

IN THE MATTER of the Resource Management Act
1991 (“**the Act**”)

AND

IN THE MATTER of a submission pursuant to Clause
6 of Schedule 1, of the Act in
respect of the **Proposed Far North
District Plan**

SUBMISSION ON THE PROPOSED FAR NORTH DISTRICT PLAN

To: Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council
Private Bag 752
KAIKOHE 0400
Email: pdp@fndc.govt.nz

1. Details of persons making submission

New Zealand Eco Farms Ltd (NZEf)
Ref: 17001
C/- Reyburn and Bryant
Attention: Joseph Henehan
PO Box 191
WHANGAREI

2. General statement

2.1 The submitter cannot gain an advantage in trade competition through this submission. They are directly affected by the plan changes. The effects are not related to trade competition.

3. Background and context

Site description

- 3.1 The submitter owns an existing dairy farm located at 74 Sandys Road, Waipapa. The farm is held in two separate titles referenced RT 989168 (Lot 9 DP 560482, Lot 2 DP 468688, Lot 3 DP 468688, Lot 4 DP 527025 and Section 52 Blk XII Kaeo SD) and NA93A/957 (Lot 2 DP 156008). The farm has a combined area of 117.6311ha. A plan showing the location of the land is provided in Figure 1 below:

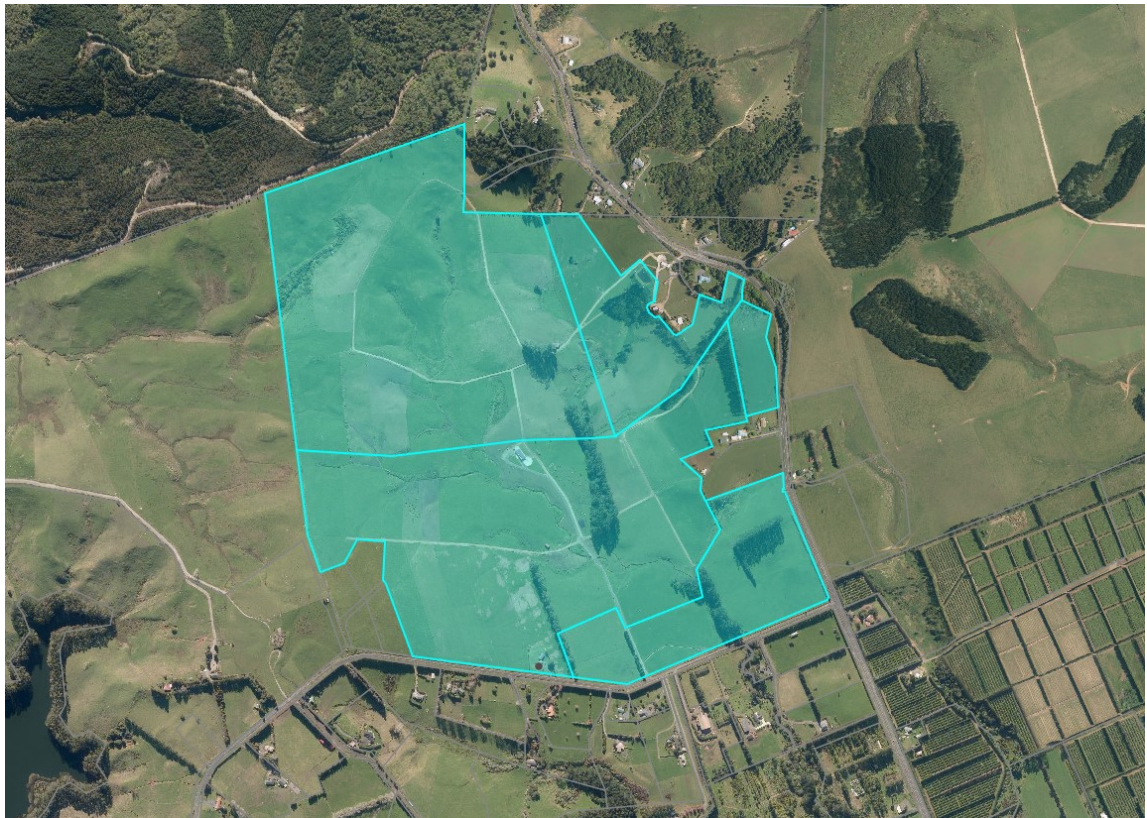


Figure 1: Site location

Land use capability

- 3.2 The Regional Policy Statement for Northland (RPS) categorises highly versatile soils as Land Use Capability (LUC) Classes 1c1, 2e1, 2w1, 2w2, 2s1, 3e1, 3e5, 3s1, 3s2, 3s4 - as mapped in the New Zealand Land Resource Inventory (NZLRIS).
- 3.3 The NZLRIS maps identify the southern portion of the sites as containing versatile soils (category 3s2). The central and northern portions of the site are not identified as containing versatile soils (categories 4e2, 5sp1 and 6s5). The NZLRIS soil type maps are provided in Figure 2 below:

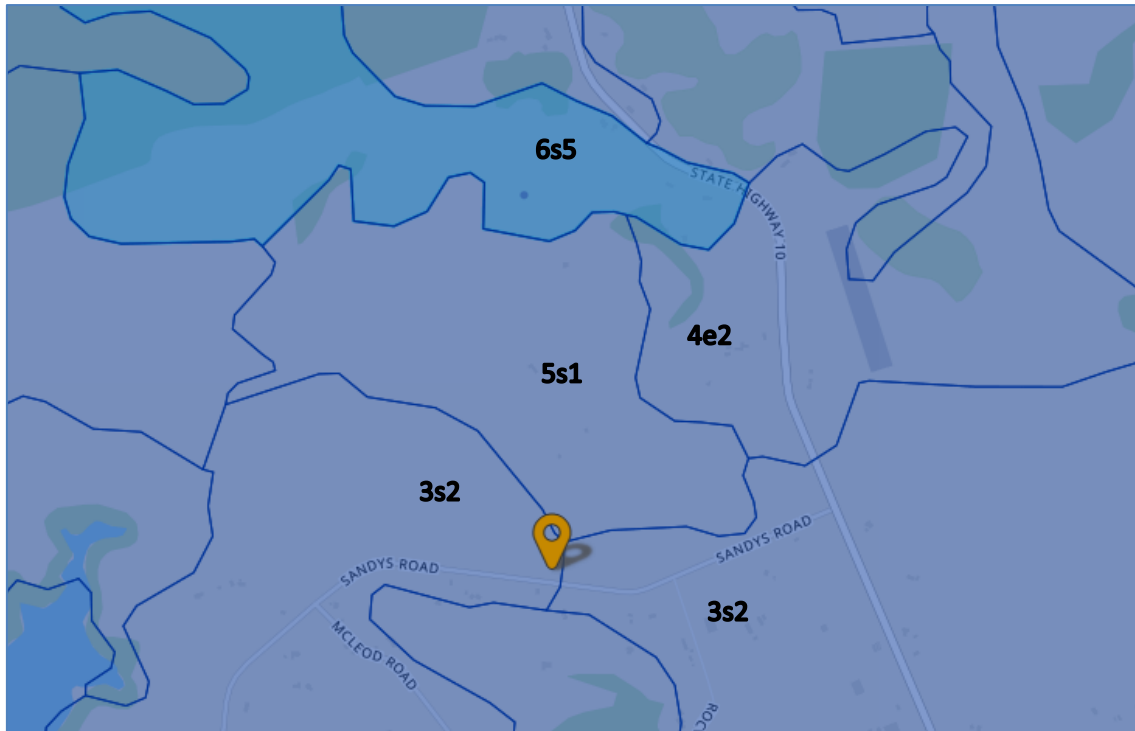


Figure 2: NZLRIS LUC soil maps

3.4 It is noted that this soil mapping currently reflects existing uses on the site, where:

- The southern portions of the site containing the identified productive soils are in the process of being converted to horticultural use.
- The central and northern areas on the site are occupied by a dairy farm. The use of this land for horticultural purposes is not economically viable.

Operative and proposed District Plan zoning

3.5 The operative zone that applies to the site is the 'Rural Production'.

3.6 As shown in [Figure 3](#) below, the land is proposed to be rezoned to the 'Horticulture Zone' (HZ) under the Proposed Far North District Plan.



Figure 3: Proposed District Plan Maps

4. The specific provisions of the Plan Change that this submission relates to are:

4.1 The submitter opposes the plan changes in part and seeks changes to the following PDP provisions:

- a) The District Plan mapping pertaining to the site.
- b) The Horticultural Zone (in general).
- c) The definition of 'Highly Productive Land'.
- d) SUB-R6 'Environmental Benefit Subdivision' and RDIS-6

5. The submitter seeks the following amendments/relief:

Mapping

S456.001 5.1 That the Horticultural Zone pertaining to the site is amended to accurately reflect mapped highly versatile soils/highly productive land (as per the NZLRIS maps – see [Figure 2](#)).

The Horticultural Zone

5.2 As an alternative to the relief sought under 5.1 above, the Horticultural Zone should be abandoned in favour of the Rural Production Zone.

Highly Productive Land definition

S456.002

5.3 That the definition of 'Highly Productive Land' in the PDP is amended to align with the National Policy Statement for Highly Productive Land (NPS-HPL). Specifically, the definition should be amended to exclude the specific reference to LUC 4 soils. An amended wording is provided as follows:

Highly Productive Land

means land that is, or has the potential to be, highly productive for farming activities. It includes versatile soils and ~~Land Use Capability Class 4 land and other Land Use Capability classes~~ Land Use Capability, or has the potential to be, highly productive having regard to:

- *Soil type;*
- *Physical characteristics;*
- *Climate conditions; and*
- *Water availability.*

SUB-R6 'Environmental Benefit Subdivision' and RDIS-6

S456.003

5.4 The minimum lot size criteria set out under SUB-R6 'Environmental Benefit Subdivision' and RDIS-6 are unnecessarily large and should be reduced to encourage the protection of ecological features.

Other relief sought

5.5 The submitter also seeks any other changes to the provisions in the PDP where those provisions are inconsistent with the outcomes sought for the land subject to this submission.

6. The reasons for making the submission on the plan changes are as follows:

Mapping

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- 6.1 The proposed zoning does not give effect to the RPS. Highly versatile soils, as defined under the RPS, are mapped within the NZLRIS database. As indicated in [Figure 2](#), it is only the southern portions of the sites that are identified as containing these versatile soils. The proposed Horticultural Zoning has been applied to the entirety of the site including land that is not identified as being highly versatile.
- 6.2 The proposed zoning does not give effect to the NPS-HPL. The proposed zoning will include land that is not identified as being 'highly productive' under the PDP. This appears to be the result of the Horticultural Zoning being applied to the entirety of the farm, irrespective of underlying soil composition.
- 6.3 The proposed zoning is not consistent with the policy direction contained within the HZ chapter of the PDP. Policy HZ-P1 requires council to identify a Horticulture Zone in the Kerikeri/Waipapa area using the following criteria:
- *presence of highly productive land suitable for horticultural use;*
 - *access to a water source, such as an irrigation scheme or dam able to support horticultural use; and*
 - *infrastructure available to support horticultural use.*
- 6.4 The proposal to rezone the entirety of this site HZ does not give effect to policy HZ-P1, as much of the land within the farm is not identified as containing highly productive land (see [Figure 2](#)).

The Horticultural Zone

- 6.5 As an alternative to the relief sought under section 5.1 of this submission, the Horticultural Zone should be abandoned in favour of the Rural Production Zone.
- 6.6 FNDC have proposed to include specific policy direction in the RPZ Chapter (including avoidance policies) regarding the use of highly productive land (see RPROZ-O1, O2, O3 and P1, P2, P4, P5, P6 and P7). These provisions provide adequate protection for highly productive land against the encroachment of development, and/or, inappropriate land use. The proposed Horticultural Zone, as a consequence, is not necessary to give effect to the NPS-HPL.

Highly Productive Land definition

6.7 To ensure consistency with the NPS-HPL, the definition of 'Highly Productive Land' should be amended to exclude land containing LUC 4 soils.

6.8 Section 3.4 of the NPS-HPL directs regional council's to, as soon as practicably possible, map highly productive land within its region. Until a regional policy statement with this mapping is made operative, Section 3.5(7) of the NPS-HPL directs territorial authorities to apply the NPS as if references to HPL were references to land that is:

- Zoned general rural or rural production; and
- LUC 1, 2 or 3 land.

6.9 Section 3.5(7) of the NPS HPL is set out in Figure 3 below:

(7) Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

(a) is

- (i) zoned general rural or rural production; and**
- (ii) LUC 1, 2, or 3 land; but**

(b) is not:

- (i) identified for future urban development; or**
- (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.**

6.10 Notwithstanding the direction provided above, the PDP definition of 'highly productive land' also includes LUC class 4 soils. This is not considered to align with the aforementioned direction provided by the NPS-HPL.

SUB-R6 'Environmental Benefit Subdivision' and RDIS-6

6.11 RDIS-6 requires a balance lot of over 40ha, or the activity status defaults to non-complying. Requiring such a large balance area will preclude many environmental benefit subdivisions, and opportunities will be lost for formal protection and enhancement of bush and wetland features. It is requested that the balance area requirement in RDIS-R6 be deleted. Furthermore, the 2ha minimum lot size in RDIS-6 is unnecessarily large, and should be reduced to 4,000m² to minimise the amount of land potentially taken out of rural production.

Conclusions

6.12 The proposed approaches represent the most effective and efficient use of the land, particularly given the constraints to using the land.

6.13 The proposed approach best achieves sustainable management under Part 2 of the RMA.

7. The submitter wishes the Far North District Council's decision to address the above issues by:

7.1 That the Horticultural Zone pertaining to the site is amended to accurately reflect mapped versatile soils (as per the NZLRIS maps).

7.2 As an alternative to the above, that the Horticultural Zone is abandoned in favour of the Rural Production Zone.

7.3 That the definition for 'Highly Productive Land' is amended to exclude LUC class 4 soils.

7.4 That the minimum lot sizes set out under SUB-R6 'Environmental Benefit Subdivision' and RDIS-6 are reduced.

7.5 Alternative relief with similar effect.

8. The submitter wishes to be heard in support of their submission at a hearing.



Joseph Henehan

Planning Consultant

On behalf of New Zealand Eco Farms Ltd

Dated this 21st of October 2022