



DOC-7140083

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21 October 2022

Far North District Council
Private Bag 752
Kaikohe 0440

Email: pdp@fndc.govt.nz

Attn: Strategic Planning and Policy Group

Far North District Council – Proposed District Plan

Please find enclosed a submission by the Director-General of Conservation in respect of the Far North District Council's Proposed District Plan, specifically the sections that relate to Significant Natural Areas and the coastal environment. The submission identifies the Director-General's concerns.

The Director-General remains committed to working with Far North District Council to resolve the matters set out in this submission.

Please contact Ashiley Sycamore (RMA Planner) in the first instance if you wish to discuss any of the matters raised in this submission (asycamore@doc.govt.nz or 027 234 4847).

Yours sincerely



Sue Reed-Thomas

Operations Director – Whangārei
Department of Conservation
Te Papa Atawhai

Department of Conservation *Te Papa Atawhai*
RMA Shared Services
Private Bag 3072, Hamilton 3240, New Zealand
www.doc.govt.nz

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

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991

To: Far North District Council (**the Council**)

Name of submitter: Penny Nelson, Director-General of Conservation (**the Director-General**)

1. This is a submission on the Far North Proposed District Plan.
2. I could not gain an advantage in trade competition through this submission
3. This submission specifically relates to the Proposed District Plan (PDP) in its entirety. The Director-General is particularly concerned to ensure that provisions are in place to protect, restore, and enhance Significant Natural Areas. The Director-General notes that the s32 reports prepared for the PDP¹ have identified that it is effective and efficient to align the PDP approach with the expected policy direction and requirements of the exposure draft of the National Policy Statement on Indigenous Biodiversity (NPSIB)². The NPSIB is anticipated to come into effect during the PDP further submissions and hearing process.
4. The specific provisions of the proposal that my submission relates, and the detailed decisions sought to are set out in **Attachment 1** to this submission.
5. I **seek** the following decision from the Council:
 - a. That the particular provisions of the Proposed District Plan that I support, as identified in Attachment 1, are retained;
 - b. That the amendments, additions and deletions to Proposed District Plan sought in Attachment 1 are made; and
 - c. Any other similar, alternative, additional, or consequential relief which will address the matters outlined in this submission.
6. The decisions sought in this submission are required to ensure that the Proposed District Plan:
 - a. Gives effect to the New Zealand Coastal Policy Statement 2010 and the National Policy Statement for Freshwater Management 2020;

¹ See [section-32-ecosystems-and-indigenous-biodiversity.pdf \(fndc.govt.nz\)](https://www.fndc.govt.nz/section-32-ecosystems-and-indigenous-biodiversity.pdf)

² See <https://environment.govt.nz/assets/publications/NPSIB-exposure-draft.pdf>

- b. Provides for the preservation of the natural character of wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development as required by section 6(a) of the Resource Management Act 1991 (RMA);
 - c. Provides for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as required by section 6(c) of RMA;
 - d. is otherwise consistent with Part 2 of the RMA;
 - e. Has particular regard to the other matters in section 7 of the RMA;
 - f. Gives effect to the Regional Policy Statement for Northland as required by section 75(3) of the RMA;
 - g. Promotes the sustainable management of natural and physical resources in the Far North District as required by Part 2 of the RMA; and
 - h. The changes sought are necessary, appropriate and sound resource management practice.
7. I wish to be heard in support of my submission, and if others make a similar submission, I will consider presenting a joint case with them at the hearing.



Sue Reed-Thomas

Operations Director

Whangārei

Department of Conservation *Te Papa Atawhai*

Acting pursuant to delegated authority on behalf of Penny Nelson, Director-General of Conservation

Date: 21 October 2022

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Address for service:

Attn: Ashiley Sycamore, RMA Planner

RMA Shared Services

Private Bag 3072

Hamilton 3240

New Zealand

Email: asycamore@doc.govt.nz

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ATTACHMENT 1:

**FAR NORTH PROPOSED DISTRICT PLAN
SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION**

The decision that has been requested may suggest new or revised wording for identified sections of the Proposed District Plan. This wording is intended to be helpful but similar, alternative, or additional wording which will address the matters outlined in this submission may be equally acceptable. Text quoted from the Proposed District Plan is shown in *Italics*. The wording of relief sought shows proposed amendments in **bold** with new text as underlined and original text to be deleted as ~~strikethrough~~.

Unless specified in each submission point my reasons for supporting are that the policies are consistent with the purposes and principles of the Resource Management Act 1991 (RMA).

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
GENERAL – PLAN-WIDE PROVISIONS			
Kauri Dieback	Amendment requested	<p>Kauri Dieback is caused by a pathogen that is easily spread through soil movements, including when it is carried on footwear, equipment, and vehicles. The disease is threatening Kauri with functional extinction and requires collaborative work to manage the disease and control any further spread. Any land disturbance works within three times the radius of the canopy of the dripline of New Zealand Kauri Tree (“the kauri hygiene zone”) can cause potential contamination of an uninfected site and spread the disease.</p> <p>The Director-General considers that the provisions of the Thames Coromandel District Plan, as they relate to the management of Kauri Dieback disease, should be adopted into the Proposed District Plan where appropriate.</p>	<p>Include provisions to address the management of Kauri Dieback within the earthworks chapter, particularly around earthworks and measures to prevent spread of the disease.</p> <p align="right">S364.001</p> <p>Provide clear guidance for the management of Kauri Dieback disease, such as laid out in the Thames Coromandel District Plan.</p> <p align="right">S364.082 & S364.083</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Significant Natural Areas	Oppose	There are no scheduled SNAs within Schedule 4 of the Proposed District Plan. The Director-General is strongly opposed to this decision, which is considered contrary to	Use the report prepared for Council titled “Significant Indigenous Vegetation and Habitats of the Far North District - Volume 1” prepared by Wildlands Consultants (Contract

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		<p>section 6(c) of the RMA, the objectives and policies of the Regional Policy Statement for Northland, and the NPSIB exposure draft.</p> <p>The Director-General is concerned that the current wording of the subdivision chapter will allow potential SNA sites to be subdivided with minimal ability to consider the adverse effects of the subdivision on indigenous biodiversity.</p>	<p>Report No. 4899d, December 2019) to include SNAs in the Proposed District Plan. S364.002</p> <p>Include more stringent controls to allow for the consideration and scheduling of SNAs in the subdivision chapter. S364.003</p> <p>Due to the lack of scheduled SNAs, review all Restricted Discretionary Activity and Controlled Activity rules and add matters of discretion/control for indigenous biodiversity where not already identified. S364.004</p>
National Policy Statement for Indigenous Biodiversity	Amendment requested	<p>The Director-General notes that the s32 reports prepared for the PDP³ have identified that it is effective and efficient to align the PDP approach with the expected policy direction and requirements of the exposure draft of the National Policy Statement on Indigenous Biodiversity (NPSIB)⁴. The NPSIB is anticipated to come into effect during the PDP further submissions and hearing process. For this reason, the PDP should be reviewed and updated to be consistent with the NPSIB exposure draft.</p> <p>Local authorities must include objectives, policies, or methods in their policy statements and plans for managing the adverse effects of new subdivision, use, and development on highly mobile fauna areas, in order to maintain viable populations of specified highly mobile fauna across their natural range.</p>	<p>Update the Proposed District Plan to be consistent with the NPSIB exposure draft. Specifically, but not limited to:</p> <ul style="list-style-type: none"> • Protect SNAs and identified taonga on Māori lands in line with clause 3.18 of the NPSIB exposure draft. • Include objectives, policies, or methods in the PDP for managing the adverse effects of new subdivision, use, and development on highly mobile fauna areas. • Incorporate NPSIB Appendices 3 and 4 or like principles into the PDP. Update proposed Policy IB-P4 to require that any biodiversity offset, or biodiversity compensation be in accordance with these principles. S364.005 <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Kiwi Conservation	Amendment requested	Kiwi conservation is a primary concern of the Director-General and it is particularly important in the Far	The Director-General expects to see overlays in the Proposed District Plan that identify locations of 'kiwi

³ See [section-32-ecosystems-and-indigenous-biodiversity.pdf \(fndc.govt.nz\)](https://www.fndc.govt.nz/section-32-ecosystems-and-indigenous-biodiversity.pdf)

⁴ See <https://environment.govt.nz/assets/publications/NPSIB-exposure-draft.pdf>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		North District context. Although it is noted that the North Island Kiwi is “Not Threatened”, it has only reached this improved conservation status after significant community conservation efforts. These efforts should not go to waste and specific kiwi conservation objectives, policies, and rules should therefore be incorporated into the Proposed District Plan.	present’ or ‘high-density kiwi areas’. In addition, a mechanism should be included in the plan for updating these maps. S364.006 Incorporate framework into the District Plan to promote pet-free subdivisions in high-density kiwi areas. S364.007
Clearance and management of manuka and kanuka	Amendment requested	With the advent of myrtle rust, all <i>Kunzea</i> and <i>Leptospermum</i> taxa are currently considered threatened ⁵ . The taxonomy and current threatened status of manuka and kanuka should be reflected and managed appropriately through objectives, policies and rules in the proposed plan. The Director-General acknowledges that this is a complex issue. The relief sought is to be confirmed during the subsequent District Plan review stages once the 2022 version of the “Conservation status of New Zealand indigenous vascular plants” is available.	Amend objectives, policies and rules as appropriate to recognise and implement measures to address and manage the increased threat status of myrtle rust for manuka and kanuka. S364.008 to S364.010
PART 1 – INTRODUCTION AND GENERAL PROVISIONS			
<i>Interpretations > Definitions</i>			
Biodiversity Offsets	Oppose in part – Amendment requested	The Director-General supports the inclusion of Biodiversity Offset provisions, however, requests that the provisions are updated to be in line with the NPSIB exposure draft.	Replace this definition of Biodiversity Offsets with the corresponding definition found within the NPSIB exposure draft. S364.011 Add the NPSIB exposure draft biodiversity offset and compensation principles to the District Plan, ideally within an appendix that can be referenced in relevant provisions. S364.012 Note: If the proposed definition is retained, it should be amended to fix the two spelling errors.

⁵ Refer to Conservation status of New Zealand indigenous vascular plants, 2017 (<https://www.doc.govt.nz/Documents/science-and-technical/nztcs22entire.pdf>)

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Conservation Activity	Support	The Director-General supports the proposed definition of Conservation Activity.	Retain as notified. S364.013
Environmental Biodiversity Compensation	Oppose in part – Amendment requested	The Director-General supports the inclusion of Biodiversity Compensation provisions, however, requests that the provisions are updated to be in line with the NPSIB exposure draft.	Replace this definition of Environmental Biodiversity Compensation with the corresponding definition found within the NPSIB exposure draft. S364.014 Add the NPSIB exposure draft biodiversity offset and compensation principles to the District Plan, ideally within an appendix that can be referenced in relevant provisions. S364.015 Note: If the proposed definition is retained, it should be amended to fix the two spelling errors.
Net Gain	Support	The Director-General supports the proposed definition of Net Gain.	Retain as notified. S364.016
Residual Adverse Effect	Support	The Director-General supports the proposed definition of Residual Adverse Effect.	Retain as notified. S364.017
Significant Natural Area	Support	The Director-General supports the proposed definition of Significant Natural Area.	Retain as notified. S364.018
Wetland	Support in part – Amendment requested	The Director-General supports the inclusion of a definition for Wetlands, however, requests the definition be amended to give effect to the Natural Wetland definition within the NPS-FM ⁶ .	Update the definition of Wetland to give effect to the Natural Wetlands definition under Clause 3.21 (definitions relating to wetlands and rivers) of the NPS-FM. S364.019
PART 2 – DISTRICT-WIDE MATTERS			
<i>Strategic Direction > Natural Environment</i>			
SD-EP-03	Support	The Director-General supports proposed Objective SD-EP-03.	Retain as notified. S364.020
SD-EP-05	Support	The Director-General supports proposed Objective SD-EP-05.	Retain as notified. S364.021

⁶ See [National Policy Statement for Freshwater Management 2020 \(environment.govt.nz\)](https://www.environment.govt.nz/national-policy-statement-for-freshwater-management-2020)

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
SD-EP-06	Support – Amendment requested	The Director-General supports proposed Objective SD-EP-06, however, requests the wording be amended to fix the error.	Change the wording of proposed Objective SD-EP-06: <i>Areas of significant indigenous vegetation and significant habitats of indigenous fauna and are protected for current and future generations.</i> S364.022
<i>Energy, Infrastructure, and Transport > Infrastructure</i>			
I-P2	Support in part – Amendment requested	The Director-General is generally supportive of proposed Policy I-P2, however, notes that SNAs and the coastal environment have value in of itself, not just in characteristics and qualities and the wording should reflect this.	Change the wording of proposed Policy I-P2 to: <i>In the <u>coastal environment</u>, manage the <u>effects</u> of the development, operation, <u>maintenance</u> and upgrading of <u>infrastructure</u> activities by:</i> <ul style="list-style-type: none"> <i>a. avoiding adverse <u>effects</u> on the qualities and characteristics of significant natural areas, outstanding natural features or landscapes, areas of outstanding natural character;</i> <i>b. avoiding significant adverse <u>effects</u> on other natural features and landscapes, and areas of natural character;</i> <i>c. recognising the technical, operational and <u>functional needs</u> and constraints of <u>infrastructure</u> activities; and</i> <i>d. 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.</i> S364.023
I-P3	Support	The Director-General supports proposed Policy I-P3.	Retain as notified. S364.024
<i>Energy, Infrastructure, and Transport > Renewable electricity generation</i>			
REG-P5	Support in part – Amendment requested	The Director-General is generally supportive of proposed Policy REG-P5, however, notes that SNAs and the coastal environment have value in of itself, not just in characteristics and qualities and the wording should reflect this.	Change the wording of proposed Policy REG-P5 to:

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			<p>In the <u>coastal environment</u>, manage the <u>effects</u> of the development, operation, <u>maintenance</u> and upgrading of <u>renewable electricity generation activities</u> by:</p> <ol style="list-style-type: none"> avoiding adverse <u>effects</u> on the qualities and characteristics of significant natural areas, outstanding natural features or landscapes, areas of outstanding natural character; avoiding significant adverse <u>effects</u> on other natural features and landscapes, and areas of natural character; recognising the technical, operational and <u>functional needs</u> and constraints of <u>renewable electricity generation activities</u>; and having regard to offsetting and environmental compensation measures where there are more than minor residual adverse <u>effects</u> that cannot be avoided, remedied or mitigated. S364.025
REG-P6	Support	The Director-General supports proposed Policy REG-P6.	Retain as notified. S364.026
REG-R7	Support	The Director-General supports the requirement for large scale renewable electricity generation activities (such as wind farms) to require resource consent as a Discretionary Activity.	Retain as notified. S364.027
<i>Hazards and Risks > Natural Hazards</i>			
NH-P7	Amendment requested	The heading of this policy has a spelling error.	Change “costal hazard” to “coastal hazard”. S364.028
NH-P12	Support	The Director-General supports proposed Policy NH-P12.	Retain as notified. S364.029
NH-P13	Support	The Director-General supports proposed Policy NH-P13 as it gives effect to Policy 25 of the NZCPS which seeks to discourage hard protection surfaces and promote the use of alternatives (including natural defences).	Retain as notified. S364.030
<i>Natural Environmental Values > Ecosystems and Indigenous Biodiversity</i>			

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
IB-O1	Support in part – Amendment requested	The Director-General supports proposed Objective IB-O1, however requests an amendment to the wording to promote the enhancement of Significant Natural Areas.	Change the wording of proposed Objective IB-O1 to: <i>Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected, and enhanced for current and future generations.</i> S364.031
IB-O2	Oppose in part	The Director-General supports the intention of proposed Objective IB-O2, however, considers the wording could be amended to better align with the NPSIB exposure draft.	Change the wording of proposed Objective IB-O2 to: <i>Indigenous biodiversity is managed to maintain its extent and diversity protected, maintained, and restored in a way that provides for the social, economic and cultural well-being of people and communities.</i> S364.032
IB-O5	Support	The Director-General supports proposed Objective IB-O5.	Retain as notified. S364.033
IB-P1	Oppose in part	<p>As previously stated, there are no scheduled SNAs within Schedule 4 of the Proposed District Plan. The Director-General is strongly opposed to this decision, which is considered contrary to section 6(c) of the RMA, the objectives and policies of the Regional Policy Statement for Northland, and the NPSIB exposure draft. The Director-General holds concerns that the wording of the policy in its current format will result in no SNAs being scheduled in the Proposed District Plan, as landowners will have the ability to refuse. It is requested that the wording of Policy IB-P1 be amended to ensure areas that meet SNA criteria are suitably protected.</p> <p>The Director-General encourages ground truthing/physical inspection to ensure the areas scheduled as SNAs meet the relevant criteria.</p>	Change the wording of proposed Policy IB-P1 to: <i>Identify Significant Natural Areas by:</i> <ol style="list-style-type: none"> a. <i>using the ecological significance criteria in Appendix 5 of the RPS or in any more recent National Policy Statement on indigenous biodiversity;</i> b. including areas that meet the ecological significance criteria as Significant Natural Areas in Schedule 4 of the District Plan and on the planning maps where this is agreed with the landowner and verified by physical inspection where practicable; c. encouraging landowners to include including identified Significant Natural Areas in Schedule 4 of the District Plan at the time of subdivision and development;

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		<p>The Director-General is concerned that the current wording of the subdivision chapter will allow potential SNA sites to be subdivided with minimal ability to consider the adverse effects of the subdivision on the SNA.</p>	<p>d. providing assistance to landowners to add Significant Natural Areas to Schedule 4 of the District Plan; and</p> <p>e. requiring an assessment of the ecological significance for indigenous vegetation clearance to establish permitted activity thresholds in Rule IB R2-R4.</p> <p style="text-align: right;">S364.034</p> <p>Use the report prepared for Council titled “Significant Indigenous Vegetation and Habitats of the Far North District - Volume 1” prepared by Wildlands Consultants (Contract Report No. 4899d, December 2019) to include SNAs in the Proposed District Plan.</p> <p style="text-align: right;">S364.002</p> <p>Add a separate policy for mapping additional SNAs as they are identified.</p> <p style="text-align: right;">S364.035</p>
New Policy – IB-Px	New policy	<p>The Director-General requests the addition of a new policy to ensure the characteristics that contribute to the significance of SNAs (i.e fauna) are protected.</p>	<p>Insert wording, or similar wording, as follows:</p> <p>Recognise and protect SNAs by ensuring the characteristics that contribute to their significance are not adversely affected.</p> <p style="text-align: right;">S364.036</p>
IB-P2	Oppose in part	<p>The Director-General requests proposed Policy IB-P2 be updated to give effect to Policy 11(a) of the NZCPS.</p>	<p>Amend ‘clause a’ of proposed Policy IB-P2 to incorporate the wording under Policy 11(a) of the NZCPS.</p> <p style="text-align: right;">S364.037</p>
IB-P3	Support in part – Amendment requested	<p>The Director-General supports the intention of proposed Policy IB-P3, however requests an amendment to recognise and provide for the matters of national importance under section 6(c) of the RMA and to give effect to the RPS for Northland.</p>	<p>Change the wording of proposed Policy IB-P3 to:</p> <p><i>Outside the <u>coastal environment</u>:</i></p> <p>a. avoid, remedy or mitigate significant adverse <u>effects</u> of land use and <u>subdivision</u> on Significant Natural Areas to ensure adverse effects are no more than minor; and</p>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			<p>b. avoid, remedy or mitigate adverse <u>effects</u> of land use and <u>subdivision</u> on areas of important and vulnerable indigenous vegetation, habitats and ecosystems to ensure there are no significant adverse <u>effects</u>. S364.038</p>
IB-P4	Support in part	The Director General supports the intention of proposed Policy IB-P4, however requests amendments to ensure the policy incorporates the principles of the NPSIB exposure draft.	Incorporate NPSIB Appendices 3 and 4 or like principles into the PDP. Update proposed Policy IB-P4 to require that any biodiversity offset, or biodiversity compensation be in accordance with these principles. S364.039
IB-P5	Oppose in part – Amendment requested	The Director-General considers that proposed Policy IB-P5 should be amended to ensure that land use and subdivision in relation to SNAs is managed in an appropriate way. It is unclear what circumstances would meet the criteria for “unreasonable restriction”. It is further considered that the “operational need” of “some activities” should not have a higher priority than SNAs.	<p>Change the wording of proposed Policy IB-P5 to:</p> <p><i>Ensure that the management of land use and <u>subdivision</u> to protect Significant Natural Areas and maintain indigenous biodiversity is done in a way that:</i></p> <ul style="list-style-type: none"> a. does not impose unreasonable restrictions on existing <u>primary production</u> activities, particularly on highly <u>versatile soils</u>; b. recognises the <u>operational need</u> and functional need of some activities, including <u>regionally significant infrastructure</u>, to be located within Significant Natural Areas in some circumstances; c. allows for <u>maintenance</u>, use and operation of existing <u>structures</u>, including <u>infrastructure</u>; and d. enables Māori <u>land</u> to be used and developed to support the social, economic and cultural well-being of <u>tangata whenua</u>, including the provision of <u>papakāinga</u>, <u>marae</u> and associated <u>residential units</u> and <u>infrastructure</u>. S364.040

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
IB-P6	Support in part – Amendment requested	<p>The Director-General supports the intention of proposed Policy IB-P6, however, the current wording of the policy is considered limiting.</p> <p>Both “Threatened” and “At Risk” species should be captured under this policy in line with the New Zealand Threat Classification System (2007).</p> <p>Lists of “Threatened” and “At Risk” species in the Far North also include plants that would not be affected by the presence of cats, dogs and mustelids. The term ‘fauna’ more appropriately recognises the intent of this policy.</p>	<p>Change the wording of Policy IB-P6 to:</p> <p><i>Require landowners to manage pets and pest species, including dogs, cats, possums, rats and mustelids, to avoid risks to threatened indigenous species At Risk or Threatened indigenous fauna, including avoiding the introduction of pets and pest species into kiwi present or high-density kiwi areas.</i> S364.041</p> <p>The Director-General expects to see overlays in the District Plan that identify locations of ‘kiwi present’ or ‘kiwi high-density areas’. In addition, a mechanism should be included in the plan for updating these maps. S364.006</p>
IB-P7	Support in part – Amendment requested	The Director-General considers control is a more appropriate wording here as management can also relate to biodiversity assets.	<p>Change the wording of Policy IB-P7 to:</p> <p><i>Encourage and support active management control of pest plants and pest animals.</i> S364.042</p>
IB-P8	Support in part	The Director-General supports this policy, however, requests a definition be included in the District Plan to specify the meaning of “ecological district”.	<p>Add a definition to the District Plan for “ecological district”. S364.043</p>
IB-R1	Oppose	<p>The Director-General requests clarity on the inclusion of vegetation clearance for biosecurity reasons. For example, in what circumstances would an unlimited amount of indigenous vegetation be cleared as a Permitted Activity for biosecurity reasons? Can any member of the public remove indigenous vegetation for biosecurity reasons or is it only specific organisations/entities?</p> <p>Excessive clearance of indigenous vegetation can create further fragmentation and isolation of indigenous ecosystems communities. Under point 9 of this rule, a 7m</p>	<p>Clarify the inclusion of vegetation clearance for biosecurity reasons. Add a definition for “biosecurity reasons”, if appropriate S364.044 & S364.084</p> <p>Change the wording of point 9 of Rule IB-R1 to: <i>The construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m 2.0m in width either side of the fence line;</i> S364.045</p>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		<p>wide strip of indigenous vegetation could be removed to allow for the construction of a new fence. The Director-General queries whether this width is necessary for the function of the fencing activity. It is considered that a reduced width (e.g., 2.0m in width either side of the fence line) would be just as appropriate and result in less vegetation loss.</p> <p>With the advent of myrtle rust, all <i>Kunzea</i> and <i>Leptospermum</i> taxa are now considered threatened⁷. The Far North District also has several species of “Manuka” and “kanuka” that have always been on the threatened species lists, e.g., <i>Kunzea linearis</i>, <i>Kunzea amathicola</i> and <i>Leptospermum scoparium</i> var. <i>incanum</i>. This threat status should be considered in the rule framework.</p>	<p>Consider the updated threat status of manuka and kanuka and amend the rules as appropriate to reflect the updated threat status.</p> <p style="text-align: right;">S364.010</p>
IB-R3	Oppose	<p>Excessive clearance of indigenous vegetation can create further fragmentation and isolation of indigenous ecosystems communities. The Director-General considers that allowing 100m² of indigenous vegetation clearance per site in any calendar year is enabling the incremental loss of SNAs. It is acknowledged that some removal of indigenous vegetation is necessary, but only in circumstances that can be or are already identified in the District Plan. The removal of 100m² of indigenous vegetation within a SNA per site/year with no reason should require resource consent and should not be allowed as a Permitted Activity.</p>	<p>Remove Rule IB-R3. Only allow the removal of indigenous vegetation as a Permitted Activity in specific circumstances that have an identified need. The removal of indigenous vegetation for non-specified purposes should require resource consent as a Non-Complying Activity.</p> <p style="text-align: right;">S364.046</p>
IB-R4	Oppose in part	<p>Proposed Rule IB-R4 in its current format does not appear to allow Council discretion to review the ecologist reports and request further information or formally list SNAs in Schedule 4 if it's clear the indigenous vegetation meets the definition</p>	<p>Alter Rule IB-R4 to a Controlled Activity to enable greater Council oversight of the ecologists' report. Delete PER-2 of Rule IB-R4.</p> <p style="text-align: right;">S364.047</p>

⁷ Refer to Conservation status of New Zealand indigenous vascular plants, 2017 (<https://www.doc.govt.nz/Documents/science-and-technical/nztcs22entire.pdf>)

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		of a SNA. The Director-General requests the rule be amended to ensure indigenous vegetation that meets the criteria for being a SNA is suitably protected.	
IB-R5	Oppose in part	To ensure consistency with the relief sought under proposed Rule IB-R3, Rule IB-R5 should be a Non-Complying Activity.	Alter Rule IB-R5 to a Non-Complying Activity. S364.048
<i>Natural Environmental Values > Natural Character</i>			
Entire chapter	Support	The Director-General is generally supportive of the entire Natural Character chapter for giving effect to the NPS-FM.	Retain entire chapter as notified. S364.049 to S364.052 S364.085 to S364.094
<i>Subdivision > Subdivision</i>			
SUB-O2	Oppose in part – Amendment requested	The Director-General supports the intention of proposed Objective SUB-O2, however considers ‘clause a’ dilutes the objective which should recognise and provide for the matters of national importance. Highly productive land is not a matter of national importance under section 6 of the RMA.	Change the wording of proposed Objective SUB-O2 to: <i>Subdivision recognises and provides for the:</i> a. Protection of highly productive land; and b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas, Sites and Areas of Significance to Māori, and Historic Heritage. S364.053
SUB-O4	Support	The Director-General supports proposed Objective SUB-O4.	Retain as notified. S364.054
SUB-R6	Oppose	The Director-General considers the word “significant” should be removed from RDIS-2 of proposed Rule SUB-R6. The vegetation that should be assessed by the ecologist is any “indigenous vegetation”. Currently, the wording implies that the ecologist only assesses the vegetation if it is already considered to be significant.	Change the wording of proposed Rule SUB-R6 to: RDIS-2 Each separate area of significant indigenous vegetation, significant indigenous habitat or natural wetland included in the proposal must be assessed by a suitably qualified and experienced ecologist as satisfying at least one criteria in

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			<i>Appendix 5 of the Northland RPS (Criteria for determining significance of indigenous biodiversity).</i> S364.055
SUB-R17	Oppose	<p>Rule SUB-R17 requires the subdivision of a site containing a scheduled SNA to be considered as a Discretionary Activity. The Director-General is supportive of this activity status, however, is concerned with the effectiveness of the subdivision chapter in relation to SNA sites given there are no SNAs currently listed under Schedule 4 of the Proposed District Plan.</p> <p>The subdivision chapter does not appear to take into account the subdivision of a site with a potential SNA that is not yet scheduled. The Director-General submits that this could lead to potential SNA sites being subdivided with no ability to consider the adverse effects on the SNA at subdivision stage.</p>	<p>Change the wording of SUB-R17 to “<i>Subdivision of a site containing a scheduled or qualifying SNA</i>”. S364.056</p> <p>Include more stringent controls to allow for the consideration and scheduling of SNAs in the subdivision chapter. For example, add new objectives, policies, and/or rules that deal with the direct avoidance of adverse effects on SNAs and their characteristics. S364.057</p> <p>Review all Restricted Discretionary Activity and Controlled Activity rules and add matters of discretion/control for indigenous biodiversity where not already identified S364.058 Alternatively, and preferably, formally include sites that meet SNA criteria under Schedule 4 of the Proposed District Plan.</p>
SUB-R18, SUB-R19, SUB-R20, SUB-R21	Support	The Director-General supports the activity status associated with Rules SUB-R18, SUB-R19, SUB-R20, and SUB-R21.	Retain as notified. S364.059 to S364.062
<i>General District-Wide Matters > Coastal Environment</i>			
CE-P2	Support in part – Amendment requested	This policy is generally supported by the Director-General as being consistent with Policy 13 & 15 of the NZCPS; however, the coastal environment has value in of itself, not just in characteristics and qualities and the wording should reflect this.	<p>Change the wording of proposed Policy CE-P2 to:</p> <p><i>Avoid adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment identified as:</i></p> <ul style="list-style-type: none"> a. <i>outstanding natural character;</i> b. ONL; c. ONE. <p>S364.063</p>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
CE-P3	Support in part – Amendment requested	This policy is generally supported by the Director-General as being consistent with Policy 13 & 15 of the NZCPS; however, the coastal environment has value in of itself, not just in characteristics and qualities and the wording should reflect this.	Change the wording of proposed Policy CE-P3 to: <i>Avoid significant adverse <u>effects</u> and avoid, remedy or mitigate other adverse <u>effects</u> of land use and <u>subdivision</u> on the <u>natural character, natural features, and natural landscapes (including seascapes) characteristics and qualities</u> of the <u>coastal environment</u> not identified as:</i> <ul style="list-style-type: none"> a. <i>outstanding natural character;</i> b. <i><u>ONL</u>;</i> c. <i><u>ONF</u>.</i> <p style="text-align: right;">S364.064</p>
CE-P4	Support	This policy is generally supported by the Director-General as being consistent with Policy 6 of the NZCPS.	Retain as notified. <p style="text-align: right;">S364.065</p>
CE-P5 & CE-P6	Oppose in part	As noted above, the coastal environment has value in of itself, not just in characteristics and qualities and the wording of the proposed policies should reflect this.	Change the wording of proposed Policy CE-P5 & CE-P6 to: <i>b. the use is consistent with, and does not compromise the <u>characteristics and qualities</u> coastal environment.</i> <p style="text-align: right;">S364.066 and S364.067</p>
CE-P8	Support in part – Amendment requested	To better align this policy with Policy 14 of the NZCPS, the Director-General requests the replacement of “enhancement” with “rehabilitation”. Enhancement is referenced in the NZCPS when referring to water quality and natural defences against coastal hazards, but not for natural character.	Change the wording of proposed Policy CE-P8 to: <i>Encourage the restoration and enhancement <u>rehabilitation</u> of the natural character of the <u>coastal environment</u>.</i> <p style="text-align: right;">S364.068</p>
CE-P9	Support in part – Amendment requested	This policy is generally supported by the Director-General as being consistent with Policy 13 & 15 of the NZCPS; however, the coastal environment has value in of itself, not just in characteristics and qualities and the wording should reflect this.	Change the wording of proposed Policy CE-P9 to: <i>Prohibit land use and <u>subdivision</u> that would result in any loss and/or destruction of the characteristics and qualities <u>in</u> outstanding natural character areas.</i> <p style="text-align: right;">S364.069</p>
CE-R3	Oppose – Clarification requested	The Director-General considers that proposed Rule CE-R3 does not adequately give effect to Policy 11 of NZCPS.	Remove proposed Rule CE-R3. Alternatively clarify how proposed Rule CE-R3 gives effect to Policy 11 of the NZCPS. <p style="text-align: right;">S364.070</p>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
		The Director-General requests clarity on the inclusion of vegetation clearance for biosecurity reasons. For example, in what circumstances would an unlimited amount of indigenous vegetation be cleared as a Permitted Activity for biosecurity reasons? Can any member of the public remove indigenous vegetation for biosecurity reasons or is it only specific organisations/entities?	Clarify the inclusion of vegetation clearance for biosecurity reasons. Add a definition for “biosecurity reasons”, if appropriate. For example, limit to ‘pest’ and ‘unwanted organism’ as defined in the Biosecurity Act 1993. S364.071
<i>General District-Wide Matters > Earthworks</i>			
Earthworks Rules and Policies	Amendment requested	The Director-General submits that the earthworks rules and policies should recognise the potential threat posed by Kauri Dieback where it can be easily spread through soil movements.	Ensure earthworks policies and rules allow consideration and management of kauri dieback. S364.072 and S364.073
<i>General District-Wide Matters > Light</i>			
Additional objective/policy	Amendment requested	The Director-General requests the addition of an objective, policy, and/or rule that acknowledges the potential adverse effects that bright lights can have on indigenous fauna. The additional objective/policy should seek to avoid, minimise/remedy, or mitigate adverse effects from lighting on indigenous fauna. The policy should apply for activities adjacent to or within SNAs.	<p>Include a policy with lighting recommendations in line with the following document, which New Zealand is a party to as part of the United Nations Convention on Migratory Species: National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds - DAWE</p> <p>In summary, best practice lighting design incorporates the following design principles:</p> <ol style="list-style-type: none"> 1. Start with natural darkness and only add light for specific purposes. 2. Use adaptive light controls to manage light timing, intensity and colour. 3. Light only the object or area intended – keep lights close to the ground, directed and shielded to avoid light spill. 4. Use the lowest intensity lighting appropriate for the task.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
			5. Use non-reflective, dark-coloured surfaces. 6. Use lights with reduced or filtered blue, violet and ultra-violet wavelengths with a correlated colour temperature of 2700K or warmer. S364.074 to S364.076
<i>General District-Wide Matters > Temporary Activities</i>			
TA-R5	Support	The Director-General supports proposed Rule TA-R5.	Retain as notified. S364.077
PART 4 – APPENDICES AND SCHEDULES			
<i>Schedules</i>			
SCHED4 – Schedule of significant natural areas	Oppose – Amendment requested	There are no scheduled SNAs within Schedule 4 of the Proposed District Plan. The Director-General is strongly opposed to this decision, which is considered contrary to section 6(c) of the RMA, the objectives and policies of the Regional Policy Statement for Northland, and the NPSIB exposure draft.	Use the report prepared for Council titled “Significant Indigenous Vegetation and Habitats of the Far North District - Volume 1” prepared by Wildlands Consultants (Contract Report No. 4899d, December 2019) to include SNAs in the Proposed District Plan S364.002
SCHED5 – Schedule of Outstanding natural landscapes	Support	The Director-General supports the Council to identify, map and protect outstanding natural landscapes, especially those within the coastal environment in line the NZCPS.	Retain as notified. S364.078
SCHED6 – Schedule of Outstanding natural features	Support	The Director-General supports the Council to identify, map and protect outstanding natural features, especially those within the coastal environment in line the NZCPS.	Retain as notified. S364.079
SCHED7 – Schedule of High natural character	Support	The Director-General supports the Council to identify, map and protect the natural character of the coastal environment in line with Policy 13 & 14 of the NZCPS.	Retain as notified. S364.080
SCHED8 – Schedule of Outstanding natural character	Support	The Director-General supports the Council to identify, map and protect the natural character of the coastal environment in line with Policy 13 & 14 of the NZCPS.	Retain as notified. S364.081