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submissions
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Friday 21
October 2022

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

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

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

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

1. Submitter details:

Full Name:	Ben Lee		
Company / Organisation Name: (if applicable)	Northland Regional Council		
Contact person (if different):	Ingrid Kuindersma		
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Phone contact:	Mobile:	Home:	Work: 0800 504 639
Email (please print):	ingridk@nrc.govt.nz		
2. (Please select one of the two options below)			
<input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission <input type="checkbox"/> I could gain an advantage in trade competition through this submission			
<i>If you could gain an advantage in trade competition through this submission, please complete point 3 below</i>			
3. <input type="checkbox"/> 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			
<input type="checkbox"/> 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			
<i>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</i>			
The specific provisions of the Plan that my submission relates to are: <i>(please provide details including the reference number of the specific provision you are submitting on)</i> <i>Please refer to attached document</i>			



Confirm your position: Support Support In-part Oppose
(please tick relevant box)

My submission is:
(Include details and reasons for your position)

Please refer to attached document

I seek the following decision from the Council:
(Give precise details. If seeking amendments, how would you like to see the provision amended?)

Please refer to attached document

I **wish** to be heard in support of my submission
 I **do not wish** to be heard in support of my submission
(Please tick relevant box)

If others make a similar submission, I will consider presenting a joint case with them at a hearing
 Yes No

Do you wish to present your submission via Microsoft Teams?
 Yes No

Signature of submitter:
(or person authorised to sign on behalf of submitter)

Date:

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

Important information:

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.



3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

Send your submission to:

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

Email to: pdp@fndc.govt.nz

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

Submissions close 5pm, 21 October 2022

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

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

Note to person making submission

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

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

Submission on the Proposed Far North District Plan

From: Northland Regional Council

Attn: Greg Wilson
Manager – District Planning
Far North District Council

NRC Contact: Ingrid Kuindersma
Policy Planner
ingridk@nrc.govt.nz

1. Northland Regional Council (NRC) welcomes the opportunity to submit on the Proposed Far North District Plan (proposed plan). This feedback is made in the interests of sustainable management of natural and physical resources within the Far North district and the Northland region. We note that some of the issues have previously been raised in our feedback on the draft plan and they are repeated in this submission where they are still considered relevant.
2. NRC has reviewed the proposed plan against the following overriding principles:
 - The need for district plans to assist district councils to carry out their functions to achieve the purpose of the Resource Management Act 1991 (RMA), and
 - The need for district plans to ‘give effect to’ national and regional policy statements and to not be inconsistent with regional plans, and
 - NRC’s statutory obligations, roles and functions under the RMA as well as other Acts, including the Local Government Act 2002.
3. The submission is also framed in the context of our community outcomes as set out in the 2021-2031 Long Term Plan:
 - Healthy waters for the environment and our people
 - Resilient, adaptable communities in a changing climate
 - Safe and effective transport networks connecting our region
 - Meaningful partnerships with tangata whenua
 - Protected and flourishing native life
 - A strong and sustainable regional economy

Our Submission

4. Overall Structure

- 4.1 The draft plan appears to align well with the format set out in the National Planning Standards and the e-plan functionality is straightforward to navigate. The district plan map viewer functions work well.

5. Cross-Boundary Matters

- 5.1 There are often difficulties in ensuring marine activities have the supporting land-based facilities required - an example is providing appropriate services for mooring areas / commercial wharves (such as public access, parking and waste facilities). We suggest the cross-boundary matters section be complemented by policy in the coastal environment and infrastructure sections that seek subdivision, land use and development that is compatible with and where practicable complements use / activity in the coastal marine area. **S359.001 & S359.002**
- 5.2 There are likely to be cross-boundary issues relating to jurisdictional boundaries with adjoining councils (eg. incompatible / inconsistent provisions or zoning) that need to be considered. Earthworks, genetically modified organisms and vegetation clearance are likely candidates. Given the resource management reform we suggest looking at aligning the more generic district plan rules with those of adjoining councils. **S359.003**

6. National Direction Instruments

- 6.1 We note that the NPS-Highly Productive Land will, and the NPS-Indigenous Biodiversity is likely to, take effect prior to the end of 2022 and the proposed plan will need to be reviewed in light of these new pieces of national direction. **S359.004**

7. Climate Change

- 7.1 We suggest a greater emphasis on response to climate change. There are climate change mitigation and adaptation responses relevant to district planning that could be set out now. We support the greater use of mixed-use zones and enabling greater density in urban centres subject to appropriate requirements for water resilience and minimising risk from natural hazards.
- 7.2 While councils are not yet required to consider greenhouse gas emissions and climate change in their planning, these are matters that will be required to be addressed within the expected lifespan of the plan.
- 7.3 We would suggest strategic direction on climate change include: **S359.005 & S359.006**
- a) A clear statement on how the district plan enables the district's communities to respond to climate change (eg. an objective could be framed along the lines of "*Far North District communities are prepared for the impacts of climate change and an equitable transition to a low emission economy*", and policies could include: "*Provide for development patterns that are resilient to climate change impacts*" and "*Support the inclusion of design features that take into account the impacts of climate change and the need to transition to a low-carbon economy in proposals for land use, subdivision and development*").
 - b) Signal that zoning, overlays and controls on subdivision, use and development are used to minimise risk from natural hazards, protect high value resources that enable climate change responses or are particularly vulnerable to predicted impacts (such as indigenous biodiversity, elite soils and renewable energy generation). They also promote development patterns and land uses and associated transport / infrastructure that enable emissions reduction (such as mixed-use zoning, higher residential density in serviced areas, renewable energy generation and special purpose zoning such as horticulture).
- 7.4 We recommend that land use provisions be tested to ensure there are no undue impediments to climate change mitigation (eg. amenity-based rules on 'reflectivity', building height or similar that unduly limit opportunities for small to medium scale solar or wind generation). **S359.007**

7.5 We also note the actions set out in the Te Taitokerau Climate Adaptation Strategy. These actions should guide development of climate change provisions within the new district plan. S359.008

7.6 Recent updates from the Ministry for the Environment indicate that sea level is rising faster than anticipated. The Proposed Plan should therefore consider the potential for updating of NRC hazard maps and working with NRC to reflect new understanding of the issue. S359.009

8. Resilient and reliable water supply

8.1 Resilient and reliable water supply is another key issue now and in the long term as climate change effects increase.

8.2 Water resilience is a particular concern for the Far North district, as was highlighted in the 2019/2020 drought that exposed the vulnerability of existing supplies, primarily those that rely on 'run of river' and are highly unreliable during extended dry periods. We suggest this be embedded in the relevant sections of strategic direction chapter. We note drought is included in the District Wide Matters section on Hazards and Risks but feel the significance of these issues could be more strongly highlighted. S359.010

8.3 We note droughts have been assessed to have economic impact six times higher than floods – this impact will only be compounded where development is enabled without adequate water supply.¹

8.4 Where development is enabled without access to water supply networks this puts pressure on natural waterbodies (such as aquifers and rivers) and can also place significant demand on already stressed water supply networks during extended dry periods as 'self-suppliers' rely on tanker deliveries.

8.5 We suggest signalling high intensity development will not be enabled unless serviced by a supply network or adequate on-site storage is provided to cater for extended dry spells / droughts S359.011

8.6 Environmental limits (such as minimum flows / levels and allocation limits) mean there are constraints on takes from natural water bodies resulting in restrictions on extraction / water use in consent conditions and/or as a result of water shortage directions - this situation is expected to worsen with climate change.

8.7 Recent Environment Court decisions² have also confirmed the need for some areas of Northland to shift to flow harvest and bulk water storage rather than relying on takes from natural waterbodies during low flows.

8.8 The principle of Te Mana o Te Wai embedded in the NPS Freshwater Management (2020) also has implications for reliance on supply from natural waterbodies in that it establishes a hierarchy where the health and wellbeing of waterbodies comes first (with the needs of people second).

8.9 The lack of water supply networks in coastal settlements, particularly where there is significant development pressure, means there may be more demands for groundwater. Coastal aquifers can be sensitive to extraction (often being small and vulnerable to saltwater intrusion).

8.10 Extraction from these aquifers is subject to limits to protect the resource and prevent saltwater intrusion – settlements in these areas can place demand on the resource, particularly over summer when population increases. Sea level rise will exacerbate the saltwater intrusion issue and we recommend that FNDC require adequate on-site storage based on intended use (or

¹ <https://www.treasury.govt.nz/sites/default/files/2018-08/LSF-estimating-financial-cost-of-climate-change-in-nz.pdf>

² [2021] NZEnvC 001 Minister of Conservation & Ors v Northland Regional Council

suitable alternative) in new subdivisions and on every new build in areas where seasonal water restrictions have become the norm and in settlements on at-risk aquifers.

- 8.11 We also recommend low impact stormwater design be mandatory for new development to ensure recharge is maintained (e.g. a requirement in engineering standards to use swales instead of kerb and channel). We recommend policy be added into the subdivision section to make this explicit for example: S359.012

“Where subdivision and development is proposed for coastal locations, that on-site storage or suitable alternative is required, including low impact stormwater designs.”

9. Zoning

- 9.1 We understand a constraints mapping approach has been undertaken to provide underlying guidance as to which are the most appropriate zonings across the district, by excluding those areas where more intensive development and subdivision should be restricted due to constraints such as highly versatile soils, flood and coastal hazards, ONLs and ONFs, historic / cultural heritage sites and areas.
- 9.2 The proposed maps appear to re-zone a number of areas to provide greater development intensity in areas at risk from natural hazards or that are un-serviced (eg. lack three waters infrastructure). For example, an area of land at Waipapa is shown to be re-zoned from Rural Production to Heavy and Light Industrial – we note a significant portion of the land identified as Light Industrial is flood prone (with areas in 1-in-10 and 1-in-100-year flood hazard areas) as are the margins of the new area of Heavy Industrial zone. While we recognise there is already commercial development and zoning in place over part of this area, we do not support further intensification in flood plains given storm / flood events are predicted to intensify with climate change.
- 9.3 Enabling further development in areas prone to flooding is at odds with direction in the RPS Policy 7.1.2 (New subdivision and land use within 10 year and 100 year flood hazard areas) and Method 7.1.7 – in particular method 7.1.7(6).
- 9.4 In summary, these RPS provisions seek to avoid an increase in risk and discourage subdivision, built development and storage of hazardous substances in hazard zones – especially where rezoning land to more intensive use in hazard prone areas is proposed. It can also create demand for flood mitigation schemes/works over a comparatively large area which is expensive and can create affordability issues. We suggest ensuring the extent of the new zoning that provides for intensification avoids areas prone to natural hazards unless the change reduces vulnerability to risk. S359.013
- 9.5 Further to the above, any such re-zoning without three waters infrastructure is also an issue in the long term – retrofitting networks to service such sites can be problematic and more costly than establishment at the ‘greenfield’ stage. This is especially so where existing development has already established on-site services (eg. wastewater disposal and water storage) but would need to pay to connect to new network services. Without access to appropriate servicing there are major limitations on the density and type of urban development which can be accommodated in these zones. S359.014
- 9.6 NRC supports the creation of zones for horticulture use and processing and the rationale being to protect the productive capacity of areas around Kerikeri and Waipapa, especially given soil quality and water supply available to support such use and the pressure from fragmentation and reverse sensitivity. We see this as being consistent with direction in the NPS for Highly Productive Land. However, we note controlled activity lot size for subdivision in the

- Horticulture zone is 10ha and discretionary activity lot size is 4ha. Given the proximity to Waipapa and Kerikeri, demand for lifestyle blocks in these areas is likely to be high and we suggest that larger minimum lot sizes and/or more restrictive activity status for development would provide better protection for these areas. S359.015
- 9.7 There has also been significant expansion of horticulture on the Aupōuri Peninsula and in the Awanui area, primarily for avocado growing – supported in a large part by groundwater resources. There could be justification for including these areas in the Horticultural Zone. S359.016
- 9.8 Another area we consider should be zoned for horticulture, given geography and water supply, is the service catchment of the mid-north water storage project near Kaikohe. The Matawii dam is currently under construction and will supply reliable water to support a shift to horticultural / arable use – we strongly recommend rezoning to manage potential for reverse sensitivity and to support land use change which is likely to have economic, employment and greenhouse gas emissions reduction benefits. S359.017
- 9.9 Providing for subdivision down to 4ha in the Horticulture zone has potential to fragment highly productive land (eg. enable lifestyle / rural residential use) and compromise objectives to avoid reverse sensitivity issues (spray use is a particular concern and generates a significant number of incidents for NRC). We suggest any subdivision resulting in lots sizes below 10ha should trigger a non-complying activity status consistent with Section 3.8 of NPS-HPL “Avoiding subdivision of highly productive land”. S359.018
- 9.10 Reverse sensitivity is also a concern in Rural Production areas – from NRC’s perspective, agrichemical use, burning / smoke and odour are frequent issues. We recommend FNDC consider strengthening reverse sensitivity provisions, especially where lifestyle / rural residential development occurs within or adjoins Rural Production, mineral extraction, Industrial zones and significant infrastructure. Provisions to consider requiring greater setbacks of potentially up to 100m for habitable buildings within production zones, appropriate visual and physical screening and limitations on intensity of noise sensitive activities. S359.019 to S359.022
- 9.11 We support mixed use zoning as this can provide opportunities to work and live in the same area, reducing the need for travel and associated GHG emissions. Again, these areas should be serviced by three waters infrastructure given the development intensity provided. S359.014
- 9.12 Māori Purpose and Treaty Settlement zones - we fully support the identification of and specific zoning for Māori land (under Te Ture Whenua Act) and land returned through Treaty Settlement as cultural or commercial redress. However, we recommend that the provisions relating to the use and subdivision of these zones (eg. Policy NFL-P5) be reviewed to ensure that they do not unnecessarily restrict the intent for the use of such land (for example land returned as commercial redress should not be limited to ‘ancestral’ use where it is in an ONL or ONF) especially as there is no definition of what constitutes ‘ancestral’ use. S359.023 to S359.025
- 9.13 Environmental Benefit lots allow for additional development potential where wetlands or significant vegetation is permanently protected. We suggest areas of erosion prone land could also be considered as an environmental benefit where these areas are retired from production and appropriate measures taken to stabilise them. For example, Whangārei District Council provides an environmental benefit credit where 4ha of erosion prone land is protected (Refer WDC District Plan SUB-R15). Such an approach would complement NRC soil conservation efforts to reduce sediment loads to fresh and coastal waters. We would be happy to work with you on these provisions, eg. providing maps of erosion prone land and defining suitable protection / restoration of erosion prone land. S359.026

10. Natural Hazards

- 10.1 We support the adoption of NRC's updated natural hazards maps and the rules framework in the proposed district plan appear reasonably well aligned with direction in the RPS on management of natural hazards. However, we suggest a review of zoning to better reflect hazard related constraints on development. It appears that some areas with potential flood hazards allow for intensive development. Applying a hazard overlay does not fully address this issue as the underlying zoning can create a development expectation. This is of particular concern for industrial zones with the potential for hazardous chemical storage, but is also relevant to sensitive activities such as residential development, education facilities, visitor accommodation etc. S359.013

11. Highly Productive Land

- 11.1 The government has now released the NPS for Highly Productive Land. In order to consider the availability of such land for primary production now and into the future, NRC recommends that the council carefully consider what mechanisms it is going to put in place to protect the Class 1, 2 and 3 (and possibly some class 4) soils of the district as a valuable natural resource. This could include some simple solutions such as restricting subdivision on highly productive soils (ie. mapping these and applying a larger discretionary minimum lot size than normally available). We recognise the use of Horticulture Zoning as a valuable means of providing protection for highly productive land. For areas outside this zone, we recommend applying a minimum of Rural Production or General Rural zoning to large tracts of highly productive soils, and where appropriate encouraging lifestyle / rural residential development on poorer soils with supporting infrastructure (roading, water supply, waste and stormwater). S359.027 & S359.028
- 11.2 We note the recently released MfE report *Our Land 2021*³ found that the area of highly productive land that was unavailable for agriculture (because it had a house on it) increased by 54% between 2002 and 2019, while the area of residential land outside city boundaries more than doubled during that period.
- 11.3 We recommend objectives and policies in the subdivision section be strengthened to strongly discourage fragmentation of rural land as this can limit the viability of surrounding farming units and lead to high costs to service these developments. This is of particular concern for highly productive soils and should be based on the provisions in the NPS-HPL. The Regional Policy Statement for Northland does not fully reflect the direction in the NPS-HPL with regard to the protection of productive land. Therefore, it is considered appropriate to take direction from the NPS-HPL. S359.029 & S359.030

12. Outstanding Natural Landscapes, Features & Character and the Coastal Environment

- 12.1 RC fully supports the inclusion of the ONLs, NCAs, ONFs and the Coastal Environment in the proposed plan. The provisions look to be reasonably well-aligned with direction in the RPS (although we have not reviewed the maps).
- 12.2 We note, however, that there is potential for unintended consequences of the rules in the Coastal Environment, ONLs and ONFs. For example, vegetation clearance for a new fence is not a permitted within the Coastal Environment, an ONL or ONF. Rule NFL-R2 provides for repair and maintenance of existing fences – rather than permitting new fences for livestock exclusion, or protection of SNA or natural character areas. One of the key mechanisms for improving water quality, which is a top priority for the nation, is to encourage the fencing of erosion prone land, waterbodies and waterways to exclude stock. The construction of fencing for this purpose S359.031 to S359.032

³ <https://environment.govt.nz/assets/Publications/our-land-2021.pdf>

is provided for in both the Stock Exclusion Regulations and the NES-Freshwater. Landowners may be discouraged from doing so if they are required to apply for a consent. We suggest that one option would be to expand the permitted activity rule to allow for fencing within natural character areas, ONLs and ONFs where fencing is required for protection or enhancement of soil conservation treatments, water bodies and wetlands and in line with the Stock Exclusion Regulations and/or regional plan rules.

13. Energy, Infrastructure & Transport

- 13.1 NRC supports the inclusion of a chapter on renewable electricity generation and FNDC's generally enabling approach to this.
- 13.2 Renewable energy provisions need to recognise that some forms of renewable energy (such as wind speeds required for larger-scale wind farms for example) are limited geographically and may be location specific in the same way in which mineral resources or highly versatile soils are. S359.033
- 13.3 We also note that as the nation shifts to a low carbon economy, the need for our Northland communities to maximise their use of renewable energy sources for electricity generation within the next decade will become paramount and we recommend careful consideration of the provisions which must enable this access. This could include, for example, a requirement for provision of e-recharging stations for vehicles within developments which are easier to install as development happens and are more difficult and costly to retrofit later. S359.034

14. Historical and Cultural Values

- 14.1 The section on 'Sites and areas of significance to Māori' could be strengthened to better reflect the status of Māori as a Treaty partner. Appropriate clauses could include a policy on when an assessment of cultural impacts is required and what this should cover. S359.035
- 14.2 Greater emphasis could be given to demonstrate the importance council places on cultural values, and that ensures that landowners and developers understand that the professional input of tangata whenua should be considered as any other professional expertise (e.g. ecologists or engineers). S359.036

15. Definitions – Three waters infrastructure

- 15.1 The definition only applies (as drafted) to council owned infrastructure. We would suggest future-proofing this given the three waters reform as these services are likely to be owned and operated by 'three waters water entities' in the medium term (potable, wastewater and stormwater systems). The definition should consider those used in the Water Services Bill and refer to networks available for connection to private property. This definition needs to be considered carefully in light of the rules which then apply, for example CE-P5. S359.037

16. Overlap with regional rules/functions

- 16.1 There appears to be some overlap between the earthwork's provisions in the proposed plan and the Proposed Regional Plan (eg. Proposed Plan Rule C.8.3.1). This becomes problematic (and potentially costly) for applicants. For example, the matters for discretion seem to delve into regional council functions such as dust discharges to air and sediment and erosion control – this duplicates Proposed Regional Plan requirements for earthworks. S359.038, S359.043 to S359.045
- 16.2 As noted above, the matter is not simple given the rules are for different purposes and the NES Freshwater also complicates matters. However, it may be possible to defer to regional rules for setbacks from waterbodies, sediment and erosion controls etc. leaving the district plan to

manage the more obvious s31 RMA functions (ie. noise, traffic, visual amenity, nuisance and stability etc).

- 16.3 The relationship between district and regional rules is complex – we would suggest a discussion on the best way forward. Given resource management system reform is likely to materially influence this issue it would seem logical to undertake this jointly with the other district councils in Northland.

17. Production Forestry and Carbon Farming

- 17.1 The proposed plan contains controls relating to new production forestry within the Coastal environment, ONLs, ONFs and natural character areas. However, we note that the definition of Production forestry does not include exotic forest intended for long term carbon capture (“carbon farming”) as this does not result in harvesting of the timber.

- 17.2 There are potential effects associated with carbon farming such as lack of fire breaks, closer planting spaces and resulting difficulty in pest management as well as those normally associated with production forestry such as amenity and visual effects, wilding pine and fire risk.

- 17.3 We suggest the council consider including controls on exotic carbon forestry within the coastal environment, natural character areas, ONFL and areas of elite soils to protect the values of these resources and to manage nuisance such as shading, plant pest spread and fire risk. However, we recognise that permanent forest cover may be appropriate in areas of highly erodible land and the plan should not unduly restrict this.

S359.039 to
S359.042

18. Conclusion

- 18.1 We appreciate the effort and significant background work that goes into preparation of a new district plan, and we congratulate the Far North District Council on the progress made. We have attempted to highlight some areas where we see room to improve. We look forward to seeing these addressed. We would also like to reiterate the benefits of working together and NRC’s willingness to provide technical assistance where needed.



Ben Lee
Policy and Planning Manager
NORTHLAND REGIONAL COUNCIL