



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.

1. Submitter details:

Full Name:	Michael John Winch		
Company / Organisation Name: (if applicable)			
Contact person (if different):			
Full Postal Address:	66 Rarere Terrace		
	Kerikeri 0230		
Phone contact:	Mobile: 0272 111 337	Home:	Work:
Email (please print):	mwinch@xtra.co.nz		

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:

(please provide details including the reference number of the specific provision you are submitting on)

Refer attached Submissions



Confirm your position: Support Support In-part Oppose

Refer attached Submissions

(please tick relevant box)

My submission is:

(Include details and reasons for your position)

Refer attached Submissions

I seek the following decision from the Council:

(Give precise details. If seeking amendments, how would you like to see the provision amended?)

Refer attached Submissions

- 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:

(or person authorised to sign on behalf of submitter)

Date: 15 October 2022

(A signature is not required if you are making your submission by electronic means)



Important information:

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

Send your submission to:

Post to: Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council,
Private Bag 752
KAIKOHE 0400

Email to: pdp@fndc.govt.nz

Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.

Submissions close 5pm, 21 October 2022

Please refer to pdp.fndc.govt.nz for further information and updates.

Please note that original documents will not be returned. Please retain copies for your file.

Note to person making submission

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Introduction

I reside in the Far North District and own or part own the following properties:

- Lot 43 DP 150904, 66 Rarere Terrace, Kerikeri (zoned Settlement)
- Lot 24 DP 72042, 490 Henderson Bay Road, Ngataki (zoned Rural Production)
- Allot 25 Parish of Totara, Wairakau Road, Totara North (zoned Rural Production)
- Lot 2 DP 195581, 14 Norfolk Place, Kerikeri (zoned Light Industrial).

My submission relates to the provisions of the Proposed Far North District Plan in respect of these properties. My submission also relates to provisions of the Proposed Far North District Plan that I consider do not adequately protect matters of national importance. Specific parts of the Plan are referred to below.

Transport Rule TRAN-R5 / TRAN Table 11 Trip Generation

I **oppose** Rule TRAN-R5 / TRAN-Table 11 which allows 200 vehicle movements per day from any site, including residential sites that are currently restricted to 20 vehicle movements/day. TRAN-Table 11 also allows traffic from up to 20 residential units per site as a permitted activity.

Access to my residence is via a right of way shared with one other residence. The permitted activity rule would allow one of us to set up a business from home generating up to 200 vehicle movements per day with no consideration of the adverse effects on amenity values or the suitability of the right of way for increased traffic. Even where sites gain access directly off a public road, the increased traffic would have adverse effects on the amenity values of neighbouring properties.

S67.001
S67.020 I **seek the following decision from Council:** Delete TRAN-R5 / TRAN Table 11 Trip Generation in the Proposed District Plan and replace with the Traffic Intensity provisions of Section 15.1.6A of the Operative District Plan. In particular, I request that the permitted activity rule for any residential or rural-residential site be limited to 20 vehicle movements per day.

Ecosystems and Biodiversity Policy IB-P1

S67.002 I **support** Policy IB-P1. My property at Totara North (Allot 25 Parish of Totara) comprises 35ha of mature native forest that meets the criteria for a Significant Natural Area in Appendix 5 of the RPS. The whole of the title is subject to a QEII Open Space covenant. I agree to the land being identified as a SNA in Schedule 4 of the District Plan.

Ecosystems and Biodiversity Rule IB-R1/ PER-1

I **oppose** Rule IB-R1/ PER-1 clauses 2, 7, 8 and 12.

Clause 2: Dead trees are an important part of an indigenous ecosystem, returning nutrients to the soil and providing food and habitat for insects and fauna that feed on them. The removal of dead trees can result in significant incidental damage.

Clause 7 permits vegetation clearance in a Significant Natural Area for the construction of a single residential unit on a title even if there is already suitable cleared land elsewhere on the title. Even if the whole of the title is a SNA, consideration should be given to the location of the dwelling and access

to it to minimise the impact on the highest value ecological areas on the site. I accept that it is expected that a single dwelling can be constructed on a freehold title, but consider as a minimum a Controlled Activity resource consent should be obtained to ensure the dwelling minimises adverse effects on the SNA.

Clause 8 permits vegetation clearance in a Significant Natural Area for the construction of a single residential unit if provided for in a covenant. My property at Totara North (Allot 25 Parish of Totara) is subject to a QEII covenant that provides for vegetation clearance for a future dwelling, amenity buildings and access to them. The conditions of the covenant require consultation with the QEII Trust on the siting. However, this process is outside the Resource Management Act process and may not achieve the purpose of the RMA. On my property, a resource consent would still be required under the Outstanding Landscape provisions of the Plan and this is likely to be the case on other covenanted land.

Clause 12 permits vegetation clearance if approved under the Forests Act 1949. The Forests Act does not have the same purpose and principles as the RMA and cannot be expected to deliver the outcomes required under the RMA.

Rule IB-R1/ PER-1 is much more permissive than rules protecting outstanding natural features and landscapes (notably NFL-R1 and NATC-R1). RMA Section 6 requires both 'significant indigenous vegetation and significant habitats of indigenous fauna' and 'outstanding natural features and landscapes' to be protected. The Plan should be consistent in their protection.

I seek the following decisions from Council:

S67.003 Delete Rule IB-R1/ PER-1 clauses 2, 8 and 12.

S67.004 Delete Rule IB-R1/ PER-1 clause 7 and replace with Controlled and Discretionary Rules as follows:

Controlled Activity: Vegetation clearance within a Significant Natural Area to allow for the construction of a single residential unit and essential associated onsite infrastructure and access on a title where there is no existing cleared land suitable for the purpose and the vegetation clearance does not exceed 1,000m². Matters of control to include location, extent of vegetation clearance, control of introduced plants and animals (including pets), whether an existing covenant provides for the vegetation clearance, and methods of avoiding or mitigating adverse effects on and protecting the ecological values of the SNA.

Discretionary Activity where the Controlled Activity Rule is not complied with.

Natural Character (NFL)

My land at Totara North (Allot 25 Parish of Totara) has an Outstanding Natural Landscape overlay. I generally support the provisions of the Proposed District Plan in respect of protecting natural landscape values. **S67.005 to S67.007 and S67.021 to S67.040**

Treaty Settlement Overlay (TSL)

I **oppose** the Treaty Settlement Overlay on my my land at Totara North (Allot 25 Parish of Totara).

This would appear to be an error in the GIS mapping. My land is bordered to the north and east by Conservation land that may be subject to a Treaty Claim. My land is private and cannot be subject to any Treaty Claim.

S67.008 I seek the following decision from Council: Delete Treaty Settlement Overlay on my land at Totara North (Allot 25 Parish of Totara)

Subdivision Rule SUB-R3/ SUB-S1 Minimum allotment sizes

I **oppose** the Discretionary Activity limit of 2 ha in the Rural Lifestyle zone.

The Rural Lifestyle zone statement indicates that it is primarily residential in a rural setting. Keeping livestock on a domestic scale is provided for, but is not compulsory. A 2ha site of lawn and gardens is difficult and expensive to maintain without livestock. The purpose of the zone can be achieved with minimum lot sizes of 1 ha (10,000m²) which still provide 'a sense of spaciousness and rural character' required by the zoning.

S67.009 I seek the following decision from Council: Reduce the Discretionary Activity limit of 2 ha in the Rural Lifestyle zone to 1 ha (10,000m²).

RPROZ-R2: Permitted Impermeable Surfaces in Rural Production Zone

I **oppose** the permitted activity threshold of 15% impermeable surface coverage in the Rural Production zone.

The impermeable surfaces permitted activity threshold of 15% for Rural Production is excessive and would result in significant adverse effects on stormwater runoff if development were to occur at these levels. A site developed with 15% impermeable surfaces will typically have 20% to 30% higher peak stormwater runoff compared with an undeveloped site, and will result in increased flooding and erosion downstream. As this zone comprises a large proportion of the District, cumulative adverse effects are also likely to be significant.

The 15% permitted activity threshold for the Rural Production zone is inconsistent with the objectives and policies of the zone, for example Rural Production Objective RPROZ-O3 and Policies RPROZ-P2 and P5.

The maximum impermeable surfaces permitted activity thresholds in the Rural Production zone should be reduced to 5%. On a typical 200 ha farm or forestry block, this would allow 10 ha of impermeable surfaces, permitting normal rural buildings, yards, races and roads while minimising cumulative adverse effects.

The matters of discretion do not include assessing adverse effects of impermeable surface coverage on the life-supporting capacity of the soil, even highly productive soils, as required by Policies RPROZ-P5 and P7. There are no other rules in the District Plan that protect the life-supporting capacity of the soil and highly productive soils from inappropriate use unless the land is being subdivided.

S67.010 I seek the following decision from Council: Reduce the permitted activity threshold for impermeable surfaces coverage in the Rural Production zone to 5%. Add a further matter of discretion: *the adverse effects on the life-supporting capacity of soil and the protection of highly productive land.*

S67.011

HZ-R2: Permitted Impermeable Surfaces in Horticulture Zone

I **oppose** the permitted activity threshold of 15% impermeable surface coverage in the Horticulture zone.

The impermeable surfaces permitted activity threshold of 15% for the Horticulture zones is excessive and would result in significant adverse effects on stormwater runoff if development were to occur at these levels.

The Horticulture zone includes large areas of highly productive soils. The 15% permitted activity threshold for impermeable surfaces in the Horticulture zone is inconsistent with the National Policy Statement for Highly Productive Land 2022, the Northland Regional Policy Statement, all the objectives of the zone (HZ-O1, HZ-O2, HZ-O3) and Policies HZ-P2 and HZ-P7.

The matters of discretion in Rule HZ-R2 do not include assessing adverse effects of impermeable surface coverage on the life-supporting capacity of the soil, even highly productive soils, as required by Policies HZ-P2 and HZ-P7. There are no other rules in the District Plan that protect the life-supporting capacity of the soil and highly productive soils from inappropriate use unless the land is being subdivided.

The maximum impermeable surfaces permitted activity thresholds in the Horticulture zone should be reduced to 1%. This would permit some rural buildings, yards and access tracks while minimising cumulative adverse effects.

S67.012 I **seek the following decision from Council:** Reduce the permitted activity threshold for impermeable surfaces coverage in the Horticulture zone to 1%. Add a further matter of discretion: *the adverse effects on the life-supporting capacity of soil and the protection of highly productive land.*

S67.013

RLZ-P4: Policies in Rural Lifestyle Zone

I **oppose** the lack of protection for the life-supporting capacity of the soil and highly productive soils in the Rural Lifestyle Zone Policies.

The Rural Lifestyle zone is a Rural zone with with a greater residential intensity than the Rural Production zone, while still enabling people to undertake primary production activities such as growing food and grazing livestock. As such, protection of the productive value of soil is important.

S67.014 I **seek the following decision from Council:** Add to Policy RLZ-P4: *managing adverse effects on the life-supporting capacity of soil and the protection of highly productive land.*

RLZ-R2: Permitted Impermeable Surfaces in Rural Lifestyle Zone

S67.015 I **support** the impermeable surfaces permitted activity thresholds of 12.5% / 2500m² in the Rural Lifestyle zone, but **oppose** the lack of protection for the life-supporting capacity of the soil and highly productive soils.

The Rural Lifestyle zone contains smaller lots and covers a relatively small total area of the Far North District. The permitted activity thresholds are appropriate for managing stormwater effects in this zone.

As discussed above for the Rural Production and Horticulture zones, there are no other rules in the District Plan that protect the life-supporting capacity of the soil and highly productive soils from inappropriate use unless the land is being subdivided.

S67.016 I seek the following decision from Council: Add a further matter of discretion: *the adverse effects on the life-supporting capacity of soil and the protection of highly productive land.*

Light Industrial Zone Rule LIZ-R1/PER-3/ LIZ-S5 and LIZ-S6

I **oppose** Standards LIZ-S5 Outdoor Storage and LIZ-S6 Landscaping and screening on road boundaries.

Outdoor storage and light industrial buildings are integral parts of Light Industrial land use and can be expected to be seen from adjoining industrial land and roads. Standard LIZ-S7 protects adjoining non-industrial properties from the visual effects of these activities; Standards LIZ-S5 and LIZ-S6 are unnecessary restrictions on normal business activity.

S67.017 I seek the following decision from Council: delete Standards LIZ-S5 and LIZ-S6
S67.018

Rural Production Zone: Henderson Bay

I **oppose** the Rural Production zoning of my land and surrounding properties at Henderson Bay. My land and the surrounding properties comprise 4 to 6 ha blocks of land largely covered with a mix of native and exotic trees. Most of the properties have residential units. The land is not suitable for farming or productive forestry and should not be zoned Rural Production. The land and current land use is more appropriately zoned **Rural Lifestyle**.

S67.019 I seek the following decision from Council: Rezone from Rural Production to **Rural Lifestyle** the area of land on Otaipango Road and the end of Henderson Bay Road (Lots 1 to 31 DP 72042, Lots 1 & 2 DP 336030 and Lots 1 & 2 DP 410588) shown below. Reduce the Discretionary Activity limit of 2 ha in the Rural Lifestyle zone to 1 ha (10,000m²).

