



Submission on Proposed Far North District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Far North District Council - District Planning

Date received: 21/10/2022

This is a submission on the following proposed plan (the **proposal**): Proposed Far North District Plan

Address for service:

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Attachments:

Comments on Draft Plan 6-5-22.docx

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

Are you 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 effects of trade competition

- **N/A**

Submission points

Point 62.1

Section: General approach

Sentiment: Support in Part

Submission:

276.001

The Plan is difficult to follow and this online portal makes it difficult for lay-people to make submissions and be involved in the process.

There are too many drop boxes, which are compulsory fields. Many people do not have a computer with two screens - in practice, this is necessary so one screen can be used to view the Plan while the submission form is being completed.

We accept that receiving submissions in this format simplifies matters for FNDC staff but it comes at the cost of effective public consultation.

Our comments on the Draft Plan are attached. In this submission, we request that these matters be addressed.

Relief sought

That the matters raised in our comments on the Draft Plan (attached) be addressed in the Proposed Plan.

Point 62.2

276.002

Section: Subdivision

Sub-section: Rules

Provision:

SUB-R6	Environmental benefit subdivision	
Rural Production zone	Activity status: Restricted Discretionary	Activity status where compliance not achieved with RDIS -1, RDIS-2, RDIS-3, RDIS-4 and RDIS-5 is not achieved: Discretionary
	Where:	
	RDIS -1	Activity status where compliance not achieved with RDIS-6, RDIS-7 and RDIS-8 is not achieved: Non-complying
	1. Subdivision complies with standards: SUB-S2 Requirements for building platforms for each allotment; SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 Telecommunications and power supply; SUB-S7 Easements for any purpose; and SUB-S8 Esplanades.	
	RDIS -2	
	The Environmental benefit subdivision complies with either Table 1 or Table 2 as follows:	
	Table 1.	

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

Table 2.

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

RDIS-2

Each separate area of significant indigenous vegetation, significant indigenous habitat or natural wetland included in the proposal must be assessed by a suitably qualified and experienced ecologist as satisfying at least one criteria in Appendix 5 of the Northland RPS (Criteria for determining significance of indigenous biodiversity).

RDIS-3

The significant indigenous vegetation, significant indigenous habitat or natural wetland must be added to the list of scheduled Significant Natural Areas in the District Plan, which will be incorporated into the District Plan as part of the next plan update plan change.

RDIS-4

The subdivision proposes to protect all areas of indigenous vegetation, indigenous habitat or natural wetland by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977.

RDIS-5

An ecological management plan is prepared to address the ongoing management of the covenanted area to ensure that

the values are maintained and the plan includes:

1. Fencing requirements for the covenant area
2. Ongoing pest plant and animal control
3. Any enhancement or edge planting required within the covenant area

RDIS-6

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

RDIS-7

This rule has not been used previously to gain an additional subdivision entitlement.

RDIS-8

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

Matters of discretion are restricted to:

- a. subdivision design and layout and proximity to the significant indigenous vegetation, significant indigenous habitat or natural wetland being protected;
- b. the ecological benefits that will result from the subdivision and level of protection and enhancement proposed;
- c. matters contained in the ecological management plan for the covenant area;
- d. effects of the subdivision on rural character and amenity values;
- e. the extent of earthworks including earthworks for the location of building platforms and access ways;
- f. effects on rural productivity and the availability and productivity capacity of versatile soils;
- g. potential for reverse sensitivity effects;
- h. how the subdivision layout and design may impact on the operation, maintenance, upgrading and development of existing infrastructure assets; and
- i. any relevant matters of control in SUB -R3.

NOTE:

If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.

Sentiment: Support in Part

Submission:

The guidance and rules for environment benefit subdivision and management plan subdivision are inadequate to ensure that the purpose of the Act will be achieved.

Relief sought

Provide definitions and criteria that must be met for a site to qualify for an environmental benefit.

Revise the rules so that

- 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 or greater (e.g. in accordance with the NES-Freshwater),
- provides more details 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.

Refer also to Point 1 i.e. the matters raised in our comments on the Draft Plan regarding minimum lot sizes and the fragmentation of natural areas

Point 62.3

276.003

Section: Subdivision

Sub-section: Policies

Sentiment: Support in Part

Submission:

Inadequate

Relief sought

Insert Operative Plan policies 13.4.12 (on management plan subdivision) and 13.4.13 (on subdivision design)

Point 62.4

276.004, 276.005,
276.006,
276.007, 276.008

Section: Ecosystems and indigenous biodiversity

Sentiment: Support in Part

Submission:

Protection and recognition of indigenous biodiversity is inadequate and the rules do not prevent incremental loss.

Relief sought

- Replace policies IB-P1, IB-P2 and IB-P3 with policy 4.4.1 of the Regional Policy Statement.
- Add a policy that recognises that not all significant natural areas will be mapped and that unmapped areas are to have, as far as practicable, the same level of protection in the proposed Plan as mapped Significant Natural Areas.
- 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.
- 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.
- Delete items 2 and 12 of PER-1 of rule IB-R1.
- Amend the commencement of PER-1 in rule IB-R1 so that it states: The pruning, trimming or clearance is the minimum necessary and is for one of the following
 - Qualify item 6, clearance around buildings, of PER-1 of rule IB-R1 so that it applies to lawfully established existing buildings.
 - 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
 - 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

- 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.

6 May 2022

Comments from Russell Landcare Trust on the Draft Plan

Kia ora FNDC,

Russell Landcare Trust is a community group working to preserve the taonga species and precious habitats of Russell Peninsula for future generations. We do this by protecting them from introduced predators like rats, stoats and possums, preventing weeds from invading and planting native trees. Our most ambitious project, Russell Kiwi Protection, is involving community members in all aspects of the project with the aim of doubling the population of kiwi on the peninsula.

We have taken the time to review the Draft District plan and would like to provide the following feedback:

- Significant Natural Areas (SNAs) are dynamic and knowledge is not complete. For example, the threat classifications of taxa may change and ecological studies can provide 'new' information. Therefore, the Plan needs to include policies that commit to regular reviews of SNAs (e.g., every 5-10 years) to adjust boundaries or add sites. 276.011
- There will also be sites that meet the SNA criteria but are not mapped. Policies are required to set out how Council will recognise this.
- The mapped SNAs are predominantly indigenous vegetation and there are important biodiversity values that are not in mapped SNAs. For example, much of the high-density kiwi areas are not mapped. We ask that a policy be included to recognise that threatened species use exotic vegetation and their use of those areas makes them areas to protect under Section 6(c).
- In general, the rules tend to be concerned with indigenous vegetation, sometimes indigenous habitat, but threatened species are not explicitly identified in the rules very often. 276.012
- The integrity of SNAs is affected by lot sizes, with subdivision resulting SNAs becoming fragmented both in terms of management and tenure and incremental habitat loss occurring as vegetation is cleared to allow for accessways and buildings. For example, the 2 hectare average lot size for management plan subdivision is an issue in this regard.
- There should be an explicit policy that the Council will ban cats and dogs from 'new' subdivisions in high density kiwi areas (as per the Council's practice note) and from other areas with threatened species where cats and/or dogs are a significant threat (e.g., some shore bird areas). 276.013
- Council has reserved the ability to ban cats and dogs in most zones, which we support. However, there are several zones where it has not done so - these are the carried-over special zones for Point Veronica (between Opuia and Te Haumi), Orongo Bay (Haines commercial area), Carrington Estate (Whatawhiwhi) and Kauri Cliffs. Orongo Bay is within the rohe of Russell Landcare Trust and has a high-density population of kiwi so there should be an ability to ban cats and dogs in this zone.
- Many of the policies set out the intention to avoid, remedy or mitigate adverse effects even though Section 5(2)(c) already requires this. The policies need to set out 276.014

- when, and to what extent, avoiding is the preferred option versus remedying or mitigating and identify what particular effects are being addressed 276.015
- A policy provides for offsetting, but there is no detailed policy on what the considerations are for biodiversity offsetting or a statement that offsetting is not always the appropriate action – in some cases the most appropriate action is to deny the application. The Auckland Unitary Plan is an example of good policy direction on biodiversity offsetting. 276.016
 - It would be desirable to have some provision for providing for long-tailed bat protection where an application occurs within areas used by bats. The main issues are protection of actual and potential roost trees and limiting lights at night. 276.017
 - Policy IB-P10 is a list of matters to be considered when assessing proposals but it doesn't provide real guidance to decision-makers regarding the "bottom lines" for each of those matters. 276.018
 - The Draft Plan relies on the Regional Council mapping, which deliberately understated the extent of the coastal environment. The Environment Court has confirmed this for Kaimaumuau wetland, agreeing that all of that wetland is coastal environment, not just the thin strip shown in the Regional Council maps. This is of concern because the test in the coastal environment is an avoid adverse effects test i.e. a higher threshold than outside of the coastal environment. 276.019
 - Policy 4.4.1(1) of the Regional Policy Statement sets a 'no more than minor' effects regime for SNAs outside the coastal environment. The Draft District Plan persists with a 'no significant adverse effects' test for such areas.