

SUBMISSION ON PROPOSED FAR NORTH DISTRICT PLAN

To: Far North District Council

Name of Submitter: John Andrew Riddell

1. This is a submission on the proposed Far North District Plan (“the proposed Plan”). This proposed Plan was publicly notified on 27 July 2022.
2. I could not gain an advantage in trade competition through this submission.
3. The specific provisions that my submission relates to are set out below, along with the reasons for supporting or opposing the specific provisions, and the decisions I seek.
4. I note that there are numerous typographic and referencing errors in the proposed Plan. This may reflect limited time to undertake a final proof read before the proposed Plan was notified.
5. Many of the errors can be corrected by reliance on clause 16(2) of the First Schedule to the Resource Management Act (“the Act”). I do identify several corrections to the proposed Plan that are likely to fall outside the scope of clause 16(2).

General reasons for submission

6. District plans are one instrument to achieve the sustainable management purpose of the Act.
7. As such, there are requirements set out in the Act and in supporting documents that the proposed Plan must meet, including
 - achieving the sustainable management purpose of the Act;
 - recognising and providing for the matters of national importance set out section 6 of the Act;
 - having particular regard to the other matters set out in section 7 of the Act;
 - taking into account the principles of Te Tiriti o Waitangi;
 - addressing the functions of territorial authorities (section 31 of the Act)
 - giving effect to national policy statements, including the New Zealand Coastal Policy Statement (“Coastal Policy Statement”); and
 - giving effect to the Regional Policy Statement for Northland (“Regional Policy Statement”).
8. Further, district plans should follow and adopt good resource management practice, and be internally consistent. Good resource management practice includes ensuring that objectives and policies are clear, certain and directive.

9. The proposed Plan does not meet those requirements and considerations, including for the reasons identified in the rest of this submission.

Kororāreka Russell Township Zone

10. The bespoke Kororāreka Russell Township Zone is generally supported.
11. A bespoke zone, rather than the General Residential zone proposed in earlier drafts of the proposed Plan,¹ reflects the importance of the town as an early contact town, the character of the town, and the limitations on the capacity of wastewater infrastructure.
12. This bespoke zoning has evolved over many years, based on archeological, historic and architectural studies in the 1970s, 1980s, 1990s and 2000s. Important components of these reports and studies and guidelines have not been adequately recognised and used to inform the zone's objectives, policies, rules and performance standards. The Council has a very useful Kororāreka/Russell Design Guideline that it does not refer to in the proposed Plan.
13. The bespoke zoning is further supported by Environment Court decisions, including a decision on an appeal in which I was a co-appellant that introduced what is called 'The Russell Township Basin and Gateway Area' in the operative Far North District Plan ("the operative Plan").
14. This decision has been departed from in the proposed Plan, resulting in more onerous provisions in the proposed Plan than are necessary to protect the character and values. For example, the permitted activity floor area ratio applying in the Russell Township Basin and Gateway Area has been extended to all of the Kororāreka Russell Township Zone; and the permitted activity provision for buildings in the Russell Township Basin and Gateway Area has been dropped in the proposed Plan.
15. The proposed Plan's objectives, policies, rules and standards do not ensure adequate recognition and protection of the historic heritage and character and amenity of Kororāreka/Russell. One of the policies in the operative Plan should be transferred to the proposed Plan because it provides sound and clear guidance over the special character of Kororāreka/Russell.
16. The provisions do not recognise and provide for the natural and ecological values within Kororāreka/Russell and its environs, including the presence of North Island brown kiwi and North Island weka.
17. The proposed Plan is set out in the atomistic way required by the National Planning Standards. As a consequence, in addition to the amendments sought to the Kororāreka

¹ Although there remain some properties within Kororāreka/Russell which are shown as General Residential. This is an error that will require a submission to correct.

Russell Township Zone provisions, there are amendments needed to other chapters of the proposed Plan, including the Coastal Environment Overlay, Historic Heritage and Subdivision provisions for the reasons set out above for amendments to provisions in the Kororāreka Russell Township Zone. These amendments are set out elsewhere in this submission.

18. I seek the following decisions with respect to the Kororāreka Russell Township Zone (or changes to wording and/or provisions to the same effect and any consequential changes):
- (a) That the Kororāreka Russell Township Zone be retained as notified subject to all the amendments set out in paragraphs 18(b) to (n) being made. S431.001
 - (b) Add further statements in the Overview section for the Kororāreka Russell Township Zone that the community wastewater scheme has real, existing capacity limits, that the town has high indigenous biodiversity values includes the presence of kiwi and weka, and that the relevant Council responsibilities are more than protection of historic heritage. S431.002
 - (c) Add a reference to indigenous biodiversity to objective KRT-02 as a further value to recognise and protect. S431.003
 - (d) Add two further clauses to policy KRT-P1: S431.004
 - it is consistent with the Kororāreka/Russell design guidelines
 - adverse effects on indigenous biodiversity are avoided
 - (e) Delete clause a of policy KRT-P2, unless telecommunications is intended to cover more than copper or fibre wiring. ² S431.005
 - (f) Amend policy KRT-P3 by inserting the underlined words: S431.006
 - Provide for a variety of housing typologies within the Kororāreka Russell Township zone, where land is appropriate and adequately serviced by infrastructure and development is consistent with the Kororāreka Russell design guidelines and does not compromise historic heritage, natural and amenity values.
 - (g) Replace clause d of policy KRT-P5 with S431.007
 - avoid as far as practicable adverse effects on the residential, natural and amenity values and functions of the Kororāreka Russell Township Zone.
 - (h) Correct the numbering of the clauses to policy KRT-P6 (numbering is currently repeated), amend clause h and insert a further clause as follows: S431.008
 - h the adequacy of available infrastructure and the certainty that any programmed future development of infrastructure occurs

² If this point is agreed to a consequential change may be required to similar statements in the provisions of other zones in the proposed Plan.

da the preference for buildings that are small scale, and have simple shapes and a lack of ornamentation within the zone.

- (i) Insert policy 10.9.4.8 from the Russell Township Zone provisions in the operative Plan, with the replacement of 'Russell Township Basin and Gateway area' with 'Kororareka Russell Heritage Area Overlay Part D', and with updating of the plan map references. S431.009
- (j) Insert two further matters of discretion EITHER to restricted discretionary rules KRT-R1 new buildings or structures and extensions to existing buildings or structures, KRT-R2 impermeable surface coverage, KRT-R3, residential activity and KRT-R8 minor residential unit; OR to standards KRT-S1 maximum height, KRT-S2 height in relation to boundary, KRT-S3 setback, KRT-S4 setback from MHWS, KRT-S5 building or structure coverage, KRT-S6 outdoor living space, KRT-S7 fencing and boundary walls, KRT-S8 outdoor storage S431.010 to S431.021
- the extent of building area and the scale of the building and the extent to which they are compatible with both the built and natural environments in the vicinity;
- consistency with the Kororāreka/Russell Design Guidelines
- (k) Amend PER-5 of rule KRT-R5, home business, so that hours of operation only apply to the hours open to the public. S431.022
- (l) Amend standard KRT-S4 setback from MHWS so that where the standard is not met because the building or structure or alteration to an existing building or structure results in a setback of 20 m or less from MHWS is provided for as a non-complying activity. S431.023
- (m) Amend standard KRT-S5, building or structure coverage by limiting the restriction to net ground floor area, so that the standard is (additional wording underlined): S431.024
- The maximum combined net ground floor area of all buildings or structures on the site is no more than 20% of the net site area.
- (n) The rezoning of 24B and 24C Florance Avenue and 16, 26A and 26B Gould Street from General Residential to Kororāreka Russell Township Zone. S431.025

Coastal environment

19. Special consideration and provisions are required in the coastal environment in order to recognise and provide for section 6(a) of the Act and in order to give effect to the Coastal Policy Statement and the Regional Policy Statement.
20. Although the Regional Policy Statement identifies the inland boundary of the coastal environment, it also provides for that coastal environment boundary to be revised where

more detailed assessment of an area is applied.³ One example of this is where the Environment Court accepted that the coastal environment boundary for the Kaimaumuau wetland extended further inland over all of the wetland. This proposed Plan does not show this. Policy CE-P1 does not preclude extending the coastal environment where application of the assessment criteria in APP-1 justifies it, regardless of whether it is so identified in the Regional Policy Statement or not.

21. The coastal environment overlay extends over urban zones, including all the Kororāreka Russell Township Zone and the Mixed Use Zone at Kororāreka/Russell. The effect of that is to introduce more restrictive rules and standards than are provided for in the Kororāreka Russell Township Zone and in the Mixed Use Zone at Kororāreka/Russell. This is inappropriately restrictive for an urban area that is not identified as being of high or outstanding natural character or is outstanding natural landscape or feature.
22. Coastal environment policies lack sufficient detail and are incomplete. In part, this appears to reflect the limited proof reading that occurred before the proposed Plan was notified. In part it results in the Coastal Policy Statement and the Regional Policy Statement not being given effect to.
23. Matter of national importance 6(a) of the Act seeks, *inter alia*, the protection of the coastal environment from inappropriate subdivision, use and development. The proposed Plan's provisions are inadequate in terms of guiding people as to what is appropriate and inappropriate subdivision, use and development in the coastal environment. There sound policy guidance on 'appropriateness' in the Regional Policy Statement and in the operative Plan that should be reproduced in the proposed Plan.
24. There are inconsistencies with limits and standards for the same activity being different in different rules.
25. I seek the following decisions with respect to the Coastal Environment provisions (or changes to wording and/or provisions to the same effect and any consequential changes):
 - (a) That the Coastal Environment chapter provisions be retained as notified subject to all the amendments set out in paragraphs 25(b) to (m) being made. S431.026
 - (b) Add a further objective CE-04 that is the same as objective 10.3.6 in the operative Plan. S431.027
 - (c) Amend clause b of policy CE-P4 to read (additional wording underlined): S431.028

avoiding sprawling or sporadic patterns of development in the rural coastal environment
 - (d) Amend policies CE-P5 and CE-P6 so both policies commence 'Provide for' and not 'Enable'; and amend clause b in both policies by identifying what characteristics S431.029 & S431.030

³ The same applies to the identification of areas of high and outstanding natural character and to outstanding natural landscapes and features.

- and qualities are not to be compromised. (Is it the characteristics and qualities of the local coastal environment?)
- (e) Amend policy clause b of CE-P7 by identifying what characteristics and qualities are not to be compromised. (Is it the characteristics and qualities of the local coastal environment?) S431.031
 - (f) Add a further clause to policy CE-P10: S431.032
 - any cumulative effects
 - (g) Insert two further policies in the Coastal Environment chapter that are reproductions of policies 4.6.1 and 5.1.2 of the Regional Policy Statement. S431.033 & S431.034
 - (h) Insert four further policies in the Coastal Environment chapter that reproduce policies 10.4.1, 10.4.7, 10.4.12 and 10.6.4.3 from the operative Plan. S431.035 to S413.038
 - (i) Amend PER-4 of rule CE-R1 so that it does not apply to new buildings or structures in an urban zone or extensions to a lawfully established building or structure. S431.039
 - (j) Limit rule CE-R3 so that it does not apply to earthworks or indigenous vegetation clearance within an urban zone. S431.040
 - (k) Amend DIS-1 of rule CE-R6, plantation forestry, and rule CE-R7, extension to mineral extraction activity, so that the activity is not located in high natural character areas as well as outstanding natural character areas. S431.041 & S431.042
 - (l) Amend standard CE-S1, height, so that it does not apply to any urban zone as well as not applying to the Orongo Bay zone. S431.043
 - (m) Correct the references to matters of discretion in coastal hazard area rules CE-R10, CE-R11, CE-R12 so the reference in each of these rules is to the matters of discretion listed in rule CE-R16. S431.044 to S431.046
 - (n) Extend the coastal environment boundary at Kaimaumau Wetland as set out in the relevant Environment Court decision. S431.047

Heritage Area Overlays

- 26. The characteristics and qualities of the heritage area in Kororāreka/Russell have been well established, with assessments, survey, and reports being undertaken several times since the 1970s. The heritage characteristics and qualities identified in these assessments, surveys and reports are essentially the same.
- 27. These have been confirmed by decisions of the Environment Court. The most recent appeal⁴ and decision resulted in the introduction of the Russell Township Basin and Gateway Area.⁵ The principal control for this area was a floor area ratio rule which has been misapplied in the proposed Plan to all of the Kororāreka Russell Township Zone.

⁴ I was a co-appellant in this appeal.

⁵ This area is identified in the proposed Plan as 'Kororareka Russell Heritage Area Overlay Part D.'

28. In general the heritage area provisions in the operative Plan comprehensively address the protection of historic heritage and character and there are no sound resource management reasons why the provisions cannot be carried over into the proposed Plan largely without alteration.
28. The provisions in the proposed Plan are more onerous than is necessary to protect the heritage values and character of the Kororareka Russell Heritage Area Overlay Part D. This is inappropriate and contrary to policy 6.1.1 of the Regional Policy Statement.
29. The overview to the Heritage Area Overlays chapter include several notable omissions in terms of history, values and characteristics.
30. Policies are not given effect to in the rules. An example is policy HA-P2 is not given effect to in the rules because buildings and structures in Part B of the Kerikeri Heritage Area Overlay are provided for as a permitted activity. This is in contrast to the restricted discretionary status for such structures and buildings in the operative Plan.
31. I seek the following decisions with respect to the Heritage Area Overlays provisions (or changes to wording and/or provisions to the same effect and any consequential changes):
- (a) That the Kororāreka Russell Heritage Area Overlay provisions be retained as notified subject to the amendments set out in paragraphs 31(c), (d), (e), (f), (h), (i), (j), (l), (m) and (n) being made. S431.048
- (b) Add one further sentence to the Overview statement for Kerikeri Heritage Area Overlay Part B: S431.049
- Historic values, particularly of Part A, can be adversely affected by the nature and scale of development within Part B of this Overlay, where that development results in visual dominance in relation to the Kerikeri Mission Station buildings and to Kororipo Pa.
- (c) Add a reference to the 1845 battle of Kororāreka to the end of the first paragraph of the Overview statement for Kororāreka Russell Heritage Area Overlay. S431.050
- (d) Amend the last sentence of the second paragraph of the Overview statement for Kororāreka Russell Heritage Area Overlay by adding the underlined words: S431.051
- Development in the second half of the 20th century has been limited and generally of a small scale, so that Kororāreka Russell retains a high degree of historic heritage integrity and context, which is significant at the regional and national level.
- (e) Split the first sentence of the Overview statement for Part D of the Kororāreka Russell Heritage Area Overlay into two sentences and add the underlined words: S431.052
- Covers the remainder of the Kororāreka Russell Heritage Area Overlay and reflects the original street layout and subdivision patterns and the modest

scale of buildings and development. It contains archaeological sites that indicate a relatively high sensitivity and risk of revealing archaeological deposits relating to earlier Māori and European occupation.

- (f) Add a further sentence at the end of the Overview statement for Part D of the Kororāreka Russell Heritage Area Overlay: S431.053
- Part D is also important as context and backdrop for the other parts of the Kororāreka Russell Historic Heritage Area Overlay, and in providing the setting for the land entrance to Kororāreka/Russell.
- (g) Identify the large water setback as an historic heritage characteristic in the Overview statement for the Paihia Heritage Area Overlay. S431.054
- (h) Amend policy HA-P6, policies for Kororāreka Russell Heritage Area Overlay by adding the underlined words to clause a and inserting a further clause: S431.055
- a. maintaining the architecture and integrity of the built form within Part A The Strand, recognising the use of verandah, roof forms and materials and the lack of ornamentation that reflect an earlier architectural style.
- xx recognising the importance of Part D, with its modest scale of development, in providing the heritage and village setting for the land entrance to Kororareka/Russell and for the backdrop to Part A The Strand, Part B Wellington Street, and Part C, Christchurch.
- (i) Amend PER-2 of rule HA-R1, maintenance and repair of buildings or structures so that it does not apply to Part D of the Kororāreka Russell Heritage Overlay. S431.056
- (j) Add a further statement to rule HA-R2, additions or alterations to existing buildings or structures that HA-S2 does not apply to Part D of the Kororāreka Russell Heritage Overlay; and add a further standard – HA-S4 Building or Structure Coverage - to PER-3 of the rule. The detail of this additional standard is set out in in 31(n). S431.057
- (k) Shift the reference to Kerikeri – Part B from rule HA-R4, new buildings or structures, to the restricted discretionary rule HA-R8, new buildings or structures. S431.058 &
S431.059
- (l) Insert a reference to Kororāreka Russell Part D in permitted activity rule HA-R4, and add a further performance standard to the rule: S431.060
- PER-3 The building or structure complies with HA-S4 Building or Structure Coverage.
- (m) Limit the Kororāreka Russell reference in restricted discretionary rule HA-R8, new buildings or structures, to Parts A, B and C of the Kororāreka Russell Heritage Area Overlay Area and add standard HA-S4 Building or Structure Coverage to RDIS-3 of this rule. S431.061
- (n) Insert a new standard HA-S4 in the Heritage Area Overlay rules applying to the Kororāreka Russell Heritage Overlay Area: S431.062 &
S431.063

HA-S4 Building or Structure Coverage

The maximum combined net floor area of all buildings or structures on the site is no more than 20% of the net site area.

Where the standard is not met, matters of discretion are restricted to:

- a. the size, location and design of open space;
- b. the character and amenity of the surrounding area;
- c. the extent that screening, planting and landscaping are utilised for mitigating adverse effects;
- d. cultural and historic heritage values;
- e. the extent of building area and the scale of the building and the extent to which they are compatible with both the built and natural environments in the vicinity;
- f. consistency with the Kororāreka/Russell Design Guidelines

Subdivision

32. Well designed subdivision is an important component of achieving sustainable use and development of natural and physical resources, and in establishing and continuing character and sense of place.
33. Subdivision provisions need to be likely to achieve the purposes of the respective zones and recognise and provide for matters of national importance and given effect to national and regional policy statements. This is facilitated by, among other things, clear policy guidance.
34. The guidance and rules relating to environment benefit subdivision and management plan subdivision are inadequate to ensure that the purpose of the Act will be achieved.
35. There is an inappropriate emphasis on ensuring that vehicle requirements and needs are provided for in the subdivision rules. In urban areas and settlements and in their surrounds good resource management practice is for increased provision for cycling and other active transport and for walking access. Indeed this is a necessary measure to help mitigate and adapt to the effects of climate change.
36. The minimum allotment sizes for the Kororāreka Russell Township Zone are appropriate given the limited capacity for wastewater treatment and disposal, and given the character and heritage values of the town.
37. The Coastal Environment Overlay subdivision a minimum of a discretionary activity. This is likely to result in the perverse incentive for people to apply for subdivision in the coastal

environment to the discretionary activity minimum allotment sizes set out in standard SUB-S1. Section 6(a) of the Act is better recognised and provided for where the incentive is to subdivide in the coastal environment to the controlled activity minimum lot size in standard SUB-S1.

38. I seek the following decisions with respect to the Subdivision provisions (or changes to wording and/or provisions to the same effect and any consequential changes):
- (a) The insertion of operative Plan policies 13.4.12 (on management plan subdivision), 13.4.13 (on subdivision design) and 13.4.15 (on energy efficiency) into the policy section of the Subdivision chapter. S431.064 to S431.066
 - (b) The revision of objectives, policies and provisions relating of subdivision to better provide for cycling and active transport and walking in urban areas, settlements and their surrounds. S431.067 to S431.070
 - (c) The replacement of references in the proposed Plan rules to 'Moturua Island zone' and 'Motoura Island zone' with 'Moturoa Island zone'.⁶ S431.071, S431.171 to S431.180
 - (d) Insert the following as further matters of control in all controlled activity subdivision rules and as further matters of discretion in all restricted discretionary activity subdivision rules: S431.072 to S431.085
 - consistency with the scale, density, design and character of the environment and purpose of the zone
 - measures to mitigate and adapt to climate change
 - where relevant, measures to provide for active transport, protected cycleways and for walking
 - (e) Revise rule SUB-R6, environmental benefit, and its supporting policies to ensure that S431.086
 - all of the ecological feature is protected,
 - the ecological significance of the feature is considered,
 - any additional lots have a suitable house site at least 20 metres away from any protected ecological feature,
 - more details are provided on the required content and objectives of an ecological management plan (including how the management actions will be monitored and reported on),
 - sprawling or sporadic subdivision and development is avoided, and
 - natural character is protected and preserved.
 - (f) Amend DIS-1.1 of rule SUB-R7, management plan subdivision, so that it sets out a 6 ha average lot size for Rural Production Zoned land which is also in the Coastal S431.087

⁶ For example in the Subdivision and Earthworks chapters.

Environment Overlay, and a 2 ha average lots size for Rural Lifestyle Zone land which is also in the Coastal Environment Overlay.

- (g) Amend APP3, subdivision management plan criteria, by adding the following to section d, Draft Management Plan: S431.088

Council retains the discretion not to accept bonding where there is a potentially harsh environment or other factor(s), which present a significant risk in its assessment to successful re-establishment or management plan implementation. Evidence of the degree of risk should be included in the information required in part a, description of proposal, of Appendix APP3.

- (h) Amend rule SUB-R20, subdivision of site within the Coastal Environment, so that it does not apply to subdivision within urban areas. S431.089

Ecosystems and indigenous biodiversity

39. Protection of indigenous biodiversity is a component of sustainable management of natural and physical resources via, for example sections 5(2)(b) and 6(c) of the Act.
40. Further directive guidance on the protection and enhancement of indigenous biodiversity is given by policy 11 of the Coastal Policy Statement and policy 4.4.1 of the Regional Policy Statement. The proposed Plan does not give effect to these policies.
41. The permitted activity rules applying to ecosystems and indigenous biodiversity are too permissive and do not achieve the purpose of the Act.
42. I seek the following decisions with respect to the Ecosystems and Indigenous Biodiversity provisions (or changes to wording and/or provisions to the same effect and any consequential changes):
- (a) Replace policies IB-P1, IB-P2 and IB-P3 with a reproduced policy 4.4.1 of the Regional Policy Statement. S431.090 to S431.092
 - (b) Add a further policy that recognises that not all significant natural areas will be mapped and that such unmapped areas are to have, as far as practicable, the same level of protection in the proposed Plan as mapped Significant Natural Areas. S431.093
 - (c) Reproduce operative Plan policies 12.2.4.1, 12.2.4.3, 12.2.4.5, 12.2.4.10, 12.2.4.11, 12.2.4.12, 12.2.4.13 and 12.2.4.14 in the policy section of the Ecosystems and Indigenous Biodiversity chapter. S431.94 to S431.101
 - (d) Amend clause b of policy IB-P5 so that it sets the policy test for restrictions on primary production as whether they are necessary for protection and enhancement of indigenous biodiversity. S431.102
 - (e) Delete items 2 and 12 of PER-1 of rule IB-R1. S431.103
 - (f) Amend the commencement of PER-1 in rule IB-R1 so that it states: S431.104

The pruning, trimming or clearance is the minimum necessary and is for one of the following

- (g) Qualify item 6, clearance around buildings, of PER-1 of rule IB-R1 so that it applies to lawfully established existing buildings. S431.105
- (h) Qualify item 7, clearance for single residential unit, of PER-1 of rule IB-R1 so that it does not apply to any clearance within a Significant Natural Area S431.106
- (i) Amend PER-1 of IB-R3, clearance within a Significant Natural Area, so that it provides for a total clearance of no more than 100 square metres in any 10 year period. S431.107
- (j) Amend clause 2 of PER-2 of rule IB-R3 so that it provides for a total clearance of no more than 100 square metres in any 10 year period. S431.108

Mixed Use Zone

- 43. The Mixed Use Zone applies to parts of Kororāreka/Russell. Some of the provisions in the Mixed Use Zone should be amended to ensure consistency with the Kororāreka Russell Township Zone and with the Kororāreka Russell Heritage Area Overlay.
- 44. I seek the following decisions with respect to the Mixed Use Zone provisions (or changes to wording and/or provisions to the same effect and any consequential changes):
 - (a) The amendment of standard MUZ-S1, maximum height, so that a maximum height of 8.5 m applies to the Mixed Use Zone at Kororāreka/Russell. S413.109
 - (b) Where the Mixed Use Zone standards apply because of proximity to several other identified zones, including the General Residential Zone, add the Kororāreka Russell Township Zone. This affects standards MUZ-S1, MUZ-S2, and MUZ-S3. S431.110 to S431.112
 - (c) Change the reference to a Light Industrial Zone in objective MUZ-O3 to the Mixed Use Zone. S431.113

Miscellaneous Matters

- 45. The amendments and alterations sought in this section of my submission are necessary in order to achieve the purpose of the Act.
- 46. I seek the following decisions with respect to all relevant provisions of the proposed District Plan (or changes to wording and/or provisions to the same effect and any consequential changes):
 - (a) The amendment of all rules relating to setback of buildings or structures from the coastal marine area, or from rivers and banks so that any proposal to setback a building or structure less than 20 metres from those areas is a non-complying activity. S431.114 to S431.138
 - (b) The amendment of the hours of operation standard for the Home Business rule in all relevant zones and overlays so that the hours of operation standard applies to the hours when the business is open to the public. S431.139 to S431.146

- (c) The amendment of the assessment criterion 'the adequacy of available or programmed development infrastructure' in all relevant policies on managing land use and subdivision to S431.147 & S431.148
the adequacy of available infrastructure and the certainty that any programmed future development of infrastructure will occur
- (d) In all relevant policies on managing land use and subdivision, insert a further assessment criterion S431.149 & S431.150
any cumulative effects
- (e) The revision of all objectives, policies, rules and standards relating to providing for vehicles and roading to place much more emphasis on providing for cycling and for walking. S431.151 to S431.155
- (f) The addition of further matters of discretion for all restricted discretionary activities in the Rural Production, Rural Lifestyle and Rural Residential zones: S431.156
effects on natural character
effects on indigenous biodiversity
effects on historic heritage and cultural values
effects on adaptation to and mitigation of climate change
- (g) Provide a definition of the term 'internal boundary' that is referred to in some rules, for example PER-1 of rule RRZ-R9, rural produce retail. S431.157
- (h) Retain the approach taken in the proposed Plan of varying the required height to boundary depending on the orientation of the relevant boundary. S431.158, S431.181 to S431.199
- (i) Amend Natural Character policy NATC-P3 so that it is a 'provide for' policy, not an 'enable' policy, and add a policy limit relating to any earthworks or indigenous vegetation clearance being the minimum necessary. S431.159
- (j) Add a further matter of consideration to Natural Character policy NATC-P6 S431.160
the extent to which the purposes of esplanade areas are provided for
- (k) Insert policies 12.1.4.3, 12.1.4.4, 12.1.4.6, 12.1.4.9 and 12.1.4.10 of the operative Plan into the policy section in the Natural Features and Landscapes chapter of the proposed Plan. S431.161 to S431.165
- (l) Qualify all rules providing for earthworks or vegetation clearance that do not specify an areal or volume limit by adding, as the case may be, that the earthworks or vegetation clearance is to be the minimum necessary. S431.166 & S431.167
- (m) In all objectives and policies where there is reference to protection for current and future generations, add "and intrinsic and natural values". S431.168
- (n) Qualify Infrastructure policy I-P13 by stating that it is subject to policies I-P2, I-P3 and I-P6. S431.169

- (o) Revise all infrastructure rules to provide for more stringent requirements apply where any of the matters of national importance in section 6 of the Act apply. S431.170

47. I wish to be heard in support of my submission. If others make a similar submission, I will consider presenting a joint case with them at a hearing.



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