*Remember submissions close at 5pm, Friday 21 October 2022*

# Proposed District Plan submission form

*Clause 6 of Schedule 1, Resource Management Act 1991*

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

Form 5: Submission on Proposed Far North District Plan

**TO: Far North District Council**

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

## 1. Submitter details:

| | | | |
|---|---|---|---|
| **Full Name:** | **Wendy Leigh Wickens** | | |
| **Company / Organisation Name: (if applicable)** | **Sapphire Surveyors Ltd** | | |
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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

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*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:**

*SUB-S1 Minimum allotment sizes – Rural Production Zone*

Confirm your position: ☐ Support ☐ Support In-part ✔ Oppose

*(please tick relevant box)*

**My submission is:**

*The new subdivision rules, requiring a minimum lot size of 8ha (without a Management Plan) will severely restrict the ability to create small rural lots in the rural production zone. The effects of this restriction include:*

- *a reduction in vitality for rural communities,*
- *no longer allowing farmers to retire in their existing homes with a small area of land,*
- *the creation of 8ha blocks, which are too large for lifestyle blocks and too small to be productive,*
- *no longer allowing for the creation of appropriately sized and desirable lifestyle blocks,*
- *reduce the ability for rural landowners to provide small blocks for young family members to build on and enter the property market (this is contrary to Council policies in relation to affordable housing),*
- *reduced capacity for farmers to decrease their debt burdens by subdividing off small blocks of land that do not significantly add to the productivity of their farm. Where it is necessary to reduce debt by subdivision, subdividing off 8ha will diminish the productive capacity of the farm more than a smaller block.*

*The reason given for this rule is to protect the productive potential of the rural area, in particular, highly productive land. However, the majority of land in the Far North District does not come under this category, and the PDP does not distinguish between highly productive land and less productive land when it comes to subdivision.*

*With Council struggling to provide urban amenities (sewerage, water supply and stormwater) and people wanting to live independent of these services in the rural areas without too much land to care for, it makes sense to allow small rural blocks.*

*It is correct to protect rural productive potential, but this can be achieved without imposing a total restriction on rural lifestyle properties.*

**I seek the following decision from the Council:**

S348.001 to S348.003

*Previously blocks down to 4000sqm were allowed under the Operative District Plan. Perhaps the new District Plan could reconsider allotment sizes, perhaps with a limited number of allotments of a minimum of 8000sqm or 1ha, then 4ha generally after that. Smaller lot sizes should apply for properties (or parts thereof) that do not consist of highly productive land. This would give effect to Policy SUB-P8.*

*Perhaps there should be more focus on the size of the balance parcel – subdividing off 4ha to leave a 10ha balance parcel does not protect productivity, while subdividing 1ha off a 200ha block has next to no effect, especially if the smaller block consists of bush.*

*This would provide vitality in rural areas, opportunities for farmers to develop their land, relief for urban services, continued local jobs, lifestyle blocks for those that want them, and all while still protecting the productive capacity of the land.*

*This will also affect other related rules, such as:*

- *RPROZ-R3 Residential activity*
- *SUB-R7 Management plan subdivision*

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

*GRZ-R9 Residential activity (multi-unit development)*

Confirm your position: ☐ Support ☑ Support In-part ☐ Oppose

*(please tick relevant box)*

**My submission is:**

*Rule GRZ-R9 enacts the following policy: "GRZ-P3: Enable multi-unit developments within the General Residential zone, including terraced housing and apartments, where there is adequacy and capacity of available or programmed development infrastructure." The rule allows for up to 3 residential units to be placed on urban sections.*

*Rule GRZ-R9 does not take into consideration the capacity of existing infrastructure, namely water supply, stormwater and wastewater, as required under Policy GRZ-P3. These systems already appear to be at capacity in some areas, for example, wastewater and water supplies in Paihia and Taipa/Mangonui areas.*

*This rule could result in extra loadings on already straining infrastructure, which could result in discharges of untreated sewage to waterways or the sea, reductions in quality or shortages of drinking water, or exacerbated damage during stormwater events. These effects are already being seen in some of our communities, so it seems irresponsible to make them worse.*

*While the infilling does limit the need to extend infrastructure, this is better achieved through appropriate zoning.*

**I seek the following decision from the Council:**

*This rule should only be allowed in areas where all infrastructure has been upgraded and is being maintained to allow for the maximum development potential under this rule and subdivision rules.*

S348.004

*These areas could be shown on one of the FNDC GIS Maps or as an overlay.*

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

*Objectives IB-O1, SUB-O2*
*Policies IB-P1, SUB-P8*
*IB-R4 Indigenous vegetation clearance and any associated land disturbance outside a SNA.*
*SUB-R17 Subdivision of a site containing a scheduled SNA*
*Others associated with these provisions, where appropriate.*

Confirm your position: ☐ Support ☐ Support In-part ☑ Oppose

**My submission is:**

*After consultation with landowners, the FNDC withdrew the SNA maps from the PDP. Despite this clear opposition to the concept, the above provisions have retained the essence of the SNA mapping, but with the added expense to landowner to have to engage an ecologist to prove that the bush on their property is NOT an SNA. Under this method, ALL bush is subject to SNA rules unless the owner (at their own expense) can prove that it is not an SNA. Because the ratepayer-funded SNA mapping is no longer publicly available, these rules will now not only affect landowners who had push previously mapped as SNA in the 1990s, but also owners whose bush was NOT mapped as SNA.*

*Despite policy IB-P6(a,) which recommends Council's consideration of "assisting landowners with physical assessments by suitably qualified ecologists to determine whether an area is a SNA", any financial assistance will still be at ratepayer's expense, having already footed the bill for the original SNA mapping. In fact, none of the methods in policy IB-P6 have been given effect under the PDP.*

***Is the Council using these rules to get the ratepayers to submit to the SNA mapping??***

*According to a quote from John Carter on the FNDC website, there has been "an increase from around 30 per cent when the district was last mapped for a similar purpose in the 1990s". This tells us that over the last 30 years, indigenous bush/forest has increased by some 30%* ***without*** ***much control by the Council****. This means that, overall, the rural landowners of the Far North have, of their own volition, increased, not decreased these areas. There are many examples of farmers and landowners fencing off and restoring wetlands, waterways and bush areas, and the Council are now creating rules in relation to these areas that create a disincentive for landowners to do this work, not an incentive.*

*So, by looking at historical performance and by the Council's own admittance, these "stick" methods are unnecessary to achieve the protection, enhancement and enhancement of SNAs. Therefore, why is Council's involvement necessary? Especially given the two following objectives which are not reflected in the PDP:*

*"IB-O4 The role of tangata whenua as kaitiaki and landowners as stewards in protecting and restoring significant natural areas and indigenous biodiversity is provided for.*

*IB-O5 Restoration and enhancement of indigenous biodiversity is promoted and enabled."*

*Then under SUB-P8 and SUB-R6 we start to see the protection of SNAs "in perpetuity" coming in. While previously covenants were done by consent notice and constituted "bush protection covenants", covenanting under the Reserves Act or QEII constitutes a loss of control of the land. This is significantly more than a simple bush protection covenant. This is a loss of property rights.*

*The question also needs to be asked, given that our District is notoriously low in rate payers as it is, these covenants open up the possibility for rates relief, so will this result in even higher rates, which need to be covered by someone else?*

*SUB-R17 requires that a subdivision does not divide an SNA. This rule does not protect SNAs but just makes it easier for Council to commandeer them, since they only need to deal with one land owner.*

**I seek the following decision from the Council:**

*Acknowledge that the ratepayers have managed to enhance the SNA's in the District, and instead of forcing them to do this, facilitate and assist them in what they are already doing (carrot instead of a stick). By setting strict and harsh rules that deny landowners the right to remain as stewards to their land, you are in breach of your own policies IB-04&05.*

*Given that Council is <u>required</u> to undertake mapping and identification of SNA's under the Draft National Policy Statement for Indigenous Biodiversity, I suggest that the approach be modified. Under the Draft NPS, Section 8.2 (2)(a) Partnership, the Council has failed to do this by coercing landowners into Scheduling their SNAs, and as a result the Council in breach of the Draft NPS.* S348.005 S348.010

*Provide incentives, not disincentives, for landowners to enhance the natural biodiversity of their land. Provide support and resources for landowners. If you do not do this, you will accentuate the current issue you have with a severe lack of community support and compliance. Human nature means that in being MADE to do something, people will often resist doing something that they would otherwise have happily done.*

*If owners wish to protect their bush, the option of a simple bush protection covenant by consent notice should be available, not just the Reserves Act and QEII covenants.*

*Make the SNA mapping available publicly, as a resource, even if it is not part of the PDP. I've spoken to a lot of people who say that the new SNAs on their land were incorrect anyway.*

*Delete SUB-R17as this does not protect SNAs.* S348.006

**The specific provisions of the Plan that my submission relates to are:**
*SUB-S8 Esplanades*

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

**My submission is:**

*Section 77 of the RMA 1991 allows Council to create a rule that allows for an esplanade strip, but the PDP only has allowance for esplanade reserves. In some instances, esplanade strips are more suitable, so this option should be available.*

*Council already has enough reserves around that they are unable to maintain, so by vesting the land in Council via an esplanade reserve removes it from the care and stewardship of the adjacent landowner. At least with esplanade strips there is a duty (or at least the opportunity) for the landowner to look after the area, since it is still included in his/her title.*

**I seek the following decision from the Council:**

*Include the option of creating an esplanade strip in this rule.* S348.007

**The specific provisions of the Plan that my submission relates to are:**
*IB-P9 Require landowners to manage pets and pest species, including dogs, cats, possums, rats and mustelids, to avoid risks to threatened indigenous species, including avoiding the introduction of pets and pest species into kiwi present or high-density kiwi areas.*

Confirm your position: ☐ Support ☑ Support In-part ☐ Oppose

**My submission is:**

*DOC, who own the majority of Kiwi areas in the Far North, should be the first "landowner" to be "required" to do this under this rule. While they are exempt from paying rates, they should not be exempt from the responsibilities of the community in this regard. It is unreasonable to put this responsibility on all ratepayers in these zones, while a lot of DOC lands which are usually (unless managed by community groups) a significant source of these pests.*

*Given that a lot of people carry out pest control of their own volition, and setting up pest control programmes in DOC areas is a very difficult and convoluted process, there are better ways to achieve the outcome of Kiwi protection than "making" landowners (except DOC, lets face it) carry out pest control.*

**I seek the following decision from the Council:** S348.008

*Remove the word "require" from this rule and replace it with "assist". If you want to leave the "require" word in there, then you will either have to enforce this with DOC or help facilitate community groups (or perhaps a District wide organisation) to easily set up trapping programmes on DOC land. This would provide jobs for the community (trappers etc) and make a significant impact on the pest species in the District.*

**The specific provisions of the Plan that my submission relates to are:**
*SUB-R1 Boundary Adjustments*

Confirm your position: ☐ Support ☑ Support In-part ☐ Oppose

**My submission is:**

*This rule makes no distinction between enormous changes in boundaries where people are utilising multiple titles (effectively a boundary "relocation" and a full subdivision) and small tweaks of boundaries (boundary "adjustments") where perhaps a structure has inadvertently ended up on the neighbour's property or a transfer of a back paddock to a neighbour.*

*In the latter case, the effects are (usually) nil and so there is no requirement under the RMA 1991 to mitigate these effects. Therefore CON-3 and the requirements outlined under the matters of control are not appropriate or applicable.*

**I seek the following decision from the Council:**

S368.009

*Make a separate rule for boundary "adjustments" (in comparison to boundary "relocations" which already has this rule, and should perhaps just be dealt with like any other subdivision). Perhaps adjustments could be defined as:*

1. *involving the lesser of 10% of the area of the smaller title involved (to a maximum of 500sqm), or*
2. *involve the transfer of land between two properties in different ownership and management, which makes no change to land use.*

*As there are no effects then there would be no requirements for esplanades, covenants, consent notices, upgrades etc. This would make it a simple, fast and relatively inexpensive process for land owners, who are not <u>really</u> "subdividing" in the traditional sense.*

☐ I **wish** to be heard in support of my submission

☑ I **do not wish** to be heard in support of my submission

*(Please tick relevant box)*

If others make a similar submission, I will consider presenting a joint case with them at a hearing

☐ Yes ☑ No

Do you wish to present your submission via Microsoft Teams?

☐ Yes ☑ No

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

Wendy Withers.

**Date: 21/10/2022**

**SUBMISSION NUMBER**

348