

15 July 2024

Hon Penny Simmonds  
Minister for the Environment  
[Penny.simmonds@parliament.govt.nz](mailto:Penny.simmonds@parliament.govt.nz)

Dear Minister Simmonds

**REQUEST FOR EXTENSION OF TIME PURSUANT TO CLAUSE 10A OF THE RESOURCE MANAGEMENT ACT 1991**

I am writing to you to request an extension of time for giving a decision on the Far North Proposed District Plan ('PDP'), pursuant to clause 10A of Schedule 1 of the Resource Management Act 1991 ('RMA'). The new date we are requesting is **27 May 2026**.

Far North District Council ('FNDC') is in the process of undertaking a comprehensive District Plan review of the Operative Far North District Plan (2009) ('ODP') as part of our obligations under s79 of the RMA. The PDP informs the new strategic vision for the Far North District – 'He Whenua Rangatira – a district of sustainable prosperity and wellbeing'. It does so by providing a forward-looking framework which manages the use and development of the district's natural and physical resources while delivering on key community outcomes and strategic directions. The PDP also gives effect to various national and regional direction requirements.

The preparation of the PDP began in 2016. In 2018 FNDC sought feedback on its proposed policy framework and high-level rule direction and in April 2021 released a full draft PDP for the community to review and provide feedback on. In 2021 there was also targeted engagement on draft heritage areas and draft significant natural area mapping. The plan making process has involved extensive engagement with the district's community, tangata whenua and stakeholders to identify the key resource management issues that needed to be addressed by the PDP. Significant time and investment by both the FNDC and the community has been spent on engagement, and refining the policy framework and plan provisions to address these often-complex key issues.

The PDP was publicly notified on 27 July 2022 in accordance with Schedule 1 of the RMA. FNDC has made considerable progress on a number of key plan-making requirements since notification in July 2022. The PDP received high number of submissions with 580 original submissions (with over 8,500 original submission points), and 549 further submissions (with 26,174 further submission points) covering a broad range of complex issues. FNDC has historically had a number of vacant roles within the District Planning team, with only in the

last month being able to recruit 3 additional policy planners. However we continue to struggle to attract highly experienced technical planning staff. This is due to people not wanting to relocate to the regions or preferring to work in the private sector. Internal capacity and resourcing has impacted the overall timeframe to progress the PDP. While consultants have been used where possible, this at times has created quality assurance issues. FNDC made the decision to have a hearing panel made up of independent and inhouse commissioners (elected members). This has resulted in the need for elected members to obtain a Making Good Decisions Certificate. Most elected members did the required training in November 2023. Due to the summer break and requested extensions of time to submit course work, it resulted in delayed certification

The hearing panel has been appointed to hear and make recommendations on submissions. Hearings commenced on 27 May 2024 and are currently scheduled over a 15 month period (to September 2025), with some 40 reporting topics over 20 hearings, as shown on the confirmed hearing schedule contained in **Attachment 1C**. As a result of the above, FNDC are not able to deliver decisions on the PDP by 27 July 2024.

FNDC is also preparing to notify a plan variation in October 2024 pursuant to clause 16A to correct some errors, including corrections to zoning and amendments to 'catch all' rules which are having unintended consequences (refer to **Attachment 1D** for a more detailed information on the scope of the plan variation). These matters are relevant to various hearing topics including Heritage Areas and Notable Trees (Hearing 13), Natural Hazards (Hearing 14), Open Space Zones (Hearing 16). The intention is for the plan variation to "catch up" with the Schedule 1 process for the PDP so that recommendations on the submission points from the plan variation can be integrated and heard with the respective PDP hearing topic (where possible), allowing integrated recommendations by the Hearing Panel and decisions by Council.

Council considers that the Streamlined Planning Process ("SPP") under S80C(2)(d) of the RMA is not an appropriate process for the Proposed Plan Variation because:

- Several of the Plan Variation matters may not meet the criteria set out in S80C(2)(d) of the RMA;
- The process would not be proportionate to the nature of planning issues involved;
- The SPP approach (with decisions made by the Minister for the Environment) could compromise effective integration of plan provisions; and

There are no appeal rights for submitters. The RMA sets a two-year timeframe for issuing decisions on submissions. This timeframe is due to expire on 27 July 2024. Under the statutory timeframe, FNDC only has less than one month remaining to hear submissions, notify the plan variation and to draft and release an integrated decision. Therefore, we are seeking a 1 year and 10-month extension. This would mean a **27 May 2026** date to issue decision on submissions.

We believe that the requested timeframe extension is necessary to give due consideration the submissions received, adequate assessment of the issues raised, and to produce a forward-looking and well-integrated PDP which aligns with the strategic vision for the District.

The granting of the time extension means the outdated Operative District Plan remains in place for 1 year 10 months longer, with an extended period of uncertainty for submitters and the community, while hearings are being held on the PDP. However, the costs and risks of these implications are outweighed by the granting of the time extension to allow FNDC to

develop a well-integrated PDP that best reflects the needs of the Far North community as a whole, which will service the District for years to come. The risks of not having the appropriate timeframe in place to continue with the District Plan review means increased pressure on existing resources which are already limited, higher costs to ratepayers, an overall lower quality framework and higher appeal risks. It would also mean rushing the hearing process, which is where the community gets to engage directly with the hearing panel. The proposed timeline will also enable the hearing panel to take into account any changes made by central government as part of the RMA reform programme, where it has scope to do so. It will also enable the hearing panel to have regard to the Kerikeri / Waipapa spatial plan that is going to be completed in early 2025, when considering for example "rezoning" requests where there is scope.

While delays are not ideal, we strongly believe the interests of the community as a whole will be better served by enabling the PDP to progress with a more complete evidence and policy base informed through the hearings process. FNDC is confident that these revised timeframes are appropriate and will be met.

In making this request, FNDC has considered the interests of persons and parties who may be affected by this extension of time, the interests of the community in terms of adequate assessment of the PDP, and the duty under Section 21 RMA to avoid unreasonable delay as set out by clause 10A of Schedule 1. We have also sought the views of our Treaty Partners (summarised in Attachment 4) who at the time of writing have not raised any concerns with the timeframe extension. We have attached responses received from Ngā Puhī and Te Roroa to this letter for your consideration.

Please find the following attachments to this letter:

- Attachment 1A – The PDP plan-making process to date
- Attachment 1B – The Plan Making Process Timeline
- Attachment 1C – Confirmed PDP Hearing Schedule
- Attachment 1D – Scope of Proposed Plan Variation
- Attachment 2 – Reasons for requesting a timeframe extension and options considered
- Attachment 3 – Commentary on the criteria in clause 10A(3) of Schedule 1
- Attachment 4 – Views of Treaty Partners on Time Extension application

If you require any further information or clarification, please do not hesitate to contact me.

We look forward to your response.



Roger Ackers  
Group Manager – Planning and Policy  
Far North District Council

## **Attachment 1A - The PDP plan-making process to date**

The ODP became fully operative in 2009 and is considered an effects-based plan. Since this time, the district has experienced a number of changes in both community interests and land use. A new strategic vision for the district – ‘He Whenua Rangatira – a district of sustainable prosperity and wellbeing’ has also been adopted as part of the FN2100 strategy which is based on the current state of the district’s social, economic, environmental, and cultural wellbeing. The ODP is therefore out of date and does not deliver on the newly identified key community outcomes and strategic directions. Additionally in May 2016 a new Regional Policy Statement (RPS) was made operative, which the ODP is inconsistent with (for example, contrary to the RPS direction, the ODP enables and promotes rural lifestyle development on “highly versatile soils”, does not protect regionally significant infrastructure from incompatible activities and has no rules to manage identified flood hazards on historical titles) There has also been new central government direction over the last few years with new National Policy Statements.

The PDP (Notified 27 July 2022) represents an up-to-date, forward-looking, and fit for purpose direction delivering cohesion and integration across the planning process. The PDP sees a shift from an effects-based plan to an activity-based plan, implementing the National Planning Standards and national and regional policy direction (at the time of notification), which provides plan users with more certainty around what activities are anticipated in different areas. Informed by community engagement and technical reporting, the PDP adopts a framework which addresses key resource management issues currently impacting the district. These issues include partnerships with tangata whenua, affordable infrastructure, rural sustainability, heritage management, hazard resilience and climate change, outstanding landscapes and features, urban sustainability, coastal management, and indigenous biodiversity.

The PDP introduces a series of new provisions which promote a long-term view to the sustainable management of these issues. The provisions ensure the District is equipped to manage and plan for growth, protect both cultural and natural resources, and support resilience and safeguard communities and development from the effects of climate change. The PDP also gives effect to higher order planning instruments and is consistent with other FNDC strategies, policies, plans and the FN2100 strategic direction and community vision. Overall, the PDP approach seeks to provide the best planning outcomes for the community in terms of their social, economic, environmental, and cultural wellbeing of future generations.

FNDC has made considerable progress on a number of key plan-making requirements since notification on 27 July 2022:

### Submissions

- Receiving and summarising 580 original submissions (with over 8,500 original submission points) over a nine-month period covering a broad range of complex issues **(21 October 2022 to 7 August 2023)**
- Receiving and summarising 549 further submissions (with 26,174 further submission points) **(7 August 2023 to 4 September 2023)**
- Identifying corrections to or omitted submissions and preparing a Summary of Decisions Requested addendum (notified for further submissions 13 **March 2024**)

- Organising and making recommendations on late submissions (decisions made by Hearing Panel **9 February 2024**)
- FNDC extended the duration of the submission period for original and further submissions to enable the community sufficient time to understand the changes proposed and lodge their submissions.

### Hearings

- The Independent Hearing Panel was appointed in **October 2023**.
- A hearing schedule has been prepared with hearings scheduled from May 2024 until September 2025. The schedule involves 40 reporting topics and over 20 hearings (**Attachment 1C**).
- Hearings formally started on the 27 May 2024, and we have adhered to the confirmed hearing schedule, for hearings 1, 2 and 3 and are on track to continue to meet the times set down for the other hearings.
- Section 42A reports for the 40 reporting topics are currently being prepared by FNDC in-house planners and planning consultants.

### Clause 16 Corrections to PDP

- A number of minor errors were identified in the PDP following notification including grammatical, formatting, and referencing errors. In accordance with clause 16(2) RMA, these errors were corrected in **January 2024 and June 2024**.

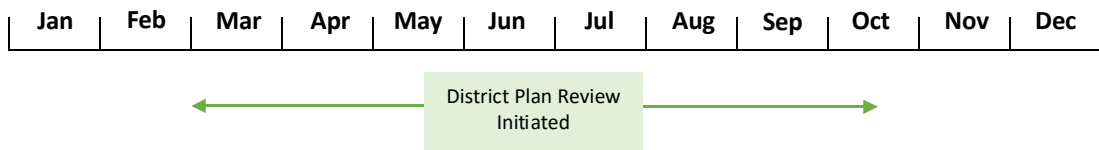
### Proposed Plan Variation

- The scope of the proposed plan variation is currently being confirmed and is currently proposed to be notified in October 2024.

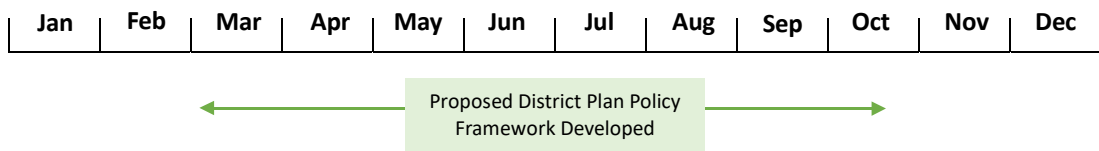
A visual timeline showing key events in the plan-making process is shown below as **Figure 1, Attachment 1B**.

# Attachment 1B – Plan Making Process Timeline

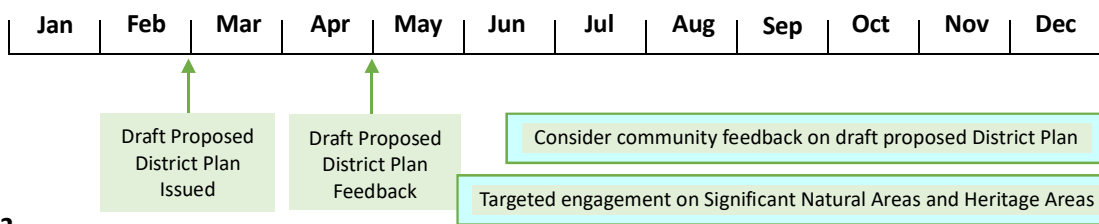
2016 - 2018



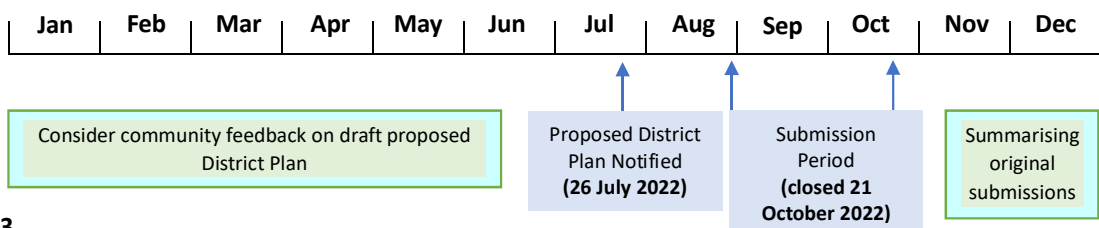
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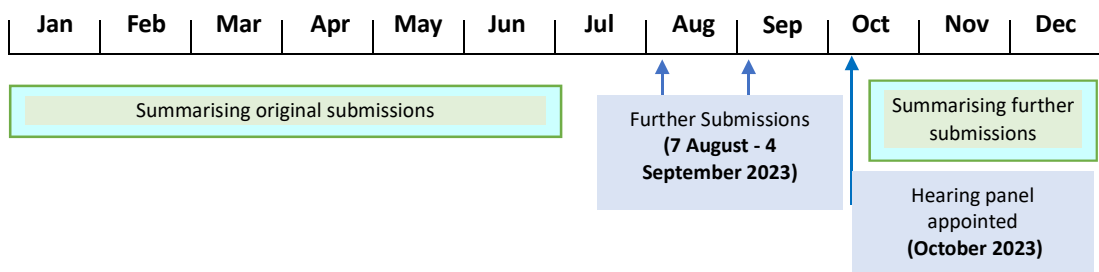
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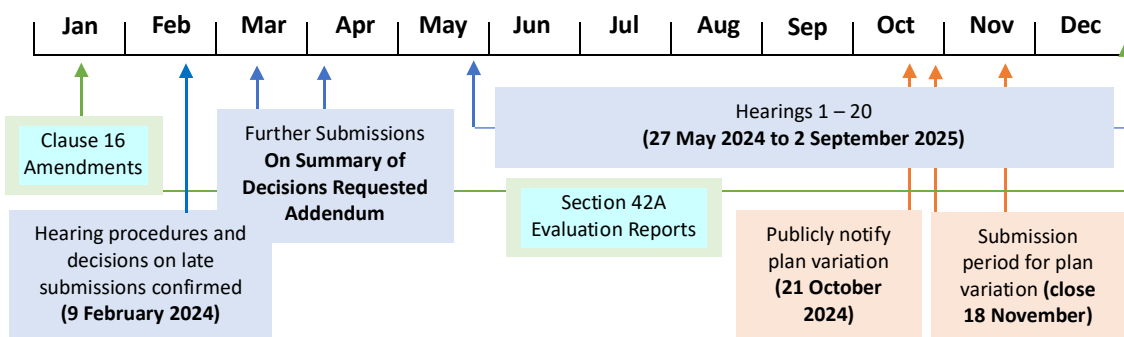
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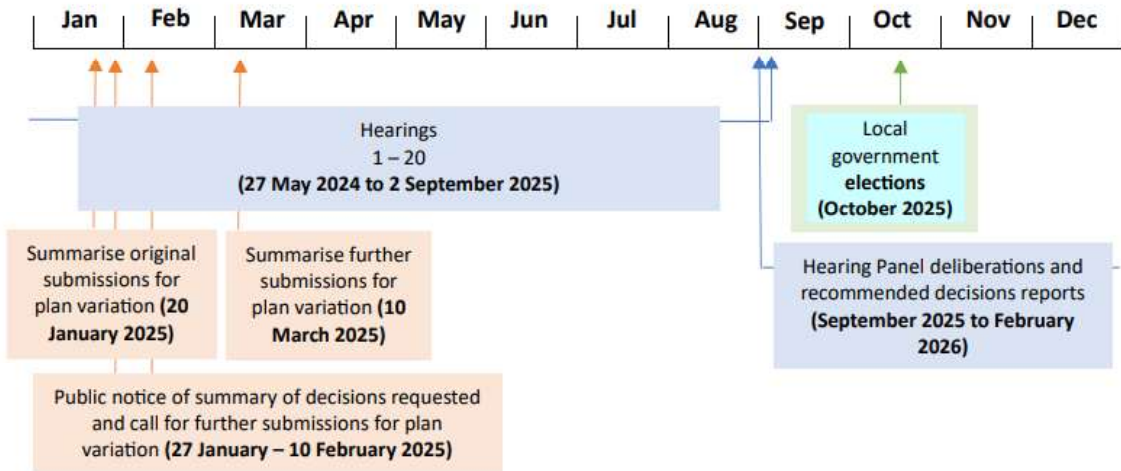
2023



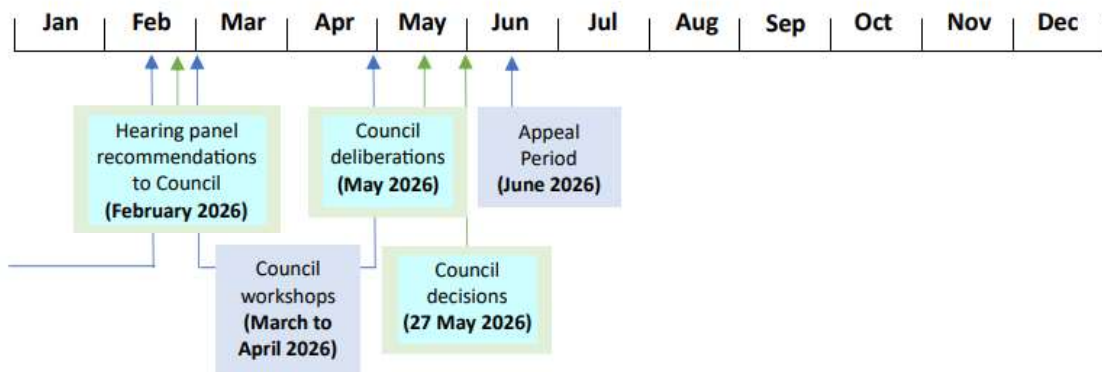
2024



**2025**



**2026**



**Attachment 1C – Confirmed Hearing Schedule (as at June 2024)**





## Far North District Council's Proposed District Plan - Hearing and Reporting Schedule (as at June 2024)

Hearing Stream	Reporting Topic(s)	Hearing Notice Out	S42 online	Submitter expert evidence online	Hearing timetable responses due	Hearing timetable		S42A report back
						online	due	
1 Hearing 1: Introduction, General Provisions	Strategic Direction, Tangata Whenua	Six weeks before hearing starts	four weeks before hearing starts	Two weeks before hearing starts	Two weeks before hearing starts	One week before hearing starts	Monday <b>27 May – Wednesday 29 May 2024 (3 days)</b>	Friday 14 June 2024
	Part 1 (excluding interpretation/ definitions), including Introduction, How the Plan Works, and National Direction Instruments, General / Miscellaneous	Monday 15 April 2024	Monday 29 April 2024	Monday 13 May 2024	Monday 13 May 2024	Monday 20 May 2024		
2 Hearing 2 Special Purpose	Airport	Monday 6 May 2024	Monday 20 May 2024	Tuesday 4 June 2024	Tuesday 4 June 2024	Monday 10 June 2024	Tuesday <b>18 June 2024 (1 day)</b>	Wednesday 3 July 2024
	Hospital							
	Quail Ridge							
3 Hearing 3: Special Purpose	Orongo Bay	Monday 6 May 2024	Monday 20 May 2024	Tuesday 4 June 2024	Tuesday 4 June 2024	Monday 10 June 2024	Tuesday <b>18 June 2024 (1 day)</b>	Friday 5 July 2024
	Ngawha Innovation and Enterprise Park							
	Moturoa Island zone							
4 Hearing 4: Natural Environment Values & Coastal Environment	Ecosystems and Indigenous Biodiversity	Monday 24 June 2024	Monday 8 July 2024	Monday 22 July 2024	Monday 22 July 2024	Monday 29 July 2024	Monday <b>5 August – Thursday 8 August 2024 (4 days)</b>	Friday 23 August 2024
	Natural Character							
	Natural Features and Landscapes							
	Coastal Environment							



Hearing Stream	Reporting Topic(s)	Hearing Notice Out	S42 online	Submitter expert evidence online	Hearing timetable responses due	Hearing timetable online		S42A report back
						One week before hearing starts	10 working days after close of hearing (or alternative date agreed to by Panel Chair)	
5 Hearing 5: Public Access, Water	Activities on the Surface of Water	Tuesday 2 July 2024	Tuesday 16 July 2024	Tuesday 30 July 2024	Tuesday 30 July 2024	Tuesday 6 August 2024	<b>Tuesday 13 August 2024 (1 day)</b>	Wednesday 28 August 2024
	Public Access							
	Earthworks	Monday 2 September 2024	Monday 16 September 2024	Monday 30 September 2024	Monday 30 September 2024	Monday 7 October 2024	<b>Monday 14 October – Wednesday 16 October 2024 (3 days)</b>	Thursday 31 October 2024
	Light							
	Noise							
6 Hearing 6: General District-Wide Matters	Signs							
	Temporary Activities							
	Genetically Modified Organisms	Monday 9 September 2024	Monday 23 September 2024	Monday 7 October 2024	Monday 7 October 2024	Monday 14 October 2024	<b>Monday 21 October – Wednesday 23 October 2024 (3 days)</b>	Thursday 7 November 2024
7 Hearing 7: GMOs and Mineral Extraction	Mineral Extraction							
	General Residential	Monday 14 October 2024	Tuesday 29 October 2024	Monday 11 November 2024	Monday 11 November 2024	Monday 18 November 2024	<b>Monday 25 November – Thursday 28 November 2024 (4 days)</b>	Thursday 12 December 2024
8 Hearing 8: Residential, Engineering Standards	Engineering Standards							
	General Residential							
9 Hearing 9: Rural, Horticulture & Horticulture Processing	Rural Production	Monday 21 October 2024	Monday 4 November 2024	Monday 18 November 2024	Monday 18 November 2024	Monday 25 November 2024	<b>Monday 2 December – Thursday 5 December 2024 (4 days)</b>	Friday 20 December 2024
	Rural Lifestyle							
	Rural Residential							
	Settlement							
	Horticulture Processing Facilities							
10 Hearing 10: Mixed Use, Industrial	Horticulture							
	Mixed Use	Monday 25 November 2024	Monday 9 December 2024	Monday 27 January 2025	Monday 27 January 2025	Monday 3 February 2025	<b>Monday 10 February – Wednesday 12 February 2025 (3 days)</b>	Thursday 26 February 2025
	Light Industrial							
	Heavy Industrial							



Hearing Stream	Reporting Topic(s)	Hearing Notice Out	S42 online	Submitter expert evidence online	Hearing timetable responses due	Hearing timetable online	Hearing dates	S42A report back
11 Hearing 11: Māori Purpose, Treaty Settlement & Carrington Estate	Historic and Cultural Values Purpose	Monday 10 February 2025	Monday 24 February 2025	Monday 10 March 2025	Monday 10 March 2025	Monday 17 March 2025	Monday 24 March - Thursday 27 March 2025 (4 days)	Thursday 13 April 2025
	Treaty Settlement Overlay							
	Carrington Estate Special Purpose Zone							
12 Hearing 12: Energy Infrastructure and Transport	Infrastructure	Monday 17 March 2025	Monday 31 March 2025	Monday 14 April 2025	Monday 14 April 2025	Tuesday 22 April 2025	Monday 28 April – Thursday 1 May 2025 (4 days)	Friday 16 May 2025
	Renewable Energy							
	Transport							
13 Hearing 13: Historic and Cultural Values	Historical Heritage	Monday 14 April 2025	Monday 28 April 2025	Monday 12 May 2025	Monday 12 May 2025	Monday 19 May 2025	Monday 26 May – Thursday 29 May 2025 (4 days)	Friday 13 June 2025
	Notable Trees							
	Sites of Significance to Māori							
	Kororāreka Russell Township							
14 Hearing 14: Hazards and Risks	Hazardous Substances	Monday 12 May 2025	Monday 26 May 2025	Monday 9 June 2025	Monday 9 June 2025	Monday 16 June 2025	Monday 23 June – Wednesday 25 June 2025 (3 days)	Thursday 10 July 2025
	Natural Hazards							
15 Hearing 15: Designations	Designations	Tuesday 3 June 2025	Monday 16 June 2025	Monday 30 June 2025	Monday 30 June 2025	Monday 7 July 2025	Monday 14 July 2025 (1 day)	Tuesday 29 July 2025
16 Hearing 16: Open Space and Recreation	Open Space Zones	Wednesday 4 June 2025	Tuesday 17 June 2025	Tuesday 1 July 2025	Tuesday 1 July 2025	Tuesday 8 July 2025	Tuesday 15 July – Wednesday 16 July 2025 (2 days)	Thursday 31 July 2025
17 Hearing 17: Subdivision and Plan Variation Matters	Subdivision	Monday 9 June 2025	Monday 23 June 2025	Monday 7 July 2025	Monday 7 July 2025	Monday 14 July 2025	Monday 21 July – Wednesday 23 July 2025 (3 days)	Thursday 7 August 2025
	Variation Matters							



Hearing Stream	Reporting Topic(s)	Hearing Notice Out	S42 online	Submitter expert evidence online	Hearing timetable responses due	Hearing timetable online		S42A report back
						Two weeks before hearing starts	One week before hearing starts	
18	Hearing 18: Interpretation & Mapping	Six weeks before hearing starts Monday 16 June 2025	four weeks before hearing starts Monday 30 June 2025	Two weeks before hearing starts Monday 14 July 2025	Two weeks before hearing starts Monday 14 July 2025	One week before hearing starts Monday 21 July 2025	Hearing dates <b>Monday 28 July – Tuesday 29 July 2025 (2 days)</b>	10 working days after close of hearing (or alternative date agreed to by Panel Chair) Wednesday 13 August 2025
19	Hearing 19: Rezoning & Kauri Cliffs	Monday 14 July 2025	Monday 28 July 2025	Monday 11 August 2025	Monday 11 August 2025	Monday 18 August 2025		<b>Monday 25 August – Thursday 28 August 2025 (4 days)</b>
20	Hearing 20: General / Miscellaneous / Sweep Up	Monday 21 July 2025	Monday 4 August 2025	Monday 18 August 2025	Monday 18 August 2025	Monday 25 August 2025	<b>Monday 1 September – Tuesday 2 September 2025 (2 days)</b>	Wednesday 17 September 2025

## Attachment 1D – Scope of Proposed Plan Variation 1

The below table summarises the key matters to be included in Plan Variation 1 to the Far North Proposed District Plan, currently due to be notified for submissions in October 2024.

*Table 1 Summary of Matters Proposed to be included in Proposed Plan Variation 1 to the Far North Proposed District Plan*

	<b>Summary of proposed change</b>
Mapping	<ol style="list-style-type: none"> <li>1. Adding the Coastal Hazard Layers to certain areas that were accidentally omitted from the notified PDP.</li> <li>2. Fixing GIS maps where some private properties have been incorrectly zoned as Natural Open Space or have other identified GIS errors related to the Natural Open Space zone.</li> <li>3. Rezoning private properties that were included within the Kawakawa 'Hospital zone' but should not have been.</li> <li>4. Rezone properties held as part of the Kaitaia Airport to 'Airport zone'.</li> <li>5. Rezone four properties to 'Kororāreka Russell Township' at the top of Gould Street, Russell, which have been zoned General Residential in error.</li> </ol>
Provisions	<ol style="list-style-type: none"> <li>6. Include the Kohukohu Heritage Area in the activity status table for rule HA-R9, which relates to new buildings/structures within Heritage Area Overlays. The Kohukohu Heritage Area was accidentally omitted from this rule within the PDP.</li> <li>7. Remove the catchall rule for heritage areas (Rule HA-R11) due to unintended consequences. This rule requires resource consent for various activities that were not intended to be regulated.</li> <li>8. Insert the correct rule wording for rule QR-R8, which relates to bush protection, and weed and pest control within the Quail Ridge zone. The wording of this rule was duplicated from another Quail Ridge rule in error and is not fit for purpose.</li> <li>9. Amend the wording of notable tree rule NT-R8, which relates to the removal or relocation of a notable tree, so that it does not undermine the permitted rule NT-R3, which relates to the removal or pruning of an unsafe or dead notable tree. NT-R3 should be the exception to NT-R8.</li> <li>10. Amend the wording of new buildings and structures rules within zones covered by the Airport protection surfaces overlay to ensure the airport protection surface limitations apply in relevant zones.</li> <li>11. Amend the Heavy Industrial Zone, Horticulture Processing Facilities Zone, and Māori Purpose Zone – Rural so that the exclusion for desks in relation to the setback rule is a maximum of 1m in height, not 0.5m. This will ensure consistency with other rural and industrial zones as notified.</li> </ol>

## **Attachment 2 - Reasons for requesting a timeframe extension and options considered**

As detailed above in **Attachment 1**, FNDC has made considerable progress on a number of key plan-making requirements since notification in July 2022. However, FNDC are not in a position to deliver decisions on the PDP by July 2024. A timeframe extension of 1 year and 10 months is therefore required for the reasons outlined below.

There has been significant community and stakeholder input into the development of the PDP with 580 original submissions received on the notified version, and 549 further submissions, indicating a high level of community interest in the PDP. FNDC is obligated to fully consider and respond to the submissions to ensure the PDP best meets the needs of the community, and to ensure the community feels heard and involved in the decision-making process.

During 2023 and the first part of 2024, the FNDC experienced internal capacity and resourcing constraints due to difficulties in filling vacant roles in the District Planning team. This was despite advertising and using the services of private recruitment agencies over the last 1 year. To ensure a high-quality, fit for purpose PDP is prepared and adopted, appropriate resourcing, quality assurance and technical advice is required. FNDC has now engaged an experienced planner who primarily works remotely to fill the District Plan Team Leader position and a District Plan hearings administrator, and has just managed to recruit for internal policy planning staff while engaging consultant planners and additional resources to help provide support, fill the resourcing gaps and to ensure ongoing progress as the hearings continue. The resourcing limitations have, at times, resulted in quality assurance issues, such as the data entry for the summary of decisions requested, which resulted in more time needing to be spent on that task. Council has engaged a project coordinator and continues to place emphasis on quality assurance of processes and reporting to avoid any further delays to the process as a result of quality assurance issues.

Hearings are scheduled to occur over a 15-month period from May 2024 to September 2025. When hearings are adjourned, the hearing panel will require at least four months to write up their recommended decisions, this timeframe has been advised by the Independent Hearing Panel Chairperson who has considerable experience in Resource Management and plan-making processes. Local government elections will also occur in October 2025, meaning the Council elected members will not be able to make decisions until early-mid 2026. New elected members will also need time to be briefed and to deliberate before making decisions on the PDP, meaning we believe **27 May 2026** is a realistic timeframe for decisions on submissions to be made.

Council acknowledges that there are implications associated with the time delays, including the ODP which is inconsistent with the RPS remaining in place until decisions on the PDP are made. However, the costs and risks of these implications are outweighed by the granting of the time extension to allow FNDC to develop a well-integrated PDP that best reflects the needs of the Far North community as a whole, which will service the District for years to come. However, the risks of not having the appropriate timeframe in place to continue with the District Plan review means increased pressure on existing resources which are already limited, higher costs to ratepayers, an overall lower quality framework and higher appeal risks. The timeframe extension also provides greater opportunity for FNDC to implement the changing national direction into the PDP, provided there is scope in submissions to do so.

FNDC has also considered various options to fast-track the process including running hearings for different topics in parallel, releasing 'staged' decisions and reducing the hearing schedule timeframe to a period over 6 – 12 months. These options are not considered feasible as they will put unnecessary pressure on both FNDC and submitters, compromise good quality plan-making and effective plan integration.

### **Attachment 3 - Commentary on the criteria in clause 10A(3) of Schedule 1**

Pursuant to clause 10A(3) of Schedule 1 of the RMA, before applying for an extension, FNDC must take into account:

- a) The interests of any person who, in its opinion, may be directly affected by an extension; and*
- b) The interests of the community in achieving adequate assessment of the effects of these proposed plans; and*
- c) Its duty under Section 21 to avoid unreasonable delay.*

FNDC has taken into account the interests of any person, who in its opinion, may be directly affected by an extension. The proposed extension of timeframes will extend the period of uncertainty for all persons and parties who submitted on the PDP as well as key stakeholders and tangata whenua who were engaged during the drafting stage. FNDC does not consider any individual person, party or group to be more affected than others as the PDP addresses resource management issues which affect the whole district and community.

Until the PDP becomes operative in part (currently expected to be in 2026), the current ODP will continue to be applied. Under clause 10(3)(b), FNDC have considered there is some risk in extending the timeframe in that the ODP does not deliver as effectively on key community outcomes and strategic directions for the district, in particular:

- Once made operative, the ODP was celebrated for its effects-based structure. Effects-based plans are now considered to be out-dated and inefficient in comparison to activity-based plans which provide more certainty for plan users. The permissive nature of effects-based plans can also result in undesirable outcomes;
- Does not reflect the National Planning Standards framework which can make it more difficult for some plan users to navigate;
- The ODP is inconsistent with the RPS direction (for example, the ODP enables and promotes rural lifestyle development on “highly versatile soils” and does not protect regionally significant infrastructure from incompatible activities).
- Does not respond as effectively to key resource management issues which are addressed as part of the framework adopted by the PDP. For example:
  - the current demand for different housing typologies
  - while the provisions were designed to reduce the likelihood of conflict between various activities, the permissive nature of the plan enables a range of activities across the district. This has led to some incompatible land use activities in proximity to each other.
  - The permissive nature of the plan has also enabled some fragmented development, in particular within the rural environment, beginning to put pressure on existing infrastructure and productive land. This however is less of a risk with the National Policy Statement-Highly Productive Land coming into effect last year.



- A number of the tangata whenua provisions are drafted in high-level terms and are not cross-referenced effectively throughout other chapters in the ODP. This impacts the strength of the ODP in relation to tangata whenua values and ensuring Māori are able to realise all of their development aspirations.
- The policy framework for the protection and management of natural landscapes and indigenous biodiversity adopts non-statutory mechanisms through methods such as protection through legal instruments and codes of practice for land development. This approach does not give effect to the National Policy Statement for Indigenous Biodiversity or the Regional Policy Statement for Northland.

Overall, to ensure the PDP delivers on key community outcomes in terms of their social, economic, environmental, and cultural wellbeing, and strategic directions, it is considered that the sought extension is necessary to ensure a well-considered and integrated decision-making process is enabled. While delays are not ideal, we strongly believe the interests of the community as a whole will be better served by enabling the PDP to progress with a more complete evidence and policy base informed through the hearings process. FNDC is confident that these revised timeframes are appropriate and will be met.

## Attachment 4 – Views of Treaty Partners on Timeframe Extension

Council sought the views of its Treaty Partners on the Proposed Clause 10A Timeframe Extension, by way of email correspondence to:

- The mandated iwi authorities in the Far North District; and
- Hapū who have Environmental Management Plans lodged with the Council or confirmed Memorandum of Understanding with Council

Council received responses from Ngā Puhi and Te Roroa (attached).

Table 2 List of Iwi and Hapū who were provided with opportunity to comment on Clause 10A Application Extension

<b>Iwi</b>
Ngāti Kuri Trust Board Incorporated
Te Rūnanga Nui o Te Aupōuri Trust
Te Rūnanga o NgaiTakoto
Te Rūnanga o Te Rarawa
Te Rūnanga-a-Iwi o Ngāti Kahu
NgātiKahu ki Whangaroa
Te Rūnanga o Whaingaroa
Te Rūnanga o Ngāti Hine
Te Rūnanga a Iwi o Ngāpuhi
Ngātiwai Trust
Te Roroa Whatu Ora Trust
Te Kahu o Taonui / Te Tai Tokerau Iwi Chairs Forum
Te Oneroa-a-Tōhe Beach Board
<b>Hapū</b>
Ahipara Takiwa
Haititaimarangai Marae
Ngāti Torehina
Te Rūnanga o Ngāti Rēhia
Kororareka Marae
Ngāti Kuta
Ngāti Rangi
Ngāti Korokoro, Ngāti Wharara me Te Pouaka Hapū

## Attachment 4 - Feedback from Treaty Partners

### Feedback from Te Roroa on Clause 10A Time Extension Application

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**From:** Snow Tane <gm@teroroa.iwi.nz>  
**Sent:** Monday, 11 March 2024 8:20 pm  
**To:** Proposed District Plan  
**Subject:** Re: Seeking Iwi and Hapū views on Councils Proposed Far North District Plan - Timeframe Extension Application (Clause 10A RMA) and notification of a Summary of Decisions Requested Addendum

Tena koe Tammy,

Thanks for providing me with this update. At this stage I support the extension due to the reasons given.

Snow

On Mon, Mar 11, 2024 at 6:18 PM Proposed District Plan <[pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz)> wrote:

Tēnā koe Snow,

#### **Seeking Iwi and Hapū views on Councils Proposed Far North District Plan - Timeframe Extension Application (Clause 10A RMA)**

1. The Far North District Council (Council) notified its Proposed District Plan (PDP) on 27 July 2022. The Resource Management Act (RMA) sets a two-year timeframe for issuing decisions on submissions.

Since notification of the PDP, Council has made considerable progress on a number of key plan-making requirements, however the two-year timeframe for making decisions on the submissions is due to expire on 27 July 2024. Council is not in a position to deliver decisions on the PDP by July 2024.

Council is making an application under Clause 10A of the RMA to the Minister for the Environment, Hon. Penny Simmonds, seeking an extension for decisions to be released by 1 year and 8 months, extending the timeframe for decisions on the PDP to **30 May 2026**.

The key reasons for the timeframe extension are:

- A high number of submissions with 580 original submissions (with over 8,500 original submission points), and more than 550 further submissions (with 26,174 further submission points) covering a broad range of complex issues,
- Internal capacity, resourcing, and progress on the PDP affected due to difficulties in filling vacant roles,
- Appropriate timeframes, resourcing, quality assurance and technical advice are required to address and respond to submissions, and to ensure a high-quality, fit for purpose and well-integrated PDP.

Council believes that the requested timeframe extension is necessary to give due consideration to the submissions received, and to produce a forward-looking and well-integrated PDP. This will better align with the strategic vision for the district by addressing key resource management issues and providing the best possible outcomes for the community as a whole.

In making this request Council needs to consider the interests of persons and parties who may be affected by this extension of time, including the interests of the community in terms of adequate assessment of the PDP and the duty under Section 21 RMA to avoid unreasonable delay as set out by clause 10A of Schedule 1.

The risks of not having the appropriate timeframe in place to continue with the District Plan review means increased pressure on existing resources, which are already limited, higher costs to ratepayers, overall lower quality framework and higher appeal risks.

While delays are not ideal, we strongly believe the interests of the community will be better served by enabling the PDP to progress with a more complete evidence and policy base, informed through the hearings process.

FNDC is confident that these revised timeframes are appropriate and will be met.

We would appreciate it if you could share any views you have on this timeframe extension, by **27 March 2024**. We will incorporate your comments into our timeframe extension so that the Minister can consider them when she makes her determination.

### **Notification of Summary of Decisions Requested Addendum**

2. On 7 August 2023 Council publicly notified the Summary of Decisions Requested on the Proposed District Plan and called for further submissions. Since notification of the Summary of Decisions Requested, Council has become aware of some errors and omissions in the document. The Addendum has been prepared to correct those matters.

Council will notify the Summary of Decisions Requested and call for further submissions on those submission points on **Wednesday 13 March**. Further submissions must be received by Far North District Council by **Thursday 28 March 2024**.

All information will be available on [pdp.fndc.govt.nz](http://pdp.fndc.govt.nz) from Wednesday 13 March.

Please feel free to contact me if you have any questions.

Nāku, nā

Tammy Wooster

Manager - Integrated Planning  
Far North District Council

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**From:** Snow Tane <gm@teroroa.iwi.nz>  
**Sent:** Wednesday, June 5, 2024 12:07 PM  
**To:** Proposed District Plan <pdp@fndc.govt.nz>  
**Subject:** Re: Seeking Iwi and Hapū views on Councils Proposed Far North District Plan - Timeframe Extension Application (Clause 10A RMA)

Tena koe Tammy,

I have no comment to make on the extension but do understand the need to seek an extension.

Nga mihi

Snow

On Wed, Jun 5, 2024 at 12:02 PM Proposed District Plan <[pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz)> wrote:

Tēnā koe Snow,

**Seeking Iwi and Hapū views on Councils Proposed Far North District Plan - Timeframe Extension Application (Clause 10A RMA)**

The Far North District Council (Council) notified its Proposed District Plan (PDP) on 27 July 2022. The Resource Management Act (RMA) sets a two-year timeframe for issuing decisions on submissions.

Since notification of the PDP, Council has made considerable progress on a number of key plan-making requirements, however the two-year timeframe for making decisions on the submissions is due to expire on 27 July 2024. Council is not in a position to deliver decisions on the PDP by July 2024.

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Council believes that the requested timeframe extension is necessary to give due consideration to the submissions received, and to produce a forward-looking and well-integrated PDP. This will better align with the strategic vision for the district by addressing key resource management issues and providing the best possible outcomes for the community as a whole.

In making this request Council needs to consider the interests of persons and parties who may be affected by this extension of time, including the interests of the community in terms of adequate assessment of the PDP and the duty under Section 21 RMA to avoid unreasonable delay as set out by clause 10A of Schedule 1.

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While delays are not ideal, we strongly believe the interests of the community will be better served by enabling the PDP to progress with a more complete evidence and policy base, informed through the hearings process.

FNDC is confident that these revised timeframes are appropriate and will be met.

We would appreciate it if you could share any views you have on this timeframe extension, by **14 June 2024**. We will incorporate your comments into our timeframe extension so that the Minister can consider them when she makes her determination.

Please feel free to contact me if you have any questions.

Nāku, nā

Tammy Wooster



**Tammy Wooster**

Manager - Integrated Planning

Te Kaunihera o Te Hiku o te Ika | Far North District Council

Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029

[fndc.govt.nz](https://fndc.govt.nz)



## Feedback from Ngā Puhi on Clause 10A Time Extension Application

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**From:** Tania Pene <taniam.pene@ngapuhi.org>

**Sent:** Tuesday, March 26, 2024 9:19 PM

**To:** Proposed District Plan <pdp@fndc.govt.nz>

**Subject:** Re: Seeking Iwi and Hapū views on Councils Proposed Far North District Plan - Timeframe Extension Application (Clause 10A RMA) and notification of a Summary of Decisions Requested Addendum

Tena koe Tammy

We do not have an issue with extending the timeframe.

Nāku noa, nā

### **Tania Pene**

Natural Resources Manager

Te Rūnanga-Ā-Iwi O Ngāpuhi

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W [www.ngapuhi.iwi.nz](http://www.ngapuhi.iwi.nz)

FB <https://www.facebook.com/ngapuhirunanga>

Office: 16 Mangakahia Road, Kaikohe, Northland, New Zealand.

Postal: P.O. Box 263, Kaikohe 0440, Northland, New Zealand.

On Mon, 11 Mar 2024 at 17:57, Proposed District Plan <[pdp@fndc.govt.nz](mailto:pdp@fndc.govt.nz)> wrote:

Tēnā koe Tania.

### 1. Seeking Iwi and Hapū views on Councils Proposed Far North District Plan - Timeframe Extension Application (Clause 10A RMA)

The Far North District Council (Council) notified its Proposed District Plan (PDP) on 27 July 2022. The Resource Management Act (RMA) sets a two-year timeframe for issuing decisions on submissions.

Since notification of the PDP, Council has made considerable progress on a number of key plan-making requirements, however the two-year timeframe for making decisions on the submissions is due to expire on 27 July 2024. Council is not in a position to deliver decisions on the PDP by July 2024.

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Council believes that the requested timeframe extension is necessary to give due consideration to the submissions received, and to produce a forward-looking and well-integrated PDP. This will better align with the strategic vision for the district by addressing key resource management issues and providing the best possible outcomes for the community as a whole.

In making this request Council needs to consider the interests of persons and parties who may be affected by this extension of time, including the interests of the community in terms of adequate assessment of the PDP and the duty under Section 21 RMA to avoid unreasonable delay as set out by clause 10A of Schedule 1.

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We would appreciate it if you could share any views you have on this timeframe extension, by **27 March 2024**. We will incorporate your comments into our timeframe extension so that the Minister can consider them when she makes her determination.

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All information will be available on [pdp.fndc.govt.nz](http://pdp.fndc.govt.nz) from Wednesday 13 March.

Please feel free to contact me if you have any questions.

Nāku, nā

Tammy Wooster



**Tammy Wooster**

Manager - Integrated Planning

Te Kaunihera o Te Hiku o te Ika | Far North District Council