



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: 20/10/2022

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

Address for service:

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I wish to be heard: Yes

I am willing to present a joint case: Yes

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

- No

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

(a) adversely affects the environment; and

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

- No

Submission points

Point 69.4

Section: Coastal environment

Sub-section: Rules

Provision:

[Coastal environment](#)

Activity status: Permitted

Activity status where compliance is not achieved with PER-1:

Discretionary

Where:

PER-1

The [repair](#) or [maintenance](#) of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:

1. [roads](#).
2. fences.
3. network utilities.
4. driveways and access.
5. walking tracks.
6. cycling tracks.
7. [farming](#) tracks.

Sentiment: Oppose

Submission:

This rule can be read two ways. Is it limiting the repair or maintenance to just this list, or is it just this list of items that council is interested in?

Relief sought **283.004**

Thought needs to be given to the wording.

What if I want to repair my letterbox, or replant roadside landscaping.....(just two basic examples).

Point 69.3

Section: Coastal environment

Sub-section: Rules

Provision:

[Coastal environment](#)

Activity status: Permitted

Where:

PER-1

If a new [building](#) or [structure](#) is located in an [urban](#) zone it is:

1. no greater than 300m².
2. located outside high or outstanding natural character areas.

PER-2

If a new [building](#) or [structure](#) is not located within an [urban](#) zone it is:

1. ancillary to [farming](#) activities (excluding a [residential](#)

Activity status where compliance not achieved with PER-1:

Discretionary (inside a high natural character area)

Non-complying (inside an outstanding natural character area)

Activity status where compliance not achieved with PER-2:

Discretionary (outside an outstanding natural character area)

Non-complying (inside an outstanding natural character area)

Activity status where compliance not achieved with PER-3 or PER-4:

Discretionary

[unit](#)).

2. no greater than 25m².
3. located outside outstanding natural character areas.

PER-3

Any extension to a lawfully established [building](#) or [structure](#) is no greater than 20% of the [GFA](#) of the existing lawfully established [building](#) or [structure](#).

PER-4

The [building](#) or [structure](#), or extension or addition to an existing [building](#) or [structure](#), complies with standards:

[CE-S1 Maximum height](#).

[CE-S2 Colours and materials](#).

Sentiment: Oppose

Submission: 283.003

The maximum size of 300m² is too restrictive within the urban zones. There is a large quantity of homes being designed and built that are over 300m² and to make it mandatory to get a resource consent is just slowing the project down, especially when a home might be 305m².

In terms of a house - whether it's 200m² or 500m² it is actually providing a very similar visual impact because often larger homes hide the space.

Relief sought

Please remove the 300m² maximum floor area requirement.

Point 69.2

Section: Coastal environment

Sub-section: Standards

Provision:

[Coastal environment](#)

The exterior surfaces of [buildings](#) or [structures](#) shall:

1. be constructed of materials and/or finished to achieve a [reflectance](#) value no greater than 30%.
2. have an exterior finish within Groups A, B or C as defined within the **BS5252 standard colour palette**.

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

Sentiment: Support in Part

Submission: 283.002

There is no allowance for timber i.e. cedar/larch, or concrete, steel, aluminium finishes. Referencing the BS5252 colour palette means that the color has to be painted, whereas it is beneficial in many coastal areas to use natural products like timber cladding with stained finishes.

Relief sought

Maybe the words should be 'if the exterior surface is painted, it must have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette'

Point 69.1 283.001

Section: Coastal environment

Sub-section: Standards

Provision:

Coastal environment

1. The maximum height of any new building or structure above ground level is 5m and must not exceed the height of the nearest ridgeline, headland or peninsula.
2. Any extension to a building or structure must not exceed the height of the existing building above ground level or exceed the height of the nearest ridgeline, headland or peninsula.

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

This standard does not apply to:

- i. The Orongo Bay zone

Sentiment: Oppose

Submission:

A maximum height of 5m for any standard house or building is very difficult to achieve.

To add to this, most of the coastal land in the Far North is sloping, and we are now forced by the definition of 'Height' to only use Rolling Height as a method (average height method has been removed) so therefore nearly all new homes will breach this maximum height rule.

I'll explain:

- assume a flat building site
- FFL will be around 700mm for a timber floor
- Stud Height 2550 or 2700
- Truss Height approx 2000
- = over 5m already for a very standard home.
- add a sloping site to this scenario and all of a sudden the breach is large.

Relief sought

No zone in the old DP had a max height of under 8m.

It is not possible to build a house on a sloping site without breaching a 5m maximum height, which will mean hundreds of resource consents for FNDC to process.

Even 6m is too low, so please consider leaving it at 8m as per the old DP.

Point 69.5 283.005

Section: Mixed use

Sub-section: Rules

Provision:

Mixed Use zone

Activity status: Permitted

Activity status where compliance not achieved with PER-1: Discretionary

Where:

PER-1

The [residential activity](#) is within a [residential unit](#) that is located above the ground floor level of a [building](#) unless the [residential unit](#) existed at 27 July 2022.

Sentiment: Oppose

Submission:

Residential activities should be permitted on the ground floor also.

There are many places in the mixed use zone that aren't likely going to be for retail activities (King St in Kerikeri for example), and moreso for townhouse developments. And when designing townhouses, putting the living spaces above the ground floor is a lot more expensive - plumbing, drainage, outdoor spaces i.e. decks etc.

Relief sought

Relief sought - allow residential living activities on ground floors of buildings also.

Point 69.6 283.006

Section: General residential

Sub-section: Standards

Provision:

General Residential zone

The [building](#) or [structure](#), or extension or alteration to an existing [building](#) or [structure](#) must be set back at least 1.2m from all [site](#) boundaries, except that the [setback](#) must be at least 3m measured from a [road boundary](#).

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

This standard does not apply to:

- i. Fences or walls no more than 2m in [height](#) above [ground level](#).
- ii. uncovered decks no more than 0.5m above [ground level](#)

- a. the character and amenity of the surrounding area;
- b. screening, planting and [landscaping](#) on the [site](#);
- c. the design and siting of the [building](#) or [structure](#) with respect to privacy and shading;
- d. [natural hazard](#) mitigation and [site](#) constraints;
- e. the effectiveness of the proposed method for controlling [stormwater](#);
- f. the safety and efficiency of the current or future roading network; and

g. the impacts on existing and planned public walkways, reserves and esplanades.

Sentiment: Oppose

Submission:

General Residential Setbacks needs 'no setback' for 10m

The old/current district plan allows for no setback for 10m along a boundary in the general residential zone.

This is a very handy rule as residential sites often have retaining walls taking surcharge (and are therefore a building) which can take advantage of this provision.

Designing homes to fit on tight residential sections is tricky, and having this 10m provision for 'no setback' assists designers greatly.

Relief sought

For building setback in the General Residential zone, allow a 10m 'no setback' on any boundary.

Point 69.7 **283.006**

Section: Heritage area overlays

Sub-section: Rules

Provision:

All zones The exterior facades of all [buildings](#) or [structures](#) are finished in accordance with the colour scheme from the following paint ranges or equivalent: **Where the standard is not met, matters of discretion are restricted to: Not applicable**

All Heritage Overlays: i. resene heritage colours;
ii. resene whites and neutrals; and
iii. resene colour range BS5252 (A01-C40 range).

Kerikeri

Kohukohu

**Kororāreka
Russell**

**Mangōnui
and
Rangitoto**

Peninsula

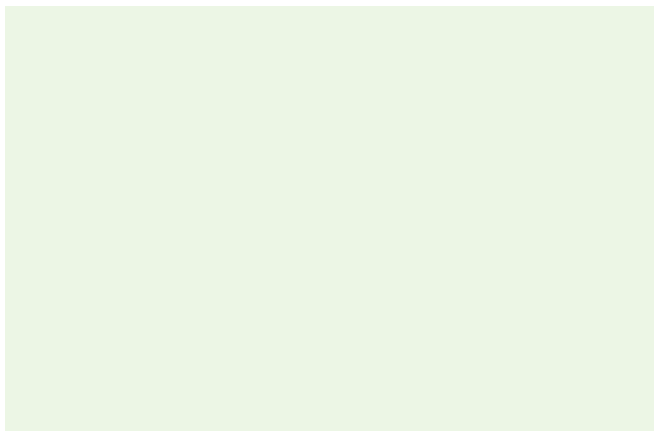
Paihia

Pouerua

Rangihoua

Rāwene

Te Waimate



Sentiment: Oppose

Submission:

Heritage colors are strictly painted, and need option for natural finishes

I oppose this rule for three reasons

1. it needs to allow for natural finishes i.e. timber, concrete etc, not just colors
2. the brand name 'Resene' should not be used, it should be generic
3. it does not allow for Colorsteel colors i.e. pre painted steel roofs etc which are often used on heritage buildings.

Relief sought

See above.

Point 69.9 **283.009, 283.010**

Section: Ecosystems and indigenous biodiversity

Sub-section: Rules

Provision:

All zones

Activity status: Permitted

Activity status where compliance not achieved with PER-1 or PER-2: Discretionary

Where:

PER-1

1. A report has been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a [Significant Natural Area](#) and it is submitted to [Council](#) 14 days in advance of the clearance being undertaken; and
2. It does not exceed the following amounts per [site](#) over a 5-year period:
 - i. Rural Production zone, Horticulture zone, Māori Purpose zone and Treaty Settlement Land Overlay –

5,000m² if not in a [remnant forest](#), otherwise 500m² in a [remnant forest](#);

ii. All other zones – 500m².

PER-2

1. A report has not been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a [Significant Natural Area](#) and a report has not been submitted to [Council](#) 14 days in advance of the clearance being undertaken; and
2. It does not exceed 100m² per [site](#) in any calendar year.

Note: *This rule only has immediate legal [effect](#) for indigenous vegetation clearance where compliance is not achieved with PER-2 (i.e. in circumstances where a report confirming that the indigenous vegetation is not a [Significant Natural Area](#) has not been obtained).*

Sentiment: Oppose

Submission:

Oppose SNA Maps and requirement of Ecologist report

FNDC had originally withdrawn the SNA maps. With this new rule they are being snuck back in, and then also forcing anyone with bush on their property to get an ecologist report (\$\$\$) to prove that its not an SNA.

So that tells us that all bush is regarded as an SNA 'unless proved otherwise' - which is a costly activity.

This is not incentivising people to plant trees and create wetlands, because of the control over that area once it's matured. Far North residents will be better off to not plant anything.

This therefore is a loss of property and property rights.

Relief sought

Allow us to be stewards of our own land and trees and bush we've planted.

Remove the requirement for the ecologist report, it's another red tape item which adds to the cost of building and developing, driving the cost of living upwards.

Delete SUB-R17as this does not protect SNAs.

Point 69.8

Section: Subdivision

Sub-section: Standards **283.008**

Provision:

SUB-S8 **Esplanades**

Sentiment: Support in Part

Submission:

Esplanade Strips need to be an option

There needs to be allowance made for esplanade strips, as well as reserves. Sometimes they are more suitable for a development, and council has enough reserves which they are unable to maintain, so it makes more sense to vest it in the owners name to look after it.

Relief sought

Add the option of an esplanade strip to this rule.

Point 69.10 **283.011**

Section: General

Sentiment: Oppose

Submission:

An overall comment - the PDP is clearly going to result in hundreds (if not thousands) of additional Resource Consents required for even the smallest activity.

Skimming through the rules and associating it with simply building a home - many, many more projects are going to be breaching one rule or another. This adds I would estimate \$10,000 to any home build, by the time a planning report is done, other supporting documents are sought and the council fees for processing are paid.

The entire district is being choked by FNDC's inability to process Resource Consents in a timely manner, and we're waiting the best part of a year to finally get Resource Consents issued.

Relief sought

A new DP doesn't mean just including a whole realm of new rules to further control anything someone wants to do on their piece of land.

Rules need to be looked and and the question asked - are we actually going to achieve anything by processing hundreds of resource consents for this rule - if not - exclude it.

As already mentioned - FNDC's processing times are terrible.

New rules resulting in more RC's will increase the volume of RC's - making the processing times even worse.

Please consider removing rules, **or offering a permitted pathway around them** (with consultants reports) to reduce the number of RC's needed.

Point 69.11 **283.012 - 283.028**

Section: Rural residential

Sub-section: Rules

Provision:

**Rural
Residential
zone**

Activity status: Permitted

**Activity status where compliance not
achieved with PER-1:
Restricted Discretionary**

Where:

PER-1

The [impermeable surface](#) coverage of any [site](#) is no more than 12.5% or 2,500m², which ever is lesser.

Matters of discretion are restricted to:

- a. the extent to which [landscaping](#) or vegetation may reduce adverse [effects](#) of run off;
- b. the effectiveness of the proposed method for controlling [stormwater](#) on [site](#);
- c. the availability of [land](#) for disposal of effluent and [stormwater](#) on the [site](#) without adverse [effects](#) on adjoining [waterbodies](#) (including [groundwater](#) and [aquifers](#)) or on adjoining [sites](#);
- d. whether low impact design methods and use of green spaces can be used;
- e. any cumulative [effects](#) on total catchment impermeability;
- f. [natural hazard](#) mitigation and [site](#) constraints; and
- g. extent of potential adverse [effects](#) on cultural, spiritual, heritage and/or [amenity values](#) of any affected [waterbodies](#).

Sentiment: Support in Part

Submission:

This submission point relates to all Impermeable Surface rules in the plan. I have selected Rural Residential as an example.

The impermeable surfaces rule is one of the most common rules breached when designing homes.

Rural residential allows sites to be 2000m² as per the subdivision rule. 12.5% of 2000m² is 250m². Most driveways are larger than 250m², let alone adding the house roof area and any paths etc.

This therefore means that nearly all homes in the rural residential area will still require a Resource consent for Impermeable surfaces.

Relief sought

Firstly - the 250m² should be increased to 500m², to be realistic.

Secondly - all RC's breaching impermeable surfaces require a TP10/Stormwater report from an engineer (already). This is a detailed design of the stormwater management onsite and shouldn't require FNDC to look at it and tick the box to say its acceptable. Why don't we have a PER-2 which says that if a TP10 report is provided by an engineer, it's permitted?

(one solution to reduce the number of RC's for Council to process, and assist with getting back to realistic processing times)

Point 69.12 **283.029-283.038**

Section: Rural residential

Sub-section: Standards

Provision:

Rural The [building](#) or [structure](#) coverage of the [site](#) area is no more **Where the standard is not met, matters of**

Residential zone

than 12.5% or 2,500m², whichever is the lesser.

discretion are restricted to:

- a. the character and amenity of the surrounding area;
- b. any [landscaping](#), planting and screening to mitigate any adverse [effects](#);
- c. the extent to which private open space can be provided for future uses;
- d. the extent to which the siting, [setback](#) and design mitigate visual dominance on adjacent [sites](#) and surrounding [environment](#); and
- e. [natural hazard](#) mitigation and [site](#) constraints.

Sentiment: Support in Part

Submission:

This submission applies to all Building Coverage rules within all zones.

The subdivision chapter allows Rural Residential sites to be subdivided down to 2000m² (which i support).

12.5% of 2000m² is 250m² which nowadays is not a 'huge' house. This needs to be larger, i.e. 20%

Relief sought

change the 12.5% to 20%.

Offer an alternative permitted pathway around this rule, possibly with a landscape plan and report to visually mitigate the building?

I suggest adding a PER-2 which says if a building is above the 20% or 2500m² - its permitted if a visual assessment and landscape plan is provided as part of the building consent.

Point 69.13 **283.039**

Section: General residential

Sub-section: Standards

Provision:

General Residential zone

The [building](#) or [structure](#), or extension or alteration to an existing [building](#) or [structure](#) must be contained within a [building](#) envelope defined by the following [recession planes](#) measured inwards from the respective [boundary](#):

- 1. 55 degrees at 2m above [ground level](#) at the northern [boundary](#) of the [site](#);
- 2. 45 degrees at 2m above [ground level](#) at the eastern and western boundaries of the [site](#);
- 3. 35 degrees at 2m above [ground level](#) at the southern [boundary](#) of the [site](#).

Except where the [site boundary](#) adjoins a lawfully

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

- a. loss of privacy to adjoining [sites](#), including potential loss in relation to vacant [sites](#);
- b. shading and loss of access to sunlight to adjoining [sites](#), including [buildings](#) and outdoor areas; and
- c. [natural hazard](#) mitigation and [site](#) constraints.

established [accessway](#) or [access lot](#) serving a rear [site](#), the measurement shall be taken from the furthest [boundary](#) of the [accessway](#) or [access lot](#).

This standard does not apply to:

- i. Solar and water heating components not exceeding 0.5m in [height](#) above the [building](#) envelope on any elevation.
- ii. Chimney [structures](#) not exceeding 1.2m in width and 1m in [height](#) above the [building](#) envelope on any elevation.
- iii. Satellite dishes and aerials not exceeding 1m in [height](#) above the [building](#) envelope and/or diameter on any elevation.
- iv. Architectural features (e.g. finials, spires) not exceeding 1m in [height](#) above the [building](#) envelope on any elevation.
- v. A [building](#) or [structure](#) exceeding this standard for a maximum distance of 10m along any one [boundary](#) other than a [road boundary](#), provided that the maximum [height](#) of any [building](#) or [structure](#) where it exceeds the standard is 2.7m.

Sentiment: Support in Part

Submission:

I support the use of the new daylight angles for the different North East South West boundaries.

However,

ii) Chimneys - 1.2m in width is not a very wide chimney. To keep chimneys in proportions with house designs it is best to allow up to 2m width please, as part of this rule. Some fires now need double flue systems which take up quite a large amount of chimney space.

Relief sought

Keep the new daylight 35/45/55 angles on the different boundaries.

Change the chimney exemption to a 2m width, instead of 1.2m.

Point 69.14 **283.040**

Section: Natural hazards

Sub-section: Rules

Provision:

All zones

Activity status: Permitted

Activity status where compliance not achieved with PER-1 or PER-2: Discretionary

Where:

PER-1

Any [building](#) used for a [vulnerable activity](#) (excluding [accessory buildings](#)) either:

1. is located on a [site](#) that has access to a fire hydrant; or
2. provides for water supply and access to [water](#) supplies for fire fighting purposes in compliance with the **SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.**

PER-2

Any [building](#) used for a [vulnerable activity](#) (excluding [accessory buildings](#)) is set back at least 20m from the dripline of any contiguous scrub or shrubland, woodlot or forestry.

Sentiment: Support in Part

Submission:

Am I clear in reading this rule that if we have a house that's within 20m of bush, and we are in compliance with NZS4509 (or have approval from FENZ - maybe this needs to be added as another PER item) then we don't require a resource consent?

Relief sought

Just needs to be clear please. **I fully support not requiring a resource consent if a structure is within 20m of bush and FENZ have provided their approval.**