

**BEFORE THE HEARINGS PANEL
AT THE FAR NORTH DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act
1991 ("**the Act**")

AND

IN THE MATTER of the Resource Management Act 1991
AND

IN THE MATTER of the hearing of submissions on The
Proposed Far North District Plan

Hearing Stream 4: Natural Environment
Values & Coastal Environment

STATEMENT OF EVIDENCE BY VANCE ANDREW HODGSON

FOR HORTICULTURE NEW ZEALAND

17 JULY 2024

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SUMMARY STATEMENT

1. This planning evidence addresses the Horticulture New Zealand ("**HortNZ**") submission on the Far North District Council's ("**FNDC**") s42A Report response to the submissions on the Proposed Far North District Plan ("**PDP**"), Hearing Stream 4: Natural Environment Values and Coastal Environment.
2. The submissions cover a number of provisions, but I have been asked to focus planning evidence on the provisions concerning earthworks and indigenous vegetation clearance as part of a biosecurity incursion and the planning response for artificial crop protection structures.
3. In regard to biosecurity, I understand that landholders are legally obliged to comply with any Notice of Direction under the Biosecurity Act 1993. Biosecurity incursions affecting these primary production activities must be able to be managed with a rapid response to quickly and efficiently contain spread and eliminate the incursion.
4. However, it is my understanding that only in particular circumstances does the Biosecurity Act 1993 override Part 3 of the Resource Management Act 1991. Similarly, not all biosecurity incursions would constitute a biosecurity emergency that would trigger provisions in the Resource Management Act 1991 (as emergency works). In particular this is the case for incursions of unwanted organisms as defined under the Biosecurity Act 1993.
5. Where possible I consider resource consent processes that might cause delays in responding to a biosecurity incursion of an unwanted organism should be avoided.
6. I agree with the evidence of HortNZ that artificial crop protection structures are necessary to enable primary production activities. On review on the PDP and s42A analysis and recommendations I am comfortable that the right planning response has been proposed to enable the benefits that primary production brings and respond to the areas of environmental sensitivity.

QUALIFICATIONS AND EXPERIENCE

7. My full name is Vance Andrew Hodgson. I am a director of HPC Ltd, a resource management consultancy based in Waiuku. I have been employed in resource management related positions in local government and the private sector since 1994 and have been in private practice for 20 years. I hold a Bachelor of Resource and Environmental Planning (Hons) degree from Massey University.
8. I have worked in the public sector, where I was employed in student, assistant, and senior policy planning roles by the Franklin District Council. I have provided resource management consultancy services to various district and regional councils. The scope of work for the public sector has been broad, covering plan change processes, submissions to national standards/regulations/policy statements and regulatory matters, mediation, and appeals.
9. In private practice I regularly advise a range of private clients on statutory planning documents and prepare land use, subdivision, coastal permit, water permit and discharge permit resource consent applications. I have experience in resource consent applications, hearings and appeals on a range of activities, particularly for activities in the rural environment. I have provided independent resource management advice to HortNZ on policy matters across New Zealand since 2012.
10. I did not prepare the submissions for HortNZ but have a familiarity with the District and Region and have previously been involved in Northland Regional Plan, Whangarei District Plan and Far North District Plan, plan change processes as a witness for HortNZ.
11. While these are not proceedings in the Environment Court, I consider the Environment Court's Code of Conduct for Expert Witnesses relevant, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

12. This evidence provides a planning assessment of those provisions on which HortNZ submitted and addresses the Section 42A Report, prepared by the Far North District Council for Hearing Stream 4: Natural Environment Values and Coastal Environment.
13. The submissions are focused on ensuring the provisions enable and support the ongoing primary production activities of horticulture and supporting activities in the district, recognising existing activities, making provision for growth and land use change, and responding to biosecurity threats.
14. As described above, I did not prepare the submissions for HortNZ.
15. The planning framework is well described in both the s32 Report and the s42A Report provided by the FNDC. I agree with the analysis.
16. Given the general agreement I do not repeat the analysis of the applicability of those planning instruments or the compliance of the PDP with those instruments. Rather this evidence sets out where I depart from the views expressed in s42A Reports, or where I consider that an alternative planning provision would better give effect to, be not inconsistent with, or have regard to (as the case may be), the various relevant documents.
17. My evidence includes recommended amendments to the plan change provisions where appropriate. Appendix A includes a list of my suggested amendments to the plan change by provision order for ease of reference.
18. For the submissions of HortNZ, I rely on the evidence provided by Sarah Cameron the Senior Policy Advisor for HortNZ.

BIOSECURITY

19. The evidence of Sarah Cameron for HortNZ sets out the particular concerns related to biosecurity and the horticultural sector. Those concerns include the management and the risk of pests and diseases that are currently in New Zealand, and the required response to future incursions.

20. I understand from HortNZ, that the ability to respond in a timely manner to future incursions is of particular interest.
21. Biosecurity threats are a constant risk to food production systems that provision the domestic supply of meat, fruit and vegetables, maintains food security for New Zealanders and are export earners.
22. Changing climate is likely to increase biosecurity risks from plant, fungal and animal pests and diseases. The MPI Technical Paper No: 2015/25: *Effects of Climate Change on Current and Potential Biosecurity Pests and Diseases in New Zealand* (9 July 2015)¹ states as follows:

In New Zealand, the general warming of temperatures expected with climate change is expected to result in a southward extension of the habitable ranges of many crops and pests which are currently limited by winter cold. In addition, the reduced frequency or absence of frosts and increased temperatures in the northern North Island may create sub-tropical climates that allow some existing crops and new crops to be grown commercially (see Section 6). These local climates may also facilitate the establishment of new exotic pests and diseases that damage current and future crops and natural ecosystems. Of particular concern for agriculture and human health would be the establishment of vectors (e.g. ticks, mosquitoes, plant-sucking insects) that would facilitate the spread of animal and plant diseases.

23. Any biosecurity incursions affecting primary production activities must be able to be managed with a rapid response to quickly and efficiently contain spread and eliminate the incursion.

Responses to biosecurity incursions

24. It is important to recognise that not all biosecurity incursions would meet the threshold of a biosecurity emergency that would trigger provisions in the Resource Management Act 1991 (as emergency works) or the provisions in s7A of the Biosecurity Act 1993, which overrides Part 3 of the Resource Management Act 1991. In particular I understand this is the case for incursions of *unwanted organisms* as defined under the Biosecurity Act 1993.

¹ [Effects of climate change on current and potential biosecurity pests and diseases in New Zealand \(mpi.govt.nz\)](https://www.mpi.govt.nz/~/media/1/2/5/Effects-of-climate-change-on-current-and-potential-biosecurity-pests-and-diseases-in-New-Zealand-mpi.govt.nz)

unwanted organism means any organism that a chief technical officer believes is capable or potentially capable of causing unwanted harm to any natural and physical resources or human health; and

(a) includes—

(i) any new organism, if the Authority has declined approval to import that organism; and

(ii) any organism specified in [Schedule 2](#) of the Hazardous Substances and New Organisms Act 1996; but

(b) does not include any organism approved for importation under the [Hazardous Substances and New Organisms Act 1996](#), unless—

(i) the organism is an organism which has escaped from a containment facility; or

(ii) a chief technical officer, after consulting the Authority and taking into account any comments made by the Authority concerning the organism, believes that the organism is capable or potentially capable of causing unwanted harm to any natural and physical resources or human health

25. The best management method for any biosecurity risk will depend on the nature and location of the incursion and may involve manual or chemical treatments and disposal of infected material by burning, burial or removal to a specific disposal facility.
26. As set out in the evidence of HortNZ, the transfer of infected material offsite may have unacceptable spread risks. Furthermore, suitable facilities may not be available to receive the infected material.
27. The most appropriate method of disposal can and will be determined by the appropriately qualified personnel dealing with the incursion. In some cases where on-site disposal is required, burning may not be the most appropriate option. In other cases where either burial or burning is appropriate, there may be fewer adverse effects on adjoining landholders and the community from burial.
28. As I understand the evidence of HortNZ, in the case of a response to an unwanted organism, a person who is subject to a Notice of Direction under the Biosecurity Act 1993 is

required to comply with that notice. I also understand that the most appropriate method of compliance and the timing for compliance will depend on the circumstances in each case, including the nature of the biosecurity incursion.

29. It is also my understanding there may not be time to wait for an application for a resource consent for vegetation clearance or earthworks to be processed under a district plan. I assume this might put a landowner in the invidious position of having consider breaching their legal obligations under one statute to comply with another.
30. It has been my recent experience that provisions for managing the removal of indigenous vegetation in district plans and rules for earthworks, often include an exemption where required to comply with a Notice of Direction to respond to an unwanted organism as declared by the Ministry for Primary Industries Chief Technical Officer and as directed by a person authorised under the Biosecurity Act 1993, or undertaking other pest management.
31. In my opinion, additional constraints on indigenous vegetation clearance and earthwork activity at a district plan level (e.g., volume, area, maximum depth) may inhibit a timely, efficient, and effective response. I also question whether it is likely a district council would decline a resource consent in these circumstances.
32. Linking the vegetation clearance and earthworks exemptions to unwanted organisms and the directions of an authorised person under the Biosecurity Act 1993 limits the circumstances when which these provisions can be relied upon on to bona fide biosecurity incursions where vegetation clearance and/or burial of infected material is an appropriate response.

NATURAL CHARACTER

NATC-P3

33. The submission of HortNZ (S159.055) supported clause d) of NATC-P3 as it provides for indigenous vegetation removal and/or earthworks within wetland, lake and river margins for biosecurity reasons.

34. The recommendation of the s42A report writer² is to retain clause d) with an amendment to the chapeau such that the minimum necessary vegetation removal and/or earthworks is enabled. I support the change and in the context of a response to a biosecurity incursion (unwanted organism or other), I do not expect this would constrain the scope of a reasonable and necessary response.

NATC-R3

35. Related HortNZ submission (S259.059) supported NATC-R3 that provided a permitted activity status for earthworks or indigenous vegetation clearance within wetland, lake and river margins.
36. A change to NATC-R3 PER-1 is recommended in the s42A report³, to limit the scope of a biosecurity response to:
4. clearance for the control pests for biosecurity reasons,
37. While I understand the intent of the recommendation, I suggest the provision could address the issue of responding to an incursion by an unwanted organism.
38. My suggested amendments are as follows:
4. Clearance for the control pests for biosecurity reasons and the removal or burial, of material infected by unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993.
39. Linking the response to directions of an authorised person under the Biosecurity Act 1993 limits the circumstances when these provisions can be relied upon on to bona fide biosecurity incursions where vegetation clearance and/or burial of infected material is an appropriate response.
40. In my opinion this puts an appropriate limit around the scope of the activity.

² SECTION 42A REPORT: Natural character. Paragraph 173

³ SECTION 42A REPORT: Natural character. Paragraph 292

NATC-R2

41. HortNZ submission (S259.058) supported in part NATC-R2 that provides for the repair and maintenance of listed activities, with a request that irrigation infrastructure and artificial crop protection structures are also included.
42. I have reviewed the s42A report analysis of the structure and purpose of NATC-R2 and recommendation that the rule is deleted⁴. I agree with the report writer that NATC-R2 is confusing and does not appear to achieve the intent.
43. In terms of the repair and maintenance of irrigation infrastructure and artificial crop protection structures, where those are established within wetland, lake and river margins, they may have existing use rights, subject to meeting the tests under section 10 of the RMA.
44. Where these elements are deemed to be new buildings or structures in wetland, lake and river margins, they will be subject to permitted activity Rule NATC-R1 and the s42A recommended restricted discretionary activity status for non-compliance. This is a recommended change from a non-complying activity status and a recommendation I also support. Helpfully this includes a matter of discretion to consider the positive effects of the activity. Here I refer to the evidence of Ms Cameron for HortNZ that sets out the benefits of artificial crop protection structures.

NATURAL FEATURES AND LANDSCAPE

NFL-P4

45. The s42A author recommends a rewrite of NFL-P4 such that it is a policy to *'recognise that lawfully established activities form part of ONL and ONF and allow these activities to continue without undue restriction'*⁵.
46. I support the change and agree that this aligns with the Northland Regional Policy Statement. I agree that the policy should not be limited to farming activities as I expect there

⁴ SECTION 42A REPORT: Natural character. Paragraph 273

⁵ SECTION 42A REPORT: Natural Features and Landscapes. Paragraph 156

are a range of lawfully established activities occurring in ONL and ONF.

47. The change also addresses the submission of HortNZ (S159.060) that sought a change to NFL-P4 to recognise the existing land use in the context of the policy.

NFL-R1

48. The submission of HortNZ (S159.061) raised concern with the 25m² permitted activity limitation for buildings or structures ancillary to farming outside of the coastal environment and requested this is increased to 100m².
49. HortNZ did not call landscape evidence for this topic, and I therefore also rely on the MAL report in determining the appropriate permitted activity thresholds for activities in ONLs. I understand from HortNZ that horticultural activity is unlikely in an ONF but possible in an ONL.
50. The increases in the permitted activity thresholds for non-residential activity to no greater than 50m² in ONL in the coastal environment, and 100m² in ONL outside the coastal environment is supported.

NFL-R3

51. HortNZ (S159.062) supported clearance of indigenous vegetation and earthworks for biosecurity purposes and request that subsection 4 of NFL-R3 PER-1 be retained.
52. The s42A recommendation⁶, consistent with that for the equivalent rule in the Natural Character chapter is to change to NFL-R3 PER-1, to limit the scope of a biosecurity response to:

4. clearance for the control pests for biosecurity reasons,

53. As per the reasoning I have previously provided, it is my opinion that reference could be made to address the issue of responding to an incursion by an unwanted organism.
54. The s42A author raises a concern that the reference to 'biosecurity reasons' alone in the rule is broad, and with no

⁶ SECTION 42A REPORT: Natural Features and Landscapes. Paragraph 300

upper limit, the provision could be used as a 'reason' for undertaking significant amounts of indigenous vegetation clearance (and potentially earthworks) resulting in inappropriate adverse effects on ONL and ONF.

55. The amendment I propose limits the circumstances when these provisions can be relied upon on to bona fide biosecurity incursions where vegetation clearance and/or burial of infected material is an appropriate response.
56. I append this amendment in Tracked Changes included in Appendix A.

NFL-R6

57. The submission of HortNZ (S159.063) sought a listed permitted activity status for existing lawfully established rural production activities within ONL and ONF and a restricted discretionary activity status for new activity in these areas (rather than non-complying).
58. In regard to existing lawfully established rural production activities, I concur with the s42A author that Rule NFL-R6 does not affect existing farming activity, which can continue under existing use rights (as provided for by RMA section 10) unless there is a change to the character, intensity or scale of the farming activity. The change sought by HortNZ would have achieved no further recognition or protection for existing lawfully established activities.
59. In regard to any new farming activity, I support the s42A recommendation to delete NFL-R6. I understand that establishing a new horticultural activity in an ONF or ONF unlikely and where that might occur the effects of concern (structures, earthworks and vegetation clearance) will be covered by other rules. Like the s42 author, I cannot think of any realistic example of where there would be a change of land-use to farming that would a) not already require resource consent under another rule or b) result in greater adverse effects on ONL and ONF.

NFL-S2

60. The submission of HortNZ (S159.064) raised concern that NFL-S2 would limit the colour of cloth used in orchards and

sought an addition to the standard requiring that “artificial crop protection structures are either dark green or black”.

61. My understanding of the s42A recommended changes to NFL-S2 is that the NFL-S2 controls on colours and materials is intended to apply to buildings. The evidence of HortNZ highlights that the features of interest (artificial crop protection structures) are not buildings.
62. NFL-R1 is the regulatory control that would likely manage any new artificial crop protection structure within an ONL or ONF, and likely require an application for resource consent as a restricted discretionary activity. I would expect that if a proposal was advanced through a consent process, the colour and type of material used would be a consideration with the matters of discretion. I also understand either dark green or black cloth is commonly used for vertical sides to address landscape effects.

COASTAL ENVIRONMENT

CE-O2 and CE-P6

63. I have discussed the intent of HortNZ submissions (S159.071) and (S159.071) and understand they intended to ensure the policy framework enabled farming activities in the coastal environment in a manner that recognised these activities for part of the environment character.
64. The s42A recommendations include an amendment to CE-O2 such that:

land use and subdivision in the coastal environment:

...

b. is ~~consistent~~ compatible with the surrounding land use;
65. I support the recommendation⁷ and agree with the s42A report writer that there could be interpretation issues with CE-O2(b) and this could potentially be overly restrictive and interpreted as not allowing for any change in land use within

⁷ SECTION 42A REPORT: Coastal Environment. Paragraph 113

the coastal environment, which is not the intent of the rule structure.

66. The s42A recommendations also raise issue with related clause b) in CE-P6. Again, I agree that the direction to be “consistent” could be interpreted as not allowing for any change in existing farming activities and could preclude new farming activities altogether. I support the recommended amendments⁸ which are as follows:

Enable farming activities within the coastal environment ~~where~~ by:

a. Recognising that existing farming activities form part of the coastal environment and allowing for these activities to continue without undue restriction; and

b. Only allowing new farming outside outstanding and high natural character areas where appropriate.

~~c. the use forms part of the values that established the natural character of the coastal environment; or~~

~~d. the use is consistent with, and does not compromise the characteristics and qualities.~~

CE-R1

67. The submission of HortNZ (\$159.073) requested more enabling provisions for rural production buildings in the coastal environment given farming is a permitted activity. To provide for this relief, HortNZ requested that the building coverage threshold in PER-2 be increased from 25m² to 100m², with an exception for artificial crop protection. HortNZ (\$159.074) also requests a specific permitted activity rule for artificial crop protection structures.
68. The MAL Report recommends an increase in the maximum permitted building coverage in PER-2 from 25m² to 100m² (outside HNC and ONC) and 50m² (in HNC areas). MAL also recommends a maximum building coverage of 25m² in a ONC area.

⁸ SECTION 42A REPORT: Coastal Environment. Paragraph 200

69. I understand these recommendations address the concern of HortNZ and ensure PER-2 in CE-R1 is not overly restrictive.

CE-R2

70. HortNZ submission (S259.015) supported in part CE-R2 that provides for the repair and maintenance of listed activities, with a request that "*structures ancillary to primary production activities*" are also included.
71. I have reviewed the s42A report analysis of the structure and purpose of CE-R2 and recommendation that the rule is deleted⁹. The recommendation is consistent with where the same rule appears in NATC-R2.
72. I agree with the report writer that the rule is confusing and does not appear to achieve the intent.

CE-R3

73. HortNZ (S159.076) requested an amendment to CE-R3 to permit earthworks or indigenous vegetation clearance where "The earthworks are ancillary to rural earthworks". HortNZ consider that this amendment would enable the ongoing productive use of land in rural environments while also supporting earthworks and vegetation clearance for biosecurity purposes.
74. As with the evidence above regarding biosecurity provisions and amending NATC-R3, it is my opinion that CE-R3 PER1 could also be amended to enable earthworks or indigenous vegetation clearance required to respond to an incursion by an unwanted organism.
75. I append this amendment in Tracked Changes included in Appendix A.
76. The reference to an unwanted organism is specific to limit the circumstances when these provisions can be relied upon on to bona fide biosecurity incursions.

⁹ SECTION 42A REPORT: Coastal Environment. Paragraph 367

77. I understand if this change was accepted, it would resolve the HortNZ submission, noting that cultivation¹⁰ is not an earthworks activity and deemed a permitted farming activity outside of the high or outstanding natural character areas pursuant to CE-R4. It is my understanding that the alteration or disturbance of land associated with cultivation also includes sediment and erosion measures which would not be deemed earthworks.

CE-R4

78. HortNZ (S159.077) requests an amendment to CE-R4 PER-1 so that it only applies to a new farming activity. Within areas of HNC, HortNZ requests that CE-R4 is amended to provide for farming as a controlled activity and to provide for farming within ONC areas as a restricted discretionary activity. HortNZ also requests that the definition of "farming" in the PDP is amended to be "rural production" activities.
79. I have discussed the submission with HortNZ and the s42A analysis¹¹. I agree with the findings that CE-R4 does not impose unreasonable restrictions on farming activities as existing farming activities within the coastal environment are not affected by the rule (subject to existing use rights), and new farming activities or a change in the scale and nature of the farming activity is also permitted under CE-R4.
80. I also understand that there are very few instances of farming within a ONC or HNC area and the amendments sought by HortNZ are not necessary.

ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

IB-P5

81. The submission HortNZ (S159.051) supported IB-P5 while seeking an amendment to replace "highly versatile soils" with "highly productive land".

¹⁰ Definitions: means the alteration or disturbance of [land](#) (or any matter constituting the [land](#) including soil, clay, sand and rock) for the purpose of sowing, growing or harvesting of pasture or crops.

¹¹ SECTION 42A REPORT: Coastal Environment. Paragraph 418

82. The s42A author recommendation¹² to improve the drafting of clause a) and respond to the HortNZ submission is supported and aligns with the National Policy Statement for Highly Productive Land (Sept 2022).

IB-P7

83. HortNZ (S159.052) requested amendments to IB-P7 to be clear that the policy includes pests under the Regional Pest Management Plan and unwanted organisms under the Biosecurity Act 1993 and to strengthen the wording to “provide for the active management of pest plants...” rather than “encourage and support”.
84. I agree with the s42A analysis¹³ that it is not necessary to strengthen the wording of IB-P7 as per the request of HortNZ as the stronger policy focused on regulatory options for pest control is IB-P9.
85. The s42A recommended new definition of pest does not address the gap in the policy and method framework to enable a response to a biosecurity incursion of an unwanted organism. The recommended definition referring only to an organism specified as a pest in the current Northland Pest Management Plan.
86. Consistent with the evidence provided, it is my recommendation that an explicit reference is made where appropriate within the policy and rule framework to enable this activity.
87. I append this amendment in Tracked Changes included in Appendix A.

IB-P9

88. HortNZ (S159.053) requested an amendment to IB-P9 to make it clear the direction to landowners to manage pests and pest species relates only to “on their own land”.
89. The amendments recommended in the s42 report, respond to the relief and the linkage to consent conditions as per the

¹² SECTION 42A REPORT: Coastal Environment. Paragraph 179

¹³ SECTION 42A REPORT: Coastal Environment. Paragraph 210-210.

scope of the PDP and FNDC controls are supported and establish a more appropriate policy.

IB-R1

90. HortNZ (S159.054) supported the retention of ID-R1 (4) that enabled clearance for biosecurity purposes. I agree with the s42A report writer¹⁴ that given the same rule appears in other parts of the plan (e.g. CE-R1 PER-1) it would be beneficial to adopt consistent wording in the relevant rules.
91. I reiterate my opinion that the rules where used, should be amended to enable earthworks or indigenous vegetation clearance required to respond to an incursion by an unwanted organism under the Biosecurity Act 1993.

SCHED-4 Schedule of Significant Natural Areas

92. The submission of HortNZ (S159.050) supported SCHED4, provided it aligns with the NPS-IB once gazetted.
93. The analysis and recommendation of the s42A report writer that all references to SNAs in the IB Chapter are deleted and that SCHED-4 is deleted for the same reasons as it serves no purpose at this point of time is supported.

CONCLUSION

94. In my opinion it is appropriate to include provisions in the Proposed Far North District Plan that enable earthworks or indigenous vegetation clearance of biosecurity material that may be required under the Biosecurity Act 1993, ether as pests specified in the current Northland Pest Management Plan or specifically as a response to an incursion by an unwanted organism.
95. Linking such earthworks to directions of an authorised person under the Biosecurity Act 1993 limits the circumstances when which these provisions can be relied upon on to bona fide biosecurity incursions where the most appropriate response can be applied. I would expect that response to be

¹⁴ ECTION 42A REPORT: Coastal Environment. Paragraph 277.

measured and considerate of the environment and values within which the incursion has occurred.

96. In regard to artificial crop protection structures, I support the analysis and recommendations of the s42A reports on the relevant submissions of HortNZ. In my opinion, the Proposed Far North District Plan, as proposed and amended through the s42A recommendations, provides an effective and efficient planning framework that responds to the needs of primary production and values associated with the sensitive environments and overlays.

APPENDIX A – TRACKED CHANGES

The provisions in the Proposed Far North District Plan are shown in **green text** with amendments as recommended in the S42A Report are shown in ~~strikeout~~ and **blue italics**. Amendments recommended in this evidence are shown with deleted text is shown as ~~strikeout~~ and new text as underlined in black.

| Provision | Proposed Plan including amendments in S42A Report | |
|---|--|---|
| <p>NATC-R3 Earthworks or indigenous vegetation clearance</p> | <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks or indigenous vegetation clearance within wetland, lake and river margins <u>and is the minimum necessary is:</u></p> <ol style="list-style-type: none"> 1. required for the repair or maintenance permitted under NATC R2; or for the operation, repair or maintenance of existing lawfully established: <ol style="list-style-type: none"> a. <u>fences</u> b. <u>network utilities</u> c. <u>tracks, driveways, roads and access ways,</u> d. <u>formed carparks,</u> e. <u>board walks,</u> f. <u>boat ramps, or</u> 2. <u>required to provide for safe and reasonable clearance for existing overhead power lines.; or</u> 3. <u>to address an immediate necessary to address a risk to public the health and safety of the public, or</u> 4. <u>clearance for the control pests for biosecurity reasons and the removal or burial, of material infected by unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993., or</u> 5. <u>for the sustainable non-commercial harvest of plant material for rongoā Māori., or</u> | <p>Activity status when compliance not achieved with PER-1 and PER-2: <u>Restricted Discretionary</u></p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. <u>effects on the characteristics and quality of natural character</u> b. <u>the matters in NATC-P36</u> c. <u>the positive effects of the activity</u> <p>Activity status when compliance not achieved with PER 2: Non-complying</p> |

| | | |
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| | <p>6. to maintain firebreaks to manage fire risk; or 7. to remove vegetation as directed by Fire and Emergency New Zealand due to fire risk, or 8. to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area, or 9. for the upgrading of existing above ground network utilities permitted by NATC-R1, or 10. for establishing, operating, maintaining and repairing infrastructure in a road corridor.</p> <p>PER-2 Earthworks or indigenous vegetation clearance not provided for within NATC-R3 PER-1 but it complies with standard NATC-S2 Earthworks or indigenous vegetation clearance.</p> | |
| <p>NFL-R3 Earthworks and indigenous vegetation clearance</p> <p>Within ONL and ONF</p> | <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks or indigenous vegetation clearance is: 1. compliant with standard NFL-S3, or 2. for the operation, repair and maintenance of existing lawfully established: <ul style="list-style-type: none"> • fences • network utilities • tracks, driveways, roads and access ways • formed carparks • board walks • boat ramps 3. required for the repair or maintenance permitted under NFLR2 Repair or maintenance. 4. required to provide for safe and reasonable clearance for existing overhead power lines, or 5. to address an immediate necessary to address a risk to public the health and</p> | <p>Activity status when compliance not achieved with PER-1 or PER-2 outside the coastal environment: Restricted discretionary</p> <p>The matters of discretion are: a. effects on the characteristics, qualities and values that make ONL and ONF outstanding b. the matters in NFL-P8. d. the positive effects of the activity.</p> <p>Activity status when compliance not achieved with PER-1 within the coastal environment PER-3: Non-complying</p> |

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| | <p><u>safety of the public, or</u> <u>6. clearance for the control pests for biosecurity reasons and the removal or burial, of material infected by unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993., or</u> <u>7. for the sustainable non-commercial harvest of plant material for rongoā Māori, or</u> <u>8. to maintain firebreaks to manage fire risk; or</u> <u>9. to remove vegetation as directed by Fire and Emergency New Zealand due to fire risk, or</u> <u>10. to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area, or</u> <u>11. for the construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m, or</u> <u>12. for any upgrade of existing electricity network utilities permitted by rule NFL-R1.</u></p> <p>PER-2 The earthworks or indigenous vegetation clearance outside the coastal environment is not provided for within NFL R3 PER 1 but it complies with standard NFL S3 Earthworks or indigenous vegetation clearance</p> <p>PER-3 The earthworks or indigenous vegetation clearance inside the coastal environment is not provided for within NFL R3 PER but it complies with standard NFL S3 Earthworks or indigenous vegetation clearance</p> | |
| <p>CE-R3 Earthworks and Indigenous vegetation clearance</p> <p>Coastal Environment</p> | <p>Activity status: Permitted</p> <p>PER-1 The earthworks or indigenous vegetation clearance is: 1. required for <u>the operation, repair or maintenance of existing lawfully established permitted under CE R2 Repair or Maintenance;</u> <u>a. fences;</u></p> | <p>Activity status where compliance not achieved with PER-1 and PER-2 (outside an outstanding natural character area): Restricted Discretionary</p> <p><u>The matters of discretion are:</u> <u>a. the matters in CE-P10.</u></p> |

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| | <p>b. network utilities;</p> <p>c. tracks, driveways, roads and access ways;</p> <p>d. formed carparks;</p> <p>e. board walks;</p> <p>f. boat ramps;</p> <p>2. required to provide for safe and reasonable clearance for existing overhead power lines; or</p> <p>3. to address an immediate risk to the health and safety of the public or damage to property necessary to ensure the health and safety of the public; or</p> <p>4. clearance for the control pests for biosecurity reasons and the removal or burial, of material infected by unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993</p> <p>5. for the sustainable non-commercial harvest of plant material for rongoā Māori;</p> <p>6. to create or maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area;</p> <p>7. for the construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m in width;</p> <p>8. for any upgrade of existing network utilities:</p> <p>a. outside high natural character and outstanding natural character areas; and</p> <p>b. permitted by rule CE-R1 PER 4.</p> <p>PER-2 The earthworks or indigenous vegetation clearance is not provided for within CE-R3 PER-1 but it complies with standard CE-S3 Earthworks or indigenous vegetation clearance.</p> | <p>Activity status where compliance not achieved with PER-1 and PER-2 (inside an outstanding natural character area): Non-complying</p> |
| <p>IB-P7</p> | <p>Encourage and support active management control of pests plants and pest animals, and enable a timely and efficient response to biosecurity incursions of unwanted organisms.</p> | |
| <p>IB-R5 Indigenous vegetation pruning, trimming and clearance and any associated land</p> | <p>Activity status: Permitted</p> <p>Where:</p> | <p>Activity status where compliance not achieved with PER-1: Discretionary N/A – compliance assessed under B-R2 and IB-R3 as applicable</p> |

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| <p>disturbance for specified activities within and outside a Significant Natural Area</p> | <p>PER-1 It is <u>the minimum necessary</u> for any of the following:</p> <ol style="list-style-type: none"> 1. To address an immediate risk to the health and safety of the public or damage to property; 2. To remove dead trees, provided that no more indigenous vegetation is cleared or trimmed than is necessary for safe removal; 3. The formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth; 4. <u>clearance for the control pests for biosecurity reasons and the removal or burial, of material infected by unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993</u> 5. The sustainable non-commercial harvest of plant material for rongoā Māori (customary medicine); 6. To create or maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area; 7. To allow for the construction of a single residential unit on an <u>existing</u> title and essential associated onsite infrastructure and access and it does Not exceed 1,000m²; 8. <u>Clearance of vegetation provided for in a covenant or order under it is within an area subject to an Open Space Covenant under the Queen Elizabeth II National Trust Act 1977, a Ngā Whenua Rahui Kawenata, a Conservation Covenant under the Reserves Act 1977 or the Conservation Act 1987, or a Heritage covenant under the Heritage New Zealand Pouhere Taonga Act 2014 and the vegetation clearance is provided for in that covenant or order;</u> 9. The construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m in width either side of the fence line; 10. The removal or clearance from land which was previously cleared and the indigenous vegetation to be cleared is less than 10 years old; 11. Creation and maintenance of firebreaks to manage fire risk; 12. The harvesting of indigenous timber approved under the Forests Act 1949 via either a registered sustainable forest management plan, a registered sustainable forest management permit or a personal use approval for the | |
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| | <p>harvesting and milling of indigenous timber from the Ministry of Primary Industries;or</p> <p>13. The upgrade of lawfully established existing infrastructure; or</p> <p>14. It is for The operation, repair and maintenance of the following activities where they have been lawfully established:</p> <ul style="list-style-type: none">i. fences;ii. infrastructure;iii. buildings;iv. driveways and access;v. walking tracks;vi. cycling tracks; orvii. farming tracks. | |
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