARD ZONES

Under the NRC Regional Policy Statement future development of land will need to be located away from coastal and low-lying areas vulnerable to sea-level rise, coastal erosion and flooding. This will be incorporated in the District Plan as risk area overlays showing potential hazard risk areas with associated policies and rules for land use and subdivision.

“If everyone focused their love, care, and commitment to protecting and regenerating their local places, ... then a side effect would be the resolution of the climate crisis”

Charles Eisenstein, Climate: A New Story

ENGAGING WITH THE COMMUNITY

We will take part in conversations with communities to identify how vulnerable areas are best addressed.

FACING TOUGH DECISIONS

Those in vulnerable areas e.g. where sea level rise is likely to cause coastal inundation, will face tough decisions regarding the viability of where they live. They are likely to feel pressure from increasing insurance premiums as well as rising sea levels. And if private insurers retreat from a coastal area because of increased risk from rising seas, cover from EQC will also disappear, because the two insurances are bundled.

COUNCIL’S POWERS RE EXISTING HOMES

The Resource Management Act gives Council the power to zone land for varying levels of development. But there is no clear power for councils to require people in existing homes, that were lawfully built, to move somewhere less dangerous.

NEED FOR GOVERNMENT SUPPORT/GUIDANCE

Currently the legal situation is unclear regarding how Council should respond to potential loss and damage to existing homes from climate change effects such as sea level rise. Council needs to request guidance from central government in this area.

“You cannot get through a single day without having an impact on the world around you. What you do makes a difference and you have to decide what kind of difference you want to make”

Jane Goodall

HELPING BUILD RESILIENCE

Adopting a precautionary approach, Council will engage with at-risk communities early, before they begin to experience severe impacts of climate change. We will:

- help communities understand the upcoming challenges
- give them the ability to ‘have a voice’ in decisions that will affect them including lobbying government
- work to ensure the community has sufficient trust and confidence in Council to allow frank discussion.

A COMMUNITY DEVELOPMENT APPROACH TO ENGAGEMENT

Our engagement with the community will be:

- **Responsive to the needs of our Māori treaty partners**
- **Long-term** – i.e. committing to ongoing engagement on a regular basis over many years
- **Supportive** – i.e. supporting community members to come together to share their concerns and aspirations, to provide information about climate impacts and options and to help build collective understanding
- **Inclusive** – i.e. engaging with as wide a range of affected people as possible
- **Delivery-focused** – i.e. involving community members in identifying possible options for the future, keeping the community regularly updated and delivering on agreed solutions

“...the effects of climate change will not be felt equally. It will affect the poor, the marginalised, those on coastal lands the most”

Rev. Mathew Newton, St Paul’s Church, Auckland

OUR VISION

He Whenua Rangatira - A District of Sustainable Prosperity and Well-Being

CLIMATE CHANGE OBJECTIVES

OUR EXPECTATIONS	Reduce council's greenhouse gas emissions to net zero	Support our communities towards carbon zero by 2050	Manage our resources and assets to best future-proof them from the risks of climate change	Help our communities prepare for and adapt to the impacts of climate change
He wahi ataahua: Valuing the outstanding beauty of our District	✓			
He waka hourua: Fit-for-purpose infrastructure underpinning success			✓	
Kokiri tahi: Empowered communities working collaboratively				✓
Oranga taiao, oranga tangata: Nurturing the environment so it nourishes us	✓	✓	✓	✓
Oranga kainga: A thriving, sustainable local economy		✓		✓
Mana i te whenua: The role of tangata whenua is valued and respected		✓		✓
Te ira tangata: Rich heritage and diversity respected and celebrated		✓		✓
Tangata whai ora: Happy, healthy, safe and purposeful people		✓		✓
Whanau: A great place for our families to flourish		✓		✓

WE MUST ACT FOR LEGAL REASONS!



LENDERS & INSURERS ARE MAKING FINANCIAL DECISIONS BASED ON CLIMATE-RELATED FINANCIAL DISCLOSURE

- Climate-related financial disclosure rules recommended by the international Task Force on Climate-Related Financial Disclosures (TCFD) in 2017 are being adopted globally
- In New Zealand the government will make climate-related financial disclosure mandatory. See the consultation paper in the Appendix circulated by MfE and MBIE in late 2019. Consultation closed December 2019 and new regulations are expected in 2020
- This information is being used by financial institutions such as banks and insurance companies to inform their decisions. For instance, the Queensland government has struggled to borrow money as it has large climate-related risks to its economy and a poor documented response to these risks to date
- These requirements will affect local authorities as well as the Local Government Funding Agency (LGFA)
- Our ability to borrow funds and the interest rates we pay will depend on us disclosing detailed information in our financial reporting about the impact that climate change is having and will have on our business and what we are doing about this
- **We must treat our response to climate change as a major programme of work with solid financial disclosure around our governance, the risks we identify, our related processes and our performance against targets.**

OUR REPORTING OBLIGATIONS

In-depth reporting of our actions will be required by the Climate Change Response (Zero Carbon) Amendment Act 2019 (ZCA) in line with TCFD guidelines:

- 1) Our **governance** in relation to the risks of and opportunities regarding climate change
- 2) The **actual and potential impacts** of climate-related risks and opportunities on our business, strategy, and financial planning:
- 3) Our **processes** to identify, assess, and manage the risks
- 4) Our **metrics and targets** used to assess and manage the risks and opportunities, including timeframes and progress.

“Disclosures should be defined, collected, recorded, and analysed in such a way that the information reported is verifiable to ensure it is high quality. For future-oriented information, this means assumptions used can be traced back to their sources”

TCFD Recommendations 2017

WHAT WE DO MUST STAND UP IN COURT

- Potentially we will face legal challenges through our response to climate change – for example, challenges relating to the zoning of land or management of our assets
- Informal advice from Simpson Grierson at a local government workshop in February 2020 is to thoroughly research and document the reasons for our climate-related policies and decisions
- We must be rigorous in identifying and documenting the climate change assumptions that we adopt as well as the actual and potential impacts we identify as this may need to stand up in court.

“The NZ Coastal Policy Statement directive is that councils must identify coastal hazards. In response, local authorities have commissioned research, created hazard maps and noted hazard areas within LIMs. This has often been undertaken without consultation with affected communities, resulting in significant friction between councils and landowners and multiple court cases”

NZ Planning Institute, *Planning Quarterly Dec 2019*

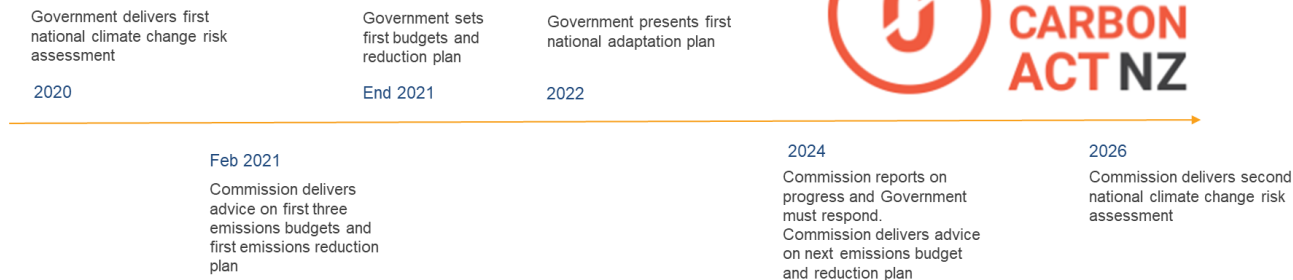
“When it comes to climate change we are in the beautiful position of knowing what our choices are. We can feel a real sense of opportunity about the future - what role our science can play, and how people can contribute”

Dr Sam Dean, Principal Scientist, NIWA

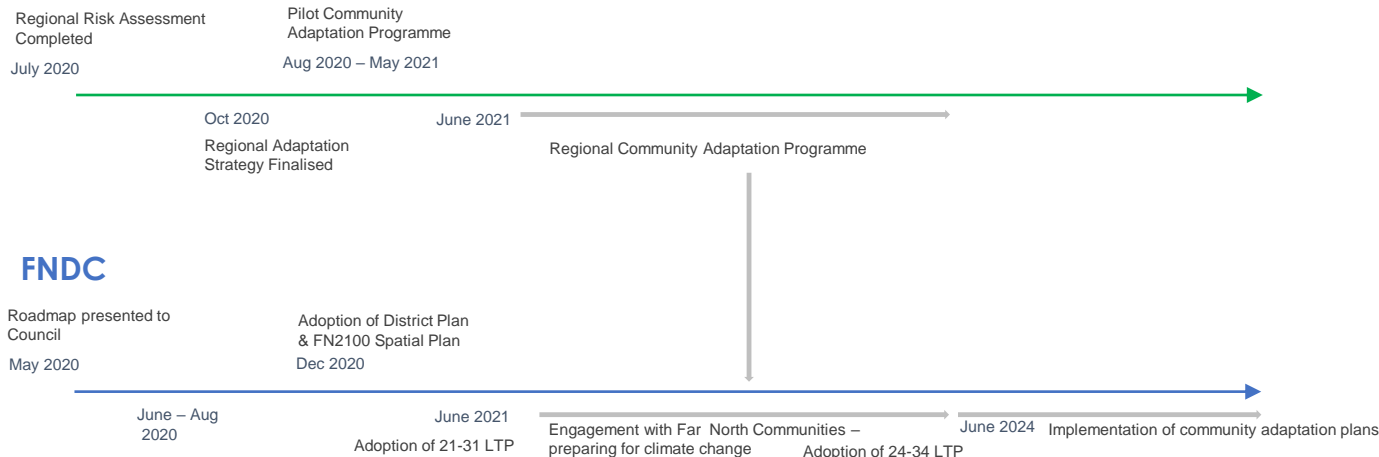
“Sometimes the riskiest decision you can make is to do nothing”

Richard Branson

The Zero Carbon Act



Regional Local Government Group (TCCAAG)



FNDC



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15. Motu Economic & Public Policy Research, *Climate Change & Stormwater Systems* [LINK](#)



Remember
submissions
close at 5pm,
Friday 21
October 2022

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

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

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

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

Full Name:	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)		
Company / Organisation Name: (if applicable)	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)		
Contact person (if different):	Jo Lumkong (Chair)		
Full Postal Address:	2299 SH10, Waipapa		
Phone contact:	Mobile: 02726 73688	Home:	Work:
Email (please print):	visionkerikeri@gmail.com		

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
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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 maps: Removal of "Esplanade Priority" from the maps
- Public Access chapter
- Subdivision chapter, SUB-O4, SUB-P7 and SUB-S8

Confirm your position: Support Support In-part Oppose

The submitter opposes, supports or seeks amendment to various specific areas of the PDP identified in this submission. The reasons are provided below



Our submission is:

PUBLIC ACCESS, ESPLANADE RESERVES AND ESPLANADE PRIORITY

Support for esplanade reserves and improved provisions

Our group supports policies and rules that will require the creation of esplanade reserves/strips along the coast and water bodies when consents are granted for subdivision, land use and other forms of development.

In addition to the important principles of public access, there is increasing need to provide much greater connectivity and options for active transport, especially walkways and cycleways. This places new importance on acquiring esplanade reserves/strips in suitable locations within the lifetime of the proposed district plan.

We support the following statements in the s32 report on public access (management approach section):

- 'Far North District Council (Council) requires esplanade reserves where new sites are created adjacent to lakes, rivers or the coastal marine area' (p.3)
- 'Rules and standards within the Subdivision chapter, requiring the creation of an esplanade reserve with a minimum width of 20m (in accordance with section 230 of the RMA), where subdivision involves the creation of one or more allotments less than 4ha' adjacent to relevant waterway etc. (p.3)

In particular, we support the following objectives, policies and rules in the PDP:

- Public access PA-P1 to PA-P5
- Subdivision SUB-O4, SUB-P7 and SUB-S8.
- The application of standard SUB-S8 to all zones (as stated in the PDP), and the inclusion of SUB-S8 in rules SUB-R1, SUB-R3, SUB-R5 and SUB-R6.

However, several aspects of esplanade provisions need to be strengthened, as outlined below.

Esplanade associated with lots of 4ha or more and voluntary contribution

As noted, there is increasing need to support connectivity and active modes of transport.

RMA (s77, s230, s237F etc.) specifically allow councils to include a DP rule that requires esplanade when lots of 4 ha or more are created by subdivision:

'A territorial authority may include a rule in its district plan which provides that in respect of any allotment of 4 hectares or more created when land is subdivided, esplanade reserves or esplanade strips, of the width specified in the rule, shall be set aside or created, as the case may be, under section 230(5).' (RMA s77(2))

Voluntary contribution: RMA s237F requires the council to compensate the landowner for esplanade associated with larger lots - unless the landowner agrees not to take compensation, as voluntary action.

In addition, s200(1) of the Local Government Act 2002 allows developers to provide a reserve voluntarily, and s200(2) allows councils to accept voluntary contributions for reserves that are not included in a development contribution:

'This subpart does not prevent a territorial authority from accepting from a person, with that person's agreement, additional contributions for reserves...'

Third party funding: In addition, s200(1)(c) of LGA 2002 allows for a *third party* to fund a reserve (provided that the reserve is not included in a development contribution):

'a third party has funded or provided, or undertaken to fund or provide, the same reserve...'

This potentially opens the door for a benefactor or community group to raise funds for specific parcels of esplanade land.

Our group considers that DP Policies/Rules should require esplanade reserves/strips when subdivision creates lots of 4ha or more (as allowed under RMA s77, s230, etc.) when one of the following situations applies:

- (a) the owner agrees to provide the land on a voluntary basis, or



- (b) a third party provides funds to compensate the land owner for the land (at normal market value), or
(c) the land is included in a development agreement or development contributions or financial contributions (under the RMA or LGA).

Esplanade reserves for land use activities

The PDP proposes only voluntary creation of esplanade reserves for land use activities.

The s32 report (p.32) notes the cost of a voluntary approach: 'No requirements for esplanades reserves where lots greater than 4ha are created for land use activities... potentially misses opportunities for improved access to waterbodies and the coast'. This cost applies also in the case of smaller lots.

We consider that the requirement for esplanade reserve should apply to land use applications.

Esplanade & indigenous species protection

In some situations esplanade can serve an important role in protecting ecological values and protecting indigenous species that are classed as *threatened* or *at risk* under NZ Threat Classification System.

s32 report (p.3) notes that policies to protect riparian/coastal areas should not compromise the natural character or indigenous biodiversity. We consider that the PDP provisions relating to the protection of indigenous species are not sufficient at present.

PDP provisions relating to esplanade and reserves need to include clauses that will actively protect indigenous species that are classed as *threatened* or *at risk* under NZ Threat Classification System and areas with significant ecological values.

We oppose the removal of Esplanade Priority from PDP Planning Maps

The intention of Esplanade Priority Areas in ODP maps was to assist in identifying the desired locations for new or expanded esplanade reserves and to indicate council priorities (s32 report on public access p.21 and ODP rule 14.6.1). We consider that Esplanade Priority on maps is also helpful in cases where Council planners are required to assess a consent application that breaches the esplanade provisions in standard SUB-S8, for example.

The s32 report on public access implies that the available options are either requirements for esplanade reserves in the subdivision chapter or esplanade priority areas on maps. However, we consider that it is not an either/or situation; these two provisions are not mutually exclusive. As noted above, we strongly support the requirement for creating esplanade reserves in the subdivision chapter and we consider that the indication of esplanade priority on maps would provide useful additional guidance for developers and council planners.

Comments in s32 report on public access Para 4.3.1

Council's key reasons for removing the "esplanade priority" areas are stated in s32 report, para 4.3.1:

- There is a lack of certainty regarding the appropriateness and location of currently identified esplanade priority areas. Council's preference is to rely on general requirements for esplanade priority areas (s 230 RMA) through standards in the "Subdivision" chapter.
- Council has limited resourcing currently available to purchase the esplanade reserves using development contributions (outside requirements during subdivision).
- There are opportunities to review public access more strategically using other methods outside the District Plan, including the KK/Waipapa Spatial Plan which is currently being developed.

Lack of certainty & appropriateness.

The uncertainty about appropriateness and location of the currently identified Esplanade Priority areas is not explained and no examples are described in the s32 report.

Esplanade priority has in fact served us well. Inspection of the ODP Zone maps which are now quite dated shows that there has been good progress in public access. Many of the esplanade priority areas shown have now been acquired as Esplanade Reserves. Notably along Wairoa Stream/Orchard Estate boundary which has enabled the Wairoa Stream public walkway and wildlife corridor to take place; the Wairoa Stream/Arvida boundary currently in progress; the Dalton tributary along which a track has been



formed linked to the Wairoa Stream public Walkway, and along part of the Kerikeri Inlet near Blacks Rd. Given that council considers there is a lack of certainty about appropriate locations, our group is willing and able to draw up an up-to-date map showing appropriate areas of Esplanade Priority that would benefit connectivity and public access.

Examples of adverse effects of removing Esplanade Priority from PDP maps

Important examples of continuity along stream Esplanade Reserves which are affected by removal of Esplanade Priority:

- **Wairoa Stream.** From Limelight Lane to Shepherds Rd - a gap in Esplanade Reserves. This is the next section of Wairoa Stream track extension planned by Friends of Wairoa Stream after completing the section along Arvida to Limelight Lane in 2024.
- **Puketotara Stream.** Aranga - this is a gap in esplanade reserves along Puketotara stream between Golf View Road and Access Road. Nearly all the true right bank is otherwise designated as open space or natural open space, which is important for a cycle way/walkway from Fairway Drive to Access Road.
- **Kerikeri River.** Bing property - this is essential for continuity of public access along the KK River right bank linking Fairy Pools Reserve to Tuatahi Place.
- **Kerikeri Inlet:** there are small discontinuities (gaps) in Esplanade Reserves on both banks.
- **Waipapa Stream** - there is a “gap” on the southside (right bank) near Silkwood Lane.
- **Wairoa Stream.** A section of true right bank upstream from about Alderton Park and a section of true left bank downstream of Kerikeri Primary School.
- **Okura stream** - esplanade priority is desirable but has been deleted entirely.

Council’s s32 report favours use of other methods including negotiating with land owners and the KK/Waipapa spatial plan. Certainly, negotiating with land owners can succeed but the spatial plan is an uncertain number of years away and opportunities to fill in “gaps” are likely to be lost.

Gaps are an important issue. We note the s32 report (table, p.22-23) identified a cost associated with the PDP’s new approach and missed opportunities to deal with gaps: ‘Missed opportunities to join the gaps (long term) in the public access network could result in poor outcomes for the community.’

Negotiating esplanade has indeed worked with Orchard Estate and Arvida and one hopes also with the Bing property where there is an informal well used track. However, each of these new land owners had a river or stream frontage clearly marked on the ODP Zone Plans as “Esplanade Priority” and was properly informed about Council’s interest.

Retention of Esplanade Priority should not be problematic

Retaining Esplanade Priority in the PDP, for locations not already implemented, does not seem to represent a difficulty, since it only represents an indication of interest by FNDC - not a compulsion to acquire an esplanade reserve. As an example, for unknown reasons, Council did not implement Esplanade Priority (see ODP Zone Map 87) for the tributary stream (Te Tahawai) in the section between near Hall Road to Maraenui Drive. This opportunity for public access has now been lost through subdivision.

Effect of removing Esplanade Priority

By removing Esplanade Priority areas from the planning/zone maps, Council would fail to indicate to land owners, developers and others that Council has an interest in a stream boundary. Failure to indicate the Council’s interest could result in the consenting planner (or those undertaking monitoring), or a future landowner being unaware that there is Council interest, especially if there are frequent staff changes at Council.

It is more efficient for all parties to have **visual access** to consolidated land use and planning information **which is, or should be, a primary purpose of Council mapping.**

It is not acceptable to have existing Esplanade areas concealed in certificates of title or to have to refer to a secondary source such as WAC maps. We currently have a case in point at 69A Cobham Road where



the current land owner, Council staff and Vision Kerikeri were all unclear about the reserve status because the reserve strip was not shown on the Council map and there appeared to be a break in the Wairoa Stream track.¹ Identifying the precise status of the land used up additional time and energy on the part of Council staff and all parties.

Conclusion: As a result of the above issues, the existing Esplanade may not be properly considered by planners and developers, and gaps in the present network of Esplanade Reserves may not be acquired, and opportunities lost, making it difficult or impossible to achieve continuous connectivity for a walkway or cycleway. Continuous access is essential for providing effective networks for active modes of transport.

Benefits of Esplanade Priority areas

Experience has demonstrated the benefits of Esplanade Priority areas on maps. They have played a constructive role in expanding the length of esplanade along waterways.

Today we have the riparian walking track along Wairoa Stream only because Councils in the past had the foresight to create Esplanade reserves. A similar opportunity would exist along other streams if the “gaps” are closed, of which Esplanade Priority would be an indication.

Finally, we note that the s32 report on public access (p.21) recognised Esplanade priority areas as a ‘Benefit’: ‘Esplanade priority areas assist to identify the desired location for new and expanded esplanade reserves’.

We seek the following decision from the Council:

We support PDP policies and rules that require the creation of esplanade reserves associated with subdivision. In particular we support -

- Public access policies PA-P1 to PA-P5 **S529.056, S529.180 to S529.183**
- Subdivision SUB-O4, SUB-P7 and SUB-S8. **S529.057, S529.058, S529.059**
- The application of standard SUB-S8 to all zones (as stated in the PDP), and the inclusion of SUB-S8 in rules SUB-R1, SUB-R3, SUB-R5 and SUB-R6 **S529.061, S529.062, S529.063, S529.064**

We seek strengthened provisions for esplanade reserves:

- PDP policies/rules should require esplanade reserves/strips when subdivision creates lots of 4ha or more (as allowed under RMA s77, s230, etc.) when one of the following situations applies: **S529.184 & S529.185**
 - the owner agrees to provide the land on a voluntary basis, or
 - a third party agrees to provide funds to compensate the land owner for the land (at normal market value), or
 - the land is included in a development agreement or development contributions or financial contributions (under the RMA or LGA) or other arrangement.
- PDP provisions that normally require esplanade reserves when consenting land use and other forms of development **S529.186 & S529.187**
- Improvements to PDP provisions relating to the esplanade reserves to include clauses that will actively protect indigenous species that are classed as *threatened* or *at risk* under NZ Threat Classification System and areas with significant ecological values **S529.188 to S529.193**

We seek esplanade priority areas to be reinstated on planning maps: S529.065

- Esplanade Priority areas in Kerikeri should continue to be included in DP maps, because this area is experiencing rapid growth and esplanade reserves play an important role in improving connectivity, active transport and green corridors (items needed within the lifetime of the new district plan). Esplanade priority areas also help provide transparent, consolidated land use/planning information for Council staff, developers and others.
- Esplanade Priority area should also be included for any other communities in the district that wish to identify Esplanade Priority areas.

¹ FNDC Request for Service RFS 4037858.



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

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



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TO: Far North District Council

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

1. Submitter details:

Full Name:	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)		
Company / Organisation Name: (if applicable)	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)		
Contact person (if different):	Jo Lumkong (Chair)		
Full Postal Address:	2299 SH10, Waipapa		
Phone contact:	Mobile: 02726 73688	Home:	Work:
Email (please print):	visionkerikeri@gmail.com		

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

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- I **could** gain an advantage in trade competition through this submission

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

- How the Plan Works
- Definitions
- Strategic Direction
- Transport
- Public Access
- Subdivision
- Open Space and Recreation Zones
- Zones



- Other parts of the PDP

Confirm your position: Support Support In-part Oppose

The submitter opposes, supports or seeks amendment to the specific areas of the PDP identified in this submission. The reasons are provided below

My submission is:

Active modes of transport and cycling networks

Introduction & General Feedback:

Our group advocates for step change within the Far North District to support the development of infrastructure needed for active modes of transport - to support transport options that reduce reliance on vehicles, reduce carbon emissions, reduce traffic congestion and bring health benefits.

The PDP, for example, should include policies and rules that require subdivisions and developments of a certain size to provide safe cycleways and pedestrian walkways/linkages that will be able to connect into future networks of cycleways and walkways (such networks to be identified in plans such as spatial plans or community transport plans for townships etc.).

We wish to stress the need for **safe** cycleways. Studies have shown that, for cycleways to become popular with a wide range of users and school students, people need to feel that cycleways are safe. This usually means cycleways need to be physically separated and protected from cars and other vehicular traffic. NZTA provides some helpful documents about separated cycleways.¹

A similar issue exists for pedestrians on pathways shared with cyclists. Where shared paths are used by commuter cyclists or fast cyclists, the situation can be unpleasant or even unsafe for pedestrians. In such cases it is desirable to have separate paths for cyclists and pedestrians, so that people are not discouraged from walking.

The remainder of our comments focus on achieving better cycling networks throughout the District for transportation, recreation and tourism. We believe that ensuring efficient and effective multi modal transportation network that accommodates cyclists is critical to ensuring a resilient community, particularly in terms of addressing climate change, and good urban design outcomes. While connectivity is of particular relevance in our urban centres, they are only functional in this regard where direct routes are provided from residential and surrounding areas.

The provision of multi modal integrated transport networks also positively contribute towards the environmental, social and economic wellbeing of the District's communities through reduction of carbon emissions, improved mental and physical health, and by providing a lower cost transportation option.

Further, in regard to Kerikeri in particular, there are opportunities to develop the existing track network around suitable urban waterways, and make this an attraction for visitors to the area as Nelson has managed to do.

We consider that through effective and efficiently worded provisions, the District Plan can help to ensure that opportunities for multi modal transport connections are provided at the time of subdivision and development. Further, that undertaking works associated with establishing such networks are enabled, and incentivised to encourage inclusion of this important infrastructure.

Ad hoc development with little strategic direction has resulted in poor urban design outcomes and functionality (including lack of connectivity) in most of the District's urban centres. This is particularly evident around Kerikeri, Waipapa and Kapiro Road area where development has recently been undertaken, and more has been consented, with seemingly little ability to require any more than the bare minimum as set by a plan more than 20 years old.

¹ NZTA information, Separated cycleways, <https://www.nzta.govt.nz/walking-cycling-and-public-transport/cycling/cycling-standards-and-guidance/cycling-network-guidance/designing-a-cycle-facility/between-intersections/separated-cycleways/>. NZTA technical note, <https://www.nzta.govt.nz/assets/Walking-Cycling-and-Public-Transport/docs/cycling-network-guidance/tech-notes/TN002-separated-cycleways-guidance-note.pdf>



We firmly believe that spatial planning is an essential valuable tool that needs to be used to provide strategic direction for Council and developers to ensure good integrated outcomes, and in the context of our interest, can be used to support the development of direct cycling and pedestrian links and reduce reliance on private vehicles.

While we are encouraged to see that integrated development is identified as a strategic direction of the PDP, it is difficult to see how this will be implemented without any spatial documents available to provide such direction, and consider the lack of such documents to be a missed opportunity to rectify the historic pattern of ad-hoc development done in isolation resulting in poor planning outcomes.

We encourage Council to continue to develop spatial and strategic planning documents to help rectify this legacy issue and future-proof our District, noting that we are still early in the statutory review process. As part of this submission we seek to provide a space holder through relevant provisions in the plan to enable Council to continue to develop such documents, and provide a mechanism to implement them, including through the review process should they be completed prior to the Proposed Plan being made Operative.

We have made comments on specific chapters, provided as **Attachment 1** below.

I seek the following decision from the Council:

- DP objectives/policies should explicitly include the development of safe networks of walkways and cycleways (separated from motorised road traffic) that will actively promote alternative modes of transport in urban areas and beyond.
- Rules should require subdivisions in urban areas comprising more than 2 lots to include pedestrian footpaths suitable for disability scooters etc.
- Rules should require subdivisions comprising more than 4 lots and within cycling distance of a township or public facilities (e.g. school, sports field) to include safe cycleways (separated from road traffic) which will connect to a future network of cycleways.
- Please refer to detailed comments in **Attachment 1**

- 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

SUBMISSION NUMBER

Attachment 1

Sub #	Feedback Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
HOW THE PLAN WORKS				
1	General	Support	<p>Support planned growth as this helps ensure efficient and effective infrastructure, and connectivity. While it is acknowledged that there are no current growth strategies or structure plans, some are in development, and could be completed prior to the PDP being made Operative.</p> <p>To ensure that these strategic documents can be given effect and implemented once approved by Council, provisions and assessment criteria that hold a space for these planning documents should be included.</p>	<p>Continue to develop spatial and strategic direction for the District's urban centres in particular, and include place holding provisions throughout the plan.</p> <p>S529.066</p>
DEFINITIONS CHAPTER				
2	Infrastructure	Support		Retain as drafted S529.067
3	Development Infrastructure	Support	Support the definition of Development Infrastructure noting that the definition of Land Transport includes transport on land by any means and the infrastructure that facilitates it which would include cycling networks.	Retain as drafted S529.068
4	Transport Infrastructure	Support		Retain as drafted S529.069
5	Integrated Transport Network	Seek amendment	This is a term that is used often throughout the PDP but is not defined. The principal of	Include definition for 'Integrated transport network'.



			<p>integrated transportation networks is supported, and it considered useful to have this term defined to ensure that it is clear to plan users what is meant.</p> <p>The definition should include enforce the importance of connectivity, and multi modal transport options.</p>	S529.070
STRATEGIC DIRECTION				
6	SD-SP-O4	Support, seek amendment	<p>Integrated transport planning is a critical component to ensuring a coordinated response to land use development and good urban design outcomes. As noted earlier, it is considered that this is difficult to implement when strategic and spatial direction is lacking as the opportunity for triggers at development stage is missed and it sought that place holder are included throughout the plan to hold a place for the development of such documents (noting that the Transport Strategy does not appear to currently spatially identify any future transport networks). Without such guiding documents, it is unclear how the outcome sought by SD-EP-O4 will be achieved, particularly given that there are no policies associated with these objectives.</p> <p>Encouraging multi modal transport (e.g. cycling, walking and public transport), as a critical element to social and economic well being. Accordingly the following amendment to SD-EP-O4 is sought.</p>	<p>Seek the following amendments: SD-EP-O4 - People, businesses and places are connected digitally and through multi modal integrated transport network</p> <p>S529.071</p>



7	Strategic Direction – Economic and Social Wellbeing – New Policy	New policy	Without policies, it is difficult To understand how the Strategic Direction is intended to be implemented throughout the plan. With specific regard to integrated transport networks, a policy is sought that provides this direction, and wording suggested.	<p>Include corresponding policy to SD-EP-04 regarded integrated transport networks : SD-EP-PX \$529.072</p> <p><u>To ensure multi modal integrated transport networks by:</u></p> <ul style="list-style-type: none"> a. <u>Requiring Integrated Transport Assessments at the time of subdivision.</u> b. <u>Ensuring that provision for planned integrated transport networks is made at the time of development.</u> c. <u>Funding for integrated multimodal transport networks is identified in the Long Term Plan</u>
8	Strategic Development – Urban Form and Development.	New objective and corresponding policy	<p>The District urban centers have been ad hocly developed, in most cases resulting in poor urban design outcomes. This chapter provides the first opportunity for a ‘top down’ approach to ensure that this is not the case going forward and that integrated development resulting in good urban design outcomes is achieved.</p> <p>The objective in this chapter to this to an extent, but an additional objective should be included that expressly identifies the importance of urban design in insuring good urban form and development. See suggested wording for new objective and corresponding policy.</p>	<p>Include additional objective that acknowledged the importance of urban design in achieving integrated development and good urban form and development outcomes. SD-UFD-OX \$529.073</p> <p><u>Urban growth and development is high quality and responds positively to the local context and outcomes expected for the zone.</u></p> <p>SD-UFD-PX</p> <p><u>To manage change in urban environments by ensuring a high level of amenity through quality urban design by:</u></p> <ul style="list-style-type: none"> a. <u>Identifying areas where active frontages are required to support a</u>



				<p><u>vibrant and pedestrianized environment</u></p> <p>b. <u>Requiring development in urban centers to show how they will contribute to a connected, distinctive attractive, appropriate, sustainable and safe urban form.</u></p> <p>c. <u>Ensuring that development responds to local context, including through alignment with relevant spatial or strategic document.</u></p>
TRANSPORT				
9	TRAN - General	Support	In general, our group seeks to ensure that Council and Developers are required to ensure that land use and development considers transportation effects beyond the site. That cul-de-sac roads are generally discouraged unless provision has been made for future connectivity, and that multi modal transport planning is encouraged.	<p>Seek changes to provisions within the plan that direct a high level of connectivity, integrated land use and transport planning, and multi modal transport networks.</p> <p>S529.074</p>
10	TRAN-O3	Support, seek amendment	The intent of the objective is unclear, but given TRAN – P2 & P1 it is likely intended to encourage integrated transport planning concurrently with development. Assuming this is the case (which would be supported) it could be made clearer. See suggested amendment	<p>Amend TRAN-O3 as follows:</p> <p>Land use and development planning, and transport planning all modes of transport are integrated so that the to ensure an efficient pattern of land use and transport networks that are transport network is, safe, efficient and well-connected.</p> <p>Or S529.075</p> <p>Add new policy that specifically addresses integrated land use and transport planning.</p>



11	TRAN – O5	Support, seek amendment	As per above, the intended outcome of this objective is not entirely clear. see suggested wording.	Amend TRAN-O5 as follows: S529.076 The transport network provides for the safe and efficient movement of vehicular, cycle and pedestrian traffic, and that also meets the needs of persons with a disability or limited mobility
12	TRAN-P2	Support, seek amendment	Support acknowledgment of Twin Coast Trail and future cycling pathways, particularly where they contribute to connectivity. Seek inclusion of multi modal transport options to ensure social and economic well being of our communities, and to respond to climate change. See suggested amended change to better reflect this.	Establish and maintain a transport network that: S529.077 a. provides safe efficient linkages and connections; b. avoids and mitigates adverse <u>effects</u> on historical, cultural and natural <u>environment</u> values to the extent practicable; c. recognises the different functions and design requirements for each <u>road</u> classification under the most current National Transport Network classification system; d. supports reductions of greenhouse gases from vehicle movements <u>including through implementation or multi modal transport options;</u> e. considers the likely current and future impacts of climate change when new sections of the network are proposed or existing sections upgraded; and f. provides for existing and future pedestrian and cycling pathways <u>that are well connected</u> , including the Pou Herenga Tai Twin Coast Cycle Trail.



13	TRAN- P5	Support	The intent of the objective is supported, but amendments are suggested to make this policy more impactful.	<p>Encourage new land uses and development to support an integrated and well connected and diverse multi modal transport network by:</p> <p style="text-align: center;">S529.088</p> <ul style="list-style-type: none"> a. Requiring consideration of promoting alternative transport modes at the time of land use and development; b. Ensuring that the construction of new transportation infrastructure aligns with relevant spatial or strategic document c. Encouraging the provision of safe and secure parking facilities for bicycles and associated changing or showering facilities for staff; d. Requiring allocation of parking facilities for motorcycles, car share vehicles, pick up/drop off areas for ride share services and charging stations for electric vehicles; and e. supporting the establishment and operation of accommodation and tourism related activities in close proximity to the Pou Herenga Tai Twin Coast Cycle Trail, provided reverse sensitivity effects can be avoided.
14	TRAN-R2	Support, seek amendment	TRAN-R2 PER -1 allows private accessways where there is a maximum of 8 household equivalents (80 vehicle movements), where this cannot be achieved resource consent is required as a discretionary activity.	<p>Amend TRAN-R2 to clarify that where TRAN-PER 1 cannot be complied, a public road that complies with TRAN-S4 is required to be vested in Council, or Discretionary resource consent required.</p> <p style="text-align: center;">S529.078</p>



			TRAN – R5 suggests that where TRAN-R2 is not complied with, private access may be required to vest as road. This connection/trigger for vesting or requirement to form to public road standard is not clear in TRAN – R2, noting that there is no link in this rule to TRAN-S4, and that TRAN-R8 only applies where within unformed paper roads, and SUB-R4 where the proposal is associated with subdivision.	
15	TRAN-R3		Given that the definition of Transport Infrastructure extends to cycle ways, this rule is supported as it provides for maintenance and upgrade as a permitted activity.	N/A S529.079
16	TRAN – R6 and TRAN – R7	Support	Support the enablement of works within the Twin Coast Trail, this Trail is a critical tourism attraction for the District but also has great potential to operate more as a transportation network. It is hoped that this route, extensions to it and future routes can be mapped in the District Plan with similar enabling rules to provide for development, but also to protect these future corridors from development, and highlight opportunities for land/easement acquisition through subdivision and development.	N/A S529.080, S529.081
17	TRANS-S4	Oppose in part	Design of new roads is required in accordance with Councils Engineering Standards (2022) which require all new urban secondary collector and above roads to provide for cyclists separate to the movement lanes on the road, and Rural	Seek amendments that: - Provide for design that exceeds that required in the Engineering Standards (e.g. provides for separated cyclist network where not otherwise required), particularly where in



			<p>Road on primary collector and above on a sealed shoulder. For all other roads (which is suspected in the majority, however the road categorization could not be found in the PDP maps) cyclists must use the movement lanes.</p> <p>Provision for cyclists separate to vehicles on most roads throughout the District would be the preference, however, it is understood that the submission period for the Engineering Standards has closed.</p> <p>It is sought that in the least, provision is made for the construction of roads that exceed the standards in the Engineering Standards, particularly where required by a spatial/strategic document.</p> <p>Support requirement for Traffic Impact Assessment where a new road is constructed, noting the request below for an information requirement to clarify minimum information requirements.</p> <p>As a general comment, cul-de-sacs should be disincentivized as they are widely accepted as presenting bad urban design outcomes, and are currently a favoured position of developers due to the lower costs associated.</p> <p>As a minimum, in regard to TRAN-S4.2 The following additional requirements should be included:</p> <p>-ITA with targeted information requirements should be required. Without</p>	<p>alignment with a spatial/strategic document.</p> <ul style="list-style-type: none"> - Disincentivize cul-de-sacs <p style="color: red;">S529.082</p>
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			<p>this, cul-de-sacs are essentially further incentivized as a lower costs option.</p> <p>-The cul-de-sac legal width must extend to the boundary of the site to facilitate future connection.</p>	
18	TRAN – Information Requirement	Seek amendment	<p>Seek that an information requirement be included that details what information must be included in an integrated transport assessment. Being specific in the information required, can help direct the outcomes sought by the objectives and policies in this chapter and targeted to larger development. Without this direction, there is a high risk that very high-level documents, and potentially of limited use, will be provided resulting in the same marginal outcomes when it comes to transport network design at the time of development.</p> <p>TRAN – S4 could then be amended to require a ITA prepared in accordance with the information requirement.</p>	<p>Include information that specifies matters that must be addressed, including the following:</p> <ul style="list-style-type: none"> - Indication as to how connection will be made with any future transportation networks identified in any spatial/strategic planning documents/how the proposal is consistent with such documents including the Transport Strategy - Assessment of the suitability and connectivity of the development including for pedestrians and cyclists, and how the development will be encourage walking and cycling - Evaluation of the effects of the development on surrounding transport networks including any pedestrian/vehicle/cyclist conflicts likely to occur. S529.083
PUBLIC ACCESS				
19	PA – General Comment	Seek Amendment	<p>It is considered that Council should take all opportunities to gain access to waterbodies, as there is always future potential for contributing to connectivity.</p> <p>There no longer appears to be an esplanade priority mapped layer. It is considered that this layer can usefully inform applications for esplanade waivers to ensure that at an</p>	<p>Seek that Council mapped esplanade priority layers that identify key areas for future connectivity purposes and include as an information layer in the District Plan</p> <p style="text-align: right;">S529.084</p>



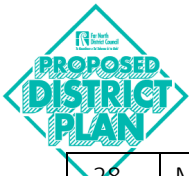
			<p>absolute minimum area that have been identified as part of future connections are not accidentally waived entirely or a limited width accepted.</p> <p>This layer can also usefully be used to encourage voluntary creation where lots a less than 4ha as a mitigation measure or off set.</p>	
20	PA – P3	Oppose, seek amendment	<p>As a general comment the waiving of esplanade requirements is not supported.</p> <p>However, if such a provision must be included it is sought that the wording is changed to make it clear that this should only occur in exceptional circumstances.</p> <p>Accordingly, the following amendments are sought, noting the comment above I regards to mapping of esplanade priority.</p>	<p>Seek the following amendment to PA-P3</p> <p>Allow <u>Consider an application for</u> waiver of any requirement <u>for</u>, or a reduction in the required width of, an esplanade reserve <u>where the area is not identified as esplanade priority, and</u> it can be demonstrated that:</p> <ol style="list-style-type: none"> a. safe and reasonable public access or recreational use already exists and can be maintained for the future, while considering the potential effects of climate change, including sea level rise, erosion and accretion; b. providing access will be detrimental to land and water-based habitats of indigenous flora and fauna within, and adjoining the margin; c. providing access will be detrimental to any historic heritage place or site and area of significance to Māori; d. it would protect the stability, performance, maintenance and operation of essential structures and infrastructure; or



				e. restrictions on public access are necessary to ensure public health and safety. S529.085
SUBDIVISION				
21	SUB – 03	Support	Ensuring integrated provision of infrastructure (which includes cycle ways) development at the time of subdivision is supported	N/A S529.086
22	SUB – 04	Support, seek amendment		Seek the following amendment to SUB-04. Subdivision is accessible, connected, and integrated with the surrounding environment including by and provides providing for: <ul style="list-style-type: none"> A. <u>future connectivity for pedestrians, cyclist</u> S529.087 B. <u>new, and connection to existing,</u> public open spaces; C. esplanade where land adjoins the coastal marine area; and D. esplanade where land adjoins other qualifying waterbodies
OPEN SPACE AND RECREATION ZONES				
23	NOSZ, OZS and SARZ – General		Seek to ensure that tracks for cyclists and pedestrians are enabled within this zone.	Enablement of tracks for cycling and walking S529.089, S529.090, S529.091
24	NOSZ – R1 and NOZ-R6	Support	Support the enablement of leisure activities as a permitted activity which would include tracks for cyclists and pedestrians, and as a result permit (subject to bulk and locating controls) associated buildings and structures e.g. bridges, boardwalks and gates. However, such an activity could also	Seek clarify around definitions, specifically in terms of recreation activity and leisure activity, and that Council carefully considers how definitions are used within/between chapters to ensure consistencies and avoid unintended consenting requirements. S529.092, S529.093



			<p>fit the definition of recreation activity which is not permitted in this zone.</p> <p>Clarity is needed in terms of the interrelationship between definitions noting that the definition of recreation activity includes reference to use of land for the purpose of leisure.</p>	
25	OSZ- R1 and OSZ -R6	Seek amendment	<p>This rule permits buildings (subject to bulk and location controls) where they are associated with a permitted activity. However, leisure activities are not permitted in this Zone but recreation activities are.</p> <p>See comment above re: definitions</p>	<p>As above</p> <p>S529.094, S529.095</p>
26	SARZ – R1 and SARZ – R3	Seek amendment	As above	<p>As above</p> <p>S529.096, S529.097</p>
OTHER ZONES				
27	Commercial and Mixed Use Zones – General		<p>In general, it is sought that good urban design outcomes are encouraged in the urban centers throughout the District. However, given that only one commercial zone has been picked from the available options (Mixed Use Zone), this provides limited ability to really target this in a meaningful way.</p> <p>Accordingly, in general more targeted zoning in the urban centers is sought. Further it is considered that the development of urban design guidelines and reference to the guidelines in any Commercial Zone would help to clearly direct good urban design outcomes.</p>	<p>Seek that Council introduce additional commercial and mixed use zones to better manage the larger urban centers (such as Kerikeri) and develop a set of urban design guidelines to be referenced.</p> <p>S529.098</p>



28	MUZ – O2 and MUZ -P3	Support	Generally, support the objective and policy as they require consideration of urban design principals.	S529.099, S529.100
29	MUZ – P5	Seek amendment	Seek the following additions to ensure good urban design outcomes that a requirement to consider alignment with urban design guidelines (see earlier point seeking that Council develops some) be included as a matter in this policy.	<p>Seek the following amendments:</p> <p>Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> a. consistency with the scale, density, design, amenity and character of <u>the surrounding</u> mixed use environment, <u>and with the urban design guidelines</u>; b. the location, scale and design of buildings or structures, outdoor storage areas, parking and internal roading; c. at zone interfaces: <ul style="list-style-type: none"> i. any setbacks, fencing, screening or landscaping required to address potential conflicts; ii. any adverse effects on the character and amenity of adjacent zones; d. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; including: <ul style="list-style-type: none"> i. opportunities for low impact design principles;



				<ul style="list-style-type: none"> ii. management of three waters infrastructure and trade waste; e. managing natural hazards; f. the adequacy of roading infrastructure to service the proposed activity; g. <u>alignment with any strategic or spatial document;</u> h. <u>provisions made to ensure connectivity;</u> i. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity, and j. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6. S529.101
30	LIZ-P6	Seek amendment	<p>The LIZ is located on many of the urban center peripheries and in some instances between commercial and residential. Ensuring connectivity is provided for is critical through these areas to ensure integrated and well connected communities.</p>	<p>Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> a. consistency with the scale, density, design and character of the light industrial environment and purpose of the zone; b. <u>alignment with any strategic or spatial document;</u> c. <u>provisions made to ensure connectivity;</u>



				<ul style="list-style-type: none">d. the location, scale and design of buildings or structures, outdoor storage areas, parking and internal roading;e. for non-industrial activities:<ul style="list-style-type: none">i. scale and compatibility with industrial activities;ii. potential reverse sensitivity effects on industrial activities.f. at zone interfaces:<ul style="list-style-type: none">i. any setbacks, fencing, screening or landscaping required to address potential conflicts;ii. any adverse effects on the character and amenity of adjacent zones.g. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; including:<ul style="list-style-type: none">i. opportunities for low impact design principles;ii. management of three waters infrastructure and trade waste such as industrial by-products.h. managing natural hazards;
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				<ul style="list-style-type: none"> i. the adequacy of roading infrastructure to service the proposed activity; j. any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity; and k. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6. S529.102
31	GRZ – P8	Seek amendment	The Residential Zone borders commercial areas, to ensure real integration, connectivity must be ensured in the residential zones as well.	<p>Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p> <ul style="list-style-type: none"> a. consistency with the scale, design, amenity and character of the residential environment; b. the location, scale and design of buildings or structures, potential for shadowing and visual dominance; c. <u>alignment with any strategic or spatial document;</u> d. <u>provisions made to ensure connectivity;</u> e. for residential activities: <ul style="list-style-type: none"> i. provision for outdoor living space; ii. privacy for adjoining sites; iii. access to sunlight;



				<ul style="list-style-type: none">f. for non-residential activities:<ul style="list-style-type: none">i. scale and compatibility with residential activitiesii. hours of operationg. at zone interfaces, any setbacks, fencing, screening or landscaping required to address potential conflicts;h. the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity, including:<ul style="list-style-type: none">i. opportunities for low impact design principlesii. ability of the site to address stormwater and soakage;i. managing natural hazards; andj. any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6. S529.103
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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:	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)		
Company / Organisation Name: (if applicable)	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)		
Contact person (if different):	Jo Lumkong (Chair)		
Full Postal Address:	2299 SH10, Waipapa		
Phone contact:	Mobile: 02726 73688	Home:	Work:
Email (please print):	visionkerikeri@gmail.com		

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
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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:

- Signs chapter

Confirm your position: Support Support In-part Oppose

The submitter opposes, supports or seeks amendment to various specific areas of the PDP identified in this submission. The reasons are provided below



Our submission is:

Support for stronger signage provisions

The PDP states that DP controls apply to permanent and some temporary signage located on land that is not owned by Council (private land).

We recognise that some types of signage can play a useful role for the community – these include temporary signs that inform the community about events, and well-designed signs located on a business property to indicate the presence of that specific business. However, there are particular problem areas, such as third party (advertising) signs and community event signs that are not removed in a timely manner. The proliferation of signs can generate visual clutter, adverse effects on visual amenity and adverse effects on the character of both urban and rural areas. Signs may also cause distraction for drivers or other safety issues.

Our group supports policies and rules that will require better management and control of all types of signage in our region, to control the adverse cumulative effects of signage on amenity values or traffic safety. This will require strengthening of relevant bylaws as well as the PDP.

We support, in principle, firm PDP controls relating to sign area, height, design, setbacks and number of signs permitted, and we support rules to restrict third party advertising signs.

However, aspects of the signage provisions need to be strengthened, as outlined below.

SIGN-P1 signs ‘across a range of zones’

SIGN-P1 allows the use of signs ‘across a range of zones’. This phrase is too broad. The policy should instead state: ‘in appropriate locations only’. **S529.104**

SIGN-R3 Temporary Signs

S529.105

Temporary signs should be limited at a given site so that we avoid the adverse effects of the accumulation of signage. We see the proliferation of signs for events on main arterial roads, accumulating near virtually all roundabouts and every main corner.

Consideration should be had to remove the rules for temporary and community signs from the District Plan and instead have a separate bylaw for them, that can be controlled through booking a spot for their sign at sites approved and controlled by Council or a Community Group. This would ensure the community and events could still be marketed, but in a controlled way that meets amenity value.

As we live in the Bay of Islands (tourism), have the Turner Centre (holding regular events), and 5 + schools in the region, we have a multitude of events that occur at any given time. The duration of a temporary sign being erected should be reduced to 8 weeks prior to the event and should be taken down one week of the event ending, to ensure adequate control of the proliferation of signs is mitigated.

S529.106, S529.107

SIGN-R15 & R18 Third Party Signs

Mixed Use Zones should not be able to have third party signs erected at their premises. If a building has multiple tenants, then those businesses would not be deemed third party and could erect their signs, ensuring compliance with the standards.

We support SIGN-R18 restriction on third party advertising signs, however it should apply in all zones to ensure that such signage is properly controlled.

SIGN-S3 Maximum Number of Signs

S529.108

Five signs per site will lead to visual clutter when multiple sites have up to 5 signs each, especially in the Mixed use zone. On sites that have more than 2 signs, the signs should be consolidated onto one hoarding to reduce visual clutter. Consolidated signs are usually easier for drivers and the public to read/understand. Consolidated signs are commonly used at shopping malls and industrial estates, for example.

Any other sign or freestanding sign should be included within the standards/limits on number, area, etc.



S529.109

SIGN-S1 Maximum Sign Area per Site – Mixed Use Zone, Light Industrial Zone, Heavy Industrial Zone

The proposed sign size/area is too large for signs in the Mixed-Use Zone.

Other districts generally seem to restrict signage size to between 3m² and 5m² for building frontage of less than 25m, then between 7% and 12% of building frontage greater than 25m.

We note that the standard for Orongo Bay sets a total maximum sign area (cumulative size/area). This approach should be applied to specific roads, roundabouts and precincts where signage is a problem.



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

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



*Remember
submissions
close at 5pm,
Friday 21
October 2022*

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Clause 6 of Schedule 1, Resource Management Act 1991

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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)

Zone map: I oppose the zoning of Lot 1001 DP 532487 (agricultural land known as Tubbs farm, Kapiro Road) in rural lifestyle or other residential zone

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

My submission is:

The zoning of Lot 1001 DP 532487 (agricultural farmland known as Tubbs farm, Kapiro Road) needs to take full account of the good quality soil on this site, a finite valuable natural resource.

- A primary purpose of the RMA (s5) is to protect natural resources and safeguard the life-supporting capacity of soil.
- A large part of Lot 1001 has good quality soil (volcanic soil and LUC Class 2 land) – it is one of the few remaining large blocks of Class 2 land in the District.
- Good agricultural soil is a strictly finite natural resource. Less than 3% of the land area in the Far North District is top grade (Class 1&2).
- Retaining good land for agricultural production is essential for feeding ourselves and a growing world population in future decades, and necessary for local jobs and economic well-being.
- Lot 1001 borders the Horticulture zone so it is logical to include it in the Horticulture zone. Or alternatively, Rural Production zone would also protect the natural resource at the site.
- Government reports have concluded that creating new lifestyle blocks and residential development on good quality land is a national problem - it fragments land and leads to the permanent loss of productive land.
- FNDC's submission to MPI on highly productive land in 2019 acknowledged the cumulative loss of good land. FNDC stated that: "*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*".¹

Residential development on Lot 1001 is inappropriate for many reasons -

- In legal terms, there is no *functional need* for residential development on this particular site. There are alternative sites on lower quality land that is more suitable for residential development.
- The council has not produced an assessment addressing all the long-term costs associated with the loss of good soil/land at this site due to adverse effects of fragmenting and losing productive land identified by MPI, MfE and expert reports.
- Development will create reverse sensitivity effects on lawfully established activities and neighbouring producers.
- Development on this site will generate many other adverse effects - such as urban sprawl in a rural environment; large amount of additional traffic on Landing Road one-lane bridge and Kapiro Road; effects on kiwi & ecological values, water quality, landscape, character and amenity values.

In conclusion: Good soil needs to be zoned for productive agricultural use. The only appropriate zone for the farmland at Lot 1001 DP 532487 is the Horticulture zone or Rural Production zone.

I seek the following decision from the Council:

Amendment to the zone map: Lot 1001 DP 532487 (known as Tubbs farm) to be re-zoned in Horticulture zone or Rural Production zone. **S529.110**

- 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

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

¹ FNDC submission to MPI (2019), p.2, https://www.mpi.govt.nz/assets/dmstemp/HPL_submissions/2-3-21/E145-Far-North-DC-Attachment_Redacted.pdf



SUBMISSION NUMBER



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Clause 6 of Schedule 1, Resource Management Act 1991

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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.

S529.111

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

S529.112
S529.113

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. **S529.114**

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 **S529.115** above. Several examples are provided below. We share the many of the concerns expressed by Forest **S529.116** and Bird's feedback in 2021 about provisions relating to ecosystems and biodiversity – please refer to **S529.117** Appendix 1 (attached).

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 **S529.118** 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'. S529.119

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'. S529.120

S529.121

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. S529.122, S529.123, S529.124

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.

S529.125, S529.126, S529.127, S529.128

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. **S529.130**

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. **S529.131, S529.132, S529.133**

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.

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).

S529.129

S529.134

S529.135

S529.136

S529.137



(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/>



S529.138

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.

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’.

S529.139

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

S529.140

S529.141

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.

S529.142

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.

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. S529.143

SUBDIVISION

S529.144

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.

Environmental benefit subdivision

S529.145

S529.146

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.

Management plan subdivision

S529.147

S529.148

S529.149

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.

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.

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.

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

S529.151 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.

S529.152 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 S529.154 HZ-P5 only seeks to 'manage' subdivision in relation to the viability of productive land, but the policy should 'avoid' subdivision of such land.

S529.155- We consider that all zones, except urban zones, need to be covered by firm PDP policies and rules to S529.167 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.

S529.168 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_Red_acted.pdf



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

LIGHT

S529.169 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.'

S529.170 We support, in particular, objective NOSZ-01 and policy NOSZ-P1 which state –

S529.171 *'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'.

S529.172 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.

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.’

S529.174, S529.234 to S529.236 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.

S529.175,
S529.237 to
S529.239

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

S529.176

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.

S529.177,
S529.240,
S529.241

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.

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: ... <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><i>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.</i></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><i>“ ... avoid, remedy or mitigate minimise ...”</i></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 <u>residual adverse effects</u> 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"> g. <u>avoiding effects on historical and cultural values, significant natural areas, and outstanding natural features or landscapes to the extent practicable;</u> h. minimising <u>mitigating or remedying adverse effects on historical and cultural values, natural environment values that cannot be avoided;</u> i. <u>recognising the technical, operational and functional needs and constraints of infrastructure activities;</u> j. <u>Biodiversity offsetting more than minor residual adverse effects that cannot be avoided, remedied or mitigated; and</u> k. <u>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>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</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>"Manage <u>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><u>9. ... 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	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>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