



**PROPOSED FAR NORTH DISTRICT PLAN**

**RECOMMENDATIONS OF THE INDEPENDENT HEARINGS**

**PANEL**

**RECOMMENDATION REPORT 1**

**Hearing 1: Introduction, General Provisions, Tangata Whenua**  
**and Miscellaneous**

**March 2026**

# Recommendation Report 1

**Recommendation Report 1** is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 4, 9, 11, 12, 13, 14, 15A and 17**.

**Recommendation Report 1** contains the Panel's recommendations on: Part 1 – Introduction and General Provisions, Tangata Whenua, and Part 2 - Strategic Direction. It also contains the Panel's recommendations on a number of other general and miscellaneous matters.

**Recommendation Report 1** also contains consequential amendments resulting from recommendations from other recommendation reports.

**Recommendation Report 1** contains the following appendices:

**Appendix 1:** Schedule of Hearing Attendances

**Appendix 2:** Hearings Panel Recommended Amendments to the PDP – tracked from the notified version (provisions not subsequently renumbered) including:

**Appendix 2.1** Part 1 – Introduction and General Provisions

**Appendix 2.2** Part 2 – Strategic Direction

**Appendix 2.3** Part 1 – Tangata Whenua

**Appendix 2.4** Contaminated Land (New chapter)

**Appendix 3:** Summary table of the Hearings Panel recommended decisions on each submission point including:

**Appendix 3.1** Recommended Decisions on Submissions – Part 1 – Introduction and General Provisions

**Appendix 3.2** Recommended Decisions on Submissions – Strategic Direction

**Appendix 3.3** Recommended Decisions on Submissions – Tangata Whenua

The Independent Hearings Panel for Hearing 1 comprised Robert Scott – Independent panel member and Chairperson; Steve McNally - Council panel member (Day 1); Hilda Halkyard-Harawira – Council panel member (Day 2 and 3); and Felicity Foy - Council panel member; Alan Watson - Independent panel member; Siani Walker - Independent panel member.

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# RECOMMENDATION REPORT 1

## 1. Introduction

### 1.1 Report Structure

This is **Recommendation Report 1** prepared by the Independent Hearings Panel appointed to hear and make recommendations with respect to submissions and further submissions lodged on the Proposed Far North District Plan (**PDP**).

This recommendation report makes findings and recommendations relating to submissions on the provisions in the following parts, sub-parts, chapters and sections of the PDP; and on a number of other general or miscellaneous matters.

PDP Part	PDP Sub-Part	PDP Chapter or Provisions
<b>Part 1 – Introduction and General Provisions</b>	Introduction	
		Foreword or Mihi
		Contents
		Purpose
		Description of the district
		How the Plan Works
		Statutory context
		General approach
		Cross boundary matters
		Relationships between spatial layers
		National Direction Instruments
		National Policy Statements and New Zealand Coastal Policy Statement
		National Environmental Standards
		Regulations
<b>Part 2 – District Wide Matters</b>	Tangata Whenua	
	Strategic Direction	Directions Overview
		Historic and cultural wellbeing
		Economic and social wellbeing
		Urban form and development
		Infrastructure and electricity
		Rural environment
		Natural environment

## 1.2 Section 32AA of the RMA

The requirements in clause 10 of the First Schedule of the RMA and particularly s32AA RMA are relevant to our considerations of the PDP provisions and the submissions received on those provisions. These are outlined in full in the **Preamble Report**.

We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of Council's hearing report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments within or attached to the relevant hearing reports, provided within evidence for Submitters, and/or within the Council's right of reply reports. Those reports are part of the public record and are available on the Council website.

Where our recommendation differs from the hearing report authors' recommendations, we have incorporated our own s32AA evaluation into the body of our recommendation report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

As per Section 4.2 of the **Preamble Report** where we generally agree with the Council recommendations relating to the relief sought by those submitters who did not wish to speak at the hearing, we have concluded that these matters are not in contention. In that regard, we have focussed our discussion in this recommendation report on those submitters who presented evidence to us.

## 1.3 Consequential Amendments

This recommendation report contains consequential amendments, including to or from other plan chapters. These are discussed further in this report.

# 2. Procedural Issues

## 2.1 Late Submissions

PS Yates Family Trust (FS384) further submission was received on 29<sup>th</sup> September 2023, three and a half weeks after the closing time/date for further submissions (which was 5.00pm, Monday 4<sup>th</sup> September).

The Hearings Panel has the ability to extend a time limit for Schedule 1 processes under section 37 and 37A of the RMA, taking into account:

- The interests of any person who, in its opinion, may be directly affected by the extension or waiver; and
- The interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and
- Its duty under section 21 to avoid unreasonable delay.

Taking into account the matters set out in section 37A of the RMA, we have accepted PS Yates Family Trust (FS384) late further submission, allowing the matters raised to be addressed through the hearing process because:

- The further submitter raises matters that are within the scope of the original submission.

- There is no prejudice to any person directly affected by the Hearings Panel accepting the late further submission.

## **2.2 Further Submissions Rejected**

After the notification of the summary of decisions requested, and call for further submissions, Council became aware of some errors and omissions. An addendum was prepared to correct those matters. Through this process Council received some further submissions that were not in relation to points notified in the Addendum.

The following list of further submissions are rejected as they are not related to the Summary of Submissions Addendum:

- Robert John McKibbin
- Peter Selwyn Yerkovich.

## **3. Topic 1 - Part 1: Introduction and General Provisions**

### **3.1 Relevant Provisions**

The relevant provisions we address in the Recommendation Report for this topic relate to:

- Introduction
- How the Plan Works
- National Direction Instruments
- General/Miscellaneous matters.

### **3.2 Overview of Submissions Received**

A total of 89 original submissions and 206 further submissions were received on the Part 1 and General/Miscellaneous topic.

As set out in the Council's hearing report the issues raised in submissions on the Part 1 and General/Miscellaneous came from:

- Local community and conservation groups
- Government agencies
- Iwi and hapū
- Local property owners and businesses.<sup>1</sup>

### **3.3 Key Issues**

The key issues identified in the hearing report and in evidence are set out below:

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<sup>1</sup> Section 5 of hearing report, Part 1 and General / Miscellaneous

- Key Issue 1: Whole of plan submissions
- Key Issue 2: Introduction
- Key Issue 3: How the plan works
- Key Issue 4: National Direction Instruments
- Key Issue 5: Plan Wide submissions
- Key Issue 6: New chapter submissions
- Key Issue 7: Submissions seeking general clarifications
- Key Issue 8: Submissions that sit outside the scope of the District Plan Review.

The hearing report provided a detailed summary of the matters raised in submissions and evidence relative to each key issue. We have reviewed these submissions, and the analysis and recommendations in the hearing report.

A copy of the hearing reports, rights of reply (including attachments) and all written evidence for this topic can be found here:

[Hearing 1 - Introduction, General Provisions, Tangata Whenua, Strategic Direction.](#)

### **3.4 Key Issue 1 - Whole of Plan Submissions**

#### **3.4.1 Matters Raised in Submissions and Evidence**

The submissions received that related to the PDP as a whole raised the following matters:

- Support and retain the PDP as notified<sup>2</sup>;
- Delete the PDP and replace it with a plan that has been drafted in true consultation with the citizens and rate payers of the area<sup>3</sup>;
- Pause the PDP process until the failings of the RMA are addressed and there is clarity around the National Policy Statement for Indigenous Biodiversity and the RMA replacement<sup>4</sup>;
- that the PDP is amended to implement and strengthen the key environmental principles and obligations of the RMA<sup>5</sup>;
- Exclude the Hokianga from the PDP<sup>6</sup>.

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<sup>2</sup> Simon Coe (S31.001) and Ian Ray (Joe) Carr (S397.001)

<sup>3</sup> Mauri – Crown-Tane (S539.001), Robyn Josephine Baker (S69.005)

<sup>4</sup> Groundswell NZ (S465.001)

<sup>5</sup> Carbon Neutral NZ Trust (S529.112 and 113) and Vision Kerikeri (527.002)

<sup>6</sup> Wai Claimant groups (S60.001)

### 3.4.2 Hearings Panel Evaluation

While we acknowledge the matters raised in these submissions, we are of the view that the plan has followed the required processes in the RMA regarding consultation undertaken and engagement with residents and organisations within the Far North District. We are also of the view that the plan has had sufficient regard to the relevant national and regional policy instruments in its preparation, public engagement and notification noting that several changes to national policy instruments occurred during the period the plan was notified and the release of these recommendation reports.

As discussed in section 3.2 and 3.3 in the **Preamble Report**, where any national policy or environmental standard was notified prior to the hearing these provisions have been incorporated in the hearing report and addressed at the hearing and in our evaluations and recommendations. With regard to the ten national policy statements and environmental standards that came into effect on 15 January 2026 (i.e. after all hearings had been completed) we have determined (following legal advice) that the Council can only give effect to those documents through a Schedule 1 variation or plan change process. See also Minutes 40-42 which address this matter.

The district plan review process began in 2015 and since that time multiple technical reports, issues and options papers, and a draft plan have been prepared which were open for consultation. The section 32A reports supporting the PDP, detail how the provisions are intended to achieve the purpose of the RMA.

We appreciate that the hearings for the PDP are being undertaken during a time when there is dynamic change in the resource management space including changes to national policy statements, national environmental standards and the future of the RMA and resource management legislation itself. We are conscious that our tasks of hearing submissions and making recommendations to the Council need to reflect this dynamic situation.

In that regard, we find that there is insufficient basis to withdraw or delete the PDP as a whole and we recommend that these submissions be rejected. That said, a number of the matters raised in the 'whole of plan' submissions make suggestions that relate to other sections of the PDP, in particular Carbon Neutral NZ Trust and Vision Kerikeri submissions, and we discuss these in more detail in **Recommendation Report 4** and other area specific chapters.

With regard to the Wai Claimant groups' submission (S60.001) seeking the exclusion of the Hokianga from the PDP, we find that we have no standing to do this and that the requirements of section 73 of the RMA require that there be a district plan in place at all time and that it apply to the entire District.

### 3.4.3 Hearings Panel Recommendations

1. Having considered the submission points, we do not recommend any particular changes to the PDP on the basis that the plan has been competently prepared in accordance with all relevant statutory requirements under the RMA. This has included an appropriate level of engagement with the community and organisations. As a result, we recommend that the submissions and further

submissions should be accepted, accepted in part or rejected, as set out in the table of Recommended Decisions on Submissions in Appendix 2.1.

### 3.5 Key Issue 2 – Part 1 - Introduction

#### 3.5.1 Matters Raised in Submissions and Evidence

There are 16 original submission points from 10 different submitters (being Far North District Council (S368); Te Rūnanga o Whaingaroa (S486); Te Runanga o Ngai Takoto Trust (S390); Te Rūnanga Ā Iwi O Ngapuhi (S498); Te Kawariki me Te Wānanga o Te Rangi Aniwaniwa (S573); Neil Construction Limited (S349); Te Rūnanga o Ngāti Rēhia (S559); Northland Federated Farmers of New Zealand (S421); Te Waka Pupuri Putea Trust (S477); Merata Kawharu Taituha, Renata Tane, Albie Apiata, Billie Taituha and Hirini Tane (S389)) received on the Introduction Chapter of the PDP. The issues raised in these submissions relate to the following matters:

- Retain the Description of the District;
- Support the Significant Resource Management Issues listed in the Description of the District section and request they be retained as notified;
- Amend or delete the Significant Resource Management Issues listed in the Description of the District section;
- Replace reference to “Partnerships” with the “Relationships” in Significant Resource Management Issue 1;
- Amendments to Issue 2 – Rural Sustainability;
- Amend the PDP to include key values to underpin the plan, including Kotahitanga, Mana and Manaakitanga and the roles and responsibilities of Council and Tangata whenua as dynamics within the realms of Papatūānuku and Ranginui.

#### 3.5.2 Hearings Panel Evaluation

Northland Federated Farmers (S421.002) oppose Significant Resource Management Issue 2 and request to amend it as follows:

*The Rural Environment contains a number of ~~There are~~ competing demands for a range of land use activities ~~in the Rural Environment~~. A ~~The~~ ~~previous~~ permissive planning framework has ~~resulted~~ ~~ted~~, ~~in some areas~~, ~~to~~ ~~in~~ incompatible land uses, land fragmentation and significant adverse effects on rural character, amenity and indigenous biodiversity. ~~In some cases~~, highly productive land (~~which includes~~ ~~including~~ versatile soils) have been used in ~~such~~ a way that ~~compromises~~ the future viability of primary production activities, such as horticulture and agriculture ~~has~~ ~~been compromised~~. ~~and~~ These uses have also inappropriately used existing infrastructure and services. The current Rural Production zone ~~has applied~~ a single set of provisions to the majority of the District, ~~which~~ ~~This approach~~ ~~does~~ ~~has~~ not addressed the specific issues faced by ~~in~~ the different rural areas and ~~their~~ communities. It is also important that the District Plan ~~clearly~~ reflects that rural settlements differ in their ability to access the infrastructure and services available in urban centres.*

The Council planner supports the general thrust of the changes sought by Northland Federated Farmers but with the deletion of the word “clearly” in the final sentence such that it reads:

*It is ~~also~~ important that the District Plan reflects that rural settlements differ in their ability to access the infrastructure and services available in urban centres.*

At the hearing we heard from Jo-Anne Cook-Munro on behalf of Northland Federated Farmers and she stated that they were supportive of the recommendation that has been made along with the proposed wording. We agree and recommend that the amended wording of Issue 2 be reworded as set out above.

Te Rūnanga o Ngāti Rēhia ((S559.054) request a specific issue relating to water resilience and reliable water supply. However, while we support this as an important issue, we are satisfied that Issue 6 - Affordable Infrastructure discusses the implications of servicing the District and we find that this addresses the issue of water resilience and reliable water supply. This submission is therefore accepted in part.

Neil Construction Limited (S349.002) sought the deletion of all Significant Resource Management Issues or the inclusion of provision for increased rural residential capacity. We adopt the hearing report recommendation<sup>7</sup> that this submission point be rejected on the basis that the Significant Resource Management Issues need to be retained for other important resource management outcomes to be achieved. We also find that while the PDP enables some residential subdivision and development in rural areas, we find that this outcome does not give rise to the level of a Significant Resource Management Issue.

Te Waka Pupuri Putea Trust (S477.004) seeks the expansion of the significant resource management issues to be more forward thinking of climate change issues related to their rohe. We agree with the Council planner that at a high level Strategic Resource Management Issue 3 – Hazard Resilience and Climate Change addresses this submission. This submission is therefore accepted in part.

Far North District Council (**FNDC**) (S368.046) lodged a submission seeking the deletion of the reference to ‘Contaminated Land’ as part of the ‘Hazards and Risks’ District Wide Matter in the contents chapter of the PDP. However, other submissions for the Fuel Companies (S335.006) sought that there be a new Contaminated Land chapter inserted into the PDP. We support this approach and discuss wording of the new chapter further in this recommendation report. As a result, we recommend that the reference to a contaminated land chapter be retained, but relocated, in the contents section.

### **3.5.3 Hearings Panel Recommendations**

We recommend the following changes:

1. Retention of, and reference to, a ‘Contaminated Land’ chapter in the Contents section of Part 1 and in ‘Hazards and risks’ in Part 2 – District Wide Matters.

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<sup>7</sup> Paragraph 72 of hearing report – Part 1 and General / Miscellaneous

2. Amend Significant Resource Management Issue 2 - Rural sustainability as follows:

*The Rural Environment contains a number of ~~There are~~ competing demands for a range of land use activities ~~in the Rural Environment~~. ~~A~~ ~~The~~ ~~previous~~ permissive planning framework has ~~resulted~~ ~~ed, in some areas,~~ ~~to~~ ~~in~~ incompatible land uses, land fragmentation and significant adverse effects on rural character, amenity and indigenous biodiversity. ~~In~~ ~~Some~~ ~~cases,~~ highly productive land (~~which includes~~ ~~including~~ versatile soils) have been used in ~~such~~ a way that ~~compromises~~ the future viability of primary production activities, such as horticulture and agriculture ~~has~~ ~~been~~ ~~compromised~~. ~~and~~ ~~These~~ ~~uses~~ ~~have~~ ~~also~~ ~~inappropriately~~ ~~used~~ existing infrastructure and services. The current Rural Production zone ~~has~~ ~~applied~~ a single set of provisions to the majority of the District, ~~which~~ ~~This~~ ~~approach~~ ~~does~~ ~~has~~ not addressed the specific issues faced ~~by~~ ~~in~~ the different rural areas and ~~their~~ communities. It is also important that the District Plan reflects that rural settlements differ in their ability to access the infrastructure and services available in urban centres.*

### 3.6 Key Issue 3: How the Plan Works

#### Statutory Context

Haititaimarangai Marae Kaitiaki Trust (S394.001) opposes the ‘Statutory Context’ section in the ‘How the Plan Works’ chapter and requests that the second sentence of the third paragraph is amended as follows:

*Far North District Council along with its recognised eleven iwi authorities and some ~~those~~ hapū groups it has memorandums of understanding with have worked in partnership to develop the Far North District Plan ~~in accordance with the principles of the Treaty of Waitangi~~.*

This submission point seeks to clarify that those iwi authorities recognised by Council do not represent all hapū. We agree with the reporting planner that the sentence, as notified, is unclear and accept the wording proposed in the hearing report as follows:

*Far North District Council along with ~~its~~ the eleven iwi authorities for the purposes of the Resource Management Act 1991 (RMA) and those groups it has memorandums of understanding with have worked in partnership to develop the Far North District Plan. ~~in accordance with the principles of the Treaty of Waitangi~~.*

#### General Approach

There were a number of submissions<sup>8</sup> relating to the ‘General Approach’ section of ‘How the Plan Works’ and these issues can be summarised as follows:

- Changes for clarity and readability;
- Use of and consistency of Advice Notes throughout the PDP;

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<sup>8</sup> Paragraphs 84 – 89 of hearing report – Part 1 and General / Miscellaneous

- Request a new clause specifying that if an overlay is shown on the Planning Maps, the overlay provisions only apply to the portion of the property covered by the overlay;
- Clarification of provisions relating to split-zoning;
- Clarification of how the Treaty Settlement Overlay operates in the plan<sup>9</sup>.

The hearing report recommended a number of changes to Part 1 – Introduction and General Provisions and Part 3 - Area Specific Matters but did not support any further changes sought in these submissions.

We note that these recommendations were not contested in evidence at the hearing. We accept the recommendations in the hearing report.

### **Cross Boundary Matters**

Northland Regional Council (NRC) (S359.003) supports in part the ‘Cross Boundary Matters’ section in the ‘How the Plan Works’ chapter and requests that the PDP is amended to align the more generic district plan rules with those of adjoining councils. Te Runanga o Ngai Takoto Trust (S390.004) seeks that provisions are inserted in relation to how Māori land parcels are treated across Council boundaries.

The reporting planner noted that no specific provisions have been provided by NRC regarding cross-boundary issues and that there are less than 10 Māori land blocks that straddle the boundaries of both the Far North and Whangarei or Kaipara Districts. We heard no evidence on this issue at the hearing. Having considered the submission from NRC we accept the recommendation in the hearing report that this submission be rejected.

### **3.6.1 Hearings Panel Recommendations**

We recommend the following changes:

1. That the submission from Haititaimarangai Marae Kaitiaki Trust (S394.001) be accepted in part and the Statutory Context section be amended as follows:

*.....Far North District Council along with its the eleven ~~ivi~~ authorities for the purposes of the Resource Management Act 1991 (RMA) and those hapū groups it has memorandums of understanding with have worked in partnership to develop the Far North District Plan. in accordance with the principles of the Treaty of Waitangi.*

2. That the submissions seeking changes to Part 3 - Area specific matters, under the ‘zone’ heading; and ‘Applications Subject to Multiple Provisions’ are accepted in part with the following amendments to the plan:

#### **Part 3 – Area Specific Matters**

...

## Zones

~~.....Area specific zone matters chapters do not contain rules and standards that apply generally across the district specifically to the area or zone. There are additional rules and standards which may apply generally across the district in the District Wide Matters chapters.~~

### **Applications Subject to Multiple Provisions**

The overall activity status of a proposal will be determined on the basis of **all rules which apply to the proposal**. This includes rules in the District Wide Matters and Area-Specific Matters. When a proposal involves several activities that are subject to multiple rules with different activity statuses, and/or involves an activity/activities across multiple zones, precincts, areas, overlays or features, and it is appropriate to "bundle" the activities, the proposal will be assessed on the basis of the most restrictive activity status (unless otherwise stated). If a proposal is subject to one or more provisions, that have a permitted activity status the proposal will need to comply with all the provisions and their standards.

## 3.7 Key Issue 4: National Direction Instruments

Te Waka Pupuri Putea Trust (S477.001) seeks that the PDP is amended to have regard to the pending reforms and statutory documents as required.

The hearing report recommended that the National Policy Statements and New Zealand Coastal Policy Statement chapter be amended to reflect the introduction of the NPS-IB and the NPS-HPL. We note that the status of these statements has been subject to change throughout the hearings process, and we have endeavoured to update the plan provisions as these changes have occurred. (Also refer to the **Preamble Report** for comment on NPS and NES amendments). Therefore, the submission of Te Waka Pupuri Putea Trust (S477.001) is accepted in part.

### 3.7.1 Hearings Panel Recommendations

1. The following additions to Part 1 National Policy Statements and New Zealand Coastal Policy Statement are recommended:

National Policy Statement	Details of the Policy Statement and/or Plan review or a relevant change to give effect (fully or partially) to each National Policy Statement.
National Policy Statement for Freshwater Management 2020	The national policy statement has been reviewed in September 2020.
National Policy Statement on Urban Development 2020	The policy statement has been reviewed in August 2020.
National Policy Statement on Renewable Electricity Generation 2011	The policy statement has been reviewed in August 2020.

New Zealand Coastal Policy Statement 2010	The policy statement has been reviewed in August 2020.
National Policy Statement on Electricity Transmission 2008	The policy statement has been reviewed in August 2020.
<u>National Policy Statement for Indigenous Biodiversity 2023</u>	<u>The policy statement has not been reviewed</u>
<u>National Policy Statement on Highly Productive Land 2023</u>	<u>The policy statement has not been reviewed</u>

### 3.8 Key Issue 5: Plan Wide Submissions

There were numerous submissions<sup>10</sup> that related to plan wide matters and in particular the changes that should apply across all parts of the PDP. Where submissions sought changes that are related to specific plan chapters or issues we addressed those as part of that recommendation report. We also note that we did not receive specific evidence on these matters at this hearing.

The hearing report recommended that these submissions relating to this Key Issue be rejected or deferred and we agree with and adopt this recommendation.

#### 3.8.1 Hearings Panel Recommendations

1. We recommend no changes to the PDP related to this issue based on the analysis provided in the hearing report<sup>11</sup>.

### 3.9 Key Issue 6: New Chapters

Submissions seeking new chapters be included in the PDP generally fell into three groups:

- A separate Inclusionary housing chapter - Kairos Connection Trust & Habitat for Humanity Northern Region Ltd (S138.022 and S138.023)
- A new Contaminated Land Chapter - Fuel Companies (S335.006)
- A new chapter to the General District Wide Matters addressing Stormwater Management - Haigh Workman Limited (S215.052)

#### 3.9.1 Inclusionary Housing Chapter

Kairos Connection Trust & Habitat for Humanity Northern Region Ltd (**Kairos**) submission requests a separate Inclusionary Housing chapter, or integration throughout the proposed subdivision, residential and mixed use zone chapters, for inclusionary housing.

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<sup>10</sup> Paragraphs 115 – 116 of hearing report – Part 1 and General / Miscellaneous.

<sup>11</sup> Paragraphs 117- 118 of hearing report – Part 1 and General / Miscellaneous.

The submission sought a 5% share of the estimated value of the sale of subdivided lots (or as appropriate to the Far North context) to a nominated community housing provider to ensure the establishment of affordable housing within its high growth urban environments.

We received verbal evidence from Shirley Ayers (General Manager for Kairos) and Conrad La Pointe (Habitat for Humanity) and planning evidence from Deanne Rogers. Ms Rogers planning evidence focussed on the need to introduce a type of financial contribution requirement to enable land or money to be taken for the purpose of increasing the supply of affordable housing accommodation in the Far North.<sup>12</sup>

The evidence of Ms Rogers acknowledges that the PDP currently does not include a financial contributions chapter (as enabled under the RMA) and neither does it have a Development Contributions policy (as enabled under the Local Government Act 2002) but we are advised by Council officers that either option is currently being investigated and that a financial contributions chapter and/or a development contribution policy would follow the district plan hearing process. As a panel we had an open mind to including a financial contributions chapter and/or a development contribution policy into the PDP hearing process but were informed that there was insufficient time to schedule it into the hearings process and still meet Schedule 1 statutory deadlines.

Ms Rogers also referred to a variation to the Queenstown Lakes District Council (QLDC) Proposed Plan for Inclusionary Housing and suggested that the Council could use this approach as a possible method for a similar policy to be included in the PDP. However, following the conclusion of Hearing 1 we have been advised that the QLDC variation has now been withdrawn following a recommendation from an independent panel of commissioners that the variation did not demonstrate that it was the most efficient and effective way of achieving its objectives under section 32 of the RMA.

Since the hearing we have been provided with the Council Housing and Business Development Capacity Assessment (**HBA**) dated July 2024. This assessment indicated that affordability was an issue in the Far North despite high demand for new housing and particularly in those areas outside of Kerikeri.

The hearing report points out that an “Inclusionary Housing chapter” is not listed in the National Planning Standards district plan structure (i.e. it is not a “requirement” of a district plan) but concedes that there could be merit in providing for inclusionary housing within proposed zones or a special purpose zone.<sup>13</sup>

The Hearing Panel recognises that housing affordability is an important issue in the Far North and that the district plan has a broad role in addressing this in its regulatory approach. One example of how this can be achieved is through ensuring the plan provisions are as uncomplicated and enabling as possible. We have endeavoured to achieve this throughout the hearing process.

However, with regard to an Inclusionary Housing chapter or targeted provisions, we are of the view that any policy to achieve this must form part of an overall financial

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<sup>12</sup> Paragraph 6.1 of Evidence of Deanne Rogers, Hearing 1

<sup>13</sup> Paragraph 178 of 42A Report - Part 1 and General / Miscellaneous.

contribution or development contributions policy framework to establish the financial model for collecting any contributions and the allocation method for it to be used within the District. Accordingly, we are not in a position to recommend any new provisions until such time as the Council has established its financial contributions/development contributions framework. That said, while that process is planned to follow this hearing process, we recommend that due regard should be had to the need to address housing affordability and the potential for an inclusionary housing policy or chapter be developed as part of the financial contributions/development contributions policy. Therefore, we recommended that the submissions on this matter are rejected.

### 3.9.2 Contaminated Land Chapter

Submitter S335.006 (representing a group of fuel companies - BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited and referred to in the hearing report as **Fuel Companies**) seeks the inclusion of a land contamination chapter which sets out objectives and policies for the management of contaminated land.

The Hearings Panel were advised that the Council did not include a contaminated land chapter in the PDP as it considered that an appropriate rule framework was provided in the National Environmental Standard for Assessing and Managing Contaminants in Soil and to Protect Human Health (**NES-CS**). On that matter, the hearing report stated that the inclusion of a contaminated land chapter would result in a duplication of the process already provided by the NES-CS.

However, as identified in the Fuel Companies' submission and the expert evidence presented at the hearing, the NES-CS (as with all national environmental standards) provides a rule framework only and does not include any policy to assist with the consideration of proposals that require consent under the NES-CS rules. The Fuel Companies submission states:

*The Fuel Companies are concerned that no objectives and policies relating to contaminated land are included in the PDP. A contaminated land policy framework is particularly important for consideration of NES-CS consents, noting that the NES-CS does not contain objectives and policies.*

*In terms of rules, the Fuel Companies consider that the NES-CS provides appropriate land use controls in relation to both land disturbance and changes of use in relation to contaminated soils and therefore supports the PDP having no rules in relation to contaminated land.<sup>14</sup>*

Expert planning evidence for the Fuel Companies was provided from Thomas Trevilla and he advised that:

*In the case of the Fuel Companies' activities, a discretionary activity under the NES-CS usually arises for service station retanking work as the permitted soil disturbance volume under reg 8(1) is usually exceeded. While there is a controlled or restricted discretionary activity pathway*

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<sup>14</sup> Submission S336.006 - BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited.

*under regs 9 or 10 respectively, both require the existence of a detailed site investigation.*<sup>15</sup>

On this basis Mr Trevilla opined that a policy framework in the PDP was needed to guide the assessment for the resource consent applications required under the NES-CS.

The evidence of Mr Trevilla helpfully provided some wording for a contaminated land chapter and this is set out in paragraph 7.2 of his evidence.

In the written reply from the Council, Sarah Trinder agreed with the evidence of Mr Trevilla subject to some amendments. The amended wording was not provided to us in the right of reply. Instead, Ms Trinder advised:

*While I recommend that the abovementioned requested changes are accepted in part, I have not made amendments to the PDP. I consider the best approach from here would be to organise a meeting with The Fuel Companies to discuss the specific wording where there is scope to do so.*

The Hearings Panel directed expert conferencing between the two parties in Minute 11 (14 October 2024) and as a result of this, the following wording has been agreed.

***PART 2 – DISTRICT WIDE MATTERS / Hazards and Risks / CL – Contaminated Land***

***Overview***

*Contaminated land in the district can have adverse effects on human health if it is not appropriately managed. The subdivision, change of use, or development of contaminated land can expose people to increased levels of contamination.*

*Council has responsibilities under the RMA in relation to contaminated land. This includes observing and enforcing the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS) which provides a national environmental standard for activities on pieces of land where soil may be contaminated in such a way that they pose a risk to human health. The NES-CS seeks to ensure that land affected by contaminants in soil is appropriately identified and assessed when soil disturbance and/or land development activities take place and, if necessary, remediated or the contaminants contained to make the land safe for human health and its intended use.*

*The rules framework of the NES-CS directs the requirement for resource consent or otherwise for activities on contaminated land. There are no independent or additional contaminated land rules in the District Plan. However, as there are no objectives or policies in the NES-CS, this chapter provides a policy framework for assessing applications which require resource consent under the NES-CS.*

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<sup>15</sup> Paragraph 6.18 of Evidence of Thomas Trevilla in Hearing 1.

*Northland Regional Council (NRC) has other responsibilities under the RMA in relation to contaminated land. This includes identifying and monitoring contaminated land through the Selected Land-use Register (SLUR), a regional database of sites that have been, or may have been, used for activities and industries included in the Hazardous Activities and Industries List (HAIL).*

**Objectives**

*CL-O1 Contaminated land is identified and managed so that it remains acceptable and safe for human health and its intended use.*

**Policies**

*CL-P1 Identify contaminated land prior to subdivision, change of use or development by:*

- a. working with NRC to maintain the SLUR; and*
- b. requiring the investigation of contaminant risks for land with a history of HAIL activity.*

*CL-P2 Minimise the risk to human health from the subdivision, change of use or development of contaminated land by:*

- a. requiring at least a good practice approach to site management of contaminated land; and*
- b. ensuring the land is safe for its intended use.*

**Rules**

- 1. The NES-CS provides a complete rules framework that deals with assessing and managing contaminated land. The District Plan does not contain any independent or additional set of rules.*

We agree with the wording proposed.

**3.9.3 Hearings Panel Recommendations**

- 1. We recommend the addition of a Contaminated Land Chapter in accordance with the wording above in 3.9.2 and as set in Appendix 2.4 Contaminated Land Chapter.

We note that the New Contaminated Land Chapter will be included in Part 2 – District Wide – Hazards and Risks section of the PDP.

**3.9.4 Stormwater Management**

Haigh Workman Limited (S215.052) with further submissions in support and opposition, request a new chapter to the General District Wide Matters addressing Stormwater Management (or Impermeable Surfaces generally) including overview, objectives, policies and rules in a similar way to the section on Earthworks management.

The hearing report noted that this submission did not provide any proposed wording for such a chapter, and we received no evidence on this relief sought from the submitter at the hearing.

The hearing report concludes that this submission be rejected for the following reasons:

- The National Planning Standards District Plan Structure standard does not include a stormwater chapter.
- Impermeable surfaces rules are proposed within each of the zone chapters. This is the best place for these rules to sit as other bulk and location controls sit within the zone chapters.<sup>16</sup>

The Hearings Panel agrees with the recommendation in the hearing report on this matter and submission.

### **3.9.5 Hearings Panel Recommendation**

1. The Hearings Panel recommends that the submission by Haigh Workman Limited (S215.052) be rejected.

### **3.9.6 Other New PDP Chapters**

At the conclusion of the following topics:

- Hearing 8 – Mineral Extraction
- Hearing 9 – Rural Zones
- Hearing 14 – Urban Zones
- Hearing 15A – Rezoning Requests General
- Hearing 15B - Rezoning - New Special Purpose Zones and Precincts
- Hearing 15C - Rezoning Requests - Urban and Rural Zones
- Hearing 17 - General / Miscellaneous / Sweep Up

The Panel has recommended the following new PDP chapters:

#### **New Precincts**

- Bay of Islands Marina Precinct
- Horticulture Precinct
- Matakā Station Precinct
- Motukiekie Island Precinct
- Tapuaetahi Precinct
- The Landing Precinct
- Tupou Precinct
- Wiroa Station Precinct

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<sup>16</sup> Paragraph 180 of hearing report for Hearing 1 - Part 1 and General / Miscellaneous

### **New Special Purpose Zones**

- Corrections zone
- Mineral Extraction zone
- Waitangi Estate zone

### **New Development Area**

- Haruru Development Area

### **New Zones**

- Medium Density Residential zone
- Town Centre zone

The detail of these new chapters are discussed in the relevant recommendation reports. However, of relevance to this topic we recommend that these be added to Part 1 – Contents as set out in **Appendix 2.1**.

We also note that the introduction of Precincts and the removal of the Horticulture zone and its replacement as a Precinct, results in the need for consequential amendments to the ‘General approach’ and ‘Format of chapters’ contained in Part 1. We recommend:

- Adding wording under the heading Part 3 – Area Specific Matters to include reference to “Precincts”;
- Adding a paragraph explaining what a Precinct is, based on wording contained in the National Planning Standards; and
- Removal of reference to there being no development areas, given that we have accepted the Council’s recommendation for the inclusion of the Haruru Development Area.
- Removal of reference to the Horticultural Zone and the use of the ‘HZ’ acronym in the examples listed under the ‘Format of chapters in Part 2 and Part 3’ contained in Part 1.

### **3.9.7 Recommendation and Reasons**

1. We recommend that Part 1 – Contents be amended to include the new chapters as listed in 3.9.6 above.
2. We recommend amendments to Part 1, General Approach to add reference to the inclusion of Precincts and Development Areas.
3. We recommend amendments to the ‘Format of chapters in Part 2 and Part 3’ contained in Part 1 to remove reference to a ‘Horticulture Zone’ and its corresponding acronym.

### **3.10 Key Issue 7: General Clarifications**

The submissions received on this Key Issue relate to general plan amendments including macrons, spelling, plan hyperlinks, duplications, numbering.

The hearing report<sup>17</sup> accepts most of the changes sought and recommends that they can be achieved using clause 16(2) of Schedule 1 to the RMA.

### 3.10.1 Hearings Panel Recommendation

1. The Hearings Panel recommends that the recommendations in the hearing report seeking minor amendments to the PDP for macrons, spelling and linkages are accepted and addressed under clause 16(2) of Schedule 1 to the RMA.

### 3.11 Key Issue 8: Submissions that sit outside the scope of the district plan review

The submissions<sup>18</sup> which raise issues that are considered outside the scope of the District Plan Review fall into four main categories:

- Pests and pet ownership
- Development contributions
- Resource consent system
- Supporting documents.

We note that the issue of pests and pet ownership is addressed in our **Recommendation Report 4** for Hearing 4.

We have acknowledged that the Council has not included a financial contributions or development contributions policy as part of the PDP process but is in the process of preparing a policy. The Council has advised that a variation to the PDP to include a financial contributions policy (under the RMA) or a development contributions policy (under the Local Government Act 2004) would follow this district plan hearing process. On that basis we cannot make any determinations other than to advise that we support the development of a financial contributions policy (under the RMA) or a development contributions policy (under the Local Government Act 2004).

Several submitters sought a “two-queue” resource consent system comprising one queue for applications for small, simple minor works by the general public, and a separate queue for other larger or more complex applications.

The hearing report advised that Council has an internal process for simple resource consent applications for activities with a controlled activity status which already affords a streamlined process.

A number of submissions sought the inclusion of other documents into the PDP including a monitoring and compliance strategy and a climate change mitigation management plan. We received no expert evidence on these matters, and we accept the recommendation in the hearing report that these be rejected.

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<sup>17</sup> Paragraphs 197 – 200 of hearing report - Part 1 and General / Miscellaneous.

<sup>18</sup> Paragraphs 204 - 230 of hearing report – Part 1 and General / Miscellaneous.

### 3.11.1 Hearings Panel Recommendations

1. We agree with the hearing report that these matters are either outside the scope of the PDP hearing process or will be addressed in further hearings.

## 4. Topic 2 - Part 1: Tangata Whenua

### 4.1 Relevant Provisions

The relevant provisions we address in **Recommendation Report 1** for the Part 1 - Tangata Whenua topic relate to:

- Overview of Tangata Whenua Chapter
- Policies
- Iwi Authorities
- Iwi and Hapū planning documents
- Treaty Settlements
- Statutory Acknowledgements and Relationship Agreements

The hearing report provided a detailed summary of the matters raised in submissions relative to each Key Issue for Part 1 – Tangata Whenua. We have reviewed these submissions and the analysis and recommendations in the hearing report. We generally agree with those recommendations relating to the relief sought by those submitters who did not wish to speak at the hearing and we have concluded that these matters are not in contention. In that regard, we have focussed our discussion in this recommendation report on those submitters who presented evidence to us.

A copy of the hearing reports, rights of reply (including attachments) and all written evidence for this topic can be found here:

[https://www.fndc.govt.nz/\\_data/assets/pdf\\_file/0029/29873/S42A-Report-Writers-Right-of-Reply-Tangata-Whenua-V2.pdf](https://www.fndc.govt.nz/_data/assets/pdf_file/0029/29873/S42A-Report-Writers-Right-of-Reply-Tangata-Whenua-V2.pdf)

### 4.2 Overview of Submissions Received

A total of 22 original submissions and 168 further submissions were received on the Tangata Whenua Chapter.

As set out in the hearing report the issues raised in submissions on the Tangata Whenua Chapter came from:

- Iwi Authorities, Post Settlement Governance Entities (PSGE), Trusts, and Māori Land Trusts;
- Iwi Authorities and PSGE Commercial Entities;
- Hapū;
- Marae;
- Whānau and Individuals;

- Central Government agencies, State Owned Enterprises, and Local Government agencies;
- Community groups and Non-Governmental agencies;
- Business and Commercial entities.

### 4.3 Key Issues

The key issues identified in the hearing report and in evidence are set out below:

- Key Issue 1: Overview of Tangata Whenua Chapter
- Key Issue 2: Objectives in the Tangata Whenua Chapter
- Key Issue 3: Policies in the Tangata Whenua Chapter
- Key Issue 4: Iwi Authorities / Iwi and Hapū Planning Documents / Treaty Settlements / Relationship Agreements
- Key issue 5: General Issues related to the Tangata Whenua Chapter (General / Process, General / Plan Content / Miscellaneous, Purpose, Significant Resource Management Issue 1 (SRMI), Definitions and Glossary).

### 4.4 Key Issue 1 - Overview of Tangata Whenua Chapter

#### 4.4.1 Matters Raised in Submissions and Evidence

No submissions were received that opposed the 'Overview' section of the Tangata Whenua Chapter but several submissions sought amendments to it.

The submissions<sup>19</sup> raise matters in the Overview section relating to the 'first sentence' of the Overview, and a request for an additional paragraph to be inserted into the Overview.

The 'first sentence' of the Overview reads:

*The Far North District is socially and culturally unique.*

Three submissions received from iwi rūnanga (S486.055, S390.042, S498.043) support retaining the first sentence of the Overview section, and three further submissions were in support of these submissions.

The Council planner acknowledges the submitters support to retain the first sentence in the Overview.

Two submissions (Te Hiku Iwi Development Trust (S399.008) and Te Runanga o Te Rarawa (S571.006)) both requested an additional paragraph be inserted into the Overview as follows:

*The Council acknowledges that for Māori, whenua is a key part of their identity, and the health of the land and natural environment is strongly connected to the mental health and overall wellbeing of tangata whenua.*

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<sup>19</sup> Paragraphs 44 – 45 of hearing report – Tangata Whenua

The Council planner accepts in part with minor changes the additional paragraph wording for clarity and consistency as follows:

*The Council also acknowledges that for Māori, whenua is a key part of their identity, and the health of the land and natural environment is strongly connected to the ~~mental~~ health and overall wellbeing of tangata whenua.*

#### **4.4.2 Hearings Panel Evaluation**

The three iwi rūnanga submissions from Te Rūnanga o Whaingaroa (S399.008), Te Runanga o Ngai Takoto Trust (S390.042) and Te Rūnanga Ā Iwi O Ngāpuhi (S498.043) agree with Council that Te Tai Tokerau is a culturally unique District and support retaining the first sentence in the Overview. These submissions are accepted in whole.

Te Hiku Iwi Development Trust (S399.008) and Te Rūnanga o Te Rarawa (S571.006) raise the issue that the notified Overview section does not fully encapsulate the special connection between the whenua (land) and Tangata Whenua and this should be reflected in the District Plan.

We acknowledge this is an important issue to set context and an explanation for the Tangata Whenua Chapter. The additional paragraph wording provided by the iwi entities is a response to clarify and integrate into the Overview section. However, we also agree with the Council planner that minor amendments in the additional paragraph sought provides greater clarity and consistency of district plan interpretation. The submissions from Te Hiku Iwi Development Trust and Te Rūnanga o Te Rarawa, are therefore accepted in part.

#### **4.4.3 Hearings Panel Recommendations**

1. We agree with the two iwi entities who sought that the additional paragraph be inserted into the Overview section, and these submissions are recommended to be accepted in part. However, we also agree with the minor changes identified by the Council planner and recommend these minor changes to the additional paragraph also be included in the Overview section of the Tangata Whenua Chapter as follows:

*“The Council also acknowledges that for Māori, whenua is a key part of their identity, and the health of the land and natural environment is strongly connected to the ~~mental~~ health and overall wellbeing of tangata whenua.”*

### **4.5 Key Issue 2 - Objectives in the Tangata Whenua Chapter**

#### **4.5.1 Matters Raised in Submissions and Evidence**

There are four submissions that support and request to retain all objectives TW-O1 to TW-O5 as notified (S479.003, S454.023, S561.010, S148.010)<sup>20</sup>.

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<sup>20</sup> S479.003 Tracy and Kenneth Dalton; S454.023 Transpower New Zealand Ltd; S561.010 Kāinga Ora Homes and Communities; and S148.010 Summit Forests New Zealand Limited.

There are also submissions<sup>21</sup> received on the Tangata Whenua Objectives TW-O1 to TW-O5 of the PDP as notified. The issues raised in these submissions relate to the following matters:

- Support and retain, as notified, objectives TW-O1 to TW-O5;
- Insert a new Objective that provides for Te Ao Māori concepts and recognise and account for the principles of Te Tiriti o Waitangi / The Treaty of Waitangi.
- Amend Objective TW-O1 issue that relates to how Council intends to deliver on this objective;
- Amend Objective TW-O1 wording from ‘partnership’ to ‘relationship’ to enable hapū rangatiratanga through relationships;
- Amend Objective TW-O2 to strengthen and clarify tangata whenua involvement in resource management;
- Amend Objective TW-O3 to enable tangata whenua involvement to ensure long term protection for future generations;
- Retain Objective TW-O4 as notified in the PDP;
- Amend Objective TW-O5 to clarify triggers for tangata whenua involvement in decision making and engagement.

#### 4.5.2 Hearings Panel Evaluation

We acknowledge the submissions to retain the Tangata Whenua objectives as notified and accept these submissions.

The issue identified in the submissions to insert a new objective to provide for Te Ao Māori concepts was received from submissions S486.011, S486.056, S390.043, S498.044<sup>22</sup>, although no wording was provided. The Council planner considers objective TW-04 supports Te Ao Māori concepts. We agree.

##### Objective TW-O1

At the hearing Te Aupōuri Commercial Development Limited (s339) supported using the wording “relationships and partnerships” as this would ensure balance and fairness between parties.

As we understand the issue, the difference between the terms “relationship” and “partnership” is the depth and formality of the engagement that results. ‘Partnership’ implies a commitment to shared power and decision-making, respecting the self-determination of Māori as outlined in the principles of the Treaty of Waitangi (*Te Tiriti o Waitangi*), while ‘relationship’ is more flexible, focusing on respectful engagement and consultation with tangata whenua such as iwi, hapū, whānau or marae, but not necessarily on equal power-sharing. As a result of the submitters points, the Council

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<sup>21</sup> Paragraphs 52 - 69 of hearing report - Tangata Whenua.

<sup>22</sup> S486.11 and S486.056 Te Rūnanga o Whaingaroa; S390.0543 Te Runanga o Ngāi Takoto Trust; S498.044 Te Rūnanga Ā Iwi O Ngāpuhi.

planner recommended in the hearing report that the word ‘Partnership’ in objective TW-01 be deleted and the word “Relationship” be retained. However, following the evidence of Te Aupōuri Commercial Development Limited, the Council planner has changed the recommended wording to refer to “partnership and relationship”. We agree that reference to both “partnership” AND “relationship” would be the best wording for this objective.

#### Objective TW-O6 (new Objective)

The issue identified in the submission received from Haititaimarangai Marae Kaitiaki Trust (S394.002) relates to “take into account Te Tiriti o Waitangi” and requested wording for a new objective as follows:

*The principles of Te Tiriti o Waitangi are recognised and accounted for in all resource management processes.*

In the hearing report the Council planner has acknowledged merit in principle for this wording but suggests alternative wording:

*The principles of Te Tiriti o Waitangi are taken into account in all resource management processes.*

We agree with the Council planner’s alternative wording and find that it is consistent with section 8 of the RMA, as "take into account" is suitable when flexibility is allowed, and where other considerations may also play a role.

### **4.5.3 Hearings Panel Recommendations**

1. We recommend that the submissions supporting the objectives be accepted, and submissions accepted in part where amendments to these objectives are proposed.

2. We recommended the following new and amended objectives:

(a) That a new objective (TW-O6) be added as follows:

*TW-O6 The principles of Te Tiriti o Waitangi / The Treaty of Waitangi are taken into account in all resource management processes.*

(b) That TW-O1 is amended as follows:

*TW-O1 Tangata whenua and Council have a strong, high trust and enduring partnership and relationship based on the principles of Te Tiriti o Waitangi / The Treaty of Waitangi.*

(c) That TW-O3 is amended as follows:

*TW-O3 Historic heritage, which includes sites and areas of significance to Māori and cultural resources, is well managed to ensure its long-term protection for future generations.*

## 4.6 Key Issue 3 - Policies in the Tangata Whenua Chapter

### 4.6.1 Matters Raised in Submissions and Evidence

There were a number of submissions that support all policies as notified with several other submissions supporting specific policies.

A number of submissions sought amendments relating to the following matters:

- insertion of additional policies relating to climate change, Te Ao Māori concepts, requiring cultural impact assessments and embedding cultural competence and Te Reo in Council staff.
- amendment to Policy TW-P1 to include appropriate resourcing through the Long-Term Plan process.
- amendments to Policy TW-P2 to include funding to build the capacity of Iwi and Hapū.
- Several submissions seeking a number of amendments to policies TW-P3-P6.
- A new policy relating to cultural impact assessment of land use and subdivision proposals.
- A “Method Of Implementation” note regarding cultural competence.<sup>23</sup>

### 4.6.2 Hearings Panel Evaluation

As with the Objectives for this chapter the submissions relating to the policies were addressed in detail in the hearing report and we did not receive evidence on these matters. We have therefore concluded that these matters are no longer in contention and having reviewed the hearing report we agree with its recommendations including several amendments to the policies.

We note that further amendments to the Tangata Whenua policies result from Hearing 12. These further amendments are discussed in **Recommendation Report 12** but included in the Tangata Whenua chapter included as Appendix 2.3 to **Recommendation Report 1**.

### 4.6.3 Hearings Panel Recommendations

1. We recommend that the submissions supporting the policies be accepted, and accepted in part where amendments to these policies are proposed.
2. We also recommend the following amendments to the policies:
  - (a) The TW-P1 be amended as follows:

*TW-P1 Work proactively with Iwi and Hapū to identify, and ~~where~~  
agreed to, implement:*

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<sup>23</sup> Paragraphs 89 – 106 of hearing report – Tangata Whenua.

- a. *Mana Whakahono a Rohe / Iwi participation arrangements;*
- b. *joint management agreements under section 36B of the RMA; and*
- c. *other arrangements as agreed.*

(b) That Policy TW-P2 be amended as follows<sup>24</sup>:

*TW-P2 Ensure that tangata whenua are provided with opportunities to actively participate in resource management processes which involve ancestral lands, water, sites, wāhi tapu and other taonga, including through:*

- a. *recognition of the holistic nature of the Māori worldview;*
- b. *the exercise of kaitiakitanga;*
- c. *the acknowledgement of mātauranga Māori;*
- d. *regard to Iwi/Hapū environmental management plans; ~~and~~*
- e. *Mana Whakahono ā Rohe arrangements;*
- f. *The transfer of powers to iwi, hapū and whānau; and*
- g. *any other agreements.*

(c) That Policy TW-P3 be amended as follows:

*TP-P3 Protect the values of Māori historic heritage, cultural resources, wāhi tapu and other taonga by:*

- a. *collaborating with Iwi and Hapū to identify significant sites and cultural resources where appropriate;*
- b. *scheduling significant sites and areas of significance to Māori where appropriate; and*
- c. *recognising that sites and areas of significance to Māori are often associated with a wider cultural landscape which holds significance to tangata whenua.*

(d) Amend Part 1 – Introduction and General Provisions / Introduction / Description of the District as follows:

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<sup>24</sup> Refer also to **Recommendation Report 12** for further amendments to this policy.

***Issue 1 –Partnerships and Relationships*** with tangata whenua - Historically it has been difficult to build strong partnerships and relationships between Council and tangata whenua due to lack of resources, awareness and capacity within both parties. Through the legislative process (RMA), there is limited use of tikanga, mātauranga māori, and māori values to express kaitiakitanga in the management of resources. Development of Māori freehold and Treaty Settlement land can be complex because of multiple ownership, no governance structure, financing and involvement of multiple government agencies. The District Plan is focussed on improving planning tools (zoning, overlays etc.) to enable tangata whenua to use land in a manner which exercises their kāwanatanga and rangatiratanga.

#### **4.7 Key Issue 4: Iwi Authorities / Iwi and Hapū Planning Documents / Treaty Settlements / Relationship Agreements**

##### **4.7.1 Matters Raised in Submissions and Evidence**

Submission S394.009 from Haititaimarangai Marae Kaitiaki Trust, requests an amendment to the introduction sentence of the Iwi Authorities section to make it clear to plan users that Iwi Authorities do not necessarily represent all hapū / traditional marae. The intent of this section is to provide information to identify Iwi Authorities for the purposes of the RMA.

Submissions S304.003, S515.003, S515.008, S304.004 and S515.009, from Ngati Rangī ki Ngawha Hapū and Ngati Rangī ki Ngawha, request the inclusion of an updated Ngāti Rangī Hapū Environmental plan.

Submission S399.004 from Te Hiku Iwi Development Trust requests the insertion of links to all the Iwi / Hapū environmental management plans in this section of the PDP; the insertion of a definition for Iwi / Hapū Environmental Plan and to outline the role and relevance in RMA decision making (S399.005).

Treaty Settlements and Sites and areas of significance to Māori were raised by Te Aupōuri Commercial Developments Ltd (S339.005) and Haititaimarangai Marae Kaitiaki Trust (S394.008) respectively. During the hearing, each iwi and hapū respectively raised examples related to these topics to the Hearings Panel. The Council planner has acknowledged these topics are more appropriate to be addressed in future Hearings specifically Hearing 10 Treaty Settlement Overlay; and for Sites of Significance to Māori - Hearing 12 Historic and Cultural Values.

##### **4.7.2 Hearings Panel Evaluation**

With regard to an amendment sought to make it clear to plan users that Iwi Authorities do not necessarily represent all hapū / traditional marae we agree with the Council planner that this distinction does not need to be made for this chapter of the PDP.

Regarding the submission requesting the inclusion of an updated Ngāti Rangī Hapū Environmental plan. The Council planner acknowledged that once an updated hapū environmental management plan is lodged with Council by Ngāti Rangī, it will be

considered in all RMA processes. On that basis we agree that specific reference does not need to be made in this chapter of the PDP.

Regarding the insertion of links to each Iwi / Hapū environmental management plans we accept that this can only be achieved in combination with the agreement of all plan holders and that this can be achieved outside of the plan review process.

Regarding a definition for Iwi / Hapū Environmental Plan, we acknowledge that this has some merit but we were not provided with any specific wording for a definition and as such cannot make a recommendation to accept this request.

We concur with the Council planner that Treaty Settlements and Sites of Significance to Māori are better addressed in future Hearing 10 and Hearing 12 respectively.

#### **4.7.3 Hearings Panel Recommendations**

1. For the reasons outline above, we do not recommend any changes to the Tangata Whenua Chapter regarding the matters raised in Key Issue 4.

## **5. Topic 3 - Part 2: Strategic Direction**

### **5.1 Relevant Provisions**

The relevant provisions we address in this Recommendation Report for Topic 3 – Part 2: Strategic Direction relate to Part 2 – District Wide Matters - Strategic Direction

The Strategic Direction Chapter of the PDP sets out the overarching direction for the District Plan. The Overview section states that the genesis of the strategy comes from the Council and Community Vision document: 'He Whenua Rangatira – a district of sustainable prosperity and wellbeing' and the [Far North 2100](#) strategy. The Strategic Directions have been devised to reflect those factors which are considered to be key to achieving the overall vision for the pattern and integration of land use within the Far North District.

As stated in the Overview section, the Strategic Direction Chapter is intended to demonstrate:

- Commitment to, and articulation of Council's partnership with tangata whenua;
- Alignment with Council's aspirations for the development and environmental quality of the district as expressed through Far North 2100 - an 80 year strategy for the district;
- Integrated management through the grouping of environmental considerations which combine to achieve strategic outcomes; and avoiding strategic objectives becoming isolated within various chapters of the District Plan;
- Achievement of particular aspects of the use, development, or protection of natural and physical resources that have been elevated to matters of national importance by the Resource Management Act and those matters of national and regional significance by National and Regional Policy Statements;
- A prosperous economy through enabling a wide range of rural and urban business activities in the right locations; and

- The management of urban growth integrating existing and future infrastructure, providing sufficient land, or opportunity to meet growth demands for housing and business.

## 5.2 Overview of Submissions Received

A total of 321 original submissions and 825 further submissions were received on the Strategic Direction Chapter.

As set out in the hearing report the issues raised in submissions on the Strategic Direction chapter came from:

- Iwi and Hapū groups – who have interests in climate change, growth and the environment;
- Kāinga Ora Homes and Communities (**Kāinga Ora**) - who largely seek higher density provisions;
- Northland Federated Farmers of New Zealand (**Federated Farmers**) – who predominantly seek changes to enable and protect primary production;
- Horticulture New Zealand (**Horticulture NZ**) – who seek recognition of highly productive land;
- Community interest groups - who primarily have an interest in climate change, open space and urban design;
- Network utility providers – who seek provisions around regionally significant infrastructure;
- Forestry Groups – who seek to promote forestry as a key Far North industry;
- Private Landowners – who request clear direction for growth;
- Retirement villages – who seek provisions to recognise and enable housing and care for the ageing population;
- Government agencies / departments – who have a key interest in infrastructure, wellbeing and health and safety; and
- Royal Forest and Bird Protection Society of New Zealand (**Forest & Bird**) – who have a key interest in indigenous biodiversity.<sup>25</sup>

## 5.3 Key Issues

The key issues identified in the hearing report and in evidence are set out as follows:

- Key Issue 1: Overview;
- Key Issue 2: Historic and Cultural Wellbeing;
- Key Issue 3: Economic and Social Wellbeing – Social Prosperity;

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<sup>25</sup> Paragraph 36 of hearing report – Strategic Direction

- Key Issue 4: Economic and Social Wellbeing – Economic Prosperity;
- Key Issue 5: Urban Form and Development;
- Key Issue 6: Infrastructure and Electricity;
- Key Issue 7: Rural Environment;
- Key Issue 8: Natural Environment;
- Key Issue 9: Other Submissions.

The hearing report provided a detailed summary of the matters raised in the submissions relative to each Key Issue. We have reviewed these submissions and the analysis and recommendations in hearing report. We agree with those recommendations relating to the relief sought by those submitters who did not wish to speak at the hearing and we have concluded that these matters are not in contention. In that regard, we have focussed our discussion in this recommendation report on those submitters who presented evidence to us.

A copy of the hearing reports, rights of reply (including attachments) for this topic can be found here:

[Hearing 1 - Introduction, General Provisions, Tangata Whenua, Strategic Direction.](#)

## **5.4 Key Issue 1 – Overview and General Matters**

### **5.4.1 Matters Raised in Submissions and Evidence**

The matters raised in this section relate to a number of submissions that were opposed to the purpose or make-up of the Strategic Direction Chapter concerning the following matters:

- That Kerikeri (and Waipapa) is an urban environment.
- Strategic Direction as the “Engine Room” for the PDP and the need for Strategic Direction policies.
- The need for and recognition of a hierarchy of business zones in addition to a single Mixed Use zone.

#### **Is Kerikeri an Urban Environment?**

Kiwi Fresh Orange Company Limited (**KFO**) (S554) oppose the Directions Overview and seek to amend the assessment against the National Policy Statement for Urban Development (**NPS-UD**) and confirm that Kerikeri is an "urban environment" given the existing urban character, existing population and projected population in the medium term. Also, to classify FNDC as a Tier 3 local authority.

While this submission is not seeking any specific wording changes or additions to the Strategic Direction Chapter, we are cognisant that it does have implications for Urban Form and Development Strategic Direction as set out in Objectives SD-UFD-01 to SD-UFD-04.

We received planning evidence from Ms Burnette O'Connor who opined that Kerikeri and the adjoining area of Waipapa (**Kerikeri/Waipapa**), being the largest population settlement in the Far North, is an "urban environment" as defined in the NPS-UD. She referred to the definition in the NPS-UD which is:

**urban environment** means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- (a) is, or is intended to be, predominantly urban in character; and
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.

To support her opinion, Ms O'Connor relies on the expert economic evidence of Adam Thompson for KFO which has assessed the housing and work force population for Kerikeri-Waipapa as of 2023 and concludes that Kerikeri-Waipapa currently has a housing and labour market of at least 10,000 people.<sup>26</sup>

Ms O'Connor added that if Kerikeri-Waipapa is defined under the NPS-UD as an urban environment, then the entire Far North District should be regarded as being a Tier 3 Local Authority under the NPS-UD which is defined as follows:

**tier 3 local authority** means a local authority that has all or part of an urban environment within its region or district, but is not a tier 1 or 2 local authority....(our underline emphasis).

This approach differs from that taken in the PDP which has been prepared on the assumption that Kerikeri (and by implication the entire Far North District) is not an 'urban environment' as defined by the NPS-UD.

The hearing report addresses this matter and states:

*... Council at the time of notification considered that Kerikeri/Waipapa will not reach the required thresholds to be considered an 'urban environment' as defined in the NPS-UD in the short, medium or long term. This is the case under both a medium and high growth scenario. Regardless, guidance has been taken from the NPS-UD to develop the PDP....<sup>27</sup>*

The hearing report goes on to state that:

*... Council is currently awaiting the finalisation of an updated Housing and Business Assessment (HBA), which is being undertaken by Market Economics. Additionally, Council is currently developing a spatial plan for Kerikeri / Waipapa which will look at growth options, which is scheduled to be adopted by Council in early 2025. This work and the HBA may demonstrate that Kerikeri/ Waipapa is or has the potential in the future to reach the required threshold of "a housing and labour market of at least*

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<sup>26</sup> Paragraph 11 of Evidence of Adam Thompson

<sup>27</sup> Paragraph 52 of hearing report – Strategic Direction

*10,000 people", to be considered an 'urban environment' as defined in the NPS-UD. Council intends that the updated HBA projections and the spatial will be incorporated into the PDP consideration at a later date, to be able to inform the Council's recommendations with regard to rezoning / urban growth-related submissions through upcoming s42A reports (e.g. in relation to the Rezoning / Urban Zones hearing topics)". This submission point is recommended to be rejected for the reasons above.*

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The Hearings Panel takes the view that this matter potentially has significant implications for the urban sections of the PDP. The most relevant being that if Kerikeri-Waipapa is an urban environment, the entire Far North District then becomes subject to the NPS-UD as a Tier 3 local authority.

Accordingly, we issued Minute 7 which sought a peer review of the economic evidence of Mr Thompson and a Council response to the evidence of Ms O'Connor.

While we initially set no time limit, the Council officers sought that the response be delayed until the information from the Housing and Business Assessment (**HBA**) and spatial plan were completed. We clarified in our Minute 9 that this information was to be made available two weeks prior to Hearing 15D - Urban Rezoning Requests for land within Kerikeri-Waipapa Spatial Plan Study Area.

As part of Hearing 14 – Urban Zones, Council officers advised that Kerikeri-Waipapa met the definition of “urban environment” under the NPS-UD and advised that the entire Far North District was now a Tier 3 Local Authority under the NPS-UD. Refer to **Recommendation Report 14** for further detail on this issue.

### **Strategic Direction as the “Engine Room” for the PDP and the Need for Strategic Policies**

A number of submitters provided expert planning evidence that referred to the Strategic Direction Chapter as the “engine room” for the PDP<sup>29</sup> for which all policy and resource consents are evaluated against. These statements of evidence express concern that the Strategic Direction Chapter lacked a policy framework to give effect to the objectives of the Strategic Direction.

We recognise the importance of the Strategic Direction Chapter and its role in identifying those factors which are key to achieving the overall vision for Far North District. However, rather than seeing these directions as the place where resource consent decisions are evaluated, we view these as providing strategic guidance for the zone and area specific chapters and their objectives, policies and rules. In that sense, we do not see the Strategic Direction objectives as being elevated or more important than other objectives in the PDP. Rather, the specific zone and area specific objectives and policies need to be read and achieved in a manner consistent with the strategic objectives.

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<sup>28</sup> Paragraph 52 of hearing report – Strategic Direction

<sup>29</sup> Evidence of Melissa McGrath (Audrey Campbell-Frear (S209)), David Badham (Foodstuffs (S363) and McDonald's Restaurants (S385))

We have also considered whether the Strategic Direction Chapter requires additional policies to assist with its implementation. As stated in the Council right of reply report, we note that there is no mandatory direction in clause 7(1) of the National Planning Standards with regard to Strategic Direction and agree with the reporting planner that an additional framework of strategic policies is not needed to provide the strategic direction and appropriate guidance to assist with the implementation of the plan provisions. In our view, where there are competing or conflicting priorities and directives, these can be addressed at the zone or area specific levels of the PDP with the ability to refer to the Strategic Direction where necessary to assist in any evaluation.

### **Need for a Business Zone Hierarchy**

The legal submissions and the evidence presented for Audrey Campbell-Frear (S209), Foodstuffs (S363) and McDonalds (S385) also sought the consideration of a business centre hierarchy and for this to be reflected in the Strategic Direction. These submitters opposed the inclusion of a single business zone (Business - Mixed Use zone) and sought a centres hierarchy and inclusion of zones that acknowledge and provide for the diversity of land use and expectations within the various areas across the District.

We asked planner, Mr David Badham, to clarify the concerns that Foodstuffs had with a Mixed Use zone and he responded that supermarkets tend to be of a larger scale and have needs relating to loading and servicing, hours of operation (and associated noise and traffic movements) and scale that might conflict with the objectives and policies of a mixed use zone and its need to balance small scale business and residential outcomes as well as larger commercial activities. In that regard he opined that a more business specific zone may also be appropriate, to avoid reverse sensitivity issues of larger business operations.

We asked planner, Ms Melissa McGrath, (for Ms Campbell-Frear) and Mr Badham what mix of business zones would be appropriate in the Far North given that its urban centres are comprised of smaller sized rural and/or coastal settlements. Both witnesses expressed a preference for the inclusion of a local and/or neighbourhood centre-style business zone and referred to the adjoining Whangarei and Kaipara Districts as examples of where this type of zoning has been provided.

At the conclusion of evidence, we asked the Council officers to respond to this evidence and provide further comment on the merits, or otherwise, of providing one or more business zones in addition to the Mixed Use zone. In response Council officers, in the right of reply report stated:

*I acknowledge the direction from the Panel to Council regarding the consideration of additional business zones. While it is clear that the Panel does not wish to receive detailed information through Officers Right of Reply, I wish to confirm that the matters are being considered and will be reported back to the Panel in due course through the Business land stream and /or the rezoning stream of hearings.*

*We further note the directions regarding the management of reverse sensitivity for non-commercial activities in additional zones and also the*

*consideration of the application of additional business zones district wide.*<sup>30</sup>

We also address this matter in further detail in our **Recommendation Report 14** for Hearing 14 -Urban Zones where the Council recommended two new urban zones being:

- Medium Density Residential zone (MDRZ); and
- Town Centre zone (TCZ).

The proposed new zones are only recommended to be established within Kerikeri / Waipapa. However, we note that we are satisfied there is no need for any specific reference to a business zone hierarchy as part of the Strategic Direction Chapter.

#### **5.4.2 Hearings Panel Recommendations**

1. With regard to the need for Strategic Direction policies and additions to the objectives already drafted, we recommend that the Strategic Direction objectives are sufficient to provide the guidance necessary to implement the zone and area specific plan provisions. We therefore do not recommend the formulation of any Strategic Direction policies.
2. With regard to the need for, and provision of, a business zone hierarchy, we have agreed to address that matter as part of the urban zone provisions in **Hearing 14 and Hearing 15C and 15D**. Nevertheless, we find that there is no need for additional business objectives as part of the Strategic Direction Chapter.

### **5.5 Key Issue 2 - Historic and Cultural Wellbeing**

#### **5.5.1 Matters Raised in Submissions and Evidence**

The Strategic Direction provisions for this chapter set out the overarching direction for the District's historic and cultural wellbeing, including cultural prosperity.

The objectives are:

*SD-CP-O1 Te Tiriti o Waitangi partnerships support iwi and hapū to deliver on the social, economic, environmental and cultural wellbeing outcomes for tangata whenua.*

*SD-CP-O2 Te ao māori, tikanga māori and tangata whenua as kaitiaki, embedded in and integral to decision making.*

*SD-CP-O3 The district's diverse cultures and communities are celebrated and cultural heritage recognised.*

*SD-CP-O4 The district's historic heritage is identified and managed to ensure its long-term protection for current and future generations.*

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<sup>30</sup> Paragraphs 20 and 21 of Right of Reply Report – Strategic Direction

*SD-CP-05 A district wide approach to the impacts of climate change and natural hazards, which includes a te ao māori decision making framework, developed with iwi and hapū.*

The matters raised in this Key Issue are summarised as follows:

- Support for the vision and strategic direction relating to cultural prosperity;
- Specific reference to te ao māori decision making framework; and a
- New objective that focuses on the relationship of tangata whenua to their ancestral waterways.

### **5.5.2 Hearings Panel Evaluation**

We note that the majority of submissions received on this Strategic Direction and objectives were in support of retaining them with some minor amendments requested. We received no specific evidence on these strategic objectives at the hearing and we generally adopt the Council officers' recommendations to retain these objectives as notified.<sup>31</sup>

A number of submitters also sought specific reference or a new strategic objective that focuses on the relationship of tangata whenua to their ancestral waterways and the maintenance of that relationship and to clarify the te ao māori decision making framework and to develop it with iwi and hapū. We note the hearing report's commentary on these matters and that this aspect is addressed as part of the Tangata Whenua Chapter of the PDP and in our findings above.

### **5.5.3 Hearings Panel Recommendations**

1. We recommend that those submission points that seek to retain the Historic and Cultural Wellbeing objectives are accepted in part, and that SD-CP-01 is amended as follows:

*SD-CO-01 Te Tiriti o Waitangi partnerships and relationships support iwi and hapū to deliver on the social, economic, environmental and cultural wellbeing outcomes for tangata whenua.*

2. We recommend that submission points that seek other amendments to the Historic and Cultural Wellbeing objectives or new objectives are rejected and no changes are made to the PDP.

## **5.6 Key Issue 3 - Economic and Social Wellbeing – Social Prosperity**

### **5.6.1 Matters Raised in Submissions and Evidence**

The Strategic Direction provisions for this chapter set out the overarching direction for the District's economic and social wellbeing, including social wellbeing and prosperity.

The social wellbeing objectives are:

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<sup>31</sup> Also refer to Hearings Panel recommendations in Key Topic 9.

*SD-SP-O1 Community wellbeing is heightened by a sense of place.*

*SD-SP-O2 Development of initiatives that will support the wellbeing of Tangata Whenua, in partnership with Iwi and hapū.*

*SD-SP-O3 Encourage opportunities for fulfilment of the community's cultural, social, environmental, and economic wellbeing.*

*SD-CP-O4 Promotion of communities and places that will meet the needs for not only the present population but future generations which are adaptive to climate change.*

There were a number of submissions in support of these strategic direction objectives and seeking their retention. Other submissions seek minor amendments for clarity.

Several submissions sought additional objectives:

- Waka Kotahi (S356.003) seeks the inclusion of new objectives on accessibility to social and economic opportunities through the provision of walking, cycling and public transport infrastructure;
- Ngā Tai Ora – Public Health Northland (S516.028 and S516.021) seeks to include two new objectives: “A range of quality open space for the social and cultural wellbeing of a growing population” and to “Minimise the risks, impacts and costs of natural hazard events on people, communities and the natural and built environment in Far North District”

The matters raised in the submissions on this Key Issue were essentially not in contention following the receipt of the hearing report and we did not receive any expert evidence from these submitters. The hearing report recommended that the submissions seeking the retention of these strategic direction objectives be retained or be accepted in part, subject to one minor amendment to SD-SP-O1 as follows:

*SD-SP-O1 Community wellbeing is heightened by a sense of place belonging, connection to the environment, and inclusiveness.*

### **5.6.2 Hearings Panel Evaluation**

We agree with the recommendations of the hearing report and the proposed amendments to SD-SP-O1.

### **5.6.3 Hearings Panel Recommendations**

1. We recommend that those submission points that seek to retain the Economic and Social Wellbeing – Social Prosperity objectives are accepted.
2. We recommend that submission points that seek amendments to the Economic and Social Wellbeing – Social Prosperity objectives be accepted in part and rejected as set out in the hearing report<sup>32</sup>.

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<sup>32</sup> Paragraph 100 – 104 of hearing report – Strategic Direction

3. We recommend that submissions seeking new objectives in the Economic and Social Wellbeing – Social Prosperity objectives are rejected.

## **5.7 Key Issue 4 - Economic and Social Wellbeing – Economic Prosperity**

### **5.7.1 Matters Raised in Submissions and Evidence**

The Strategic Direction provisions for this chapter set out the overarching direction for the District’s economic and social wellbeing, including economic wellbeing and prosperity.

The economic prosperity objectives are:

- SD-EP-O1 A high-earning diverse local economy which is sustainable and resilient to economic downturns, with the district's Māori economy making a significant contribution.*
- SD-EP-O2 Existing industries and enterprises are supported and continue to prosper under volatile and changing economic conditions.*
- SD-EP-O3 Development and retention of highly motivated, educated and skilled people in the district.*
- SD-EP-O4 People, businesses and places are connected digitally and through integrated transport networks.*
- SD-EP-O5 A district economy that is responsive, resilient and adaptive to the financial costs of a changing climate.*

Federated Farmers (S421) and Taituha, Tane & Apiata (S389) sought additions and deletions to Objective SD-EP-O1 but were ultimately content with the hearing report assessment of their submissions.

Objective SD-EP-O2 received wide support from several submitters with Horticulture NZ (S159) seeking additional wording to recognise new industries as well as existing industries.

Waka Kotahi (S356) sought amendments to SD-EP-O4 to include reference to “safe, efficient and sustainable” transportation networks.

Federated Farmers, Ngā Tai Ora (S516) and Twin Coast Cycle Trail (S425) sought new objectives be added to this strategic direction.

### **5.7.2 Hearings Panel Evaluation**

The recommendations contained in the hearing report were not contested in evidence presented at the hearing and we have agreed with the minor amendments recommended in the hearing report<sup>33</sup> and set out in Appendix 2 to that.

### **5.7.3 Hearings Panel Recommendations**

1. We recommend the following:

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<sup>33</sup> Paragraphs 131 – 136 of hearing report – Strategic Direction.

(a) That SD-EP-O1, SD-EP-O3 and SD-EP-O5 be retained as notified and that the submissions received on SD-EP-O1 to retain the objective are accepted and those that requested amendments are rejected.

(b) The submissions on objective SD-EP-O2 are accepted in part and the objective is to be amended as follows:

*SD-EP-O2 Existing and new industries, ~~and~~ enterprises and initiatives are supported and continue to prosper under volatile and changing economic conditions.*

(c) That the submissions on objective SD-EP-O4 are accepted in part and the objective is amended as follows:

*SD-EP-O4 People, businesses and places are connected digitally and through an integrated transport networks that is safe, efficient, and sustainable.*

## **5.8 Key Issue 5 - Urban Form and Development**

### **5.8.1 Matters Raised in Submissions and Evidence**

The Strategic Direction provisions for this Chapter set out the overarching direction for the District's urban form and development and aim to improve efficiency and affordability for communities, seek to contribute to the vibrancy and viability of town centres, and to solidify the investment Council makes in development infrastructure.

The strategic objectives for urban form and development are:

*SD-UFD-O1 The wellbeing of people who live in and visit towns in the Far North is considered first when it comes to planning places and spaces.*

*SD-UFD-O2 Urban growth and development consolidated around existing reticulated networks within town centres, supporting a more compact urban form, affordability and providing for a mix of housing typologies.*

*SD-UFD-O3 Adequate development infrastructure in place or planned to meet the anticipated demands for housing and business activities.*

*SD-UFD-O4 Urban growth and development is resilient and adaptive to the impacts from natural hazards or climate change.*

The submissions received included broad support for the retention of the urban form and development strategic objectives as notified.

A number of submitters sought the deletion of specific objectives and Neil Construction Limited (S349) sought deletion of all objectives in favour of new objectives that reinforce the importance of additional rural residential development. Several submitters sought amendments to SD-UFD-O2, SD-UFD-O3 and SD-UFD-O4 to reinforce the importance of resilient infrastructure and to "pre-empt" the adverse effects of climate change.

Andrew McPhee, planner for Carrington Estate addressed us in support of the further submission FS401 seeking a new strategic objective that seeks to protect special purpose zones from adjoining land uses.

### 5.8.2 Hearings Panel Evaluation

We note from the hearing report that that the direction for these objectives have been adopted from the NPS-UD. We find that this appropriate. Furthermore, as we have set out in **Recommendation Report 14**, we have found that Kerikeri-Waipapa is an urban environment as defined in the NPS-UD and as such, the Far North is classified as a Tier 3 local authority.

We agree with the Council planner that the proposed amendments to provide for pre-emption of impacts from natural hazards are unnecessary. We note also that the Natural Hazards Chapter contains the specific objectives, policies, and rules and we have more to say about this matter in our **Recommendation Report 13** for Hearing 13 Natural Hazards.

We do not agree with Mr McPhee that an objective is needed to protect special purpose zones from adjoining land uses. We note that it is sought that it apply to discretionary activities and to non-complying activities as a matter to be taken into account. However, we find that regard to adjoining land uses would reasonably be done as part of decision-making and when also, the matter of potential reverse sensitivity effects would be a consideration.

There were a number of submitters that sought new objectives be added to this Strategic Direction regarding a range of specific issues including: residential intensification, residential growth, housing for the elderly, protection of biodiversity, avoiding new housing in areas not serviced by existing healthcare services and reverse sensitivity (adjoining Special Purpose zones). While we find that the issues raised are of relevance to district planning, we find that additional objectives are not needed in the Strategic Directions Chapter to address these issues and that these are better addressed within the specific zone of the area based chapters of the PDP.

### 5.8.3 Hearings Panel Recommendations

1. We accept and adopt the recommendations set out in the hearing report and the amendments to Urban Form and Development Chapter set out in Appendix 2 as follows:

- (a) That the submissions to retain SD-UFD-O1 and SD-UFD-O2 are accepted; those that oppose or seek amendments are rejected; and SD-UFD-O1 is retained as notified.
- (b) That SD-UFD-O3 is amended as follows

*SD-UFD-O3 Adequate development infrastructure and additional infrastructure is in place or planned to meet the anticipated demands for housing and business activities.*

and that those submissions that seek the retention of the objective are accepted in part, and those that seek amendments are accepted in part.

- (c) That those submissions seeking to retain SD-UFD-O4 be accepted, and those that seek deletion and amendments be rejected.
- (d) That those submissions that seek additional objectives be rejected.

## 5.9 Key Issue 6 - Infrastructure and Electricity

### 5.9.1 Matters Raised in Submissions and Evidence

The Strategic Direction provisions for this Chapter set out the overarching direction for the District's infrastructure and electricity resources.

The strategic objectives for Infrastructure and Electricity are:

*SD-IE-O1 The benefits of infrastructure and renewable electricity generation activities across the district are recognised and provided for, while ensuring their adverse effects are well managed.*

*SD-IE-O2 Infrastructure and renewable electricity generation activities are protected from incompatible land use, subdivision and development that may compromise their effective operation, maintenance and upgrading.*

### 5.9.2 Hearings Panel Evaluation

This Strategic Direction is broadly supported by the two electricity providers in the Far North being Top Energy and Transpower. We received written evidence from both providers at the hearing and those witnesses helpfully set out how each provider operates in the Far North and the distribution of the electricity network throughout the District.

Top Energy (S483) advised us that it owns and operates the electricity lines network within the Far North District Council area servicing an area of 6,822km<sup>2</sup> and serving over 34,000 customers. Top Energy's current electricity network has a total system length of 4,228km and includes seventeen substations that are subject to designations. Top Energy's network exists both above and below ground and traverses a number of zones and sensitive areas.<sup>34</sup>

Transpower New Zealand Limited (**Transpower**) (S454) advised us that it owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. Transpower owns and operates one National Grid asset in the Far North District, which is the Kaikohe- Maungatepere A 110 kilovolt ("kV") double circuit transmission line on steel towers.<sup>35</sup>

We were made aware of the fragility of the National Grid and its potential effect on the Far North economy shortly after the hearing when a pylon holding Transpower's two 220-

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<sup>34</sup> Paragraph 3.2 of Evidence of Paul Doherty (Top Energy) – Hearing 1

<sup>35</sup> Para 1.1 of Evidence of Rebecca Eng (Transpower) – Hearing 1

kilovolt (kV) transmission lines into Northland toppled over on a farm near Glorit, south of Wellsford, on 20 June 2024.

Several submitters sought changes to the notified objectives including the reference to additional infrastructure in the strategic direction (Ministry of Education (S331)), reference to reverse sensitivity effects (RNZ (S489), Horticulture NZ (S159) and Federated Farmers (S421)). KiwiRail (S416) sought a minor amendment seeking reference to SD-IE-O2 to include ‘repair’.

New objectives for “regionally significant infrastructure” were sought from three submitters:

- Twin Coast Cycle Trail (S425);
- Top Energy Limited (S483); and
- Ngā Tai Ora (S516).

We agree with the assessment in the hearing report that specific reference to regional infrastructure is not necessary and consider that term “infrastructure” sufficiently captures any distinction between infrastructure at the regional or local level. With regard to reverse sensitivity, we are of the view that, while being an important matter at the zone or site specific chapters of the PDP, it is not necessary to include reference to reverse sensitivity within the strategic objectives.

With regard to new objectives and associated policies we have already recommended that no policies are needed to support the Strategic Objectives.

### 5.9.3 Hearings Panel Recommendations

1. We accept and adopt the recommendations set out in the hearing report and the amendments to Urban Form and Development Chapter set out in Appendix 2 as follows:
  - (a) That submissions seeking to retain SD-IE-O1 be accepted and that the submissions seeking amendments are rejected.
  - (b) That submissions that seek to retain SD-IE-O2 be accepted in part, with RNZ, Federated Farmers and Horticulture NZ submissions rejected, and KiwiRail’s submission seeking a minor amendment be accepted as follows:

*SD-IE-O2 Infrastructure and renewable electricity generation activities are protected from incompatible land use, subdivision and development that may compromise their effective, operation maintenance, repair and upgrading.*
  - (c) That the remaining submissions and further submissions for this key issue be accepted, accepted in part or rejected as indicated in Appendix 3.2.

## 5.10 Key Issue 7 - Rural Environment

### 5.10.1 Matters Raised in Submissions and Evidence

The Strategic Direction provisions set out the overarching direction for the District's rural environment.

As set out in 'Issue 2 – Rural Sustainability' of the 'Description of the District' contained in the PDP, there are competing demands for a range of land use activities in the Rural Environment Chapter. It recognises that a permissive planning framework has led, in some areas, to incompatible land uses, land fragmentation and significant adverse effects on rural character, amenity and indigenous biodiversity. This includes land uses that have been used in a way that compromises the future viability of primary production activities, such as horticulture and agriculture, and inappropriate uses of existing infrastructure and services.

The Strategic Objectives for the rural environment are:

*SD-RE-O1 Primary production activities are able to operate efficiently and effectively and the contribution they make to the economic and social well-being and prosperity of the district is recognised.*

*SD-RE-O2 Protection of highly productive land from inappropriate development to ensure its production potential for generations to come.*

There were seven submissions that supported the retention of SD-RE-O1 as notified and five that supported the retention of SD-RE-O2.

Amendments to SD-RE-O2 were sought by Transpower seeking an exclusion for infrastructure that has a functional or operational need.

A number of submitters<sup>36</sup> sought a new objective to be included as follows:

*The importance of non-primary production activities in the rural environment to the social, economic and cultural well-being of the district is recognised and provided for.*

Forest & Bird (S511) and Kapiro Conservation Trust (S442) both seek an additional objective:

*Ensure that within rural areas the establishment and operation of primary production activities are not limited by new incompatible sensitive activities and limit those other activities in the rural areas.*

### 5.10.2 Hearings Panel Evaluation

In our view, the amendments sought by Transpower are not necessary for this strategic direction and can be addressed through the provisions of the infrastructure chapter. This

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<sup>36</sup> Wendover Two Limited (S222), Setar Thirty Six Limited (S168), Matauri Trustee Limited (S243), Bentzen Farm Limited (S167), P S Yates Family Trust (S333) and The Shooting Box Limited (S187)

is discussed in greater detail in **Recommendation Report 11** (Energy, Infrastructure and Transport). We also note that with the inclusion of the NPS-HPL (gazetted after the PDP was notified)<sup>37</sup> includes Clause 3.9(2)(j)(i) which provides an exemption for the functional or operational need for the maintenance, operation, upgrade, or expansion of specified infrastructure.

### **New Objectives**

Regarding the new objective sought to recognise the importance of non-primary production activities, we received planning evidence from Peter Hall for a number of submitters<sup>38</sup>. In his evidence, Mr Hall opined that recognition of certain non-rural activities appropriately recognises the diversity of existing and potential new land uses in Rural Environments and is particularly necessary given the scope of activities, zones, lot sizes, productive potential and land cover within the Rural Environment (including the Rural Production, Rural Lifestyle, Rural Residential and Settlement zones). Mr Hall also opined that recognition of ‘restoration’ as well as ‘protection’ of natural character values in the natural environment should be included in the strategic direction objective SD-EP-O5.

The wording sought by the submitters represented by Mr Hall is:

*The importance of non-primary production activities in the rural environment to the social, economic and cultural well-being of the district is recognised and provided for.*

Mr Hall stated that the contribution that primary production activities make to the wellbeing of the district is clear, as is the importance of protecting highly productive land. However, it was his view that a strategic direction for the Rural Environment needed to have a focus that was broader than just rural production activities. He was of the view that the current objectives fail to recognise the strategic role other activities play in the rural environment including rural lifestyle and living activities and the associated role that restoration of native vegetation plays in association with these activities.

The hearing reports responded to Mr Hall’s relief sought by suggesting that allowing for non-rural activities may weaken the other strategic objectives for the rural environment. Mr Hall countered by stating that his proposed objective in relation to non-primary production activities and the other objectives for the rural environment in relation to primary production and highly productive land, can comfortably sit side by side in the Strategic Directions chapter.

We asked Mr Hall if the proposed use of the wording “non-primary production activities” was potentially too broad and could potentially promote a range of non-rural activities, including activities more suited to a commercial or urban zone. Mr Hall responded by suggesting that the non-primary productions activities needed to also be “compatible” with rural character and amenity and with primary production activities. We asked Mr Hall

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<sup>37</sup> Refer to Section 3.2 of **Preamble Report**

<sup>38</sup> Paragraph 1.1 of Evidence of Peter Hall – Hearing 1

to submit some refined wording for us to consider and following the hearing of evidence we received some amended wording from him for a new objective as follows:

*The importance of non-primary production activities in the rural environment to the social, economic and cultural well-being of the district is recognised and provided for, **where those non-primary production activities are compatible with rural character and amenity and with primary production activities.***

In the Council right of reply report the reporting planner retained concerns that even with the additional wording, the range of activities potentially enabled would still be too broad and could lead to a range of inappropriate activities seeking to locate in the rural environment.

We have considered the relief sought by these submitters carefully. We are of the view that there are a range of potentially compatible non-primary production based activities that would be compatible in a rural production setting. These could include a limited number of rural services or rural support industries, limited forms of visitor accommodation or activities with a focus on rural education and training. However, recognition of these activities is not viewed by us as being a strategic objective of the rural environment. In that regard, we see the zone objectives, policies and provisions as the place to recognise these non-production based activities. In our view, the Strategic Direction for the Rural Environment should have a rural production focus as the rural environment is the only place where these activities can be feasibly undertaken, whereas those non-production based activities can also be undertaken in other zones or localities. We have more to say about the provision for non-production based activities that are compatible with rural character and amenity values in our recommendation report for the rural chapters in **Recommendation Report 9**. However, our finding is that, while it is important to provide for a limited range of non-production based activities within the rural environment, it does not need to be recognised at the strategic level.

### **5.10.3 Hearings Panel Recommendations**

1. We recommend the following:
  - (a) That all those submissions seeking to retain the strategic direction objectives for the Natural Environment, being for SD-EP-O1 and SD-EP-O2, be accepted.
  - (c) That submissions seeking new objectives be added to the Strategic Direction Chapter for the Rural Environment be rejected.
  - (d) That submissions and further submissions be accepted, accepted in part or rejected as indicated in the hearing reports.

## **5.11 Key Issue 8 - Natural Environment**

### **5.11.1 Matters Raised in Submissions and Evidence**

The strategic objectives for the Natural Environment set out the overarching direction for the District's natural environment, including environmental prosperity.

There are five strategic objectives for the Natural Environment and these are:

- SD-EP-O1 A culture of stewardship in the community that increases the district's biodiversity and environmental sustainability.*
- SD-EP-O2 Collaborative relationships with iwi and hapū in order to support tangata whenua to carry out their obligation and responsibility as kaitiaki.*
- SD-EP-O3 Active management of ecosystems to protect, maintain and increase indigenous biodiversity for future generations.*
- SD-EP-O4 Land use practices reverse climate change by enabling carbon storage and reducing carbon emissions.*
- SD-EP-O5 The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations.*
- SD-EP-O6 Areas of significant indigenous vegetation and significant habitats of indigenous fauna and protected for current and future generations.*

There is broad support in the submissions received to retain the objectives as notified, as well as a number of submissions that supported the objectives but with some amendments.

The Council officers have identified a typo in the naming of these objectives and have recommended a change from SD-EP-O# to SD-NE-O# to reflect the coding of these objectives as being “Natural Environment” rather than “Environmental Prosperity”. We accept and adopt these corrections.

### **5.11.2 Hearings Panel Evaluation**

Regarding objectives SD-EP-O1 to SD-EP-O3, the hearing report discusses the suggested amendments and recommends no further changes. We note that these conclusions were not contested in evidence. Having reviewed the hearing report on these submission points we agree with the reporting planner that no further amendments to these objectives are necessary.

Regarding objective SD-EP-O4, Horticulture NZ (S159) supports objective SD-EP-O4 in part but requests it be amended as follows:

*Land use practices ~~reverse~~ mitigate climate change by enabling carbon storage and reducing carbon emissions.*

Federated Farmers sought the wording of SD-EP-O4 to be amended thus:

*~~Land use practices reverse climate change by enabling carbon storage and reducing carbon emissions.~~ Council supports landowners to adopt climate change mitigation measures through sequestration, new technologies, land use and science.*

The Council planner supports the amendment by Horticulture NZ on the basis that climate change is a global issue, and it is unrealistic that the Far North District can reverse

climate change. We agree and consider that use of the term “reversing” suggests actions that can only be achieved on a global scale but can be mitigated at a local scale.<sup>39</sup>

The suggested wording by Federated Farmers, is supported in principle but we agree with the assessment in the hearing report that this wording reads more as a specific policy approach than as a strategic direction. Therefore, we find it is not appropriate in this context.

We received expert evidence from Mr Hall regarding objective SD-EP-O5<sup>40</sup>. The submissions he supported sought that SD-EP-O5 be amended to include reference to “restoration” as follows:

*SD-EP-O5 The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations, including their restoration.*

In his evidence, Mr Hall stated:

*I support the recognition of ‘restoration’ as well as ‘protection’ of natural character in natural environment strategic direction SD-EP-O5. This is because this better gives effect to the New Zealand Coastal Policy Statement 2010 (NZCPS), in particular policies 13 and 14. I also note in my evidence, that this addition better recognises the key importance of restoration of natural character of the coastal to the Far North as a strategic issue.<sup>41</sup>*

We agree with Mr Hall, and we find that there is merit to this approach; and that recognition of restoration of the natural character of the coastal environment and ONF’s, and ONL’s should be recognised at the strategic direction level and we support the suggested amendment to SD-EP-O5.

We note that a number of submissions sought the correction of a possible typo in SD-EP-O6 where the use of the word “and” is used instead of “are” and that it be amended as follows:

*Areas of significant indigenous vegetation and significant habitats of indigenous fauna ~~and~~ are protected for current and future generations.*

Along with the reporting planner, we support this correction.

### 5.11.3 Hearings Panel Recommendations

1. With regard to the Strategic Direction for the Natural Environment, we recommend the following:

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<sup>39</sup> Also refer to Hearings Panel Recommendations in Key Issue 9.

<sup>40</sup> P S Yates Family Trust (S333), The Shooting Box Limited (S187), Wendover Two Limited (S222), Setar Thirty Six Limited (S168), Bentzen Farm Limited (S167) and Matauri Trustee Limited (S243).

<sup>41</sup> Paragraph 1.4.2 of Evidence of Peter Hall – Hearing 1.

- (a) That the coding of the Strategic Direction for the Natural Environment be changed from SD-EP-O1-O5 to SD-NE-O1-O5.
- (b) That the submissions seeking to retain SD-EP-O1 to SD-EP-O3 are accepted, those that seek amendments are rejected and these are retained as notified.
- (c) That the submissions seeking to retain SD-EP-O4 as notified are rejected; the submission from Federated Farmers is rejected; and the submission seeking the amendment from Horticulture NZ is accepted. The provision is renamed, SD-NE-O4 and is amended as follows<sup>42</sup>.

*SD-EPNE-O4 Land use practices ~~reverse~~ mitigate climate change by enabling carbon storage and reducing carbon emissions.*

- (d) That the submissions seeking to retain SD-EP-O5 as notified are rejected; and, that those submissions seeking amendments are accepted as follows:

*SD-NE-O5 The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations, including their restoration.*

- (e) That the submissions to retain SD-EP-O6 are accepted in part, and those that seek a minor typing amendment are accepted by amending SD-EP-O6 as follows:

*SD-EPNE-O6 Areas of significant indigenous vegetation and significant habitats of indigenous fauna ~~and~~ are protected for current and future generations.*

- (f) That submissions and further submissions be accepted, accepted in part or rejected as indicated in the hearing reports.

## 5.12 Key Issue 9 - Other Submissions

### 5.12.1 Matters Raised in Submissions and Evidence

There are a range of other matters raised in the submissions on Strategic Direction and these are extensively summarised in the hearing report under the following sub-topics:

- Climate Change
- Urban Design
- Zoning framework
- Strategic Direction Policies.

Many of these submissions seek new strategic objectives and in some cases, strategic policies.

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<sup>42</sup> Also refer to Hearings Panel recommendations in Key Issue 9.

### 5.12.2 Hearings Panel Evaluation

These matters were largely uncontested at the hearing, and we support the recommendations in the hearing report with regard to these submissions points.

We did receive evidence from Kapiro Residents Association (S428), Carbon Neutral NZ Trust (S529), VKK (S521) and Kapiro Conservation Trust (S443) requesting amendments to the PDP provisions that will reduce greenhouse gas emissions related to the activities covered by the district plan.

We note that the hearing report initially supported the approach taken by these submitters but noted that there was no specific wording proposed and concluded that any specific reference could be made in specific chapters of the PDP where climate change was a relevant factor.

Following the hearing and our questions to the submitters and Council officers, the right of reply report from the Council has recommended a minor amendment to give effect to this relief with a proposed amendment to SD-NE-04 as follows:

*SD-NEEP-04 Land use practices ~~reverse~~ mitigate climate change by enabling carbon storage and reducing ~~carbon~~ greenhouse gas emissions.*

We support the above amendment but are otherwise in agreement with the analysis in the hearing report recommending new objectives as added to the Strategic Direction be rejected. As already stated in this recommendation report we do not see a need to include a policy framework to support the strategic objectives as notified (or recommended to be amended by us.

### 5.12.3 Hearings Panel Recommendations

1. We recommend the following:
  - (a) That the submission points relating to urban design, strategic direction policies and other matters be rejected.
  - (b) That the submission points relating to climate change be accepted in part with the following amendments to SD-NEEP-04 as follows:

*SD-NEEP-04 Land use practices ~~reverse~~ mitigate climate change by enabling carbon storage and reducing ~~carbon~~ greenhouse gas emissions.*

- (c) That the submissions and further submission points be accepted, accepted in part or rejected as per the hearing reports.

## 6. Conclusion

For the reasons set out in this recommendation report, we recommend the adoption of a set of changes to the PDP provisions relating to Part 1 – Introduction and General Provisions, Tangata Whenua and Part 2 - Strategic Directions.

Our recommendations also include recommendations for consequential amendments to or from other recommendation reports.

The Hearings Panel recommended amendments are shown in **Appendices 2.1 - 2.4**.

We have had regard to the submissions and further submissions received, the evidence tabled and presented to us and to the Council's hearing reports (including the rights of reply). We have also incorporated our own s32AA evaluation, when needed, into the body of our recommendation report as part of our reasons for any recommended amendments.

Accordingly, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in this recommendation report and in the table of Recommended Decisions on Submissions in **Appendices 3.1 – 3.3**.

Overall, we consider that our recommendations will ensure the PDP achieves the statutory requirements, national and regional policy directions, and provide for the PDP being easier to implement and understand for users of it.