

## 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:	Rochelle Jacobs, Sheryl Hansford & Alex Billot		
Company / Organisation Name: (if applicable)	Northland Planning and Development 2020 Limited		
Contact person (if different):			
Full Postal Address:	PO Box 526		
	Kaitaia 0441		
Phone contact:	Mobile: 0274498813 021498813	and	Home:  Work: 09 408 1866
Email (please print):	info@northplanner.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)*

Please refer to the attached documents.



Confirm your position: <input type="checkbox"/> Support <input checked="" type="checkbox"/> Support In-part <input checked="" type="checkbox"/> Oppose <i>(please tick relevant box)</i>
<b>My submission is:</b> <i>(Include details and reasons for your position)</i>  Refer to the attached documents.
<b>I seek the following decision from the Council:</b> <i>(Give precise details. If seeking amendments, how would you like to see the provision amended?)</i>  Refer to the attached documents.
<input checked="" type="checkbox"/> I <b>wish</b> to be heard in support of my submission <input type="checkbox"/> I <b>do not wish</b> to be heard in support of my submission <i>(Please tick relevant box)</i>
If others make a similar submission, I will consider presenting a joint case with them at a hearing <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Do you wish to present your submission via Microsoft Teams? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Signature of submitter:</b> <i>(or person authorised to sign on behalf of submitter)</i>    <b>Date: 21/10/22</b>  <i>(A signature is not required if you are making your submission by electronic means)</i>

**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](mailto: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](http://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.

**SUBMISSION NUMBER**

# Northland Planning and Development 2020 Limited

## 1.0 Intro

Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

The following submission has been made based upon various items we have noted while putting together current resource consent applications.

## 2.0 Definitions

The following changes to definitions are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

- **Child care service**

*means a facility for the care and/or education of children under the age of seven during the sday, and includes but is not limited to:*

- creches;
  - early childhood centres;
  - day care centres;
  - kindergartens;
  - Kohanga Reo;
  - **Poi poi**
  - Playgroups and day nurseries
- S502.001

Change 1 – is a spelling error to be corrected.

Change 2 – Addition of childcare services ‘Poi Poi’ has been added. Poi poi is a **Homebased** service which is popular within the Far North district. While it is likely it comes under the definition of ‘day nurseries’ given that it is a term widely used in our District we thought it would add certainty to the lay person looking to operate something of this nature.

- **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:*

- a. Soil type;
  - b. Physical characteristics;
  - c. Climate conditions; and
  - d. Water availability.
- S502.002

Changes – The changes proposed are consistent with the interpretation in the NPS for Highly Productive Land which covers soil classes 1 - 3. The changes made are sought to

align with the NPS. We refer Council to the NPS, Interpretation, Section 3.4 & 3.5 which stipulates that Highly productive land is classes 1 – 3.

- **Home Business**

means a [commercial activity](#) that is:

- a. undertaken or operated by at least one resident of the [site](#); and
- b. ~~incidental to the use of the site for a residential activity.~~

Change 1 – The Oxford Dictionary meaning of Incidental is:

**incidental (to something)** happening in connection with something else, but not as important as it, or not. S502.003

By using the word incidental this implies the commercial activity needs to specifically be in connection to a residential activity (people living accommodation). The zone rules include additional criteria to be a permitted activity, some of which are not incidental to a residential activity. Part b is not required.

- **Impermeable Surface**

*means in relation to any site means any building or surface on or over the land which creates a barrier to water penetration in to the ground. This definition includes but is not restricted to:*

- a. *decks (including ~~desks~~ **less** than 1m in height above the ground) excluding open slatted decks where there are gaps between the boards;*
- b. *pools, but does not include pools designed to operate as a detention pond;*
- c. *any surfaced area used for parking, manoeuvring, access or loading of motor vehicles, including areas covered with aggregate;*
- d. *areas that are paved with concrete, asphalt, open jointed slabs, bricks, gobi or materials with similar properties to those listed;*
- e. *roof coverage area on plan;* S502.004

*But excludes:*

- i. *water storage tanks occupying up to a maximum cumulative area of **20**m<sup>2</sup>; and*
- ii. *paths and paving less than 1 metre wide, provided they are separated from other impermeable surfaces by a minimum of 1 metre.*

*For the purpose of calculating impermeable surfaces account shall not be taken of any additional areas that are overlapped by another form of impermeable surfaces. In the case of jointly owned access lots that contain impermeable surfaces within their boundaries, the total area of these impermeable surfaces are to be divided equally and considered as parts of the various sites served by the access lot for the purpose of determining compliance with the relevant stormwater management rules.*

Change 1 – Spelling error. Reads as desks instead of decks.

Change 2 – The word 'less' appears to be missing.

Change 3 - Water storage tanks of 20m<sup>2</sup> (allows for two tanks as of right) can be excluded.  
Assume the 2m<sup>2</sup> is a typo.

- **Land Susceptible to Instability**

means any of the following:

1. [Land](#) which is specifically known and documented to have been subject to instability, on the basis of past geotechnical reports or [council](#) records.
2. [Land](#) which is underlain by 'Low Hazard' geological units as listed below, and is sloping steeper than 1V:3H (18°).
3. [Land](#) which is underlain by 'Medium Hazard' geological units as listed below, and is sloping steeper than 1V:5H (11°).
4. [Land](#) which is underlain by 'High Hazard' geological units as listed below.
5. [Land](#) which is overlain by boulders and is any distance downslope of slopes steeper than 1V:1H (45°).
6. [Land](#) which is within 15m of a slope greater than 1V:3H (18°).
7. [Land](#) which has been subject to, or is within 20m of [land](#) that has been subject to past modification including un-documented (non-engineered) cuts and fill slopes exceeding 1.5m in vertical height.
8. [Land](#) which is horizontally within 2 times the cliff height from the crest of cliffs and/or within 1.5 times the cliff height from the base of cliffs, where a cliff is taken as a slope exceeding 1V:1H (45°).

S502.005

Commentary – Clarification is needed in regards to point 7. Does this mean if earthworks have occurred within 20m of a development area that the land automatically falls into this category? In the event this is captured we seek relief that this be further clarified as rule EW-S7 requires that earthworks must not result in any instability of land at or beyond the boundary of the property where the earthworks occur. This means that if you are undertaking earthworks within 20m of a site boundary which now includes digging a trench, putting in place a pile etc. that you cannot comply with this standard.

- **Maintenance**

*in relation to a heritage item, means activities required or undertaken to conserve as nearly, and as long, as possible the condition of the item while compensating for normal wear and tear.*

S502.006

S502.109

Commentary - The words maintenance and repair occur in many places within the plan. We seek clarification on whether it is the intent that in all instances where the words maintenance and repair are used in this plan whether they are restricted to heritage items only.

- **Outdoor Living Space**

*means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.*

S502.007

Commentary - Needs clarification. If the outdoor space is a deck, does it matter if the deck is partially enclosed eg: roof, sides enclosed etc.

- **Recession Plane**

*means a plane inclined at a certain degree angle from a [site boundary](#) towards the interior of a [site](#) through which no part of a [building or structure](#), unless otherwise specified, may protrude subject to the relevant '[Height to boundary](#)' rule. S502.008*

Change – Have included 'structure' within this such that it is clear that consent is triggered if a structure protrudes through the recession plane in any given zone.

- **Repair**

*in relation to a heritage item, means the [repairs](#) of materials by patching, piercing in, splicing and consolidating existing materials, and including minor replacement of minor components, such as individual bricks, cut stone, timber sections, tiles and slates, where these have been damaged beyond reasonable [repair](#) or are missing. The replacement should be of the original or similar material, colour, texture, form and design as the original it replaces, and the number of components replaced should be substantially less than the existing components.*

S502.009

Commentary - The words maintenance and repair occur in many places within the plan. We seek clarification on whether it is the intent that in all instances where the words maintenance and repair are used in this plan whether they are restricted to heritage items only.

Changes - A space has been included between the words 'have' and 'been' which is a typo.

- **Rural Tourism Activity**

means the use of [land](#) or [buildings](#) for people to visit and experience ~~the~~ [tourism activities within the](#) rural environment. It does not include:

1. Rural production retail
2. Rural production manufacturing
3. [Visitor accommodation](#)
4. [Home business](#)

S502.010

Change 1 – Inserted the words 'tourism activities within the' rural environment to make it clear that it is the use of the buildings or land specifically for tourism related activities located within the rural environment, which is being covered. This ensures that tourism activities which rely upon natural features or areas and historic items which are not rural in nature but are located within the rural production zone are able to utilize this rule.

Commentary - Item 1 Rural production retail. We have assumed that this covers the selling of goods and services generated from nearby production activities as opposed to retail activities directly associated with the tourism activity, i.e. selling souvenirs. If this is not the intent, we seek relief via clarification in this definition that associated tourism retail is covered by the definition of Rural Tourism Activity.

The reason for this is that if the site is the only place in which a tourism activity could go based on its natural, historic or cultural significance then the retail activity works

in conjunction with the main activity as opposed to generating any additional effects such as traffic and parking. We have sought further relief with the associated rule.

- **Structure**

*has the same meaning as in section 2 of the [RMA](#) (as set out below)*

*means any [building](#), equipment, device, or other facility, made by people and which is fixed to [land](#); and includes any [raft](#).*

Commentary - While we acknowledge that this is a National Template Definition clarity is sought on whether this definition now captures items such as fences and stock fences, lighting poles, flag poles, footpaths and paving. It is noted that zone rules do not exclude these items and similar structures. **S502.011**

In the event that these structures are captured we seek the relief that items such as fences/stock fences, foot paths and paving and other similar structures are excluded from rules such as setback from boundaries and setback from water.

- **Support Structure**

*means any pole, mast or [building](#) designed or used for bearing the weight of or keeping a safe distance above the ground any aerial, [sign](#), scaffolding, or reticulation network owned or operated by a [network utility operator](#), and includes any [support structures](#) necessary for **lighting and for the** transformation, transmission or distribution of electricity, including bridges, power poles, lines, conductors and transformers. **S502.012***

Commentary - There is no provision for street lighting. We seek relief that this be included.

- **Temporary Activities**

*means an activity that is temporary and limited in duration. It may include carnivals; concerts; fairs; festivals and events; markets and exhibitions; public meetings; parades; special events; sporting events; filming activities; [temporary military training activities](#); temporary [motorsport activities](#); and emergency response training by ambulances, Civil Defence, Coast Guard New Zealand, Fire and Emergency New Zealand, New Zealand Police, [Land Search and Rescue](#), or Surf Life Saving New Zealand. It also includes [buildings](#) or [structures](#) accessory to [temporary activities](#), temporary car parking areas, and the [ancillary activities](#) associated with the [temporary activities](#).*

Commentary – We support this definition. **S502.013**

- **Vulnerable Activity**

*means residential activities, care facilities (including **day-care-centres** [Childcare Services](#)), retirement villages, visitor accommodation, marae and medical facilities with overnight stay facilities. **S502.014***

Change – As day care centres are a certain type of child care activity, it would make more sense to use the term ‘childcare services’ which is defined and captures all similar activities of this nature.

- **Wetland Lake and River Margins**



In the Light Industrial and Heavy Industrial zones means the area of land within 20 metres of a:

- wetland;
- lake; or
- river greater than 3m average width

In the General Residential, Russell Township, Quail Ridge or Mixed Use zones means the area of land within 26 metres of a:

- wetland;
- lake; or
- river greater than 3m average width

In all other zones means the area of land within 30 metres of a:

- wetland;
- lake; or
- river greater than 3m average width

Where a river is smaller than 3m average width **the river margin is the area of land within means 10m of a river.**

**Note: The width is measured in relation to the bed of the waterbody**

S502.015

Change - The change is sought to clarify that where a river is less than 3m in width that the applicable margin is only 10m in width.

# Northland Planning and Development 2020 Limited

## 1. Intro

- 1.1 Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2. Coastal Environment

### CE-R1 – New buildings or structures, and extensions or alterations to existing buildings or structures

#### PER-2

If a new building or structure is not located within an urban zone it is:

1. ancillary to farming activities (excluding a residential unit).
2. no greater than 25m<sup>2</sup>.
3. located outside outstanding natural character areas

#### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as **(bold and underlined)** and deletions shown as ~~(strikethrough)~~. Reasons for the changes are explained below:

#### PER-2

S502.016

If a new building or structure is not located within an urban zone it is:

1. ancillary to farming activities **and no greater than 50m<sup>2</sup>** (excluding a residential unit) **or**
2. **a building not ancillary to farming** no greater than 25m<sup>2</sup> **and**
3. located outside outstanding natural character areas

- 2.1 PER-2 relates to all rural zones, including rural production, rural lifestyle, rural residential and settlement, as well as the sport and active recreation zone. The coastal environment covers a large area of Northland, with many rural settlements being located along the coast. It is considered that provision should be made for buildings which are not ancillary to farming, as PER-2 relates to smaller density rural zones, which do not consist of rural productive activities, such as farming.
- 2.2 The Operative plan allowed for non-habitable buildings under 50m<sup>2</sup> and habitable buildings under 25m<sup>2</sup>, as a permitted activity, in coastal zones with any buildings over this being a controlled activity, if it was in an approved building envelope or Restricted Discretionary if not.
- 2.3 It is considered provision should be made for buildings no greater than 25m<sup>2</sup> and not ancillary to farming, such as sheds/garages associated with sport and recreation activities. This generally aligns with the Melean Absolum Limited Landscape Report as buildings which are of such a small size will generally be ancillary to a principal activity such as a sleepout or be

of such as small size that the effects are easily mitigated. We note that while the Melean landscape report refers to non-habitable buildings it does not specify if these are ancillary to farming. PER-4 provides additional controls on height and colours and materials, which are to be complied with. With these controls in place, it is considered that buildings no greater than 25m<sup>2</sup> within sites not zoned urban, will meet the objectives and policies of the coastal environment by ensuring the characteristics and qualities of the natural character of the coastal environment is preserved.

- 2.4 Provision has also been made for buildings or structures ancillary to farming activities, no greater than 50m<sup>2</sup>. The reasoning behind this is that farm buildings less than 50m<sup>2</sup> are generally less functional as there tends not to be sufficient space to park machinery or sufficiently store hay as an example. Offering a 25m<sup>2</sup> restriction is unlikely to be utilized especially given that a double garage is at a minimum 36m<sup>2</sup>. Once again, the height, colours and materials of such buildings are controlled by PER-4, such that any building of 50m<sup>2</sup> or less could be considered to not adversely affect the natural character of the coastal environment. This is also consistent within Policy CE-P6 which seeks to '*enable farming activities within the coastal environment.*'

## **CE-R2 – Repair or Maintenance**

### **PER-1**

The repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:

1. roads.
2. fences.
3. network utilities.
4. driveways and access.
5. walking tracks.
6. cycling tracks.
7. farming tracks

### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

### **PER-1**

The repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:

1. roads.
2. fences.
3. network utilities.
4. driveways and access.
5. walking tracks.
6. cycling tracks.
7. farming tracks

S502.017

8. Carparking areas
9. Board walks
10. Boat ramps
11. Buildings or structures

- 2.5 As per our submission of the definition section, we are unsure whether it is the intent of the plan to cover just historic features or whether this rule seeks to extend wider to other elements which may not be historic. Regardless of this fact we seek that the following features also be added as they are similar in nature to others described within the list. These features are common within the coastal environment and require ongoing repair and maintenance to ensure there are no adverse impacts on the surrounding environment and that they remain in good condition. It is considered unnecessary for additional consent to be required for repair and maintenance of such features, if the size, scale and materials used are like for like.
- 2.6 The same is considered to apply for buildings and structures. The Operative Plan provided for renovation and maintenance of buildings as a permitted activity, with no requirement for scale, size and materials being like for like. It is considered that with the additional control of requiring scale, size and materials to be like for like, this will ensure that any repair and maintenance on buildings and/or structures does not change how the natural character of the coastal environment is perceived. Once again, repair and maintenance of lawfully established buildings and structures is required on an on-going basis to ensure that the natural character of the coastal is preserved and enhanced.

### **CE-S1 – Maximum height**

1. The maximum height of any new building or structure above ground level is 5m and must not exceed the height of the nearest ridgeline, headland or peninsula.
2. Any extension to a building or structure must not exceed the height of the existing building above ground level or exceed the height of the nearest ridgeline, headland or peninsula.

#### ***This standard does not apply to:***

- i. *The Orongo Bay zone*

### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

1. The maximum height of any new building or structure above ground level is ~~5m~~ **8m** and must not exceed the height of the nearest ridgeline, headland or peninsula.
2. Any extension to a building or structure must not exceed the height of the existing building above ground level or exceed the height of the nearest ridgeline, headland or peninsula.

**This standard does not apply to:**

ii. The Orongo Bay zone

S502.018

- 2.7 Amendment to the permitted height allowance is requested. Within the underlying Operative zone rules, the minimum permitted height is 8 metres, with the exception of the rural production zone which allows for 12 metres. The coastal zone covers a large area of rural zoned land which has a functional need to establish sheds for machinery and general farm buildings which would easily exceed the 5m threshold. Enabling an 8m height restriction ensures most farm buildings are able to comply with the standard. The additional requirement to not exceed the height of the nearest ridgeline, headland or peninsula provides additional mitigation in comparison to the existing rule set.
- 2.8 We do note that the Melean Landscape Assessment does discuss a 5m height restriction as being acceptable. However, this report provides little justification as to why a 5m height restriction has been utilised. We do note that generally many single-story houses which are constructed exceed a 5m height restriction. In the event that a 8m height restriction is not accepted we seek further relief that a 6m height restriction be accepted as generally most single story houses would fit within this height restriction.

**CE-S2 – Colours and materials**

The exterior surfaces of buildings or structures shall:

1. be constructed of materials and/or finished to achieve a reflectance value no greater than 30%.
2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette

**Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

The exterior surfaces of buildings or structures shall:

1. be constructed of materials and/or finished to achieve a **light reflectance** value no greater than 30%.
- ~~2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette~~

S502.019

- 2.9 Reference to the BS5252 standard colour range has been removed. Many coloursteel colours, which have an LRV of less than 30% are not listed within the BS5252 standard colour palette. An example of this is Coloursteel Sandstone Grey, which is a very common colour used and has an LRV of 27% but is not listed within the BS5252 colour range. This results in consent being required for a large amount of sheds/garages, dwelling roofs, which are constructed of

coloursteel materials and have an LRV of less than 30%, but are not stated within the BS5252 standard colour palette range. The Resene BS5252 colour range was created in 2008 and is therefore very outdated. It is considered that with the requirement of an LRV no greater than 30%, the intention of this rule will still be achieved, and will remove the need for consent for coloursteel products which have an LRV of less than 30% (as well as any other products which have the same issue).

2.10 Furthermore, by deleting point 2, it enables natural wood products such as cedar to be utilised which are not painted or stained without requiring consent.

2.11 In the event this relief is not accepted we ask that Council make the following changes –

~~2- If painted~~ have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette or equivalent product

### **CE-S3 – Earthworks or indigenous vegetation clearance**

Any earthworks or indigenous vegetation clearance must (where relevant):

1. not occur in outstanding natural character areas.
2. not exceed a total area of 50m<sup>2</sup> for 10 years from the notification of the District Plan in an area of high natural character.
3. not exceed a total area of 400m<sup>2</sup> for 10 years from the notification of the District Plan in an area outside high or outstanding natural character areas.
4. not exceed a cut height or fill depth of 1m.
5. screen any exposed faces.

### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

Any earthworks or indigenous vegetation clearance must (where relevant):

1. not occur in outstanding natural character areas.
2. not exceed a total area of 50m<sup>2</sup> for 10 years from the notification of the District Plan in an area of high natural character.
3. **For indigenous vegetation clearance** - not exceed a total area of 400m<sup>2</sup> for 10 years from the notification of the District Plan **and for earthworks – not exceed a total area of 400m<sup>2</sup> per calendar year** in an area outside high or outstanding natural character areas.
4. not exceed a cut height or fill depth of 1m. S502.020
5. screen any exposed faces.

2.12 Changes are sought to the permitted total area of earthworks for a site. As mentioned, the coastal environment covers many rural zones, including large areas of rural productive sites. Currently, the permitted amount of earthworks in a coastal zone is 300m<sup>3</sup> in any 12 month period, with 5000m<sup>3</sup> being provided for within the Rural production zone.

- 2.13 Under the Proposed Plan, any site not within the coastal environment overlay, as a permitted earthworks area of 2500m<sup>2</sup>, which is significantly greater than the 400m<sup>2</sup> provided for over 10 years from the notification of the District Plan.
- 2.14 It is understood that some controls are needed on indigenous vegetation clearance within the coastal environment, which is why no changes have been proposed to the stated amount. While the 10-year timeframe is easily able to monitor from aerials for vegetation clearance, for earthworks this is not the case. This is especially evident on larger blocks which are farmed where small scale earthworks are undertaken regularly. It is considered more appropriate to allow 400m<sup>2</sup> of earthworks per calendar year for sites within the coastal environment overlay. This will ensure that earthworks are controlled to a certain degree, whilst still enabling ongoing farming activities as well as establishment of some new buildings or structures, which do not breach the 400m<sup>2</sup> area. The provision for 400m<sup>2</sup> of earthworks per calendar year is considered to be a good compromise to ensure that the objectives and policies within the coastal environment overlay are adhered to.

### 3. Coastal Hazard Rules

- 3.1 We seek that the placement of the Coastal Hazard rules be relocated to the Hazards Chapter. This seems like a more logical placement, and it means that the Coastal Hazard rules are in the same location as the relevant objectives and policies.

#### **CE-R13 - Building or structures ancillary to farming activities**

Coastal hazard area

*Where:*

**PER-1**

*The accessory building or structure has a footprint that is less than 100m<sup>2</sup>.*

**PER-2**

*The accessory building or structure is not located within a High Risk Coastal Hazard area.*

**PER-3**

*The accessory building or structure does not contain a vulnerable activity.*

**PER 4**

*The accessory building or structure, including any associated earthworks, does not direct coastal inundation onto other properties.*

**PER 5**

*All standards of the relevant rural zone applying to the activity are met.*

#### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

### **CE-R13 - Building or structures ancillary to farming activities**

Coastal hazard area

Where:

#### **PER-1**

*The accessory building or structure has a footprint that is less than 100m2.*

#### **PER-2**

*The accessory building or structure is not located within a High Risk Coastal Hazard area.*

#### **PER-3**

*The accessory building or structure does not contain a vulnerable activity.*

#### **PER 4**

*The accessory building or structure, including any associated earthworks, does not direct coastal inundation onto other properties.*

#### **~~PER-5~~**

~~*All standards of the relevant rural zone applying to the activity are met.*~~

S502.021

- 3.2 There is a rule within the operative District plan at Present – Residential Intensity where there is similar wording to PER-5. It has been assessed that if you need consent for any other rule that you also breach this standard. This should be removed for this reason as it triggers unnecessary consent.
- 3.3 If similar wording is sought, we ask that an assessment of the district is completed to ensure that there are no special zones or lifestyle zoning which may lie outside of the Rural environment which would trigger this rule.

### **CE-R17 & CE-R18 Hazardous Facility**

- 3.4 We request that CE-R18 be deleted as it is a copy of CE-R17. We also seek that the hyperlinking is checked to ensure CE-R17 is covering the right information.

S502.022 and S502.023



# Northland Planning and Development 2020 Limited

## 1. Intro

- 1.1. Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2. Earthworks

### **EW-R2 – Earthworks for creating fence lines, poles, piles and service connections**

#### **PER-1**

The earthworks complies with standards:  
EW-S1 Maximum earthworks thresholds;  
EW-S2 Maximum depth and slope;  
EW-S4 Site reinstatement;  
EW-S6 Setbacks;  
EW-S7 Land stability;  
EW-S8 Nature of filling material; and  
EW-S9 Flood and coastal hazards.

#### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

### **~~EW-R2 – Earthworks for creating fence lines, poles, piles and service connections~~**

#### **~~PER-1~~**

~~The earthworks complies with standards:  
EW-S1 Maximum earthworks thresholds;  
EW-S2 Maximum depth and slope;  
EW-S4 Site reinstatement;  
EW-S6 Setbacks;  
EW-S7 Land stability;  
EW-S8 Nature of filling material; and  
EW-S9 Flood and coastal hazards.~~

S502.024

- 2.1. It is requested that this rule is either deleted in its entirety or reworded such that it is enabling or specifically exempts activities of this nature from complying with the standards specified. This is generally because works of this nature are already exempt, covered by other rules or compliance with these standards would create a perverse outcome.
- 2.2. The definition of earthworks under the PDP excludes the installation of fence posts, such that this activity would not be covered in any case. Excavation works for fence lines are limited to the installation of fence posts and as such, there should not be additional provision for fence

lines. The majority of fences are located on the boundary, including stock fences, such that EW-S6 – Setbacks would be automatically breached if this was to apply, triggering consent. This is considered to be a perverse outcome.

- 2.3. Service connections are generally required to go over a boundary line, in order to connect a private site to a public service, such as wastewater, water and stormwater. Therefore, earthworks for service connections will automatically require resource consent for a breach of EW-S6 Setbacks, as the associated earthworks will occur on the boundary. It is requested that this particular activity is excluded from having to meet the provisions of EW-S6 – Setbacks.
- 2.4. Poles and Piles relate to construction of buildings or structures. It is considered that the earthworks provisions for these items will be bundled within EW-R1 Earthworks for buildings or structures, and extensions to existing buildings or structures, such that an additional rule covering these items is not required.
- 2.5. Maximum earthworks thresholds are not considered relevant to the activities listed in this rule, as generally, these works will be very minor. As mentioned, poles and piles will be included as part of a building or structure under the PDP, and therefore, these minor earthworks volumes can be bundled. Service connection earthworks volumes are also anticipated to be minor and generally consist of a small trench for cabling. All of which are not anticipated to create adverse effects. The same can be said for maximum depth and slope, where poles and piles will be assessed under buildings and structures.
- 2.6. Site reinstatement and nature of filling material are considered irrelevant to these activities, as generally, the fill material will consist of the material used to excavate the post hole or service trench. Due to the minor nature of the volume of earthworks associated with these activities, no adverse effects are anticipated.
- 2.7. Land Susceptible to Instability includes *'Land which has been subject to, or is within 20m of land that has been subject to past modification including un-documented (non-engineered) cuts and fill slopes exceeding 1.5m in vertical height.'* By including items such as piles which would technically require the creation of a hole in many cases deeper than 1.5m, or digging a trench for services some of which are deeper than 1.5m would meet this definition. As a result, if these works are within 20m of another site, then it is creating a non-compliance with EW-S7 which would be a consent trigger. This is considered a perverse outcome.

### **EW-S1 – Maximum Earthworks thresholds**

*The following maximum volumes and area thresholds for all earthworks undertaken on a site within a single calendar year*

<b>Zone</b>	<b>Volume (m<sup>3</sup>)</b>	<b>Area (m<sup>2</sup>)</b>
<i>General Residential , Mixed Use, Light Industrial, Heavy Industrial, Hospital, Horticulture Processing Facility, Carrington, Kororāreka Russell Township, Hospital, Māori Purpose - <a href="#">Urban</a></i>	200	2,500
<i>Conservation, Open Space, Sport and Recreation, Rural Residential, Settlement, Quail Ridge, Airport</i>	300	2,500

Rural Lifestyle	1000	2,500
Rural Production, Horticulture, Kauri Cliffs, Ngawha Innovation Park, Māori Purpose - Rural	5000	2,500

### Changes sought

S502.025

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

The following maximum volumes and area thresholds for all earthworks undertaken on a site within a single calendar year, **excluding any excavation works associated with fence lines, posts, piles, trenching of drains or cables, dam maintenance, normal rural practices, such as maintenance of farm drains, service connections, excavations for building foundations, septic tanks and associated drainage fields.**

Zone	Volume (m <sup>3</sup> )	Area (m <sup>2</sup> )
General Residential , Mixed Use, Light Industrial, Heavy Industrial, Hospital, Horticulture Processing Facility, Carrington, Kororāreka Russell Township, Hospital, Māori Purpose - <u>Urban</u>	200	2,500
Conservation, Open Space, Sport and Recreation, Rural Residential, Settlement, Quail Ridge, Airport	300	2,500
Rural Lifestyle	1000	2,500
Rural Production, Horticulture, Kauri Cliffs, Ngawha Innovation Park, Māori Purpose - Rural	5000	2,500

2.8. Provision has been made for the exclusion of certain activities due to the nature of the works. The activities stated to be excluded are normal practices which are not considered to create adverse effects on the environment. For example, the installation of a septic tank is required in most rural areas, where a new build is occurring. The excavations associated with the installation of the septic tank can be large, which would cause most sites zoned rural residential or settlement to breach the permitted earthworks threshold. Due to the nature of the excavations and the fact that they are temporary, noting that once the septic tank is installed, the open ground is filled over, it is considered this should be exempt from the maximum earthworks thresholds. Similar comments are made for maintenance of farm drains. Although sites greater than 8 hectares do not have to account for this rule for farming activities, sites less than 8 hectares, which provide productive activities (such as orchards), will have to take this into account. These simple activities will increase the total amount of earthworks on sites exponentially although effects are not considered to be adverse due to the nature of the earthworks.

2.9. As such, it is requested that these activities are excluded from this rule.

## **EW-S6 - Setback**

*Earthworks* must be setback by the following minimum distances:

- i. earthworks supported by engineered retaining walls - 1.5m from a site boundary;
- ii. earthworks not supported by engineered retaining walls - 3m from a site boundary;
- iii. earthworks must be setback by a minimum distance of 10m from coastal marine area.

## **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

## **EW-S6 - Setback**

*Earthworks* must be setback by the following minimum distances:

S502.026

- i. earthworks supported by engineered retaining walls - 1.5m from a site boundary
- ii. earthworks not supported by engineered retaining walls - 3m from a site boundary **with the exception of any cut/fill faces less than 500mm in height/depth over an area of less than 50m<sup>2</sup> and a volume of less than 50m<sup>3</sup> in any zone and with a cut/fill face of 1.5 metres in depth/height in the Rural Production Zone, which can be located within 3 metres from the boundary.**
- iii. earthworks must be setback by a minimum distance of 10m from coastal marine area.

**This rule does not include any excavation works associated with fence lines, posts, piles, trenching of drains or cables, dam maintenance, normal rural practices, such as maintenance of farm drains, service connections, excavations for building foundations, septic tanks and associated drainage fields.**

- 2.10. Provision has been made for the exclusion of the above-mentioned activities from having to comply with the setback provisions outlined in this rule. It is considered that the intention of this rule is to provide additional controls on major cut/fill faces near boundaries. The above activities to be excluded from this rule are minor in nature and generally will not require engineered retaining walls, such that the setback provisions will be 3 metres. This is not considered practical when maintaining a farm drain that is near a boundary, or constructing an area for a septic tank, which is only required to be 1.5 metres from the boundary.
- 2.11. Provision is also sought to exclude excavations which are less than 500mm depth and under an area of 50m<sup>2</sup> or 50m<sup>3</sup> volume in the zone, as well as provision for any excavations beyond 3 metres from the site boundaries that are less than 1.5 metres in height, so that these can occur within 3 metres of the boundary. These works are considered to be minor and with other provisions of this section being applied to these earthworks, controls are in place to ensure any such works do not create any adverse effects.

# Northland Planning and Development 2020 Limited

## 1.0 Intro

Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## General Residential Zone

### GRZ-S6 Outdoor Living Space

1. Each [residential unit](#) must have an exclusive [outdoor living space](#):
  - i. of at least 50m<sup>2</sup> at [ground level](#) with a minimum dimension of 5m; or
  - ii. at least 8m<sup>2</sup> (with a minimum dimension of 2m) where the [residential unit](#) is not on the ground floor.
2. The [outdoor living space](#) must:
  - i. be directly accessible from a [habitable room](#) in the [residential unit](#);
  - ii. be free of [buildings](#), storage, parking spaces and manoeuvring areas;
  - iii. be oriented to the north, east or west side (or a combination) of the [residential unit](#).

### Changes sought

The National Standard Definition for outdoor living space has been used in the rule which is copied below:

#### OUTDOOR LIVING SPACE

##### DEFINITION NATIONAL STANDARDS

means an area of open space for the use of the occupants of the residential unit or units to which the space is allocated.

As this is a national standard definition clarification is therefore needed within the applicable rules to determine if outdoor living space is to include decks partially covered with a roof.

Part 2 is not required especially iii. as why apply this restriction. Many people prefer their outdoor space to the south to take advantage of the shade. This restriction is not needed for the Northland climate.

### The National Standard Definition for outdoor living space has been used in the above rule which is copied below:

The following changes to the rule are shown as tracked changes with additions shown as **(bold and underlined)** and deletions shown as ~~(striketrough)~~. Reasons for the changes are explained below:

S502.027

1. Each [residential unit](#) must have an exclusive [outdoor living space](#):
  - i. of at least 50m<sup>2</sup> at [ground level](#) with a minimum dimension of 5m; or
  - ii. at least 8m<sup>2</sup> (with a minimum dimension of 2m) where the [residential unit](#) is not on the ground floor.

2. The outdoor living space must:
- i. be directly accessible ~~by~~ from a habitable room in the residential unit;
  - ii. be free of buildings, storage, parking spaces and manoeuvring areas;
  - iii. ~~be oriented to the north, east or west side (or a combination) of the residential unit.~~

**Note: Outdoor Living Space includes decks which are open on at least two sides and covered/partially covered with a roof.**

# Northland Planning and Development 2020 Limited

## 1. Intro

- 1.1. Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2. Historic Heritage

### HH-R1 – Maintenance and Repair of scheduled Heritage Resource buildings or structures

#### **PER-1**

*The exterior facades of all buildings or structures where the existing colour scheme is to be changed, must be finished in accordance with the colour scheme from the following paint ranges or equivalent:*

- i. *resene heritage colours;*
- ii. *resene whites and neutrals;*
- iii. *resene colour range BS5252 (A01-C40 range).*

#### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as **(bold and underlined)** and deletions shown as ~~(strikethrough)~~. Reasons for the changes are explained below:

#### **PER-1**

*The exterior facades of all buildings or structures where the existing colour scheme is to be changed, must **if painted** be finished in accordance with the colour scheme from the following paint ranges or equivalent:*

S502.028

- i. *resene heritage colours;*
- ii. *resene whites and neutrals;*
- iv. *resene colour range BS5252 (A01-C40 range).*

- 2.1. There are times where a fence, or deck which is part of a Heritage Building may be repaired and as part of this it may not be painted, rather it may be left as a natural product or stained. We seek to add in 'if painted' to cover this particular scenario.

### HH-R4 – New buildings or structures, extension or alterations to existing buildings or structures

#### **PER-1**

*Any new buildings or structures, additions or alterations are setback a minimum of 20m from a scheduled Heritage Resource.*

#### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

**PER-1**

Any new buildings or structures, additions or alterations are setback a minimum of 20m from a scheduled Heritage Resource **unless written approval has been received by the relevant authorising authority or authorities (Heritage New Zealand Pouhere Taonga, Department of Conservation and Tangata Whenua).**

S502.029

- 2.2. The relevant authorizing authority or authorities will be able to determine if any adverse effects will be created on the scheduled heritage resource, such that if written approval is received from such authorities, application through the resource consenting process should not be required. Similar to the examples above, at times there will be very minor structures which will be placed on a site within 20m of a heritage building which will have no adverse impacts. Where this is the case, an option should be made available such that with the approval of the relevant party no consent is required. Obtaining approval from the relevant party will ensure that the pertinent issues within the matters of discretion listed within this rule are adhered to.

**HH-R5 – Earthworks**

**PER-1**

Any earthworks are setback a minimum of 20m from a scheduled Heritage Resource.

***This rule does not apply to earthworks associated with burials within an existing cemetery.***

**Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

**PER-1**

S502.030

Any earthworks are setback a minimum of 20m from a scheduled Heritage Resource.

***This rule does not apply to earthworks associated with burials within an existing cemetery or minor earthworks under 50m<sup>3</sup> volume with a cut/fill face of less than 0.5 metres.***

- 2.3. The definition of earthworks is now all encompassing such that minor works are now defined as earthworks in the plan. Works such as putting in a path or trenching of cables are generally so minor that they should not require consent. Provision has been made for minor earthworks to be undertaken on site without triggering resource consent. A volume of 50m<sup>3</sup> has been adapted as anything less than 50m<sup>3</sup> doesn't trigger the Control of Earthworks bylaw.



# Northland Planning and Development 2020 Limited

## 1. Intro

- 1.1. Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2. Mixed Use Zone

### MUZ-R4 Residential Activity

#### **PER-1**

The residential activity is within a residential unit that is located above the ground floor level of a building unless the residential unit existed at 27 July 2022.

### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as **(bold and underlined)** and deletions shown as ~~(strikethrough)~~. Reasons for the changes are explained below:

S502.031

#### **PER-1**

The residential activity **excluding a residential activity for temporary overnight accommodation or emergency/assisted or social housing** is within a residential unit that is located above the ground floor level of a building unless the residential unit existed at 27 July 2022.

- 2.1. Kaitia currently has some residential units located above commercial premises that are used by the property/business owners. Accommodation for temporary overnight, emergency, assisted or social housing is a different housing type that requires tenant management with specific needs not suitable for the CBD area.
- 2.2. The General Residential Zone provides for this activity where social mix opportunities are available to increase social cohesion and neighborhood participation
- 2.3. An amendment to Rule MUZ-R4 is requested to exclude residential activities for temporary overnight accommodation or emergency/assisted or social housing within the CBD area.
- 2.4. The General Residential Zone provides for a variety of housing typologies and sizes where temporary overnight accommodation or emergency/assisted or social housing integrates similar effects to other residential activities.

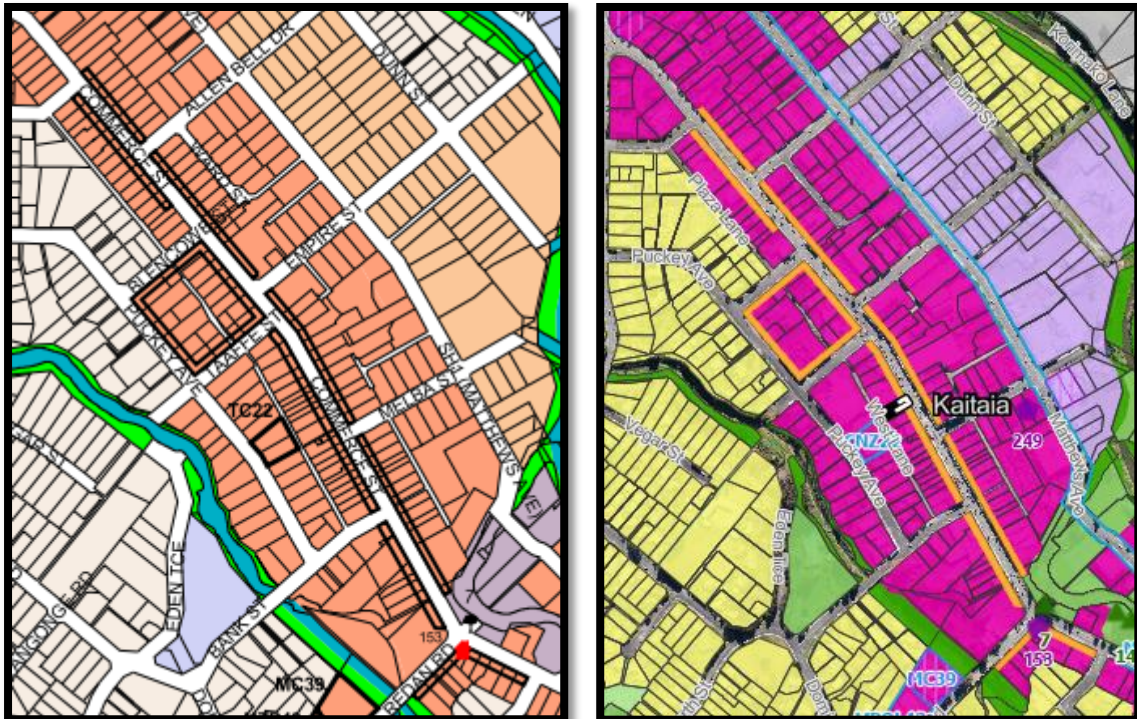
### MUZ-S6 VERANDAHS

*For sites with pedestrian frontage identified on the planning maps:*

1. Any new building, or extension or alteration to a building (including alterations to the façade) must be built up to the road boundary; and

2. A verandah must be provided for the full frontage of the road boundary of the site. The verandah shall:
  - a. directly adjoin any adjacent veranda so there is no horizontal gap to provide continuous pedestrian coverage; and
  - b. have a minimum height of 3m and a maximum height of 6m above the footpath immediately below; and
  - c. be setback a minimum of 300mm and a maximum of 600mm from a vertical line measured up from the face of the kerb.

Figure 1 & 2 below – Operative District Plan and Proposed District Plan



- 2.5. General support of the above rule is provided however the rule needs to be expanded to cover the amenity and character of the **existing business district**. In particular the main street of Kaitaia which is identified below as being the Pedestrian Frontage area. There are no changes proposed in regard to the Pedestrian Frontage area identified in both plans.
- 2.6. The s32 report for the Commercial/Mixed Use zone identified the key resource management issues for this area as retaining the amenity and character while supporting improved vibrancy of the Districts town centres.
- 2.7. The Kaitaia Business Association recently commissioned a Retail Strategy Report completed by First Retail which discusses the unmaintained buildings and dated public realm that creates an impression of decline.
- 2.8. The sites with Pedestrian Frontage have existing verandas some of which are well maintained and contribute to the overall vibrancy of the town centre. Other sites have been left to

become dilapidated and unattractive with old signage from 20+ years ago with peeling paint and mould which detracts from the overall amenity of the town centre.

### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

For sites with pedestrian frontage identified on the planning maps:

S502.032

1. Any new building, or extension or alteration to a building (including alterations to the façade) must be built up to the road boundary; and
  2. A verandah must be provided for the full frontage of the road boundary of the site. The verandah shall:
    - a. directly adjoin any adjacent veranda so there is no horizontal gap to provide continuous pedestrian coverage; and
    - b. have a minimum height of 3m and a maximum height of 6m above the footpath immediately below; and
    - c. be setback a minimum of 300mm and a maximum of 600mm from a vertical line measured up from the face of the kerb.
  3. **Verandah facades must comply with the Amenity Protection By-Law and be regularly maintained and cleaned accordingly.**
- 2.9. The application and implementation of the District Plan rules and a by-law seeks to encourage building owners to conform to common design principles when undertaking development activities on buildings, and encourage minimum standards to be set to provide consistency resulting in a level of amenity which will then be expected and valued within the Pedestrian Frontage areas.

### **MUZ-S4 SETBACK FROM MHWS**

The building or structure, or extension or alteration to an existing building or structure must be set back at least 26m from MHWS

### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

**Where:**

S502.033

**PER-1**

The building or structure, or extension or alteration to an existing building or structure must be set back at least 26m from MHWS

**PER-2**

**The building or structure, or extension or alteration to an existing building or structure within the 26m setback from MHWS is required for:**

1. restoration and enhancement purposes; or
2. natural hazard mitigation undertaken by, or on behalf of, the local authority; or
3. a post and wire fence for the purpose of protection from farm stock; or
4. Lighting poles by, or on behalf of, the local authority; or
5. Footpaths and or paving no greater than 2m in width; or
6. Boundary fences or walls no more than 2m in height above ground level;

- 2.10. Some consistency is sought with NATC-R1 which covers activities within proximity to a wetland, lake or a river margin. As such the layout of the rule has been changed to reflect this, while at the same time allowing for certain structures to be exempt.
- 2.11. The definition for a Structure includes *any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft.*
- 2.12. There are many structures fixed to land such as stock fences that have a functional requirement to be located within 26m of the MHWS. While stock fences generally are not required within the Residential environment there may be cases in our district where land is zoned as residential however is yet to be developed in this fashion. Exclusion of this is consistent with NATC-R1.
- 2.13. Lighting poles by or on behalf of FNDC have been sought as these are generally within legal road (which assumes the zoning of the neighboring site) or within park areas. At present the road designation only applies to roads, not the associated infrastructure and as such lighting poles would trigger consent.
- 2.14. Exclusions have been sought for footpaths and paving for both private and public use. In terms of private use, footpaths and paving are generally for garden areas providing access from the main dwelling to a clothesline or garage. These are generally minor in nature with minimal effect. In terms of public use, roads assume the zoning of the neighboring site, so where a footpath may be established alongside a road or within a park area we seek to have these excluded. A 2m wide footpath has been sought to enable easy passing by two mobility scooters.
- 2.15. Boundary fences and walls are also sought to be excluded so long as they are no more than 2m in height. This is because they are now captured under the definition of structure.

# Northland Planning and Development 2020 Limited

## 1. Intro

- 1.1. Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2. Natural Character

- 2.1. We seek that this chapter be renamed to Wetlands, Lakes and River Margins to make these rules easier to find. The renaming of this chapter also more adequately covers the rules being presented within this section. S502.034

### **NATC-R1 New buildings or structures, and extension or alterations to existing buildings or structures**

Where:

#### **PER-1**

*The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is not located within an ONL or ONF.*

#### **PER-2**

*The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is required for:*

1. *restoration and enhancement purposes; or*
2. *natural hazard mitigation undertaken by, or on behalf of, the local authority; or*
3. *park management activity in the Open Space or Sport and active recreation zone; or*
4. *a post and wire fence for the purpose of protection from farm stock.*
5. *river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings.*
6. *activities related to the construction of river crossings.*
7. *pumphouses utilised for the drawing of water provided they cover less than 25m<sup>2</sup> in area.*

#### **PER-3**

*The building or structure on wetland, lake and river margins is no greater than 300m<sup>2</sup>.*

#### **PER-4**

*The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins complies with standard NATC-S1 Maximum height*

### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as **(bold and underlined)** and deletions shown as ~~(strikethrough)~~. Reasons for the changes are explained below:

Where:

**PER-1**

*The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is not located within an ONL or ONF.*

**PER-2**

**S502.035**

*The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is required for:*

1. *restoration and enhancement purposes; or*
2. *natural hazard mitigation undertaken by, or on behalf of, the local authority; or*
3. *park management activity in the Open Space or Sport and active recreation zone; or*
4. *a post and wire fence for the purpose of protection from farm stock.*
5. *river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings.*
6. *activities related to the construction of river crossings.*
7. *pumphouses utilised for the drawing of water provided they cover less than 25m<sup>2</sup> in area.*
8. **Lighting poles by, or on behalf of, the local authority; or**
9. **Footpaths and or paving no greater than 2m in width; or**
10. **Boundary fences or walls no more than 2m in height above ground level;**

**PER-3**

*The building or structure on wetland, lake and river margins is no greater than 300m<sup>2</sup>.*

**PER-4**

*The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins complies with standard NATC-S1 Maximum height*

- 2.2. For consistency with the exclusions applied to MHWS setbacks we seek to include exemptions for some structures which may have been unintendedly included. These are lighting poles by or on behalf of FNDC as these are at times needed within proximity to rivers and streams, especially where they are adjacent to a road, footpath or well utilized walking track within park areas.
- 2.3. Footpaths and or paving has also been included. While generally these would be picked up within the Open Space or Sport and Active recreation zone, there may be instances such as a road where it is near to a river or stream where a setback cannot be achieved. In terms of private use on sites adjacent to a river or stream, footpaths and paving are generally for garden areas providing access from the main dwelling to a clothesline or garage. These are generally minor in nature with minimal effect.
- 2.4. Boundary fences and walls are now captured by the definition of structure and as such establishing a fence along a river boundary in many cases will now trigger consent. An exclusion for this is sought, as people should be able to fence their site from a river or stream in order to delineate their boundary from members of the public.

**NATC-R2 Repair or maintenance**

## Where:

### PER-1

The repair or maintenance within wetland, lake and river margins of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:

1. roads
2. fences
3. network utilities
4. driveways and access
5. walking tracks
6. cycling tracks
7. farming tracks

## Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

## Where

### PER-1

The repair or maintenance within wetland, lake and river margins of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:

1. roads.
  2. fences.
  3. network utilities. S502.036
  4. driveways and access.
  5. walking tracks.
  6. cycling tracks.
  7. farming tracks
  8. **Carparking areas**
  9. **Board walks**
  10. **Boat ramps**
  11. **Buildings or structures**
- 2.5. As per the definition section, we are unsure whether it is the intent of the plan to cover just historic features or whether this rule seeks to extend wider to other elements which may not be historic. Regardless of this fact we seek that the following features also be added as they are similar in nature to others described within the list. These features are common within wetland, lake and river margins and require ongoing repair and maintenance to ensure there are no adverse impacts on the surrounding environment and that they remain in good condition. It is considered unnecessary for additional consent to be required for repair and maintenance of such features, if the size, scale and materials used are like for like.
- 2.6. The same is considered to apply for buildings and structures. The Operative Plan provided for renovation and maintenance of buildings as a permitted activity, with no requirement for scale, size and materials being like for like. It is considered that with the additional control of requiring scale, size and materials to be like for like, this will ensure that any repair and

maintenance on buildings and/or structures does not change how the natural character of the coastal environment is perceived. Once again, repair and maintenance of lawfully established buildings and structures is required on an on-going basis to ensure that the natural character of the coastal environment is preserved and enhanced.

### **NATC-S2 Earthworks or indigenous vegetation clearance**

Any [earthworks](#) or indigenous vegetation on a [site](#) within [wetland, lake and river margins](#) clearance must:

1. not exceed a total area of 400m<sup>2</sup> for 10 years from the notification of the District Plan, unless a control in 5. below applies;
2. not exceed a cut [height](#) or fill depth of 1m;
3. screen exposed faces; and
4. comply with [Ecosystems and indigenous biodiversity chapter](#), [NFL-S3 Earthworks or indigenous vegetation clearance](#) and [CE-S3 Earthworks or indigenous vegetation clearance](#).

**Note:** The NESF requires a 10m [setback](#) from any natural [wetland](#) in respect of [earthworks](#) or vegetation clearance and may require consent from the Regional Council.

### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

Any [earthworks](#) or indigenous vegetation on a [site](#) within [wetland, lake and river margins](#) clearance must:

1. not exceed a total area of 400m<sup>2</sup> for 10 years from the notification of the District Plan, unless a control in ~~5.4~~ below applies;
2. not exceed a cut [height](#) or fill depth of 1m; S502.037
3. screen exposed faces; and
4. comply with [Ecosystems and indigenous biodiversity chapter](#), [NFL-S3 Earthworks or indigenous vegetation clearance](#) and [CE-S3 Earthworks or indigenous vegetation clearance](#).

**Note:** ~~The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council. Attention is also drawn to the NESF which has additional requirements around works within 100m of a wetland area.~~

2.7. We believe the reference to point number 5 is a typo and should be point 4.

2.8. The note regarding the NESF is misleading. Generally speaking any activity, you undertake within 100m of a wetland area will trigger consent as most activities will divert water in some way. Amended wording has been offered for consideration.



# Northland Planning and Development 2020 Limited

## 1. Intro

- 1.1. Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2. Natural Features and Landscapes

### NFL-R1 – New buildings or structures, and extensions or alterations to existing buildings or structures

#### PER-1

If a new [building](#) or [structure](#) is located outside the [coastal environment](#) it is:

1. ancillary to [farming](#) (excluding a [residential unit](#));
2. no greater than 25m<sup>2</sup>.

#### PER-2

If a new [building](#) or [structure](#) is located within the [coastal environment](#) it is:

1. ancillary to [farming](#) (excluding a [residential unit](#));
2. no greater than 25m<sup>2</sup>.

#### PER-3

Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.

#### PER-4

The building or structure, or extension or alteration to an existing building or structure, complies with standards:

NFL-S1 Maximum height

NFL-S2 Colours and materials

### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as **(bold and underlined)** and deletions shown as ~~(strikethrough)~~. Reasons for the changes are explained below:

#### PER-1

If a new [building](#) or [structure](#) is located outside the [coastal environment](#) it is:

1. ancillary to [farming](#) **and no greater than 25m<sup>2</sup>** (excluding a [residential unit](#)) **or**
2. **a non-habitable building not ancillary to farming** no greater than 25m<sup>2</sup>

#### PER-2

If a new building or structure is located within the coastal environment it is:

1. ancillary to farming and no greater than 25m<sup>2</sup> (excluding a residential unit) or
2. a non-habitable building not ancillary to farming no greater than 25m<sup>2</sup>

### PER-3

S502.038

Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.

### PER-4

The building or structure, or extension or alteration to an existing building or structure, complies with standards:

NFL-S1 Maximum height

NFL-S2 Colours and materials

- 2.1. The Operative plan allowed for non-habitable buildings under 25m<sup>2</sup> as a permitted activity, in outstanding landscapes, with any building greater than 25m<sup>2</sup> (habitable or non-habitable) being assessed as a Restricted Discretionary Activity.
- 2.2. It is considered that provision should be made for buildings no greater than 25m<sup>2</sup> and not ancillary to farming, such as sheds/garages. PER-4 provides additional controls on height and colours and materials, which are to be complied with. With these controls in place, it is considered that buildings no greater than 25m<sup>2</sup> within sites containing an outstanding landscape overlay, will meet the objectives and policies of the overlay by ensuring the characteristics and qualities of the natural character of the coastal environment is preserved.
- 2.3. Provision has also been made for buildings or structures ancillary to farming activities, no greater than 25m<sup>2</sup>. The reasoning behind this is that there are areas which are within ONF or ONL which are not used for farming activities, such a small gardening/storage sheds. Therefore, provision is required for non-habitable buildings not associated with farming activities. Once again, the height, colours and materials of such buildings are controlled by PER-4, such that any building of 25m<sup>2</sup> or less is not considered to adversely affect the characteristics and qualities of the ONL or ONF.

## NFL-R2 – Repair or Maintenance

### PER-1

The repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:

1. roads.
2. fences.
3. network utilities.
4. driveways and access.
5. walking tracks.

6. *cycling tracks.*
7. *farming tracks*

## Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

### PER-1

*The **repair** or **maintenance** of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:*

1. *roads.* S502.039
2. *fences.*
3. *network utilities.*
4. *driveways and access.*
5. *walking tracks.*
6. *cycling tracks.*
7. *farming tracks*
8. **Carparking areas**
9. **Board walks**
10. **Boat ramps**
11. **Buildings or structures**

2.4. As per the discussion above, we are unsure whether it is the intent of the plan to cover just historic features or whether this rule seeks to extend wider to other elements which may not be historic. Regardless of this fact we seek that the following features also be added as they are similar in nature to others described within the list. These features are common within areas of ONF and ONL and require ongoing repair and maintenance to ensure there are no adverse impacts on the surrounding environment and that they remain in good condition. It is considered unnecessary for additional consent to be required for repair and maintenance of such features, if the size, scale and materials used are like for like.

2.5. The same is considered to apply for buildings and structures. The Operative Plan provided for renovation and maintenance of buildings as a permitted activity, with no requirement for scale, size and materials being like for like. It is considered that with the additional control of requiring scale, size and materials to be like for like, this will ensure that any repair and maintenance on buildings and/or structures does not change how the natural character of the coastal environment is perceived. Once again, repair and maintenance of lawfully established buildings and structures is required on an on-going basis to ensure that the natural character of the coastal environment is preserved and enhanced.

### **NFL-R6**

#### **DIS-1**

The *farming* activity and is located outside the *coastal environment*.

## Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

**DIS-1**

~~The farming activity and is located outside the coastal environment.~~

S502.040

- 2.6. Changes are sought to remove the restriction on farming activities within an area of ONL and ONF. Under this rule, if the location is within an ONL or ONF and is located within the coastal environment, then any farming activity will be a non-complying activity. This contradicts Policy NFL-P4 which stipulates that farming activities can be provided for within ONL and ONF where there is no compromise to any identified characteristics and qualities of the ONL or ONF. It is considered that farming activities should be a permitted activity within and outside of the coastal environment.

### **NFL-S2 – Colours and materials**

The exterior surfaces of buildings or structures shall:

1. be constructed of materials and/or finished to achieve a reflectance value no greater than 30%.
2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette

### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

The exterior surfaces of buildings or structures shall

S502.041

1. be constructed of materials and/or finished to achieve a **light reflectance** value no greater than 30%.
  - ~~2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette~~
- 2.7. Reference to the BS5252 standard colour range has been removed. Many coloursteel colours, which have an LRV of less than 30% are not listed within the BS5252 standard colour palette. An example of this is Coloursteel Sandstone Grey, which is a very common colour used and has an LRV of 27% but is not listed within the BS5252 colour range. This results in consent being required for a large number of sheds/garages, dwelling roofs, which are constructed of coloursteel materials and have an LRV of less than 30%, but are not stated within the BS5252 standard colour palette range. The Resene BS5252 colour range was created in 2008 and is therefore outdated. It also gives an unfair trade advantage to Resene where only their products can be utilised. It is considered that with the requirement of an LRV no greater than 30%, the intention of this rule will still be achieved, and will remove the need for consent for coloursteel products which have an LRV of less than 30% (as well as any other products which have the same issue).

- 2.8. Furthermore, by deleting point 2, it enables natural wood products such as cedar to be utilized which are not painted or stained without requiring consent.
- 2.9. In the event this relief is not accepted we ask that Council make the following changes –
2. ***If painted*** have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette **or equivalent product**

### **NFL-S3 – Earthworks or indigenous vegetation clearance**

Any *earthworks* or indigenous vegetation clearance must (where relevant):

1. Not exceed a total area of 50m<sup>2</sup> over the life of the District Plan
2. Not exceed a cut *height* or fill depth of 1m
3. Screen any exposed faces
4. Be for the purpose of access and/or *building* platform

### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

Any *earthworks* or indigenous vegetation clearance must (where relevant): S502.042

1. Not exceed a total area of ~~50m<sup>2</sup> over the life of the District Plan~~ **100 m<sup>2</sup> per calendar year**
  2. Not exceed a cut *height* or fill depth of 1m
  3. Screen any exposed faces
  4. Be for the purpose of **establishing or maintaining an** access and/or *building* platform, **or undertaking repair and maintenance activities which are not covered by NFL-R2.**
- 2.10. Changes are sought to the permitted total area of earthworks for a site. Currently, the permitted volume of earthworks in an area of ONL is 300m<sup>3</sup> in any 12 month period.
- 2.11. Under the Proposed Plan, any site not within the ONL, ONF or coastal environment overlay, as a permitted activity can undertake an earthworks activity over an area of 2500m<sup>2</sup>, which is significantly greater than the 50m<sup>2</sup> provided for over 10 years from the notification of the District Plan.
- 2.12. 50m<sup>2</sup> of earthworks over 10 years is very restrictive and with the changes being made to the definition of earthworks likely to trigger consent for a number of activities, including repair and maintenance activities not already covered under NFL-R2. It is considered more appropriate to allow 100m<sup>2</sup> of earthworks per calendar year for sites within the ONF and ONL overlay. This will ensure that earthworks are controlled to a certain degree, whilst still enabling ongoing activities as well as establishment of some new buildings or structures, which do not breach the 100m<sup>2</sup> area. The provision for 100m<sup>2</sup> of earthworks per calendar year is considered to be a good compromise to ensure that the objectives and policies within the ONF and ONL overlay are adhered to.
- 2.13. Again with repair and maintenance we seek clarification that where mentioned that these activities only relate to historic items as general repair and maintenance activities can generate some small scale earthworks.

# Northland Planning and Development 2020 Limited

## 1. Intro

- 1.1. Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2. Natural Hazards

### NH-R5

#### **PER-1**

Any building used for a vulnerable activity (excluding accessory buildings) either:

1. is located on a site that has access to a fire hydrant; or
2. provides for water supply and access to water supplies for fire fighting purposes in compliance with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

#### **PER-2**

Any building used for a vulnerable activity (excluding accessory buildings) is set back at least 20m from the dripline of any contiguous scrub or shrubland, woodlot or forestry.

### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strike through~~). Reasons for the changes are explained below:

#### **PER-1**

Any building used for a vulnerable activity (excluding accessory buildings) either:

1. is located on a site that has access to a fire hydrant; or
2. provides for water supply and access to water supplies for fire fighting purposes in compliance with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

#### **PER-2**

Any building used for a vulnerable activity (excluding accessory buildings) is set back at least 20m from the dripline of any contiguous scrub or shrubland, woodlot or forestry. **Where the vulnerable activity is within 135m of a fire hydrant PER-2 does not apply.** S502.043

- 2.1. Provision is requested to allow sites which have access to a fire hydrant, to be excluded from the 20 metres setback requirement. This is due to the sites which have access to a fire hydrant being located in urban zones, with good quick access to fire fighting services, and a stable high pressure water supply. Generally urban sites with fire hydrants in the area trigger consent due to bush areas within the vicinity of their site, such as on a public reserve where

they are unable to mitigate the effect. Consents are currently processed with comments from FENZ which stipulate that they have no issue given the fire hydrant connection. The 135m requirement is the FENZ standard.

## **NH-R6 – Wild Fire – extensions and alterations to buildings used for a vulnerable activity (excluding accessory buildings) that increase the GFA.**

### **PER-1**

Extensions or alterations that increase the [GFA](#) of a [building](#) used for a [vulnerable activity](#) (excluding [accessory buildings](#)) either:

1. are located on a [site](#) that has access to a fire hydrant; or
2. provide for water supply and access to [water](#) supplies for fire fighting purposes in compliance with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

### **PER-2**

Extensions or alterations that increase the [GFA](#) of a [building](#) used for a [vulnerable activity](#) (excluding [accessory buildings](#)) are set back at least 20m from the dripline of any contiguous scrub or shrubland, woodlot or forestry.

## **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

### **PER-1**

Extensions or alterations that increase the [GFA](#) of a [building](#) used for a [vulnerable activity](#) (excluding [accessory buildings](#)) either:

3. are located on a [site](#) that has access to a fire hydrant; or
4. provide for water supply and access to [water](#) supplies for fire fighting purposes in compliance with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.

S502.044

### **PER-2**

Extensions or alterations that increase the [GFA](#) of a [building](#) used for a [vulnerable activity](#) (excluding [accessory buildings](#)) are set back at least 20m from the dripline of any contiguous scrub or shrubland, woodlot or forestry. **Where the vulnerable activity is within 135m of a fire hydrant PER-2 does not apply.**

- 2.2. As above, exclusion from PER-2 for sites which have access to a fire hydrant has been requested.

# Northland Planning and Development 2020 Limited

## 1. Intro

- 1.1. Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2. Notable Trees

### NT-R1 Gardening, mowing and cultivation within the rootzone area of a notable tree or trees

**Where:**

**PER-1**

It does not:

1. involve mechanical [cultivation](#);
2. include sealing or paving;
3. involve the release, injection or placement of chemicals or toxic substances;
4. involve planting of trees; and
5. involve altering of the existing [ground level](#) or the disturbance of [land](#) other than to the extent necessary to undertake gardening

### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

### NT-R1 Gardening, mowing and cultivation within the rootzone area of a notable tree ~~or~~ trees

**Where:**

S502.045

**PER-1**

It does not:

1. involve mechanical [cultivation](#);
2. include sealing or paving **of new pathways**;
3. involve the release, injection or placement of chemicals or toxic substances;
4. involve planting of trees; and
5. involve altering of the existing [ground level](#) or the disturbance of [land](#) other than to the extent necessary to undertake gardening

- 2.1. We have sought the removal of 'or trees' as this rule should only apply to notable trees.



- 2.2. Confirmation is sought regarding existing pathways. Where these are sealed but may have cracked, we seek relief that they can they be resealed or repaved without consent? We have added in the words 'of new pathways' to try and capture the formation of new pathways only.

# Northland Planning and Development 2020 Limited

## 1.0 Intro

- 1.1. Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2.0 Rural Production Zone

### RPROZ-R3 – Residential Activity

#### **PER-1**

The site area per residential unit is at least 40ha.

#### **PER-2**

The number of residential units on a site does not exceed six.

PER-1 does not apply to: a single residential unit located on a site less than 40ha.

### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

#### **PER-1**

The site area per residential unit is at least 40ha.

S502.046

#### **~~PER-2~~**

~~The number of residential units on a site does not exceed six.~~

- 2.1 In most cases sites generally do not exceed 40ha. However, on larger farming units where the site does exceed 40ha additional housing is required to provide living accommodation for workers. The larger and more diverse the site, the more workers which are required. As PER-1 still restricts residential intensity to 1 dwelling per 40ha this is considered sufficient to ensure that the impact of residential intensity on these larger sites will be no more than minor. As such, we seek relief that PER-2 is deleted in its entirety

### RPROZ-R5 – Home Business

The home business is undertaken within:

1. a residential unit; or
2. an accessory building that does not exceed 40m<sup>2</sup> GFA; or
3. a minor residential unit.

#### **PER-2**

There is no more than two full-time equivalent persons engaged in the home business who reside off-site.

**PER-3**

*All manufacturing, altering, repairing, dismantling or processing of any material or articles associated with an activity is carried out within a building or screened from residential units on adjoining sites.*

**PER-4**

*Hours of operation are between:*

1. *7am-8pm Monday to Friday.*
2. *8am-8pm Weekends and public holidays.*

**Changes Sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

*The home business is undertaken within:*

S502.047

1. *a residential unit; or*
2. *an accessory building ~~that does not exceed 40m<sup>2</sup> GFA~~; or*
3. *a minor residential unit.*

**PER-2**

*There is no more than two full-time equivalent persons engaged in the home business who reside off-site.*

**PER-3**

*All manufacturing, altering, repairing, dismantling or processing of any material or articles associated with an activity is carried out within a building or screened from residential units on adjoining sites.*

- 2.2 A home business could be utilizing an existing farm shed on site which may be larger than 40m<sup>2</sup>. A business may only utilize a portion of that building where the rest is set aside as private space. Utilizing an existing building which exceeds 40m<sup>2</sup> should not be a trigger for consent.
- 2.3 Moreover, even if a business was utilizing a space greater than 40m<sup>2</sup> other standards such as PER-2 & 3 are in place to control the effects such that the effects will be no more than minor on the surrounding environment.

**RPROZ-R6 – Educational Facility**

**PER-1**

*The educational facility is within a residential unit, accessory building or minor residential unit.*

**PER-2**

*Hours of operation are between;*

1. *7am-8pm Monday to Friday.*

2. 8am-8pm Weekends and public holidays.

**PER-3**

The number of students attending at one time does not exceed four, excluding those who reside onsite

**Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as **(bold and underlined)** and deletions shown as ~~(strikethrough)~~. Reasons for the changes are explained below:

**PER-1**

The educational facility is within a residential unit, accessory building ~~or~~, **minor residential unit- Museum, marae or other similar facility.**

**PER-2**

S502.048

Hours of operation are between;

3. 7am-8pm Monday to Friday.
4. 8am-8pm Weekends and public holidays.

**PER-3**

The number of students attending at one time does not exceed four **within a residential unit, accessory building or minor residential unit,** excluding those who reside onsite

**PER-4**

**The number of students attending at one time does not exceed the number of people for which a museum, marae or other similar facility has been designed for.**

- 2.4 It appears that a museum, marae, town hall, community center or similar would not fall under the definition of an accessory building.
- 2.5 Buildings of this nature host educational programs often and should be allowed to continue to do so without triggering consent. We seek relief that provision is made such that museums, maraes and other similar buildings could accommodate an educational facility.

**ROROZ-R16 - Additions or alterations to an existing Community Facility**

**Where:**

**PER-1**

The combined GFA of all buildings on the site does not exceed 300m<sup>2</sup> or a maximum increase of 10% of combined GFA of all buildings on the site, whichever is the greater.

**Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

### **ROROZ-R16 - Additions or alterations to an existing Community Facility or Marae**

**Where:**

S502.049

#### **PER-1**

*The combined GFA of all buildings on the site does not exceed 300m<sup>2</sup> or a maximum increase of 10% of combined GFA of all buildings on the site, whichever is the greater.*

- 2.6 This enables existing smaller scale marae outside of the Maori purpose zone to undertake a minor alteration to their buildings without triggering resource consent. This is considered to be a benefit to the local Maori community.

### **RPROZ-R22 – Rural Tourism Activity**

**Activity Status: Restricted Discretionary**

**Matters of discretionary are restricted to:**

- a. *the character and appearance of the building(s);*
- b. *the link between the tourism activity and the rural environment;*
- c. *the siting of the building(s), decks and outdoor areas including parking relative to adjoining sites;*
- d. *whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;*
- e. *ability of the supporting roading network to cater for the additional vehicular and if applicable cycling and pedestrian traffic;*
- f. *servicing requirements and any constraints of the site;*
- g. *whether the location of the building(s) and rural tourism activity could create reverse sensitivity effects on adjacent and surrounding primary production activities;*
- h. *whether the development will result in the site being unable to continue to undertake a primary production activity or undertake one in the future due to loss of productive land;*
- i. *whether the layout of the development maintains the existing rural character of the surrounding area;*
- j. *any lighting or noise effects;*
- k. *the frequency of the use, hours and days of operation and the number of people it can cater for;*
- l. *any natural hazard affecting the site or surrounding area.*

#### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

S502.050

**Matters of discretion are restricted to:**

- a. *the character and appearance of the building(s);*

- b. the link between the tourism activity and the rural environment **and/or the site**;
- c. the siting of the building(s), decks and outdoor areas including parking relative to adjoining sites;
- d. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;
- e. ability of the supporting roading network to cater for the additional vehicular and if applicable cycling and pedestrian traffic;
- f. servicing requirements and any constraints of the site;
- g. whether the location of the building(s) and rural tourism activity could create reverse sensitivity effects on adjacent and surrounding primary production activities;
- h. whether the development will result in the site being unable to continue to undertake a primary production activity or undertake one in the future due to loss of productive land;
- i. whether the layout of the development maintains the existing rural character of the surrounding area;
- j. any lighting or noise effects;
- k. the frequency of the use, hours and days of operation and the number of people it can cater for;
- l. any natural hazard affecting the site or surrounding area.
- m. Whether the tourism activity could be operated on another site.**

2.7 Generally, we support the inclusion of this rule. However, we do seek to add in some minor matters of clarification. Item b we seek to add whether there is a link to that tourism activity being undertaken on that particular site. In Northland we have a number of natural features, landscapes and historic spaces which are located on certain sites. Tourism businesses associated with these features, landscapes and historic spaces are generally located on these subject sites and are not able to be located elsewhere. We have further enabled these particular activities on those specific sites by adding in an additional criteria m.

## **RPROZ-R24 – Rural Industry**

### **RDIS-1**

*The rural industry activity does not exceed a GBA of 500m2 per site.*

### **RDIS-2**

*The number of rural industry activities per site does not exceed one.*

## **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as **(bold and underlined)** and deletions shown as ~~(strikethrough)~~. Reasons for the changes are explained below:

### **RDIS-1**

*The rural industry activity does not exceed a GBA of 500m2 per site.*

### **RDIS-2**

~~*The number of rural industry activities per site does not exceed one.*~~

S502.051

2.8 With subdivision in the Rural Production zone becoming more restrictive, as well as the price of land increasing, it is anticipated that co-ownership of land will become more prevalent in the rural zones especially between families. As a result, a piece of land may contain more than one rural industry to cater for the co-ownership of the land. As a Rural Industry captures all businesses undertaken in a rural environment which are dependent on primary production it can include things such as rural tourism operators, rural contractors, the small scale selling of honey, vegetables or flowers in roadside stalls just to name a few. If these are run as separate businesses, this would technically require consent. We seek relief that RDIS-2 is deleted in its entirety. RDIS-1 provides control over the maximum GBA within a site such that restrictions on the number is not deemed necessary.

### RPROZ-S4 Setbacks from MHWS

The building or structure, or extension or alteration to an existing building or structure must be setback at least 30m from MHWS.

### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

#### Where:

S502.052

#### PER-1

The building or structure, or extension or alteration to an existing building or structure must be set back at least 30m from MHWS

#### PER-2

The building or structure, or extension or alteration to an existing building or structure within the 30m setback from MHWS is required for:

1. restoration and enhancement purposes; or
2. natural hazard mitigation undertaken by, or on behalf of, the local authority; or
3. a post and wire fence for the purpose of protection from farm stock; or
4. Lighting poles by, or on behalf of, the local authority; or
5. Footpaths and or paving no greater than 2m in width; or
6. Boundary fences or walls no more than 2m in height above ground level;

2.9 Some consistency is sought with NATC-R1 which covers activities within proximity to a wetland, lake or a river margin. As such the layout of the rule has been changed to reflect this, while at the same time allowing for certain structures to be exempt.

2.10 The definition for a Structure includes any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft.

2.11 There are many structures fixed to land such as stock fences that have a functional requirement to be located within 26m of the MHWS. Exclusion of this is consistent with NATC-R1.

- 2.12 Lighting poles by or on behalf of FNDC have been sought as these are generally within legal road (which assumes the zoning of the neighboring site) or within park areas. At present the road designation only applies to roads, not the associated infrastructure and as such lighting poles would trigger consent.
- 2.13 Exclusions have been sought for footpaths and paving for both private and public use. In terms of private use, footpaths and paving are generally for garden areas providing access from the main dwelling to a clothesline or garage. These are generally minor in nature with minimal effect. In terms of public use, roads assume the zoning of the neighboring site -

***Zoning of Roads, Railways and Rivers***

*All public roads, including state highways, railways and rivers are zoned, although they are not coloured on the planning maps to avoid confusion. The zoning of the road, rail corridor and rivers will be the same zone as that of the adjoining land (as shown on the District Plan maps). Where the zoning of the land that adjoins one side of the road, railway or river is different to that of the land that adjoins the other side, then the zoning of the adjoining land shall apply up to the centreline of the road, railway or river.*

So, where a footpath may be established alongside a road or within a park area we seek to have these excluded. A 2m wide footpath has been sought to enable easy passing by two mobility scooters.

- 2.14 Boundary fences and walls are also sought to be excluded so long as they are no more than 2m in height. This is because they are now captured under the definition of structure.

### **3.0 Rural Lifestyle Zone**

#### **RLZ-R5 – Home Business**

*The home business is undertaken within:*

1. *a residential unit; or*
2. *an accessory building that does not exceed 40m<sup>2</sup> GFA; or*
3. *a minor residential unit.*

#### **PER-2**

*There is no more than one full-time equivalent persons engaged in the home business who reside off-site.*

#### **PER-3**

*All manufacturing, altering, repairing, dismantling or processing of any material or articles associated with an activity is carried out within a building or screened from residential units on adjoining sites.*

#### **PER-4**

*Hours of operation are between:*

1. *7am-8pm Monday to Friday.*



2. 8am-8pm Weekends and public holidays.

### **Changes Sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

*The home business is undertaken within:*

1. a residential unit; or
2. an accessory building ~~that does not exceed 40m2 GFA~~; or
3. a minor residential unit.

### **PER-2**

*There is no more than one full-time equivalent persons engaged in the home business who reside off-site.*

### **PER-3**

*All manufacturing, altering, repairing, dismantling or processing of any material or articles associated with an activity is carried out within a building or screened from residential units on adjoining sites.*

- 3.1 A home business could be utilizing an existing farm shed on site which may be larger than 40m2. A business may only utilize a portion of a building where the rest is set aside as private space. Utilizing an existing building which exceeds 40m2 should not be a trigger for consent.
- 3.2 Moreover, even if a business was utilizing a space greater than 40m2 other standards such as PER-2 & 3 are in place to control the effects such that the effects will be no more than minor on the surrounding environment.

## **RLZ-R6 – Educational Facility**

### **PER-1**

*The educational facility is within a residential unit, accessory building or minor residential unit.*

### **PER-2**

*Hours of operation are between;*

1. 7am-8pm Monday to Friday.
2. 8am-8pm Weekends and public holidays.

### **PER-3**

*The number of students attending at one time does not exceed four, excluding those who reside onsite*

### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

**PER-1**

The educational facility is within a residential unit, accessory building ~~or~~ minor residential unit. **Museum, marae or other similar facility.**

**PER-2**

S502.054

Hours of operation are between;

1. 7am-8pm Monday to Friday.
2. 8am-8pm Weekends and public holidays.

**PER-3**

The number of students attending at one time does not exceed four **within a residential unit, accessory building or minor residential unit**, excluding those who reside onsite

**PER-4**

**The number of students attending at one time does not exceed the number of people for which a museum, marae or other similar facility has been designed for.**

- 3.3 It appears that a museum, marae, town hall, or community center would not fall under the definition of an accessory building.
- 3.4 Buildings of this nature host educational programs often and should be allowed to continue to do so without triggering consent. We seek relief that provision is made such that a museums, maraes and other similar buildings to accommodate an educational facility.

**RLZ-S4 Setbacks from MHWS**

The building or structure, or extension or alteration to an existing building or structure must be set back at least 26m from MHWS

**Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strike through~~). Reasons for the changes are explained below:

**Where:**

S502.055

**PER-1**

The building or structure, or extension or alteration to an existing building or structure must be set back at least 26m from MHWS

**PER-2**

**The building or structure, or extension or alteration to an existing building or structure within the 26m setback from MHWS is required for:**

1. restoration and enhancement purposes; or
2. natural hazard mitigation undertaken by, or on behalf of, the local authority; or
3. a post and wire fence for the purpose of protection from farm stock; or

4. **Lighting poles by, or on behalf of, the local authority; or**
5. **Footpaths and or paving no greater than 2m in width; or**
6. **Boundary fences or walls no more than 2m in height above ground level;**

- 3.5 Some consistency is sought with NATC-R1 which covers activities within proximity to a wetland, lake or a river margin. As such the layout of the rule has been changed to reflect this, while at the same time allowing for certain structures to be exempt.
- 3.6 The definition for a Structure includes *any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft.*
- 3.7 There are many structures fixed to land such as stock fences that have a functional requirement to be located within 26m of the MHWS. While stock fences generally are not required within the Residential environment there may be cases in our district where land is zoned as residential however is yet to be developed in this fashion. Exclusion of this is consistent with NATC-R1.
- 3.8 Lighting poles by or on behalf of FNDC have been sought as these are generally within legal road (which assumes the zoning of the neighboring site) or within park areas. At present the road designation only applies to roads, not the associated infrastructure and as such lighting poles would trigger consent.
- 3.9 Exclusions have been sought for footpaths and paving for both private and public use. In terms of private use, footpaths and paving are generally for garden areas providing access from the main dwelling to a clothesline or garage. These are generally minor in nature with minimal effect. In terms of public use, roads assume the zoning of the neighboring site -

#### ***Zoning of Roads, Railways and Rivers***

*All public roads, including state highways, railways and rivers are zoned, although they are not coloured on the planning maps to avoid confusion. The zoning of the road, rail corridor and rivers will be the same zone as that of the adjoining land (as shown on the District Plan maps). Where the zoning of the land that adjoins one side of the road, railway or river is different to that of the land that adjoins the other side, then the zoning of the adjoining land shall apply up to the centreline of the road, railway or river.*

So, where a footpath may be established alongside a road or within a park area we seek to have these excluded. A 2m wide footpath has been sought to enable easy passing by two mobility scooters.

- 3.10 Boundary fences and walls are also sought to be excluded so long as they are no more than 2m in height. This is because they are now captured under the definition of structure.

## **4.0 Rural Residential Zone**

### **RPZ-R2 Impermeable Surface Coverage**

**Where:**

**PER-1**

The impermeable surface coverage of any site is no more than 12.5% or 2,500m<sup>2</sup>, which ever is lesser.

S502.056

- 4.1 Subdivision has been enabled as a Discretionary activity on sites up to 2000m<sup>2</sup>. 12.5% of 2000m<sup>2</sup> is 250m<sup>2</sup> which doesn't even cover the roof of many dwellings being consented at present, let alone driveway, parking areas, garden sheds and garages, pathways etc. which are associated with a dwelling. It is likely that with each 2000m<sup>2</sup> site which is created that landuse consent will be required for a breach of this standard.
- 4.2 We seek that Council review the impermeable surface coverage for this zone to avoid unnecessary landuse consents in the future.

**RRZ-R5 – Home Business**

*The home business is undertaken within:*

1. *a residential unit; or*
2. *an accessory building that does not exceed 40m<sup>2</sup> GFA; or*
3. *a minor residential unit.*

**PER-2**

*There is no more than one full-time equivalent persons engaged in the home business who reside off-site.*

**PER-3**

*All manufacturing, altering, repairing, dismantling or processing of any material or articles associated with an activity is carried out within a building or screened from residential units on adjoining sites.*

**PER-4**

*Hours of operation are between:*

1. *7am-8pm Monday to Friday.*
2. *8am-8pm Weekends and public holidays.*

**Changes Sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

*The home business is undertaken within:*

S502.057

1. *a residential unit; or*
2. *an accessory building ~~that does not exceed 40m<sup>2</sup> GFA~~; or*
3. *a minor residential unit.*

**PER-2**

*There is no more than one full-time equivalent persons engaged in the home business who reside off-site.*

### **PER-3**

*All manufacturing, altering, repairing, dismantling or processing of any material or articles associated with an activity is carried out within a building or screened from residential units on adjoining sites.*

- 4.3 A home business could be utilizing a shed on site which may be larger than 40m<sup>2</sup>. A business may only utilize a portion of a building where the rest is set aside as private space. Utilizing an existing building which exceeds 40m<sup>2</sup> should not be a trigger for consent.
- 4.4 Moreover, even if business was utilizing a space greater than 40m<sup>2</sup> other standards such as Per-2 & 3 are in place to control the effects such that the effects will be no more than minor on the surrounding environment.

### **RRZ-S4 Minor Setback from MHWS**

*The building or structure, or extension or alteration to an existing building or structure must be set back at least 26m from MHWS*

#### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

#### **Where:**

S502.058

#### **PER-1**

*The building or structure, or extension or alteration to an existing building or structure must be set back at least 26m from MHWS*

#### **PER-2**

**The building or structure, or extension or alteration to an existing building or structure within the 26m setback from MHWS is required for:**

- 1. restoration and enhancement purposes; or**
- 2. natural hazard mitigation undertaken by, or on behalf of, the local authority; or**
- 3. a post and wire fence for the purpose of protection from farm stock; or**
- 4. Lighting poles by, or on behalf of, the local authority; or**
- 5. Footpaths and or paving no greater than 2m in width; or**
- 6. Boundary fences or walls no more than 2m in height above ground level;**

- 4.5 Some consistency is sought with NATC-R1 which covers activities within proximity to a wetland, lake or a river margin. As such the layout of the rule has been changed to reflect this, while at the same time allowing for certain structures to be exempt.

- 4.6 The definition for a Structure includes *any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft.*
- 4.7 There are many structures fixed to land such as stock fences that have a functional requirement to be located within 26m of the MHWS. While stock fences generally are not required within the Residential environment there may be cases in our district where land is zoned as residential however is yet to be developed in this fashion. Exclusion of this is consistent with NATC-R1.
- 4.8 Lighting poles by or on behalf of FNDC have been sought as these are generally within legal road (which assumes the zoning of the neighboring site) or within park areas. At present the road designation only applies to roads, not the associated infrastructure and as such lighting poles would trigger consent.
- 4.9 Exclusions have been sought for footpaths and paving for both private and public use. In terms of private use, footpaths and paving are generally for garden areas providing access from the main dwelling to a clothesline or garage. These are generally minor in nature with minimal effect. In terms of public use, roads assume the zoning of the neighboring site -

#### ***Zoning of Roads, Railways and Rivers***

*All public roads, including state highways, railways and rivers are zoned, although they are not coloured on the planning maps to avoid confusion. The zoning of the road, rail corridor and rivers will be the same zone as that of the adjoining land (as shown on the District Plan maps). Where the zoning of the land that adjoins one side of the road, railway or river is different to that of the land that adjoins the other side, then the zoning of the adjoining land shall apply up to the centreline of the road, railway or river.*

So, where a footpath may be established alongside a road or within a park area we seek to have these excluded. A 2m wide footpath has been sought to enable easy passing by two mobility scooters.

- 4.10 Boundary fences and walls are also sought to be excluded so long as they are no more than 2m in height. This is because they are now captured under the definition of structure.

## **5.0 Settlement Zone**

### **RSZ-R5 – Home Business**

*The home business is undertaken within:*

1. *a residential unit; or*
2. *an accessory building that does not exceed 40m<sup>2</sup> GFA; or*
3. *a minor residential unit.*

#### **PER-2**

*There is no more than one full-time equivalent persons engaged in the home business who reside off-site.*

### **PER-3**

*All manufacturing, altering, repairing, dismantling or processing of any material or articles associated with an activity is carried out within a building.*

### **PER-4**

*Hours of operation are between:*

1. *7am-8pm Monday to Friday.*
2. *8am-8pm Weekends and public holidays.*

### **Changes Sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~striketrough~~). Reasons for the changes are explained below:

*The home business is undertaken within:*

S502.059

1. *a residential unit; or*
2. *an accessory building ~~that does not exceed 40m<sup>2</sup> GFA~~; or*
3. *a minor residential unit.*

### **PER-2**

*There is no more than one full-time equivalent persons engaged in the home business who reside off-site.*

### **PER-3**

*All manufacturing, altering, repairing, dismantling or processing of any material or articles associated with an activity is carried out within a building.*

- 5.1 A home business could be utilizing a shed on site which may be larger than 40m<sup>2</sup>. A business may only utilize a portion of a building where the rest is set aside as private space. Utilizing an existing building which exceeds 40m<sup>2</sup> should not be a trigger for consent.
- 5.2 Moreover, even if a business was utilizing a space greater than 40m<sup>2</sup> other standards such as PER-2 & 3 are in place to control the effects such that the effects will be no more than minor on the surrounding environment.

### **RSZ-S3 Setback (excluding from MHWS or Wetland, lake and river margins)**

The [building](#) or [structure](#), or extension or alteration to an existing [building](#) or [structure](#) must be set back at least 1.2m from all [site](#) boundaries, except that the [setback](#) must be at least 3m measured from a [road boundary](#).

**This standard does not apply to:**

- i. uncovered decks less than 1m in [height](#) above [ground level](#);
- ii. underground [wastewater infrastructure](#);
- iii. water tanks less than 2.7m in [height](#) above [ground level](#);

- iv. a [building](#) or [structure](#) exceeding this standard for a maximum distance of 10m along any one [boundary](#) other than a [road](#) or public [boundary](#).

### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

The [building](#) or [structure](#), or extension or alteration to an existing [building](#) or [structure](#) must be set back at least 1.2m from all [site](#) boundaries, except that the [setback](#) must be at least 3m measured from a [road boundary](#).

### This standard does not apply to:

- i. uncovered decks less than 1m in [height](#) above [ground level](#);
  - ii. **fences and retaining walls less than 1.8m in height** S502.060
  - iii. underground [wastewater infrastructure](#);
  - iv. water tanks less than 2.7m in [height](#) above [ground level](#);
  - v. a [building](#) or [structure](#) exceeding this standard for a maximum distance of 10m along any one [boundary](#) other than a [road](#) or public [boundary](#).
- 5.3 This rule does not exclude fences or walls. It is noted Rule RSZ-S7 requires a solid fence with a minimum height of 1.8m along a road boundary which is not occupied by buildings.

### RSZ-S4 Setback from MHWS

*The [building](#) or [structure](#), or extension or alteration to an existing [building](#) or [structure](#) must be set back at least 26m from [MHWS](#)*

### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

#### **Where:**

#### **PER-1**

*The [building](#) or [structure](#), or extension or alteration to an existing [building](#) or [structure](#) must be set back at least 26m from [MHWS](#)*

S502.061

#### **PER-2**

**The building or structure, or extension or alteration to an existing building or structure within the 26m setback from MHWS is required for:**

1. **restoration and enhancement purposes; or**
2. **natural hazard mitigation undertaken by, or on behalf of, the local authority; or**
3. **a post and wire fence for the purpose of protection from farm stock; or**
4. **Lighting poles by, or on behalf of, the local authority; or**
5. **Footpaths and or paving no greater than 2m in width; or**
6. **Boundary fences or walls no more than 2m in height above ground level;**



- 5.4 Some consistency is sought with NATC-R1 which covers activities within proximity to a wetland, lake or a river margin. As such the layout of the rule has been changed to reflect this, while at the same time allowing for certain structures to be exempt.
- 5.5 The definition for a Structure includes *any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft.*
- 5.6 There are many structures fixed to land such as stock fences that have a functional requirement to be located within 26m of the MHWS. While stock fences generally are not required within the Residential environment there may be cases in our district where land is zoned as residential however is yet to be developed in this fashion. Exclusion of this is consistent with NATC-R1.
- 5.7 Lighting poles by or on behalf of FNDC have been sought as these are generally within legal road (which assumes the zoning of the neighboring site) or within park areas. At present the road designation only applies to roads, not the associated infrastructure and as such lighting poles would trigger consent.
- 5.8 Exclusions have been sought for footpaths and paving for both private and public use. In terms of private use, footpaths and paving are generally for garden areas providing access from the main dwelling to a clothesline or garage. These are generally minor in nature with minimal effect. In terms of public use, roads assume the zoning of the neighboring site -

#### ***Zoning of Roads, Railways and Rivers***

*All public roads, including state highways, railways and rivers are zoned, although they are not coloured on the planning maps to avoid confusion. The zoning of the road, rail corridor and rivers will be the same zone as that of the adjoining land (as shown on the District Plan maps). Where the zoning of the land that adjoins one side of the road, railway or river is different to that of the land that adjoins the other side, then the zoning of the adjoining land shall apply up to the centreline of the road, railway or river.*

So, where a footpath may be established alongside a road or within a park area we seek to have these excluded. A 2m wide footpath has been sought to enable easy passing by two mobility scooters.

- 5.9 Boundary fences and walls are also sought to be excluded so long as they are no more than 2m in height. This is because they are now captured under the definition of structure.

## **6.0 Consequential amendments**

- 6.1 We note that there are a number of rules which we have made submissions upon where we seek the same changes for consistency. For example setback from MHWS. There are a number of different zones where we have not made a submission, however in the case of the MHWS rule we seek that the same changes be applied across all other zones.

# Northland Planning and Development 2020 Limited

## 1. Intro

- 1.1. Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2. Signs

### **Sign-R8 Signs located within any overlay other than a Natural Hazard Overlay**

#### **Where:**

##### **PER-1**

The [sign](#) complies with standards:

[SIGN-S1 Maximum area](#);

[SIGN-S2 Maximum height](#);

[SIGN-S3 Maximum number](#);

[SIGN-S4 Traffic safety](#); and

[SIGN-S5 Sign design and content](#).

##### **PER-2**

The [sign](#) is an:

1. interpretation [sign](#);
2. [official sign](#);
3. [directional sign](#);
4. [health and safety sign](#); and
5. [real estate sign](#).

#### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

#### **Where:**

##### **PER-1**

The [sign](#) complies with standards:

[SIGN-S1 Maximum area](#) **with the exception of signs where they are not visible from a public viewing place**;

[SIGN-S2 Maximum height](#);

[SIGN-S3 Maximum number](#) **with the exception of signs where they are not visible from a public viewing place**;

[SIGN-S4 Traffic safety](#); and

[SIGN-S5 Sign design and content](#).

S502.076

##### **PER-2**

The [sign](#) is an:

1. interpretation [sign](#);

2. [official sign](#);
3. [directional sign](#);
4. [health and safety sign](#); and
5. [real estate sign](#).

- 2.1. The Operative Plan excluded signs which were not visible from a public place within the signage definition. Signage is necessary on some sites to direct visitors, to inform of upcoming events, and for general information purposes about the site. Maximum signage area is quite limited in most zones. In some cases you may not be able to see a sign from any public places such that the effect of placing a sign on a particular site would be negligible on the wider environment. In this particular case the exemptions are considered acceptable.
- 2.2. We are also happy if this exemption is included within Sign-S1 and Sign-S3 as an alternative.

### **SIGN-S1 – Maximum sign area per site**

#### **All Zones**

1. Any temporary [sign](#) (excluding real estate and development) or community [sign](#) must not exceed 2m<sup>2</sup> in the area but may be double-sided. where a [sign](#) is double-sided, the maximum area of the [sign](#) is calculated as the area of one side of the [sign](#); and
2. Any [real estate and development sign](#) must not exceed 1.5m<sup>2</sup> in area.

#### **ONF's ONLs Heritage Areas, Scheduled Heritage resource**

1. The maximum total sign area within an ONF, ONL or Heritage Area must not exceed 0.5m<sup>2</sup>; and
2. The maximum total sign area on scheduled historic resource must not exceed 0.25m<sup>2</sup>.

*Note: This standard only has immediate legal effect for signs on or attached to a scheduled heritage resource or heritage area (Rules SIGN-R9 and SIGN-R10)*

#### **Rural Production zone, Horticulture Processing zone, Horticulture zone, Māori Purpose zone, Open Space zone, Sport and Active Recreation zone, Natural Open Space zone, Kauri Cliffs zone**

*The maximum total of sign area on any site must not exceed 3m<sup>2</sup>. Where a sign is double-sided, the maximum sign area is calculated as the area of one side of the sign.*

#### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

### **SIGN-S1 – Maximum sign area per site**

#### **All Zones**

1. Any temporary [sign](#) (excluding real estate, ~~and development,~~ **Directional and Health and Safety**) or community [sign](#) must not exceed 2m<sup>2</sup> in the area but may be double-sided.

~~w~~Where a sign is double-sided, the maximum area of the sign is calculated as the area of one side of the sign; and

2. Any real estate, ~~and~~ development, Directional and Health and Safety sign must not exceed 1.5m<sup>2</sup> in area.

S502.077

#### **ONF's ONLs Heritage Areas, Scheduled Heritage resource**

1. The maximum total sign area within an ONF, ONL or Heritage Area must not exceed 0.5m<sup>2</sup>; and
2. The maximum total sign area on scheduled historic resource must not exceed 0.25m<sup>2</sup>.

*Note: This standard only has immediate legal effect for signs on or attached to a scheduled heritage resource or heritage area (Rules SIGN-R9 and SIGN-R10)*

#### **Rural Production zone, Horticulture Processing zone, Horticulture zone, Māori Purpose zone, Open Space zone, Sport and Active Recreation zone, Natural Open Space zone, Kauri Cliffs zone**

*The maximum total of sign area on any site must not exceed 3m<sup>2</sup>. Where a sign is double-sided, the maximum sign area is calculated as the area of one side of the sign.*

- 2.3. Under the Operative Plan, Directional and Health and Safety signs are excluded from the maximum area per site thresholds and an allowance is provided for a maximum area per such signs of 1m<sup>2</sup>. We seek to align these with real estate and development signs which are also of a temporary nature. Directional and Health and Safety Signs are necessary to ensure the safety of the public.

#### **SIGN-S3 – Maximum number of signs**

##### **All Zones**

*There shall be no more than one temporary sign (excluding real estate and development) per site.*

##### **Rural Production Zone**

*There shall be no more than two signs per site.*

#### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

#### **SIGN-S3 – Maximum number of signs**

*There shall be no more than one temporary sign (excluding real estate, ~~and~~ development, **Directional and Health and Safety**) per site.*

S502.078

- 2.4. Under the Operative Plan, Directional and Health and Safety signs are excluded from maximum number of signs per site thresholds. These signs are considered necessary to ensure the safety of the public. On larger sites especially, more than one sign is necessary to convey important messages to the wider public.

# Northland Planning and Development 2020 Limited

## 1. Intro

- 1.1. Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2. Sites and Areas of Significance to Maori

### SASM-R1 – New buildings or structures, extensions or alterations to existing buildings or structures, earthworks or indigenous vegetation clearance

#### PER-1

*The activity is undertaken by the requesting party listed in Schedule 3.*

#### PER-2

*Any indigenous vegetation clearance is for customary purposes.*

#### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~striketrough~~). Reasons for the changes are explained below:

#### PER-1

S502.079

*The activity is undertaken by the requesting party listed in Schedule 3 **or by another party where written approval has been received from the requesting party for the works.***

#### PER-2

*Any indigenous vegetation clearance is for customary purposes.*

- 2.1. Changes have been sought to state that if written approval has been received by the requesting party listed in Schedule 3, then the works are deemed to be a permitted activity. At times minor works such as the trenching of a cable may be required or repair and maintenance activities may need to be undertaken which would trigger a resource consent. In these cases if the written approval from the requesting authority has been received a consent process should not be necessary. This also relates to items such as fencing which is generally exempt from earthworks provisions but not from the definition of a structure.

# Northland Planning and Development 2020 Limited

## 1. Intro

- 1.1. Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2. Sport and Active Recreation Zone

### SARZ-R14 – Educational Facility

Activity Status: Discretionary

- 2.1. At times a Sport and Recreational facility such as a Rugby Clubroom or a community hall may be hired out for an educational programme. Activities such as this are temporary in nature and assist local clubs and community groups with additional funding to help with the upkeep of their facilities. These activities should continue to be enabled rather than being a Discretionary activity, especially if they are temporary in nature.
- 2.2. We seek relief that temporary occupation of existing facilities for educational purposes is enabled as a permitted activity.

### SARZ-S4 - Setbacks from MHWS

The building or structure, or extension or alteration to an existing building or structure must be set back at least 26m from MHWS

#### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

#### Where:

##### PER-1

The building or structure, or extension or alteration to an existing building or structure must be set back at least 26m from MHWS

##### PER-2

S502.067

The building or structure, or extension or alteration to an existing building or structure within the 26m setback from MHWS is required for:

1. restoration and enhancement purposes; or
2. natural hazard mitigation undertaken by, or on behalf of, the local authority; or
3. a post and wire fence for the purpose of protection from farm stock; or
4. Lighting poles by, or on behalf of, the local authority; or
5. Footpaths and or paving no greater than 2m in width; or

**6. Boundary fences or walls no more than 2m in height above ground level;**

- 2.3. Some consistency is sought with NATC-R1 which covers activities within proximity to a wetland, lake or a river margin. As such the layout of the rule has been changed to reflect this, while at the same time allowing for certain structures to be exempt.
- 2.4. The definition for a Structure includes *any building, equipment, device, or other facility, made by people and which is fixed to land; and includes any raft.*
- 2.5. There are many structures fixed to land such as stock fences that have a functional requirement to be located within 26m of the MHWS. While stock fences generally are not required within the Residential environment there may be cases in our district where land is zoned as residential however is yet to be developed in this fashion. Exclusion of this is consistent with NATC-R1.
- 2.6. Lighting poles by or on behalf of FNDC have been sought as these are generally within legal road (which assumes the zoning of the neighboring site) or within park areas. At present the road designation only applies to roads, not the associated infrastructure and as such lighting poles would trigger consent.
- 2.7. Exclusions have been sought for footpaths and paving for both private and public use. In terms of private use, footpaths and paving are generally for garden areas providing access from the main dwelling to a clothesline or garage. These are generally minor in nature with minimal effect. In terms of public use, roads assume the zoning of the neighboring site, so where a footpath may be established alongside a road or within a park area we seek to have these excluded. A 2m wide footpath has been sought to enable easy passing by two mobility scooters.
- 2.8. Boundary fences and walls are also sought to be excluded so long as they are no more than 2m in height. This is because they are now captured under the definition of structure.

# Northland Planning and Development 2020 Limited

## 1.0 Intro

- 1.1. Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2.0 Subdivision

### SUB-R1 Boundary Adjustments

#### CON-2

1. the boundary adjustment does not alter:
  - i. the ability of existing activities to continue to be permitted under the rules and standards in this District Plan;
  - ii. the degree of non compliance with zone or district wide standards;
  - iii. the number and location of any access; and
  - iv. the number of certificates of title.

### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

#### CON-2

S502.081

1. the boundary adjustment does not ~~alter~~:
  - i. **alter** the ability of existing activities to continue to be permitted under the rules and standards in this District Plan;
  - ii. **alter** the degree of non compliance with zone or district wide standards;
  - iii. **alter** the number and location of any access; and
  - iv. **increase** the number of certificates of title.
- 2.1. Using the word alter it has the unintended consequence of capturing boundary adjustments which decrease the number of allotments provided. Boundary adjustments that decrease the number of titles should have the ability to comply with the Controlled activity provisions as such we seek to use the word 'increase' to clarify this situation.

### SUB-S1

Standards		
SUB-S1 Minimum allotment sizes		
Zone	Controlled Activity	Discretionary Activity
Rural Production	40ha	8ha
Rural Residential	4,000m <sup>2</sup>	2,000m <sup>2</sup>
Rural Lifestyle	4ha	2ha



## Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

### SUB-S1

S502.082

Zone	Controlled Activity	<b><u>Restricted Discretionary Activity</u></b>	Discretionary Activity
Rural Production	<del>40ha</del> <b><u>20ha</u></b>	<b><u>8ha</u></b>	<del>8ha</del> <b><u>4ha</u></b>
Rural Residential	4000m <sup>2</sup>		2000m <sup>2</sup>
Rural Lifestyle	4ha	<b><u>2ha</u></b>	<del>2ha</del> <b><u>1ha</u></b>

### Rural Production

- 2.2. The Rural Production Zone covers the majority of the Far North District where the productive potential of land is influenced by soil types, access to water and access to a workforce.
- 2.3. The economic viability in relation to productive areas for primary production varies a great deal depending on whether the use is for horticulture, dairy farming or sheep and beef grazing to name a few. It is also noted that smaller horticultural properties are more economically viable when they have the benefit of versatile soils, access to water for irrigation and access to a workforce. This is evident not only in Kerikeri but also in areas such as Pukenui and Kaitaia.
- 2.4. The above lot sizes are sought to reflect the diversity of primary production throughout the entire district as there are many areas that have access to an aquifer or water irrigation which can support primary production within a smaller parcel of land. It is acknowledged within the Rural Environment Economic Analysis Update Report that there are a number of smaller established horticultural land parcels that are likely to support viable primary productive uses.
- 2.5. In addition to this not all land that is zoned as Rural Production contains Highly Versatile Soils, and not all sites that are zoned as Rural Production can be utilised or are suitable for a productive purpose. For this reason, not all sites are set aside as a productive farming unit which would require an allotment size of 40ha or more. We therefore seek that the Controlled Activity standard remain at 20ha.
- 2.6. As middle ground we seek to add in a Restricted Discretionary activity status of 8ha. This aligns with the Rural Environment Economic Analysis report which confirms that horticultural activities can effectively be undertaken on land of 7ha in area. This leaves an additional hectare to establish a dwelling and associated sheds and infrastructure. While the plan has proposed a horticultural zone for Kerikeri and Waipapa to give effect to this, no consideration to horticultural activities within the rest of the district has been undertaken. Having this as an enabling option ensures other horticultural areas in the District are able to achieve similar outcomes to Kerikeri.

- 2.7. The 4ha allotment size as a discretionary activity enables less productive land to be utilised for activities such as lifestyle development with small scale subsistence living. This ensures small scale lifestyle development is available in more rural areas for people who either want to retire and remove the family house from the farm, or take off an area which is not productive on the main farming unit, to enable a family to establish a dwelling and have a couple of sheep or cattle with gardens, where a less intensive use would be beneficial for the environment in terms of pugging and erosion. As a discretionary activity any proposal requires the full range of effects to be considered through the resource consent process and the decision remains up to Council to consider whether approval should be granted.

### **Rural Residential**

- 2.8. We support the inclusion of the Rural Residential zone which enables Discretionary allotment sizes of up to 2000m<sup>2</sup>.

### **Rural Lifestyle**

- 2.9. The Rural Lifestyle zone covers large areas of land which adjoin Rural Settlement areas. Many of these sites are currently zoned Coastal Living which allows for subdivision of 4ha as a controlled activity, 8,000m<sup>2</sup> as a Restricted Discretionary Activity and 5,000m<sup>2</sup> as a Discretionary Activity.
- 2.10. Within the Section 32 report, Section 1.3, it is stated that *the primary purpose of the zone is to enable people to undertake a residential activity, however the size of the lot sizes give people the option of growing their own food or having a horse or stock at a domestic scale, while still enabling farming on larger lots*. It is considered that the above-mentioned activities can occur on allotments of 1 hectare in size and greater as is evident when driving around the Far North District.
- 2.11. The Section 32 report then goes on to explain that reducing fragmentation of the zone is a priority as well as reducing the pressure on providing reticulated infrastructure. Once again, it is considered lot sizes of 1 hectare are more than capable of catering for infrastructure onsite, without creating any adverse effects, as has been provided for in many instances. The majority of these areas are also not located within areas which are serviced by reticulated infrastructure, such that providing such infrastructure would not even be a consideration nor an expectation.
- 2.12. It is noted that the Section 32 report aims to explain that intensification of this zone is not provided for in the future, however it is considered that the adjoining Rural Settlement zones will be the focus for further intensification, rather than the Rural Lifestyle zone.
- 2.13. Providing rural amenity and avoiding reverse sensitivity effects are a main driver for the more restrictive lot sizes, however, it is considered that providing for lot sizes of 1 hectare as a Discretionary Activity will maintain and enhance the rural amenity of the zone, while providing sites which are able to be effectively managed by the owners as a small productive/lifestyle lot.

## SUB-R6 Environmental Benefit Subdivision

### RDIS -2

The Environmental benefit [subdivision](#) complies with either Table 1 or Table 2 as follows:

**Table 1.**

Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title
Greater than 4ha – less than 10ha	1
Greater than 10ha – less than 20ha	2
Greater than 20ha	3

**Table 2.**

Total area of natural <a href="#">wetland</a> to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title
Greater than 0.5ha (5,000m <sup>2</sup> ) – less than 1ha	1
Greater than 1ha – less than 2ha	2
Greater than 2ha	3

### RDIS-6

All proposed new environmental [allotments](#) are to be a minimum size of 2ha in area and the balance [lot](#) must be greater than 40ha.

### RDIS-8

Where the [land](#) to be subdivided contains versatile soil (as determined by a property scale site specific Land Use Capability Classification prepared by a suitably qualified person), the proposed new [allotments](#) created by the new environmental benefit [lot subdivision](#), exclusive of the balance area, must not individually contain more than 15% [versatile soils](#) within the [allotment](#).

## Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

**Table 1.**

Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title
Greater than <del>4ha</del> <b><u>1</u></b> ha – less than <del>10</del> <b><u>4</u></b> ha	1
Greater than <del>10</del> <b><u>4</u></b> ha – less than <del>20</del> <b><u>8</u></b> ha	2

<u>Greater than 8ha – less than 12ha</u>	3
Greater than <del>20</del> <u>12</u> ha	4

**Table 2.**

Total area of natural <u>wetland</u> to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title
Greater than 0. <del>52</del> <u>12</u> ha (5,2000m <sup>2</sup> ) – less than 1ha	1
Greater than 1ha – less than 2ha	2
Greater than 2ha	3

S502.083

#### **RDIS-6**

All proposed new environmental allotments are to be a minimum size of 12ha in area and the balance lot must be 20ha or greater ~~than 40ha.~~

- 2.14. Sites seeking to utilize this option will be limited, as most farming allotments which have larger areas of bush or wetlands tend not to be within areas with as much development pressure. Sites which would utilize this as an option is an older farming couple who seek to take off their dwelling from the remainder of the productive farm and maybe create a section or 2 for their children. Subdivision of this nature is a main driver in this District. When taking off a site containing a dwelling or creating a vacant allotment, farmers generally look at the opportunity cost to their productive farming activities and seek to reduce the proposed allotment sizes provided. If an older couple is looking to retire from farming, generally they are not looking for a larger section as it becomes harder to manage and maintain. As such, we seek to reduce the 2ha requirement in RDIS-6 to 1ha. When looking to safeguard bush areas generally you seek to keep the areas of protected or covenanted bush within the balance allotment as items such as weed, and pest management are more readily undertaken at larger scales. Protected bush areas are generally only located within smaller allotments as a way to make up minimum lot size requirements which is not an ideal situation.
- 2.15. Within the district there are many sites between 20ha and 40ha with areas of bush and/or wetlands where as per above, the removal of the dwelling or a site for their children which is not within a productive area of the farm would result in minor effects given the scale. In being more enabling and allowing for a 20ha balance it provides an opportunity for Council to capture and map more scheduled protected areas.
- 2.16. Many people within the district seek a smaller lifestyle property to gain some sense of privacy, but generally don't want the large land holdings which come with rural living.
- 2.17. In protecting large areas of bush or wetlands there needs to be a commensurate benefit to the farmer. As such, we have offered a revised table for Councils consideration. This can

ensure that smaller areas of a farm which are not productive or cause adverse effects such as pugging or erosion given the topography can be repurposed as a lifestyle area.

- 2.18. As a further matter we seek clarification on how this rule will be enforced where there are both wetland areas and bush to protect on a subject site. Can a farmer utilise both options in Tables 1 & 2 or must they choose just one?

### SUB-R11 Subdivision of a site within flood hazard areas

**Where:**

**RDIS -1**

1. Building platforms are located wholly outside the spatial extent of the 1 in 100 year floodplain:
2. Newly created allotments must be located and designed to not divert flood flow onto other properties or otherwise result in any increase in flood hazard beyond the site;
3. Any private roads, right of ways or accessways must be located where the depth of flood waters in a 1 in 100 year flood event does not exceed 200mm above ground level.

### Changes sought

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

**Where:**

S502.084

**RDIS -1**

1. Building platforms are located wholly outside the spatial extent of the 1 in 100 year floodplain, **or a site specific report has been provided by a suitably qualified and experienced practitioner which confirms that the building platform is located outside of the 1 in 100 year floodplain:**
  2. Newly created allotments must be located and designed to not divert flood flow onto other properties or otherwise result in any increase in flood hazard beyond the site;
  3. Any private roads, right of ways or accessways must be located where the depth of flood waters in a 1 in 100 year flood event does not exceed 200mm above ground level.
- 2.19. The spatial extent of the 1:100 year flood plain refers to the mapped extent of a flood plain. In some cases river control works or earthworks consented by the regional council have been undertaken to ensure that a building platform can be established outside of this mapped flood hazard area. Where this is the case the proposal should also be able to achieve a Restricted Discretionary Activity status as opposed to being a Non-Complying activity. As such item 1 has been updated to reflect this scenario.

### SUB-R19 Subdivision of a site within wetland, lake and river margins

**Activity status: Discretionary**

S502.085

- 2.20. Clarification is sought as to whether a subdivision application is automatically a discretionary activity if the site contains a wetland, lake and /or river margin. We have assumed that the intent of this is to capture any subdivisions where a boundary may run through a wetland, lake or river.
- 2.21. We note that generally if you are creating a boundary a waterbody is normally a nice natural boundary to follow. Avoiding this may result in unnecessary crossings being formed to access land.
- 2.22. We would also like to point out that if giving esplanade reserve, that this would be creating a boundary within the margin of a wetland, lake or river margin which would trigger Discretionary consent. This would be a perverse outcome.

#### **SUB-R17 Subdivision of a site containing a scheduled SNA**

##### **Activity status: Discretionary**

##### **Where:**

##### **DIS-1**

The [site](#) is located outside the [coastal environment](#); S502.086

##### **DIS-2**

The [subdivision](#) does not divide an [SNA](#).

- 2.23 Clarification is sought in regard to the Non complying activity status where compliance is not achieved with DIS-1 and DIS-2. Does this mean that if compliance is achieved with either DIS-1 or DIS-2 that activity status is Discretionary?

#### **SUB-R20 Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)**

**Activity status: Discretionary** S502.087

- 2.24 Clarification is sought that regardless of the lot size if the site or part of the site is located within the Coastal Environment the activity status is Discretionary.

#### **SUB-S8 Esplanades**

*Any subdivision involving the creation of one or more allotments less than 4ha which adjoins:*

1. *The line of MHWS;*
2. *The bank of a river whose bed has an average width of 3m or more; and*
3. *A lake that is larger than 8 ha in size.*

S502.088

*An esplanade reserve must be provided with a minimum width of 20m, in accordance with section 230 of the RMA.*

- 2.23. The provision of esplanade is to provide for walking, recreation and ecological benefits to members of the wider public. Section 230 of the RMA acknowledges that this can be provided in the form of Esplanade Reserve or Esplanade Strip. Both options should be available as a permitted activity to a developer in compliance with the Act.

# Northland Planning and Development 2020 Limited

## 1. Intro

- 1.1. Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2. Temporary Activities

### **TA-R3 – Temporary buildings or structures ancillary to a construction project**

#### **PER-1**

The temporary [building](#) or [structure](#) is located on the same [site](#) as the associated construction work or demolition.

#### **PER-2**

The maximum combined [GFA](#) of any temporary [buildings](#) or [structure](#) does not exceed 30m<sup>2</sup> where the [site](#) is located within or adjoins the General Residential zone.

#### **PER-3**

The temporary [building](#) or [structure](#) is removed from the [site](#) upon completion of the associated construction works, or within 12 months from the date it was located on the [site](#), whichever is the lesser.

#### **PER-4**

The temporary [building](#) or [structure](#) must comply with the maximum [height](#), [height in relation to boundary](#), [setback](#) and coverage rule standards of the zone where the activity is located

### **Changes sought**

The following changes to the rule are shown as tracked changes with additions shown as (**bold and underlined**) and deletions shown as (~~strikethrough~~). Reasons for the changes are explained below:

### **TA-R3 – Temporary buildings or structures ancillary to a construction project**

#### **PER-1**

The temporary [building](#) or [structure](#) is located on the same [site](#) as the associated construction work or demolition.

#### **PER-2**

The maximum combined [GFA](#) of any temporary [buildings](#) or [structure](#) does not exceed 30m<sup>2</sup> where the [site](#) is located within ~~or adjoins~~ the General Residential zone.

S502.089

#### **PER-3**

The temporary [building](#) or [structure](#) is removed from the [site](#) upon completion of the associated construction works, or within 12 months from the date it was located on the [site](#), whichever is the lesser.

#### **PER-4**

The temporary [building](#) or [structure](#) must comply with the maximum [height](#), [height in relation to boundary](#), [setback](#) and coverage rule standards of the zone where the activity is located



- 2.1. PER-2 wording has been amended to exclude 'or adjoins' the General Residential Zone. In most instances, the General Residential zone is adjoined by a larger Rural Zone. These large rural sites should not be restricted to temporary buildings or structures less than 30m<sup>2</sup>, due to the large nature of some of the projects as well as the need for temporary structures with a combined area of more than 30m<sup>2</sup>. PER-2 should provide control within the General Residential zone only.

# Northland Planning and Development 2020 Limited

## 1.0 Intro

- 1.1. Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.

## 2.0 Transport

### TRAN-R2 - Vehicle crossings and access, including private accessways

#### PER-3

The vehicle [crossing](#) is not off a State Highway, or off a [road](#) classified arterial or higher under the One Network [Road](#) Classification.

#### PER-4

Any unused vehicle crossings are reinstated to match the existing footpath and kerbing, or the shoulder and berm are reinstated where there is no footpath or kerbing, with all works to be undertaken as per any required traffic management plan and corridor access request.

#### Changes sought

#### PER-3

The vehicle [crossing](#) is ~~not off a State Highway, or~~ off a [road](#) classified arterial or higher under the One Network [Road](#) Classification ***and is not a State Highway.*** S502.090

- 2.1. Vehicle crossings off a State Highway are managed by Waka Kotahi NZ Transport Agency requiring a s93 notice. The requirement to then gain a resource consent from the Far North District Council for an activity which is solely reliant on NZTA's approval should not be requirement.
- 2.2. We note that the One Network Road classification has not been included as a supporting document and should be referenced.
- 2.3. Clarification is required in regard to what is considered 'unused'. Is there a timeframe associated with defining if a vehicle crossing is unused or is the term subjective at Councils discretion. We seek that additional clarity on this is added to the rule.

### TRAN R5 & TRAN-Table 11 – Trip Generation

- 2.4. There are other forms of transport to a site such as via bus, shuttles or ferries. As these options generally carry many people it reduces the number of trips required, and parking spaces needed. For many tourist operations this is how people gain access to the site. We seek relief that other forms of transport such as those listed form part of the rule assessment. S502.091 and S502.092

**TRAN-R1 – Parking & TRAN-Table 1 – Minimum number of parking spaces**

- 2.5. Clarification is sought on how parking is assessed for activities that are not listed within the rule or table. It is noted that in the Operative District Plan there was a category called places of entertainment which captured activities such as museums which is no longer required.
- 2.6. Where an activity does not fit in any one particular category do we utilize the closest activity or does a person need to engage a traffic engineer to determine the number of carparking spaces. Can clarity please be provided on this in the form of a note. S502.093 and S502.094

**TRAN-S1 – Requirements for Parking & TRAN-Table 4 – End of Trip Facility requirements**

- 1. The minimum number of on-site car parking and bicycle spaces are provided for each activity in accordance with TRAN-Table 1 - Minimum number of parking spaces, except that:
  - for sites in the Mixed Use zone, no additional on-site parking spaces are required where the nature of a legally established activity changes, provided that:
    - i. the gross business area of the site is not increased; and
    - ii. it is not a residential activity or visitor accommodation activity;
- 2. Where on-site parking is provided in accordance with (1) above, additional accessible car parking spaces must be provided in accordance with TRAN-Table 2 - Minimum number of accessible parking spaces;
- 3. Loading spaces for commercial activities, offices, industrial activities, commercial service activities, hospital activities, and educational facilities are provided on site in accordance with TRAN-Table 3 - Minimum on-site loading bay requirements;
- 4. End-of-trip facilities for commercial activities, offices, industrial activities, commercial service activities, hospital activities and educational facilities are provided for staff use in accordance with TRAN-Table 4 - End of trip facility requirements;
- 5. All on-site car parking and manoeuvring areas are provided in accordance with TRAN-Table 5 - Parking and manoeuvring dimensions; and
- 6. If any activity is not represented within TRAN-Table 1 - Minimum number of parking spaces then the activity closest in nature to the proposed activity shall apply, provided that where there are two or more similar activities in the table, the activity with the higher parking rate shall apply.

S502.095 and S502.096

Activity	GFA Threshold	Number of showers and changing areas required
Commercial activities	Up to 500 m <sup>2</sup>	No requirement
Industrial activities	Greater than 500 m <sup>2</sup> up to 2,500 m <sup>2</sup>	One shower and changing area with space for storage of clothing
Commercial service activities	Greater than 2500 m <sup>2</sup> up to 7,500 m <sup>2</sup>	Two showers and changing area with space for storage of clothing
Hospitals	Every additional 7,500 m <sup>2</sup>	Two additional showers and changing area with space for storage of clothing
Education facilities		

- 2.7. It is requested the above rule 4. and associated table is cancelled in its entirety as it is considered this is an unnecessary component to add under the District Plan framework to add showers to Commercial, Industrial, Commercial Service activities, Hospitals & Education facilities.
- 2.8. There is no commentary in the s32 report to support this provision. Not all areas of the Far North are suitable for alternative modes of transport and the roading network within our rural areas doesn't support cycling or walking to work. The locations where end of trip facilities are practical could rather utilize this provision to reduce the amount of car parks required instead of it being a blanket rule for the activities listed.

2.9. The assessment criteria if compliance is not achieved also doesn't address matters related to no showers being provided or a reduced number of showers being provided.

**TRAN-S2 – Requirements for Vehicle Crossings & TRAN-Table 6 – Maximum number of vehicle crossings per site**

S502.097 and S502.098

2.10. Larger land holdings have multiple titles across a large area. As a result, they have and require a larger number of vehicle crossings.

2.11. We seek clarification on a situation where you have more than one site frontage. Do you receive the allocated number of crossings per frontage or do you add them together. If the latter, what happens when you have two different road classifications?

**3.0 Designations**

**FNDC – Far North District Council**

Entire District	
Designation unique identifier	
Designation purpose	Covers all 2500 km of road network within the district for which the council is responsible for maintaining.
Site identifier	Roads for the entire district
Lapse date	Given effect
Designation hierarchy under section 177 of the <a href="#">RMA</a>	Primary
Conditions	No
Additional information	Rollover designation

**Changes sought**

S502.099

Designation Purpose	Covers all 2500km of road network within the district for which the council is responsible for maintaining <b><u>and includes cycleway and/or shared paths (including but not limited to footpaths and boardwalks), lighting and associated infrastructure.</u></b>
---------------------	---

3.1. Amendment is sought to enable maintenance and future works to be completed via an Outline Plan or an Outline Plan waiver as opposed to landuse consent. At present the proposed rules included within this plan largely capture new footpaths, new installation of a light or any pipework's as needing landuse consent. Given the nature of these works an Outline plan or Outline Plan Waiver would be better suited.

3.2. The changes sought are in line with the Road Designation on behalf of NZTA.

# Northland Planning and Development 2020 Limited

## 1. Intro

- 1.1 Northland Planning and Development 2020 Limited is a Planning Consultancy based in the Far North District. Northland Planning prepares resource consents to both district and regional councils for a range of developments within the local community.
- 1.2 The following submission has been made based upon various items we have noted while putting together current resource consent applications.

## 2. Zoning

2.1 The following zone changes are requested –

- **Appearance of the horticulture zone and the Rural Residential zone.**
- 2.2 Horticulture zone and Rural Residential zone north of Waipapa



*Figure 1 - Horticultural zone and Rural Residential zone side by side*

- 2.2.1 The horticultural zone and the Rural Residential zones look too similar. Given that they are generally located immediately adjacent to each other, it makes discerning the zone boundary difficult, and correct identification also challenging. We seek **relief that the appearance of at least one of these zones changes to avoid any confusion in the future.**

S502.100

- **Pungaere & Koropewa Road, Waipapa**

2.3 Land North of Waipapa zoned as Horticulture



Figure 2 - Pungaere & Koropewa Roads in Waipapa

2.3.1 There are a number of smaller allotments along Pungaere and Koropewa Road ranging from 2800m<sup>2</sup> – 6.22ha. These sites have been rezoned to horticulture and we anticipate that this is due to the Councils Land cover and Land use maps indicating that the soils are highly versatile (2s1). HZ-P1 stipulates that the Horticulture zone be applied for sites where:

*(a) there is a presence of highly productive land suitable for horticultural use*

*(b) access to a water source, such as an irrigation scheme or dam able to support horticultural use; and*

*(c) infrastructure available to support horticultural use.*

2.3.2 A soil report has been completed at 22 Pungaere Road as part of a recent subdivision (RC 2220819), and at 29 Koropewa Road. Both soil reports indicate that the sites do not contain highly versatile soils with the conclusions being that the soils are moderate in the case of 22 Pungaere Road, and in the case of 29 Koropewa that the soils are more in line with Class 4s2 in some places. The reports also indicate that given the site sizes that they could not be highly productive. Moreover, in the s32 report for the Rural Environment prepared by 4Sight it is stipulated that sites which are less than 7ha do not have the productive potential to grow kiwifruit, and sites less than 11ha do not have the productive potential for viticulture. Productive potential is defined as making at least \$45,000 a year which is consistent with minimum wage. While no assessment has been completed for avocados it is noted that these are deep rooted such that the soil in this area would not be suitable.

2.3.3 As a result of the above it has been determined that none of these sites within this area can meet criteria (a). Some sites within this area have connections to the Kerikeri Irrigation scheme, but not all, meaning that not all sites are able to meet criteria (b). Criteria (c) is very broad and we assume this covers connections to irrigation as per (b) above and onsite infrastructure for horticultural activities. As the sites in the area are residential lifestyle on-site infrastructure is not in place.

- 2.3.4 The way in which the policy is worded is that in order to be zoned horticultural you need to comply with (a), (b) and (c). As the allotments in this area are unable to comply, these sites should not be zoned horticultural.



Figure 3 - Land Cover and Land Use maps - Far North Maps

- 2.3.5 The properties within this area immediately adjoin a light industrial zone to the south, which accommodates the recently consented Advance Build house building factory. To the East the sites adjoin properties zoned as Rural Residential, which is akin to the development occurring on most of these sites. To the north there are a number of smaller 4000m<sup>2</sup> sites dotted along the State Highway and Pungaere Road.

- 2.3.6 Given the size of these allotments no productive activity could be established, and if one was attempted it is likely that there would be reverse sensitivity issues. To avoid these effects, we seek the **relief that the following sites be zoned Rural Residential.**

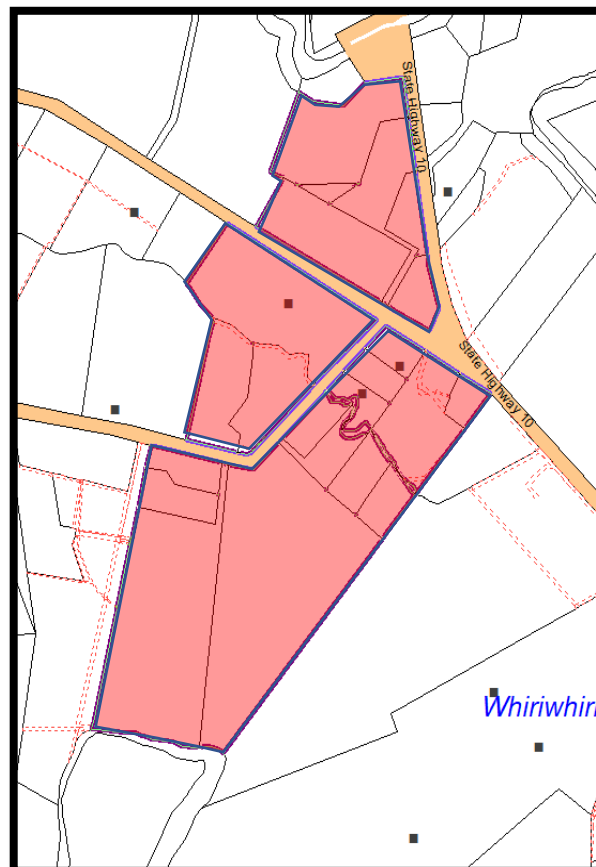


Figure 4 - Sites to re-zone to Rural Residential

- 2.3.7 The activities already occurring on these sites is more akin to this zoning which is located immediately across the road. This zone change will achieve consistency and will not create any zone anomalies or outliers.

- **Access Road, Kerikeri**

2.4 It is difficult to see the zone boundary, given the Rural Residential zone and horticultural zone look so similar. To make visibility easier I have drawn a line showing the zone boundary to provide additional context.



*Figure 5 - Rural Residential and Horticultural Interface South of Kerikeri*

2.4.1 There are a number of smaller sites dotted along this zone boundary which range from 3000m<sup>2</sup> – 3.2ha similar to the example above, all do not meet the criteria of a site with land that could be highly productive given the available area is less than 7ha for kiwifruit.

2.4.2 In looking further beyond these sites, through to the State Highway, there is only one single property zoned Horticulture which is greater than 7ha. As a result we do not consider that the application of the horticultural zone to these sites meets Councils Policy for the zone. As such, we seek that the **horticultural zone is removed from these sites, and replaced with the Rural Residential zone**. In the event this stance is not accepted we seek that the Rural Residential zone boundary be extended to capture those sites which are already of a rural residential size, or which gain access off Access Road.

S502.102



- **Foreshore Road, Ahipara**

2.5 Rural Production zoning at the western end of Ahipara.

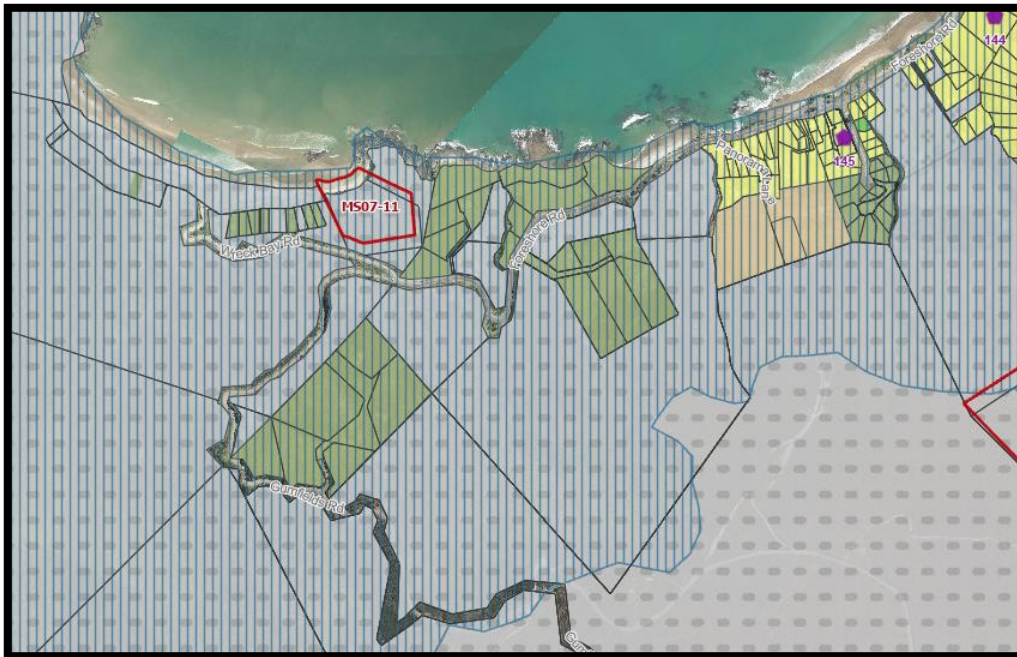
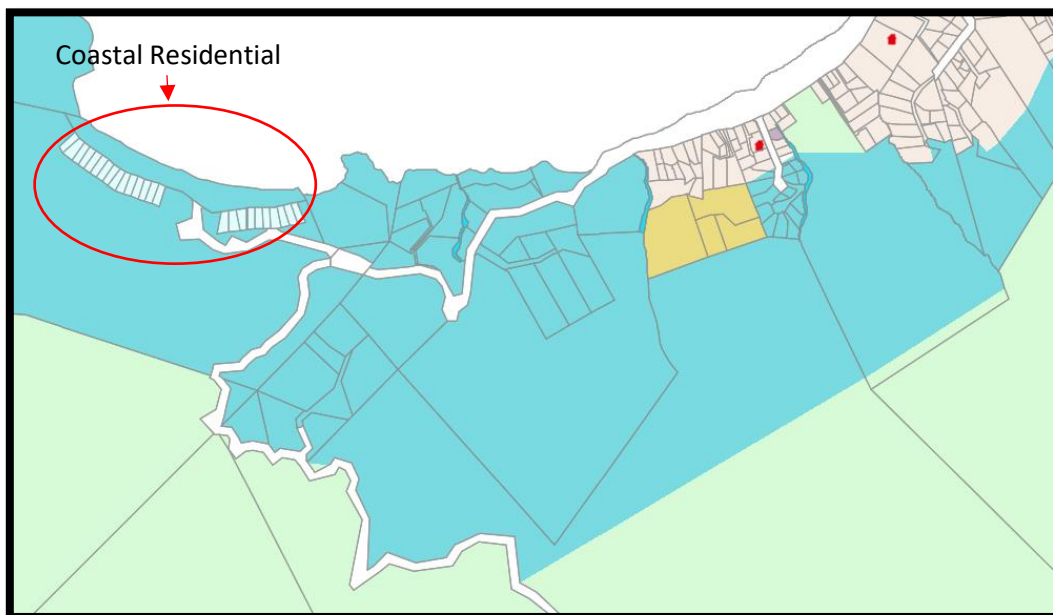


Figure 6 - Proposed District Plan zoning

2.5.1 In the Operative District Plan properties which are proposed to be zoned Rural Production are zoned a mixture of General Coastal and Coastal Residential.



2.5.2 For those sites currently zoned Coastal Residential they are 800m<sup>2</sup> – 1000m<sup>2</sup> in area. No Rural Production activity could be undertaken on these sites, and all development would trigger landuse consent for setback breaches. This would be a perverse outcome.

2.5.3 We seek **relief that these sites be rezoned General Residential**, as with the coastal overlay they will assume a similar zoning to what is currently imposed and would be the most appropriate zoning for sites of this size/

2.5.4 At the top end of Wharo Way sites which have been developed as General Residential sites are shown as being zoned Rural Production. Similar to the example above, this would be a perverse outcome with landuse consent being required for matters such as setback and stormwater coverage which have already been accounted for at time the site was subdivided.

2.5.5 **We seek the relief that these sites are rezoned General Residential.** S502.104

2.5.6 359 – 375 are a small group of General title sites ranging from 2200m<sup>2</sup> – 1ha. These would be better zoned as a Rural Residential as the sites are already of this size, or Rural Lifestyle which achieves consistency with neighboring allotments at the end of Panorama Lane. The same approach should be made with 320 – 334 Foreshore Road, 362 – 380 Foreshore Road and the section of land located off Gumfileds Road shown below.



Figure 7 - Rural Production zoned sites at the end of Wharo Way

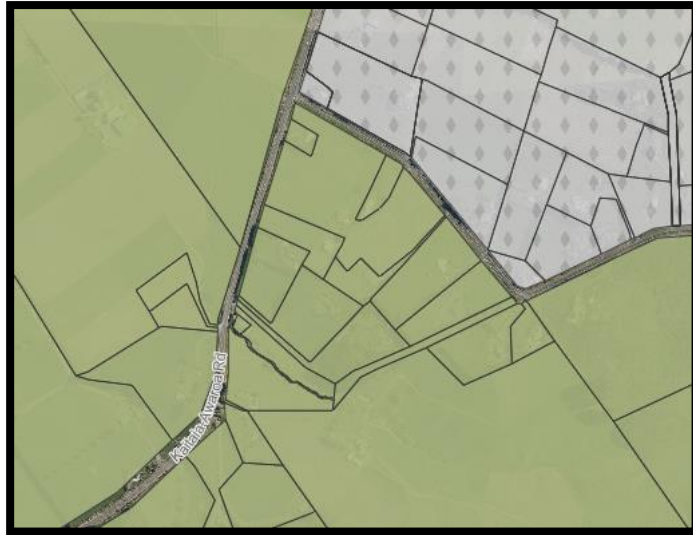


S502.105

Figure 8 - Properties located off Gumfileds Road zoned Rural Production

2.5.7 **Relief sought, all smaller Rural Production zoned sites as identified above, be rezoned to either Rural Residential or Rural Lifestyle.**

- **Kaitaia-Awaroa Road, Kaitaia**
- 2.6 Rural Production zoning West of Okahu road.



2.6.1 Sites located to the Southwest of Okahu Road are zoned as Rural Production. The lot sizes range from 6347m<sup>2</sup> to 1.4ha and as such they are not of a size where they could operate as a productive lot. Sites immediately to the North have been zoned Rural Residential and notably these allotments are larger than the agglomeration of sites in this space.

2.6.2 Given that the sites are unable to be utilised for productive purposes, they have already been subdivided down to sizes akin with a Rural Residential zone and are located on soils which are not highly versatile. We seek relief that the sites be rezoned as Rural Residential.

S502.106

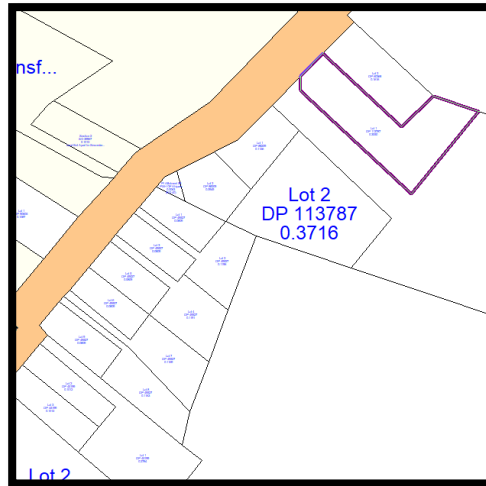
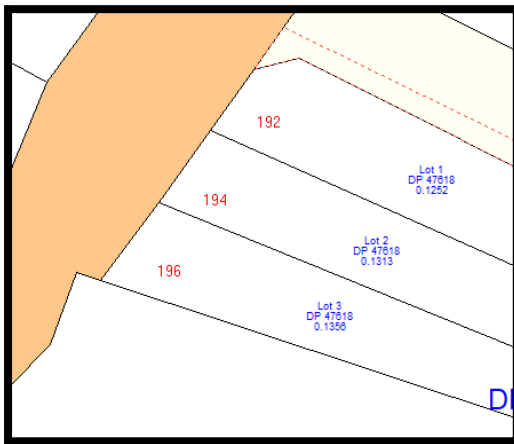
- **192 – 238 Pukepoto Road, Kaitaia**

2.7 Rural Residential Zoning west of Kaitaia.

2.7.1 Sites located from 192 – 238 Pukepoto Road range in size from 809m<sup>2</sup> to 3050m<sup>2</sup> and are connected to Council's Reticulated Network. Other sites from 85-129 Pukepoto Road, most of which are 1017m<sup>2</sup> are zoned as General Residential.

2.7.2 Given the fact that these sites are serviced by Council's reticulated wastewater and stormwater networks and the area is urban in character we seek relief that the sites from 192-238 Pukepoto Road be rezoned as General Residential.

S502.107



- **Waitangi**

- 2.1. The Waitangi Treaty Grounds and its surrounding estate is one if not the most prominent historic site in Aotearoa. The Waitangi Estate is managed by the Waitangi National Trust and its board in accordance with the Waitangi National Trust Board Act 1932. The Deed of Trust sets out the objectives for the Estate. These include priorities being given to the repair and restoration of the former residency, which at Lord Bledisloes request, was renamed the Treaty House.
- 2.2. The Waitangi National Trust board is made up of descendants and representatives of people directly associated with the historic site including local Maori, European settlers, people in the North and South Island and the government. The Governor General of NZ also has the right to choose to be patron of the trust.

2.3. While the National Trust Board oversees the bigger decision making of the estate, the everyday operational running of the Treaty Grounds is undertaken by Waitangi Limited who have made this submission.

2.4. The preamble to the Waitangi National Trust Board Act is as follows -

### **Preamble**

Whereas the Right Honourable Charles, Baron Bledisloe, Governor-General and Commander-in-Chief of the Dominion of New Zealand, and the Right Honourable Alina Kate Elaine, Lady Bledisloe, his wife, are registered as proprietors of an estate in fee simple in the lands described in the deed or declaration of trust set out in [Schedule 1](#), and acquired the same by reason of their interest in and desire to preserve places of historical interest in the Dominion, and with a view to presenting and giving the said land as a place of historic interest, recreation, enjoyment, and benefit in perpetuity to the inhabitants of New Zealand:

And whereas it is desirable that provision should be made for the vesting, management, and control of the said lands and for certain other matters.

2.5. As detailed above, the Waitangi Estate was set aside as a place of historic interest, recreation, enjoyment and benefit in perpetuity to the people of New Zealand. Given the high historic value of the site, the legal documents which have created and set out how it is managed we seek that a Special Purpose Zone or Precinct be applied to the Estate.

The *MfE National Planning Standard Guidance for 12. District Spatial Layers Standard and 8. Zone Framework Standard* provides guidance on when a Precinct or Special Purpose zone should apply. In the case of a Special Purpose Zone there are 3 criteria which must be met. These are expanded upon as follows:

- **Are Significant to the district, region or country**

- *Are the activities within the zone significant because of their scale and expanse, or their social, economic, cultural or environmental benefits?*

Waitangi is the most culturally important site in New Zealand. It is considered the birthplace of our nation which makes the activities within the site significant. We consider that this test is therefore satisfied.

- *Are the activities located in a specific area and not found elsewhere in the district?*

The Waitangi Estate is a specified area which is governed by the Waitangi National Trust Board Act. It is not found elsewhere in the District or anywhere else in the country. Therefore, this test is satisfied.

- **Are impractical to be managed through another zone**

- *Are the provisions required to manage the effects or operation of the activities so highly specific that a zone in the Zone Framework cannot practically enable or manage this?*

The Waitangi Estate is very unique given that it is the birthplace of our nation. Given its high historical importance it has a number of overlays which apply to the site. The assessment undertaken in the rules assessment below indicates that if it was left with the underlying zone and appropriate general overlays that from a planning perspective the rules assessment would be difficult to undertake. As

each overlay stipulates that the more restrictive rule set is applicable it would result in very minor activities which are generally enabled being captured and requiring consent. This is considered to be a perverse outcome. Given this specific situation we have an opportunity to tailor make some rules which are specific to the Waitangi Estate and help give effect to the deed established in 1932. A special zone would be the most practical option to cover this off. This test is therefore considered to be met.

- **Are impractical to be managed through a combination of spatial layers**
  - *Are you satisfied that none of the other spatial planning tools, either individually or as a package, provide a practical management approach for the activities?*

The MfE guidance details a number of different options for covering specified areas, these are Overlays, Precincts, Specific Controls and Development Areas.

#### **Overlays**

The site is already subject to overlays for Sites of Cultural Significance to Maori, Outstanding Landscape and Outstanding Natural Features, Historic Heritage, Natural Character and the Coastal Environment. As there are so many applicable overlays it makes assessment difficult and rules which enable development or specific activities to occur are undermined by more stringent rules in other overlay rules. This is a perverse outcome for the site, and as such we do not consider this option to be viable.

#### **Precincts**

Precincts are applied to areas which require management via additional place based provisions to modify and or refine outcomes anticipated in the underlying zones. This means that the underlying zone rules are generally applied to the site with some specific changes which are either more restrictive or more enabling. There is potential for this to be an option for the Waitangi Estate.

The MfE guidance provides additional questions when deciding between a special purpose zone and a precinct.

- *To what extent are the underlying zone provisions relevant?*
  - *If they remain relevant, the high-level policy intent of the zone remains the same or similar, and the introduction of complementary provisions would then enable/restrict the activities of interest, then a precinct is most suitable.*

In our opinion the high-level policy intent of the Rural Production zone which is to ensure availability for primary production activities and its long-term protection for current and future generations, provide for ancillary activities which support primary production and activities which have a functional need to be located within the rural environment, enable landuse which protects highly productive land and primary production without compromising farming activities while not exacerbating natural hazards and being serviced by appropriate infrastructure while maintaining rural character and amenity

is not consistent with the Waitangi Estate. The high-level intent of the Waitangi Estate is to give effect to the Waitangi Trust Board Act which is to preserve places of historical interest in the dominion and with a view to presenting and giving the said land as a place of historic interest, recreation, enjoyment, and benefit in perpetuity to the inhabitants of New Zealand.

As a result, there may be times where in giving effect to the deed that there would be a conflict with the higher-level policies of the Rural Production zone. In protecting those historic interests' activities within the wider estate may need to establish such that income from these activities can fund repair and maintenance within the Treaty Grounds. No other zones within the District Plan would cover this specific activity and as such, we believe a special purpose zone is the most appropriate option.

- *If the existing zone's high-level policy intent is contrary to how the activities should be managed, and few or none of the existing zone provisions would apply, and no other spatial layers can apply, then a new special purpose zone is most suitable.*

As detailed above, the existing Rural Production zone may directly conflict with the Waitangi Trust Board Act's preamble which has set aside the site for a specific purpose. Given the conflict with this, the fact that no other zones in the District Plan would be appropriate given the specific nature of this site, and moreover that the other spatial layers would cause undue confusion and perverse outcomes in terms of the activities they would capture, we consider that the use of a special purpose zone is most suitable to this site.

- *What would be the most appropriate zone if the activity was removed, shut down or relocated from the site? For example, if a large rural industry in the middle of a rural environment were to close, or a museum in a commercial area were to relocate, what would be the most appropriate zone to manage the area into the future?*

This site is the birthplace of our nation. It is very site specific and cannot be removed or relocated. As such, no other zone is considered appropriate to manage the area.

- *If the underlying zone would be the same as the adjacent land, and existing use rights and resource consents are not sufficient to manage the activity, then a precinct is most suitable.*

The site is bounded by many different zones. While generally Waitangi does have existing use rights for its current operations buildings are getting older which require more maintenance. Various standards are increasing such as for disabled access which means additional works are required to bring pathways and other structures up to standard. This all requires revenue and

there is a fine line in charging the people of New Zealand to visit this historic place. If other activities could be established on the wider estate which may assist in providing much needed revenue to service the treaty grounds, this would be advantageous in meeting the purpose of the estate. For this reason we believe a Special Purpose zone would still be the most practical option.

#### **Specific Controls**

This method is utilized where the matter it is controlling is not of a scale of size to warrant a precinct or an overlay. For example, the Coastal Environment overlay has been utilized in this manner. As this area is very specific and has a range of matters in which control is necessary it is not considered to be a viable option.

#### **Development Areas**

The development areas feature is more tailored to a specific area where growth is to occur. It is more of a short-term method to enable a specific development to occur, and then the zone is reverted to a standard underlying zoning. The Waitangi Estate does not fit this category as it is a specific place which requires long term master planning to ensure the goals of its establishment continue to be met.

- 2.6. As per the assessment above, a Special Purpose zone is considered to be the most practical option as it offers a more tailored and targeted management of the Treaty Grounds and the Estate, such that the Estate can continue to meet purpose of why it was established in the first instance. A more tailored approach will provide clarity as at present the Proposed District Plan seeks to establish multiple rule overlays to the site which makes everyday management and maintenance activities require consent. The multiple layers makes any planning assessment difficult as in all cases the most stringent rules in any overlay apply. This means that more enabling rules imposed under certain overlays tailored for a particular activity cannot be utilized which results in almost all activities requiring consent as a Discretionary or Non-Complying activity. A special zoning would be the most appropriate outcome for the site rather than seeking changes to each individual rule to permit enabling works allowed in one chapter which are discouraged by another. A specific set of rules, which relates to the Waitangi Estate would be more straight forward to assess by everyone, which makes confirmation clear on whether consent is required or not, especially for minor activities. Specified rules for the Waitangi Estate could be specifically tailored to the subject site, and take into account its historic value and legal background.
- 2.7. In the event that a Special zone is not accepted, we seek relief that a Precinct be established. Moreover, if Council chooses to not accept either option we seek that the rules in the sections below be changed to avoid confusion and provide assistance in clarifying when resource consent is required. The following rules assessment and commentary help to provide additional context about why a special zoning would be more appropriate for this site.
- 2.8. In the event the Special zoning is accepted some changes expressed in the sections below may still be applicable to provide clarity. Consideration of some of these changes should be made regardless of the outcome.
- 2.9. The Waitangi Estate consists of a Rural Production zoning across the majority of the site, with the exception of the Copthorne and part of the golf course.



2.10. We seek that in the event the site is not set aside for special zoning that both Lots 2 & 3 DP 326610 be zoned as Sport and Active Recreation. This is due to both allotments being set aside and operated as a golf club. At present only Lot 2 is zoned as Sport and Active Recreation.



Figure 9 - Proposed zoning of the Waitangi Estate

S502.018, S502.110 to S502.112

2.11. Historic Site 100 covers the Treaty House, Hobson Memorial, Whare Runanga and Flagpole and is indicated by the purple icon on the above image. While located within the general vicinity of each other, the combination of all items into one record can be confusing and there is potential that a historic building or structure may be missed in assessment. As such we seek that Site 100 is split into 4 separate notations on the map such that it is clear what buildings are considered historic within the planning document. This is consistent with other historic items in the District where there are multiple listings on a site.

S502.113 & S502.114



**AgFirst Northland Ltd**  
1A Douglas Street  
Kensington  
Whangarei 0112, New Zealand  
+64 9 430 2410  
northland@agfirst.co.nz www.agfirst.co.nz

---

Date

15 August 2022

Further to our brief discussion onsite at Waipapa, please find enclosed a report explaining the land resources on your property and the suitability of your land for horticulture or arable use.

Should you or your planning consultant have any queries or any matters I have raised in the report require further explanation, please do not hesitate to contact me.

Yours sincerely

Bob Cathcart

Land and Environmental Management Consultant  
AgFirst Northland



Independent  
Agriculture  
& Horticulture  
Consultant  
Network

---

## Property Report

Prepared for Allan Shaw  
Waipapa

Bob Cathcart  
28 July 2022

## TABLE OF CONTENTS

---

1.0	The Property <b>Bookmark not defined.</b>	Error!
2.0	Soil Types <b>Bookmark not defined.</b>	Error!
3.0	Land Use Capability	5
4.0	Current Land Uses	7
5.0	Restrictions on Land Use	7
5.1	Wet Soils and Flood Risk	7
5.2	Reverse Sensitivity	8
5.3	Potential for Horticulture	8
6.0	National Policy Statement for Highly Productive Land	8
6.1	Is this Highly Productive Land?	9
7.0	Summary	10
	REFERENCES	10

### Disclaimer:

The content of this report is based upon current available information and is only intended for the use of the party named. All due care was exercised by AgFirst Northland Ltd in the preparation of this report. Any action in reliance on the accuracy of the information contained in this report is the sole commercial decision of the user of the information and is taken at their own risk. Accordingly, AgFirst Northland Ltd

## Land Resources Report prepared for:

**Allan Shaw**  
**29c Koropewa Road**  
**Waipapa**

### The Property

The Shaw property comprises approximately 6.2 hectares of south-facing land extending southwards from a narrow frontage on Koropewa Road to an equally narrow boundary on the banks of the Kerikeri River, immediately upstream of the Waipapa commercial and industrial area. A former orchard on the western boundary is now in large residential sections and industrial and commercial development, previously some 440 metres from the eastern boundary has spread to within only 140 metres of the boundary. Residential properties extend along the northern boundary.

Slopes on the property range from undulating to a gently rolling hillside, 4° to 7°, onto a flat area of floodplain. Drainage depressions run down both eastern and western sides of the property, that on the eastern side in a boundary drain and the western one in a swale inside of the boundary.

The property once supported an approx. 3.5ha green kiwifruit orchard, but the crop became infected with *Psa*, *Pseudomonas syringae* pv. *Actinidiae* (kiwifruit vine canker), and possibly other fungal and bacterial diseases due to wet soil conditions, and the vines had to be removed. Support frames and irrigation lines have also been removed. An approx. 1.0hectare platform has been cut across the middle of the property, levelled and topped with aggregate, and a road formed from Koropewa Road to this platform. There is a building in the northwest corner of the property.

### Soil Types

This part of Waipapa comprises a series of flat-topped ridges with entrenched valleys, the edges of a very large, dissected plateau formed approximately 3 million years ago by basalt lava flows from volcanoes in the vicinity of Okaihau. The lava flows cover sedimentary rocks of the Northland Allochthon, which would have been overlain in places by ash from local rhyolite/dacite volcanoes, including nearby Mangapararua.

Streams have become entrenched in 30 – 60-metre-deep valleys draining the high rainfall Puketi plateau area. Basalt sediment washed off the plateau has covered most of the valley sides but, in places the underlying and less-permeable sedimentary and dacite material is close to the surface or is exposed. Being less free-draining than the basalt, the sedimentary and ash layers force groundwater to the surface, to emerge as seepages in the basalt soils around the valley sides.

The soils formed on the lava flows would have initially been clothed with higher fertility broadleaf forest, but over time, kauri assumed dominance and old, strongly leached and extremely low-fertility ironstone (laterite) soils were developed. The southern end of the

property extends onto the floodplain of the Kerikeri River, has alluvial clay soils and would have carried kahikatea-dominant bush.

The soil types on this land, as mapped by Cox, Sutherland & Taylor<sup>(1)</sup>, are Pungaere gravelly friable clay, running down onto Kamo silt loam on the floodplain of the Kerikeri River. These maps were field surveyed at a scale of 1:63,360, in places updated to 1:50,000, and published at 1:100,000. (They should not be enlarged beyond a scale of 1:50,000.) Notes appended to the published maps and unpublished reports by the same authors acknowledge that these soil maps are restricted by scale and only indicative of broader soil groups. Local experience has shown that mapping at a more detailed scale will identify a range of soil types from deeper, more free-draining phases of Pungaere soils, through shallow and bouldery soils on steeper valley sides, to mature Okaihau soils.

*Iron and aluminium 'gravel'  
in Pungaere soil*



A field survey of the soils on the property confirms that the sloping land is generally Pungaere gravelly friable clay, a mature and strongly leached Brown Loam, a laterite or ironstone soil formed on basalt lava flows. While there are some small patches of deeper soil with few ironstone nodules, older, more strongly leached phases of Pungaere soils, or in places even older Okaihau soils predominate. 'Gravelly' in its name is reference to nodules of iron, aluminium and manganese in the soil profile. [Now classified nationally as a 'Nodular Typic Oxidic' soil.] The iron and aluminium nodules can form a dense pan in the subsoil, particularly in hollows or around seepage areas, impeding root penetration and resulting in unstable trees. Cyclone Bola involved three days of rain before very strong winds in Northland and citrus and other orchard trees and shelterbelts were blown over.

At low pH, which this subsoil naturally is, iron, aluminium and manganese ions are 'free' in the soil, forming insoluble compounds with other plant nutrients, like phosphorous. Not only does the 'free' iron and aluminium in this layer fix nutrients and make them unavailable to plants, the high levels of iron and aluminium are toxic to plant roots and the mycorrhiza associated with them, effectively forming a chemical 'pan' or barrier as well as, sometimes, a physical pan.

In the 8 profiles dug on the sloping land of this property during a recent survey, gravelly nodules were encountered to a greater or lesser extent from 20cm below the surface at all sites, none forming a cemented or physical barrier to root penetration to at least 30cms. Denser gravel accumulations, with an even greater concentration of clay were encountered in a profile dug in the drainage depression below the building, tending more towards Otaha gravelly clay loam or Otaha clay.

Beyond 50cm depth in each profile, there was an increasing concentration of clay, fine sediment weathered in and leached down through the soil. There are soil profiles exposed in a cutting across the middle of the section in which there are greater concentrations of gravelly nodules and even more clay beneath.

More detailed surveys<sup>(2)</sup> of extensive areas mapped as Pungaere gravelly friable clay have shown that this is a highly variable soil type, the depth of topsoil and other soil physical and chemical characteristics being very dependent on position on the landscape. Rather than a single or uniform soil type, it is more a family of soils, all with common parentage but each influenced by its unique environment. In some instances, Pungaere soils are associated with eroded phases of Okaihau gravelly friable clay and earlier soil surveys only recorded a 'Hill phase', a shallow soil on steeper slopes, with Okaihau soils on easier slopes.

The soil profile above the gravelly layer becomes deeper on lower and easier slopes towards the edges of the flats, showing that sediment washed off upper slopes has been deposited on lower slopes to create a deeper soil. Included in the deposited sediment is clay leached from soil on upper slopes, so, while a deeper soil, it tends to be a heavier soil and more prone to winter wetness.

Reports by NZ Soil Bureau pedologists<sup>(3)</sup> on similar sites on the nearby Kapiro Landcorp block questioned the use of these ironstone soils for horticulture, pointing out that the presence of hard nodules greatly reduced the water holding capacity of soils in summer. While this soil dryness can now be managed by irrigation from the Kerikeri Irrigation Scheme, the frequency of high intensity rainstorms and extended periods of wet weather can cause these same soils to become waterlogged for parts of the year. Because tree roots do not extend to depth in the iron and aluminium-rich subsoil, tree crops and shelterbelts can become unstable and prone to windthrow during these wet periods, and the incidence of root diseases is greatly increased. As a consequence, this soil type is not suited to deep-rooted orchard plants'

The Soil Bureau report also advised against frequent cultivation, pointing out that the thin, friable topsoil has a weak structure when dry and can be easily turned to a structureless 'dust mulch', prone to sheet and rill erosion. The report also advises avoiding exposure of plant-toxic subsoils because replanting any vegetation and/or reinstating topsoil layer is very difficult.

The flats at the southern end, comprising approximately 11% of the total area of the property, have Kamo clay loam soils, which have developed on alluvium from mainly basaltic parent material. In this case, the alluvium will be mainly clay eroded from the old ironstone soils within the catchment. Kamo clay loam is a heavy soil which shows signs of gleying below 20cm in the profile, due to a fluctuating watertable, meaning it is anaerobic for a significant part of the year. As well, this is part of the floodplain of the Kerikeri River, an area on which floodwaters pond before entering the entrenched gorge section of the river. At best, this land could be used for short-season crops (maize or sweetcorn) in summer but there would remain at risk of crops drowning in or being spoiled by ponded floodwaters.

## **Land Use Capability**

Unfortunately, the NZ Land Resource Inventory Land Use Capability (LUC) Database<sup>(4)</sup> contains some anomalies in respect of parts of the Far North District. Because this database covers the whole of New Zealand, is digital and easily accessible, it will most likely be used to identify highly productive land under the National Policy Statement for Highly Productive Land and is used as a planning tool by most councils in New Zealand, it is important that the data is correct. Despite requests for corrections, there has been no updating.

In this instance, old basaltic soils have been assessed as Class 2s1 on the NZLRI database, which by definition<sup>(5)</sup> are *“flat to undulating slopes on young basaltic lava flows, basaltic scoria and occasional ash below 200 m asl with fertile free draining Allophanic (brown and red loam) soils”*. This description fits the highly productive and versatile young Kiripaka, Ohaeawai, and Maunu soils on relatively recent basalt lava flows and around scoria cones near Kaikohe and around Whangarei. Harmsworth’s<sup>(5)</sup> extended legend description then continues and lists much older and more limited basaltic soils, soils which do not fit the Land Use Capability Handbook<sup>(6)</sup> definition of Class 2 land – *“very good land with slight physical limitations to arable use, readily controlled by management and soil conservation”*.

Class 2 land is potentially highly productive and versatile land, suitable for many cultivated crops, vineyards and berry fields, pasture, tree crops or production forestry. As previously explained, Pungaere soils are not highly productive, are not versatile, they are suited to a narrow range of orchard crops and frequent cultivation is not recommended. By the time the LUC for basalt volcanic soils reaches Class 3, this difference is recognised, and the older soils are separated from the younger ones – younger soils being Class 3s1 and the very best older soils Class 3s2. This separation of old and strongly leached from younger and more versatile soils continues into Class 4.

In my opinion, this separation of younger Red and Brown Loam soils, those on Taheke volcanics<sup>(7)</sup>, from the much older and less versatile soils on Horeke volcanic, should not have started earlier in the Classification. Only younger Maunu, Ohaeawai, Kiripaka and Papakauri soils should be in class 2s1, and some of the older, generally heavier (more clay), more strongly leached and less versatile Whakapai, Waimate North and Kerikeri soils in a new Class 2s, but none of the older ironstone soils. I have defined new land use capability units in this manner in whole-farm surveys of properties with volcanic soils I have mapped to assess horticultural potential in the Waimate North, Ohaeawai and Remuera districts of the Far North.

In summary, I have assessed the easier sloping land on this property as Class 4s2, Harmsworth’s definition<sup>(5)</sup>, not Class 2s1. Broad drainage depressions through the property with gleyed volcanic soils, with higher clay content, more distinct iron and aluminium ‘gravel’ development, and pathways for storm runoff from farmland, urban development and sealed roads are assessed as Class 5w (no LUC Unit number assigned). While suited to pastoral farming, the risk of soil erosion in these floodways is too great to allow cultivation and, even grazing would need to be carefully managed in winter to avoid pugging as pugging would lead to gully erosion.

Old basalt topsoils are very thin and have a strongly developed nutty structure that is stable when wet but easily destroyed by compaction when too wet. These older volcanic soils should be allowed to dry after rain for a few days before running heavy equipment or stock over them. Over cultivation when too dry causes the topsoil to become a fine powdery surface layer known as a ‘dust mulch’ that seals the surface, repelling water and increasing runoff. Because the shallow topsoils are generally free draining, they are drought prone. The iron and aluminium-rich subsoil is toxic to plant roots, causing both pasture and crop species to be shallow-rooted, exacerbating drought problems.

The alluvial Kamo soils have been assessed as Class 3w2, as shown on the NZLRI database. If this area became part of a designed ponding area to reduce flood flows in the Kerikeri River, the flats would become Class 4w1 or even 6w1, depending on the frequency depth and duration of ponding.



<b>Current Land Uses</b>	<b>hectares</b>	<b>% of property</b>
Excavated and constructed paved area/platform & roads	1.40	22.6
Building site, etc.	0.30	4.8
Shelterbelts	0.30	4.8
Kamo soils on river flat	0.70	11.3
Pungaere soils on slope	<u>3.50</u>	<u>56.5</u>
	6.20	100.0

That is, of the 6.2 ha of land within the property, only 4.2ha or two-thirds is available for primary production. 3.5 ha of cold, south-facing Pungaere soil is available for very limited horticultural, pastoral or production forestry use and 0.7ha of river flat is flood-prone, suited to pastoral farming and an occasional short-season maize or sweet corn crop. Even with a short season crop, there is a high risk of the crop being lost to flooding.

The approx. 1.0ha constructed pad area could be used for 'non-soil' glasshouse production, although that use could take place anywhere in the Kerikeri area, regardless of any former soil type.

## **Restrictions on Land Use**

**Wet Soils and Flood Risk** - As noted, the sloping land on the property was previously used for kiwifruit production. There is evidence of some subsurface land drainage, a series of large diameter slotted pvc pipes across the slope to intercept seepage from underlying strata. These drainage lines would need to be excavated channels, much deeper with filter 'stockings' wrapped around pipes bedded in clean gravel backfill to intercept subsurface flow and to effectively lower the watertable and, even then, there would still be 'springs' or seepages welling up between the interceptor drains. This is particularly so near the foot of the slope where the aerial imagery shows gaps within the kiwifruit orchard.

The property is also affected by runoff from properties along Koropewa Road and from the road itself. A broad grass swale would be required to carry this overland flow. It could then be captured and carried in a surface drain, excavated between the foot of the slope and the alluvial flats.

The heavy clay soils on the flats would remain wet for at least four months of the year. They need surface drains at approximately 30metre intervals with subsurface 'laser drains' (slotted pvc piping bedded in washed gravel) and mole drains. This would enable them to be grazed or to grow short season, fast maturing summer crops, provided there are no summer floods. It is understood that flood risk reduction measures being considered for Waipapa provide for flood storage on these alluvial flats to reduce pressure on the Waipapa commercial area, on the land between Waipapakoura River and Waipapa Road, and the overflow from this area northwards across Waipapa Road. This could result in floodwaters ponding on these flats for one or more days following heavy rain in the catchment.

**Reverse Sensitivity** – The subject property has residential-scale sections and development on its western and northern boundaries, industrial development within 150metres of part of its eastern boundary and the Waipapa commercial and industrial area within 450 metres of the rest of its eastern boundary. Only the narrow southern boundary on the Kerikeri Rover is well-separated from populated land. Otherwise, the property is effectively surrounded by dwellings. Even if the soils were suited to horticulture and despite an orchard having been originally established on the property, the encroachment of dwellings to within close proximity of the boundaries now makes management of a commercial orchard extremely difficult. Despite compliance with regulations and with industry good practice, the orchardist or market gardener would be subject of complaints.

Kiwifruit require a winter chill to stimulate bud-break or, in relatively frost-free areas, Hydrogen cyanamide (often referred to by the brand name Hi-Cane) is widely used in spring to promote budbreak and improve yield. While growers and their spray contractors are responsible for keeping sprays on the orchard and not allowing them to drift on to neighbouring properties, a stenching agent added to the spray can be detected often well beyond any actual spray drift. There is considerable pressure to ban the use of ‘Hi-Cane’.

Other chemicals already required and likely to be required more frequently as new pests take advantage of a warmer climate, machinery working during early morning or late evening calm conditions, or, in an extreme situation, when helicopters are used to spray crops or disperse frosty air, will also attract reverse sensitivity complaints. Cold air draining down the property would carry the smell of agricultural chemicals down into the commercial and industrial centre of Waipapa.

**Potential for Horticulture** - As the sections above on soils and land use capability explain, the soil types on the property are, at best, very marginally suited to orcharding, market gardening or other forms of horticulture. They are not highly versatile soils and are capable of economically growing only a very limited range of tree, vine or crop species. The land is colder because it is south-facing and has seepage areas and overland flow paths too wet for horticulture and at risk of overland stormwater flow, causing crop damage and soil erosion.

The parcel of land has insufficient horticultural potential and has insufficient usable land to attract commercial investment in horticulture, even if the soil limitations could be mitigated.

### **National Policy Statement for Highly Productive Land**

Councils are under increasing pressure from Government to protect highly productive land from non-agricultural uses. The Proposed National Policy Statement for Highly Productive Land identifies land recorded as Class 1, 2 and 3 in the New Zealand Land Resource Inventory database as ‘highly productive land’ unless more detailed surveys have been conducted and are in use by district and regional councils.

As noted above, there are anomalies in the NZLRI Land Use Capability database in parts of the Far North District, errors which have previously been identified and the Crown Research Institute (Manaaki Whenua – Landcare Research) advised. If the District Council is to have confidence in the planning and decision-making tools it is using to implement the National Policy Statement or its own District and Regional Plan rules, these anomalies or mistakes in the original assessments need to be corrected. In particular, the assessment of very old, almost

sterile ironstone soils as Class 2, even Class 3, fails to recognise the physical and chemical limitations of these soils. They are not highly versatile soils, being suited to a very limited range of land uses and have no particular features that make them suited to any specialist crop.

Implementation of the National Policy Statement relies on the NZLRI land use capability database to identify highly productive (or potentially highly productive) soils. There is a risk in using a database prepared at a 1:50,000 scale to identify small areas. The 3<sup>rd</sup> Edition of the Land Use Capability Assessment Handbook, the 'bible' in respect of mapping and assessing land use capability in New Zealand, suggests that the smallest area of interest at a scale of 1:50,000 is 10 hectares. The NZLRI database is at best indicative when considering land for horticultural use and more detailed surveys are required to confirm the uniformity of soil type, slope and aspect within actually or potentially highly productive areas.

Mapping at a scale of 1:10,000 would provide more accurate data for planning decisions within areas identified as being generally suited to horticulture. The Hall property is a little over 6ha but contains five or more quite different land use capability units, only two of which are marginally suited to some forms of horticulture or arable use.

#### **Is this highly productive or potentially highly productive land?**

As described above, the best of the sloping land on the Hall property, recorded as Class 2s1 on the NZLRI, has been re-assessed as Land Use Capability Class 4s2. A very detailed soil and land use capability survey, as would be undertaken in designing a drainage system and planning the layout of an orchard, would identify seepage areas, patches of even heavier soils and/or ironstone gravel, and overland flow paths, recording these areas as Classes 5w and 6w, depending on the 'age' of the soil and its physical limitations.

On this property, Pungaere soils are not highly versatile. They are neither highly productive nor potentially highly productive. The encroachment of housing and commercial development on the boundaries of this property prevents the potential of even very small patches of soil suited to a limited range of crops from being realised.

## Summary

1. The soils on the Hall property are wrongly assessed as Class 2s1 on the NZ Land Resource Inventory Land Use Capability database. This LUC Unit should be restricted to highly productive and highly versatile soils (Maunu, Kiripaka, Ohaeawai and some Waimate North soils) on younger basalt volcanics.
2. Pungaere soils on this property are highly variable, some areas are severely limited by seepages and poor natural drainage. This soil type suffers from high concentrations of iron and aluminium beyond 20cm depth in its profile, creating both a chemical and, in places, a physical barrier to plant root penetration. Pungaere gravelly clay is not recognised as a highly productive or versatile soil.
3. Areas of deeper Pungaere soil, patches within the former kiwifruit orchard on this property, are at best Class 4s2, a unit defined by Harmsworth in the report accompanying the NZLRI database for Northland. Some shallow soil areas within the former kiwifruit orchard, some seepage areas, drainage depressions and areas with dense gravelly subsoil over heavy clay will be Class 6.
4. The Hall land is surrounded by housing development, with commercial and industrial development in Waipapa, immediately downhill of the property. Redevelopment for horticulture would attract opposition, particularly the use of chemicals required to enhance bud-break in kiwifruit and to control pests and diseases.

## REFERENCES

1. Sutherland, C.F., Cox, J.E., Taylor N.H., Wright, A.C.S. 1980: Soil map of Whangaroa-Kaikohe area, Sheets P04/05, North Island, New Zealand. N.Z. Soil Bureau Map 186
2. Hanmore, Ian. Consultancy work for Pamu.2022 - Pers. Comm.
3. Cox, J.E., McLeod, M., Griffiths, E., Orbell, G. Department of Scientific and Industrial Research, Soil Bureau reports on Takou Bay, Rangitane and Kapiro Lands and Survey properties
4. NZLRI (New Zealand Land Resource Inventory), Landcare Research - Manaaki Whenua, Lincoln, New Zealand [<https://iris.scinfo.org.nz/layer/76-nzlri-land-use-capability/>]
5. Harmsworth, G.R. 1996. Land Use Capability classification of the Northland Region. A report to accompany the second edition (1:50,000) NZLRI worksheets. Landcare Research Science Series 9. Lincoln, Manaaki Whenua Press, 269p.
6. Lynn IH, Manderson AK, Page MJ, Harmsworth GR, Eyles GO, Douglas GB, Mackay AD, Newsome PJF 2009. NZ Land Use Capability Survey Handbook – a New Zealand handbook for the classification of land 3<sup>rd</sup> Edition. Hamilton, AgResearch; Lincoln, Landcare Research; Lower Hutt, GNS Science.

7. Kermode, L.O., 1982, Whangaroa-Kaikohē, NZMS 290, Sheet P04/05, 1:100,000, New Zealand Land Inventory Rock Types, Department of Lands and Survey, Wellington

## Contact

### Name

Bob Cathcart  
027 435 2761  
bob.cathcart@agfirst.co.nz

### AgFirst Northland Ltd

1A Douglas Street  
Kensington  
Whangarei 0112,  
New Zealand  
09 430 2410  
northland@agfirst.co.nz  
www.agfirst.co.nz

#### Disclaimer:

The content of this report is based upon current available information and is only intended for the use of the party named. All due care was exercised by AgFirst Northland Ltd in the preparation of this report. Any action in reliance on the accuracy of the information contained in this report is the sole commercial decision of the user of the information and is taken at their own risk. Accordingly, AgFirst Northland Ltd disclaims any liability whatsoever in respect of any losses or damages arising out of the use of this information or in respect of any actions taken in reliance upon the validity of the information contained within this report.



## TECHNICAL MEMORANDUM

2 May 2022

### SOIL VERSATILITY ASSESSMENT, 22 PUNGAERE ROAD, WAIPAPA

Trevor Jones & Cynthia Miller

By email: [cynthia.trevor@hotmail.com](mailto:cynthia.trevor@hotmail.com)

#### INTRODUCTION

This Soil Versatility Assessment has been prepared by Geologix Consulting Engineers Ltd (Geologix) for Trevor Jones & Cynthia Miller as our Client in accordance with our standard short form agreement and general terms and conditions of engagement.

The purpose of this report is to assist with Resource Consent application in relation to the proposed subdivision of a rural property at 22 Pungaere Road, Kerikeri, the 'site'. Specifically, this technical memorandum has been prepared to quantify whether the site subsoils meet the definition of highly versatile soils and whether the site should be protected from a change in land use.

This report should be read in conjunction with separately headed site suitability engineering report<sup>1</sup> and combined Preliminary and Detailed Site Investigation<sup>2</sup> reports prepared by Geologix.

#### GEOLOGICAL SETTING

Available geological mapping<sup>3</sup> indicates the site to be underlain by basalt lava flows of the Kerikeri Volcanic Group. The basaltic flows, described as older flows and flow remnants in this area are indicated to cover the entirety of the site, giving rise to the gently sloping to rolling topography. The volcanic geology extends away from the site across the local area.

Generally corresponding with the above, the online Soils Map GIS system<sup>4</sup> indicates the site to be underlain by Orthic Oxidic soils. These are described as ordinary oxidic soils. Oxidic soils are clayey soils that have formed as a result of weathering over extensive period of time in volcanic ash or dark volcanic rock. Despite high clay content the soils are friable with low plasticity and fine structure.

<sup>1</sup> Geologix Report Ref. C0028-S-01-R01.

<sup>2</sup> Geologix Report Reg. C0028-E-02-R01.

<sup>3</sup> Geological & Nuclear Science, 1:250,000 scale Geological Map, Sheet 2, Whangarei, 2009.

<sup>4</sup> <https://soils-maps.landcareresearch.co.nz/>



Natural Hazards



Environmental



Geotechnical



3 Waters



Land Development & Subdivision

They contain appreciable amounts of iron and aluminium oxides and are only known in the Auckland and Northland regions. Parent materials are derived from strongly weathered andesite, dolerite or basalt rock or ash. These soils cover < 1 % of New Zealand.

### Physical Properties

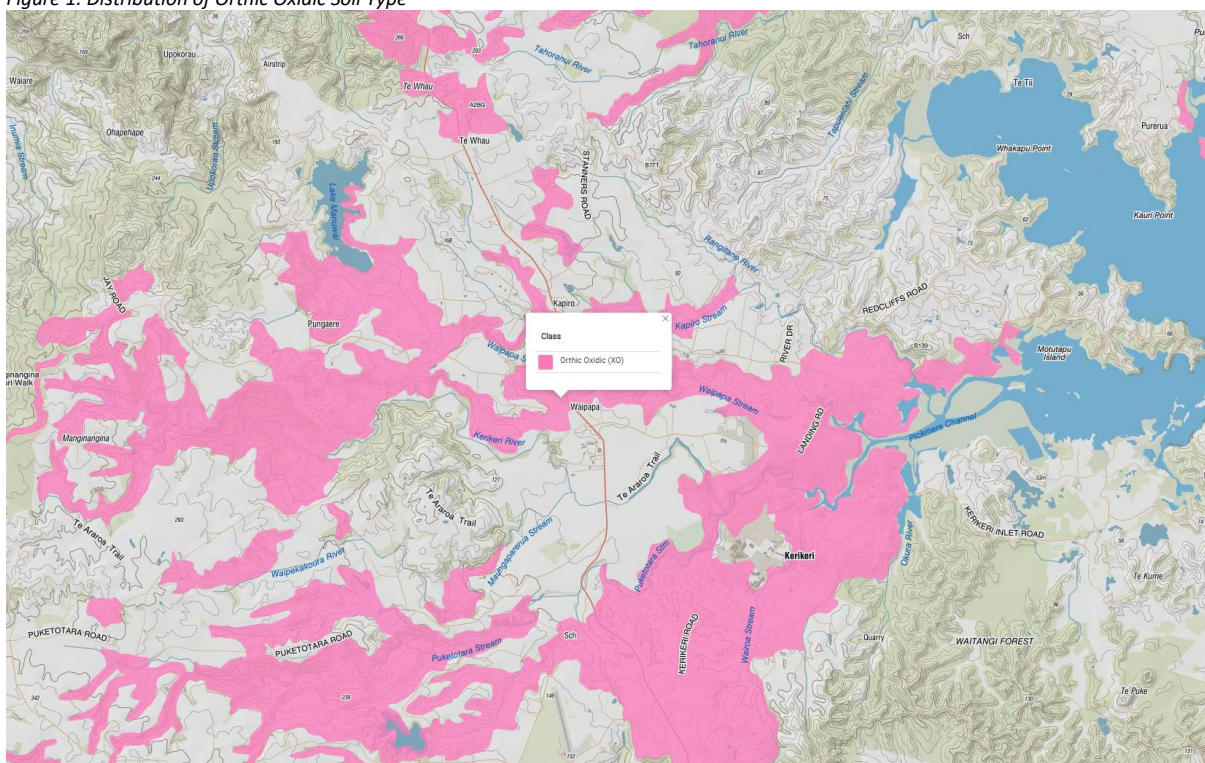
Orthic Oxidic soils have limited rooting depth, well-developed and relatively stable structure, slow permeability and moderate or rapid infiltration rates. Clay contents are high, ranging from 50 to 90 %. Soil water deficits are common in summer.

### Chemical Properties

Oxidic soils are strongly weathered with low reserves of potassium, magnesium, calcium, and phosphorus. Clays have low cation exchange at the natural pH of the soil, and phosphate retention is high.

An indication of the Orthic Oxidic soil type in the local region to the site is presented below as Figure 1.

Figure 1: Distribution of Orthic Oxidic Soil Type



## GROUND INVESTIGATION

A site walkover survey and intrusive ground investigation was undertaken by Geologix on 28 February 2022. The ground investigation was scoped to confirm the findings of the above information and to provide parameters for geotechnical and wastewater assessment. The ground investigation comprised:

- Two hand augered boreholes, designated BH1 and BH2, drilled with a target depth of 1.2 m below ground level (bgl) to ascertain soil properties and to provide a shallow soil log.
- Topsoil depths were checked at nine locations across the proposed development platform by shallow hand-dug trial pits to 0.3 m bgl.
- Three bulk shallow soil samples taken within 0.15 m of the surface to characterise the soil properties for production.



## Ground Conditions

Arisings recovered from the exploratory boreholes were logged by a suitably qualified geotechnical engineering professional in general accordance with New Zealand Geotechnical Society guidelines<sup>5</sup>. Engineering borehole logs and approximate borehole/ sample positions are enclosed with this report. Strata identified during the ground investigation can be summarised as follows:

- **Grassed Topsoil encountered up to 0.2 to 0.3 m bgl.** Shallow hand-dug trial pits recorded topsoil to be moderately thick across the proposed development platform. However, the soils were recorded as friable to low plasticity brown silty clays. Figure 2 below indicates the shallow soil conditions.

Figure 2: Topsoil Bulk Sample Conditions



- **Kerikeri Volcanic Group Residual Soils to depths >1.2 m bgl.** The residual soils were generally described as silty clay, locally sandy becoming clayey silt with depth, between 0.7 and 0.9 m bgl. Reddish brown, moist and of low plasticity.

Table 1: Summary of Ground Investigation

Hole ID	Lot	Hole Depth	Topsoil Depth	Groundwater	Refusal
BH1	1	1.2 m	0.3 m	NE	NE
BH2	1	1.2 m	0.3 m	NE	NE

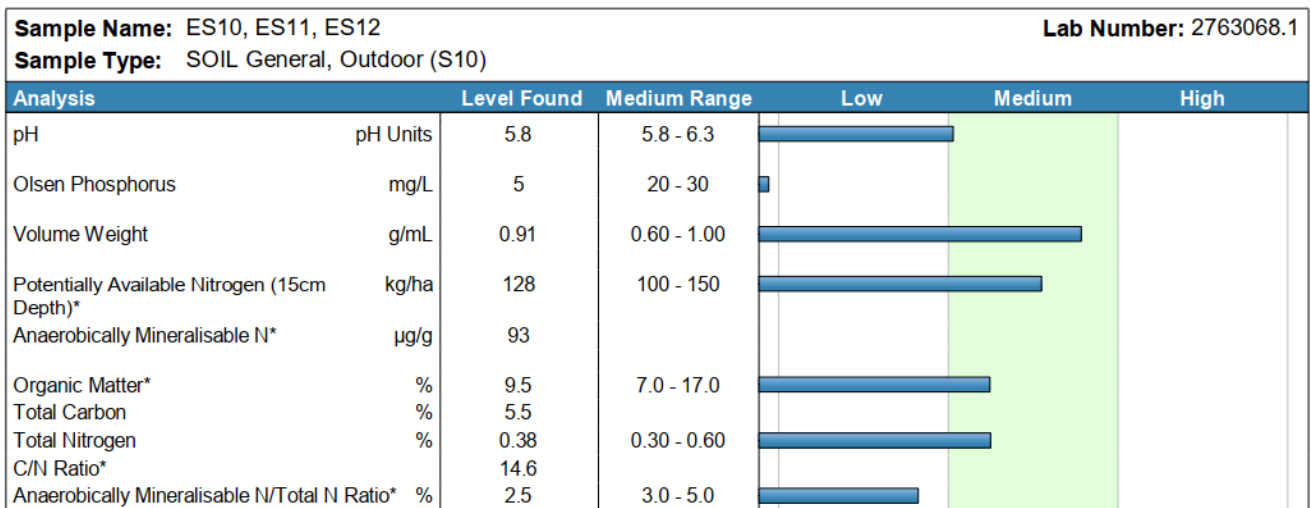
1. All depths recorded in m bgl unless stated.
2. Groundwater measurements taken on day of drilling.
3. NE – Not Encountered.

## Results

Bulk soil samples were taken from locations ES10, ES11 and ES12 and combined at an IANZ accredited laboratory. The soils were tested for a range of soil properties including to determine the soils' ability to support productive land. The results are presented below as Figure 3 and enclosed with this report.

<sup>5</sup> New Zealand Geotechnical Society, *Field Description of Soil and Rock*, 2005.

Figure 3: Summary of Soil Versatility Testing



The above nutrient graph compares the levels found with reference interpretation levels. NOTE: It is important that the correct sample type be assigned, and that the recommended sampling procedure has been followed. R J Hill Laboratories Limited does not accept any responsibility for the resulting use of this information. IANZ Accreditation does not apply to comments and interpretations, i.e. the 'Range Levels' and subsequent graphs.

## CONCLUSIONS

In general, the results of laboratory analysis indicate that the soils have medium or moderate soil properties in relation to supporting productive land. In particular, key chemical properties such as Olsen phosphorus are identified as low; 5 mg/L at the site. Olsen phosphorus is the available 'pool' of phosphorus in the soil for plant uptake. As such, the application of fertilisers would most likely be required to support long term, widespread productive use of the site.

From our assessment and other reports produced by Geologix it is concluded that:

- Referencing the Geologix combined Preliminary and Detailed Site Investigation Report, the site was more likely than not briefly adopted for horticultural purposes between c. 1982 and 2003.
- However, little to no evidence of horticultural species was ascertained from aerial photography suggesting the land yielded poor performance as productive land.
- Geological mapping indicates the site to be part of the Kerikeri Volcanic Group with residual soils described as Orthic Oxidic. These soils are rare in New Zealand.
- The ground investigation supports the above designation due to friable to low plastic shallow surface soils.
- Site-specific analysis indicates the shallow soils as medium or moderate capability in terms of supporting produce. In particular the low availability of phosphorus for plant uptake determines that the site could only support long term, widespread produce by applying fertiliser to the land.

It is considered that the soils, while having moderate draining performance for a clayey soil type that the site does not present highly versatile soils. It is recommended a moderate soil versatility classification would be applied to the site.

Edward Collings

Managing Director, CPEng Reg. 1033153, CMEngNZ, CEnvP Reg. 0861, MPhys

**GEOLOGIX CONSULTING ENGINEERS LTD**

Enclosures:

- Drawing No. 700.
- Engineering Logs, BH1 & BH2.
- Laboratory Analysis Results.



# INVESTIGATION LOG

**HOLE NO.:**  
**BH 1**

**CLIENT:** Trevor Jones & Cynthia Miller  
**PROJECT:** 22 Pungaere Road, Waipapa

**JOB NO.:**  
**C0028**

**SITE LOCATION:** North of Pungaere Road

**START DATE:** 28/02/2022

**CO-ORDINATES:**

**ELEVATION:** Ground

**END DATE:** 28/02/2022

**CONTRACTOR:** Internal

**RIG:** Hand tools

**DRILLER:** TS

**LOGGED BY:** TS

MATERIAL DESCRIPTION <small>(See Classification &amp; Symbology sheet for details)</small>	SAMPLES	DEPTH (m)	LEGEND	SCALA PENETROMETER <small>(Blows / 0mm)</small>										VANE SHEAR STRENGTH <small>(kPa)</small> Vane:				WATER			
				2	4	6	8	10	12	14	16	18	50	100	150	200	Values				
Grassed TOPSOIL.		0.0 - 0.2	TS																		
Silty CLAY. Light brown, moist, low plasticity.		0.2 - 1.0	x																		
Clayey SILT. Reddish brown, moist, low plasticity.		1.0 - 1.2	x																		
End Of Hole: 1.20m		1.2 - 1.4																			

Groundwater Not Encountered

**PHOTO(S)**



**REMARKS**

1. Borehole complete at target depth.
2. No groundwater encountered.

**WATER**

- Standing Water Level
- Out flow
- In flow

**INVESTIGATION TYPE**

- Hand Auger
- Test Pit

# INVESTIGATION LOG

HOLE NO.:  
**BH 2**

CLIENT: Trevor Jones & Cynthia Miller  
PROJECT: 22 Pungaere Road, Waipapa

JOB NO.:  
**C0028**

SITE LOCATION: North of Pungaere Road

START DATE: 28/02/2022

CO-ORDINATES:

ELEVATION: Ground

END DATE: 28/02/2022

CONTRACTOR: Internal

RIG: Hand Tools

DRILLER: TS

LOGGED BY: TS

MATERIAL DESCRIPTION (See Classification & Symbology sheet for details)	SAMPLES	DEPTH (m)	LEGEND	SCALA PENETROMETER (Blows / 0mm)								VANE SHEAR STRENGTH (kPa) Vane:				WATER				
				2	4	6	8	10	12	14	16	18	50	100	150		200	Values		
Grassed TOPSOIL		0.0 - 0.2	TS																	
Sandy silty CLAY. Light brown, moist, low plasticity		0.2 - 0.8	X																	
Clayey SILT. Reddish brown, moist, low plasticity		0.8 - 1.2	X																	
End Of Hole: 1.20m		1.2 - 1.4																		

Groundwater Not Encountered

**PHOTO(S)**



**REMARKS**

- Borehole complete at target depth.
- No groundwater encountered.

**WATER**

- Standing Water Level
- Out flow
- In flow

**INVESTIGATION TYPE**

- Hand Auger
- Test Pit



## Certificate of Analysis

<b>Client:</b>	Geologix Consulting Engineers Limited	<b>Lab No:</b>	2763068	shvpv1
<b>Address:</b>	10 Seafarer Crescent Stanmore Bay Whangaparaoa 0932	<b>Date Received:</b>	10-Nov-2021	
		<b>Date Reported:</b>	22-Nov-2021	
		<b>Quote No:</b>	114498	
		<b>Order No:</b>		
<b>Phone:</b>	09 372 0007	<b>Client Reference:</b>	C0028	
		<b>Submitted By:</b>	Edward Collings	

**Sample Name:** ES10, ES11, ES12 **Lab Number:** 2763068.1  
**Sample Type:** SOIL General, Outdoor (S10)

Analysis	Level Found	Medium Range	Low	Medium	High
pH	pH Units	5.8	5.8 - 6.3		
Olsen Phosphorus	mg/L	5	20 - 30		
Volume Weight	g/mL	0.91	0.60 - 1.00		
Potentially Available Nitrogen (15cm Depth)*	kg/ha	128	100 - 150		
Anaerobically Mineralisable N*	µg/g	93			
Organic Matter*	%	9.5	7.0 - 17.0		
Total Carbon	%	5.5			
Total Nitrogen	%	0.38	0.30 - 0.60		
C/N Ratio*		14.6			
Anaerobically Mineralisable N/Total N Ratio*	%	2.5	3.0 - 5.0		

The above nutrient graph compares the levels found with reference interpretation levels. NOTE: It is important that the correct sample type be assigned, and that the recommended sampling procedure has been followed. R J Hill Laboratories Limited does not accept any responsibility for the resulting use of this information. IANZ Accreditation does not apply to comments and interpretations, i.e. the 'Range Levels' and subsequent graphs.



This Laboratory is accredited by International Accreditation New Zealand (IANZ), which represents New Zealand in the International Laboratory Accreditation Cooperation (ILAC). Through the ILAC Mutual Recognition Arrangement (ILAC-MRA) this accreditation is internationally recognised. The tests reported herein have been performed in accordance with the terms of accreditation, with the exception of tests marked \* or any comments and interpretations, which are not accredited.



## Certificate of Analysis

Page 2 of 3

<b>Client:</b> Geologix Consulting Engineers Limited	<b>Lab No:</b> 2763068	shvpv1
<b>Address:</b> 10 Seafarer Crescent Stanmore Bay Whangaparaoa 0932	<b>Date Received:</b> 10-Nov-2021	
	<b>Date Reported:</b> 22-Nov-2021	
	<b>Quote No:</b> 114498	
	<b>Order No:</b>	
<b>Phone:</b> 09 372 0007	<b>Client Reference:</b> C0028	
	<b>Submitted By:</b> Edward Collings	

Soil Analysis Results							
<b>Sample Name:</b>	ES10, ES11, ES12						
<b>Lab Number:</b>	2763068.1						
<b>Sample Type:</b>	SOIL General, Outdoor						
<b>Sample Type Code:</b>	S10						
pH	pH Units	5.8	-	-	-	-	-
Olsen Phosphorus	mg/L	5	-	-	-	-	-
Volume Weight	g/mL	0.91	-	-	-	-	-
Potentially Available Nitrogen (15cm Depth)*	kg/ha	128	-	-	-	-	-
Anaerobically Mineralisable N*	µg/g	93	-	-	-	-	-
Organic Matter*	%	9.5	-	-	-	-	-
Total Carbon	%	5.5	-	-	-	-	-
Total Nitrogen	%	0.38	-	-	-	-	-
C/N Ratio*		14.6	-	-	-	-	-
Anaerobically Mineralisable N/Total% N Ratio*		2.5	-	-	-	-	-





## Certificate of Analysis

Page 3 of 3

<b>Client:</b>	Geologix Consulting Engineers Limited	<b>Lab No:</b>	2763068	shvpv1
<b>Address:</b>	10 Seafarer Crescent Stanmore Bay Whangaparaoa 0932	<b>Date Received:</b>	10-Nov-2021	
		<b>Date Reported:</b>	22-Nov-2021	
		<b>Quote No:</b>	114498	
		<b>Order No:</b>		
<b>Phone:</b>	09 372 0007	<b>Client Reference:</b>	C0028	
		<b>Submitted By:</b>	Edward Collings	

### Analyst's Comments

#### Sample 1 Comment:

The Potentially Available Nitrogen (kg/ha) test above assumes the sample is taken to a 15 cm depth. If the depth is 7.5 cm, then the result reported above should be divided by two.

To calculate Potentially Available Nitrogen (as kgN/ha) for other sample depths use the reported Anaerobic Mineralisable Nitrogen (AMN) result in the following equation:

$$AN \text{ (kg/ha)} = AMN \text{ (}\mu\text{g/g)} \times VW \text{ (g/ml)} \times \text{sample depth (cm)} \times 0.1$$

Note that the AN and AMN results reported include the readily available Mineral N (NH<sub>4</sub>-N and NO<sub>3</sub>-N) fraction, which is typically quite low.

### Summary of Methods

The following table(s) gives a brief description of the methods used to conduct the analyses for this job. The detection limits given below are those attainable in a relatively simple matrix. Detection limits may be higher for individual samples should insufficient sample be available, or if the matrix requires that dilutions be performed during analysis. A detection limit range indicates the lowest and highest detection limits in the associated suite of analytes. A full listing of compounds and detection limits are available from the laboratory upon request. Unless otherwise indicated, analyses were performed at Hill Laboratories, 28 Duke Street, Frankton, Hamilton 3204.

Sample Type: Soil			
Test	Method Description	Default Detection Limit	Sample No
Sample Registration*	Samples were registered according to instructions received.	-	1
Soil Prep (Dry & Grind)*	Air dried at 35 - 40°C overnight (residual moisture typically 4%) and crushed to pass through a 2mm screen.	-	1
pH	1:2 (v/v) soil:water slurry followed by potentiometric determination of pH. In-house.	0.1 pH Units	1
Olsen Phosphorus	Olsen extraction followed by Molybdenum Blue colorimetry. In-house method.	1 mg/L	1
Potentially Available Nitrogen	Anaerobic incubation followed by extraction using 2M KCl followed by Berthelot colorimetry. (Calculation based on 15cm depth sample). Note that any Mineral N present is included in the AN/AMN result reported. In-house.	10 kg/ha	1
Anaerobically Mineralisable N*	As for Potentially Available Nitrogen but reported as $\mu\text{g/g}$ .	5 $\mu\text{g/g}$	1
Organic Matter*	Organic Matter is 1.72 x Total Carbon.	0.2 %	1
Total Carbon	Dumas combustion. In-house.	0.1 %	1
Total Nitrogen	Dumas combustion. In-house.	0.04 %	1
Volume Weight	The weight/volume ratio of dried, ground soil. In-house.	0.01 g/mL	1

These samples were collected by yourselves (or your agent) and analysed as received at the laboratory.

Testing was completed between 15-Nov-2021 and 22-Nov-2021. For completion dates of individual analyses please contact the laboratory.

Samples are held at the laboratory after reporting for a length of time based on the stability of the samples and analytes being tested (considering any preservation used), and the storage space available. Once the storage period is completed, the samples are discarded unless otherwise agreed with the customer. Extended storage times may incur additional charges.

This certificate of analysis must not be reproduced, except in full, without the written consent of the signatory.

Shelley Edhouse  
Quality Assurance Coordinator - Agriculture

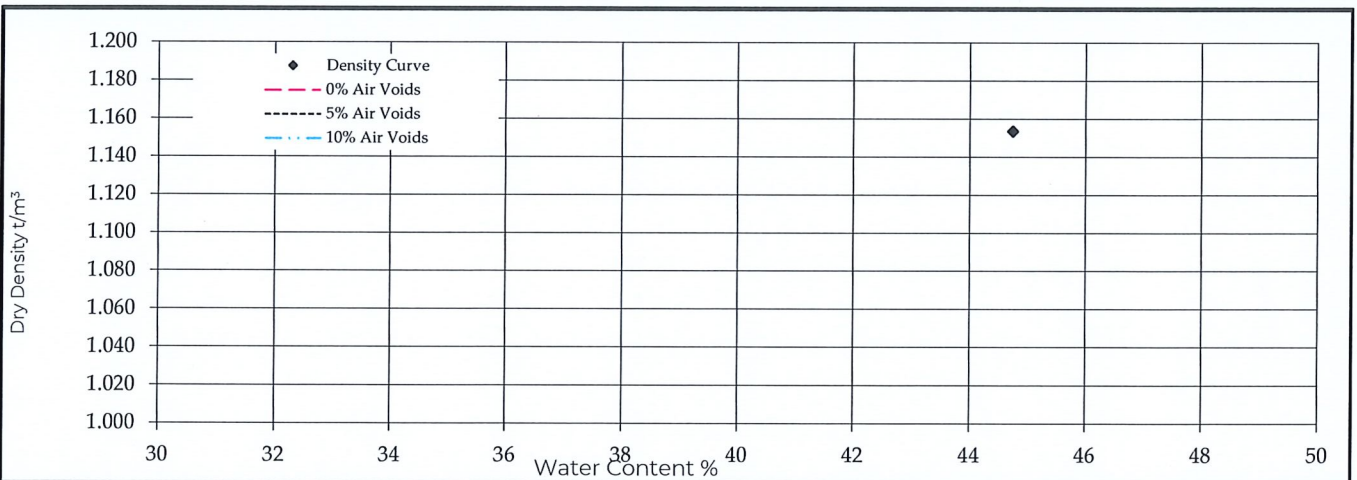
**DRY DENSITY / WATER CONTENT RELATIONSHIP  
STANDARD COMPACTION**



Project : 22 Pungaere Rd  
 Location : 22 Pungaere Rd, Waipapa  
 Client : Trevor and Cynthia Jones c/o Geologix Consulting Engineers Ltd  
 Contractor : Geologix Consulting Engineers Ltd  
 Sampled by : EC Date sampled : 4/11/21  
 Sampling method : Hand tool  
 Sample description : Dark Brown; clayey SILT with rootlets  
 Sample condition : As Received Date received : 15/11/21  
 Solid density (t/m<sup>3</sup>) : 2.74 (Assumed)  
 Source : Bulk Bag  
 Stockpile no. : Not stated  
 Depth (m) : Not stated  
 Sample reference: Blended ES10-12 (0.2)

Project No :	1-LA611.00
Lab Ref No :	AL6861/1
Client Ref No :	C0028

Test Results							
Maximum dry density	-	t/m <sup>3</sup>	Natural water content	-	%		
Optimum water content	-	%	Fraction tested		Whole		
Sample ID	1						
Bulk density	t/m <sup>3</sup>	1.670	-	-	-	-	-
Water content	%	44.7	-	-	-	-	-
Dry density	t/m <sup>3</sup>	1.154	-	-	-	-	-
Sample condition							
Peak stress	kPa	-	-	-	-	-	-
Remoulded stress	kPa	-	-	-	-	-	-



Test Methods	Notes
Compaction NZS 4402 : 1986 Test 4.1.1 (Standard)	All information supplied by Client

Date tested : 15/11/2021 \*Sampling is not covered by IANZ Accreditation. Results apply only to sample tested.  
 Date reported : 16/11/2021 This report may only be reproduced in full

IANZ Approved Signatory  
 Thirushen Pillay  
 Designation : Senior Civil Engineering Technician  
 Date : 16/11/2021



Test results indicated as not accredited are outside the scope of the laboratory's accreditation