

Further Submitter #69

Online Further Submission

Further Submitters Name	Setar Thirty Six Limited
Further Submitter Number	FS69
Wish to be heard	Yes
FS qualifier	a person who has an interest in the proposal that is greater than the interest the general public has (e.g. land owner, resource user)
FS qualifier reason	Setar Thirty Six Limited is a landowner directly affected by the relief sought in submissions to the Far North District Plan.
Joint presentation	Yes
Attention:	Peter Hall
Contact organisation	Peter Hall Planning Limited
Address for service	PO Box 226 Shortland Street Auckland CBD, Auckland 1140
Telephone	0274222118
Mobile	0274222118
Email	peter@phplanning.co.nz
Online further submitter?	Yes
Date raw FS lodged	03/09/2023 2:53pm

FS 69.1 - 69.105

Further submission points

Raw FS number	Original submitter	Related Submission Point	Plan section	Provision	OS Decision Requested	Support/Oppose	FS Decision requested	Reasons
FS69.1	Thomson Survey Ltd	S192.003	Planning maps	General / Miscellaneous	Include the 'proposed SNA map layer' as a non-statutory map layer, available to landowners and professionals to use as a guide to identifying SNA's when preparing applications.	Oppose	Disallow	SNAs would need to be mapped using the methodology set out in the NPS: Indigenous Biodiversity before being included in any part of the District Plan.
FS69.2	Kapiro Conservation Trust	S448.002	Planning maps	General / Miscellaneous	Amend PDP maps to include SNA's and similar sites that have been protected via the Council's consenting process	Oppose	Disallow	Mapping of SNAs should follow the methodology set out in the NPS: Indigenous Biodiversity, not as determined by a previous consenting process.
FS69.3	Kapiro Conservation Trust	S448.003	Planning maps	General / Process	Amend zoning of SNAs and similar sites that are already protected	Oppose	Disallow	Mapping of SNAs should follow the methodology set out in the NPS:

through the resource consenting process, and sites that will be added by future consenting to a special zoning or overlay for protected SNA's or give SNA's a status similar to a Reserve on private property.

Indigenous Biodiversity, not as determined by a previous consenting process.

FS69.4	Heritage New Zealand Pouhere Taonga	S409.049	Planning maps	Heritage Area	Insert new heritage areas (including associated mapping, overview, objectives, policies and rules) as indicated in submission	Oppose	Disallow	<p>The submission seeks wholesale changes to the District Plan with the addition of significantly more heritage areas, yet only very generally identifies these, including for example seeking that "all islands within the Bay of Islands", "Early European explorers Cook, Du Fresne" and "Early contact sites" be identified as heritage areas. That lacks the specificity of relief required of submissions to a proposed plan. There is no RMA 1991 justification for the inclusion of these areas and no specific identification of the properties affected or the values sought to be protected, and no evidential basis to support the inclusion of the additional heritage areas. The further submitter is an owner of a property on Moturua Island in the Bay of Islands whose property may be affected by the relief sought in this submission, however the submission is so broadly cast as to not enable a proper understanding of the impact of the relief sought or the reasons for inclusion of the additional areas. For these reasons, the submission should be disallowed by the Council.</p> <p>The identification of the additional areas as historic heritage through this submission is poor planning practice, introducing as it does potentially significantly more extensive scheduled heritage areas through a submission only, without prior consultation with affected landowners and the sharing of evidence in support as is normally</p>
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								the case. There is no section 32 RMA analysis to support the additional scheduling sought, including the benefits and costs and the extent which economic growth will be provided or reduced. The scheduling lacks identification of criteria and values used to identify these areas, including any physical evidence or other values that is intended to be protected. For these reasons the relief sought is opposed.
FS69.5	Carbon Neutral NZ Trust	S529.042	Planning maps	General / Miscellaneous	Amend the planning maps to identify ecological areas already protected by resource consent conditions, consent notices, covenants etc and reconsider underlying zoning/overlays	Oppose	Disallow	Identification of SNAs is required to follow the methodology set out in the NPS: Indigenous Biodiversity and not be based on previous assessments and processes which apply different criteria.
FS69.6	Carbon Neutral NZ Trust	S529.065	Planning maps	General / Miscellaneous	Insert esplanade priority areas on planning maps and for any other communities in the district that wish to identify Esplanade Priority areas.	Oppose	Disallow	The relief sought on additional esplanade priority areas lacks specificity, and appears to seek the addition of additional esplanade priority areas outside a Schedule 1 RMA process and without proper s32 assessment.
FS69.7	Carbon Neutral NZ Trust	S529.084	Planning maps	General / Miscellaneous	Amend the PDP to include mapped esplanade priority layers identifying key areas for future connectivity purposes and include as an information layer in the District Plan	Oppose	Disallow	The relief sought on additional esplanade priority areas lacks specificity, and appears to seek the addition of additional esplanade priority areas outside a Schedule 1 RMA process and without proper s32 assessment.
FS69.8	Kapiro Conservation Trust	S449.043	Planning maps	General / Miscellaneous	Amend the planning maps to identify ecological areas already protected by resource consent conditions, consent notices, covenants etc and reconsider underlying zoning/overlays	Oppose	Disallow	The identification of SNAs should follow the methodology in the NPS: Indigenous Biodiversity and not be based on previous processes.
FS69.9	Far North District Council	S368.005	General	General / Plan Content / Miscellaneous	Amend where necessary to give effect to the National Policy Statement for Indigenous Biodiversity	Oppose	Disallow	The relief sought in the submission by FNDC to give effect to the NPS:

Indigenous Biodiversity should be sought by a Schedule 1 Variation to the Proposed Plan, not by way of a submission. The relief sought in this submission is not specific, so as to allow landowners and the community to understand its effect, yet by introducing SNAs and associated provisions across the district, it will have significant effect. Lacking specificity as it does, the submission should be disallowed. There is no section 32 RMA assessment to support the relief sought. While it is acknowledged that the Council is required to give effect to the NPS: Indigenous Biodiversity, this is required to be done in accordance with the principles and methodology set out in the NPS, including at section 3.8 the principles of partnership, transparency, access and consistency. Giving effect to the NPS by way of a submission to the Proposed Plan falls well short of this.

FS69.10	Northland Regional Council	S359.004	General	General / Plan Content / Miscellaneous	Amend the plan to have regard to the National Policy Statement- Highly Productive Land and the National Policy Statement- Indigenous Biodiversity	Oppose	Disallow	
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The relief sought in the submission by NRC to have regard to the NPS:

								Indigenous Biodiversity should be sought by a Schedule 1 Variation to the Proposed Plan by the FNDC, not by way of a submission. The relief sought in this submission is not specific, so as to allow landowners and the community to understand its effect, yet by introducing SNAs and associated provisions across the district, it will have significant effect. Lacking specificity as it does, the submission should be disallowed. There is no section 32 RMA assessment to support the relief sought. While it is acknowledged that the Council is required to give effect to the NPS: Indigenous Biodiversity, this is required to be done in accordance with the principles and methodology set out in the NPS, including at section 3.8 the principles of partnership, transparency, access and consistency. Giving effect to the NPS by way of a submission to the Proposed Plan falls well short of this.
FS69.11	Northland Regional Council	S359.009	General	General / Plan Content / Miscellaneous	Amend the planning maps to align with updated NRC hazard maps (inferred)	Oppose	Disallow	The submission by the NRC seeks to introduce new Hazards Mapping without showing the specific effect of that relief on properties, or providing proper justification, including under section 32 of the RMA.
FS69.12	Director-General of Conservation (Department of Conservation)	S364.004	General	General / Plan Content / Miscellaneous	Amend all restricted discretionary activity and controlled activity rules to insert matters of discretion/control for indigenous biodiversity where appropriate and not already identified (inferred).	Oppose	Disallow	The relief sought in the submission by DOC to amend all restricted

								discretionary activity and controlled activity rules to insert matters of discretion/control for indigenous biodiversity does not give proper effect to the NPS: Indigenous Biodiversity, nor does it properly consider the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions or the risk of acting or not acting as required by s32 of the RMA 1991. The method proposed is a blunt instrument, which lacks the nuance required for proper environmental assessment, including a robust process for identifying the extent and values of the indigenous biodiversity. While it is acknowledged that the Council is required to give effect to the NPS: Indigenous Biodiversity, this is required to be done in accordance with the principles and methodology set out in the NPS, which should be by way of a Schedule 1 Variation to the Proposed Plan.
FS69.13	Director-General of Conservation (Department of Conservation)	S364.005	General	General / Plan Content / Miscellaneous	Amend the Plan to be consistent with the NPSIB exposure draft. Specifically, but not limited to: <ul style="list-style-type: none"> • Protect SNAs and identified taonga on Māori lands inline with clause 3.18 of the NPSIB exposure draft. • Include objectives, policies, or methods in the PDP for managing the adverse effects of new subdivision, use, and development on highly mobile fauna areas. • Incorporate NPSIB Appendices 3 and 4 or like principles into the PDP. Update proposed Policy 	Oppose	Disallow	The relief sought in the submission by DOC to amend the Plan to be consistent with the NPSIB exposure draft is out of date (that draft now being replaced by the NPS: Indigenous Biodiversity) and should be disallowed. Should the relief be inferred to mean the NPS: Indigenous Biodiversity, then this should be given effect to by a Schedule 1 Variation to the Proposed Plan by the FNDC, not by way of a submission, to ensure its clauses are properly implemented, including its principles of partnership, transparency, access and consistency.

IB-P4 to require that any biodiversity offset, or biodiversity compensation be in accordance with these principles.

FS69.14	Kapiro Residents Association	S429.001	General	General / Plan Content / Miscellaneous	<p>Revise the provisions in all relevant chapters to address elements such as -</p> <ul style="list-style-type: none"> - Policies/rules to control any actual or potential effects of the use and development of land, or protection of land, for the purpose of the maintenance of indigenous biodiversity (under s31 of RMA) and protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (RMA s6). - Policies/rules that will give better effect to biodiversity/ecosystem provisions in the Regional Policy Statement (which became operative from May 2016) and ensure that the district plan implements RPS Policy 4.4.1 (as required by RPS Method 4.4.3). - Adopt provisions specifically for maintaining and protecting indigenous species that are classed as threatened or at risk in NZTCS lists to be consistent with Regional Plan provisions on this topic (as required under s75 of RMA). - Adopt rules to control and place consent conditions on subdivision, land use or development in, or adjacent to, locations where indigenous species classed as threatened or at risk (under the NZTCS) are present. <p>Additional specific provisions include -</p> <ul style="list-style-type: none"> - Rules for banning potential predator pets (dogs, cats, 	Oppose	Disallow	<p>In general terms the indigenous vegetation clearance provisions in the Proposed Plan do not properly provide for normal and beneficial practices, and exemptions should be widened to include in all instances at least the following:</p> <ul style="list-style-type: none"> • Maintenance of fire breaks (for ecosystem protection and providing for the health and safety of people) • Cultivation and domestic gardens (continuation of domestic and rural activities). • Ecosystem protection and enhancement (where vegetation may need to be thinned to release new plantings) • Maintenance of driveways and roads.
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mustelids, etc) from areas where kiwi or other at risk/threatened species are present and vulnerable to these predators (e.g. shore birds such as dotterel, wetland birds such as bittern and dabchick, at-risk lizards, and other animals).

- Consent conditions should require fencing on the boundaries of public land, such as esplanade reserve, and around areas of wetlands and waterways. - Consent conditions for areas of significant vegetation/habitat etc. should set high standards of protection for indigenous vegetation, kiwi, at risk/threatened species and biodiversity, including appropriate types of fencing, predator control, protection and restoration of native vegetation, weed control, restrictions on planting exotic vegetation, etc. Covenants should be legally binding in perpetuity and should include provisions for monitoring implementation and enforcement.

- Fencing needs to be appropriate for vulnerable species in the area, for example, fencing that allows free movement of kiwi; or in other cases fencing to stop dogs entering a kiwi area.

- Signage to help protect kiwi and other vulnerable species, such as wetland species, shore birds.

- Street lights for subdivisions/developments should be suitable for nocturnal wildlife, such as kiwi, and dark-sky-friendly (certified to minimise glare, reduce light trespass and protect the visibility of stars).

FS69.15	Kapiro Residents Association	S429.002	General	General / Plan Content / Miscellaneous	Revise the provisions in all relevant chapters to address elements such as -	Oppose	Disallow	In general terms the indigenous vegetation clearance provisions in
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- Policies/rules to control any actual or potential effects of the use and development of land, or protection of land, for the purpose of the maintenance of indigenous biodiversity (under s31 of RMA) and protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (RMA s6).

- Policies/rules that will give better effect to biodiversity/ecosystem provisions in the Regional Policy Statement (which became operative from May 2016) and ensure that the district plan implements RPS Policy 4.4.1 (as required by RPS Method 4.4.3).

- Adopt provisions specifically for maintaining and protecting indigenous species that are classed as threatened or at risk in NZTCS lists to be consistent with Regional Plan provisions on this topic (as required under s75 of RMA).

- Adopt rules to control and place consent conditions on subdivision, land use or development in, or adjacent to, locations where indigenous species classed as threatened or at risk (under the NZTCS) are present.

Additional specific provisions include -

- Rules for banning potential predator pets (dogs, cats, mustelids, etc) from areas where kiwi or other at risk/threatened species are present and vulnerable to these predators (e.g. shore birds such as dotterel, wetland birds such as bittern and dabchick, at-

risk lizards, and other animals).

the Proposed Plan do not properly provide for normal and beneficial practices, and exemptions should be widened to include in all instances at least the following:

- Maintenance of fire breaks (for ecosystem protection and providing for the health and safety of people)
- Cultivation and domestic gardens (continuation of domestic and rural activities).
- Ecosystem protection and enhancement (where vegetation may need to be thinned to release new plantings)
- Maintenance of driveways and roads.

- Consent conditions should require fencing on the boundaries of public land, such as esplanade reserve, and around areas of wetlands and waterways. - Consent conditions for areas of significant vegetation/habitat etc. should set high standards of protection for indigenous vegetation, kiwi, at risk/threatened species and biodiversity, including appropriate types of fencing, predator control, protection and restoration of native vegetation, weed control, restrictions on planting exotic vegetation, etc. Covenants should be legally binding in perpetuity and should include provisions for monitoring implementation and enforcement.

- Fencing needs to be appropriate for vulnerable species in the area, for example, fencing that allows free movement of kiwi; or in other cases fencing to stop dogs entering a kiwi area.

- Signage to help protect kiwi and other vulnerable species, such as wetland species, shore birds.

- Street lights for subdivisions/developments should be suitable for nocturnal wildlife, such as kiwi, and dark-sky-friendly (certified to minimise glare, reduce light trespass and protect the visibility of stars).

FS69.16	Kapiro Residents Association	S429.003	General	General / Plan Content / Miscellaneous	<p>Revise the provisions in all relevant chapters to address elements such as -</p> <p>- Policies/rules to control any actual or potential effects of the use and development of land, or protection of land, for the purpose of the maintenance of indigenous biodiversity (under s31 of RMA) and protection of areas of</p>	Oppose	Disallow	In general terms the indigenous vegetation clearance provisions in
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significant indigenous vegetation and significant habitats of indigenous fauna (RMA s6).

- Policies/rules that will give better effect to biodiversity/ecosystem provisions in the Regional Policy Statement (which became operative from May 2016) and ensure that the district plan implements RPS Policy 4.4.1 (as required by RPS Method 4.4.3).

- Adopt provisions specifically for maintaining and protecting indigenous species that are classed as threatened or at risk in NZTCS lists to be consistent with Regional Plan provisions on this topic (as required under s75 of RMA).

- Adopt rules to control and place consent conditions on subdivision, land use or development in, or adjacent to, locations where indigenous species classed as threatened or at risk (under the NZTCS) are present.

Additional specific provisions include -

- Rules for banning potential predator pets (dogs, cats, mustelids, etc) from areas where kiwi or other at risk/threatened species are present and vulnerable to these predators (e.g. shore birds such as dotterel, wetland birds such as bittern and dabchick, at-risk lizards, and other animals).

- Consent conditions should require fencing on the boundaries of public land, such as esplanade reserve, and around areas of wetlands and waterways. - Consent conditions for areas of significant vegetation/habitat etc. should set

the Proposed Plan do not properly provide for normal and beneficial practices, and exemptions should be widened to include in all instances at least the following:

- Maintenance of fire breaks (for ecosystem protection and providing for the health and safety of people)
- Cultivation and domestic gardens (continuation of domestic and rural activities).
- Ecosystem protection and enhancement (where vegetation may need to be thinned to release new plantings)
- Maintenance of driveways and roads.

high standards of protection for indigenous vegetation, kiwi, at risk/threatened species and biodiversity, including appropriate types of fencing, predator control, protection and restoration of native vegetation, weed control, restrictions on planting exotic vegetation, etc. Covenants should be legally binding in perpetuity and should include provisions for monitoring implementation and enforcement.

- Fencing needs to be appropriate for vulnerable species in the area, for example, fencing that allows free movement of kiwi; or in other cases fencing to stop dogs entering a kiwi area.

- Signage to help protect kiwi and other vulnerable species, such as wetland species, shore birds.

- Street lights for subdivisions/developments should be suitable for nocturnal wildlife, such as kiwi, and dark-sky-friendly (certified to minimise glare, reduce light trespass and protect the visibility of stars).

FS69.17	Carbon Neutral NZ Trust	S529.001	General	General / Plan Content / Miscellaneous	Amend PDP to: <ul style="list-style-type: none"> provide clear criteria for assessing discretionary activities. reduce the ambiguities in policies, the word 'avoid' should be applied more often, and other phrasing should be clarified and strengthened substantially. recognise that undesirable activities that should be avoided should be classed 	Oppose	Disallow	The relief sought in this submission could have wide reaching implications (such as 'using the word 'avoid' more often') however lacks the specificity required of a submission to allow a proper understanding of its effect ie which objectives and policies are sought to be amended and exactly how. For this reason the submission should be disallowed.
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as non-complying or prohibited, instead of discretionary.

- incorporate additional rules to protect the environment and amenity values, and to address climate change issues relevant to the types of activities.

FS69.18	Kapiro Conservation Trust	S442.004	General	General / Plan Content / Miscellaneous	Amend to adopt provisions specifically for maintaining and protecting indigenous species that are classed as threatened or at risk in NZTCS lists to be consistent with Regional Plan provisions on this topic (as required under s75 of RMA). Examples of relevant provisions are given in Box 1.	Oppose	Disallow	These provisions should be introduced bay way of a Variation to the Proposed Plan and only in accordance with the NPS: Indigenous Biodiversity.
FS69.19	Foodstuffs North Island Limited	S363.002	General approach	Applications Subject to Multiple Provisions	<p>Delete the following text from "Applications Subject to Multiple Provisions" (or to similar effect):</p> <p>...Some of the Overlay chapters only include rules for certain types of activities (e.g. natural character, natural features and landscapes or coastal environment). If your proposed activity is within one of these overlays, but there are no overlay rules that are applicable to your activity, then your activity can be treated as a permitted activity under the Overlay Chapter unless stated otherwise. Resource consent may still be required under either Part 2: District wide Matters chapters and/or Part 3: Area-Specific chapters (including the underlying zone).</p> <p>And amend all relevant overlay chapters as necessary to insert rules for "Activities not otherwise listed in this chapter" consistent with zone chapters.</p>	Support in part	Allow in part	The outcome sought in the submission for greater clarity in the application of the overlays is generally supported, however that outcome may be achieved more efficiently and with less risk of unforeseen consequences by mostly retaining the District Plan text referred to in the submission and simply changing the reference to 'permitted activity' to '..then reference need only be need to be made to the provisions in Part 2: District-wide Matters chapters and/or Part 3: Area-Specific chapters' or similar.
FS69.20	Lynley Newport	S121.003	Definitions	NO NET LOSS	Amend definition of "no net loss" to read: "means that the	Oppose	Disallow	Only amendments consistent with the NPS: Indigenous Biodiversity

					measurable positive effects of actions match any measurable loss of extent or values..."			should be allowed to this definition and introduced by way of a Variation to the Proposed Plan.
FS69.21	Royal Forest and Bird Protection Society of New Zealand	S511.009	Definitions	NO NET LOSS	Amend "Means the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type, values function and location of the ecosystem type or the species type meant to be offset indigenous biodiversity offset " indigenous biodiversity offset" or some other words to this effect.	Oppose	Disallow	Only amendments consistent with the NPS: Indigenous Biodiversity should be allowed to this definition and introduced by way of a Variation to the Proposed Plan.
FS69.22	Kapiro Conservation Trust	S442.029	Definitions	NO NET LOSS	Amend "Means the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type, values function and location of the ecosystem type or the species type meant to be offset indigenous biodiversity offset " indigenous biodiversity offset" or some other words to this effect.	Oppose	Disallow	Only amendments consistent with the NPS: Indigenous Biodiversity should be allowed to this definition and introduced by way of a Variation to the Proposed Plan.
FS69.23	Royal Forest and Bird Protection Society of New Zealand	S511.021	Economic and Social Wellbeing	Overview	Delete from each sections overview: ...For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives If it is preferred by the decision maker then replace with the desired wording for the Strategic Overview For the purpose of District Plan development, including plan changes, the strategic objectives in this chapter provide direction for the development of the more detailed provisions contained in	Oppose	Disallow	The purpose of the strategic objectives is to provide strategic direction and as such they should direct the outcomes in lower order objectives and policies in the Plan.

the District Plan. For the purpose of District Plan implementation (including the determination of resource consent applications and notices of requirement): a) the strategic objectives may provide guidance on what the related objectives and policies in other chapters of the District Plan are seeking to achieve; and b) the relevant objectives and policies of the District Plan (including strategic objectives in this chapter) are to be considered together and no fixed hierarchy exists between them

FS69.24	Kapiro Conservation Trust	S442.041	Economic and Social Wellbeing	Overview	<p>Delete from each sections overview: ...For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives</p> <p>If it is preferred by the decision maker then replace with the desired wording for the Strategic Overview</p> <p>For the purpose of District Plan development, including plan changes, the strategic objectives in this chapter provide direction for the development of the more detailed provisions contained in the District Plan. For the purpose of District Plan implementation (including the determination of resource consent applications and notices of requirement): a) the strategic objectives may provide guidance on what the related objectives and policies in other chapters of the District Plan are seeking to achieve; and</p> <p>b) the relevant objectives and policies of the District Plan</p>	Oppose	Disallow	The purpose of the strategic objectives is to provide strategic direction and as such they should direct the outcomes in lower order objectives and policies in the Plan.
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					(including strategic objectives in this chapter) are to be considered together and no fixed hierarchy exists between them.			
FS69.25	Royal Forest and Bird Protection Society of New Zealand	S511.024	Rural Environment	Overview	<p>Delete from each sections overview: ...For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives If it is preferred by the decision maker then replace with the desired wording for the Strategic Overview</p> <p>For the purpose of District Plan development, including plan changes, the strategic objectives in this chapter provide direction for the development of the more detailed provisions contained in the District Plan. For the purpose of District Plan implementation (including the determination of resource consent applications and notices of requirement): a) the strategic objectives may provide guidance on what the related objectives and policies in other chapters of the District Plan are seeking to achieve; and b) the relevant objectives and policies of the District Plan (including strategic objectives in this chapter) are to be considered together and no fixed hierarchy exists between them.</p>	Oppose	Disallow	The purpose of the strategic objectives is to provide strategic direction and as such they should direct the outcomes in lower order objectives and policies in the Plan - here and in all equivalent chapters of the Plan.
FS69.26	Kapiro Conservation Trust	S442.044	Rural Environment	Overview	<p>Delete from each sections overview: ...For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives.</p>	Oppose	Disallow	The purpose of the strategic objectives is to provide strategic direction and as such they should direct the outcomes in lower order objectives and policies in the Plan - here and in all equivalent chapters of the Plan.

If it is preferred by the decision maker then replace with the desired wording for the Strategic Overview

For the purpose of District Plan development, including plan changes, the strategic objectives in this chapter provide direction for the development of the more detailed provisions contained in the District Plan. For the purpose of District Plan implementation (including the determination of resource consent applications and notices of requirement): a) the strategic objectives may provide guidance on what the related objectives and policies in other chapters of the District Plan are seeking to achieve; and b) the relevant objectives and policies of the District Plan (including strategic objectives in this chapter) are to be considered together and no fixed hierarchy exists between them.

FS69.27	Heritage New Zealand Pouhere Taonga	S409.032	Heritage area overlays	HA-R5	<p>That Rule HA-R5 be amended as follows (or words to that effect):</p> <p>PER-1</p> <p>The earthworks:</p> <ol style="list-style-type: none">1. comply with the relevant permitted activity rules within the Earthworks chapter2. are not within 20m of a scheduled Heritage Resource or an archaeological site. <p>PER-2</p> <p>The earthworks:</p> <ol style="list-style-type: none">1. do not exceed 2m³ in <p>volume over an area of 5m² ;</p>	Oppose	Disallow	<p>The addition to the rule requiring resource consent for earthworks within 20m of an archaeological site is unnecessary duplication of approvals required under the Heritage New Zealand Pouhere Taonga Act, and neither an effective nor efficient way to achieve relevant objectives of the Plan.</p>
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2. ~~is are~~ not within 20m of a scheduled Heritage Resource **or of an archaeological site;**
3. ~~complies~~ **Comply** with standard HA-S3 Accidental Discovery Protocol.

PER-3

The earthworks

1. do not exceed ~~200m~~³
2. are not within 20m of a scheduled Heritage Resource **or an archaeological site;**
3. ~~complies~~ **Comply** with HA-S3 Accidental Discovery Protocol.

Note: In addition to the requirements the District Plan, it should be noted that the Heritage New Zealand Pouhere Taonga Act 2014 ("HNZPTA") requires all applicants to obtain an authority from the HNZPTA before any archaeological site is modified or destroyed. This is the case regardless of whether the land on which the site is located is designated or the activity is permitted under the District Plan or a resource or building consent has been granted.

FS69.29	Heritage New Zealand Pouhere Taonga	S409.028	Historic heritage	HH-R5	Amend Rule HH-R5 as follows (or words to that effect): PER-1 Any earthworks are setback a minimum of 20m from a scheduled Heritage Resource. The earthworks 1. Do not exceed 100m³	Oppose	Disallow	The addition to the rule requiring resource consent for earthworks
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2. Are not within 20m of a Scheduled Heritage Resource or an archaeological site

3. Comply with EW-S3 Accidental Discovery Protocol

This rule does not apply to earthworks associated with burials within an existing cemetery.

Note: In addition to the requirements of the District Plan, it should be noted that the Heritage New Zealand Pouhere Taonga Act 2014 ("HNZPTA") requires all applicants to obtain an authority from the HNZPTA before any archaeological site is modified or destroyed. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or a resource or building consent has been granted.

within 20m of an archaeological site is unnecessary duplication of approvals required under the Heritage New Zealand Pouhere Taonga Act, and neither an effective nor efficient way to achieve relevant objectives of the Plan.

FS69.30

Te Hiku Iwi Development Trust

S399.056

Sites and areas of significance to Māori

Policies

Insert a new policy as follows:

Oppose

Disallow

Protect and preserve the culturally significant landscapes identified in iwi/hapū management plans held by Council from inappropriate land use, subdivision and development by:

- a) Identifying the Area of Interest for iwi/hapū management plans on planning maps;**
- b) Recognising and providing for the spiritual, cultural and**

The submission seeks that Areas of Interest in iwi/hapū management

historical relationship of iwi/hapū with the area identified in the plan(s);

c) requiring that resource consent applications within or adjacent to the sites identified as significant within the relevant iwi/hapū management plan demonstrate that they have had regard to that Management Plan;

d) provide an assessment of consistency with the vision, objectives and desired outcomes outlined in the Management Plan;

e) provide an assessment of effects on values identified in the plan and provide, where relevant, evidence of outcomes of consultation with and/or cultural advice provided by tangata whenua.

f) considering the relevant iwi authority or hapū as an affected person for any activity within the area where the adverse effects are considered minor or more than minor.

plans be identified on planning maps, also requiring that resource consent applications within or adjacent to the sites identified as significant within the relevant iwi/hapū management plan demonstrate that they have had regard to that Management Plan. This relief lacks the specificity required on a submission as it does not allow other potentially affected parties to understand the implications of the relief sought, including the spatial extent of the Areas of Interest. The Areas should be identified through the District Plan preparation process already, and if not, then introduced by way of a Variation to the Proposed Plan, rather than by way of submission. In any event, the relief sought fails to have proper regard to the costs and benefits of the approach proposed as required by s32 of the RMA (lacking as it does the specificity required to undertake that) and should be disallowed.

FS69.31	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	S522.028	General approach	District Plan Framework	Amend planning maps to add coastal overlays, or similar mechanism, to all coastal areas visible from marine areas, so that coastal landscapes, coastal character and coastal environments will be protected appropriately.	Oppose	Disallow	The relief sought to redefine the extent of the coastal environment does not give effect to the NZCPS or the Northland Regional Policy Statement.
FS69.32	Our Kerikeri Community Charitable Trust	S338.042	General approach	District Plan Framework	Amend planning maps to add coastal overlays, or similar mechanism, to all coastal areas visible from marine areas, so that coastal landscapes, coastal	Oppose	Disallow	The relief sought to redefine the extent of the coastal environment

character and coastal environments will be protected appropriately.

does not give effect to the NZCPS or the Northland Regional Policy Statement.

FS69.33	Carbon Neutral NZ Trust	S529.041	General approach	District Plan Framework	Amend planning maps to add coastal overlays, or similar mechanism, to all coastal areas visible from marine areas, so that coastal landscapes, coastal character and coastal environments will be protected appropriately.	Oppose	Disallow	The relief sought to redefine the extent of the coastal environment does not give effect to the NZCPS or the Northland Regional Policy Statement.
FS69.34	Royal Forest and Bird Protection Society of New Zealand	S511.018	General approach	Format of chapters in Part 2 and Part 3	<p>Amend the last sentence of the reference to 'Zones' in 'Part 3 - Area Specific Matters' as follows:</p> <p>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 apply generally across the district in the District Wide Matters chapters. This may result in more than one rule applying to an activity, in which case the more stringent will apply.</p> <p>And Add</p> <p>Where there is a conflict between the provisions in an area specific matters chapter and a provision for an overlay in a district wide matters chapter that cannot be resolved by carefully considering the wording of the provisions, it is the district wide overlay provision which prevails.</p>	Support in part	Disallow in part	The clarification sought by the submitter is agreed with, apart from the reference to where there is conflict then the district-wide provisions prevail. That is not the structure of the Plan which requires the more restrictive or particular provision to apply where there is conflict between the provisions.
FS69.35	Kapiro Conservation Trust	S442.038	General approach	Format of chapters in Part 2 and	Amend the last sentence of the reference to 'Zones' in 'Part 3 - Area Specific Matters' as follows:	Support in part	Disallow in part	The clarification sought by the submitter is agreed with, apart

Part 3

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 apply generally across the district in the District Wide Matters chapters. This may result in more than one rule applying to an activity, in which case the more stringent will apply.**

And insert

Where there is a conflict between the provisions in an area specific matters chapter and a provision for an overlay in a district wide matters chapter that cannot be resolved by carefully considering the wording of the provisions, it is the district wide overlay provision which prevails.

from the reference to where there is conflict then the district-wide provisions prevail. That is not the structure of the Plan which requires the more restrictive or particular provision to apply where there is conflict between the provisions.

FS69.36	Top Energy Limited	S483.023	General approach	Applications Subject to Multiple Provisions	Amend the 'Applications Subject to Multiple Provisions' section of the How the Plan Works Chapter to provide clarity in terms of how the chapters within the plan interact.	Support	Allow	Amending to provide for better clarity is supported, as it is clear from submissions that there are several interpretations as to how the chapters interact.
FS69.37	Carbon Neutral NZ Trust	S529.115	Ecosystems and indigenous biodiversity	Objectives	Amend objectives to reflect the level for protection noted in the RMA, Te Mana o te Taiao, anticipated NPS for indigenous biodiversity, Regional Policy Statement, Environment Court decision	Oppose	Disallow	With the release of the National Policy Statement on Indigenous Biodiversity, that specifies how indigenous biodiversity should be maintained, and gives effect to the RMA. In turn, the Proposed Plan should give effect to the NPS by way of a Variation to the Plan, rather than through submissions, for the sake of partnership, transparency and consistency.

FS69.38	David Fox and	S544.054	Environment	IP 02	Amend IP 02	Oppose	Disallow	The changes sought do not align
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FS69.38	Royal Forest and Bird Protection Society of New Zealand	S511.054	Ecosystems and indigenous biodiversity	IB-02	Amend IB-02 The extent and diversity of Indigenous biodiversity across the district is managed to maintained its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.39	Kapiro Conservation Trust	S442.073	Ecosystems and indigenous biodiversity	IB-02	Amend IB-02 The extent and diversity of Indigenous biodiversity across the district is managed to maintained its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.40	Kapiro Conservation Trust	S442.073	Ecosystems and indigenous biodiversity	IB-02	Amend IB-02 The extent and diversity of Indigenous biodiversity across the district is managed to maintained its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.42	Russell Landcare Trust	S276.004	Ecosystems and indigenous biodiversity	Policies	Delete policies IB-P1, IB-P2 and IB-P3 and replace these with Policy 4.4.1 of the Regional Policy Statement.	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.43	Russell Landcare Trust	S276.005	Ecosystems and indigenous biodiversity	Policies	Insert a policy that recognises that not all significant natural areas will be mapped and that unmapped areas are to have, as far as practicable, the same level of protection in the proposed Plan as mapped Significant Natural Areas. Insert Operative Plan policies 12.2.4.1, 12.2.4.3, 12.2.4.5, 12.2.4.10, 12.2.4.11, 12.2.4.12, 12.2.4.13 and 12.2.4.14 to the policy section of the Ecosystems and Indigenous Biodiversity chapter.	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.

FS69.44	Director-General of Conservation (Department of Conservation)	S364.035	Ecosystems and indigenous biodiversity	Policies	Insert a separate policy for mapping additional SNAs as they are identified	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.45	Director-General of Conservation (Department of Conservation)	S364.036	Ecosystems and indigenous biodiversity	Policies	Insert new policy, with wording, or similar wording, as follows: Recognise and protect SNAs by ensuring the characteristics that contribute to their significance are not adversely affected.	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.46	John Andrew Riddell	S431.094	Ecosystems and indigenous biodiversity	Policies	Insert the following policy: That areas of significant indigenous vegetation and significant habitats of indigenous fauna be protected for the purpose of promoting sustainable management with attention being given to: (a) maintaining ecological values; (b) maintaining quality and resilience; (c) maintaining the variety and range of indigenous species contributing to biodiversity; (d) maintaining ecological integrity; and (e) maintaining tikanga Maori in the context of the above. Note: In determining whether a subdivision, use or development is appropriate in areas containing significant indigenous vegetation and significant habitats of indigenous fauna, Council shall consider each application on a case by case basis, giving due weight to Part II of the Act as well as those matters listed above	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.47	John Andrew Riddell	S431.095	Ecosystems and	Policies	Insert the following policy:	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.

indigenous
biodiversity

That adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated by:

(a) seeking alternatives to the disturbance of habitats where practicable;

(b) managing the scale, intensity, type and location of subdivision, use and development in a way that avoids, remedies or mitigates adverse ecological effects;

(c) ensuring that where any disturbance occurs it is undertaken in a way that, as far as practicable:

(i) minimises any edge effects;

(ii) avoids the removal of specimen trees;

(iii) does not result in linkages with other areas being lost;

(iv) avoids adverse effects on threatened species;

(v) minimises disturbance of root systems of remaining vegetation;

(vi) does not result in the introduction of exotic weed species or pest animals;

(d) encouraging, and where appropriate, requiring active pest control and avoiding the grazing of such areas

FS69.48	John Andrew Riddell	S431.096	Ecosystems and indigenous biodiversity	Policies	Insert the following policy: That the contribution of areas of indigenous vegetation and habitats of indigenous fauna to the overall biodiversity and amenity of the District be taken into account in evaluating	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
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					applications for resource consents.			
FS69.49	Carbon Neutral NZ Trust	S529.116	Ecosystems and indigenous biodiversity	Policies	Amend the PDP policies to reflect the level of protection in the RMA, Te Mana o te Taiao, anticipated NPS for indigenous biodiversity, Regional Policy Statement, Environment Court decision	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.50	Carbon Neutral NZ Trust	S529.132	Ecosystems and indigenous biodiversity	Policies	Amend the policies to address RPS s4.4 regarding 'Maintaining and enhancing indigenous ecosystems and species' and 'indigenous taxa that are listed as threatened or at risk'.	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.51	Summit Forests New Zealand Limited	S148.016	Ecosystems and indigenous biodiversity	IB-P1	Amend IB-P1 to clearly state that Council will "work with all landowners to accurately map and schedule all SNA within the district" or words of like effect	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.52	Director-General of Conservation (Department of Conservation)	S364.034	Ecosystems and indigenous biodiversity	IB-P1	Amend Policy IB-P1 as follows: Identify Significant Natural Areas by: a.using the ecological significance criteria in Appendix 5 of the RPS or in any more recent National Policy Statement on indigenous biodiversity; b.including areas that meet the ecologicalsignificance criteria as Significant Natural Areasin Schedule 4 of the District Plan and on theplanning maps where this is agreed with thelandowner and verified by physical inspectionwhere practicable; e.encouraging landowners to include includingidentified Significant Natural Areas in Schedule 4of the District Plan at the time of subdivision anddevelopment; d.providing assistance to landowners to addSignificant	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.

					Natural Areas to Schedule 4 of the District Plan; and			
					e. requiring an assessment of the ecological significance for indigenous vegetation clearance to establish permitted activity thresholds in Rule IB2-R4.			
FS69.53	Royal Forest and Bird Protection Society of New Zealand	S511.057	Ecosystems and indigenous biodiversity	IB-P1	Amend to reflect district wide mapping and rules applicable to SNAs	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.54	John Andrew Riddell	S431.090	Ecosystems and indigenous biodiversity	IB-P1	Delete Policies IB-P1, IB-P2 and IB-P3 and replace with a reproduced Policy 4.4.1 of the Regional Policy Statement.	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.55	Kapiro Conservation Trust	S442.076	Ecosystems and indigenous biodiversity	IB-P1	Amend to reflect district wide mapping and rules applicable to SNAs.	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.56	Kapiro Conservation Trust	S442.175	Ecosystems and indigenous biodiversity	IB-P1	Amend to reflect district wide mapping and rules applicable to SNAs. If SNAs based solely on the presence of regenerating manuka / kanuka are included, these areas should be separately identified and clearly distinguished from other SNAs. These manuka / kanuka SNAs could also be subject to a separate, slightly more permissive, rule regime. A large percentage of our property at 903B Kohumaru Rd is identified as SNA and, subject to the boundaries of those SNA areas being refined, I support that designation.	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.58	John Andrew Riddell	S431.091	Ecosystems and indigenous biodiversity	IB-P2	Delete Policies IB-P1, IB-P2 and IB-P3 and replace with a reproduced Policy 4.4.1 of the Regional Policy Statement.	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.59	Director-General of Conservation	S364.038	Ecosystems and	IB-P3	Amend Policy IB-P3 as follows:	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.

	(Department of Conservation)		indigenous biodiversity		Outside the coastal environment: a. avoid, remedy or mitigate significant adverse effects of land use and subdivision on Significant Natural Areas to ensure adverse effects are no more than minor ; and b. avoid, remedy or mitigate adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems to ensure there are no significant adverse effects.			
FS69.60	John Andrew Riddell	S431.092	Ecosystems and indigenous biodiversity	IB-P3	Delete Policies IB-P1, IB-P2 and IB-P3 and replace with a reproduced Policy 4.4.1 of the Regional Policy Statement.	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.61	Director-General of Conservation (Department of Conservation)	S364.039	Ecosystems and indigenous biodiversity	IB-P4	Amend Policy IB-P4 to require that any biodiversity offset, or biodiversity compensation be in accordance with the principles of Appendices 3 and 4 of NPSIB (or like principles). Insert Appendices 3 and 4 of NPSIB (or like principles) into the Plan	Oppose	Disallow	The changes sought do not give effect to the NPS:IB which supersedes the exposure draft referred to in this submission.
FS69.62	Kapiro Conservation Trust	S442.176	Ecosystems and indigenous biodiversity	IB-P4	Amend (a) to require a net gain in indigenous biodiversity; and Amend (b) to reflect the need for compensation up to a net gain; and Amend definitions of biodiversity offsetting and biodiversity compensation to reflect need for net gain.	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS69.64	Kapiro Residents Association	S429.004	General	General / Plan Content / Miscellaneous	Amend the Plan to ensure that when subdivision, land use or development is considered, it gives effect to: -the NPS FM's fundamental concept of Te Mana o te Wai	Oppose	Disallow	Lacks specify of relief required for a submission and does not give effect to the NPS: FM or NPS: IB

(including the principles and the hierarchy of obligations) should be applied to all freshwater issues that may be affected by development, not just the aspects of freshwater management referred to in the NPS (this point is stated in NPS FMs1.3(2))

-Policies and rules to promote positive effects and avoid, remedy, or mitigate adverse effects (including cumulative effects) of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments (NPS FM s3.5(4))

-Avoiding the loss of wetlands and protecting their values: 'The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted...!' (NPS FM s3.22). We note, in particular, that some provisions of the Natural Character chapter seem to contradict the NPS-FM.

-Requirements to use water sensitive and low impact designs for stormwater and wastewater, including constructed wetlands (vegetated retention ponds) to retain stormwater and runoff and prevent silt and pollutants being carried into waterways.

-To avoid/reduce freshwater pollution generated by wastewater emissions, it should be a requirement to use enclosed wastewater systems that use disposal-to-land (i.e. systems that do not rely on dispersal via water or disposal into water) such as electrocoagulation methods involving coagulation and flocculation, widely used in parts of Europe. If not a requirement, these systems should at minimum be

					<p>given priority over systems that rely on dispersal or disposal via water.</p> <p>-When subdivision or development takes place, all waterways should be protected by requirements for native planting and other measures.</p>			
FS69.65	Kāinga Ora Homes and Communities	S561.003	General	General / Plan Content / Miscellaneous	<p>Insert the following section in the 'How the Plan Works' section of the FNPDP or alternatively similar wording within each section of the Plan in reference to the Restricted Discretionary activities listed in the section. Alternatively this could be included in each chapter of the Proposed District Plan to assist with clarification.</p> <p>Notification:</p> <p>(1) Any application for resource consent for Restricted Discretionary activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991:</p> <p>(2) Any application for resource consent for an activity listed as Discretionary or Non-complying will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.</p>	Support	Allow	Restricted discretionary activity applications should be limited as to scope which does not require third party input through submissions.
FS69.66	Te Rūnanga o Whaingaroa	S486.074	General	General / Plan Content / Miscellaneous	<p>Insert a new section after policies to read:</p> <p>Information to be included with an application for a resource consent affecting tāngata whenua.</p>	Oppose	Disallow	The change sought is neither effective nor efficient. The matters

<p>Every resource consent application within the scope of policy TW-P6 must be accompanied by information addressing all the matters to be considered under TW-P6.</p>								<p>set out in the policy may not be relevant to all classes of applications such as controlled activities and restricted discretionary activities, or relevant to all types as proposals. As a policy of the District Plan, regard is required to be had in any event to the matters in the policy, to the extent that they are relevant, under section 104 of the RMA without the need for further prescription in the District Plan.</p>
FS69.67	Waiaua Bay Farm Limited	S463.034	Natural character	NATC-O1	Delete Objective NATC-O1	Support	Allow	As noted by the submitter, the objective appears to envisage outright "preservation and protection" without recognition that some activities and the associated effects, may not necessarily be inappropriate.
FS69.68	Waiaua Bay Farm Limited	S463.036	Natural character	NATC-P3	Retain Policy NATC-P3	Support	Allow	The policy correctly enables an appropriate amount of vegetation removal and earthworks as determined by the rules
FS69.69	Waiaua Bay Farm Limited	S463.037	Natural character	NATC-P4	Delete point c. of Policy NATC-P4	Support	Allow	A requirement of this type as in sub clause c) does not accurately reflect the obligations imposed by RMA s6.
FS69.70	Waiaua Bay Farm Limited	S463.038	Natural character	NATC-P6	Delete Policy NATC-P6	Support	Allow	Sub-clauses (a) to (m) are a list of assessment matters that are inappropriate to be included in a policy and if anything are matters of discretion.
FS69.71	Royal Forest and Bird Protection Society of New Zealand	S511.073	Natural character	NATC-P3	Amend NATC-P3 to "Allow for restricted amounts vegetation clearance ..."	Support in part	Allow in part	'Limited' may better direct the rules below rather than 'restricted' amounts of vegetation clearance as sought by the submitter as the rules specify vegetation clearance amounts according to certain limited specified activities.
FS69.72	Kapiro	S442.092	Natural	NATC-P3	Amend NATC-P3 to "Allow for	Support in part	Allow in part	'Limited' may better direct the

	Conservation Trust		character		restricted amounts vegetation clearance ...".			rules below rather than 'restricted' amounts of vegetation clearance as sought by the submitter as the rules specify vegetation clearance amounts according to certain limited specified activities.
FS69.75	John Andrew Riddell	S431.163	Natural features and landscapes	Policies	Insert the following new policy: That activities avoid or mitigate adverse effects on the scientific and amenity values associated with outstanding natural features.	Oppose	Disallow	Does not give effect to the RPS or the NZCPS, which do not specify the requirement sought in this submission.
FS69.76	John Andrew Riddell	S431.164	Natural features and landscapes	Policies	Insert the following new policy: That the high value of indigenous vegetation to Outstanding Landscapes be taken into account when assessing applications for resource consents.	Oppose	Disallow	The change sought is at best a matter of discretion or good landscape assessment practice, not a policy.
FS69.77	Our Kerikeri Community Charitable Trust	S272.016	Public access	Policies	Amend provisions to include requirements for esplanade reserves when consenting land use and other forms of development	Oppose	Disallow	The relief sought by the submitter does not appropriately balance the costs of the provision of esplanade reserve to the land owner, applying as it does the requirement for esplanade reserves to apparently all forms and scale of land use and development and will be neither effective nor efficient with respect to the objectives, requiring a non-targeted provision of esplanade reserves.
FS69.78	Carbon Neutral NZ Trust	S529.186	Public access	Policies	Amend provisions to include requirements for esplanade reserves when consenting land use and other forms of development	Oppose	Disallow	The relief sought by the submitter does not appropriately balance the

								costs of the provision of esplanade reserve to the land owner, applying as it does the requirement for esplanade reserves to apparently all forms and scale of land use and development and will be neither effective nor efficient with respect to the objectives, requiring a non-targeted provision of esplanade reserves.
FS69.79	Carbon Neutral NZ Trust	S529.187	Public access	Policies	Amend provisions to include requirements for esplanade reserves when consenting land use and other forms of development	Oppose	Disallow	The relief sought by the submitter does not appropriately balance the costs of the provision of esplanade reserve to the land owner, applying as it does the requirement for esplanade reserves to apparently all forms and scale of land use and development and will be neither effective nor efficient with respect to the objectives, requiring a non-targeted provision of esplanade reserves.
FS69.80	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	S523.018	Public access	Policies	Amend provisions to include requirements for esplanade reserves when consenting land use and other forms of development	Oppose	Disallow	The relief sought by the submitter does not appropriately balance the costs of the provision of esplanade reserve to the land owner, applying as it does the requirement for esplanade reserves to apparently all forms and scale of land use and development and will be neither effective nor efficient with respect to the objectives, requiring a non-targeted provision of esplanade reserves.
FS69.81	Director-General of Conservation (Department of Conservation)	S364.003	Subdivision	Rules	Amend the Subdivision chapter to include more stringent controls to allow for the consideration and scheduling of SNAs in the subdivision chapter.	Oppose	Disallow	Scheduling of SNAs can only be done by way of a Plan Change, not through a rule in the subdivision chapter, and in accordance with the requirements of the NPS:IB.
FS69.82	Neil Construction Limited	S349.017	Subdivision	SUB-S1	amend SUB-S1 to provide for lots of 3,000m2 as a controlled activity and 2,000m2 as a discretionary activity in both the Rural Lifestyle Zone and the Rural Residential Zone	Support	Allow	To provide for a more efficient use of a scarce land resource

FS69.83	Royal Forest and Bird Protection Society of New Zealand	S511.088	Coastal environment	Overview	Amend wording to reflect that the section covers other characteristics and values of the Coastal Environment, e.g. ONLs & ONFs Make it abundantly clear in an explanation somewhere that rules covering ONL and ONFs in the coastal environment are covered in the ONF and ONL chapter	Support in part	Allow in part	The type of clarification sought is agreed with, however because the relief lacks specificity, it can not be supported in full.
FS69.84	Kapiro Conservation Trust	S442.156	Coastal environment	Objectives	Insert additional objectives that address the protection, active management, and restoration of indigenous nature as part of protecting coastal natural character in the Far North District.	Oppose	Disallow	The matter sought in the submission has been taken into account already in determining natural character values.
FS69.85	John Andrew Riddell	S431.033	Coastal environment	Policies	Insert a new policy as per Policy 4.6.1 of the Regional Policy Statement.	Oppose	Disallow	These outcomes are implemented by the proposed policies (as sought to be amended by the the further submitters primary submission)
FS69.86	John Andrew Riddell	S431.034	Coastal environment	Policies	Insert a new policy as per Policy 5.1.2 of the Regional Policy Statement.	Support in part	Disallow in part	The submission point is generally agreed with, however the specific wording has not been provided and the outcome may be better realised by the submission points on CE-01 and CE-02 sought in the further submitter's primary submission.
FS69.87	John Andrew Riddell	S431.035	Coastal environment	Policies	Insert a new policy as per Policy 10.4.1 of the Operative District Plan, as follows: That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally:	Oppose	Disallow	The submission does not give effect to the NZCPS with the outcomes sought better realised by the submission points on CE-01 and CE-02 sought in the further submitter's primary submission.

1. **Recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and**
2. **is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and**
3. **has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not adversely affect the safety and efficiency of the roading network; and**
4. **avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and**
5. **promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and**
6. **recognises and provides for the relationship of Maori and their culture**

and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and (g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and

7. gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.

FS69.88	John Andrew Riddell	S431.037	Coastal environment	Policies	<p>Insert a new policy as per Policy 10.4.12 of the Operative District Plan, as follows:</p> <p>That the adverse effects of development on the natural character and amenity values of the coastal environment will be minimised through:</p> <p>(a) the siting of buildings relative to the skyline, ridges, headlands and natural features;</p> <p>(b) the number of buildings and intensity of development;</p> <p>(c) the colour and reflectivity of buildings;</p> <p>(d) the landscaping (including planting) of the site;</p> <p>(e) the location and design of vehicle access, manoeuvring and parking areas</p>	Oppose	Disallow	The relief sought incorrectly seeks to 'minimise' adverse effects on natural character and amenity of the coastal environment which does not give effect to the NZCPS.
FS69.89	John Andrew Riddell	S431.038	Coastal environment	Policies	<p>Insert a new policy as per Policy 10.6.4.3 of the Operative District Plan, as follows:</p> <p>Subdivision, use and development shall preserve and</p> <p>where possible enhance, restore and rehabilitate the character of</p>	Oppose	Disallow	The proposed policy does not give effect to the NZCPS.

the zone in regards to s6 matters, and shall avoid adverse effects as far as practicable by using techniques including:

(a) clustering or grouping development within areas where there is the least impact on natural character and its elements such as indigenous vegetation, landforms, rivers, streams and wetlands, and coherent natural patterns;

(b) minimising the visual impact of buildings, development, and associated vegetation clearance and earthworks, particularly as seen from public land and the coastal marine area;

(c) providing for, through siting of buildings and development and design of subdivisions, legal public right of access to and use of the foreshore and any esplanade areas;

(d) through siting of buildings and development, design of subdivisions and provision of access, that recognise and provide for the relationship of Maori with their culture, traditions and taonga including concepts of mauri, tapu, mana, wehi and karakia and the important contribution Maori culture makes to the character of the District;

(e) providing planting of indigenous vegetation in a way that links existing habitats of indigenous fauna and provides the opportunity for the extension, enhancement or creation of habitats for indigenous fauna, including mechanisms to exclude pests;

(f) protecting historic heritage through the siting of buildings and development and design of subdivisions.

FS69.90	Kapiro Conservation Trust	S442.157	Coastal environment	Policies	<p>Insert additional policies addressing the need to:</p> <ol style="list-style-type: none"> 1. Protect indigenous coastal forests, coastal shrublands, coastal cliffs communities, coastal and freshwater wetlands and dunelands 2. Protect coastal wetlands (including saltmarsh, salt meadow/herb field and freshwater wetlands) from activities inland of the CMA in the Far North District 3. The need to protect isolated important indigenous elements such as large pohutukawa and puriri trees, and fringing pohutukawa and other native trees in Northland's harbours and bays (e.g., Bay of Islands). 4. The need for coastal ecosystems (such as saltmarsh, salt meadow and floodplain wetlands) to be able to migrate inland as sea levels rise. Such policies may include promoting restrictions on new activities that would impede such landward migration of coastal ecotones. 	Oppose	Disallow	The natural character values of the environments referred to in the submission have already been identified by natural character mapping.
FS69.91	Kapiro Conservation Trust	S442.162	Coastal environment	Rules	<p>Insert a rule that requires consent to fell or significantly prune isolated mature indigenous trees such as pohutukawa within the coastal environment</p> <p>Or</p> <p>Expand Schedule 1 - Schedule of Notable trees to include all these trees.</p>	Oppose	Disallow	The proposed rule lacks precision, is uncertain as to applicability (referring to 'mature trees') and will not effectively nor efficiently implement any objectives of the Plan.
FS69.92	Ironwood Trust Limited	S337.001	Noise	NOISE-R7	Amend Rule NOISE-R7 to provide for landing areas that do not meet	Support	Allow	The proposed RDA activity class sought where the standards are not

					the standard referred to in PER-2 to be identified as restricted discretionary activities instead of discretionary.			met appropriately targets the matters under consideration, which should relate to noise effects.
FS69.93	Kapiro Conservation Trust	S442.163	SCHED1 - Schedule of notable trees	SCHED1 - Schedule of notable trees	Insert a rule that requires consent to fell or significantly prune isolated mature indigenous trees such as pohutukawa within the coastal environment OR Expand Schedule 1 - Schedule of Notable trees to include all these trees.	Oppose	Disallow	The submission lacks specificity of outcome and additions of trees to the list of scheduled trees sought should be specifically identified.
FS69.94	Director-General of Conservation (Department of Conservation)	S364.002	SCHED4 - Schedule of significant natural areas	SCHED4 - Schedule of significant natural areas	Insert SNAs in the plan using the report prepared for Council titled "Significant Indigenous Vegetation and Habitats of the Far North District - Volume 1" prepared by Wildlands Consultants (Contract Report No. 4899d, December 2019) to include SNAs in the Proposed District Plan.	Oppose	Disallow	The insertion of SNAs in the Plan does not accord with the requirements of the NPS:IB, and if undertaken, should be done by way of a Variation to the Proposed Plan.
FS69.95	Kapiro Conservation Trust	S448.001	SCHED4 - Schedule of significant natural areas	SCHED4 - Schedule of significant natural areas	Insert SNA's and similar sites that have already been protected through the Council's resource consent process, as well as future sites, into Schedule 4 of the PDP.	Oppose	Disallow	The insertion of SNAs in the Plan does not accord with the requirements of the NPS:IB, and if undertaken, should be done by way of a Variation to the Proposed Plan.
FS69.96	Our Kerikeri Community Charitable Trust	S338.044	SCHED4 - Schedule of significant natural areas	SCHED4 - Schedule of significant natural areas	Amend Schedule 4 to include ecological areas already protected by resource consent conditions, consent notices, covenants etc	Oppose	Allow in part	The insertion of SNAs in the Plan does not accord with the requirements of the NPS:IB, and if undertaken, should be done by way of a Variation to the Proposed Plan.
FS69.97	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	S522.045	SCHED4 - Schedule of significant natural areas	SCHED4 - Schedule of significant natural areas	Amend Schedule 4 to include ecological areas already protected by resource consent conditions, consent notices, covenants etc	Oppose	Disallow	The insertion of SNAs in the Plan does not accord with the requirements of the NPS:IB, and if undertaken, should be done by way of a Variation to the Proposed Plan.
FS69.98	Kapiro Residents Association	S430.001	SCHED4 - Schedule of significant natural areas	SCHED4 - Schedule of significant natural areas	Amend Schedule 4 Schedule of significant natural areas to include all areas already protected through the resource consent process, updating the Schedule to	Oppose	Disallow	The insertion of SNAs in the Plan does not accord with the

					automatically to include all new protected sites			requirements of the NPS:IB, and if undertaken, should be done by way of a Variation to the Proposed Plan.
FS69.99	Royal Forest and Bird Protection Society of New Zealand	S511.125	SCHED4 - Schedule of significant natural areas	SCHED4 - Schedule of significant natural areas	Amend to fill Schedule with SNAs	Oppose	Disallow	The insertion of SNAs in the Plan does not accord with the requirements of the NPS:IB, and if undertaken, should be done by way of a Variation to the Proposed Plan.
FS69.100	Northland Federated Farmers of New Zealand	S421.134	Ecosystems and indigenous biodiversity	IB-O2	Retain Objective IB-O2 or wording with similar effect	Support	Allow	Providing for the social, economic, and cultural wellbeing of people and communities now and in the future, while maintaining indigenous biodiversity, is part of the objective of the NPS: IB at its clause 2.1.
FS69.101	Royal Forest and Bird Protection Society of New Zealand	S511.054	Ecosystems and indigenous biodiversity	IB-O2	Amend IB-O2 The extent and diversity of Indigenous biodiversity managed to maintained its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.	Oppose	Disallow	Providing for the social, economic, and cultural wellbeing of people and communities now and in the future, while maintaining indigenous biodiversity, is part of the objective of the NPS: IB at its clause 2.1.
FS69.102	Kapiro Conservation Trust	S442.073	Ecosystems and indigenous biodiversity	IB-O2	Amend IB-O2 The extent and diversity of Indigenous biodiversity managed to maintained its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.	Oppose	Disallow	Providing for the social, economic, and cultural wellbeing of people and communities now and in the future, while maintaining indigenous biodiversity, is part of the objective of the NPS: IB at its clause 2.1.
FS69.103	Kapiro Conservation Trust	S442.171	Ecosystems and indigenous biodiversity	IB-O2	Amend by replacing with Indigenous biodiversity is managed to maintain its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities. The extent and diversity of indigenous biodiversity across the district is maintained,	Oppose	Disallow	Providing for the social, economic, and cultural wellbeing of people and communities now and in the future, while maintaining indigenous biodiversity, is part of the objective of the NPS: IB at its clause 2.1.

					protected, and where possible enhanced			
FS69.104	John Andrew Riddell	S431.161	Natural features and landscapes	Policies	<p>Insert the following new policy:</p> <p>That the cumulative effect of changes to the character of Outstanding Landscapes be taken into account in assessing applications for resource consent.</p>	Oppose	Disallow	The policy sought does not direct the provisions, does not specify what sort of activities need to be managed in this manner and does not specify an outcome to be achieved from the assessment of cumulative effects. It is a matter of good effects assessment rather than policy.
FS69.104	Heritage New Zealand Pouhere Taonga	S409.050	Earthworks	EW-S6	<p>Amend Standard EW-S6 Setback as follows (or words to that effect):</p> <p>Earthworks must be setback by the following minimum distances:</p> <ol style="list-style-type: none"> 1. earthworks supported by engineered retaining walls - 1.5m from a site boundary; 2. earthworks not supported by engineered retaining walls - 3m from a site boundary; 3. earthworks must be setback by a minimum distance of 10m from coastal marine area. 4. earthworks must be setback by a minimum distance of 20m from the extent of an archaeological site <p>Note: setbacks from waterbodies is managed by the Natural Character chapter. In addition to the requirements of the District Plan, it should be noted that the Heritage New Zealand Pouhere Taonga Act 2014 ("HNZPTA") requires all applicants to obtain an authority from the HNZPTA before any archaeological site is modified or destroyed. This is the case regardless of whether the land on which the site is</p>	Oppose	Disallow	The proposed requirement for earthworks to be set back 20m from an archaeological site is unnecessary duplication of authorisation processes provided for under Heritage New Zealand Pouhere Taonga Act 2014

located is designated, or the activity is permitted under the District Plan or a resource or building consent has been granted.

FS69.105	John Andrew Riddell	S431.162	Natural features and landscapes	Policies	Insert the following new policy: That the visibility of Outstanding Landscape Features, when viewed from public places, be taken into account in assessing applications for resource consent	Oppose	Disallow	The policy sought does not direct the provisions, does not specify what sort of activities need to be managed in this manner and does not specify an outcome to be achieved from the assessment of visibility from public places. It is a matter of good effects assessment rather than policy.
FS69.105	Kapiro Conservation Trust	S449.042	Planning maps	General / Miscellaneous	Amend planning maps to add coastal overlays, or similar mechanism, to all coastal areas visible from marine areas, so that coastal landscapes, coastal character and coastal environments will be protected appropriately.	Oppose	Disallow	The relief sought to add coastal overlays, or similar mechanism, to all coastal areas visible from marine areas is contrary to the RPS and the NZCPS.
FS69.107	Haititaimarangai Marae Kaitiaki Trust	S394.039	Natural features and landscapes	Policies	Insert a new policy as follows: Avoid any significant adverse cultural effects and avoid, remedy or mitigate any other adverse cultural effects.	Oppose	Disallow	Under Appendix 1 of the RPS which has directed the identification of ONLs "Spiritual, cultural and historical associations" should have been taken into account already and described as a value for each ONL. Subject to the changes sought by the further submitter in its submission point on NFL-O2, the obligation will be that these values are not compromised, and then managed in a way consistent with the policies which follow. For this reason, the additional policy sought by the submitter is not necessary.
FS69.108	Kapiro Conservation Trust	S442.156	Coastal environment	Objectives	Insert additional objectives that address the protection, active management, and restoration of	Oppose	Disallow	The proposed form of policy is very general and does not give effect to

indigenous nature as part of protecting coastal natural character in the Far North District.

Policy 11 from from the NZCPS which has very precise prescription on the type of Indigenous vegetation and how it is to be managed in the coastal environment.

FS69.109	Royal Forest and Bird Protection Society of New Zealand	S511.019	Directions Overview	Directions Overview	<p>Amend:</p> <p>For the purposes of preparing, changing, interpreting, and implementing the District Plan, all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these Strategic Directions. There is no hierarchy between the stated Objectives (i.e. no one Strategic Objective has primacy over another Strategic Objective, and the Strategic Objectives should be read as a whole).</p> <p>For the purpose of District Plan development, including plan changes, the strategic objectives in this chapter provide direction for the development of the more detailed provisions contained in the District Plan. For the purpose of District Plan implementation (including the determination of resource consent applications and notices of requirement): a) the strategic objectives may provide guidance on what the related objectives and policies in other chapters of the District Plan are seeking to achieve; and b) the relevant objectives and policies of the District Plan (including strategic objectives in this chapter) are to be considered together and no fixed hierarchy exists between them.</p>	Oppose	Disallow	The purpose of the strategic objectives is to provide strategic direction and as such they should direct the outcomes in lower order objectives and policies in the Plan.
FS69.110	Kapiro Conservation Trust	S442.039	Directions Overview	Directions Overview	<p>Amend:</p> <p>For the purposes of preparing,</p>	Oppose	Disallow	The purpose of the strategic objectives is to provide strategic

changing, interpreting, and implementing the District Plan, all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these Strategic Directions. There is no hierarchy between the stated Objectives (i.e. no one Strategic Objective has primacy over another Strategic Objective, and the Strategic Objectives should be read as a whole).

For the purpose of District Plan development, including plan changes, the strategic objectives in this chapter provide direction for the development of the more detailed provisions contained in the District Plan. For the purpose of District Plan implementation (including the determination of resource consent applications and notices of requirement): a) the strategic objectives may provide guidance on what the related objectives and policies in other chapters of the District Plan are seeking to achieve; and b) the relevant objectives and policies of the District Plan (including strategic objectives in this chapter) are to be considered together and no fixed hierarchy exists between them.

direction and as such they should direct the outcomes in lower order objectives and policies in the Plan.

