



Submission 151

Submission on Proposed Far North District Plan

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

Clause 6 of Schedule 1, Resource Management Act 1991

To: Far North District Council - District Planning

Date received: 19/10/2022

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

Address for service:

NFS Farms Limited - Brandon Whiddett
Level 4, Quad 5 4 Leonard Isitt Drive Auckland Airport 2022
New Zealand
Email: j.waterman@harrisongrierson.com

Submission on behalf of:

NFS Farms Limited

Attachments:

SUB001-FNDC-PDP-NFSFarmsLtd-FINAL.pdf

SUB001-FNDC-PDP-NFSFarmsLtd-FINAL.pdf

I wish to be heard: Yes

I am willing to present a joint case: Yes

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

- **No**

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- **No**

Submission points

Point 41.1

Section: Subdivision

Sub-section: Standards

Provision:**SUB-S1 Minimum allotment sizes**

Zone	Controlled Activity	Discretionary Activity
Rural Production	40ha	8ha
Rural Residential	4,000m ²	2,000m ²
Rural Lifestyle	4ha	2ha
General Residential	600m ²	300m ²
Mixed Use	2,000m ² onsite wastewater disposal 250m ² reticulated wastewater disposal	no minimum lot size
Light Industrial	2,000m ² onsite wastewater disposal 500m ² reticulated wastewater disposal	no minimum lot size
Heavy Industrial	2ha	5,000m ²
Horticulture Processing Facility	2ha	5,000m ²
Horticulture	10ha	4ha
Settlement	3,000m ²	1,500m ²
Kororāreka Russell Township	1,000m ²	800m ²
All other zones	N/A	N/A
All allotments created for public works, network utilities, reserves or access	No minimum lot size	no minimum lot size

Sentiment: Oppose**Submission:**

To Far North District Council
 Submission on Far North District Council Proposed District Plan
 Name of submitter NFS Farms Limited
 Name of Submitter's Agent Harrison Grierson Consultants Limited
Attention: Philip Comer

The submitter, NFS Farms Limited, could not gain an advantage in trade competition through this submission.

The submitter, NFS Farms Limited, is 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 effects of trade competition.

SUBMISSION IN SUPPORT in part and in opposition in part, SUBJECT TO amendments

1. Scope of Submission

The specific provisions of the proposal that this submission relates to are:

Property Addresses (Refer Figures 1-3 below for Locality Diagrams):

123 Rangitane Road, Kerikeri 0294 (Lot 3 DP 184505)

· 127 Rangitane Road, Kerikeri 0294 (Lots 1 and 3 DP 502469)

Figure 1 : Locality Diagram – Lot 3 DP 502469 127 Rangitane Road, Kerikeri (source: PDP) - see attachment

Figure 2 : Locality Diagram - Lot 1 DP 502469, 127 Rangitane Road, Kerikeri (source: PDP) - see attachment

Figure 3: Locality Diagram - Lot 3 DP 184505, 123 Rangitane Road, Kerikeri (source: PDP) - see attachment

Provisions:

- Rural Production Zone
- Natural Environments Overlays - High Natural Character
- Subdivision – SUB-R6 Environmental Benefit Subdivision
- Subdivision – SUB-R7 Management Plan Subdivision

2. This submission:

Supports in part, and opposes in part, the specific provisions of the Far North District Council Proposed District Plan (PDP), subject to the amendments set out in this submission and for the following reasons:

- a) The PDP in its current form and as applied to the landholdings referred to as 123 and 127 Rangitane Road, Kerikeri 0294 (as shown in Figures 1, 2 and 3 above):
- i) Will not promote the sustainable management of resources and will not achieve the purpose of the Resource Management Act 1991 (RMA);
 - ii) Is contrary to Part 2 and other provisions of the RMA;
 - iii) Will not enable the social, economic and cultural wellbeing of people and their communities to be achieved; and
 - iv) Does not represent an appropriate means of exercising the Council's functions.
- b) In particular, and without limiting the generality of paragraph (a) above:
- i) The submitter supports the proposed zoning (Rural Production zone) in principle, but only on the basis that the zone rules and other relevant provisions strike a reasonable balance between rural production, conservation and rural living requirements.
 - ii) The submitter also supports the PDP provisions relating to Management Plan subdivision, which enable integrated subdivision opportunities within the Rural Production (and Rural Lifestyle) zone that complements sustainable environmental management consistent with the protection of natural character, landscape, amenity, heritage, and cultural values.
 - iii) The submitter also supports the Natural Character Overlay provisions as they apply to the coastal margins and wetland gully portions of its landholdings. This overlay acknowledges the significant ecological and landscape qualities of the land and the potential to protect and enhance natural freshwater assets and indigenous vegetation.
 - iv) It is the submitter's view however, that the PDP as notified fails to strike a 'reasonable balance' as discussed in 2b)i) above for the following reason:

Environmental Benefit Subdivision

Whilst the submitter supports the PDP provisions that enable Environmental Benefit Subdivision in the Rural Production

zone, this is only enabled where a balance lot with a minimum area 40ha can be achieved.

The Submitter's land contains streams, wetlands and areas of indigenous vegetation that provide significant ecological and habitat value and that support a diversity of terrestrial and aquatic flora and fauna. These natural assets also have the potential for enhancement. This is acknowledged by the PDP through the High Natural Character Overlay (refer Figure 4 below) that is proposed to apply along the coastal margins and in the gullies close to the coast on the submitter's land.

There are few if any landholdings in the immediate area of the submitter's land (and indeed across large parts of the district) that are of a size that will unlock the potential to protect and enhance natural wetlands, streams and indigenous vegetation under the Environmental Benefit Subdivision rules as proposed because it is unlikely that the minimum balance lot area can be achieved. This could result in a missed opportunity to protect the landscape character and ecological values relating to smaller land parcels which, cumulatively, could result in the loss of substantial areas of natural freshwater and landscape assets across the district. This would be inconsistent with the national direction under the National Policy Statement for Freshwater Management (NPS-FM) and the National Environmental Standards for Freshwater (NES-F).

It is the submitter's view that the minimum balance lot area requirement for Environmental Benefit Subdivision needs to be deleted or, at the very least, the minimum balance lot area should be significantly reduced to encourage the protection and enhancement of watercourses, wetlands and indigenous vegetation on smaller lots across the district. The current proposed provisions are considered to be contrary to the purpose and principles of the RMA, and contrary to Part 2 of the RMA, on this basis.

Figure 4: High Natural Character Overlay proposed for gully and wetland areas shown by lime-green cross-hatched areas (source: PDP). - see attachment

3. The submitter seeks the following decision from the local authority:

a) Retain the proposed zoning for the submitter's land (Rural Production zone).

and

b) Retain the proposed Management Plan subdivision provisions as they relate to the Rural Production zone and the submitter's landholdings to enable subdivision that complements sustainable environmental management including the protection of natural character, landscape, amenity, heritage, and cultural values.

and

c) Delete the minimum balance lot size requirement of 40ha for Environmental Benefit Subdivision (RDIS-6) as this rule will result in the loss of high value (ecological and landscape value) watercourses, wetlands and indigenous vegetation on smaller sites across the district and fails to recognise the potential for protection and enhancement of these natural assets.

and

d) Such other additional or consequential relief as is necessary to achieve consistency with the above and to satisfy the concerns of the submitter.

or

e) Such other alternative relief to satisfy the concerns of the submitter.

4. The submitter wishes to be heard in support of this submission.

5. If others make a similar submission, the submitter will consider presenting a joint case with them at a hearing.

Signature:

(Philip Comer – Urban Development Manager, Harrison Grierson, on behalf of the submitter)

Date: 19/10/2022

Address for Service of Submitter:

Harrison Grierson Consultants Limited
PO Box 5760, Victoria St West

Auckland 1142

Telephone: (09) 966 3382

Mobile: 021 662 760

Facsimile/email: p.comer@harrisongrierson.com

Contact Person: Philip Comer – Urban Development Manager

Relief sought

1. The submitter seeks the following decision from the local authority:

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(Philip Comer – Urban Development Manager, Harrison Grierson, on behalf of the submitter)

Date: 19/10/2022

Submission

ON A PUBLICLY NOTIFIED PROPOSED POLICY STATEMENT OR PLAN



Under Clause 6 of the First Schedule to the Resource Management Act 1991

TO	Far North District Council
SUBMISSION ON	Far North District Council Proposed District Plan
NAME OF SUBMITTER	NFS Farms Limited
NAME OF SUBMITTER'S AGENT	Harrison Grierson Consultants Limited Attention: Philip Comer

The submitter, NFS Farms Limited, could not gain an advantage in trade competition through this submission. The submitter, NFS Farms Limited, is not directly affected by an effect of the subject matter of the submission that —

- adversely affects the environment; and
- does not relate to trade competition or the effects of trade competition.

SUBMISSION IN SUPPORT IN PART AND IN OPPOSITION IN PART, SUBJECT TO AMENDMENTS

1. Scope of Submission

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- 123 Rangitane Road, Kerikeri 0294 (Lot 3 DP 184505)
- 127 Rangitane Road, Kerikeri 0294 (Lots 1 and 3 DP 502469)

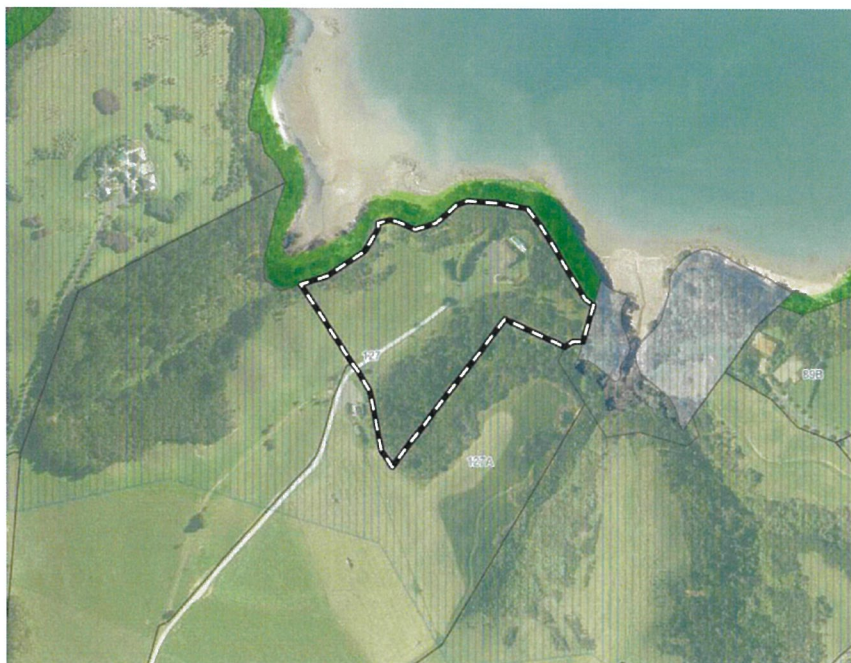


Figure 1: Locality Diagram – Lot 3 DP 502469 127 Rangitane Road, Kerikeri (source: PDP)

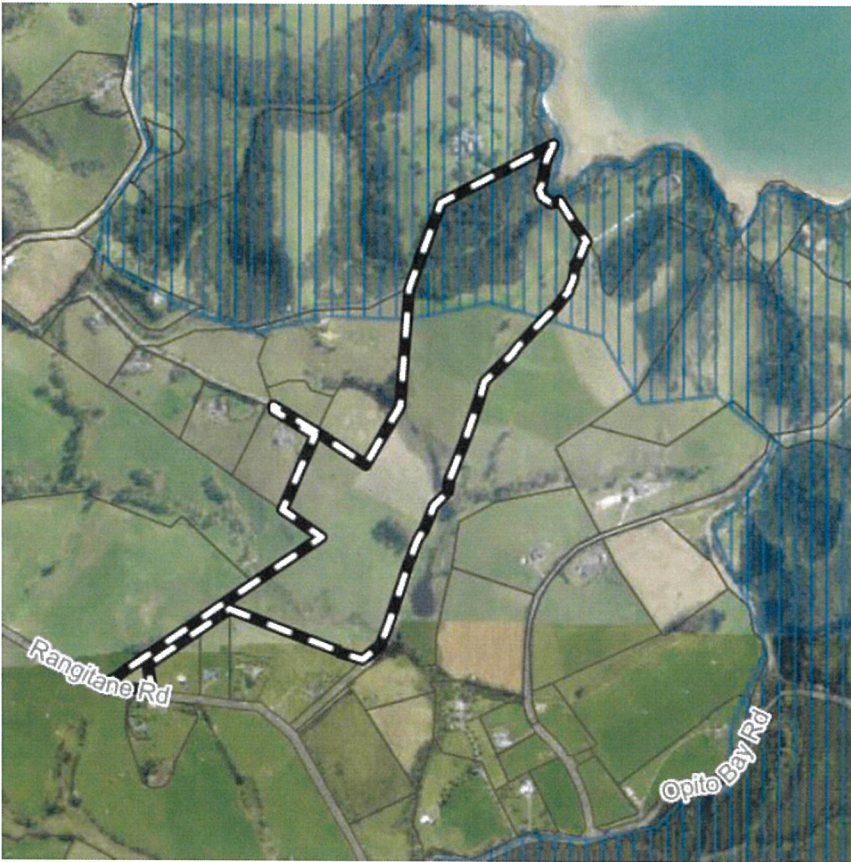


Figure 2: Locality Diagram - Lot 1 DP 502469, 127 Rangitane Road, Kerikeri (source: PDP)

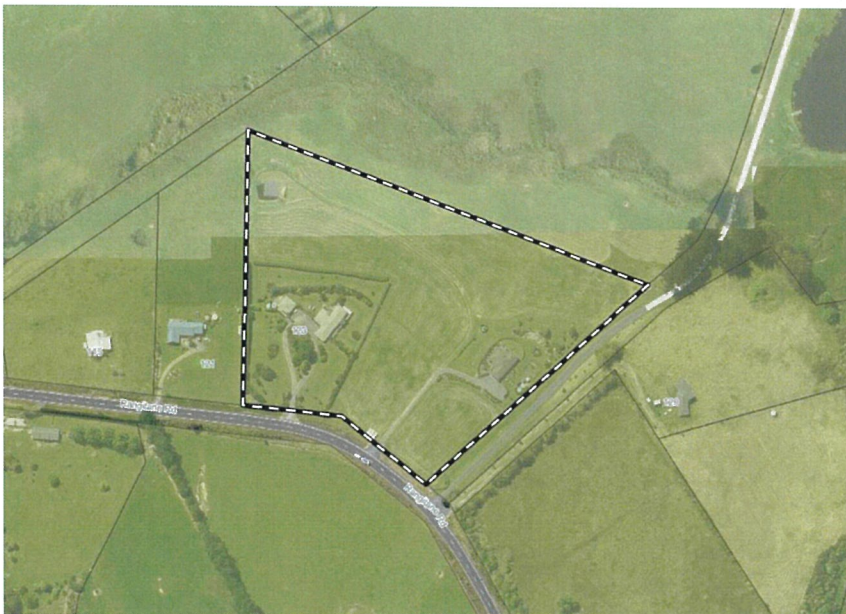


Figure 3: Locality Diagram - Lot 3 DP 184505, 123 Rangitane Road, Kerikeri (source: PDP)

Provisions:

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- Natural Environments Overlays - High Natural Character
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 - 151.003, 151.004 iii) The submitter also supports the Natural Character Overlay provisions as they apply to the coastal margins and wetland gully portions of its landholdings. This overlay acknowledges the significant ecological and landscape qualities of the land and the potential to protect and enhance natural freshwater assets and indigenous vegetation.
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Figure 4: High Natural Character Overlay proposed for gully and wetland areas shown by lime-green cross-hatched areas (source: PDP).

3. The submitter seeks the following decision from the local authority:

- a) Retain the proposed zoning for the submitter's land (Rural Production zone). 151.001
and
- b) Retain the proposed Management Plan subdivision provisions as they relate to the Rural Production zone and the submitter's landholdings to enable subdivision that complements sustainable environmental management including the protection of natural character, landscape, amenity, heritage, and cultural values. 151.002
and
- c) Delete the minimum balance lot size requirement of 40ha for Environmental Benefit Subdivision (RDIS-6) as this rule will result in the loss of high value (ecological and landscape value) watercourses, wetlands and indigenous vegetation on smaller sites across the district and fails to recognise the potential for protection and enhancement of these natural assets. 151.005
and
- d) Such other additional or consequential relief as is necessary to achieve consistency with the above and to satisfy the concerns of the submitter.
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Signature:

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Date: 19/10/2022

Address for Service of Submitter:

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