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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.

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Company / Organisation Name: (if applicable)	Our Kerikeri Community Charitable Trust		
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1. Submitter details:

2. (Please select one of the two options below)

- I **could not** gain an advantage in trade competition through this submission
I **could** gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission, please complete point 3 below

3. I **am** directly affected by an effect of the subject matter of the submission that:

- (A) Adversely affects the environment; and
(B) Does not relate to trade competition or the effect of trade competition

I **am not** directly affected by an effect of the subject matter of the submission that:

- (A) Adversely affects the environment; and
(B) Does not relate to trade competition or the effect of trade competition

Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

The specific provisions of the Plan that my submission relates to are:

- District Plan maps: Removal of "Esplanade Priority" from the maps
- Public Access chapter
- Subdivision chapter, SUB-O4, SUB-P7 and SUB-S8

Confirm your position: Support Support In-part Oppose

The submitter opposes, supports or seeks amendment to various specific areas of the PDP identified in this submission. The reasons are provided below



Our submission is:

PUBLIC ACCESS, ESPLANADE RESERVES AND ESPLANADE PRIORITY

Support for esplanade reserves and improved provisions

Our group supports policies and rules that will require the creation of esplanade reserves/strips along the coast and water bodies when consents are granted for subdivision, land use and other forms of development.

In addition to the important principles of public access, there is increasing need to provide much greater connectivity and options for active transport, especially walkways and cycleways. This places new importance on acquiring esplanade reserves/strips in suitable locations within the lifetime of the proposed district plan.

We support the following statements in the s32 report on public access (management approach section):

- 'Far North District Council (Council) requires esplanade reserves where new sites are created adjacent to lakes, rivers or the coastal marine area' (p.3)
- 'Rules and standards within the Subdivision chapter, requiring the creation of an esplanade reserve with a minimum width of 20m (in accordance with section 230 of the RMA), where subdivision involves the creation of one or more allotments less than 4ha' adjacent to relevant waterway etc. (p.3)

In particular, we support the following objectives, policies and rules in the PDP:

- Public access PA-P1 to PA-P5
- Subdivision SUB-O4, SUB-P7 and SUB-S8.
- The application of standard SUB-S8 to all zones (as stated in the PDP), and the inclusion of SUB-S8 in rules SUB-R1, SUB-R3, SUB-R5 and SUB-R6.

However, several aspects of esplanade provisions need to be strengthened, as outlined below.

Esplanade associated with lots of 4ha or more and voluntary contribution

As noted, there is increasing need to support connectivity and active modes of transport.

RMA (s77, s230, s237F etc.) specifically allow councils to include a DP rule that requires esplanade when lots of 4 ha or more are created by subdivision:

'A territorial authority may include a rule in its district plan which provides that in respect of any allotment of 4 hectares or more created when land is subdivided, esplanade reserves or esplanade strips, of the width specified in the rule, shall be set aside or created, as the case may be, under section 230(5).' (RMA s77(2))

Voluntary contribution: RMA s237F requires the council to compensate the landowner for esplanade associated with larger lots - unless the landowner agrees not to take compensation, as voluntary action.

In addition, s200(1) of the Local Government Act 2002 allows developers to provide a reserve voluntarily, and s200(2) allows councils to accept voluntary contributions for reserves that are not included in a development contribution:

'This subpart does not prevent a territorial authority from accepting from a person, with that person's agreement, additional contributions for reserves...'

Third party funding: In addition, s200(1)(c) of LGA 2002 allows for a *third party* to fund a reserve (provided that the reserve is not included in a development contribution):

'a third party has funded or provided, or undertaken to fund or provide, the same reserve...'

This potentially opens the door for a benefactor or community group to raise funds for specific parcels of esplanade land.

Our group considers that DP Policies/Rules should require esplanade reserves/strips when subdivision creates lots of 4ha or more (as allowed under RMA s77, s230, etc.) when one of the following situations applies:

- (a) the owner agrees to provide the land on a voluntary basis, or



- (b) a third party provides funds to compensate the land owner for the land (at normal market value), or
- (c) the land is included in a development agreement or development contributions or financial contributions (under the RMA or LGA).

Esplanade reserves for land use activities

The PDP proposes only voluntary creation of esplanade reserves for land use activities.

The s32 report (p.32) notes the cost of a voluntary approach: 'No requirements for esplanades reserves where lots greater than 4ha are created for land use activities... potentially misses opportunities for improved access to waterbodies and the coast'. This cost applies also in the case of smaller lots.

We consider that the requirement for esplanade reserve should apply to land use applications.

Esplanade & indigenous species protection

In some situations esplanade can serve an important role in protecting ecological values and protecting indigenous species that are classed as *threatened* or *at risk* under NZ Threat Classification System.

s32 report (p.3) notes that policies to protect riparian/coastal areas should not compromise the natural character or indigenous biodiversity. We consider that the PDP provisions relating to the protection of indigenous species are not sufficient at present.

PDP provisions relating to esplanade and reserves need to include clauses that will actively protect indigenous species that are classed as *threatened* or *at risk* under NZ Threat Classification System and areas with significant ecological values.

We oppose the removal of Esplanade Priority from PDP Planning Maps

The intention of Esplanade Priority Areas in ODP maps was to assist in identifying the desired locations for new or expanded esplanade reserves and to indicate council priorities (s32 report on public access p.21 and ODP rule 14.6.1). We consider that Esplanade Priority on maps is also helpful in cases where Council planners are required to assess a consent application that breaches the esplanade provisions in standard SUB-S8, for example.

The s32 report on public access implies that the available options are either requirements for esplanade reserves in the subdivision chapter or esplanade priority areas on maps. However, we consider that it is not an either/or situation; these two provisions are not mutually exclusive. As noted above, we strongly support the requirement for creating esplanade reserves in the subdivision chapter and we consider that the indication of esplanade priority on maps would provide useful additional guidance for developers and council planners.

Comments in s32 report on public access Para 4.3.1

Council's key reasons for removing the "esplanade priority" areas are stated in s32 report, para 4.3.1:

- There is a lack of certainty regarding the appropriateness and location of currently identified esplanade priority areas. Council's preference is to rely on general requirements for esplanade priority areas (s 230 RMA) through standards in the "Subdivision" chapter.
- Council has limited resourcing currently available to purchase the esplanade reserves using development contributions (outside requirements during subdivision).
- There are opportunities to review public access more strategically using other methods outside the District Plan, including the KK/Waipapa Spatial Plan which is currently being developed.

Lack of certainty & appropriateness.

The uncertainty about appropriateness and location of the currently identified Esplanade Priority areas is not explained and no examples are described in the s32 report.

Esplanade priority has in fact served us well. Inspection of the ODP Zone maps which are now quite dated shows that there has been good progress in public access. Many of the esplanade priority areas shown have now been acquired as Esplanade Reserves. Notably along Wairoa Stream/Orchard Estate boundary which has enabled the Wairoa Stream public walkway and wildlife corridor to take place; the Wairoa Stream/Arvida boundary currently in progress; the Dalton tributary along which a track has been



formed linked to the Wairoa Stream public Walkway, and along part of the Kerikeri Inlet near Blacks Rd. Given that council considers there is a lack of certainty about appropriate locations, our group is willing and able to draw up an up-to-date map showing appropriate areas of Esplanade Priority that would benefit connectivity and public access.

Examples of adverse effects of removing Esplanade Priority from PDP maps

Important examples of continuity along stream Esplanade Reserves which are affected by removal of Esplanade Priority:

- **Wairoa Stream.** From Limelight Lane to Shepherds Rd - a gap in Esplanade Reserves. This is the next section of Wairoa Stream track extension planned by Friends of Wairoa Stream after completing the section along Arvida to Limelight Lane in 2024.
- **Puketotara Stream.** Aranga - this is a gap in esplanade reserves along Puketotara stream between Golf View Road and Access Road. Nearly all the true right bank is otherwise designated as open space or natural open space, which is important for a cycle way/walkway from Fairway Drive to Access Road.
- **Kerikeri River.** Bing property - this is essential for continuity of public access along the KK River right bank linking Fairy Pools Reserve to Tuatahi Place.
- **Kerikeri Inlet:** there are small discontinuities (gaps) in Esplanade Reserves on both banks.
- **Waipapa Stream** - there is a “gap” on the southside (right bank) near Silkwood Lane.
- **Wairoa Stream.** A section of true right bank upstream from about Alderton Park and a section of true left bank downstream of Kerikeri Primary School.
- **Okura stream** - esplanade priority is desirable but has been deleted entirely.

Council’s s32 report favours use of other methods including negotiating with land owners and the KK/Waipapa spatial plan. Certainly, negotiating with land owners can succeed but the spatial plan is an uncertain number of years away and opportunities to fill in “gaps” are likely to be lost.

Gaps are an important issue. We note the s32 report (table, p.22-23) identified a cost associated with the PDP’s new approach and missed opportunities to deal with gaps: ‘Missed opportunities to join the gaps (long term) in the public access network could result in poor outcomes for the community.’

Negotiating esplanade has indeed worked with Orchard Estate and Arvida and one hopes also with the Bing property where there is an informal well used track. However, each of these new land owners had a river or stream frontage clearly marked on the ODP Zone Plans as “Esplanade Priority” and was properly informed about Council’s interest.

Retention of Esplanade Priority should not be problematic

Retaining Esplanade Priority in the PDP, for locations not already implemented, does not seem to represent a difficulty, since it only represents an indication of interest by FNDC - not a compulsion to acquire an esplanade reserve. As an example, for unknown reasons, Council did not implement Esplanade Priority (see ODP Zone Map 87) for the tributary stream (Te Tahawai) in the section between near Hall Road to Maraenui Drive. This opportunity for public access has now been lost through subdivision.

Effect of removing Esplanade Priority

By removing Esplanade Priority areas from the planning/zone maps, Council would fail to indicate to land owners, developers and others that Council has an interest in a stream boundary. Failure to indicate the Council’s interest could result in the consenting planner (or those undertaking monitoring), or a future landowner being unaware that there is Council interest, especially if there are frequent staff changes at Council.

It is more efficient for all parties to have **visual access** to consolidated land use and planning information **which is, or should be, a primary purpose of Council mapping.**

It is not acceptable to have existing Esplanade areas concealed in certificates of title or to have to refer to a secondary source such as WAC maps.



Conclusion: As a result of the above issues, the existing Esplanade may not be properly considered by planners and developers, and gaps in the present network of Esplanade Reserves may not be acquired, and opportunities lost, making it difficult or impossible to achieve continuous connectivity for a walkway or cycleway. Continuous access is essential for providing effective networks for active modes of transport.

Benefits of Esplanade Priority areas

Experience has demonstrated the benefits of Esplanade Priority areas on maps. They have played a constructive role in expanding the length of esplanade along waterways.

Today we have the riparian walking track along Wairoa Stream only because Councils in the past had the foresight to create Esplanade reserves. A similar opportunity would exist along other streams if the “gaps” are closed, of which Esplanade Priority would be an indication.

Finally, we note that the s32 report on public access (p.21) recognised Esplanade priority areas as a ‘Benefit’: ‘Esplanade priority areas assist to identify the desired location for new and expanded esplanade reserves’.

We seek the following decision from the Council:

We support PDP policies and rules that require the creation of esplanade reserves associated with subdivision. In particular we support -

- Public access policies PA-P1 to PA-P5 S272.001, S272.011, S272.012, S272.014 & S272.015
- Subdivision SUB-O4, SUB-P7 and SUB-S8. S272.002, S272.003 and S272.004
- The application of standard SUB-S8 to all zones (as stated in the PDP), and the inclusion of SUB-S8 in rules SUB-R1, SUB-R3, SUB-R5 and SUB-R6 S272.006, S272.007, S272.008 and S272.009

We seek strengthened provisions for esplanade reserves:

- PDP policies/rules should require esplanade reserves/strips when subdivision creates lots of 4ha or more (as allowed under RMA s77, s230, etc.) when one of the following situations applies:
 - the owner agrees to provide the land on a voluntary basis, or S272.013
 - a third party agrees to provide funds to compensate the land owner for the land (at normal market value), or S272.019
 - the land is included in a development agreement or development contributions or financial contributions (under the RMA or LGA) or other arrangement. S272.016 & S272.017
- PDP provisions that normally require esplanade reserves when consenting land use and other forms of development
- Improvements to PDP provisions relating to the esplanade reserves to include clauses that will actively protect indigenous species that are classed as *threatened* or *at risk* under NZ Threat Classification System and areas with significant ecological values S272.018, S272.020 to S272.024


We seek esplanade priority areas to be reinstated on planning maps:

- Esplanade Priority areas in Kerikeri should continue to be included in DP maps, because this area is experiencing rapid growth and esplanade reserves play an important role in improving connectivity, active transport and green corridors (items needed within the lifetime of the new district plan). Esplanade priority areas also help provide transparent, consolidated land use/planning information for Council staff, developers and others. S272.010
- Esplanade Priority area should also be included for any other communities in the district that wish to identify Esplanade Priority areas.

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?	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Signature of submitter: <i>(or person authorised to sign on behalf of submitter)</i>	
	
Date: 20/10/2022	
<i>(A signature is not required if you are making your submission by electronic means)</i>	