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October 2022

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

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

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

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

Full Name:	Kapiro Conservation Trust		
Company / Organisation Name: (if applicable)	Kapiro Conservation Trust		
Contact person (if different):	Dr Melanie Miller		
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1. Submitter details:

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

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

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

3. I **am** directly affected by an effect of the subject matter of the submission that:
(A) Adversely affects the environment; and
(B) Does not relate to trade competition or the effect of trade competition
I **am not** directly affected by an effect of the subject matter of the submission that:
(A) Adversely affects the environment; and
(B) Does not relate to trade competition or the effect of trade competition

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

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

- District Plan 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.

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.

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 **S445.001, S445.002, S445.003, S445.004, S445.005**
- Subdivision SUB-O4, SUB-P7 and SUB-S8. **S445.006, S445.007, S445.008**
- 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 **S445.009, S445.010, S445.011, S445.012**

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:
 - the owner agrees to provide the land on a voluntary basis, or **S445.013 S445.014**
 - 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 **S445.015, S445.016**
- 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 **S445.017, S445.018, S445.022 to S445.025**

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



S445.020
S445.021

- 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.

I **wish** to be heard in support of my submission
I **do not wish** to be heard in support of my submission

(Please tick relevant box)

If others make a similar submission, I will consider presenting a joint case with them at a hearing

Yes No

Do you wish to present your submission via Microsoft Teams?

Yes No

Signature of submitter: Melanie Miller

(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)