

# A Review of the Efficiency and Effectiveness of the Far North District Plan

A report prepared under Section 35 of the Resource  
Management Act (1991)

April 2020

# Table of Contents

## Summary Report

### 1 Background

- 1.1 Introduction
- 1.2 Legislative changes
  - 1.2.1 National Direction
  - 1.2.2 Local Direction
- 1.3 Post-operative plan changes
- 1.4 Data sources

### 2 District Wide Analysis

- 2.1 Development trends
  - 2.1.1 Comparison between building consents and land use resource consents
  - 2.1.2 Number of resource consents granted
- 2.2 Resource consent location analysis
- 2.3 Resource consent processing
- 2.4 Resource consent costs
- 2.5 Deemed permitted boundary consents
- 2.6 Designations

### 3 Environment trends and analysis

- 3.1 Urban environment
- 3.2 Rural environment
- 3.3 Coastal environment

### 4 District wide reporting

- 4.1 Tangata Whenua
- 4.2 Outstanding natural landscapes and features
- 4.3 Indigenous Flora and Fauna

### 5 Appendices

- Appendix A** - Effects Based Rule Thresholds
- Appendix B** – Key Dates, Plan Changes
- Appendix C** - Section 35 Report 2015

## Summary Report

Councils are required to gather information, undertake monitoring and keep records in order to effectively carry out their functions under Section 35 of the Resource Management Act (RMA 1991). At least every 5 years, Council must prepare a report on the effectiveness and efficiency of the rules, policies and other methods in its plan, and make this report publicly available. Administration have prepared the Section 35 report to assess and report on the effectiveness and efficiency of the Operative District Plan in fulfilling the sustainable management purpose of the RMA. The report specifically focusses on the period between 2013 and 2018, as another Section 35 report was prepared for the preceding period. The Section 35 report will also act to inform Administration in the plan making process through the consolidated review of the District Plan, with notification of the Proposed District Plan due to occur in the latter half of 2020. As well as this, this report aims to guide internal processes in both the monitoring and resource consent spaces.

### Key findings

- The number of resource consents granted per financial year has increased over the past 5 years, with the largest proportion of resource consents occurring in the rural environment. In particular, the Rural Production zone has seen the largest number of resource consents for any one zone.
- The large amount of consents in the rural environment enables us to gain an understanding of the development pressures which exist in the Far North and can be taken into account for the proposed District Plan. For example, an increase in the amount of consents in the rural environment may indicate that development is occurring where the plan does not anticipate it and this may be due to factors including infrastructure pressures, or not having adequate amounts of urban zoned land for development. As well as this, the data may show other factors including changes to housing markets, and changes to lifestyle choices with a switch towards lifestyle properties within peri-urban areas and areas of high rural amenity.
- A large portion of resource consents were granted in Kerikeri and Northern communities over the 5-year reporting period. This is consistent with known growth patterns in each of these areas. In particular, Kerikeri had the most resource consents for any one place in the Far North.
- Each zone was analysed to give an indication of what types of consents were granted in these zones, including the main breaches for that zone. This information gives us an idea of the most common consents types and will assist in the District Plan review.

### Resource Consent Trends and Numbers

The past five years have represented a dynamic time for resource management planning, as well as for our District. In 2017, significant reform to the RMA was undertaken through the Resource Legislation Amendment Act 2017 (RLAA). The RLAA made changes to the way that resource consent applications were processed, the matters to be considered and the notification process. Alongside this, the District has gone through a recent period of growth and increasing development pressures. Our analysis shows that the number of resource consents granted in the past five years has been consistently rising each year, with both subdivision and land use consents seeing a marked increase across the reporting period. As well as this, by comparing numbers of building consents with the number of resource consents granted, we have gained a picture of overall development in the District, as well as gaining an understanding of the triggers and thresholds for resource consent applications. For example, in the 2017-18 financial year, 1185 building consents were granted throughout the District, while only 407 land use consents were granted. This represents that a certain amount of development can occur in the District without triggering the need for resource consent.

In addition to volumes of resource consents, it is important to also look at the location of resource consent applications to understand development trends in different areas across the District. The Far North District is unique in having a large number of urban centres (towns with reticulated infrastructure), with a relatively

low population and spread across a large land area. Our analysis shows that the largest proportion of resource consents were granted in the Kerikeri community and Northern communities (i.e. Kaitaia and surrounds). This analysis matches with known growth trends in both of these areas, and allows Administration to tailor their plan making on the issues facing each location, while placing this into the context of the wider district.

### **Urban and Rural Environments**

A large portion of the Far North District is comprised of rural land, with the zoning of Rural Production. The Rural Production zone provides for primary production uses including pastoral farming and horticulture. Alternatively, urban environments are defined as those surrounding townships and are generally serviced by Council's reticulated services. By analysing the occurrence of resource consent applications in both rural and urban environments, we can gain an understanding of the development pressures that may be occurring in the different environments throughout the district. Our analysis shows that throughout the 2013-2018 period, a significant amount of resource consent applications were located in the rural environment, and in particular the Rural Production zone. This may be due to a number of factors. For one, it may be because in general the land use rules in urban environments are less prohibitive, and therefore overall the need for a resource consent may be triggered less. However, it may also suggest that there are activities occurring in the rural environment that are not anticipated by the current plan or that the rural zones are restrictive for the types of activities that are occurring in these areas. Along with this, it may also suggest that we currently don't have an adequate supply of urban land and therefore development is pushed into the rural environment. These considerations will be taken into account in the District Plan review in order to ensure that there is an adequate supply of land for urban uses, while also providing for primary production in the appropriate places.

### **Coastal Environments**

The Far North has a significant amount of coastline, with approximately 12% of the District's land area being classified as a coastal environment. With this, the District Plan has three main coastal zonings; the General Coastal zone, Coastal Living zone and Coastal Residential zone. These zones represent a broad sweep of coastal environments, from a more rural focussed rule framework with the General Coastal zone, to an urban style Coastal Residential zone. The proposed District Plan will deviate from coastal zonings and will instead have a coastal environment overlay which is in line with the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland. However, analysing how the current coastal zone framework is functioning in the current District Plan enables us to understand what rule framework should be applied to the coastal environment in the Proposed District Plan. Our analysis showed that there was a high number of resource consents required throughout the coastal zones in the reporting period. This represents an increasing pressure for development in coastal areas, which is in line with known trends over the past few decades. Overall, there were more land use applications than subdivision consents, with the number of subdivision consents being fairly equal over the three coastal zones (General Coastal, Coastal Living and Coastal Residential). The most common breach was visual amenity in both the General Coastal and the Coastal Living zone (the Coastal Residential zone does not have a visual amenity rule). This is to be expected in that protecting the amenity of coastal areas is a large driver behind the current policy framework. Going forward, the coastal environment will be managed in a way to preserve and protect the natural character of this environment from inappropriate land use and subdivision, while balancing land uses in these areas.

### **District Wide Matters**

District wide provisions include those which apply across all zones in the District, including earthworks, natural hazard provisions, rules for heritage areas and provisions for natural environments. Analysing the

thresholds for these activities allows us to create a picture of overall development in the District, and enables us to build a policy framework going forward. A detailed analysis of each district wide provision was included in the previous Section 35 report, and included as an Appendix to the current report.

## 1. Background

### 1.1 Introduction

The Far North District Plan (the plan) has been the district's principal planning tool used to achieve the sustainable management purpose of the Resource Management Act 1991 (the Act) over the last 10 years. The plan was made partly operative in 2007, and became fully operative in September 2009, with the aim of managing the effects of the use, development, and protection of land and associated natural and physical resources.

Councils are required to gather information, undertake monitoring and keep records under Section 35 of the Resource Management Act (RMA 1991). This enables council to report on the efficiency and effectiveness of their plan, which is required to be undertaken at least every 5 years. A comprehensive review of the efficiency and effectiveness of the District Plan was carried out in 2015, and the current report draws on the data and findings from the previous report, as well as using resource consent and building consent data from the period between 2013-2018 to draw conclusions on the efficiency and effectiveness of the District Plan.

This report also enables Council the opportunity to reflect and improve on internal processes by understanding emerging trends in resource consent applications and associated monitoring programs within the District, and will assist Administration in the plan making process for the Proposed District Plan, due for notification at the end of 2020. While there are many new responsibilities and structural changes to the way plans must now be structured under the National Planning Standards, the analysis of plan efficiency and effectiveness will directly inform the need for rules and the relevant thresholds for setting rules and associated performance standards for different activities in the new District Plan.

### 1.2 Legislative changes

#### 1.2.1 National Direction

There has been a significant amount of legislative change in the years since the District Plan became operative. This includes national direction through both National Environmental Standards, and National Policy Statements, as well as the RMA going through a significant reform through the Resource Legislation Amendment Act 2017 (RLAA). The key changes from the RLAA are as below:

- **Introduction of the National Planning Standards** - The National Planning Standards were released in April 2019 and set out a standardized framework for preparing plans. Local authorities are required to recognise National Planning Standards by amending their plans, and the proposed district plan will be prepared in accordance with these requirements.
- **Amendments to Sections 30 and 31** - Gave regional council and territorial authorities new functions to ensure there is sufficient development capacity in respect to housing and business land.

- **Changes affecting Maori participation** - The introduction of Mana Whakahono a Rohe and Iwi participation agreements. There is now a requirement for proposed policy statement and plans to be pre-notified to iwi authorities. Any advice received on the draft from those iwi authorities must be given particular regard
- **Natural hazards** - Natural hazard management was elevated to a matter of national importance. In addition, the range of natural hazards to be considered have been broadened, and risk-based approach to considering subdivision consent applications has been introduced.
- **Changes to the resource consent process** -
  - Certain boundary activities are treated as “deemed permitted” activities.
  - Councils may exempt activities from needing a resource consent where it is determined the only infringement is ‘marginal or temporary’ in nature.
  - Changes to the public notification criteria for subdivisions and residential activities.
  - The introduction of fast-tracking for controlled land use activities with a 10-day processing timeframe.
  - Positive environmental effects to offset adverse effects can be considered in the resource consent process.

### 1.2.2 Local Direction

There are also a number of documents within Council that have been developed in the years since the plan became operative, or are still in the process of being developed. These documents will be taken into account in the plan making process.

- |   |                                   |
|---|-----------------------------------|
| • LTP 2012-2022 & LTP 2015-2025 (once adopted)  | • Iwi/Hāpu Management Plans       |
| • Annual Plan                                   | • Transport Strategy              |
| • Asset Management Plans                        | • Community Development Plans     |
| • Regional Policy Statement for Northland (RPS) | • FN2100                          |
| • Northland Regional Plan                       | • 30 year Infrastructure strategy |

### 1.3 Post-operative plan changes

There have been a number of plan changes since the plan became operative in 2009, details of which can be found in Appendix B. There have been three private plan changes and 19 Council initiated plan changes since the plan was made operative. Since 2013 there has been one private plan change and eight Council initiated plan changes, an overview of these changes is detailed below:

- **Plan change 13** - Technical amendments included alteration, additions and deletions to the plan to improve the clarity of rules and assist in the interpretations. This plan change was considered necessary in order to improve the workability of the Plan.
- **Plan change 14** - Removal of the air chapter of the district plan due to a duplication and overlap of functions with Northland Regional Council (NRC). NRC also has the responsibility to monitor and control air discharges.
- **Plan change 15** - Modified objectives and policies for the rural environment, and changes to the rule framework for land use in the rural environment. The changes were

aimed at addressing the potential for land use incompatibility and cumulative effects in the rural environment. There were three key components to the plan change:

- (a) Objectives, policies and rules aimed at enhancing the integrity and productive potential of the Rural Zones, including maintaining the exemptions to rules for farming alongside the introduction of a Scale of Activities Rule in the Rural Production Zone. Within the proposed new rule are relaxed thresholds for activities ancillary to farming and forestry;
  - (b) Provisions aimed at addressing potential adverse cumulative effects of activities including reductions to the permitted activity thresholds for the Traffic Intensity Rule for land adjacent to State Highways and amendments to the assessment criteria to the Traffic Intensity Rule and appropriate criteria for the Scale of Activities Rule;
  - (c) Provisions aimed at enabling the well-being of rural communities, including Controlled Activity status for Minor Residential Units, a Permitted Activity Temporary Events Rule, increased setbacks under the Keeping of Animals Rule and amendments to the Setback from Boundaries Rule for smaller rural lots.
- **Plan change 17** - Review of impermeable surfaces provisions to assess their workability and address outstanding issues with regard to the definition. The plan change did not intend to review the individual thresholds of each zone, however the rural living zone was an exception due to existing development pressure.
  - **Plan change 18** - This plan change introduced a new chapter into the plan that regulates the outdoor use of genetically modified organisms in the district.
  - **Plan change 19** - Changes to the plan to promote the health and safety and wellbeing of the district by improving the clarity and workability of the plan's signage and lighting provisions, and the management of cumulative effects and the integrated management of sign and lighting activities.
  - **Plan change 20** - Traffic parking and access was implemented to improve the management of traffic in the plan. This amended the existing provisions within the transport chapter and traffic intensity rules in all zones.
  - **Plan change 21** - National Policy statement on electricity transmission was undertaken to manage the adverse effects of activities on the National grid.
  - **Private Plan change 22** - Inlet Estate Limited rezoned 7, 11,15,17,17A Kerikeri Inlet Road and 86 Cobham Road Kerikeri from rural living to residential.

#### 1.4 Data sources

This report draws on data from resource consents and building consents from Council's databases. It also uses data from the Ministry for the Environment's National Monitoring System (Ministry for the Environment). It should be noted that there are gaps in the resource consent data due to a lack of data entry. In some cases, spatial information has been used to complete the analysis.

Detailed information on the monitoring indicators of the Plan and the significant resource management issues can be found in the previous section 35 report from June 2015. This looks at samples of data from 2007- 2015 and is attached in **Appendix C**. The previous section 35 is referred to throughout this report as the *previous reporting period*.

Unless otherwise stated the data has been sourced from pathway reports.

## 2. District Wide Analysis

### 2.1 Development trends

The following section outlines the performance of the plan by highlighting resource consent trends in the period between 2013 and 2018. The data contained in this section provides an insight to the performance of the plan in terms of efficiency and effectiveness.

#### 2.1.1 Comparison between building consents and land use resource consents

The below chart shows building consents granted in comparison to both land use and combined resource consents for the financial years from 2013/2014 to 2017/2018. The combined resource consents are included here under the assumption that all combined consents were comprised of a land use component.

Comparing building consent numbers with the amount of land use resource consents granted in the same period gives us an indication of overall development within the District, as well as enabling us to understand the triggers and thresholds for requiring resource consent applications. As shown below, building consent numbers are consistently significantly higher than resource consents granted, with the overall number of building consents issued over the 5-year period being 5,256 in comparison to 1,562 land use consents over the same period. In the previous reporting period, it was shown that for every 1 resource consent granted, there were approximately 5 building consents granted. This ratio has decreased in the current reporting period, with approximately 3 building consents being granted for 1 resource consent. This may constitute a change in the type of development in the District in the past five years, and may suggest that there are activities occurring in areas not anticipated by the plan (and therefore requiring resource consent).

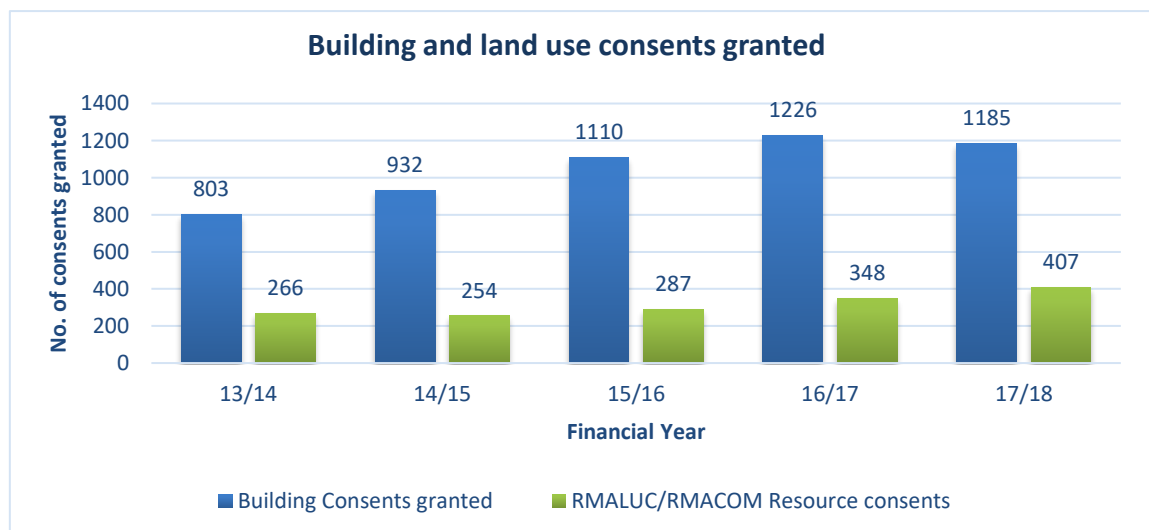


Figure 1: Building and land use consent numbers by financial year. The above resource consent data is sourced from MFE's National Monitoring System.

#### 2.1.2 Number of resource consents granted

Examining the number of resource consents granted in a certain time period gives us an indication of the development that is occurring within the District. **Figure 2** shows the number



of resource consents granted in each of the financial years within the reporting period, and is broken down into land use consents, subdivisions and combined applications. Both land use and subdivision consent numbers have risen from the 2013/14 period to the 2017/18 financial year. Overall, consent numbers have increased in this time from 471 consents granted in 2016/17, to 542 granted consents in 2017/18, and this represents a general upwards trend in consent numbers in the past 5 years. An increase in consents granted may indicate increased development in the District and a positive market for development, however may also represent other factors such as development occurring in areas that are not anticipated by the Plan or that the current provisions are restrictive for the types of activities that are occurring in these areas. Therefore, it is important to analyse consent location in order to gain an understanding of the trends which are occurring.

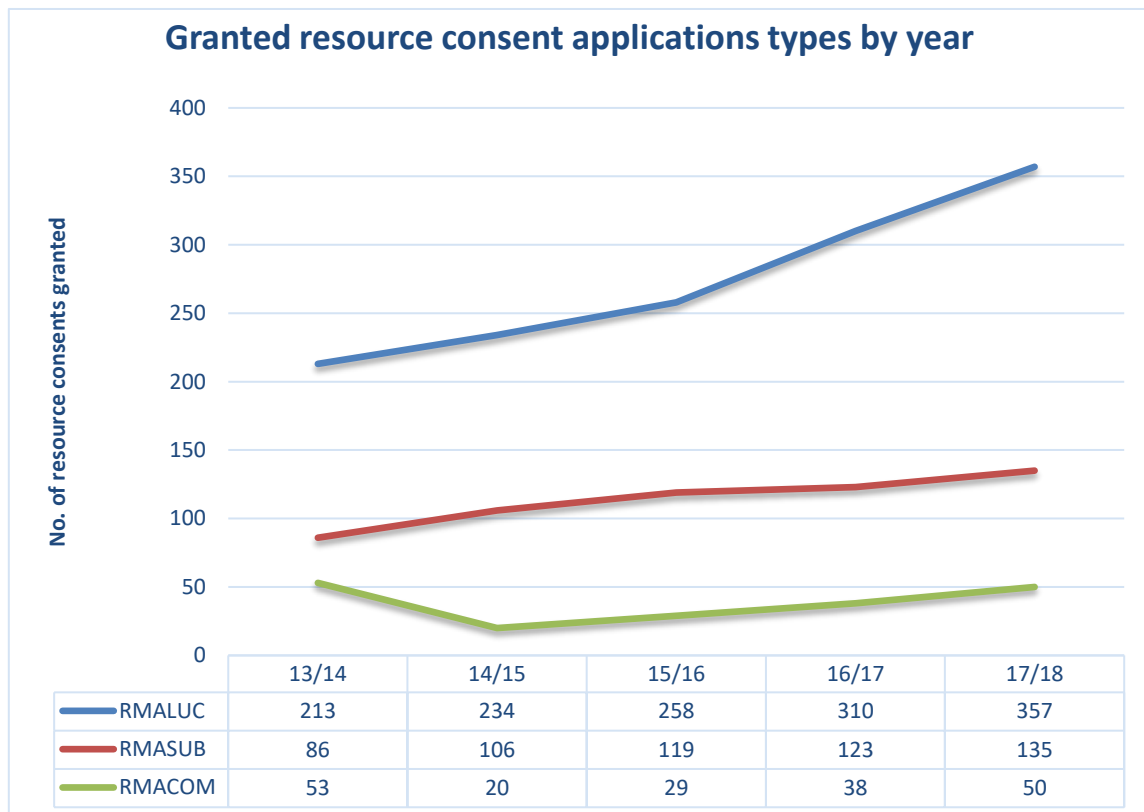


Figure 2: Resource consents approved by type and year

## 2.2 Resource consent location analysis

Analysing resource consents based on their zone locations gives us an indication of where development is happening within the District, but also shows the thresholds for activities within these zones. The below graph (**Figure 3**) shows the number of resource consent issued by zone over the current reporting period (2013-2018). The below graph includes subdivision, land use and combined resource consents.

As shown below, a large portion of granted resource consents have occurred in the Rural Production zone, and more broadly the rural environment (General Coastal, Coastal Living, Rural Living, Rural Production and the Waimate North Special Zones) constitutes 70% of all resource consents. Comparatively, the urban environment (comprised of Commercial, Residential, Industrial, Coastal Residential and Russell Township Zones) only makes up 30% of all resource consents. Of the 2268 applications, 1598 were in the rural environment and 670 were in the urban environment. The Rural Production zone alone accounted for 34% of all applications. This shows

that development that requires a resource consent has been directed to the rural environment. This could be a result of growth not occurring where the plan anticipated and infrastructure supply

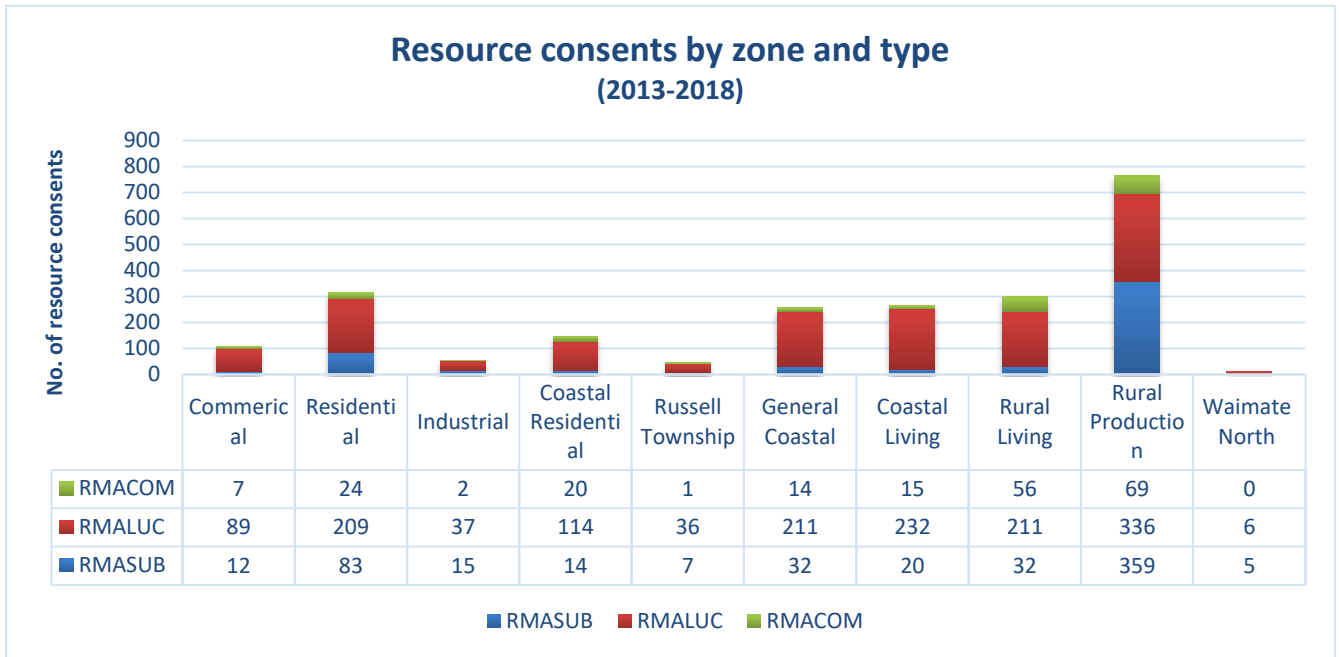


Figure 3: Resource consents granted by zone and type for the period between 2013 and 2018

issues such as in Kerikeri urban area may be restraining development until the new Kerikeri wastewater system is completed. It may also indicate we have inadequate supply of urban zoned land.

The below graph (figure 4) shows the location of resource consents broken down by Far North communities. The majority of consents were issued in the Kerikeri community (1,106 consents granted, or 45.22% of total consents) and Northern communities (672 consents, or 27.47%) reflecting known trends of growth in the districts eastern and northern areas. This trend is similar to that of the previous reporting period.

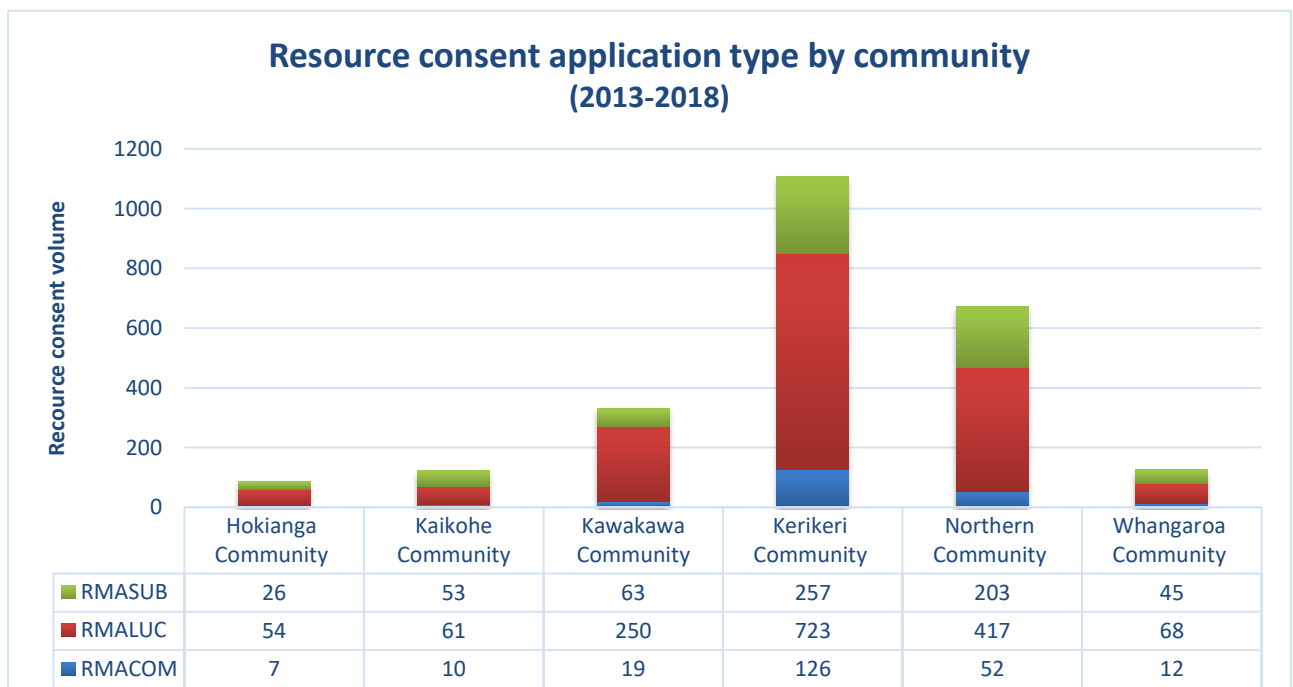


Figure 4: Resource consent application types by communities. Total number of consents = 2446.

An analysis of the numbers of resource consents granted in suburbs across the district over the 5 year reporting period was undertaken. **Figure 5** identifies where the majority of consented activity is occurring. Kerikeri had 558 consents issued, being 22% of all consents received over the reporting period. The other four locations made up 35%, therefore the top five locations alone accounted for more than half of all development in the district. This shows that there is significantly more development in the Kerikeri and surrounding areas (Waipapa and Kapiro), whereas in the previous reporting period the top 5 locations in order were Kerikeri, Kaitaia, Russell, Paihia and Karikari Peninsula.

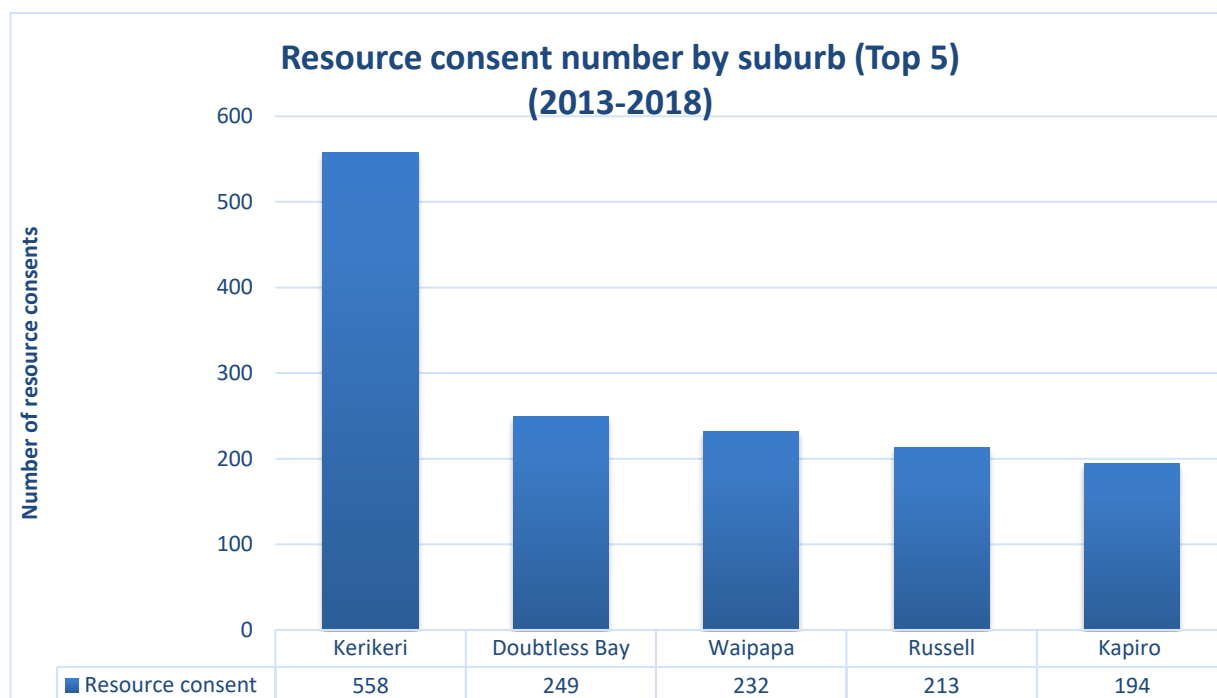


Figure 5: Number of resource consents by suburb

### 2.3 Resource consent processing

**Table 1** shows the percentage of resource consents processed within statutory timeframes, as well as giving an indication of the usage of Section 92 requests for further information and section 37 extensions of time.

The table shows that the number of consents being processed on time has decreased over time with the use of section 92 between 35-44% and use of section 37 between 13-20%. Some of the reasons for the use of section 37 include time to allow further consultation or getting technical input. The use of section 92 requests has remained relatively consistent throughout the reporting period, however the number of consents processed within statutory timeframes has decreased significantly from the 2016/17 financial year to the 2017/18 year. This decrease may be due to a number of reasons including internal resourcing issues, however may also be due to an increase in resource consent applications received and may indicate a higher level of development in the District.

**Table 1 – Resource consent processing, use of s92 and use of s37 statistics, 2014/2015-2017/2018**

	Processed within timeframes	Use of s 92	Use of s 37

<b>2014/2015</b>	99%*	44%*	18%*
<b>2015/2016</b>	94%*	39%*	18%*
<b>2016/2017</b>	89%*	35%	20%
<b>2017/2018</b>	32%*	39%	13%

\*Resource consents data sourced from MFE national monitoring system

## 2.4 Resource consent costs

**Figure 6** below highlights the average costs for RMACOM, RMASUB and RMALUC consents on average cost \$2,209; subdivision consents cost \$2,459 and combined consents costs \$3,261.

The previous reporting period showed average costs of \$2,000 for land use consents, \$2,225 for subdivision consents and \$3,650 for combined land use and subdivision consents. Due to the recent decrease in the number of consents being processed on time, the discounting regulations would be playing a significant part in the cost of consents

Fees are charged at the time of application of resource consent, and in most instances are a deposit. The fees and charges below are the current fees, and over the last 5 years there hasn't been much of a fee increase, which may explain why they deposit for RMALUC and RMASUB applications don't reflect the end cost.

**Table 2 – Far North District Council Fees and charges 2018-2019 year**

Type of consent	Fees and charges
Fast track consent	\$1073
Land use consent	\$1850
Subdivision consent	\$1850
Combined land use and subdivision consent	\$3217
Deemed permitted boundary activities	\$460

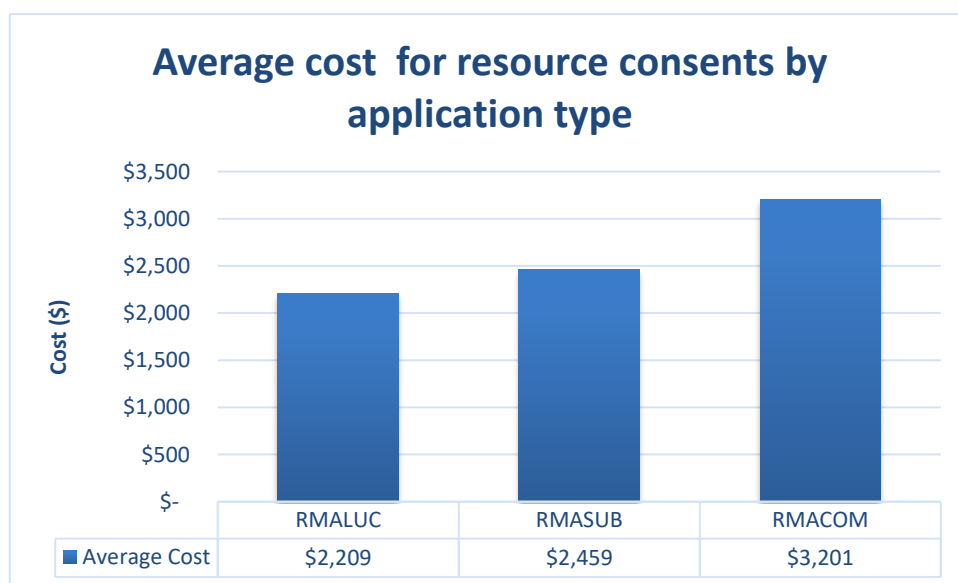


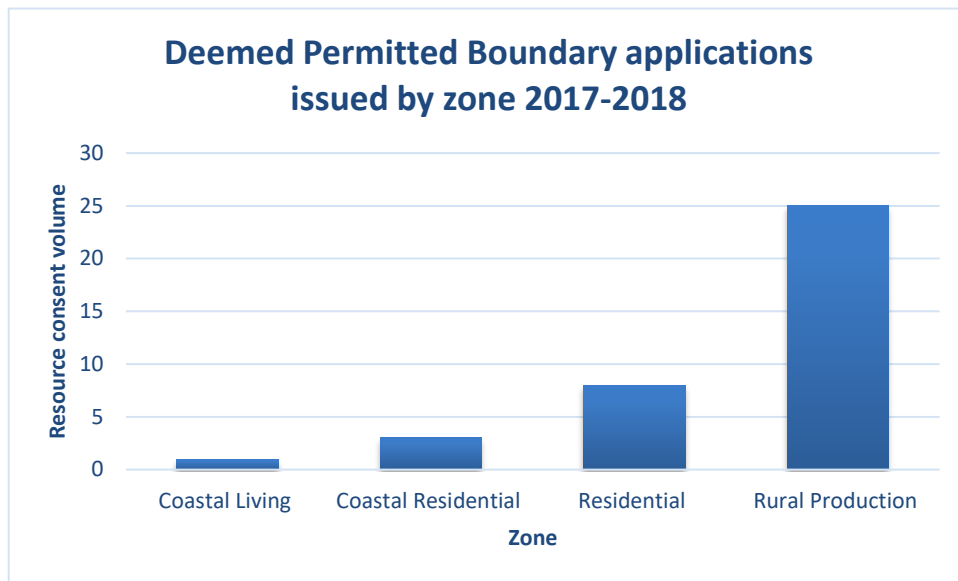
Figure 6: Average costs for resource consents between 2013 and 2018

## 2.5 Deemed Permitted Boundary consents

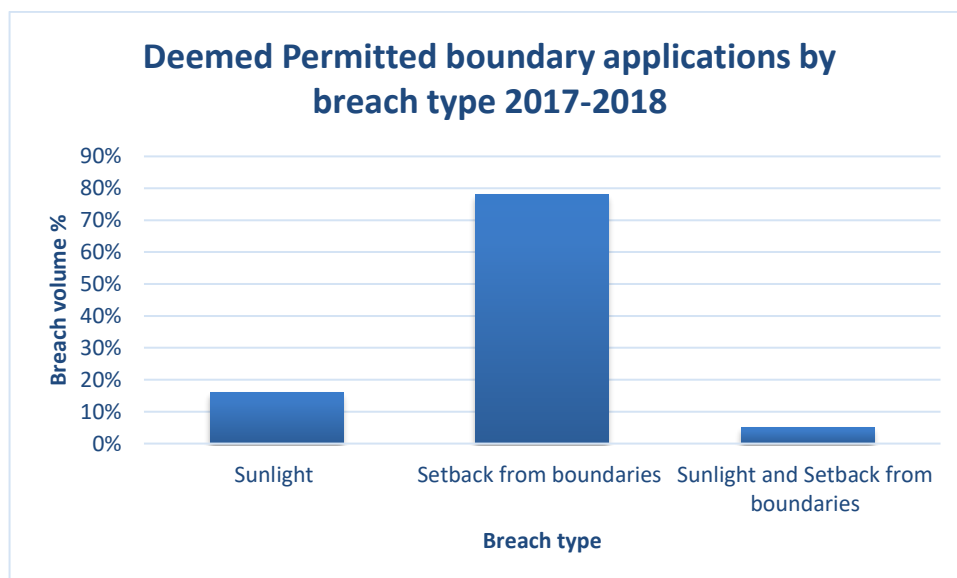
The deemed permitted boundary rule came into effect 18 October 2017. To be deemed permitted all neighbours with the 'infringed boundaries' must provide written approval of the activity, and the only rules breached must be relating to a boundary rule within the District Plan.

**Figure 7** shows that deemed permitted boundary applications were predominantly in the rural production zone with 67% of all applications being in this zone. **Figure 8** shows that 78% of all applications related to a setback breach.

**Figure 7 - Deemed Permitted boundary applications issued by zone 2017-2018**



**Figure 8 - Deemed Permitted boundary application by breach type 2017-2018**



## 2.6 Designations

Since 2013 there have been 18 applications for designations. These predominantly came from the following requiring authorities, Top Energy, Ministry of Education, and Far North District Council. A full list of plan updates can be found in the plan changes update schedule on the Far North District Council website.

## 3. Environment trends and analysis

The following section outlines the performance of the plan referring to resource consent trends in each of the urban, rural and coastal environments. This provides an insight into the efficiency and effectiveness of the operative plan.

### 3.1 Urban environment

The urban environment is made up of Residential, Commercial, Industrial, Coastal Residential and Russell Township zones. This area accounts for 2,303ha of the district's 666,000 hectares. A permissive approach to development has led to impacts on urban character, amenity and infrastructure provision and created incompatible land uses. In many instances the market has chosen to undertake commercial and industrial activities on unserviced rural land due to lower costs and minimal regulation. This has resulted in an inefficient use of existing infrastructure. This has made infrastructure planning and deployment difficult to forecast and undertake.

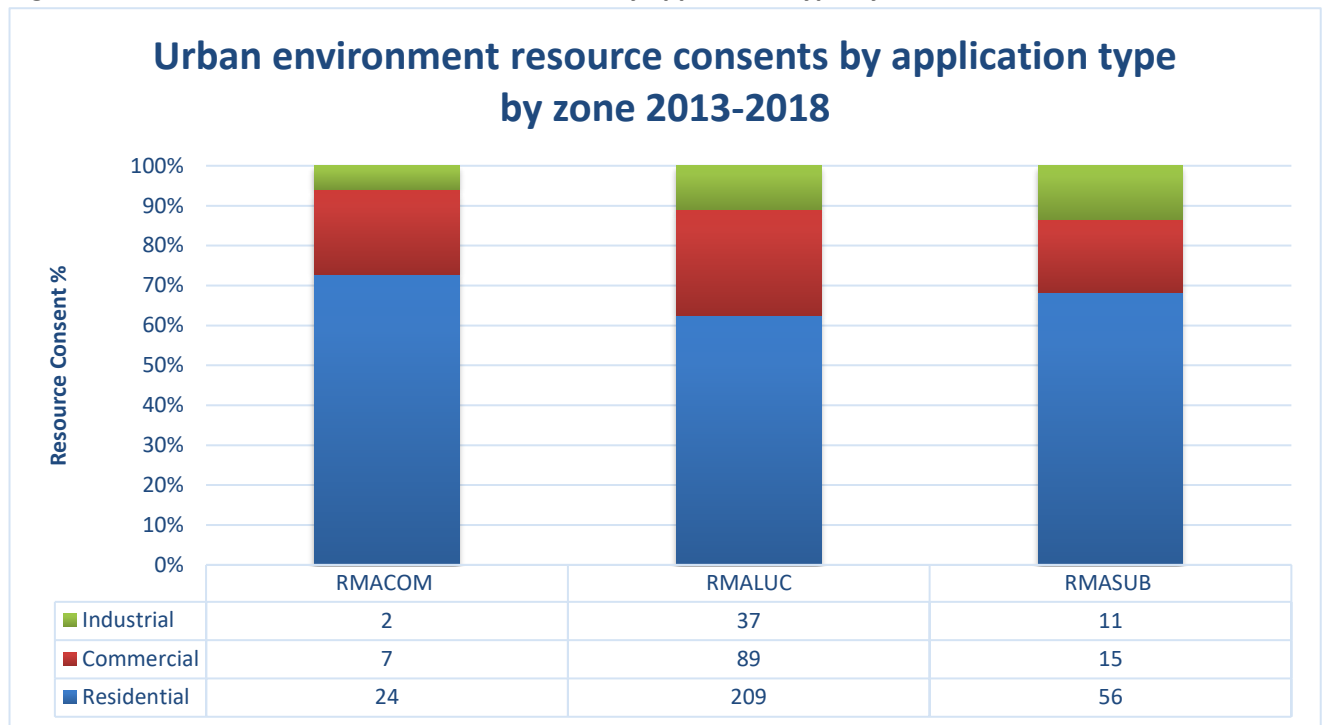
A detailed assessment of the urban environment expected environmental outcomes and a cost benefit analysis of the rules can be found in the Section 35 report 2015 (**Appendix C**).

#### Resource Consent Analysis

**Figure 9** shows resource consents from 2013-2018 located in the Urban Environment. This is a total of 450 resource consents. In the Residential Zone there were 289 consents, in the Industrial Zone there were 50, and in the Commercial Zone there were 111. Land use consents made up the majority of applications accounting for 74%, whilst subdivision consents made up 18%. The remainder is made up of combined resource consent; there will also be a small number of other consent application types.

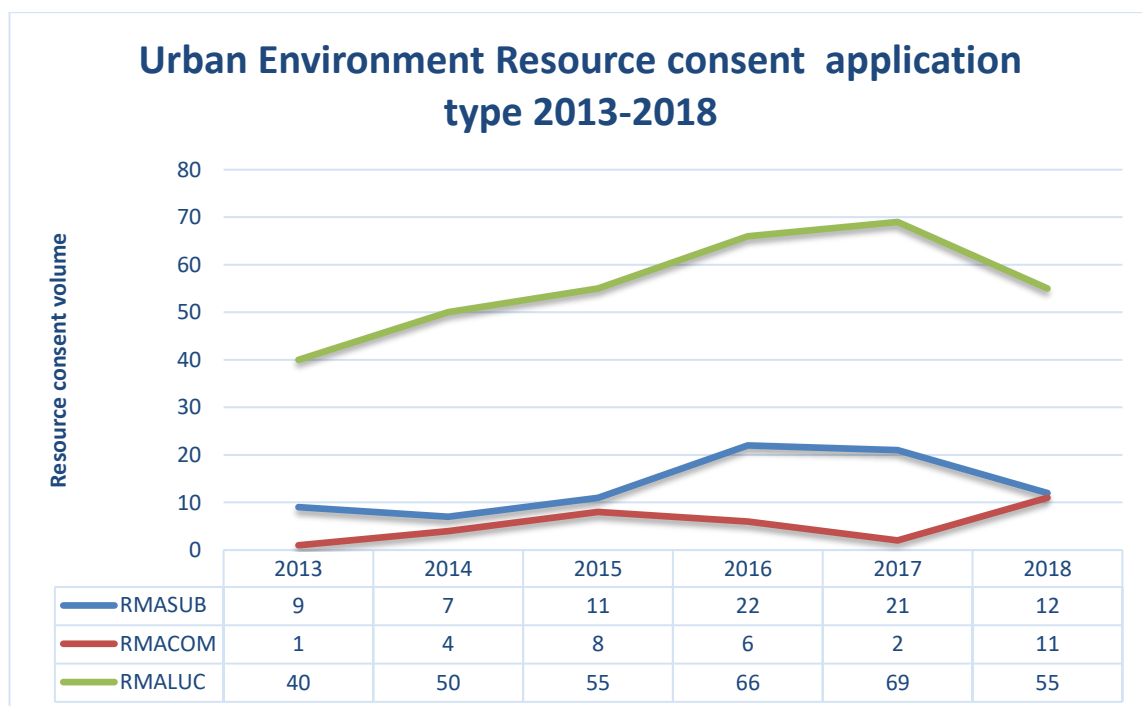
There were less subdivision consents in the residential and commercial zones than the previous reporting period and less land use consents across all zones.

**Figure 9 - Urban Environment Resource Consents by application type by zone 2013-2018**



Since 2013, the Urban Environment has consistently had more land use consent applications as opposed to subdivision consent applications. With reference to **Figure 9** above, it is noted that the majority of both land use and subdivision consents occurred in the Residential Zone as opposed to the Commercial and Industrial Zone. Trends suggest that both subdivision and land use consents will continue to reduce over time. Changes in the serviceability of our urban environments such as the completion of the Kerikeri Wastewater project and tightening up of subdivision of rural land could influence these figures.

**Figure 10 - Urban Environment Resource consent application type 2013-2018**

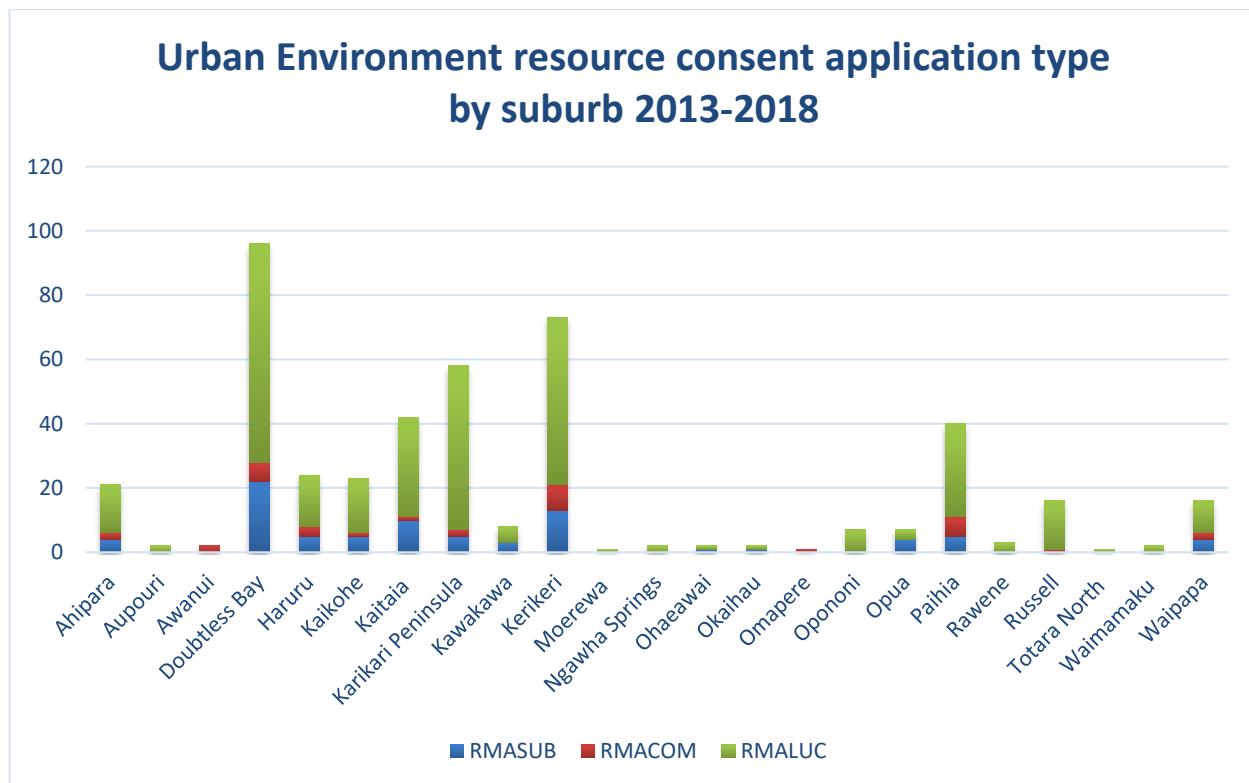


In general subdivision signals new development and growth and it is closely aligned with the prevailing economic climate. As the economy slows there is less impetus for growth. However, although subdivision consents have slowed since 2017, there has been a steady flow of land use consents suggesting that activities such as infill development, additions/alterations, and changes of use activities have still occurred.

### Resource consent locations

**Figure 11** below highlights where resource consents have been issued throughout the district. Using a total sample of 2529 applications between 2013-2018. The majority of consents were in Doubtless Bay and Kerikeri. Other Eastern and Northern ward suburbs also featured heavily. Western ward activity is noted as being considerably lower, although Kaikohe still had 23 resource consent applications over the period. This data further clarifies trends seen in the previous reporting period regarding growth in the Eastern and Northern wards in the District as opposed to the Western ward.

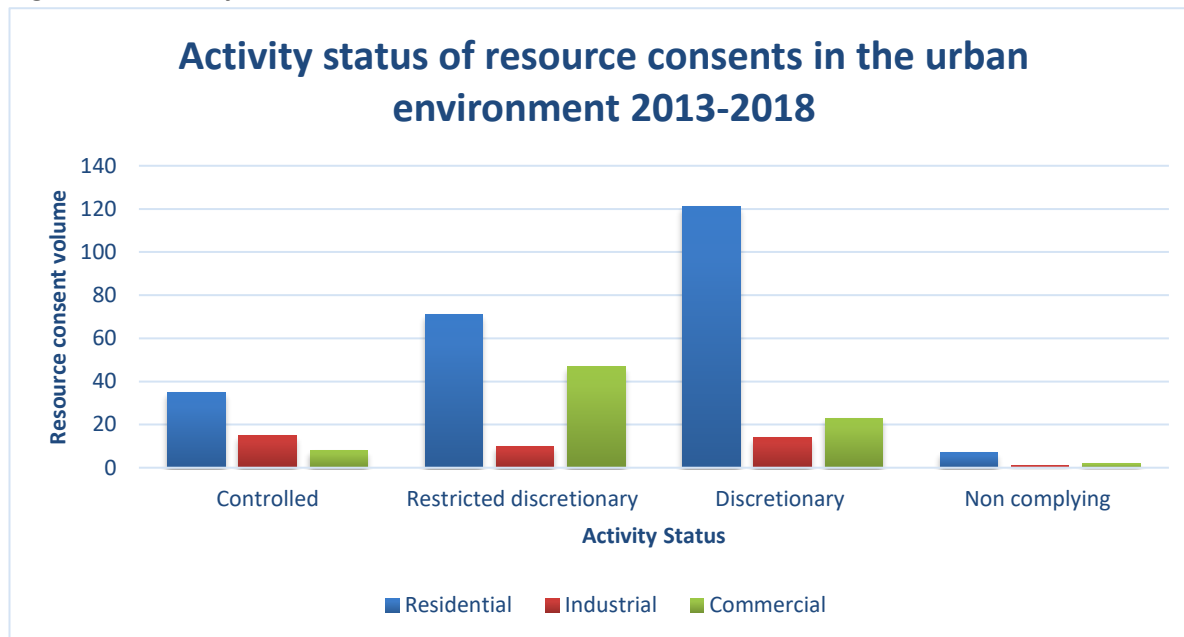
**Figure 11 - Urban Environment resource consent application type by suburb 2013-2018**



**Figure 12** below shows the activity status of resource consents in the urban environment out of the total sample of 354 applications that had complete data. Of the total residential consents 51% had a discretionary status. In most instances this activity status would have been triggered because applications failed to comply with one or more of the standards for permitted, controlled or restricted discretionary activities. Only 3% of all consents in the urban environment had a non complying status.



**Figure 12 - Activity status of resource consents in the urban environment 2013-2018**



### Notification

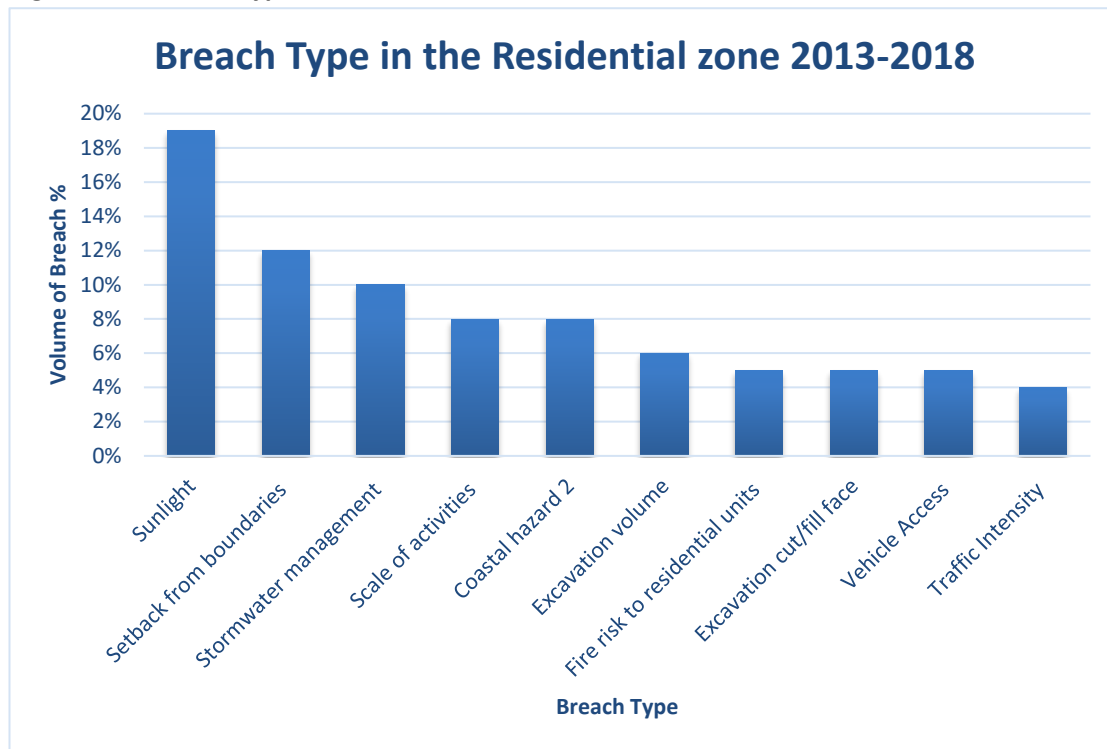
Out of 390 urban environment applications 6 were limited notified all were not heard. The lack of notified applications suggests that the breaches to the controls in the urban environment incurred no more than minor effects on the environment, affected parties gave their approval and the breaches were not significant.

### Breach Analysis

**Figures 13 - 15** below provides greater detail by identifying whether land use consents for each of the zones have been growth related (i.e. and increase in scale of a building), or technical (i.e. greater parking requirements as a result of a change of use).

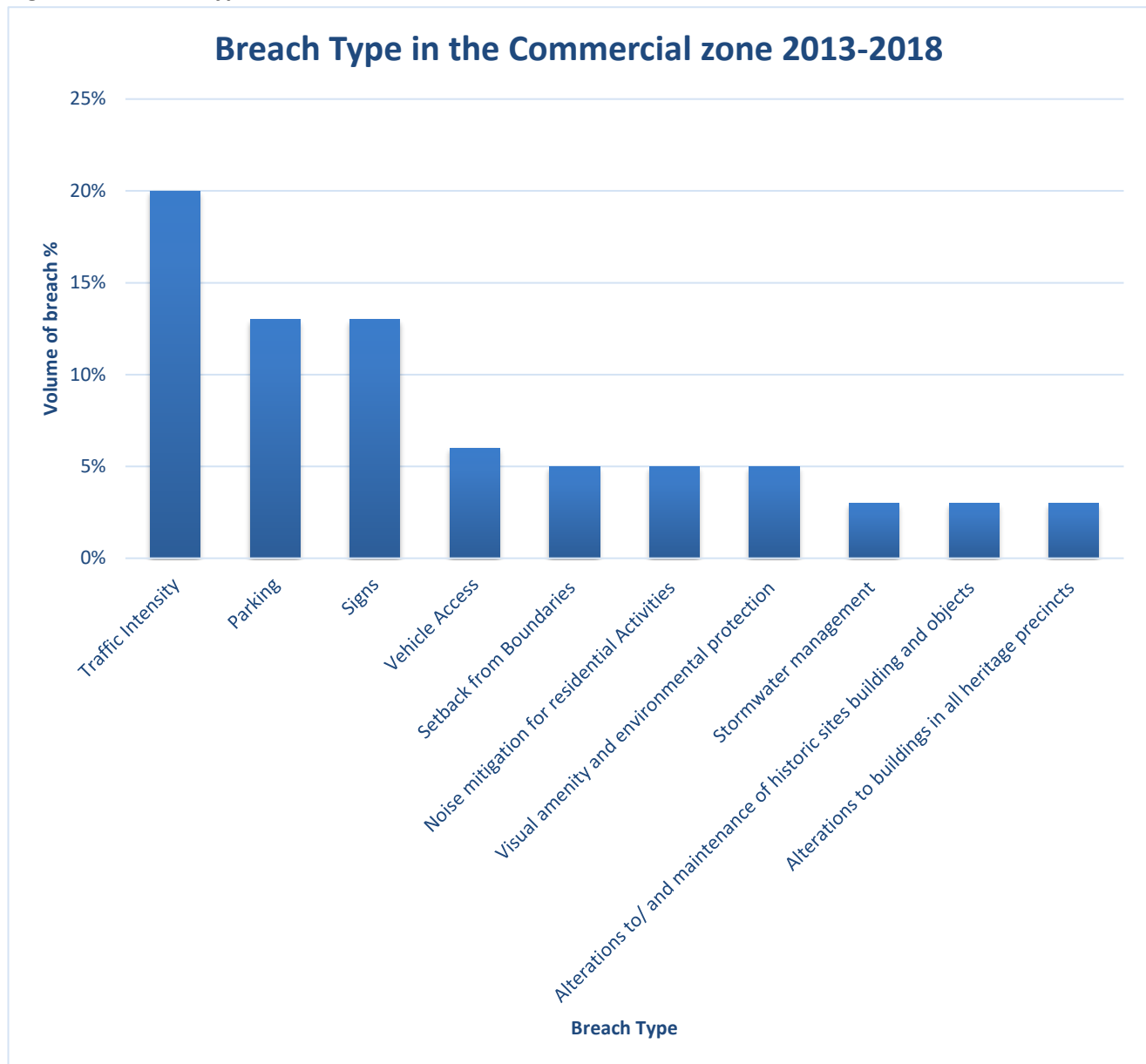
**Figures 13 -15** breach data for the urban environment included a total of 606 breaches to the relevant rules for the urban environment. This data assists in determining whether rules most commonly breached are the most efficient and effective means of meeting the relevant policies, objectives and environmental outcomes expected.

**Figure 13 – Breach type in the residential zone 2013-2018**



Of the sample of 606 breaches with complete information, 393 related to the Residential Zone. Breaches of Sunlight (19%) and Setback from Boundaries (12%) rules were the most common breaches followed by stormwater management (10%), scale of activities (8%) and Coastal hazard 2 (8%). Where as in the previous reporting period scale of activities breaches featured as the top breach in this zone.

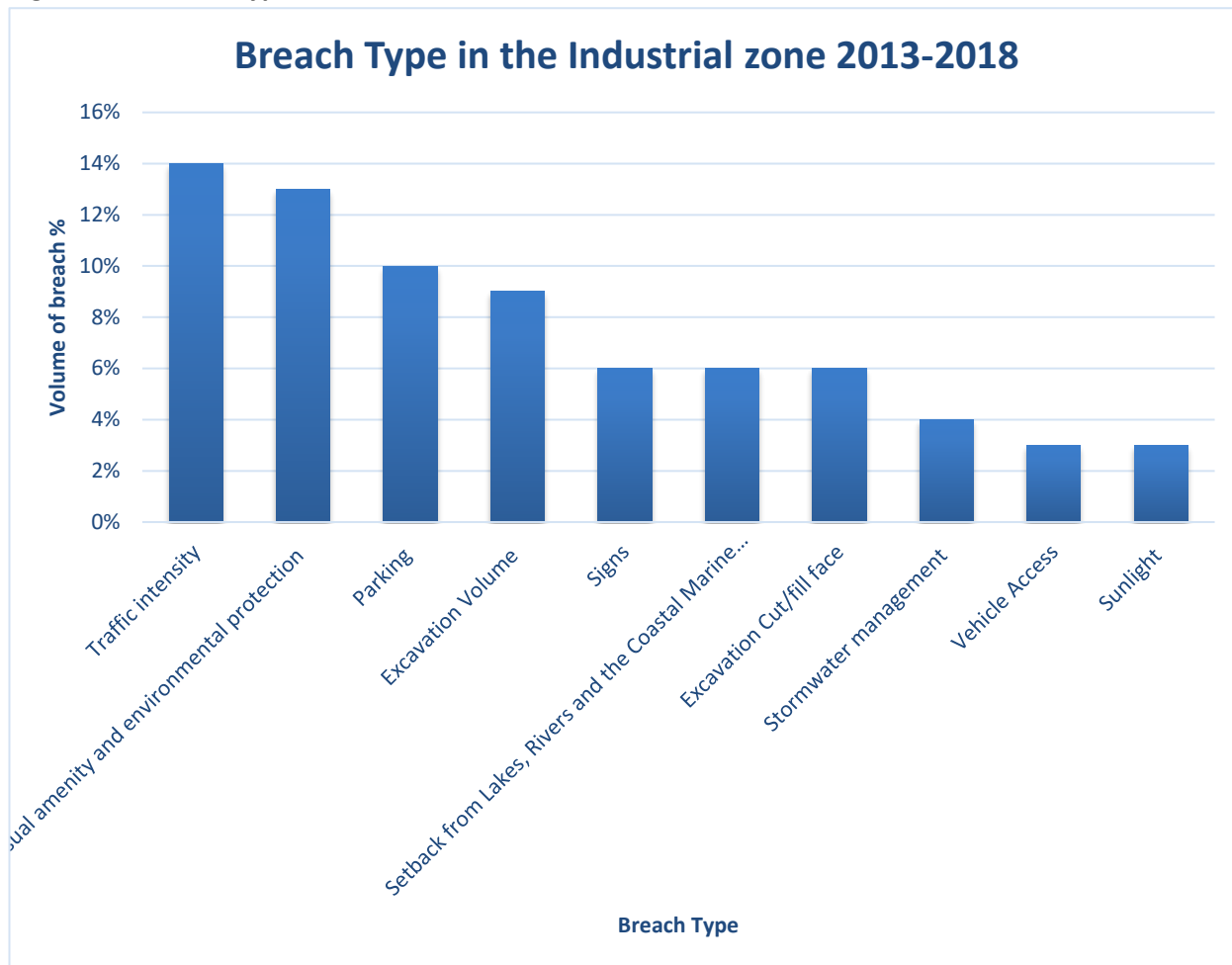
Figure 14 - Breach type in the Commercial zone 2013-2018



Of the sample of 606 breaches, 143 related to the Commercial Zone. **Figure 14** shows that the majority of consents were related to traffic intensity (20%), parking (13%), and signs (13%). These results are similar to that of the previous reporting period.

With respect to the Traffic Intensity rule, these breaches related to activities and their scale generating more than expected traffic movements. In terms of parking, these breaches related to activities which proposed less than the prescribed parking numbers for an activity.

**Figure 15 – Breach type in the Industrial Zone 2013-2018**



Of the sample of 606 breaches, 70 related to the Industrial Zone. Breaches related to traffic intensity (14%), visual amenity and environmental protection (13%), parking (10%) and excavation volume (9%). The traffic and parking related breaches are similar to that of the previous reporting period, yet breaches of the visual amenity and environmental protection rule is a new occurrence as applications seem to be lacking in consideration of landscaping.

### 3.2 Rural Environment

The majority of land within the District is in the Rural Environment and is used for primary production, conservation, commercial and rural living. A relatively permissive planning framework has led to land fragmentation, reverse sensitivity and lot size that promote residential development. The reduction in production potential is economically significant when subdivision occurs on highly productive land.

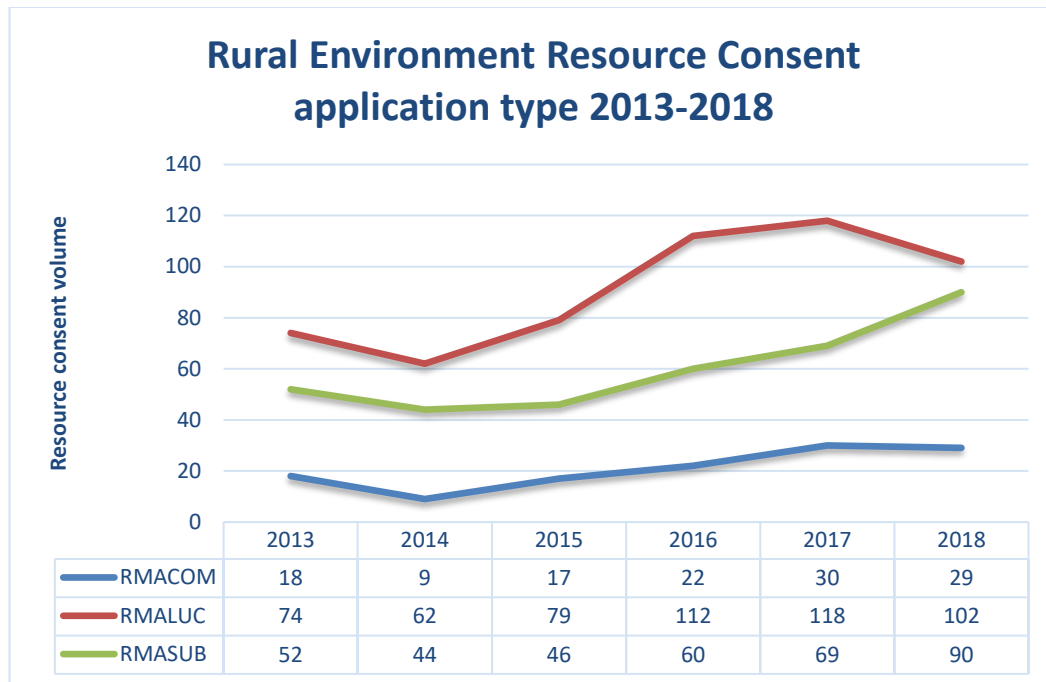
Key observations relating to the internal consistency of the Rural Living and Rural production zone are considered in the section 35 report 2015 ( **Appendix C**).

#### Resource consent analysis

The Rural environment resource consent analysis used a sample size of 1033 consents. **Figure 17** shows resource consents from 2013-2018 located in the Rural Production and Rural Living zones, the predominant consent type was RMALUC (45%). Historically there has been more subdivision

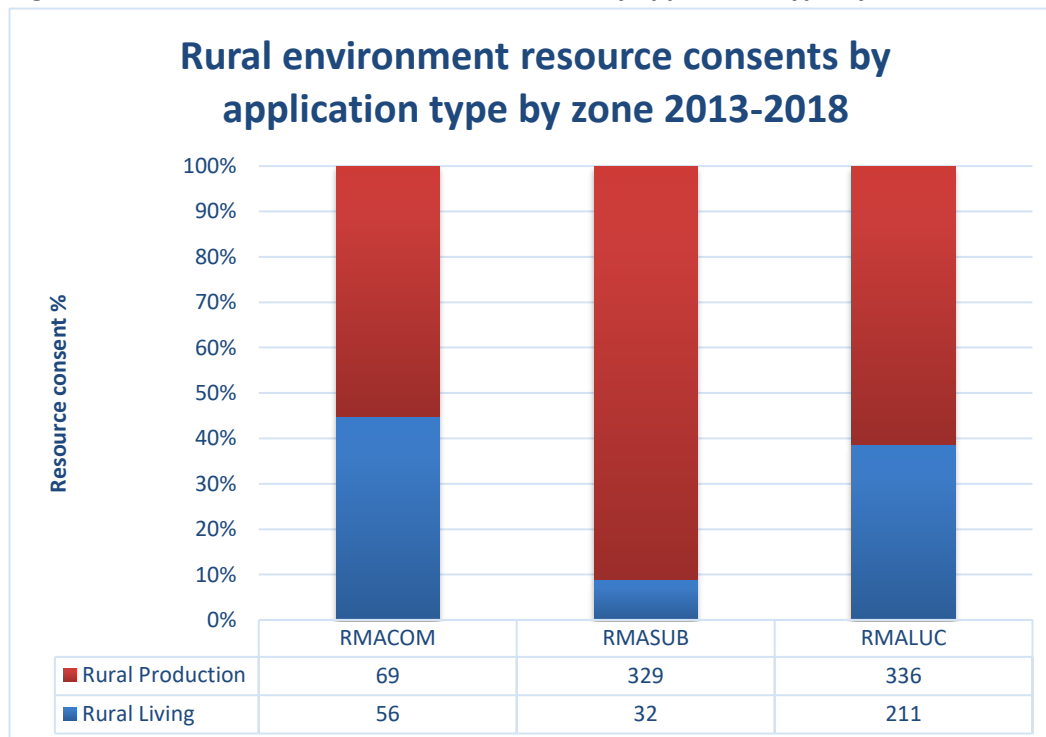
activity as opposed to land use activity. This changed between 2016 and 2017 where we saw growth in land use applications before a trend of decrease more recently.

**Figure 16 - Rural Environment zone resource consents by application type 2013-2018**



**Figure 17** below uses a total sample of 1033 consents. Most of the consents were in the Rural Production zone 71%, with large volumes of both subdivision and land use consents.

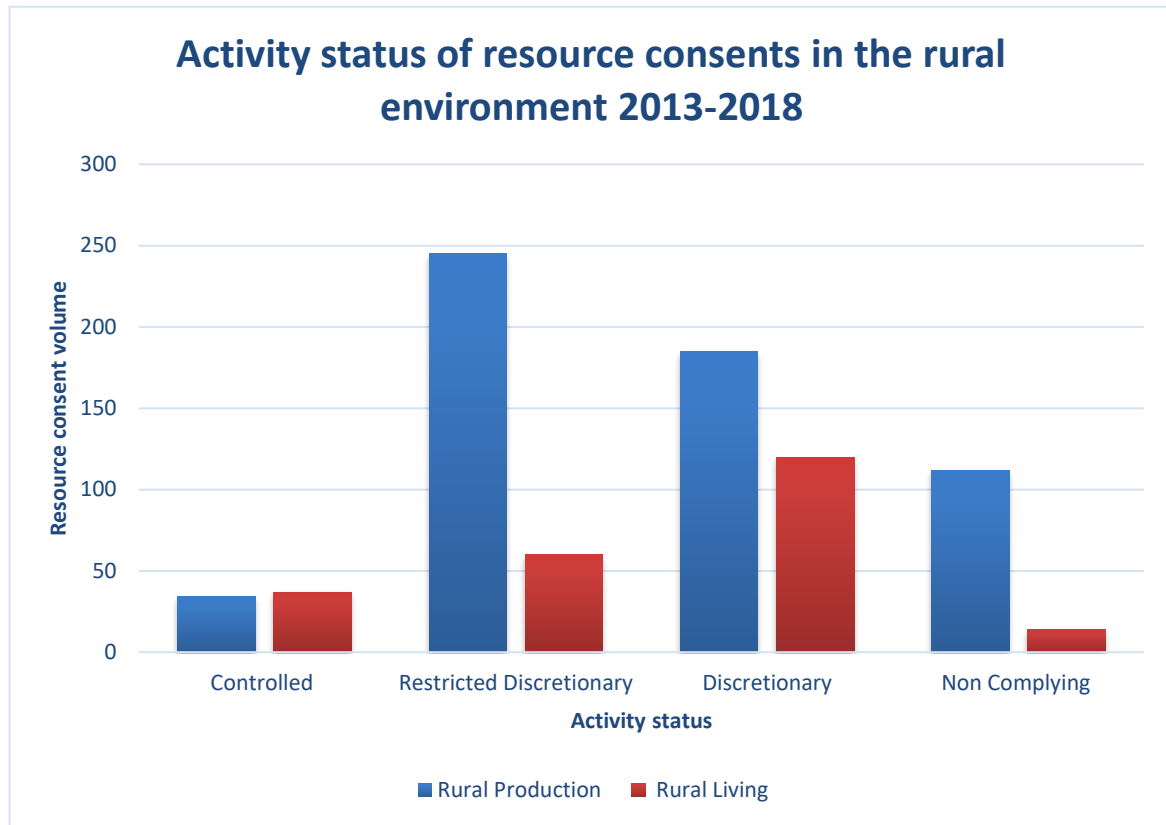
**Figure 17- Rural environment resource consents by application type by zone 2013-2018**



### Resource consent activity status

Figure 18 shows the activity status of the 807 consent with a recorded activity status in the rural environment. Most of the rural production consents had an activity status of restricted discretionary (43%). Most of the rural living consents had a discretionary activity status (52%). In most instances this activity status would have been triggered because applications failed to comply with one or more of the standards for permitted, controlled or restricted discretionary activities.

Figure 18- Activity status of resource consents in the rural environment 2013-2018



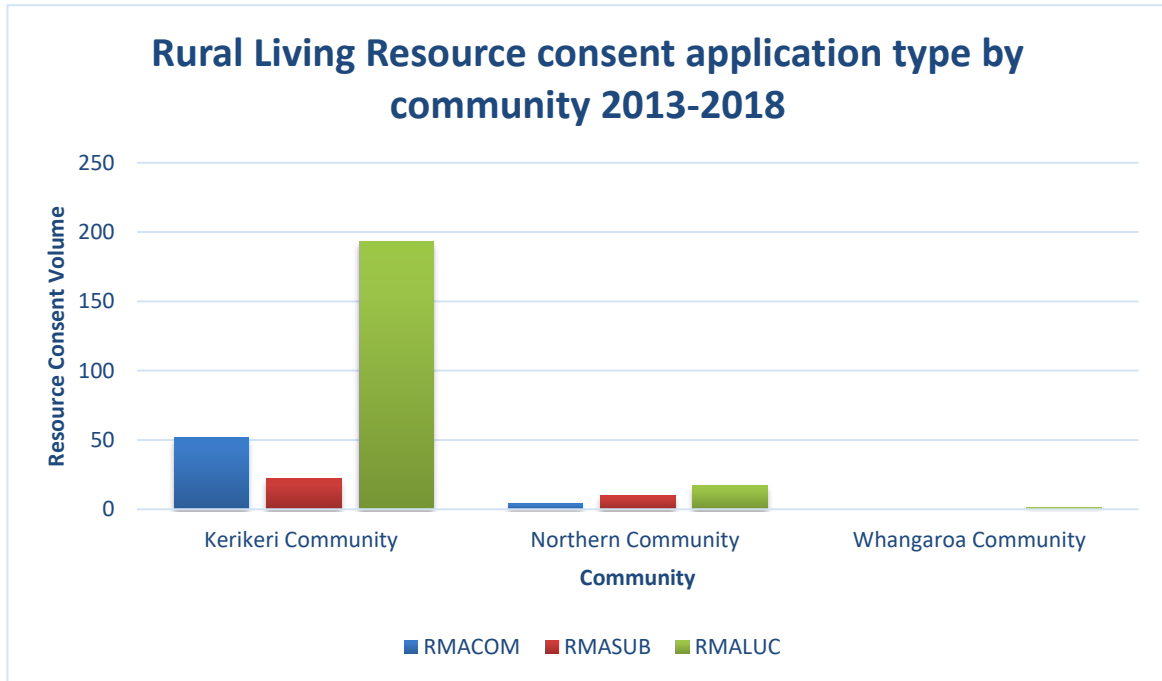
### Notification

Of the analysis of 916 rural environment resource consents between 2013-2018, only 3 were notified and heard with a further 9 notified but not heard. This is 1.3% of the resource consents. The limited number of notified application suggests that the breaches incurred no more than minor effects on the environment.

### Rural Living consents location analysis

Figure 19 below highlights where resource consents have been issued throughout the district. The majority of consents were issued in the Kerikeri and Northern Communities. A fair proportion of all Rural Living Zone land is located in these areas as opposed to the Kaikohe, Kawakawa, and Hokianga Communities where activity and zoned land is lower. The figures mirror the Urban Environment development trends which highlight similar trends. This reflects similar trends shown in the previous reporting period.

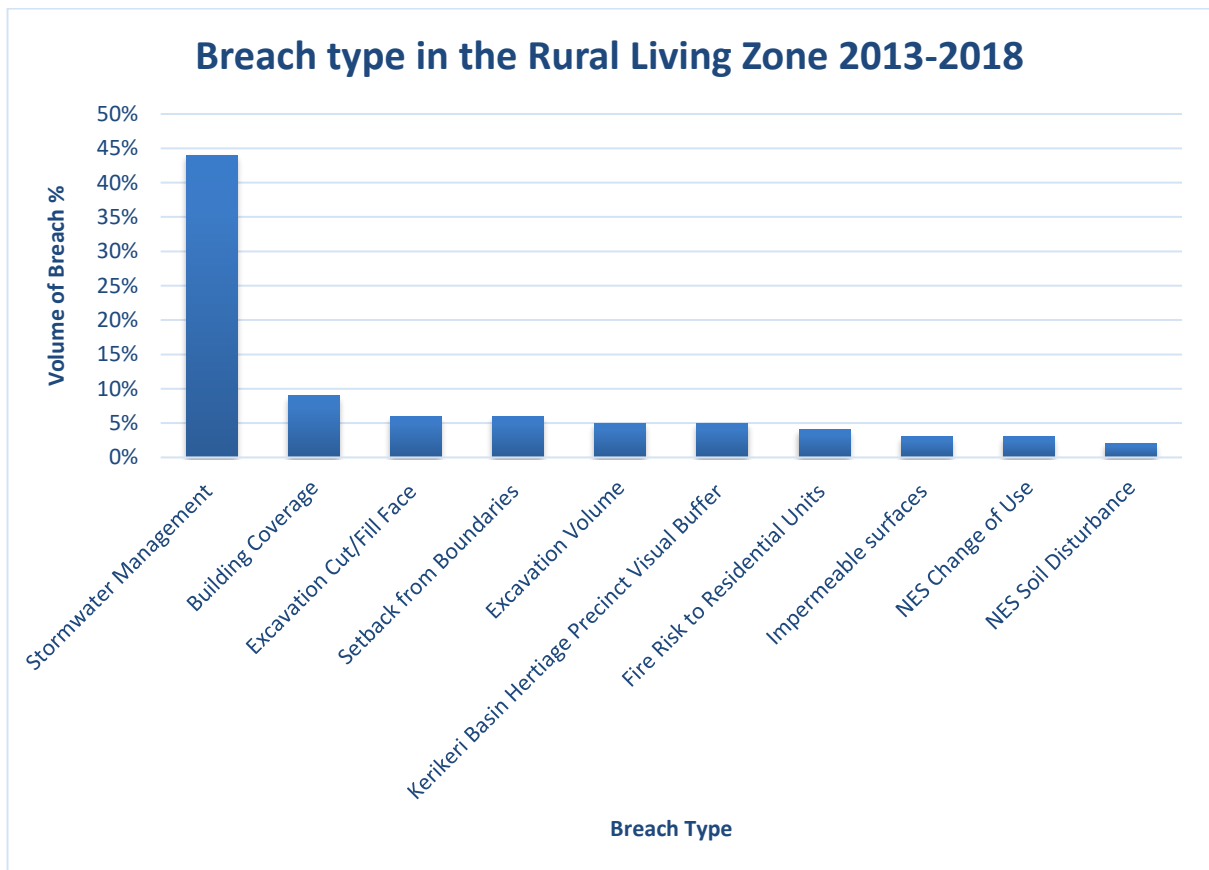
**Figure 19 - Rural Living resource consent application type by community 2013-2018**



**Breach Analysis**

A sample of resource consents for the rural living zone included a total of 408 rule breaches to the Plan. This assessment helps to understand whether land use consents have been growth related i.e and increase in scale of a building, or technical i.e greater parking requirements as a result of a change of use.

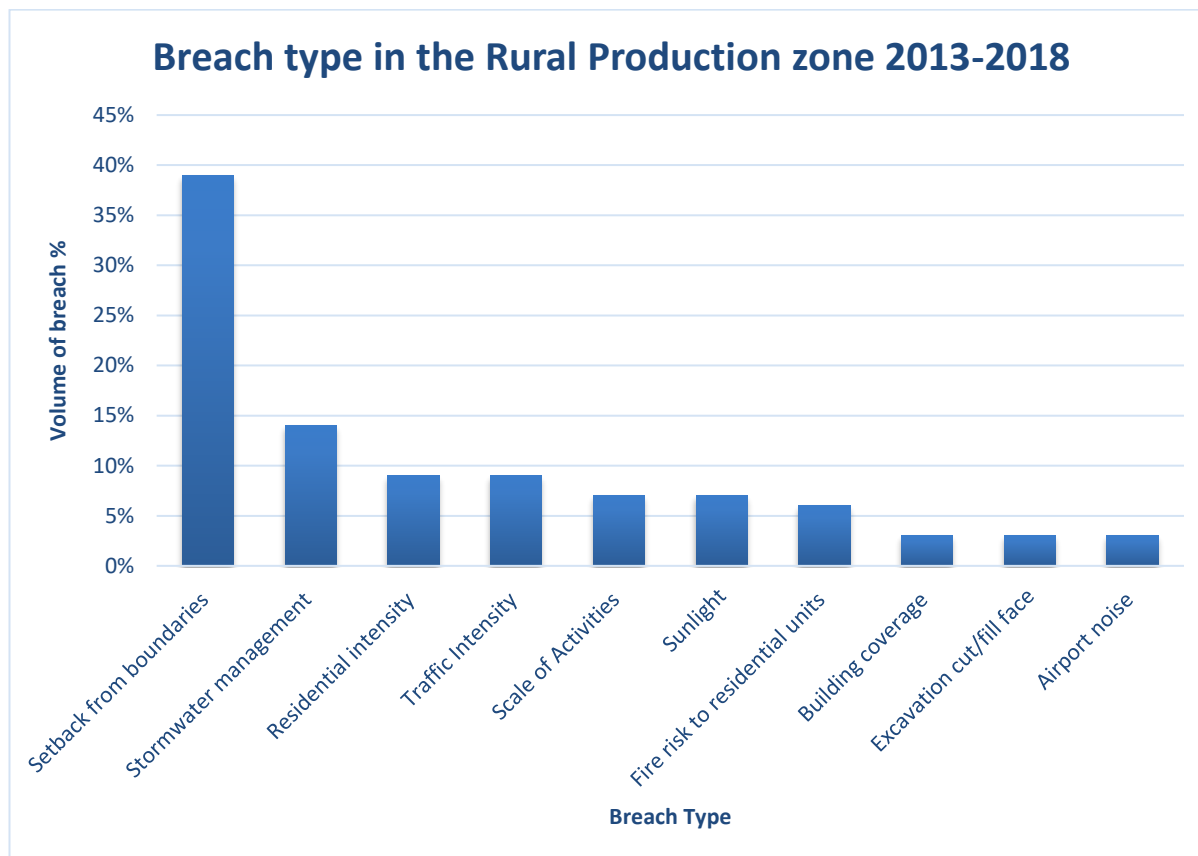
**Figure 20 – Breach type in the Rural Living zone 2013-2018**



**Figure 20** above shows breaches to the Stormwater Management rule accounted for 44% of the rule breaches within the Zone over the sample. Other frequent breaches included building coverage. In the pervious reporting period impermeable surface breach was the most prominent but this is essentially the same breach as the rule was changed to stormwater management through Council Plan change 17.

In the sample of resource consents for the Rural Production zone which included a total of 464 rule breaches to the Plan. This assessment helps to understand whether land use consents have been growth related i.e and increase in scale of a building, or technical i.e greater parking requirements as a result of a change of use.

**Figure 21 - Breach type in the Rural Production zone 2013-2018**



**Figure 21** shows breaches to the setback from boundaries accounted for 39% of the rule breaches within the zone over the sample. Other frequent breaches included stormwater management, followed by residential intensity and traffic intensity.

### Plan change 15

An analysis was conducted to see if there were any trends as a result of plan change 15, where there was the introduction of the minor household unit rule, introduction of scale of activities rule, a permitted temporary events rule and a decrease in the traffic intensity thresholds.

The introduction of the scale of activities rule has seen 33 resource consent applications since 2015 most of these had additional rule breaches so would have required resource consent regardless. Some of the activities applied for under this rule include the Kerikeri Pack house markets, accommodation facilities, a gospel hall, concert events, cafes, commercial sheds and a landscaping depot.



There has been 8 resource consents applications for traffic intensity breaches with state highway addresses since 2015 without further detailed analysis of the consents it hard to determine if they would have been picked up with out the traffic threshold changes.

The introduction of the minor residential unit controlled rule has seen 20 applications under this rule, with one application being rejected due to the application being incomplete. Fourteen of those applications were in the Kerikeri and surrounds areas.

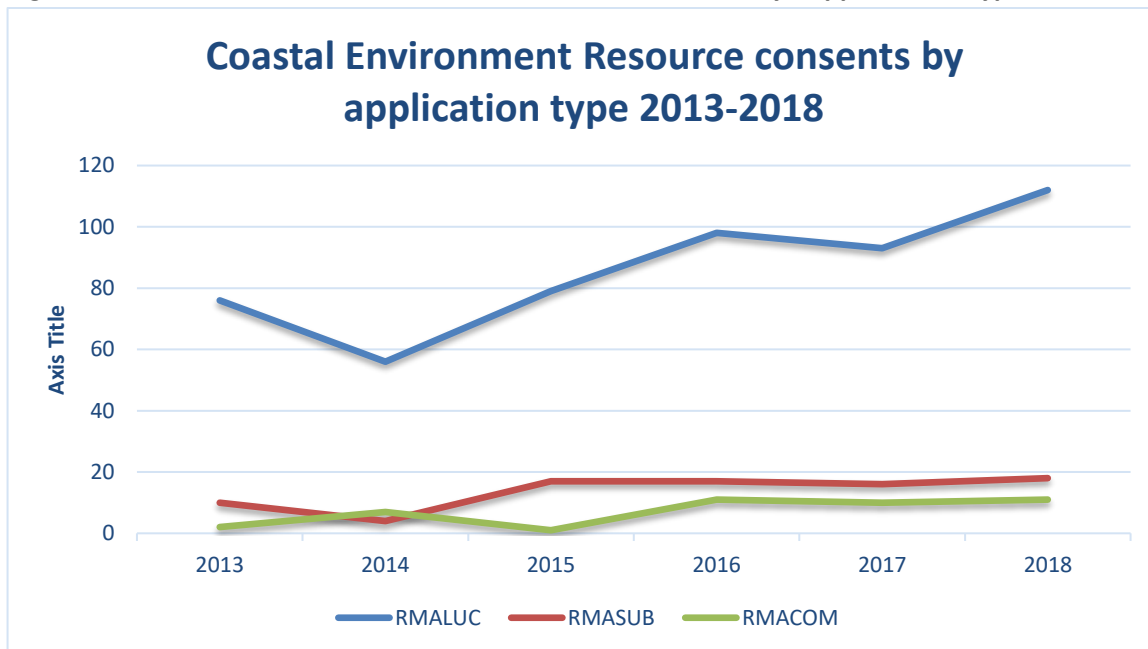
### 3.3 Coastal Environment

The coastal environment in the Far North is vast and complex and covers approximately 82,500 hectares, as defined by the Regional Policy Statement. There is a conflict between the need to preserve and protect the natural character of the coastal environment and provide for appropriate access and development. A continued pattern of settlement near the coast has placed additional pressure on coastal resources and amenity.

#### Resource Consent Analysis

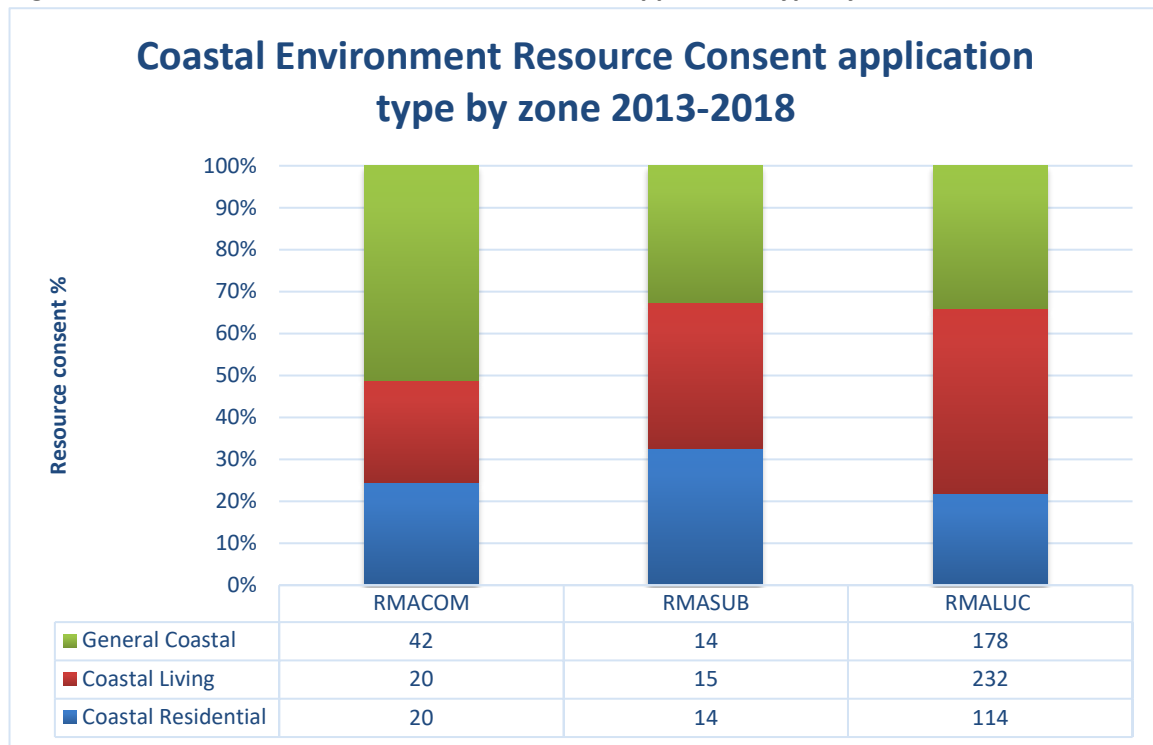
Since 2013, the Coastal Environment (Coastal Residential, Coastal Living and General Coastal zones) has consistently had more land use consent applications issued compared with subdivision consent applications. In general subdivision signals new development and growth and it is closely aligned with the prevailing economic climate. As the economy slows there is less impetus for growth. However, despite subdivision consents slowing in 2014 then climbing in 2015 they have remained steady over the last few years. There has been a steady flow of land use consents which suggests that activities such as infill development, additions/alterations, and changes of use have still occurred over that period as shown in **Figure 22**.

**Figure 22 – Coastal Environment Resource Consent by application type 2013-2018**



**Figure 23** shows the Coastal Living zone has significantly more land use consent applications. Of the sample of 649 consent applications, 267 (41%) were for breaches in the coastal living zone. All zones had similar subdivision consent applications. This is a similar trend to the previous reporting period.

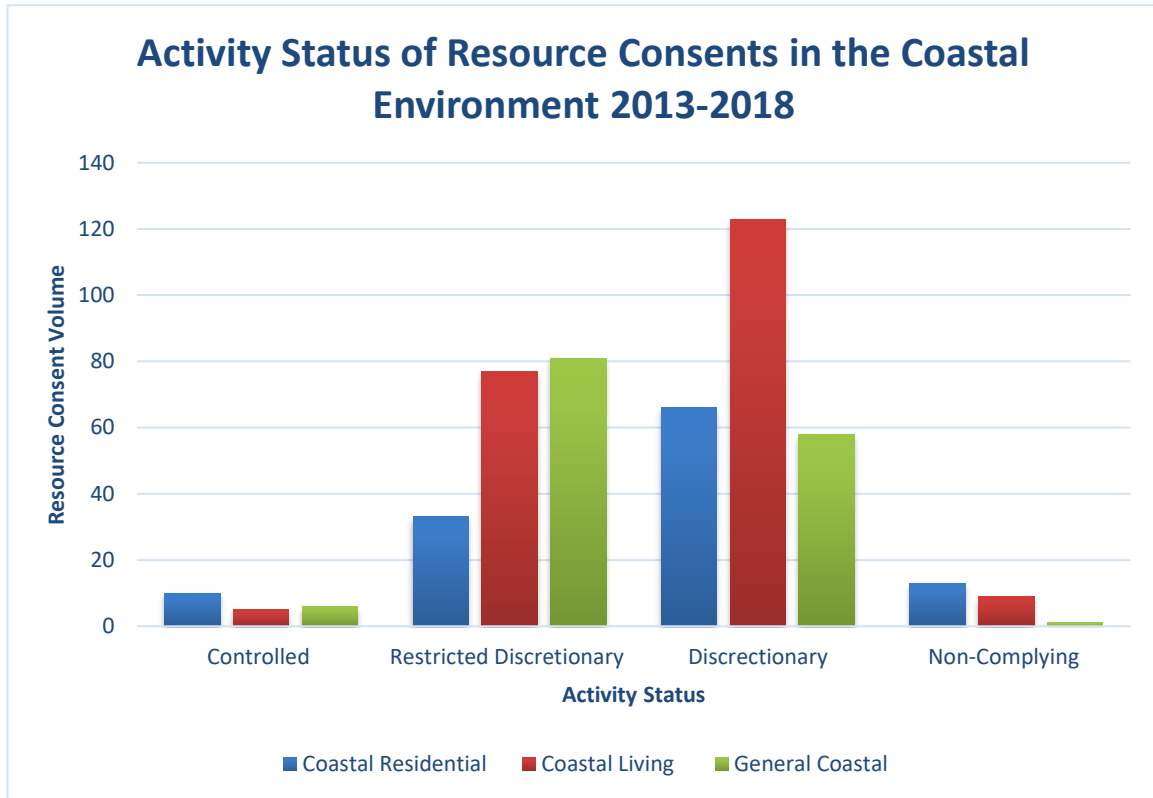
**Figure 23 – Coastal environment resource consent application type by zone 2013-2018**



### Activity Status Analysis

Of the resource consents in the sample that required consent, over 51% of them were discretionary activities. In most instances this activity status would have been triggered because applications failed to comply with one or more of the standards for permitted, controlled or restricted discretionary activities as seen in **Figure 24**. These figures are similar to that of the previous reporting period. 23 (5%) of the consents in all zones had a non complying status this figure was considerably lower compared to 16% in the previous reporting period.

**Figure 24 – Activity Status of Consents in the Coastal Environment 2013-2018**



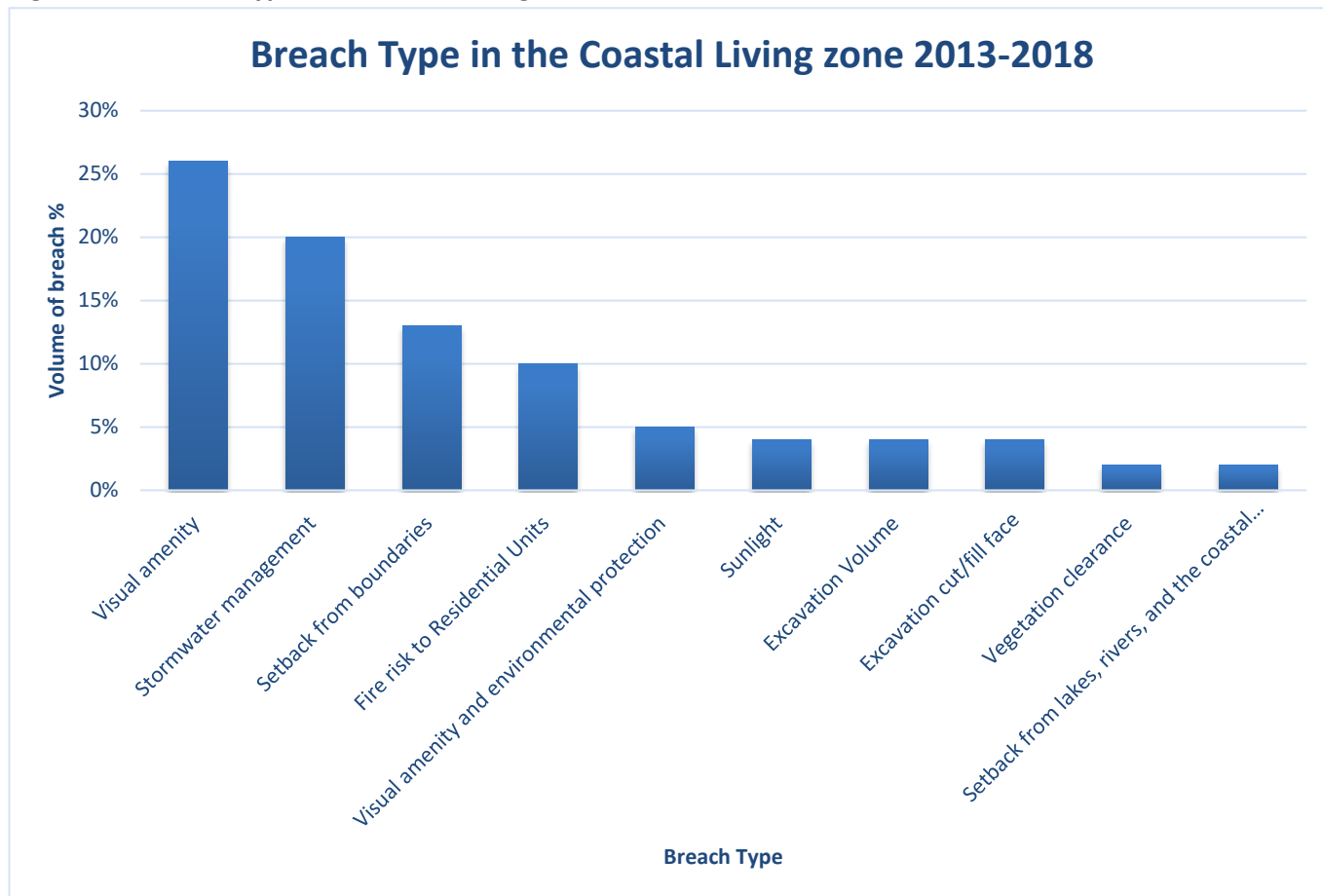
### Notification

Of the 551 coastal environment resource consent applications between 2013-2018, 8 applications were limited notified (1.4%) with 3 of these being heard. The lack of notified applications suggests that the breaches to the controls as they relate to the coastal environment incurred no more than minor effects on the environment, or written approval was given by those affected.

### Breach Analysis

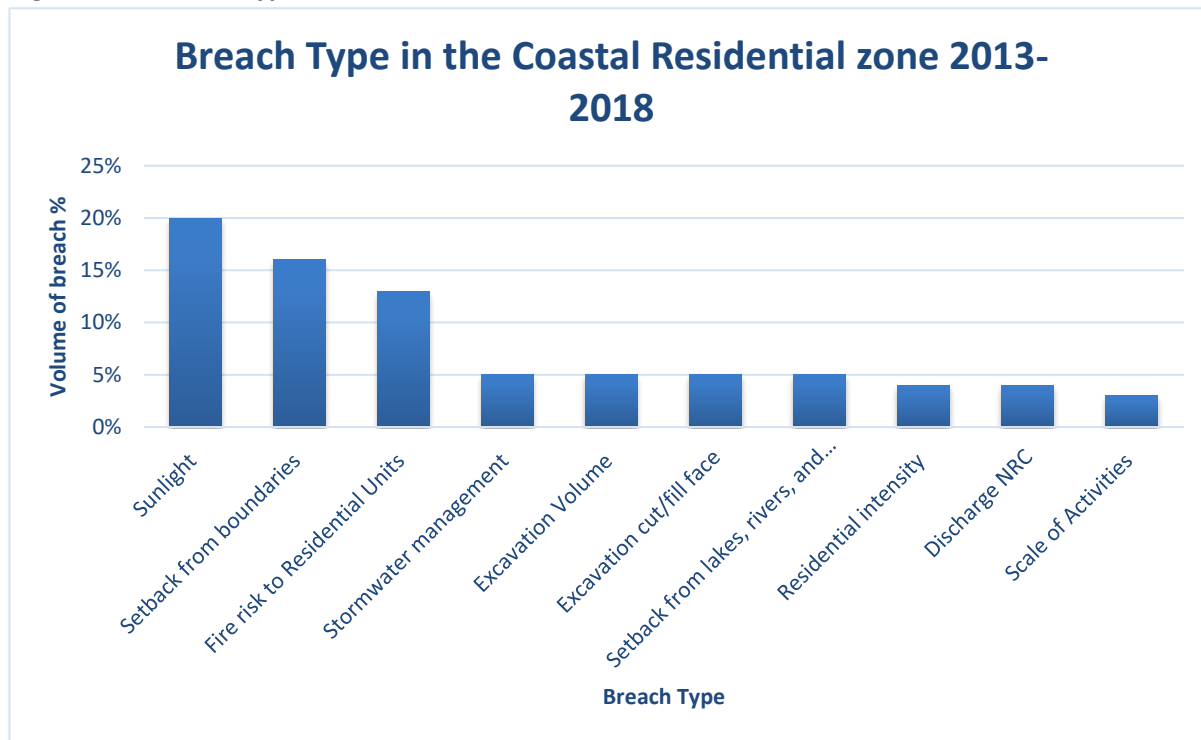
The breaches identified in the figures below may help us better understand the nature of the land use consent applications since 2013 and whether they have been growth related i.e an increase in scale of a building, or technical i.e greater parking requirements as a result of a change of use. **Figures 25 – 27** identify a total of 1186 breaches to the relevant rules in the Plan from the time records area available (2013 – 2018). This data may assist in determining whether rules most commonly breached are the most efficient and effective means of meeting the relevant policies, objectives and environmental outcomes expected.

**Figure 25 - : Breach type in the coastal living zone 2013-2018**



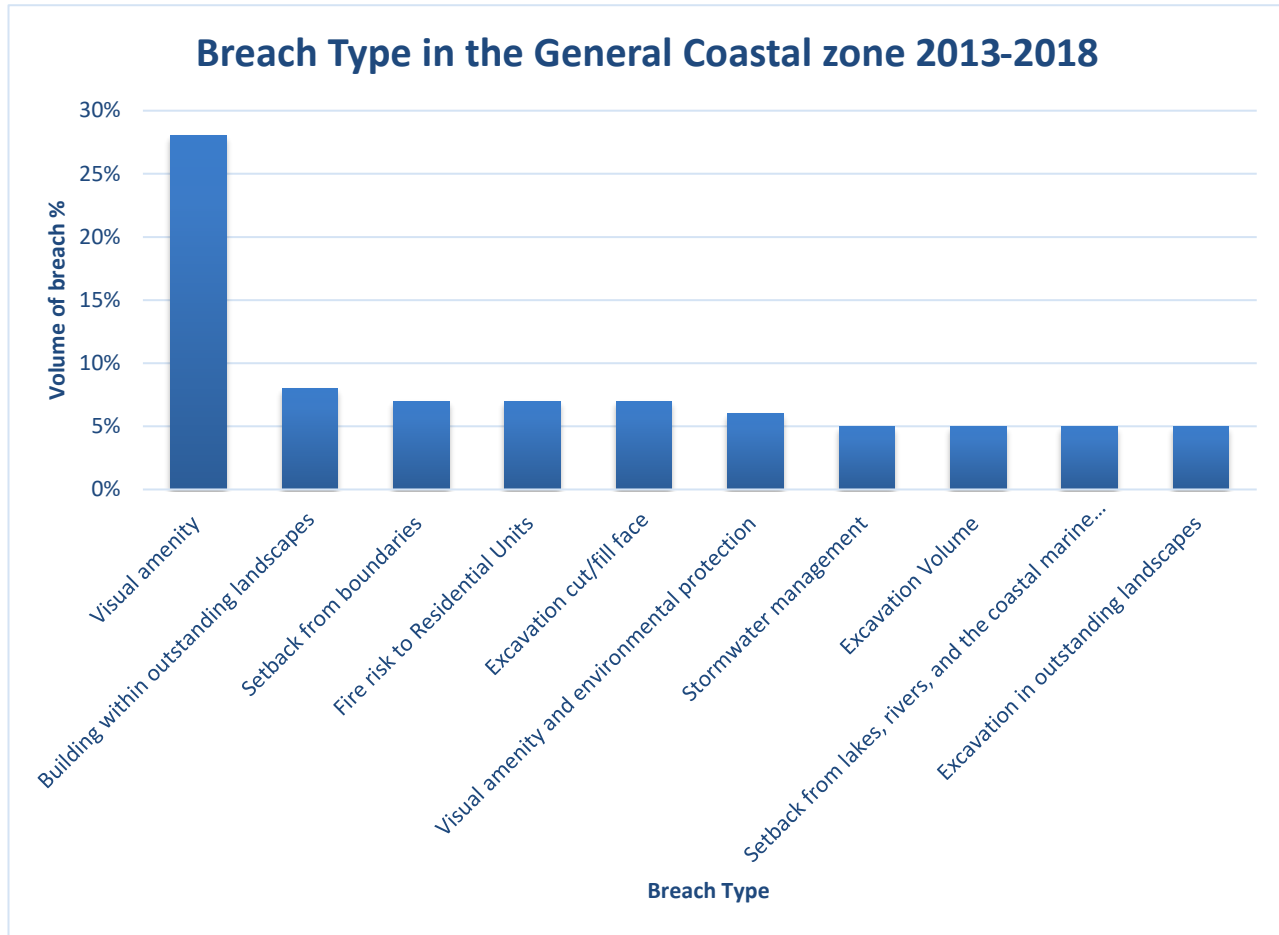
**Figure 25** shows of the sample of 1186 breaches, 542 related to the Coastal Living Zone. Breaches of Visual Amenity were the most common at 26% followed by Stormwater Management (20%), and Setback from Boundaries (13%). The nature of the breaches suggests that the degree of development was greater than that envisaged by the provisions in the Plan. Most of the Visual Amenity breaches related to buildings where, as a permitted activity, control over a new building as a permitted activity is limited to 50m<sup>2</sup> and any alteration/addition is limited to a 30% in addition to that which currently exists. For the previous reporting period visual amenity breaches also came out on top along with impermeable surfaces, which was replaced by the stormwater management rule through Council plan change 17 – Impermeable surfaces.

**Figure 26 – Breach Type in the Coastal Residential Zone 2013-2018**



As shown in **Figure 26** of the sample of 1186 breaches, 230 related to the Coastal Residential Zone. The majority of consents were related to Sunlight breaches (20%) and Setbacks from Boundaries (16%) followed by Fire Risk to Residential Units (13%). The nature of these breaches suggests that new dwellings or additions/alterations are struggling to remain in the confines of the site and are therefore impinging on the sunlight and setback controls. These results are similar to that of the previous reporting period.

**Figure 27 – Breach Type in the General Coastal zone 2013-2018**



As shown in **Figure 27** of the sample of 1186 breaches, 414 related to the General Coastal Zone. Breaches of Visual Amenity were by far the most common at 28% followed by building within Outstanding Landscapes (8%). Most of the Visual Amenity breaches related to buildings where, as a permitted activity, control over a new building as a permitted activity is limited to 50m<sup>2</sup> for an inhabited building or 25m<sup>2</sup> for human habitation. Any alteration/addition is limited to a 30% in addition to that which currently exists. The top breach in the previous reporting period was also visual amenity.

#### 4. District wide reporting

This section identifies some of the key district wide trends which helps to detail the efficiency and effectiveness of the operative plan.

Detailed analysis of all district wide topics can be found in the Section 35 report 2015 (Appendix C).

##### 4.1 Tangata Whenua

Tangata Whenua play a large role in the Far North District. Māori make up 43% of our district's population and own approximately 17% of the land in the Far North District. There are eleven Mandated Iwi Organisations for the purposes of the RMA and a number of Iwi and Hapū who have lodged Iwi/Hapu Environmental Management Plans with Council. There are six Iwi in our district who have Treaty of Waitangi Settlement legislation, Te Roroa, Ngāti Kuri, Te Aupouri, NgaiTakoto, Te Rarawa and Ngātikahu ki Whangaroa. In addition to this Ngāpuhi, Ngāti Hine and numerous Hapū have entered into the Treaty of Waitangi Tribunal process and are the beginnings of the settlement process. It is within this context and the context of Māori as developers and

Tangata Whenua as kaitiaki that Tangata Whenua is considered to be a significant resource management issue in the District.

A detailed audit of the plan performance through a Maori lens can be found in the Section 35 report 2015 (**Appendix C**).

**Table 3 - – Papakāinga Housing and Integrated Development resource consents 2013-2018**

	R/C	Zone	Rule	Activity Status	Date Approved	Addresses	Description
1	2130203	Rural Production/ Residential	Residential – 7.6.5.1.11 TIFs, 7.6.5.1.1 Relocated buildings. Rural Production – <b>8.6.5.4.2 Integrated development</b> . District Wide – 15.1.6.1.2 Vehicle Access, 12.3.6.1.3 Excavation and filling.	Discretionary	24 July 2013	23 Kohuhu Street, Kaitaia	Relocation 6 dwellings onto a site. Three existing houses are located on the site which form part of the multi stage affordable housing project.  Note: the Rural Production part of this application was applied for under the Integrated Development rule, the rule does not apply in the Residential zone. The He Korowai Trust changed general land to Māori land in order to be able to use this rule.  Note: This application was limited notified and went to hearing and was approved by the Hearing Commissioner

2	2140207	Rural Production	8.6.5.2.2 PAPAKAINGA HOUSING	Controlled	12 Feb 2014	Ngakar oa Rd, Ahipar a	To construct an additional 3 rammed earth dwellings as part of a Papakainga Development in the Rural Production Zone
3	2150101	Rural Production	8.6.5.4.2 INTEGRATED DEVELOPME NT	Discretionary	24 Dec 2014	Potahi Road, Te Kao	To establish 12 additional residential units in two stages within an existing Papakainga Development in the Rural Production Zone under rule 8.6.5.4.2 'Integrated Development' of the District Plan.
4	2160124	Rural Production/ General coastal	8.6.5.3.1 TIFFs	Restricted discretionary	02 Oct 2015	203A Te Ra Road, Keriker i	Relocate a dwelling onto papakainga whenua
5	2160246	Rural Production	8.6.5.1.5 Traffic Intensity  8.6.5.1.1 Residential Intensity	Discretionary	2 Feb 2016	203A Te Ra Road, Keriker i	Construct a residential unit  Note: Resource consent RC21100303, currently lodged with Council (but suspended), sought to create a Papakainga development within the block under the Integrated Development rule, however consent has not



							progressed for several years. Each applicant who would like to construct a dwelling on the block therefore needs to apply for resource consent individually
6	2160262	Rural Production	8.6.5.2.2 Papakainga Housing	Controlled	17 Feb 2016	2286 West Coast road, Panguru	Construct an additional three dwellings on the site as a papakainga development. The site already contains 4 dwellings and a fifth dwelling partially completed
7	2170135	Rural Production	8.6.5.1.5 Traffic Intensity 8.6.5.1.1 Residential Intensity	Discretionary	29 Sept 2016	203A Te Ra Road, Kerikeri	New dwelling on papakainga land
8	2160340	Rural Production	8.6.5.4.2 Integrated Development	Discretionary	3 Nov 2016	206 Rangihamama Road, Kaikohere	Proposed Papakainga housing development consisting of 15 houses with associated roads, stormwater disposal, waste water treatment and disposal and landscaping by way of an integrated

							development plan.
9	2180402	Rural Production/ Residential	Residential – 7.6.5.1.1 Relocated buildings, 7.6.5.1.2 Residential Intensity 7.6.5.1.11 TIFFs. Rural Production – 8.6.5.1 Residential Intensity, 8.6.5.1.11 Scale of activities. 8.6.5.4.2 Integrated development	Discretionary	2 Feb 2018	23 Kohuhu Street, Kaitaia	To carry out stage two of project “Whare Ora” by establishing 9 relocatable dwellings, 2 relocatable former classroom blocks to be used as a Trades Training Academy, a temporary ablution block and a temporary office block to oversee the construction project. Site is ‘Maori Freehold land’
10	2180534	Rural Production	8.6.5.4.2 Integrated development 12.4.6.3 (a) & (c) Fire risk to residential units	Discretionary	12 April 2018	1345 Orakau Road Kaikohue	Construct a residential dwelling

Between 2013 and 2017 there were 10 resource consent applications under the Papakāinga Housing and Integrated Development rules in the Far North District Plan. Eight applications have been made under the Integrated Development rule and two under the Papakāinga Housing rule. Eight of the ten application were non notified, with two being limited notified. All of the applications were in the Rural Production zone.

#### 4.2 Outstanding natural landscapes and features

Approximately 21% of the District is covered in outstanding natural landscapes (ONL) and 1.5% in outstanding natural features (ONF). While a large portion is on land administered by the Department of Conservation, approximately 20% of Māori owned land in the district is covered by an ONL and/or ONF. In the Plan they are simply referred to as Outstanding Landscapes. There is conflict between the requirement to protect landscapes and features and a perceived cost to private land owners in terms of their ability to develop. The regulatory intervention applied to the protection from inappropriate subdivision, use and

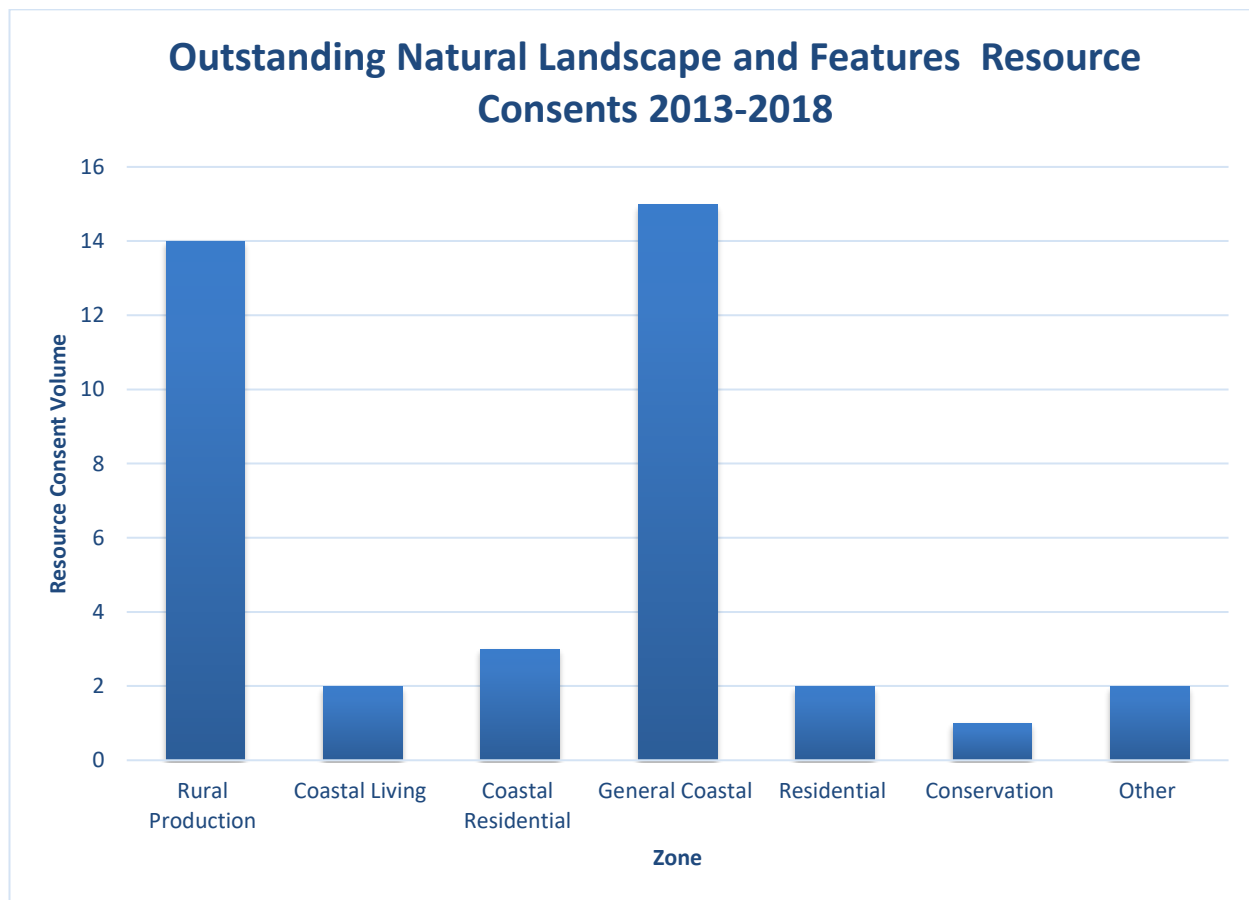
development does not acknowledge the statutory tensions with respect to enabling Māori to continue to enjoy the relationship they have with their ancestral lands

Section 35 report 2015 (**Appendix C**) includes a detailed analysis of the current provisions

### Resource consent analysis

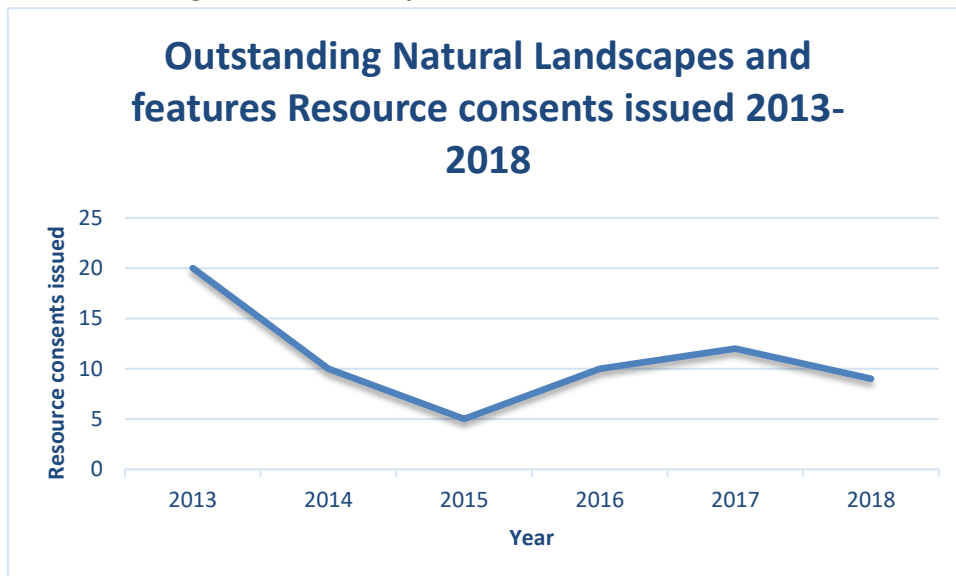
A total of 66 resource consents were received in relation to Outstanding Natural Landscapes and Features between 2013-2018. **Figure 28** below further details in what zones those resource consents were received. The majority of applications were either in the General Coastal zone or the Rural Production zone. As can be seen in the graph below there was a peak of resource consent applications issued in 2013, from then there has been a steady decline leading up to 2015, followed by an increase in recent years.

**Figure 28 – Outstanding Natural Landscape and features Resource Consents 2013-2018**



**Figure 29** shows that the number of Outstanding Natural Landscape and Features consents was declining in the early part of the recording period, followed by an upwards trend. The previous reporting period showed a trend of decline in Outstanding Landscape consents between 2011-2015.

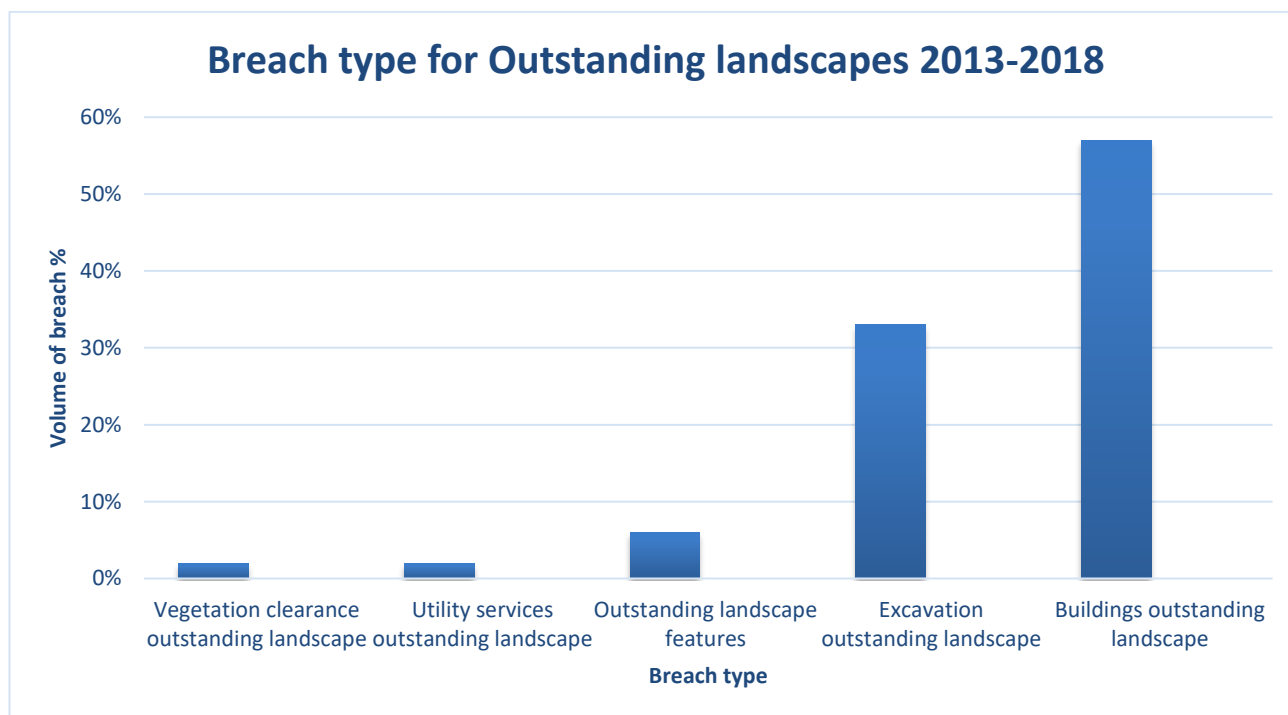
**Figure 29 – Outstanding Natural Landscapes and features Resource Consents Issued 2013-2018**



**Breach Analysis**

The breaches identified in **Figure 30** below may help us better understand the nature of the land use consent applications since 2013. **Figure 30** identifies a total of 89 breaches to the relevant rules in the Plan from the data available 2013-2018. This data may assist in determining whether rules most commonly breached are the most efficient and effective means of meeting the relevant policies, objectives and environmental outcomes expected.

**Figure 30 – Breach type for outstanding landscapes 2013-2018**

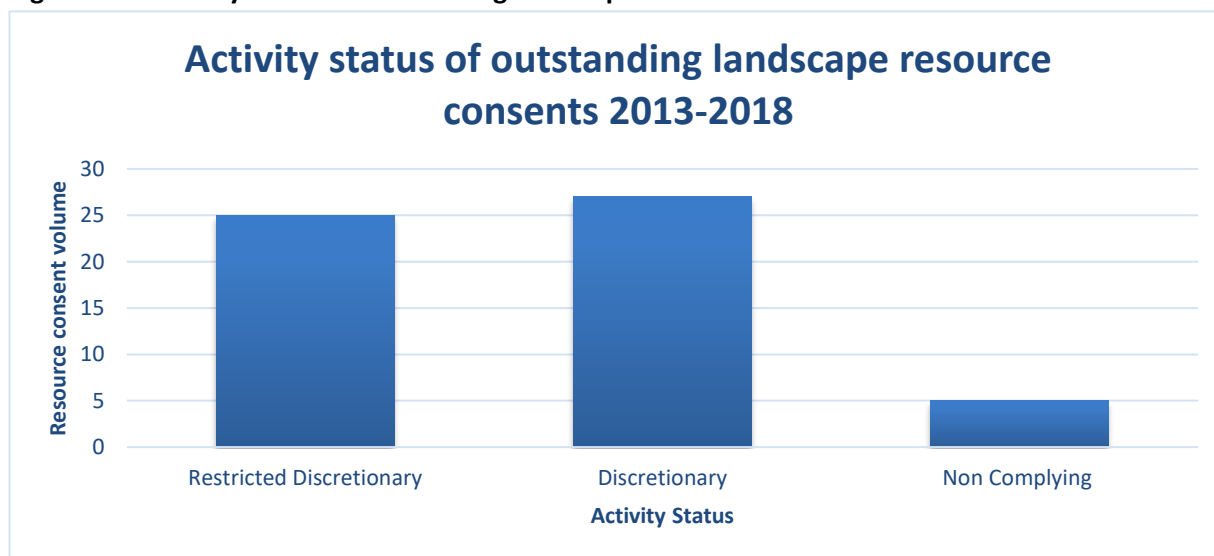


Of the sample of 89 breaches, 57 % related to buildings in outstanding landscapes, and 33 % related to excavation in outstanding landscapes. The most common breach in the previous reporting period was buildings within outstanding landscapes.

### Activity Status Analysis

The nature of the breaches suggests that the degree of development in these outstanding areas was greater than that envisaged by the provisions in the Plan. While visual amenity is not a standard addressed in the Outstanding Landscape rules, it is picked up along with breaches relating to buildings within Outstanding Landscapes in the General Coastal zone. Where this happens the non habitable threshold for buildings reduces to 25m<sup>2</sup> and resource consent is required for a habitable dwelling. It therefore is understandable that this is a common breach of the controls as most buildings will require resource consent within an Outstanding Landscape.

**Figure 31 – Activity status of outstanding landscape resource consents 2013-2018**



Of the resource consents that required consent 47% of them were discretionary activities. Discretionary activities are activated in the Plan within Outstanding Natural Landscapes where applications fail to comply with one or more of the standards for permitted, controlled or restricted discretionary activities. Compared to the previous time period more of the consents have a restricted discretionary status.

### Notification

Understanding the approach to notification is an important factor because it has a direct bearing on the level of third party involvement and cost of the resource consent process, but more importantly investment and development behaviour with respect to the Plan. Of the 67 consents that were issued over this period none were notified. In the previous reporting period 2 resource consent applications were notified.

The lack of notified applications may suggest that the breaches to the controls as they relate to Outstanding Natural Landscapes incurred no more than minor effects on the environment. Also effects in these landscapes are not normally on neighbours, which is a common reason for going to a hearing, effects are also offset by conditions e.g landscaping or colours.

### 4.3 Indigenous Flora and Fauna

The Far North District has a land area of around 666,000 hectares. Approximately 267,000 hectares of that area (around 40%) comprises of indigenous habitat. Due in part to the relatively large area of indigenous habitat remaining, but also due to the district's unique geology, the Far North retains a diverse suite of ingenious ecosystems and is host to a large variety of native plants and animals, many of which are found only in the Northland area. Council has recently undertaken a mapping project in conjunction with Whangarei and Kaipara District Councils to identify Significant Natural Areas (SNAs) within the region. In the Far North, it has been identified that there are 685 individual SNAs, covering 282,696 hectares (or 42% of the District). The below table (sourced from the 2019 Wildlands SNA report), shows the breakdown of vegetation types in the Far North.

Landcover Type	Area (hectares)	Percentage of District
Broadleaved Indigenous Hardwoods	12,745.18	1.74
Built-up Area (settlement)	3,032.03	0.41
Deciduous Hardwoods	960.18	0.13
Estuarine Open Water	15,553.47	2.13
Exotic Forest	88,341.99	12.07
Fernland	124.93	0.02
Flaxland	48.27	0.01
Forest - Harvested	16,804.82	2.30
Gorse and/or Broom	5,057.41	0.69
Gravel or Rock	9.57	<0.001
Herbaceous Freshwater Vegetation	6074.78	0.83
Herbaceous Saline Vegetation	2,343.13	0.32
High Producing Exotic Grassland	251,719.33	34.40
Indigenous Forest	151965.96	20.77
Lake or Pond	2,589.26	0.35
Landslide	7.34	<0.001
Low Producing Grassland	10,809.37	1.48
Mangrove	10,139.96	1.39
Mānuka and/or Kānuka	99,008.68	13.53
Matagouri or Grey Scrub	114.64	0.02
Mixed Exotic Shrubland	2,043.29	0.28
Orchard, Vineyard or Other Perennial Crop	3,325.88	0.45
River	291.53	0.04
Sand or Gravel	9,170.07	1.25
Short-rotation Cropland	613.36	0.08
Surface Mine or Dump	287.99	0.04
Transport Infrastructure	82.91	0.01
Urban Parkland/Open Space	668.63	0.09
<b>Total</b>	<b>693,934.96</b>	

The SNAs have been identified through a desktop analysis, however will be groundtruthed in the latter half of 2020. The SNAs were defined as such using the significance criteria in Appendix 5 of the Regional Policy Statement for Northland, which requires territorial authorities to undertake the identification of SNAs. The SNA mapping project will assist in informing the indigenous biodiversity chapter in the proposed District Plan.

#### Covenants

The number of QEII open space covenants has increased from 187 in 2008 to 211 in 2018. The number of hectares of land covenanted increased from 5171 ha to 5373 ha. The current make up of vegetation type protected is detailed in **Table 4** below:

**Table 4 - Bush / cover type of QEII open space covenants 2018**

<b>Bush/cover type</b>	<b>Total</b>
Broadleaved Indigenous Hardwoods	448.6
Built-up Area (settlement)	0.9
Deciduous Hardwoods	4.9
Exotic Forest	140.8
Fernland	0.0
Forest – Harvested	1.6
Gorse and/or Broom	13.6
Herbaceous Freshwater Vegetation	234.3
Herbaceous Saline Vegetation	5.3
High Producing Exotic Grassland	445.3
Indigenous Forest	2605.1
Lake or Pond	6.9
Low Producing Grassland	14.7
Mangrove	11.9
Manuka and/or Kanuka	1437.3
Orchard, Vineyard or Other Perennial Crop	1.5
Sand or Gravel	0.1
Short-rotation Cropland	0.0
Urban Parkland/Open Space	0.2
<b>Grand Total</b>	<b>5373.2</b>

FNDC has implemented a policy (# R04/11) to allow for the remission of rates on land subject to protection for outstanding landscape, cultural, historic or ecological purposes. The policy was implemented to give effect to Method 12.2.5.13 of the Plan, which sets out that FNDC will allow for the remission or postponement of rates in areas afforded permanent legal protection through a covenant or reserve status. As of 2018 there are 88 covenants with 1446ha of land protected.

## Vegetation Clearance

The overall national trend over the last decade has been one of biodiversity decline, and the Far North is no different. However, the SNA mapping project shows that there are still significant tracts of indigenous vegetation in the Far North. Table 5 shows vegetation loss between 2008 and 2018, from Landcare's national vegetation clearance database.

**Table 5- Vegetation loss between 2008 and 2018, including breakdowns of vegetation type**

LU CID	LUC_NAME	% change between 2008 & 2016	Change in hectares between 2008 & 2016 (ha)	% change between 2008 & 2018	Change in hectares between 2008 & 2018 (ha)	% change between 2012 & 2016	Change in hectares between 2012 & 2016 (ha)
71	Natural Forest	-0.15%	-375.1	0.65%	1,577.3	-0.05%	-111.4
72	Planted Forest - Pre-1990	-0.70%	-626.1	-0.38%	-338.7	-0.29%	-256.0
73	Post 1989 Forest	1.91%	435.6	-0.20%	-45.2	-0.05%	-11.5
74	Grassland - With woody biomass	-0.61%	-282.0	-2.58%	-1,194.1	-2.17%	-1019.2
75	Grassland - High producing	0.54%	1,199.8	0.23%	511.2	0.39%	868.2
76	Grassland - Low producing	-1.25%	-334.9	4.40%	1,176.8	2.04%	527.5
77	Cropland - Perennial	-1.16%	-38.2	-1.63%	-53.8	0.10%	3.4
78	Cropland - Annual	2.54%	15.7	2.54%	15.6	0.00%	0.0
79	Wetland - Open water	0.57%	22.3	-6.31%	-247.5	0.00%	0.0
80	Wetland - Vegetated non forest	-0.64%	-88.2	-9.94%	-1,373.5	-0.11%	-15.8
81	Settlements	1.08%	40.5	-0.26%	-9.6	0.00%	0.0



82	Other	0.37%	30.7	-0.22%	-18.4	0.18%	14.8
	<b>Totals</b>	<b>2.5%</b>	<b>-745.4</b>	<b>-13.69%</b>	<b>-990.3</b>	<b>0.04%</b>	<b>-1146.4</b>

## Appendix A - Effects Based Rule Thresholds

### Current Effects Based Mechanisms

A matrix is provided in **Table 1**, comparing various relevant rule thresholds across the Rural Environment; Rural Production & Rural Living Zones, the special Waimate North Zone (within the rural environment, but with special attributes), and comparing these with the Urban Environment; Commercial and Industrial Zones, and the Coastal Environment General Coastal & Coastal Living Zones. All the rules examined have a direct or indirect influence on managing effects of land use incompatibility, cumulative effects and amenity values.

**Table 1 - Current Land Use Provisions**

RULE	ZONE						
	Rural Production	Waimate North	General Coastal	Rural Living	Coastal Living	Commercial	Industrial
Permitted threshold							
Residential Intensity	1 residential unit per 12ha	1:4ha	1:20ha	1:4000m <sup>2</sup>	1:4ha	No rule	No rule
Visual Amenity [and Environmental Protection]	No rule	No rule	Most buildings (whether residential or not) require resource consent pursuant to a Visual Amenity rule.	No rule	Most buildings (whether residential or not) require resource consent pursuant to a Visual Amenity rule.	Screening by way of landscaping, fences, walls required where adjoining a zone other than Com or Ind; 50% of road boundary to be landscaped	Screening by way of landscaping, fences, walls required where adjoining a zone other than Com or Ind; 50% of road boundary to be landscaped
Sunlight	2m + 45 <sup>o</sup>	2m + 45 <sup>o</sup>	2m + 45 <sup>o</sup>	2m + 45 <sup>o</sup>	2m + 45 <sup>o</sup>	2m + 45 <sup>o</sup> where adjoining a residential, RL or CL zone	2m + 45 <sup>o</sup> where adjoining a residential, RL or CL zone
Height	12m	10m	8m	9m	8m	10m; 8.5m or no limit, dependent on location	12m in Opuia Industrial Zone, no limit elsewhere
Setback	10m; 12m along a section of Kerikeri Rd; 100m where	75m from specified road boundaries; 10m from other site boundaries;	10m for sites larger than 5000m <sup>2</sup> in area; 3m elsewhere; 100m where adjoining Minerals Zone	Predominantly 3m; 10m where adjoining RP zone; 20m where adjoining	10m for sites larger than 5000m <sup>2</sup> in area; 3m elsewhere	6m & 10m variously in Paihia, dependent on sub-zoning; no limit elsewhere	2m from State Highways, no limit elsewhere

	adjoining Minerals Zone	reduced to 3m where sites are less than 4000m <sup>2</sup> in area		Minerals Zone; 12m along sections of Kerikeri Road			
<b>Impermeable Surfaces</b>	15% of site, no maximum specified	15% of site, or 5000m <sup>2</sup> , whichever is the lesser	10% of site, no maximum specified	10% or 3000m <sup>2</sup> , whichever is the lesser	10% or 600m <sup>2</sup> , whichever is the lesser	No rule	No rule
<b>Scale of Activities</b> <i>Exemptions in every zone where this rule applies – activities of a limited duration required by normal farming and forestry practice</i>	No rule	8 persons per 4ha	4 persons per site; or 1 person per 1ha, whichever is greater	1 person per 1000m <sup>2</sup>	1 person per 2000m <sup>2</sup>	No rule	No rule
<b>Permitted threshold</b>	<b>Rural Production</b>	<b>Waimate North</b>	<b>General Coastal</b>	<b>Rural Living</b>	<b>Coastal Living</b>	<b>Commercial</b>	<b>Industrial</b>
<b>Traffic Intensity</b> <i>Exemptions in every zone – single residential unit, farming, forestry and construction traffic</i>	60 daily one way traffic or 30 if access is via a state highway	60 daily one way traffic or 30 if access is via a state highway	30	20	20	200	200
<b>Screening for Neighbours – non-residential activities</b>	No rule	No rule	No rule	Outdoor areas used for specified non-residential activities to be screened from	Outdoor areas used for specified non-residential activities to be screened from adjoining sites by landscaping, walls, fences or combination thereof.	No rule, but see Visual Amenity & Environmental Protection above	No rule, but see Visual Amenity & Environmental Protection above

				adjoining sites by landscaping, walls, fences or combination thereof			
<b>Hours of Operation – non-residential activities</b> <i>Exemptions in every zone where this rule applies – activities that have a predominantly residential function such as lodges, motels and homestays</i>	No rule	No rule	No rule	50hrs per week; limited to between certain hours of the day	50hrs per week; limited to between certain hours of the day	No rule	No rule
<b>Keeping of Animals</b>	50m from site boundary; 600m from residential zone boundaries	Not permitted	50m from site boundary; 600m from residential zone boundaries	50m from site boundary; 600m from residential zone boundaries	50m from site boundary; 600m from residential zone boundaries	Not permitted	Not permitted
<b>Noise</b> <i>Exemptions in every zone – activities of a limited duration required by normal farming and forestry practice</i>	65 dBA day time 45 dBA night time 70 dBA max	55 dBA day time 45 dBA night time 70 dBA max	55 dBA day time 45 dBA night time 70 dBA max	55 dBA day time 45 dBA night time 70 dBA max	55 dBA day time 45 dBA night time 70 dBA max	65 dBA day time 45 dBA night time 70 dBA max	65 dBA day time 45 dBA night time 70 dBA max

## Appendix B - Key Dates, Plan Changes

PLAN CHANGE KEY MILESTONES													
Dates Achieved													
											Private Plan Change	Council Plan Change	
	Council Resolution	Publicly Notified	Submissions Closed	Further Submissions Notified	Further Submissions Closed	Hearings Held	Commissioner's Report Received	Council Resolution to Approve / Not Approve	Public Notice of Decisions	Appeals Closed	Appeal Process Complete	Council Decision to make Plan Change	Plan Change Operative
Renewable Energy and Energy Efficiency PLAN CHANGE 1	30/07/2009	5/08/2009	18/09/2009	18/11/2009	18/12/2009	11/05/2010	1/06/2010	17/06/2010	30/06/2010	13/08/2009	N/A	26/08/2010	10/09/2010
Borneo Investments Ltd PLAN CHANGE 2	N/A	30/09/2009	2/11/2009	18/11/2009	18/12/2009	9/03/2010	12/04/2011	29/04/2010	25/05/2010	16/07/2010	N/A	26/08/2010	10/09/2010
Kerikeri Falls Investments Ltd PLAN CHANGE 3	N/A	30/09/2009	2/11/2009	18/11/2009	18/12/2009	2/03/2010	30/04/2010	17/06/2010	30/06/2010	13/08/2010	N/A	26/08/2010	10/09/2010
Schedule of Notable Trees, Historic Sites, Buildings and Other Objects PLAN CHANGE 4	29/04/2010	11/05/2010	18/06/2010	30/06/2010	16/07/2010	1/10/2010	8/10/2010	11/11/2010	17/11/2011	21/01/2011	N/A	14/04/2011	20/05/2011
Definitions and Other Minor Amendments PLAN CHANGE 5	17/06/2010	6/07/2010	20/08/2010	22/09/2010	8/10/2010	7/03/2011	28/03/2011	14/04/2011	5/05/2011	25/06/2011	N/A		15/08/2011
Amendments to Subdivision Chapter 13 PLAN CHANGE 6	17/06/2010	6/07/2010	20/08/2010	22/09/2010	8/10/2010	7/03/2011	28/03/2011	14/04/2011	5/05/2011	25/06/2011	N/A		15/08/2011
Amenity Values Chapter PLAN CHANGE 7	10/07/2011	29/03/2011	19/04/2013 WITHDRAWN										
Amenity Values Chapter PLAN CHANGE 8	14/04/2011	19/04/2011	27/05/2011	4/07/2011	21/07/2011	31/10/2011	30/11/2011	26/01/2012 WITHDRAWN					
Minor District Plan Map Amendments PLAN CHANGE 9	30/06/2011	6/07/2011	4/08/2011	18/08/2011	1/09/2011	5/10/2011	21/10/2011	24/11/2011	30/11/2011	3/02/2012	N/A	23/02/2012	14/03/2012
Vegetation Clearance Amendments PLAN CHANGE 10	14/07/2011	19/07/2011	18/08/2011	15/09/2011	29/09/2011	11/11/2011	6/12/2011	26/01/2012	9/02/2012	23/03/2012	N/A	26/04/2012	16/05/2012
Review of Heritage Schedules PLAN CHANGE 11	26/04/2012	9/05/2012	8/06/2012	20/06/2012	6/07/2012	28/08/2012	10/09/2012	27/09/2012	10/10/2012	23/11/2012	N/A	29/11/2012	14/12/2012
Paihia Mission Heritage Area PLAN CHANGE 12	28/06/2012	11/07/2012	10/08/2012	5/09/2012	20/09/2012	12/11/2012	18/12/2012	31/01/2013	14/02/2013	28/03/2013	N/A	23/04/2015	4/06/2015
Technical Amendments PLAN CHANGE 13	30/08/2012	12/09/2012	12/10/2012	31/10/2012	16/11/2012	3/06/2013	26/03/2013	18/04/2013	1/05/2013	14/06/2013	5/09/2013 PARTIAL WIDRWR	28/11/2013	17/12/2013
Removal of Chapter 12.6 (Air) PLAN CHANGE 14	30/08/2012	12/09/2012	12/10/2012	31/10/2012	16/11/2012	24/02/2014	6/05/2014	26/06/2014	3/09/2014	15/10/2014	N/A	11/12/2014	11/02/2015
Rural Provisions PLAN CHANGE 15	23/05/2013	5/06/2013	5/07/2013	21/08/2013	5/09/2013	24/02/2014	25/07/2014	7/08/2014	3/09/2014	15/10/2014	31/05/2017	10/08/2017	1/09/2017
Review of Impermeable Surfaces Provisions PLAN CHANGE 16	23/05/2013	29/05/2013	28/06/2013	8/08/2013 WITHDRAWN									
Review of Impermeable Surfaces Provisions PLAN CHANGE 17	25/07/2013	8/08/2013	6/09/2013	3/10/2013	17/10/2013	26/02/2014	10/06/2014	7/08/2014	3/09/2014	15/10/2014	N/A	11/12/2014	11/02/2015
Genetically Modified Organisms PLAN CHANGE 18	26/06/2014	15/07/2014	9/09/2014	19/11/2014	17/12/2014	13-14 & 16/6/2016	31/07/2016	8/09/2016	21/09/2016	7/11/2016	N/A	30/08/2018	19/09/2018
Signs and Lighting PLAN CHANGE 19	11/12/2014	11/02/2015	12/03/2015	25/03/2015	13/05/2015	12/09/2016	10/10/2016	15/12/2016	21/12/2016	24/02/2017	N/A	30/03/2017	20/04/2017



Let's plan *together*

*Kia kotahi tātou ki te whakatakoto mahere*

# Review of the Efficiency and Effectiveness of the Far North District Plan

*A Report under Section 35 of the Resource Management Act 1991*

## Table of Contents

Executive Summary .....	46
PART A .....	47
1. Purpose .....	47
1.2 Background .....	47
1.3 Methods.....	49
PART B .....	53
2 District Wide Analysis – Broad Development Trends.....	53
2.1 .....	Consenting Outcomes 53
2.2 .....	Subdivision and Development Activity 54
2.3 .....	Resource Consent Data 57
2.4 .....	Resource Consent Processing 60
2.5 .....	Resource Consent Costs 61
3 Significant Resource Management Issues.....	62
3.1 <i>Tangata Whenua Policies: Methods and Expected Outcomes</i> .....	62
3.2 Urban Growth Management.....	65
3.3 Rural Sustainability.....	66
3.4 Heritage .....	<b>Error! Bookmark not defined.</b>
3.5 Coastal Protection .....	<b>Error! Bookmark not defined.</b>
3.6 Outstanding Landscapes.....	72
3.7 Indigenous Flora and Fauna .....	75
3.8 Renewable Energy and Energy Efficiency .....	80
Part C .....	82
4. Detailed Data.....	82
4.1 Tanagata Whenua.....	82

4.2 Urban Growth .....	86
4.3 Rural Sustainability.....	97
4.4 Coastal Protection .....	103
4.5 Outstanding Landscapes.....	113
4.6 Indigenous Flora and Fauna .....	118
4.7 Heritage .....	125
Appendix A - Effects Based Rule Thresholds.....	<b>Error! Bookmark not defined.</b>
Appendix B - Key Dates, Plan Changes.....	42

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## Executive Summary

The Far North District Plan has acted as the District's principal tool to achieve the sustainable management purpose of the Resource Management Act 1991 (the Act) for nearly 7 years.

Since the Plan became fully operative in September 2009, after being made partly operative in 2007, the plan has acted to manage the effects of the use, development, and protection of land and associated natural and physical resources. The District contains some of the country's most significant cultural and heritage resources, a diverse and unique set of environments and the foundation elements for economic, cultural and social well being for the District's many communities. In this light, the role of the District plan has particular importance. The stakes are high.

The review of the efficiency and effectiveness of the plan is a good opportunity to understand the if the plan is achieving it's ends and whether it does so in an appropriate manner. The review also contributes to the platform of knowledge that will be utilised for the review of the Far North District Plan (the District Plan).

Appraisal of the plan's performance depends on a bank of data and feedback information needs the monitoring mechanisms and feedback to inform. The plan suggests a variety of means to collect this data and, due to resourcing constraints, and other prioritized actions a complete data set has not been available. This has necessitated that other means are utilised to understand the relative performance of the plan. This includes the use of case studies, proxies and representative sample sets of data.

Overall, the plan performs the statutory role of sustainable management of natural and physical resources efficiently and effectively. It has provided a stable framework for integrated management of effects and responsiveness to resource management issues.

The largely effects based planning instrument has operated in a time where economic conditions have fluctuated from a period of unprecedented growth, reflected in a higher level of subdivision activity, to low growth and now a trend towards growth in particular locations.

As an effects based instrument, some of the actions and management approaches of the plan are more direct, measurable and understandable. Whereas other provisions may be difficult to evaluate in terms of efficiency and effectiveness. The former includes siting and design provisions of the environment and sections of the district wide provisions of the plan. The latter includes the relative performance of the tangata whenua provisions of the plan, which are relatively confined in the policy framework. Another aspect is the balance of the supply and demand tensions that exist in the urban environment and at interface of the urban environments.

More work is required to ascertain the relative importance of some of these performance measures in the context of a plan review, and identifying the most appropriate future responses to existing and emergent resource management issues.

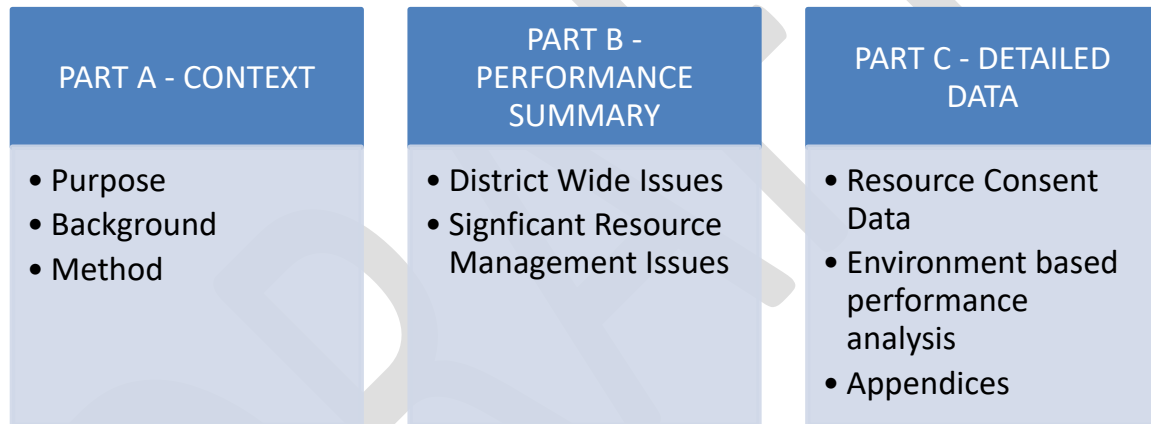
# PART A

## 1. Purpose

This document reports on the efficiency and effectiveness<sup>1</sup> of the Far North District Plan in accordance with Section 35 of the Resource Management Act 1991 (RMA).

Section 35(2) of the RMA requires that all Councils gather information, undertake monitoring and keep records to, amongst other things, enable the efficiency and effectiveness of policies, rules, or other methods to be assessed.

There are three parts to the report:



Parts A and B convey the key information associated with the review and the outcomes of the review process. Part C contains supporting information used to complete the analysis.

## 1.2 Background

### 1.2.1 Statutory Context

The District Plan is FNDC's principal tool for managing land use under the RMA and is the community's guiding document on how we promote sustainable management of the natural and physical resources in the District.

The Far North District Plan was made fully operative in September 2009. Section 35(2)(b) of the RMA, requires that FNDC monitors *"the efficiency and effectiveness of policies, rules, or other*

<sup>1</sup> For the purpose of this report, "Effectiveness" means how successful a provision is in achieving the stated outcomes; and "efficiency" means whether the benefits of the provision outweigh the costs, either immediately, or over time.

*methods in its...plan.*”. This process is ongoing, however the five year reporting period required under Section 35(2A) is overdue.

Section 31(1)(a) of the RMA requires FNDC to review the objectives, policies and methods contained in the District Plan and s.75(2)(e) states that the procedures used to monitor the efficiency and effectiveness of the District Plan be set out in the plan itself. This means that Council needs to be able to determine whether the policies, rules and methods in the plan are effective and the most efficient way of addressing the issues, objectives and expected environmental outcomes. To do this we need to know:

- (a) Whether the key issues and objectives identified in the plan are achieving the environmental outcomes expected and the purpose and principles of the RMA;
- (b) how the plan is guiding decision-making on individual resource consents, if the planning procedures contained in the plan are actually being implemented effectively and whether resource consent conditions are achieving the expected environmental outcomes (this ties in with resource consents monitoring);
- (c) how well the expected environmental outcomes have been achieved.

Council has initiated a process to prepare a consolidated review of the District Plan, which means that the issues identified from this review will contribute the information base for the wider plan review process.

### **1.2.2 Statements of Principle**

The first chapter of the District Plan identifies a number of statements of principle that assist in identifying the means by which the District Plan will achieve the purpose of the RMA.

A strong theme promoted by the Operative Plan is to enable the use and development of resources by minimising the level of statutory intervention, whilst achieving the purpose of the RMA.

For example, the statement of principles contains the following:

*“.. that the plan wherever possible reflects the desire of Council to minimise its level in intervention in land use and other resource issues, by encouraging a stewardship role or ethic land management through mechanisms such as incentives, education and other forms of encouragement.”*

This principle is carried through the plan, however, this framework is not considered to possess the necessary mechanisms to manage the potential for incompatible land use activities, particularly in rural environments – which account for around 70% of the districts land area. Currently, the scope and scale of activities that can establish within rural environments have the potential to individually or cumulatively adversely affect rural production activities. Other activities that rely on rural environments capacity to absorb effects, such as infrastructure and productive industries can also be impacted. This includes reverse sensitivity effects, where the more sensitive activities can impact upon lawfully established activities.

We are currently finding that commercial and industrial uses, that would be more appropriately located within urban areas, choose to establish in rural areas. Other activities that may be considered appropriate in rural areas, such as tourism and recreational land uses, may not incorporate suitable measures to mitigate effects upon productive uses.

### **1.2.3 Effects Based Regime**

The District Plan is considered to represent one of the more comprehensive versions of effects based planning instruments. To demonstrate the methods employed by the plan, a matrix is provided in **Appendix A** comparing various rule thresholds across the plan's environments, comprising:

- a) The rural environment - including the Rural Production, Rural Living and Waimate North Special Zone;
- b) the urban environment - including Commercial and Industrial Zones, and,
- c) the coastal environment - including General Coastal & Coastal Living Zones.

The table provides some basis for understanding the effects based approach of the District Plan, the standards established under the plan for the management of effects and the activities that may be permitted under the zone based provisions.

Users of the plan have identified that in many situations; the effects based planning framework has lead to less certainty over permissible uses and a rule framework that is too permissive. User feedback has also suggested that the effects based regime can present inefficient and in some cases over restrictive provisions.

### **1.2.4 Post Operative Status Plan Changes**

Provided at **Appendix B** is a spreadsheet containing the key dates associated with the plan changes that have been implemented since the plan was made fully operative in 2009. This includes two private plan changes and 18 Council initiated plan changes. These include two technical reviews, heritage updates and an initial review of the Rural Provisions.

## **1.3 Methods**

### **1.3.1 Monitoring and Data Sources**

Sources of information for reviewing plan performance are varied and include:

- Resource consent data
- Building consent data
- Monitoring Strategy results
- Case studies

Monitoring Issue 5.1.2 in the District Plan states that “the limited availability of financial and technological resources requires that monitoring is targeted primarily to the significant

resource management issues of the District”. It then goes on to describe the priority issues being:

- Tangata whenua concerns;
- preservation of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins and the protection of them from inappropriate subdivision use and development;
- the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and
- managing urban growth.

Notwithstanding these priority areas, this report intends to provide commentary on all significant resource management issues (SRMI’s).

### **1.3.2 Significant Resource Management Issues (SRMI)**

Consideration of the SRMI is an important reference point in the context of District Plan effectiveness and efficiency. Under section 75 of the RMA a District Plan must state the objectives for the District, the policies to implement the objectives and the rules (if any) to implement the objectives. The District Plan may also state the SRMI for the District along with the policy framework for achieving the resource management purpose of the RMA.

The Operative District Plan identifies that it will achieve the sustainable management purpose of the RMA by avoiding unnecessary regulatory intervention while requiring a satisfactory level of environmental protection. The plan identifies that this role can be achieved in part by targeting eight significant resource management issues:

- Partnerships with Tangata Whenua
- Urban Growth Management
- Rural Sustainability
- Coastal Protection
- Outstanding Landscapes
- Indigenous Flora and Fauna
- Heritage
- Renewable Energy And Energy Efficiency

The District Plan identifies the outcomes anticipated for each of these issues and contains a policy framework to achieve these outcomes.

This review utilises the significant management issues as the main organising tool, and supplements the issues based review with analysis of district wide issues. It achieves this through analysis of monitoring data, and evaluation of the policy framework.

Monitoring indicators are provided in the Monitoring Strategy 2008<sup>2</sup>. These indicators have been used where appropriate to illicit assumptions with respect to the Plan's efficiency and effectiveness. It should be noted that these indicators, and the monitoring strategy itself are subject to a review. The implementation of the current indicators to measure the efficiency and effectiveness of the Plan will contribute to a more robust monitoring framework in the future.

In that sense this report also fulfils a gap analysis role with respect to the information that can be gathered, collated, and evaluated in a manner that contributes to better resource management outcomes and decision making. Where matters cannot be measured, questions can be posed as to their appropriateness within the policy framework and Plan generally.

### ***1.3.3 Traffic Light Model***

An evaluation of the internal consistency of parts of the Plan has been undertaken that focuses on the plan's policy framework and its ability to achieve and influence the stated 'Environmental Outcomes Expected'. This process, called plan logic mapping, assesses the connections and coherency between objectives, policies, methods, rules and outcomes and seeks to draw conclusions about their likely contribution to achieving the Plan's intended outcomes.

This process alone does not assess implementation or actual environmental results on the ground. As a result this process has been supplemented by case studies and targeted analysis of development indicators in order to provide a more substantial evaluation of the Plan's efficiency and effectiveness.

### ***1.3.4 Case studies and targeted analysis***

As noted in section 1.3 above, a series of monitoring indicators have been promoted as a means to inform and assess the Plan's efficiency and effectiveness. While Council has improved its data collection procedures, there are some indicators which have not been resourced and therefore data is absent. Additionally, there are some outcomes expected in the policy framework which cannot be easily measured, either quantitatively or qualitatively.

Where these situations exist, proxy indicators have been used, for example, case studies to highlight the performance of the Plan. Where data does exist, these have been provided largely in the form of graphs and associated narratives. These are contained in Part C of this report.

### ***1.3.5 External Audit***

Administration commissioned an external audit of the plan performance through a Maori lens. The purpose of the review was to help inform the Far North District Council (FNDC) overall review of its District Plan. FNDC has prioritised Tangata Whenua participation in the District Plan review and consider it a significant component of its commitment to enable Tangata

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<sup>2</sup> Far North District Council Monitoring Strategy 2008

Whenua aspirations in planning processes and decision-making to be realised. Findings of the review have been incorporated into this report.

### **1.3.6 Next Steps**

#### Consolidated District Plan Review

Council has a statutory obligation under section 79 of the RMA to commence a review of the District Plan if it has not been reviewed or been the subject of a change during the previous 10 years. A number of elements of the plan have been subject to review since the plan was made partially operative in 2007, however it is estimated that approximately 80% of the plan has not yet been subject to review.

There are other planning documents at a national and regional level that will impact on the direction and content of RMA planning documents at a district level. These include

- NZ Coastal Policy Statement
- National Policy Statements
- National Environmental Standards
- New Northland Regional Policy Statement
- Resource Management Act reforms

These and other influences will be incorporated into the District Plan review process

- |  |                                       |
|--|---------------------------------------|
| • LTP 2012-2022 & LTP 2015-2025 (once adopted)                   | • Iwi/Hāpu Management Plans           |
| • Annual Plan  | • Kerikeri and Waipapa Structure Plan |
| • Asset Management Plans   | • Parking Strategy                    |
| • Regional Policy Statement for Northland (RPS)                  | • Regional Land Transport Strategy    |
| • Sustainable Planning / Far North Vision                        | • Community Development Plans         |
| • Far North Sustainable Development Strategy (under development) | • Walking and Cycling Strategy        |

# PART B

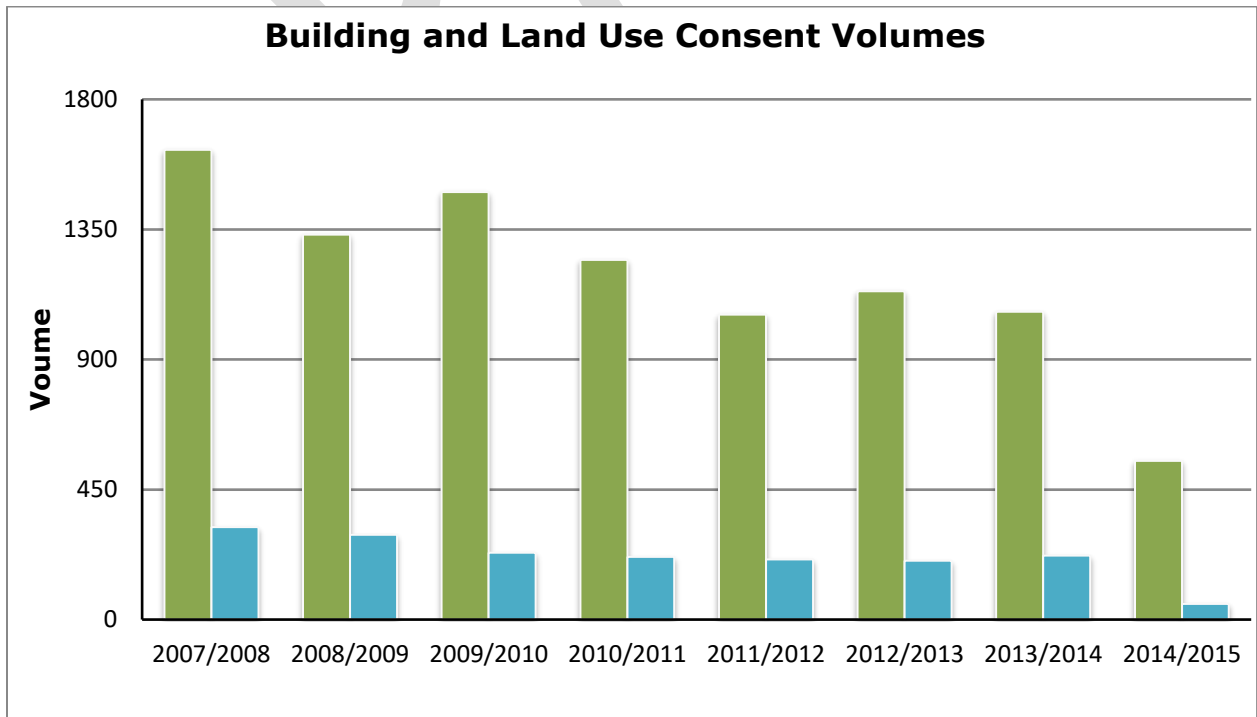
## 2 District Wide Analysis – Broad Development Trends

The following section outlines the performance of the plan referencing resource consent trends and indicators. The data contained in this section provides an insight to the performance of the plan in terms of efficiency and effectiveness. The content provided in this section represents summary of the content provided in Part C.

### 2.1 Consenting Outcomes

A comparison of the quantity of land use consent and building consents issued provides some broad indication of relative permissiveness of planning provisions. The following chart **Figure 1** shows land-use resource consents (blue) and building consent activity (green) from 2007-2015. Included are all building consents (new buildings, alternations, and additions) and all land use consents.

**Figure 1 – Building and Land use Consent Volumes**





**Figure 1** shows, that over the reporting period, land use consents constitute 18.4% of all building consents, or, roughly, for every 5 building consents, 1 required resource consent. Whilst there will be occasions where an activity requires a land use consent but not a building consent (and *vice versa*), this limited assessment shows that the predominant pattern is that a range of building works have been undertaken without the need for further regulatory intervention.

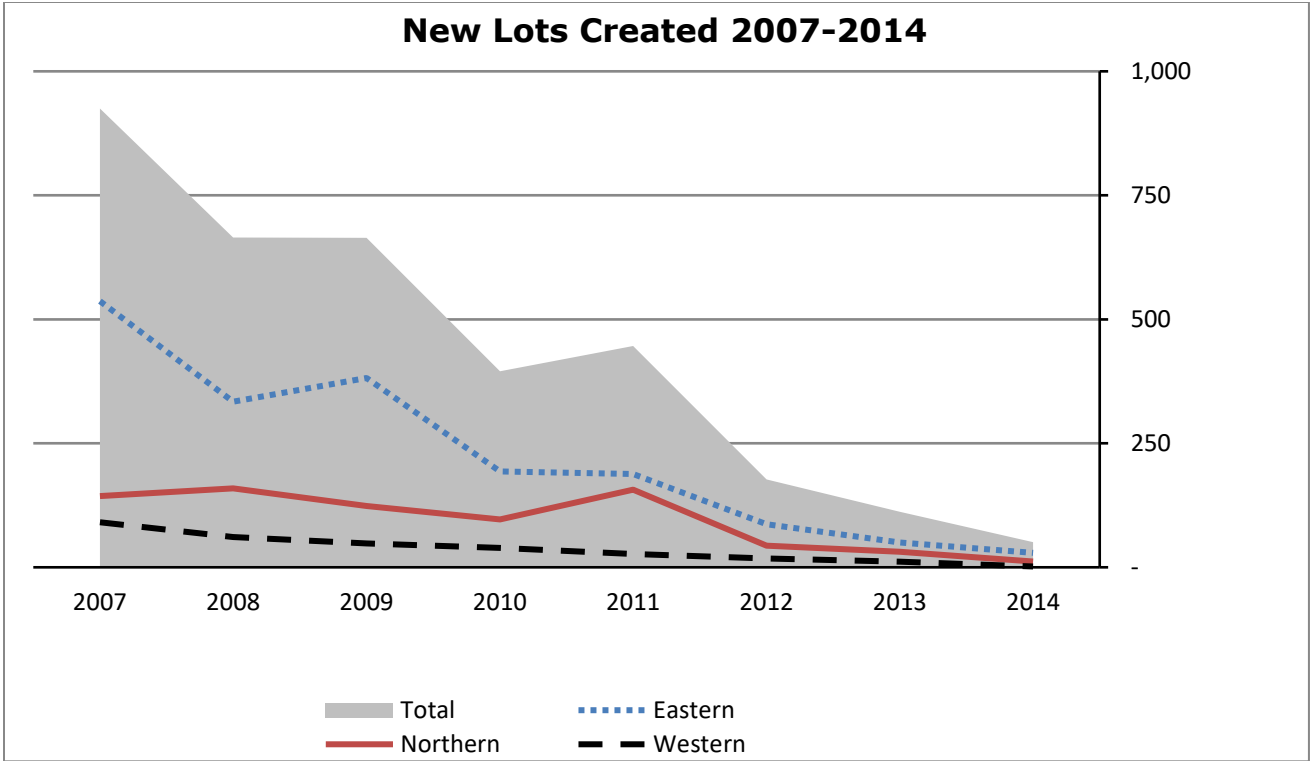
The extent to which a District Plan intervenes on land use activities can have implications for the development process. The current level of intervention by the Plan reflects an approach that aims to ‘avoid unnecessary regulatory intervention’<sup>3</sup>. Notwithstanding this, it is important to assess the occasions where intervention was required in order to understand whether an adequate level of environmental protection is also afforded by the Plan.

## 2.2 Subdivision and Development Activity

Subdivision is part of the land fragmentation process. It is a key indicator of demand for development and a test for the effectiveness of the plan. **Figure 2** below outlines the total number of new lots created by subdivision processes across the District and by Ward from 2007-2014. The number of new lots created has been decreasing since 2007/08. The total lots created over the period reported is 3,435.

**Figure 2 – New Lots Created 2007-2014**

<sup>3</sup> Section 1.1 Significant Resource Management Issues. Far North District Plan. Chapter 1, Page 1.



The economic climate of the Far North is an important backdrop to consider against this data and is likely to be consistent with other territorial authorities in provincial regions around New Zealand. **Table 1** below shows the number of lots created against the number of new buildings/dwellings.

**Table 1 – Number of lots created against the number of new buildings/dwellings**

Year	Number of Lots	New Buildings/Dwellings	Surplus/Deficit Lots	Surplus/Deficit %
2007/08	925	539	386	26.3%
2008/09	665	370	295	28.5%
2009/10	664	356	308	30%
2010/11	395	243	152	23.8%
2011/12	446	222	224	33.5%
2012/13	177	225	-48	-11.9%

2013/14	112	290	-178	-44.2%
2014/15	51	181	-130	-56%

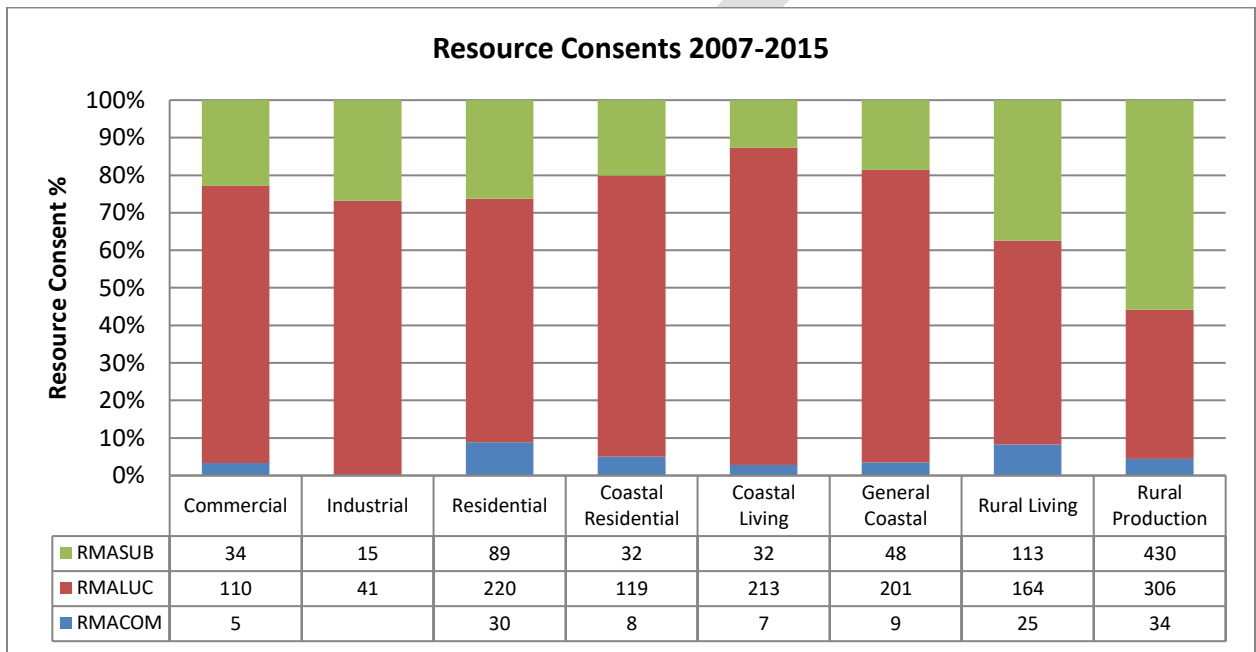
The number of new buildings in the 2014/2015 year to date has been higher than the number of lots created by over 50%. This data suggest an uptake of lots created in the previous surplus period between 2007-2012 or a number of new builds on existing lots. This trend has been occurring for the last three years. Notwithstanding this relative assessment, with reference to the data collected in the last eight years the District has a surplus of 1,009 lots.

From a spatial planning perspective, the uptake of existing lots may represent a positive trend towards consolidation of growth in existing areas. It is considered that this outcome is a result of a weakening economy rather than pro-active planning. The data is important to monitor over time and will provide, amongst other considerations, a measure of supply and demand pressures across the District.

### 2.3 Resource Consent Data

Figure 3 below shows resource consents granted from 2007-2015 and includes subdivision consents (RMASUB) land use consents (RMALUC) and combined subdivision and land use consents (RMACOM). The table also separates the data into Urban, Coastal and Rural Environments. The total consent figure for the sample period was 2,852. The Rural Environment consisting of the Rural Production and Rural Living Zones included 1,289 consents, with 470 land use and 543 subdivision consents issued. Overall, this accounted for 45% of all consents in the sample.

Figure 3 – Resource Consents 2007-2015

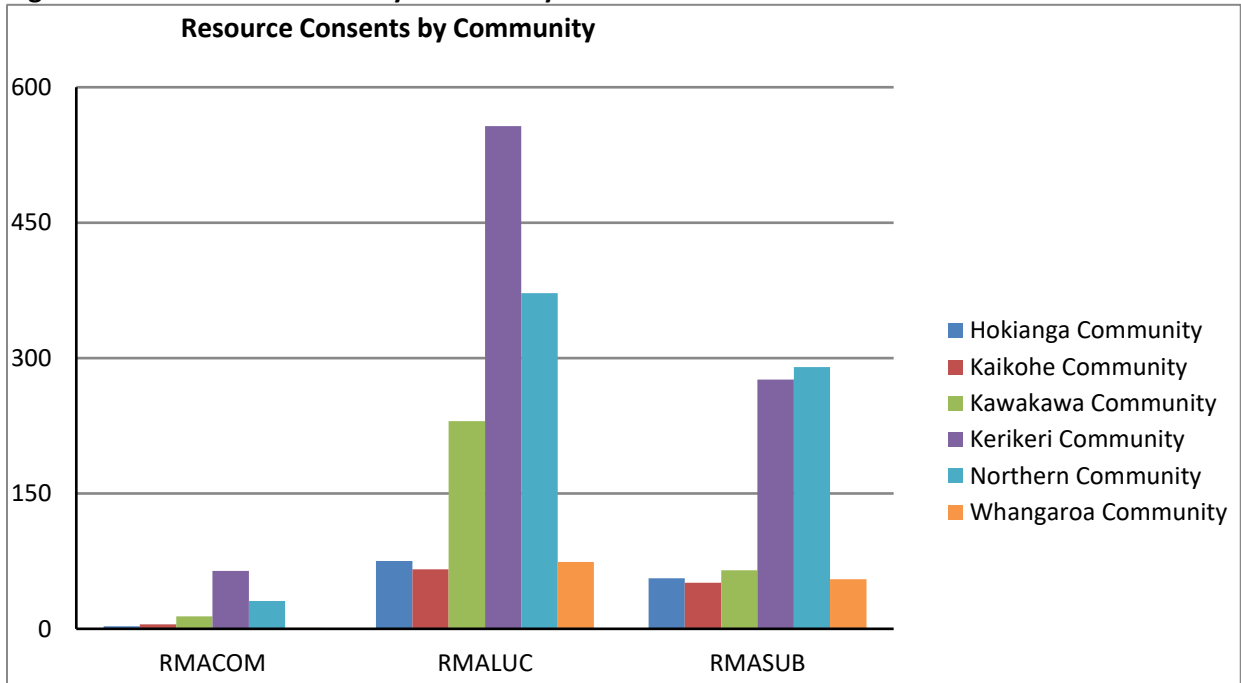


The Coastal Environment made up of the Coastal Residential, Coastal Living, and General Coastal Zones included 820 consents, with 533 land use and 112 subdivision applications issued. This accounted for 26% of all consents.

The Urban Environment made up of the Residential, Commercial and Industrial Zones included 743 consents, with 351 land use and 138 subdivision applications issued. This accounted for 29% of all consents.

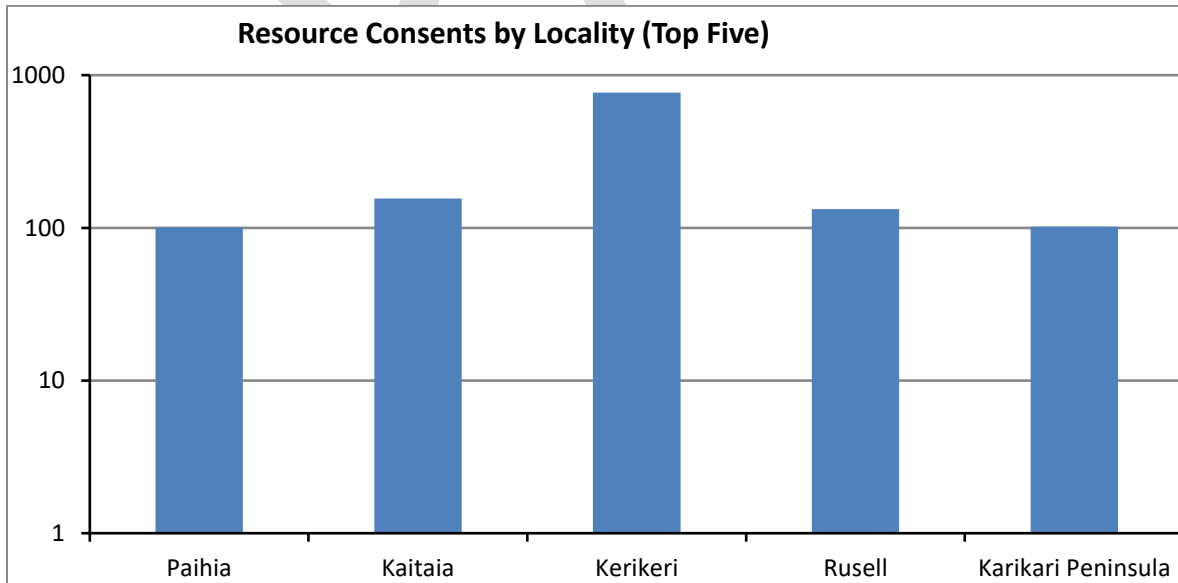
Figure 4 below highlights where consents have been issued throughout the district. The majority of consents were issued in the Kerikeri and Northern communities reflecting known trends of growth in the districts eastern and northern areas. Figure 5 provides more detail by highlighting the top five suburbs where activity is occurring.

**Figure 4 – Resource Consents by Community**



**Figure 5** below identifies where the majority of consented activity is occurring. Kerikeri had 767 consents issued, being 33% of all consents received over the sample period. The other four locations made up 21%, therefore the top five locations alone accounted for almost half of all development in the district.

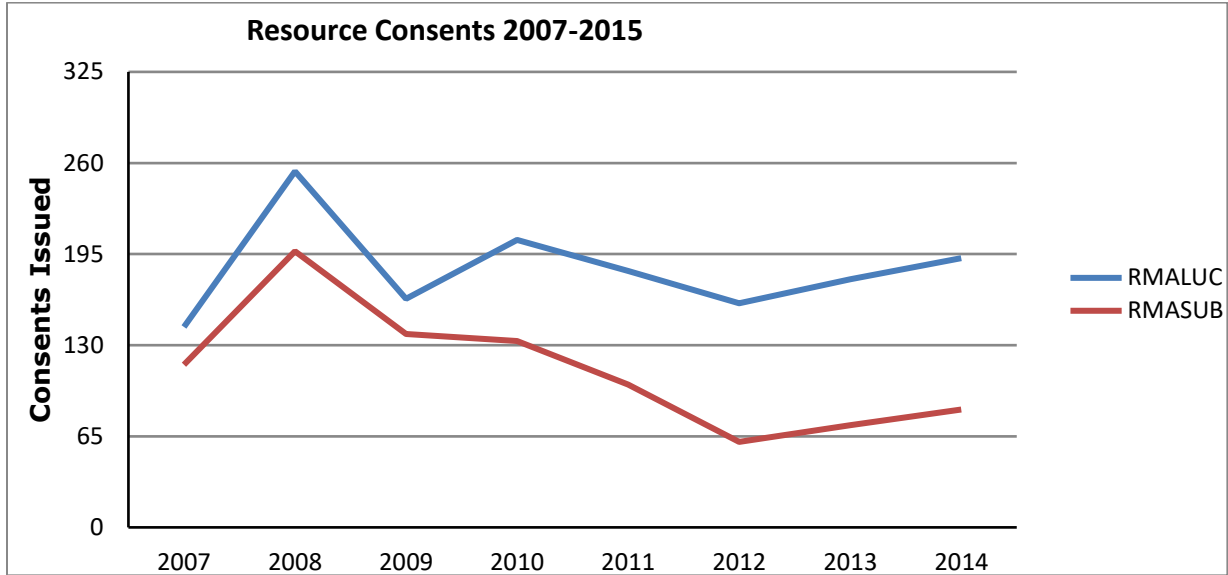
**Figure 5 – Resource Consents by Locality (Top Five)**



Since 2009, the proportion of land use consent to subdivision consent applications has increased. Subdivision consents generally reflect growth and development in an area and may reflect the prevailing economic climate. The period between 2007 and 2010 represented 56%

of all consents being issued, with both land use and subdivision consents reaching a peak in 2008. Notwithstanding, there was a large dip in consents issued in 2009. It is considered that this data is reflective of the economic climate of the time.

**Figure 6 – Resource Consent 2007-2015**



As shown in **Figure 6** above, in 2012, 221 consents were issued which was the lowest in the period. Since 2012, there has been a consistent upward trend in consents issued.

Data relating to average lot sizes has not been updated since 2011. The average lot size, by Zone from the 2011 data are provided found in **Table 2** below.

**Table 2 – Average Lot Size by Zone 2007-2011**

Zone	Average Lot Size	Minimum Lot Size (Controlled)	Minimum Lot Size (Discretionary)
Rural Production	17.6ha	20ha	4ha
Rural Living	1.24ha	4,000m <sup>2</sup>	3,000m <sup>2</sup>
General Coastal	18.76ha	n/a	Management Plan required (20ha as Restricted Discretionary Activity)
Coastal Living	1.68ha	4ha (provision for stormwater & wastewater disposal required).	5,000m <sup>2</sup> (provision for stormwater & wastewater disposal required).

<b>Coastal Residential</b>	2,155m <sup>2</sup>	3,000m <sup>2</sup> (unsewered); 800m <sup>2</sup> (sewered)	2,000m <sup>2</sup> (unsewered); 600m <sup>2</sup> (sewered)
<b>Commercial</b>	1,495m <sup>2</sup>	3,000m <sup>2</sup> (unsewered); 250m <sup>2</sup> (sewered)	2,000m <sup>2</sup> (unsewered); No Limit (sewered)
<b>Industrial</b>	1.2ha	3,000m <sup>2</sup> (unsewered); 500m <sup>2</sup> (sewered)	2,000m <sup>2</sup> (unsewered); No Limit (sewered)
<b>Residential</b>	1,568m <sup>2</sup>	3,000m <sup>2</sup> (unsewered); 600m <sup>2</sup> (sewered)	2,000m <sup>2</sup> (unsewered); 300m <sup>2</sup> (sewered)

Rural Production and Coastal Living Zones average lots sizes were below the Controlled Activity threshold, but larger than the Discretionary limit. All other zones' average lot size were above the Controlled threshold.

## 2.4 Resource Consent Processing

Processing efficiency has been the focus of recent changes to the RMA alongside changes to the standard and quality of resource consent applications lodged with consent authorities. It is anticipated that, with the lifting of the standard of consent application, resource consent processing efficiency will improve.

**Table 3** below highlights historical trends with respect to the use of section 37 and 92 of the RMA and consent applications processed on time<sup>4</sup>. While this data relates to all resource consents as opposed to specific Urban Environment consents, they still provide valuable information for analysis.

The table shows that the amount of consents processed on time, over the period has increased. This is unlikely to be due to more effective provisions, rather as a result of efficiency gains in processing. The use of section 92 has been relatively consistent at around 40-48% of consents. The use of section 37 has increased, however data from previous periods is not in an accessible format for greater analysis. Future reporting will help to provide further analysis.

**Table 3 – Use of Section 37 and 92 2005-2013**

	Processed on time	Use of s 92	Use of s 37
<b>2005/06</b>	51%	43.44%	n/a
<b>2007/08</b>	37%	48.44%	n/a

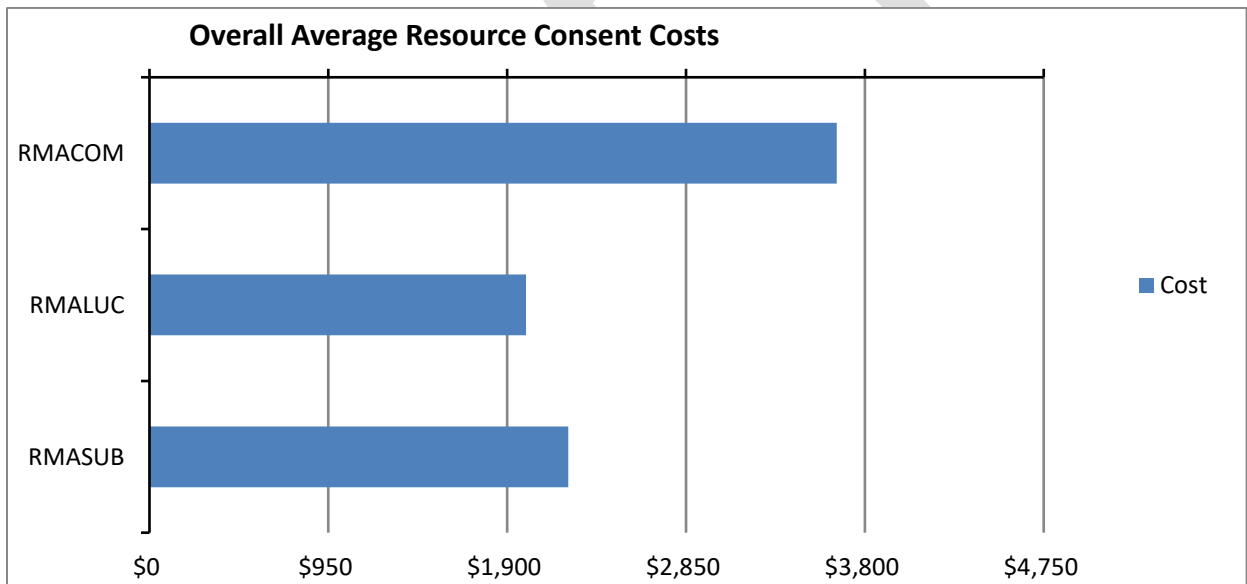
<sup>4</sup> Sourced from Mfe Survey of Local Authorities 2012/2014.

<b>2010/11</b>	95%	41.43%	3%
<b>2012/13</b>	94%	46.76%	20%

## 2.5 Resource Consent Costs

Figure 7 below highlights the average costs for combined, subdivision and land use consents. Land use consents on average cost \$2,000; subdivision consents cost \$2,225 and combined consents costs \$3,650. Costs for each Environment are highlighted in this report in their respective section. This more in depth analysis provides clarity as to what areas of the district have higher compliance costs relative to others.

Figure 7 – Overall Average Resource Consent Costs





## 3 Significant Resource Management Issues

### **3.1 Tangata Whenua Policies: Methods and Expected Outcomes**

The monitoring provisions of the District Plan and the monitoring processes of the Monitoring Strategy use evaluation of the Expected Outcomes to determine efficiency and effectiveness for s35(2A) reporting. It is therefore essential that the Expected Outcomes are able to be monitored, and that targets or benchmarks are measurable. A full analysis of the tangata whenua provisions of the District Plan is in the process of being completed. Preliminary results of that analysis show that there are deficiencies in these provisions which have consequences for the implementation of s35 monitoring. These deficiencies include:

- Many of the tangata whenua provisions are expressed in high level terms, and lack operational effectiveness. Their results are also difficult to measure as the provisions are too broad and general for causality to be determined.
- Frequently in the provisions s6(e) of the RMA is presented verbatim, or with minor changes or additions, adding no value to the Plan above that available from the statute itself.
- In the tangata whenua chapter there are breaks in the cascade from Issues to Objectives to Policies to Methods, which means that in practice implementation of some provisions is not required.
- The tangata whenua provisions are almost all in the tangata whenua section, and tangata whenua provisions are generally absent from the rest of the Plan.
- There are few cross references in the Plan.
- Many terms require explanation if they are able to be used by decision makers. For instance, Policy 12.2.4.1 has a requirement for “maintaining tikanga”. If there were to be Expected Outcomes for this Policy, clarification of meaning would be essential.

#### **3.1.1 Indicators from the Monitoring Strategy**

The Monitoring Strategy 2008 contains tangata whenua indicators, but they are of limited use for s35 evaluation of the tangata whenua provisions. The indicators and their limitations are identified below:

***Indicator: “Develop and review an organisational definition of “The Principles of the Treaty of Waitangi” and their implications”***

This indicator if implemented should determine which rights are being considered. How they are given effect in the Plan could then follow.

**Indicator: Findings of a Treaty audit.**

*A Treaty analysis designed for and focused on the Plan provisions could result in effective monitoring. However the detail of the design is critical. Treaty audits are generally undertaken for organisations and their overall performance. For the Plan a different methodology would be required.*

**Indicator: The level of expressed satisfaction by tangata whenua at hui-a-iwi in the context and implementation of the Plan in relation to sections 6, 7 & 8 of the Act.**

*This indicator has such a broad scope that it would be difficult and / or extremely expensive to implement.*

**Indicator: The % of recommendations implemented into council policy and processes from Iwi/Hapu Environmental Management Plans, Cultural Impact Assessments and other reports provided to council**

*Iwi planning documents and Cultural Impact Assessments do not have effective provisions for their support and use in the Plan. This indicator should be easily implemented, and its results then should inform the need for amendments.*

**Indicator: The rate of loss or modification, in numbers and by type, of legally protected Sites of Cultural Significance to Maori, Historic Sites, Heritage Precincts and archaeological sites.**

*In principle this indicator should be able to be implemented for most the resources, as data on impacts on scheduled sites should be available. However data on some non-scheduled and previously unknown archaeological sites which are accidentally discovered during development is more difficult to collect.*

**Indicator: Any change in the number, size and role of papakāinga in the District.**

*Data has been collected on papakāinga development (refer to Part C) But while the data exists, it is only able to be used for monitoring if it is evaluated against benchmarks or targets.*

**3.1.2 Key Issues**

- Tangata whenua provisions are too confined in the policy framework
- Monitoring provisions lack specificity
- Monitoring techniques lack follow through

Given the strategic initiatives that Council have now identified regarding the enabling of Maori land for development, further consideration is needed of a means to develop effective policy with measurable performance indicators.

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## 3.2 Urban Growth Management

*The focus of the Urban Environment and the Residential, Commercial and Industrial Zones is generally related to three themes:*

- *The reduction and/or mitigation of reverse sensitivity effects and occurrences;*
- *the protection of existing character and amenity; and*
- *the timely provision of infrastructure and services.*

This review found that, overall, the plan had a moderate influence in achieving the intended outcomes. The Residential Zone had a strong ability to influence outcomes whereas the Commercial and Industrial Zone had a moderate-poor influence.

### 3.2.1 Effectiveness

The policies and methods of the Urban Environment are largely being implemented, although more work could be done with respect to giving effect to the Other Methods contained in this chapter, particularly advocacy and education relating to Low Impact Design principles and their benefits. Policies and methods for the Residential Zone are largely being implemented, as typical development tends to trigger a number of rules. Typical development in the Commercial and Industrial Zones tend to trigger fewer rules. The extent of outcomes being achieved is linked to the level of implementation of the methods. Analysis of resource consent conditions found that the Residential Zone provisions and conditions were contributing to the achievement of the intended outcomes. Conversely, it was found that while provisions and conditions in the Commercial and Industrial Zone were contributing to outcomes when implemented, the lack of differentiation across the two zones is leading to adverse outcomes. This includes the under utilisation of industrial infrastructure through the uptake by retail and commercial land uses in the industrial zones. The examples of Waipapa and Kaitaia North were considered as case studies to highlight these outcomes.

### 3.2.2 Efficiency

A sample of commonly breached provisions were assessed. This found that all could be improved in one way or another to increase their performance and the benefits that derive from their implementation. Overall, the analysis has shown that there is room for improvement with respect to the efficiency and effectiveness of the Urban Environment and future review processes with respect to the District Plan should take these into account.

### 3.2.3 Key Issues:

- Need for simplification of policy framework Need for improved connectivity in policy framework including spatial responses to supply and demand pressures
- Greater differentiation required between Commercial and Industrial Zone provisions

### 3.3 Rural Sustainability

The Plan making process for the operative Far North District Plan carefully considered the balancing of regulatory intervention in the rural environments, being mindful of the scale and nature of the resources within rural areas and the role played by voluntary mechanisms in providing for sustainable management. The outcome was a plan that took a very deliberate stance with respect to enabling activities within the Rural Production Zone.

Concerns were raised during the development of Plan that the enabling an effects based approach will allow a wide range of activities to establish in a zone, thereby undermining its intent. The section 32 analysis prepared in 2000 to support the proposed plan, provided the following in relation to the combination of voluntary and regulatory methods to provide for rural sustainability;

*“constant monitoring will provide information as to the effectiveness of the proposed method. The Act allows Council to change its district plan should evidence emerge that the proposed method is not achieving the purpose of the Act.”*

Since that time, Council has become aware of a variety of issues that undermine the sustainable management of rural areas. In particular, the ad hoc development of commercial and industrial activities is leading to an increased risk of reverse sensitivity and land use incompatibility; and potential for cumulative effects including adverse effects on amenity values associated with the rural environment.

The permissiveness of the Rural Production Zone also allows for less certainty in the programming of the location and scale of urban infrastructure. The existing policy framework, which allows a wide variety of activities to take place in the Rural Production Zone, enables urban style commercial and industrial development to establish with its associated cumulative adverse effects.

#### 3.3.1 Efficiency

The inefficiencies of the policy framework lead to the promulgation of Proposed Plan Change 15 Rural Provisions in 2013. This outcomes of this proposed plan change is still to be determined, however, the initial intent was to sequence the review of rural provisions with a review of Rural Zones and Subdivision regime. This process will now be fulfilled by the comprehensive District Plan Review process., which will ensure that a balance is achieved both within the Rural Zone taking into account the zone interface with the urban environment and the supply of commercial and industrially zoned land.

#### 3.3.2 Effectiveness

The preliminary scoping report entitled “The Impact and Effect of Industrial and/or Commercial Activities on Rural Character and Amenity in the Far North District”, identified cause for concern that the Plan may not contain adequate or appropriate controls to ensure the protection and enhancement of rural amenity.

Subsequent preliminary consultation on Rural Amenity Values undertaken as part of the scoping document was limited in number, but included some useful feedback from Federated Farmers, NZ Transport Agency and local planning practitioners. Views were mixed in regard to how much, and what, should be amended in the District Plan. On balance there was an acknowledgement that the maintenance and enhancement of amenity values was important to the community and to individual land owners, but there was no universal consensus as to how this would be best achieved.

### **3.3.3 Key Issues**

- Need for more effective monitoring of permitted activities
- Land fragmentation trends to be better understood in the context of productive uses
- Need for improved management of urban and rural interface

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### 3.4 Heritage

Under 'Section 6 Matters of national Importance' of the RMA, all persons exercising functions and powers under the Act, shall recognise and provide for 6(e) *"the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga"* and *"6(f) the protection of historic heritage from inappropriate subdivision, use, and development"*.

The Heritage New Zealand Pouhere Taonga Act 2014 provides that Heritage NZ Pouhere Taonga maintains the New Zealand Heritage List/Rārangi Kōrero. Inclusion on the list does not provide automatic protection but it does record the importance of historic places. The Heritage New Zealand Pouhere Taonga Act 2014 gives legal protection to archaeological sites.

In 2012 some interim data gathering was carried out in regard to heritage and report card produced titled 'Cultural and Historic Heritage'. An evaluation of the data, along with other appraisal processes identified that the plan is performing it's statutory role of protection of historic heritage, however, the dynamic nature of our understanding of these resources and the means by which aware, understanding and protection may be achieved, requires updating.

#### 3.4.1 Efficiency

There are 245 heritage buildings, sites and objects listed in Appendix 1E - Schedule of Historic Sites, Buildings and Objects of the Far North District Plan.

In 2010 Plan Change 4, "Schedule of Notable Trees, Historic Sites Buildings and Other Objects" sought to make amendments to the Far North District Plan schedules. A number of historic buildings were included in Appendix 1E and modifications will be made to the district plan resource maps to reflect these changes.

In 2012 Plan Change 11, "Review of Heritage Schedule" sought to make further amendments to Appendices 1E - Schedule of Historic Sites, Buildings and Objects of the District Plan to update the schedule in order to improve efficiency.

#### 3.4.2 Effectiveness

The review of the data indicates that despite these recent reviews, there are less heritage buildings, sites and objects listed in Appendix 1E of the District Plan than are identified in the New Zealand Heritage List/Rārangi Kōrero (formerly the Register). This suggests that more heritage items may need to be afforded the additional protection of the district plan as inclusion in the New Zealand Heritage List/Rārangi Kōrero (formerly the Register) does not provide automatic protection.

#### 3.4.3 Key Issues

- Currency of Heritage inventories

- Further scope for promotion of other methods to increase awareness and understanding of resources

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### 3.5 Coastal Protection

The coastline in the Far North is long and varied and contains eight major harbour systems. There are a number of values attributed to the coastal environment that contribute to its natural character, which include landscape, ecology, tangata whenua and historic values. Of the Far North's 651,709ha, 0.48% of land is zoned 'Coastal Living', 0.12% is zoned 'Coastal Residential' and 9.44% is zoned General Coastal.

It is a complex environment, accommodating dynamic natural processes, unique natural and physical attributes and high cultural values. The environment is subject to varying degrees of growth pressure. Responsiveness of the plan's policy framework to the multifaceted issues is similarly challenging. This is primarily contained in Chapter 10 of the operative District Plan.

#### 3.5.1 Efficiency

In a general sense, the issues for the Coastal Environment are not concise, and in certain cases lack clarity.

The objectives in the coastal zones have generally been drafted like policies in that they are explaining the 'how'. In many instances they talk about avoiding, remedying and mitigating where they should be denoting the 'outcome'.

The provisions that relate to the suite of coastal zones often share a number of the same issues, as such there are a number of instances where duplication occurs across the provisions. The issues identified within the suite of Coastal zones represent a common theme, only there are slight variations on each occasion. In essence all are saying:

- There is pressure for development to be located near the coast.
- Not all development is sympathetic to the character of the coastal environment
- We need to sustainably manage the development of the coastal environment

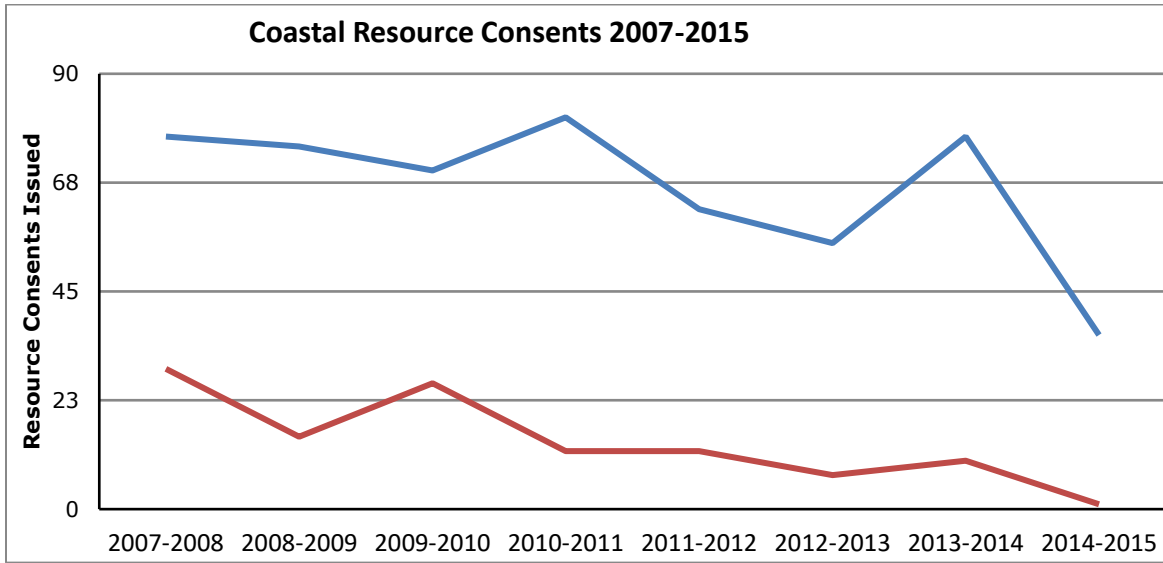
The issues drafted in the coastal environment are generally more overarching than those identified in the following coastal zones.

In some instances there is no clear cascade or link through the provisions starting from the Issues, and then moving through the Objectives and Policies. On a number of occasions the link through to the objectives and polices is weak or non-existent. In many of the Coastal zones provisions are double and triple used to enable the cascade from Issues through to Policies.

#### 3.5.2 Effectiveness

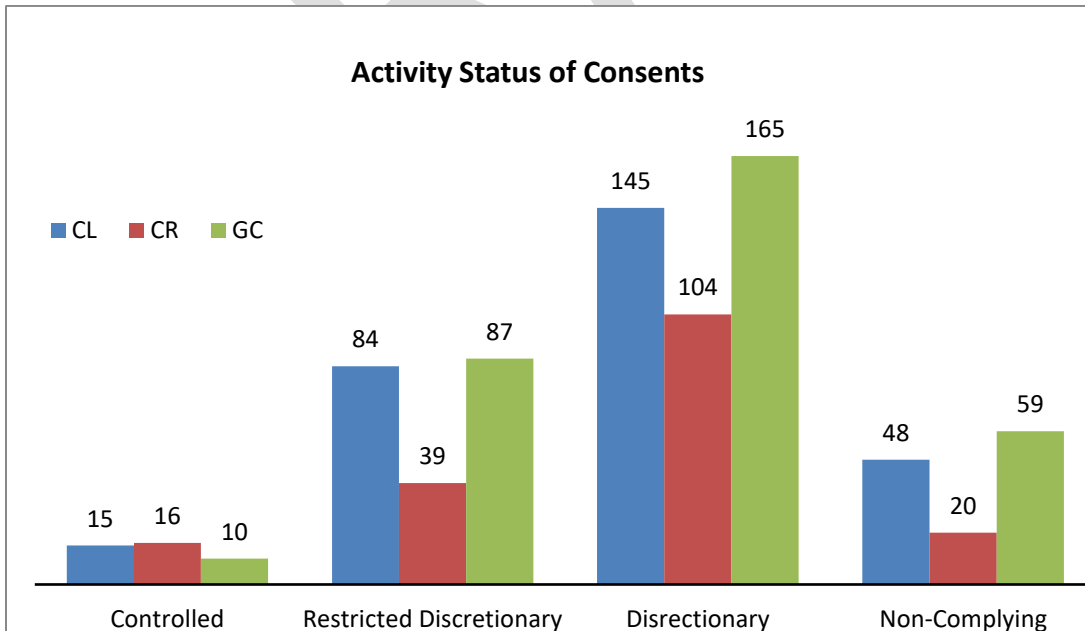
Since 2007, the Coastal Environment has consistently had more land use consent applications issued compared with subdivision consent applications. In general subdivision signals new development and growth and it is closely aligned with the prevailing economic climate. As the economy slows there is less impetus for growth. However, despite subdivision consents (red) having slowed substantially since 2007, there has been a steady flow of land use consents (blue) which suggests that activities such as infill development, additions/alterations, and changes of use have still occurred over that period as shown in **Figure 8**

Figure 8 – Coastal Resource Consent 2007-2015



Of the sample of 232 breaches, 99 related to the Coastal Living Zone. Breaches of the Visual Amenity were by far the most common at 32% followed by Impermeable Surfaces (13%), Setback from Boundaries (11%), and Stormwater Management (7%). The nature of the breaches suggests that the degree of development was greater than that envisaged by the provisions in the plan. Most of the Visual Amenity breaches related to buildings where, as a permitted activity, control over a new building as a permitted activity is limited to 50m<sup>2</sup> and any alteration/addition is limited to a 30% in addition to that which currently exists.

Figure 9 – Activity Status of Consents in the Coastal Environment 2007-2015



Of the resource consents that required consent over 50% of them were Discretionary activities. In most instances this activity status would have been triggered because applications failed to comply with one or more of the standards for permitted, controlled or restricted discretionary activities as seen in **Figure 9**.

### 3.5.3 Key Issues

- Simplification of policy framework
  - Need for improved connectivity in policy framework

## 3.6 Outstanding Landscapes

Outstanding Natural Landscapes have been identified in the District Plan and result from a requirement under section 6(b)<sup>5</sup> of the Resource Management Act 1991 (RMA) to protect such landscapes from inappropriate subdivision, use and development.

Of the Far North's 651,709ha, 143,622ha or 22% of land is identified as an Outstanding Landscape. This identification was completed as part of an assessment undertaken by consultants LA4 in the mid 1990's. Of the land identified as Outstanding Landscape 46.9% is within public ownership and 53.1% is privately owned.

Outstanding Natural Landscapes provide significant public benefit for the district, including the economic benefits of tourism, recreational use and aesthetic or cultural values. Coupled with this benefit however is a cost to the landowner in terms of development rights and use of the land. Maori also have a stake in this regard as they have large tracts of land identified within Outstanding Natural Landscapes.

### 3.6.1 Efficiency & Effectiveness

#### Giving effect to the higher order statutory documents

The District Plan under section 75(3)<sup>6</sup> of the RMA is required to give effect to the New Zealand Coastal Policy Statement (NZCPS) and the RPS.

The Supreme Court issued what has become commonly known as the 'King Salmon' decision<sup>7</sup> on 17 April 2014. The decision contains important guidance on how policies within the NZCPS are to be interpreted, particularly where policies are prescriptive in their intent. Policy 15(a) of the NZCPS requires that council planning instruments shall 'avoid' adverse effects on

<sup>5</sup> In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance...

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development...

<sup>6</sup> A district plan must give effect to —

(a) any national policy statement; and  
 (b) any New Zealand coastal policy statement; and  
 (c) any regional policy statement

<sup>7</sup> SC 82/2013 [2014] NZSC 38 Environmental Defence Society Inc v New Zealand King Salmon Company Limited

Outstanding Natural Landscapes, which are currently mapped by FNDC and the Northland Regional Council.

The words in the NZCPS are clear and directive. Where the word ‘avoid’ is used it means ‘not allow’ or ‘prevent the occurrence of’<sup>8</sup>. King Salmon states that an ‘overall balancing approach’ should not be used when implementing the directive or prescriptive policies of the NZCPS. In the case of Policy 15 an ‘environmental bottom line’ is created and the adverse effects cannot be balanced against positive effects through revisiting Part 2 of the RMA. The following policies in the District Plan are at conflict with the interpretation of the NZCPS through King salmon decision:

*Policy 1 - “That both positive and adverse effects of development on outstanding natural features and landscapes be taken into account when assessing applications for resource consent.*

*Policy 2 – That activities avoid, remedy or mitigate significant adverse effects on both the natural and the cultural values and elements which make up the distinctive character of outstanding natural features and landscapes.*

*Policy 3 - That the cumulative effect of changes to the character of Outstanding Landscapes be taken into account in assessing applications for resource consent.*

*Policy 5 - That the adverse visual effect of built development on outstanding landscapes and ridgelines be avoided, remedied or mitigated.”*

### **3.6.2 Consistency of language**

“Outstanding Natural Landscapes” is the term use in section 6(b) of the RMA, in Policy 15(a) of the NZCPS and in the RPS. The District Plan currently uses the term “Outstanding Landscapes”, which is inconsistent with these higher order documents. This has the potential to add confusion as the term “Outstanding Landscape” is not defined or used anywhere else in any relevant statutory documents. Consistency of language is important as it enables the plan user more certainty, in this case when addressing matters of national importance. The intent of the District Plan provisions is to protect Outstanding Natural Landscapes, as such the term should remain the same and not be shortened to a term not consistently used elsewhere.

### **3.6.3 The drafting of Issues**

Issue 1 identifies Outstanding Natural Landscapes and their capacity to accommodate change without appreciable ‘visual impact’. Outstanding Natural Landscapes are identified using a set of values or attributes called the WESI or Pigeon Bay criteria. There are a number of different values or attributes that may contribute to a site being identified as ‘outstanding’, it is not limited to just ‘visual impact’. Instead of just identifying ‘visual impact’ it would be more appropriate to identify the ‘characteristics and qualities’ or the ‘attributes’ that contribute to the values that make up an Outstanding Natural Landscape, as opposed to just singling out one. This issue would be better drafted to read:

<sup>8</sup> SC 82/2013 [2014] Para 24(b)

*The values attributed to Outstanding Natural Landscapes and Outstanding Landscape Features have a relatively low capacity to accommodate change.*

Issue 7 as it is framed has no place in this chapter because Maori cultural landscapes are primarily different to Outstanding Natural Landscapes. Tangata whenua values are an attribute or value to consider when identifying an Outstanding Natural Landscape, however Maori cultural landscapes as such are not a section 6b RMA matter (unless they contribute to the overall values of an Outstanding Natural Landscape).

### **3.6.4 The drafting of Objectives**

The objectives in the natural and physical resources chapter have generally been drafted like policies in that they are explaining the ‘how’. In some instances they identify avoiding adverse effects where they should be addressing the ‘outcome’. Below is an example of a current objective in the District Plan relating to Outstanding Landscapes (or Outstanding Natural Landscapes) and a suggested change to align with best practice. Note that the protection of Outstanding Landscapes from inappropriate subdivision, use and development is addressed already in Objective 1 and is repeated in the first part of Objective 4.

*Objective 4 To avoid adverse effects and to encourage positive effects resulting from land use, subdivision or development in outstanding landscapes and natural features and Maori cultural values associated with landscapes.*

Suggested change:

Subdivision, use and development is managed to encourage positive effects in Outstanding Natural Landscapes, natural features and Maori cultural values associated with landscapes.

### **3.6.5 Natural Character of the Coastal Environment**

The preservation of natural character in the coastal environment and its protection from inappropriate subdivision, use and development is a requirement in section 6(a) of the RMA and Policy 13(1) of the NZCPS.

No policy framework currently exists within the District Plan for the preservation of natural character of the coastal environment and its protection from inappropriate subdivision, use and development. The natural character areas of the coastal environment have not previously been mapped by FNDC. The mapping of high and outstanding natural character has recently been done by Northland Regional Council. The criteria for establishing these areas are identified in Policy 13(2) of the NZCPS. Inclusion of provisions that relate to the natural character of the coastal environment could potentially either sit within this chapter or within the coastal chapter.

### **3.6.6 Key Issues**

- Consistency of language with higher order statutory documents
- Drafting of the policy framework is overly complex

### 3.7 Indigenous Flora and Fauna

The Far North District has a land area of around 651,709 hectares. Approximately 267,000 hectares of that area (around 40%) comprises of indigenous habitat<sup>9</sup>. Due in part to the relatively large area of indigenous habitat remaining, but also due to the district’s unique geology, the Far North retains a diverse suite of ingenious ecosystems and is host to a large variety of native plants and animals, many of which are found only in the Northland area. In fact the Northland Region is commonly referred as a biodiversity hotspot owing to the diversity of unique ecosystems and associated flora and fauna. The Conservation Management Strategy for Northland (2014-2015)<sup>10</sup> identifies that a significant number indigenous plants and animal in the Northland region are classed “Threatened” or “At Risk” according to the Department of Conservation’s New Zealand Threat Classification System. The effective management of indigenous ecosystems is a particular challenge in the Far North because a significant proportion of existing habitat is located on private land. For example, according to the latest Statistics New Zealand Agricultural Census, farmers identified that approximately 50,000 hectares of the District’s 350,000 hectares of farmland comprises mature native bush or regenerating native scrub or bush.<sup>11</sup>

#### 3.7.1 Efficiency

The environmental outcomes set down in Chapter 12.2 provide a clear expectation in respect of the maintenance and enhancement of significant vegetation and rare or endemic plants and animals in addition to improving the extent of formal protection of indigenous vegetation on private land.

The provisions in Chapter 12.2 place heavy reliance on non-regulatory mechanisms (i.e. “Other Methods”). However many of these methods have not been implemented; or were implemented and have since stopped, a key example being the Significant Natural Areas Committee and associated funding. In this case the Committee was intending to play a substantial role in developing voluntary means of maintaining, enhancing and protecting indigenous habitat.

In addition to the limited implementation of the “Other Methods” contained in Chapter 12.2, there is simply insufficient information available to allow a detailed assessment of the efficiency and effectiveness of Chapter 12.2. Of particular note is that there is virtually no information available with regard to the extent of vegetation clearance being carried out under the permitted activity rules contained in Chapter 12.2. To put this issue into context, it

<sup>9</sup> Data obtained from Land Cover Database Version 4:

[HTTPS://LRIS.SCINFO.ORG.NZ/LAYER/412-LCDB-V40-LAND-COVER-DATABASE-VERSION-40](https://lris.scinfo.org.nz/Layer/412-LCDB-V40-LAND-COVER-DATABASE-VERSION-40)

<sup>10</sup> Department of Conservation 2014. Conservation Management Strategy Northland 2014-2024. Wellington, New Zealand.

<sup>11</sup> Statistics New Zealand 2012 Agricultural Census Tables:

[http://www.stats.govt.nz/browse\\_for\\_stats/industry\\_sectors/agriculture-horticulture-forestry/2012-agricultural-census-tables/land-use.aspx](http://www.stats.govt.nz/browse_for_stats/industry_sectors/agriculture-horticulture-forestry/2012-agricultural-census-tables/land-use.aspx)

is worth considering the extent of the vegetation cleared under the previous permitted activity framework. Specifically, between 2003 and 2007, following the full retraction of the first proposed District Plan, the indigenous Flora and Fauna Chapter of the Plan (then Chapter 11) contained a permitted activity rule that allowed for the clearance of vegetation on rural production land provided 15 days notice was given to FNDC. Whilst this rule was in effect FNDC maintained an effective monitoring process. That process involved commissioning an ecological assessment and long term monitoring of tracts of permitted vegetation clearance. Over the four years that the rule was in effect, property owners notified FNDC of indigenous vegetation clearance totaling 1,200 hectares.

Although the permitted activity provisions at the time were not particularly useful at promoting the maintenance of indigenous vegetation on private land, the notification and monitoring process was at least an effective means of understanding the extent and type of permitted indigenous vegetation clearance being carried out throughout the district. In contrast, the permitted activity rules contained in the current District Plan are substantially more restrictive but do not require any form of notification. Consequently, since 2007, there has been no way of gaining a detailed understanding of the extent or type of indigenous vegetation being cleared that relies on the permitted activity rules in Chapter 12.2. This represents a substantial knowledge gap, particularly taking into account the limited area of vegetation clearance that has been authorised by resource consents (see below).

In terms of consented activities, an assessment of resource consents granted between 2007 to 2015 indicates that very little vegetation clearance is being consented. Over that period, a total of 24 resource consents were issued that allowed for indigenous vegetation clearance. The vast majority of those authorisations were for ancillary activities for property developments; that is, very few applications were for indigenous vegetation clearance only. The total area of vegetation clearance authorised by these resource consents is 8 hectares. Given that a total of 1200 hectares was cleared in the four years between 2003 and 2007 as a permitted activity (permitted clearance after that time was not recorded), it is reasonable to assume that the 8 hectares of consented clearance between 2007 and 2015 represents a minor proportion of actual indigenous vegetation removal over that period, particularly taken into account the national trend of overall biodiversity decline.

### **3.7.2 Effectiveness**

Far North District Council does not hold any detailed information that would enable a comprehensive assessment of the effectiveness of the District Plan with regard to the maintenance and enhancement of biodiversity. However, it is possible to piece together a broad understanding based on current empirical work and the small amount of data FNDC does hold.

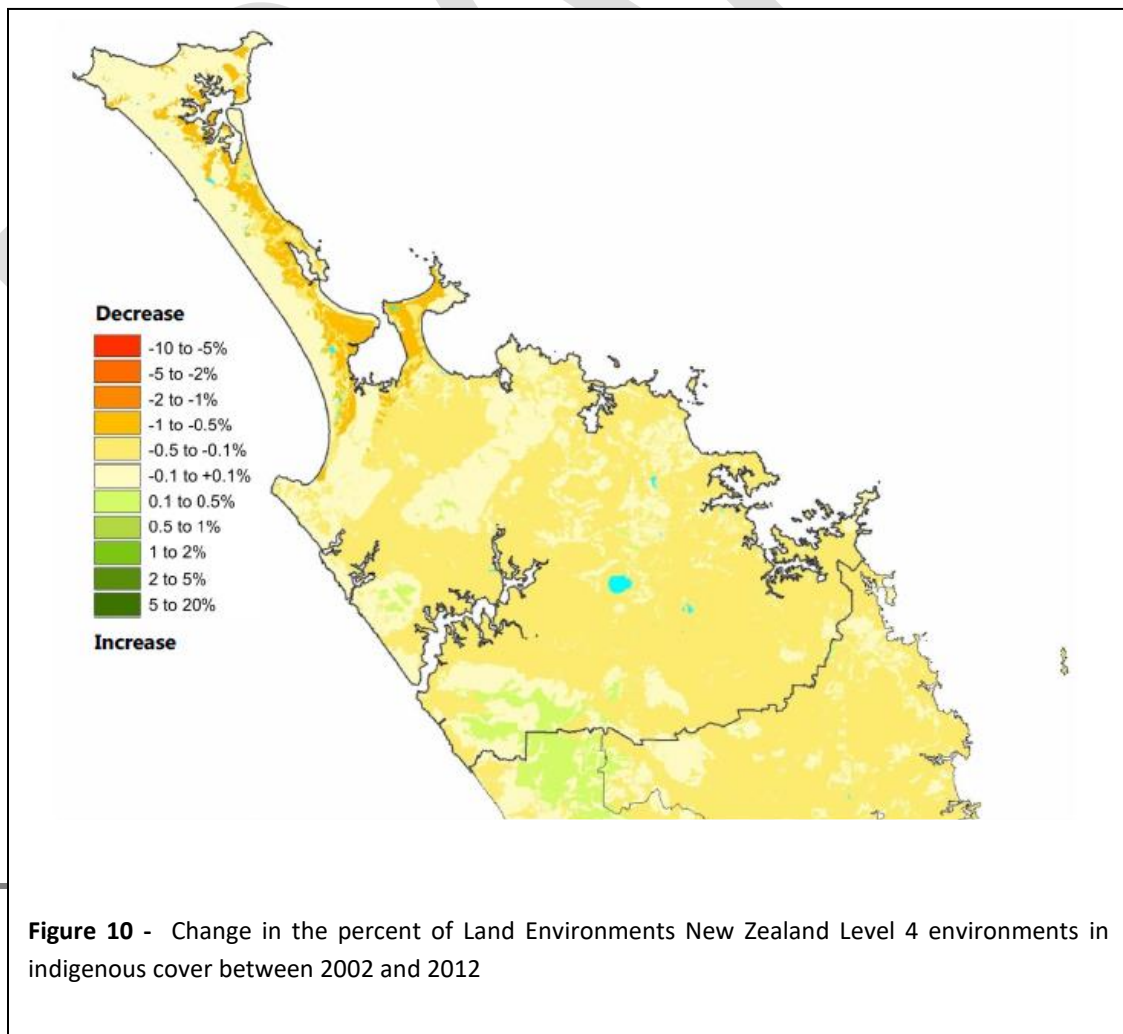
Most notably, Landcare Research has completed a large amount of work over the years assessing the temporal changes in indigenous land cover at a national scale (for example Walker *et al.* 2005, Walker *et al.* 2006, Cieraad *et al.* 2015). The work carried out by Cieraad



*et al.* (2015) reports on the most recent synthesis of land cover changes, providing a national scale assessment of remaining native biodiversity in New Zealand drawing on the results of updated spatial datasets of New Zealand land cover. The overall national trend over the last decade has been one of biodiversity decline.

It should be emphasised that the work carried out by Landcare provides a national scale picture, and so it cannot be used to draw direct conclusions for the Far North. However, to understand the matter further, Landcare Research was commissioned to complete an assessment of land cover change between 2002 and 2012 using the same spatial datasets utilised by Cieraad *et al.* (2015) covering the Far North District only. The resulting map is provided in **Figure 10** below.

The work undertaken by Landcare Research suggests that the natation trend of overt habitat loss is carried though to the Far North District, with around a 0.5 to 1% decrease of indigenous vegetation cover along the east coast of the Te Hiku area, and decline of around 0.5-0.1% throughout the rest of the district. Whilst the work produced by Landcare is useful for providing an overall picture of land cover change throughout the district, it should be noted that there are a number of data uncertainties with the process used; that is, uncertainty about whether the changes were actual change on the ground or database corrections or errors. Nevertheless the work provides the best indication of indigenous land cover changes over the last decade taking into account the limited information currently available.





In addition to the above work, the Land Cover Database version 4<sup>12</sup> was used to complete an analysis of changes in vegetation cover over the period of summer 2008/09 (around the time the plan become operative) and summer 2012/13. The results of that analysis indicate that indigenous vegetation cover throughout the district declined by about 1200 hectares over the four year assessment period.

With regard to voluntary legal protection of indigenous habitat, FNDC has implemented a policy (# R04/11) to allow for the remission of rates on land subject to protection for outstanding landscape, cultural, historic or ecological purposes. The policy was implemented to give effect to Method 12.2.5.13 of the District Plan, which sets out that FNDC will allow for to the remission or postponement of rates in areas afforded permanent legal protection through a covenant or reserve status. Since 2002, the approximate area of covenants registered with FNDC that give protection to indigenous

In addition to the above area, long-term protection of indigenous habitat on private land is also secured via Queen Elizabeth II National Trust (QEII) and Nga Rahui Whenua covenants. These covenants are also subject to rates remission and postponement policy # R04/11. Data provided by QEII indicate that a total of 187 covenants are presently registered in the Far North District, covering a total area of 5171 hectares. The total area protected by QEII covenants has nearly doubled since 2002, at which point 2379 hectares was registered with the Trust.

With Regard to Nga Rahui Whenua sites, the Ngā Whenua Rāhui Fund provides funds to help protect indigenous ecosystems on Maori land. Information provided by the Department of Conservation (which administers the fund), indicates that a total area of around 6500 hectares of Maori land in the Far North District has gained protection through the Nga Rahui Whenua process. It is assumed that this land comprises exclusively of indigenous ecosystems.

#### Legal protection

In terms of levels of formal protection, at a national scale, Cieraad *et al.* (2015) vegetation is 1839ha. QEII covenants, Ngā Whenua Rāhui protection and covenants registered with FNDC for rates remission/postponement are the main forms of voluntary legal protection on private land within the district. Together these protection mechanisms equate to a total area of around 13,500 hectares, which is about 10% of area of indigenous vegetation located on private land. It is reasonable to assume the bulk of the FNDC covenants were registered in order to receive the

<sup>12</sup> <https://iris.scinfo.org.nz/laver/412-lcdb-v40-land-cover-database-version-40>

rates remission or postponement, and so it is possible to conclude that 1839 hectares of indigenous vegetation on private land has been protected largely through the implementation of Method 12.2.5.13 of the District Plan. The influence of that method on the extent of QEII covenants is not so clear because rates remissions is only one of many reasons why a property owner would seek to protect indigenous vegetation on their land.

### **3.7.3 Key Issues**

- Need for more effective monitoring of permitted activities
- Need to give effect to the non-regulatory methods contained in Chapter 12.2
- Need to better understand the implications of the current rules framework, particularly in respect of the fragmentation and isolation of indigenous habitat.

DRAFT

### **3.8 Renewable Energy and Energy Efficiency**

The first Council initiated Plan Change relative to the Operative District Plan was dedicated to the insertion of a policy framework promoting energy efficiency and enabling provisions for renewable energy infrastructure.

The plan change responded to a number of imperatives, including climate change, the costs of energy provision, the dispersed settlement pattern in the Far North and the opportunities for obtaining energy from renewable sources. The plan change also gave effect to the National Policy Statement for Renewable Electricity Generation 2011.

The District Plan describes the purpose of the policy framework is to:

*“enable individuals and communities to provide for their own energy needs through the adoption of appropriate energy efficiency and generation initiatives based on the abundant renewable energy resources of the District. The objectives, policies and methods also recognise that utility scale renewable energy developments have a role to play in securing a sustainable energy future for the District.*

The policy framework includes a number of methods to promote micro and domestic scale renewable energy infrastructure. Chapter 12.9 contains the policy framework and provisions with other elements incorporated to the subdivision chapter.

#### **3.8.1 Efficiency**

Since the plan change was made operative in 2009, there has been little testing of the policy framework with domestic scale renewable energy infrastructure such as solar and micro wind fitting within the permitted activity thresholds.

At the time of writing of the section 35 report, a proposal to significantly increase the capacity of the geothermal Top Energy Plant at Ngawha was received by Council and under evaluation. The proposal represents a very positive step for the utilisation of a renewable energy source and further moves towards self sufficiency for the District’s energy requirements.

The policy framework also extends to energy efficiency considerations in the design of subdivisions, promoting lot orientation and scale to maximize solar orientation. The regard given to this criteria is not yet apparent, due to the relatively low numbers of submission applications received since the introduction of this policy framework and associated provisions.

#### **3.8.2 Effectiveness**

Energy efficiency, resilience of communities and improved self sufficiency are all issues that are likely to assume greater importance over time. The current provisions of the District Plan are considered to represent a very positive framework for the deployment of renewable energy infrastructure and promoting the benefits of energy efficiency at the time of subdivision, however, the consideration given to energy efficiency outside of the subdivision provisions and when concerning land use matters, may be deficient.

This is an especially important issue when considering the development opportunities represented by the District’s urban environment. For example, high yields may be achieved within the Commercial zone, with no consideration required for solar access to the living environment.

Other “macro” scale matters require consideration of the efficiency of energy use. For example, more compact centres offer greater and more efficient interaction, increasing the potential viability of existing and new commercial enterprises. Thus the density of our urban environment and the integration of residential and employment areas require further regard in the policy framework.

### **3.8.3 Key issues**

- Relatively new but policy important consideration, not yet fully tested Further regard to energy efficiency issues required for land use
- The potential benefits of value of higher density with respect to energy efficiency must be matched up with urban design and urban quality considerations

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# Part C

## 4. Detailed Data

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*The following section provides further detailed data regarding the performance of the plan. Similar to Part B, there is general district wide data and topic based data centered around the Significant Resource Management Issues. Due to the nature of the issues, monitoring processes, extent and quality of information available and policy evaluation techniques, there is some variation between the individual sections regarding data presentation and analysis.*

### **4.1 Tanagata Whenua**

#### **4.1.1 Monitoring impracticalities**

The following outlines some of the difficulties in gathering information to ascertain the relative performance of the District Plan in relation to tangata whenua policies and provisions. Reference is given to the “Environmental Outcomes Expected” from Chapter 2 “Tangata Whenua” of the District Plan.

*EOE 2.6.1 To the extent possible, the rights guaranteed to Maori by Te Tiriti O Waitangi (Treaty of Waitangi) are given effect in the Plan.*

The Plan is silent on the rights which are to be given effect in the Plan. The Plan includes a set of Treaty Principles, and from these some specific rights could be determined so that their provision could be monitored. A more specific set of policies and then Expected Outcomes could be developed while considering the monitoring methods.

*EOE 2.6.2 Subdivision, use and development in the District occurs in a way that recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.*

This Expected Outcome, which includes s6(e) of the RMA, is very broad in its expression. Samples of subdivision development could be analysed against this broad outcome, but it would be preferable to develop a more focussed set of outcomes which would be able to be monitored effectively.

*EOE 2.6.3 Development on ancestral land occurs in a way that achieves sustainable management of natural and physical resources, and protects Sites of Cultural Significance to Maori and other taonga.*

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This Expected Outcome does not anticipate any scale of development of Māori Land, only the extent to which sustainable management has been achieved. This is again a very broad outcome, and more focused outcomes are needed for monitoring.

There are tangata whenua related Expected Outcomes in other chapters of the District Plan. These are:

*EOE 10.2.5 The relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for in the coastal environment, including improved access for identified cultural and traditional purposes. (Coastal Development)*

This restatement of s6(e) is a very broad outcome, and again objectives and measures would be extremely difficult to develop. Access for identified cultural and traditional purposes could more readily be identified and measured.

*EOE 12.1.2.4 The relationship of Maori cultural values associated with landscapes are recognised and provided for (Landscape and Natural Features)*

District wide identification of cultural values or cultural landscapes has not been implemented and no recognised methodology for identification of cultural landscapes has been developed. Until this is achieved monitoring of this outcome is not possible.

*EOE 12.5.2.7 Recognition and retention of the Maori values relating to sites of cultural significance. (Heritage Precincts)*

This more focussed outcome can be measured. The indicators in the Far North Monitoring strategy can be used. Within Heritage Precincts the culturally significant resources will be more easily be identified. Heritage Precincts are in a defined area, and in that area there has been a focus on heritage resources.

*EOE 12.9.2.8 To achieve the objectives, policies and outcomes of Chapter 2 - Tangata Whenua the following outcomes are expected:*

- *Energy efficiency and greater use of renewable energy are encouraged during the establishment of papakainga on Maori Freehold Land.*
- *Initiatives to support renewable energy provision and greater levels of energy efficiency within Maori communities are facilitated through partnership between Iwi and other agencies.*
- *Engagement and involvement of local Maori occurs at the early stages of development of renewable energy proposals.*

These more focussed outcomes can be measured.

*EOE 13.2.1 A subdivision pattern that is consistent with:*

....

*(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga*

This restatement of s6(e) is a very broad outcome, and again objectives and measures would be extremely difficult to develop.

Because of the nature of the District Plan Tangata whenua provisions monitoring effectiveness and efficiency is not currently possible.

Best practice requires development of indicators and monitoring processes should be an intrinsic part of plan review and plan development. Clearly the tangata whenua provisions of the District Plan need amendment before monitoring can be implemented. Therefore the current review of the tangata whenua provisions of the plan provides an ideal opportunity to develop new provisions enabling effective monitoring processes.

For that process to be effective:

- Policies should be reviewed and amended where greater specificity and detail is required.
- Expected Outcomes must be written in a form that facilitates indicator development and monitoring.
- Tangata whenua policies need to be throughout the Plan, as well as in a specific tangata whenua section, and appropriate and measurable Expected Outcomes are needed for them.
- Processes other than formal monitoring should be used for data collection.

**Table 4 - Integrated development**

RC #	Applicant	Zone	Rule	Activity Status	Date Approved	Address	Description
1	HNZ Corporation Ltd for the Motuti Marae Trustees	RP	8.6.5.4.2 INTEGRATED DEVELOPMENT	D	22-Oct-2009	Motuti Rd, Panguru	<p><b>INTEGRATED DEVELOPMENT IN FOUR (4) STAGES:</b></p> <p><b>Stage 1) Three (3) additional dwellings plus one converted dwelling;</b></p> <p><b>Stage 2) Additions to, and renovation of, ablution block, and upgrade of water supply;</b></p> <p><b>Stage 3) Upgrade facilities at the harbour access; and</b></p> <p><b>Stage 4) New museum/cafe/craft-produce shop complex for enhancement of the Marae's tourism venture.</b></p> <p><b>Note: The consent has a 10 year consent period.</b></p>

2	2100364	Aubrey Tepania	GC	10.6.5.4.4 INTEGRATED DEVELOPMENT	D	15-Mar-2010	Foreshore Rd, Ahipara	The construction of a second residential dwelling and garage, by way of Integrated Development rule on a parcel of Maori Freehold Land.
3	2110303 (lodged 21-Mar-2011)	Takou Ahu-Whenua Trust	RP	8.6.5.4.2  INTEGRATED DEVELOPMENT	D	Suspended since 15-Apr-2011	Te Ra Rd, Takou Bay	To undertake an Integrated Development on the site over a ten year consent period. Proposed marae , social services and minor upgrading to the existing campground. The proposal is for a marae centred community development with a residential component to include license to occupy areas for the 17 existing dwellings on the site and the provision of 81 new housing sites plus infrastructure.  Note: this rc has been suspended under s92 for further information since 2011
4	2120157	Rangi Taua Whanau Trust	RP	8.6.5.2.2  PAPAKAINGA HOUSING	C	29-Nov-2011	Whakataha Rd, Waimate North	To construct four dwellings under the Papakainga rule of the District Plan.
5	2130203	He Korowai Trust	RP	8.6.5.4.2  INTEGRATED DEVELOPMENT	D	26-Jul-2013	Kohuhu Street, Kaitaia	To relocate six dwellings onto a site that is zoned both Residential and Rural Production. The proposal is an affordable housing project named "Project Whare Ora". Three existing houses are located on the site which form part of the multi stage affordable housing project. This application relates to stage 2 only, being the establishment of 6 additional dwellings.  Note: the Rural Production part of this application was applied for under the Integrated Development rule, the rule does not apply in the Residential zone. The He Korowai Trust changed general land to Māori land in order to be able to use this rule.  Note: This application was limited notified and went to hearing and was approved by the Hearing Commissioner
6	2140207	Reuben Porter	RP	8.6.5.2.2 PAPAKAINGA HOUSING	C	12-Feb-2014	Ngakaroa Rd, Ahipara	To construct an additional 3 rammed earth dwellings as part of a Papakainga Development in the Rural Production Zone.
7	2150101	Te Aupouri Māori	RP	8.6.5.4.2  INTEGRATED DEVELOPMENT	D	24-Dec-2014	Potahi Road, Te Kao	To establish 12 additional residential units in two stages within an existing Papakainga Development in the Rural Production Zone under rule 8.6.5.4.2



		Trust Board						'Integrated Development' of the District Plan.
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Since 2009 there have been seven resource consent applications under the Papakainga Housing and Integrated Development rules in the Far North District Plan. Five applications have been made under the Integrated Development rule and two under the Papakainga Housing rule. Six of the applications have been approved, one is currently suspended under s92 of the RMA 1991 and has been awaiting further information since 2011. Five of the six approved applications were non-notified and one was limited notified, went to hearing and was approved by the Hearings Commissioner, subject to conditions. Six of the seven applications were in the Rural Production zone and one was in the General Coastal zone.

## 4.2 Urban Growth

Of the Far North's 651,709ha, just 0.28% of land is defined within the 'Urban Environment'; Residential (1,550.9ha or 0.24%), Commercial (257.4ha or 0.04%), and Industrial (494.8ha or 0.08%). These three zones make up the 'Urban Environment' of the Far North District. The 'Rural Environment' made up of the Rural Production (456,052.8ha or 69.98%), Rural Living (2,625.2ha or 0.40%), and Minerals zone (1,017.6ha or 0.16%) and accounts for 70.54% of the District's land mass.

Key observations relating to the internal consistency of the Urban Environment are considered in the table below. The internal consistency table assesses the influence the Plan has in providing for the outcomes intended. In summary, the table below highlights that the Plan has a moderate influence in being able to achieve its intended outcomes. The table finishes with a list of generic recommendations that can be used to enhance internal consistency.

**Table 5 - Internal Consistency**

Urban Environment: Environmental Outcomes Expected	Relevant Theme	Internal Consistency	Summary of Key Observations
<b>7.2.1 Urban areas developed in a manner that promotes sustainable management of natural and physical resources, while preserving the distinctive character and amenity of each area.</b>	Character & Amenity Provision of Infrastructure/Services	Moderate	Overall, it is considered that the objectives and policies are quite strong. However, the first part of the outcome is laden with RMA terminology and is likely to be difficult to monitor.  Location specific rules relate to specific areas of Kerikeri and Coopers Beach. All other rules are generic in nature, therefore the 'distinctive character and amenity of each area' mentioned may be generalised over time. As a result, the preservation directive may be difficult to implement.
<b>7.2.2 Urban areas where a wide range of activities are provided for in a manner which ensures that adverse effects on the environment</b>	Reverse Sensitivity	Moderate	It can be argued that this outcome expected is not entirely consistent with an outcome that seeks to preserve the distinctive character and amenity of areas.

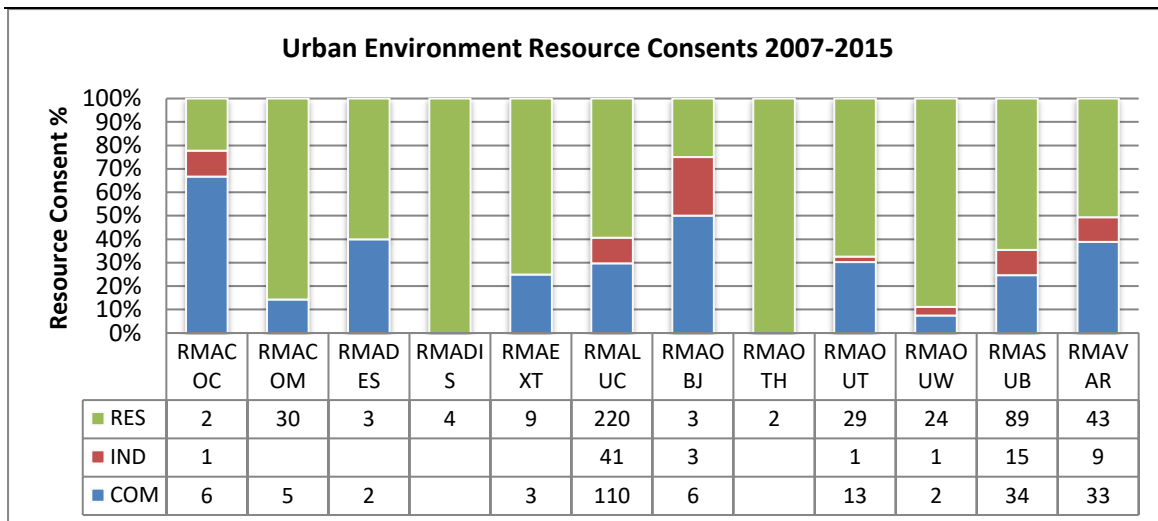
are avoided, remedied or mitigated.			In order to reconcile the two, a level of differentiation across zone rules is required. Industrial and Commercial zone rules are very similar and therefore provide a potential barrier to this and associated outcomes being achieved.
<b>7.2.3 Urban areas containing a variety of residential and non-residential environments, providing for a level of amenity which is appropriate to the particular environment.</b>	Reverse Sensitivity Character & Amenity	Moderate	Objectives and policies related to the themes are strong. Principal methods used include zoning and associated rules. Difficulties arise when activities co-exist, for example residential activities in commercial zones. The current framework is responsive to one theme; reverse sensitivity; over character and amenity, particularly in the Commercial and Industrial zones.
<b>Residential Zone: Environmental Outcomes Expected</b>	<b>Relevant Theme</b>	<b>Internal Consistency</b>	<b>Summary of Key Observations</b>
<b>7.6.2.1 Residential areas containing a range of activities that are compatible, in terms of their effects, with the predominant residential use and character of those areas.</b>	Reverse Sensitivity Character & Amenity	Strong	The overall policy framework and suite of rules make a strong attempt at influencing the outcome. While linkages are not explicit they are relatively clear.
<b>Residential Zone: Environmental Outcomes Expected</b>	<b>Relevant Theme</b>	<b>Internal Consistency</b>	<b>Summary of Key Observations</b>
<b>7.7.2.1 Commercial areas containing a wide range of activities, contributing to the everyday needs and well being of the communities they serve.</b>	Reverse Sensitivity Character & Amenity	Moderate	Similar to above, the overall policy framework and suite of rules make a strong attempt at influencing the outcome; however there can be unintended consequences in promoting a wide range of activities. Contribution to well being is degraded by a lack of differentiation across the Commercial and Industrial zone methods.
<b>7.7.2.2 Commercial areas that are subject to environmental controls to protect their amenity and that of adjoining areas, and which avoid, remedy or mitigate adverse effects on the natural and physical resources of the District.</b>	Reverse Sensitivity Character & Amenity Provision of Infrastructure/Services	Poor	While amenity controls are present within the Commercial Zone, 'amenity' has not been defined or explained in detail. Therefore, it is hard to test whether the policies, objectives and rules are fulfilling their purpose. A focus on the amenity of commercial areas only also fails to recognise the potential for mixed use development. This type of development can positively contribute to the District's natural and physical resources and to favour commercial amenity creates

			tensions with other potential uses.
Residential Zone: Environmental Outcomes Expected	Relevant Theme	Internal Consistency	Summary of Key Observations
<b>7.8.2.1 Industrial areas contributing a wide range of activities that are mutually compatible in terms of their environmental effects, and which contribute to the needs and well being of the people of the District.</b>	Reverse Sensitivity Character & Amenity Provision of Infrastructure/Services	<b>Moderate</b>	See the key observations noted for outcome 7.7.2.1 above.
<b>7.8.2.2 Environmental controls that take account of the needs of industry but also ensure that the amenity of adjacent areas, and the sustainability of natural and physical resources in the District, is safeguarded.</b>	Reverse Sensitivity Character & Amenity Provision of Infrastructure/Services	<b>Poor</b>	Without sufficient differentiation between the Commercial and Industrial zones the controls take no precedence for industry over commerce or vice versa. As a result there is no direct link for the policies and objectives to be carried through and achieve the outcomes intended.
General Comments for Future Review:			
<ul style="list-style-type: none"> <li>• Clear references should be established in order to easily identify the relationship between Issues, Objectives, Policies, Methods and Expected Outcomes;</li> <li>• The policy framework should move from the generic to the specific in terms of details, explanations, and shared understandings;</li> <li>• RMA terminology and generic language should be reduced where possible;</li> <li>• Objectives and policies need to be reviewed so that they do not avoid reading as one another;</li> <li>• Desired outcomes require greater explanation and detail;</li> <li>• Reasons for the inclusion of rules should be incorporated into the framework;</li> <li>• Future outcomes should be drafted with measurability in mind;</li> <li>• Explanations should be supported by an evidence base (i.e facts, external documents/references);</li> <li>• Issues should make explicit both their cause and effect and any relevant criteria required for the cause-effect relationship to be met.</li> </ul>			

#### 4.2.1 Development Activity

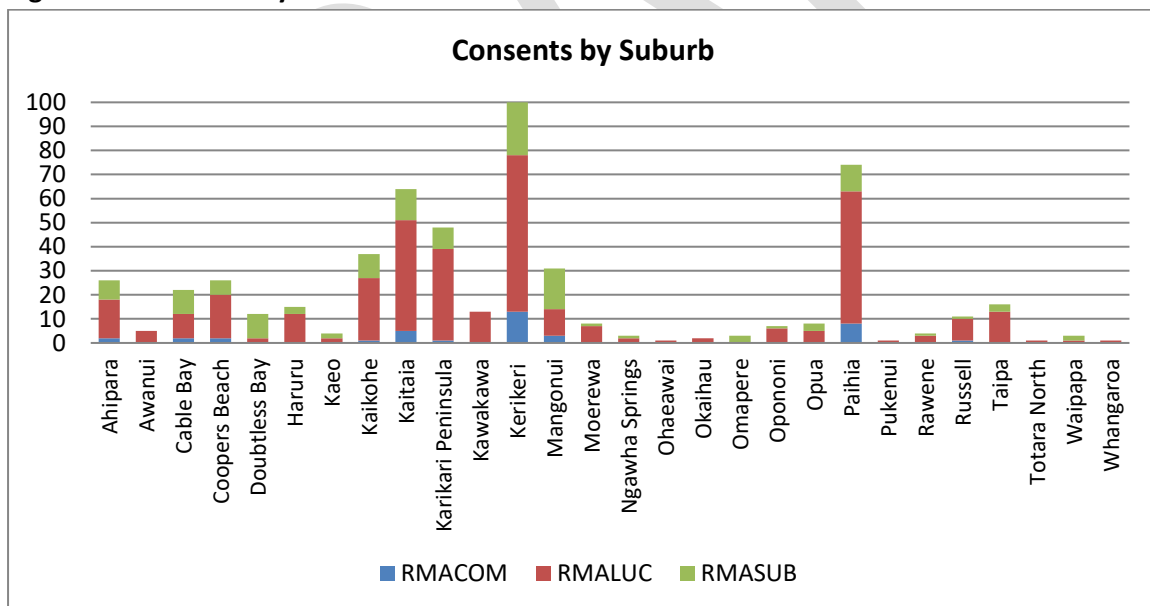
Figure 11 shows resource consents from 2007-2015 located in the Urban Environment. This is some 743 resource consents. This data identifies development activity in the Urban Environment. In the Residential Zone there were 459 consents, in the Industrial Zone there were 71, and in the Commercial Zone there were 214. Land use consents made up the majority of applications accounting for almost 50% (49.8%), whilst subdivision consents made up 18.5%. The remainder is made up of consents shown below.

**Figure 11 - Urban Environment Resource Consents**



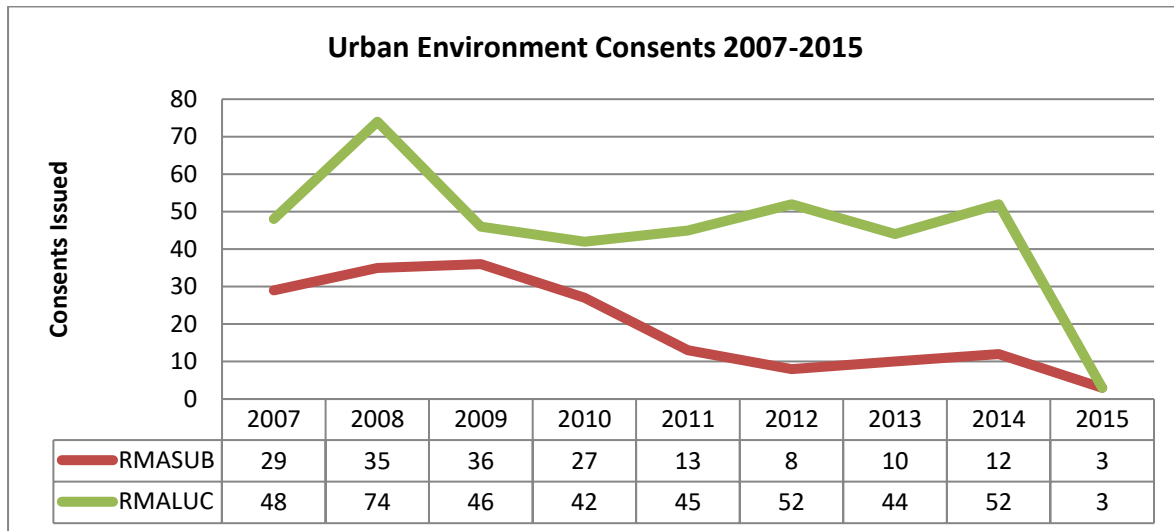
**Figure 12** below highlights where resource consents have been issued throughout the district. The majority of consents were issued in Kerikeri, Paihia, and Kaitaia. Other Eastern and Northern ward suburbs also featured heavily. Western ward activity is noted as being considerably lower, although Kaikohe being in the top five in terms of volume of consents over the period. This data further clarifies trends regarding growth in the Eastern and Northern wards in the District as opposed to the Western ward.

**Figure 12 - Consents by Suburb**



Since 2007, the Urban Environment has consistently had more land use consent applications as opposed to subdivision consent applications. With reference to **Figure 12** above, it is noted that the majority of both land use and subdivision consents occurred in the Residential Zone as opposed to the Commercial and Industrial Zone. Trends suggest that both subdivision and land use consents will continue to reduce over time.

**Figure 13 - Urban Environment Consents**



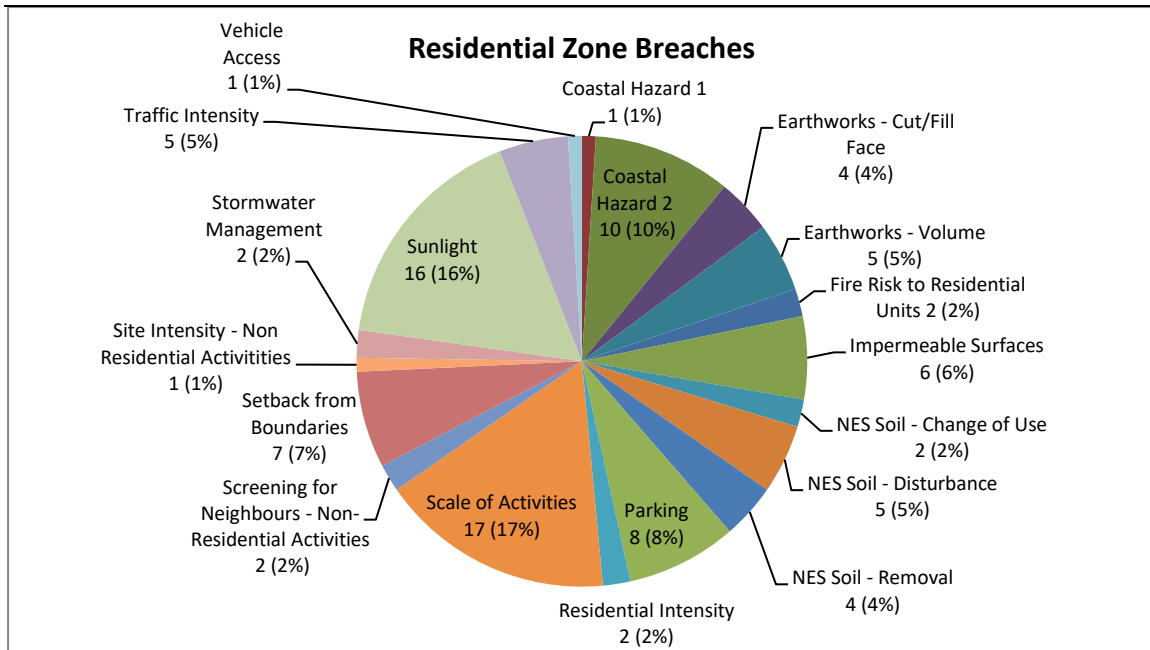
In general subdivision signals new development and growth and it is closely aligned with the prevailing economic climate. As the economy slows there is less impetus for growth. However, although subdivision consents have slowed substantially since 2007, there has been a steady flow of land use consents suggesting that activities such as infill development, additions/alterations, and changes of use activities have occurred.

#### **4.2.2 Resource Consent Breaches**

**Figures 14 - 16** below provides greater detail by identifying whether land use consents have been growth related i.e. an increase in scale of a building, or technical i.e. greater parking requirements as a result of a change of use.

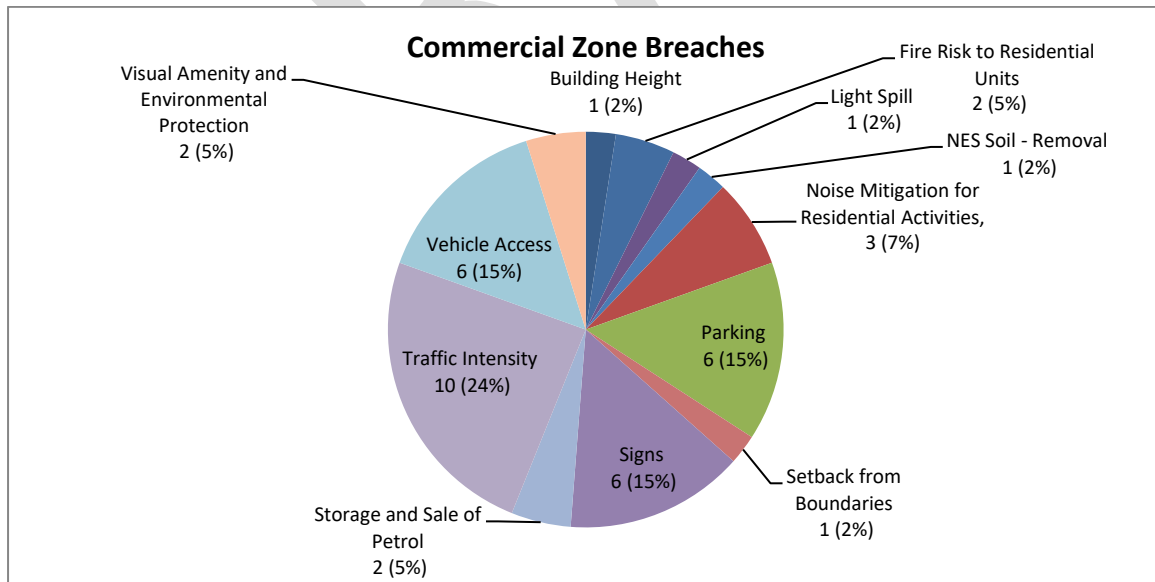
**Figures 14 - 16** highlight a sample of 82 resource consents by breach type in the Urban Environment from 2012-2015. This sample included a total of 169 breaches to the relevant rules. This data assists in determining whether rules most commonly breached are the most efficient and effective means of meeting the relevant policies, objectives and environmental outcomes expected.

**Figure 14 - Residential Zone Breaches**



Of the sample of 169 breaches, 100 related to the Residential Zone. Breaches of the Sunlight and Scale of Activities Rules were the most common (17%) followed by Coastal Hazard 2 (10%), Parking (8%), and Setback from Boundaries (7%). With respect to the consents analysed, a large portion of the activities related to child care and kohanga reo, transient accommodation, and residential development.

**Figure 15 - Commercial Zone Breaches**

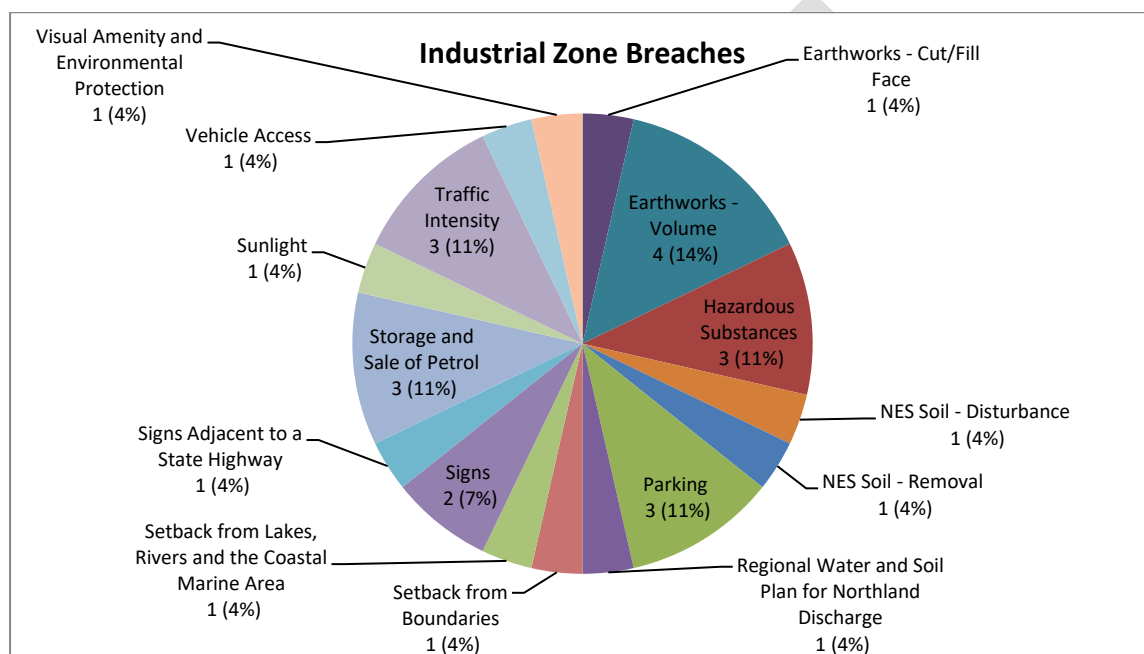


Of the sample of 169 breaches, 41 related to the Commercial Zone. **Figure 15** shows that the majority of consents were related to traffic, parking, and access related matters (54%) and breaches to sign

rules (15%). A number of consents related to a change of use to an activity which required additional parking.

With respect to the Traffic Intensity rule, these breaches related to activities and their scale generating more than expected traffic movements. In terms of vehicle access, these breaches related to activities which proposed both increases and decreases to minimum and maximum carriageways widths of the Plan.

**Figure 16 - Industrial Zone Breaches**



Of the sample of 169 breaches, 28 related to the Industrial Zone. Similar to the Commercial Zone, breaches related to traffic, parking, and access were common (26%). Other breaches were focused around hazardous substances, the storage and sale of petrol, and earthworks (36%).

**Table 6 - Assessment of Environmental Outcomes Expected**

Environmental Outcome(s) Expected	Key Observations: Effectiveness
<b>Urban Environment</b>	
<b>7.2.1 Urban areas developed in a manner that promotes sustainable management of natural and physical resources, while preserving the</b>	<p><u>To what extent have the policies and methods been implemented?</u></p> <p>The majority of policies are implemented through the District Plan, by way of zoning and regulatory rules. These are applied in the Residential, Commercial and Industrial Zones. Their implementation is largely dependent on the activity proposed. Since 2012 the most common single breaches of the plan were to the sunlight, scale of activities and coastal hazard 2 rules. Overall, there have been 169 different rule breaches in the Urban Environment, canvassing both zone and district wide rules. The top five breaches overall include:</p> <ul style="list-style-type: none"> <li>Traffic Intensity &amp; Sunlight;</li> </ul>

<p>distinctive character and amenity of each area.</p> <p><b>7.2.2 Urban areas where a wide range of activities are provided for in a manner which ensures that adverse effects on the environment are avoided, remedied or mitigated.</b></p> <p><b>7.2.3 Urban areas containing a variety of residential and non-residential environments, providing for a level of amenity which is appropriate to the particular environment.</b></p>	<ul style="list-style-type: none"> <li>• Scale of Activities &amp; Parking; and</li> <li>• Coastal Hazard 2.</li> </ul> <p>Other methods relate to the promotion and development of Mainstreet programmes, bylaws, investigations and studies, education, and best practice principles. Mainstreet initiatives have been undertaken throughout the district to improve the character and amenity of the public realm. Bylaws and investigations relating to water storage is a very relevant issue. Council is currently working with communities to provide for greater water resilience throughout the District. While Low Impact Design principles have been strengthened through Plan Change 17, education and awareness for them have not accompanied the changes. The extent of implementation of policies and methods is dependent on the volume of development that occurs in the District. In the Urban Environment most, if not all, of the methods would have been implemented either as a means to influence activities to be permitted, or through resource consent processes.</p> <p><u>To what extent have the outcomes been achieved?</u></p> <p>As it is considered that most, if not all, of the policies and methods have been implemented in the Urban Environment, it could be argued that most of the outcomes should be achieved. However, as noted in section x, the ability of the plan to deliver and influence the achievement of outcomes is not as strong as it could be. This is largely because although policies and methods have been implemented, they themselves may not be the most efficient and effective means to deliver those outcomes. The efficacy of particular rules are noted in section x below. This highlights that although rules are being implemented, they could be improved to advance the outcomes in a more cost effective way.</p> <p>Evaluating the achievement of outcomes necessitates a move away from assessing consent volumes to analysis of resource consent conditions. This enables an insight into how the Plan influences development on the ground. The Urban Environment outcomes represent the overall vision that Council intended with respect to the Residential, Commercial and Industrial Zones.</p> <p>Fifteen resource consents were analysed to highlight the extent to which outcomes were being achieved. Five resource consents from each zone were selected, with the number of breaches and conditions imposed, and their activity status being identified. Conditions were analysed to understand their contribution to the grouped themes of the Urban Environment. This assessment helps to understand whether conditions imposed relate to intended outcomes. This is found in Appendix X of this report.</p> <p>Overall, five consents were processed as restricted discretionary consents and the remainder as discretionary. A total of 41 breaches were noted with 65 corresponding conditions of consent. Of the conditions of consent, 15 (23%) related to the theme of Provision of Infrastructure, 17 (26%) related to Character &amp; Amenity, and 33 (51%) related to Reverse Sensitivity outcomes. Therefore, this limited assessment shows that the conditions imposed through the resource consent process are manifesting in on the ground developments that contribute to the Environment's intended outcomes, with a focus on reverse sensitivity outcomes.</p> <p>This assessment also links back to the critique of the internal consistency of the Plan. This found, among other things, that the Plan as currently written tends to focus on reverse sensitivity effects as opposed to the other themes. In terms of resource consent conditions and their contribution to expected outcomes, this critique seems to be substantiated by the analysis above.</p>
<p><b>Residential Zone</b></p>	
<p><b>7.6.2.1 Residential areas containing a range of activities that are compatible, in terms of their effects, with the predominant residential use</b></p>	<p><u>To what extent have the policies and methods been implemented?</u></p> <p>All of the policies are implemented by district plan rules and zoning. With respect to stormwater disposal systems, alongside zone rules are Northland Regional Council requirements with respect to discharges. The most common rule breached and therefore the most used methods include the sunlight, scale of activities, coastal hazard 2, parking and setback from boundaries rule.</p> <p>Of the 17 permitted activity rules only 10 were breached over the sample period. There were also a number of breaches to Chapter 12 rules, largely related to earthworks, hazards and the NES. The rules not breached included the Relocated Buildings, Building Height, Outdoor Activities, Visual Amenity, Hours of Operation, Keeping of Animals, Noise and Helicopter Landing Area rules. A</p>



<p><b>and character of those areas.</b></p>	<p>number of the rules above would not be breached by typical residential development, and Council’s awareness of non-compliance would largely come about through complaints.</p> <p>Additionally, development would also be swayed by other rules which have been breached more occasionally. For example, the sunlight rule would limit the extent of a buildings height, and therefore may also be a factor in reducing the rules implementation. In some circumstances, the fact that rules have not been implemented also adds to the outcomes intended. For example, the lack of consent for helicopter landing areas and factory farms is positive for the zone.</p> <p>With respect to the extent of implementation, it is clear that the majority of methods was implemented and therefore so was the majority of policies.</p> <p><u>To what extent have the outcomes been achieved?</u></p> <p>The Residential Zone consents included 19 breaches with 19 associated conditions. The breakdown of conditions was similar to the overall total, with reverse sensitivity related conditions being imposed more than the others. The internal consistency test in section x noted that the Plan had a strong influence on achieving the intended outcomes. The scope and nature of conditions imposed seems to reiterate this assessment.</p> <p>For example, consent conditions related to reverse sensitivity and character and amenity in the zone reflected a desire to limit or mitigate effects from the activity proposed on other land uses within the area. This was achieved through various outlets such as limits on hours of operation, screening, and stormwater and silt control measures</p>
<p><b>Commercial Zone</b></p>	
<p><b>7.7.2.1 Commercial areas containing a wide range of activities, contributing to the everyday needs and well being of the communities they serve.</b></p> <p><b>7.7.2.2 Commercial areas that are subject to environmental controls to protect their amenity and that of adjoining areas, and which avoid, remedy or mitigate adverse effects on the natural and physical resources of the District.</b></p>	<p><u>To what extent have the policies and methods been implemented?</u></p> <p>The most common rules breached in the Commercial Zone related to traffic, parking, vehicle access and signs. Similar to above, all policies are implemented by way of zone rules and zoning. Of the 12 permitted activity rules, 6 were breached over the sample period. Methods not implemented include the Sunlight, Keeping of Animals, Noise, Roof Pitch, Stormwater, and Helicopter Landing Area rules. While there were breaches to Chapter 12 rules, this wasn’t as pronounced as in the Residential Zone. The Sunlight, Roof Pitch and Stormwater rules have criteria related to when they apply. Their lack of implementation can relate to these criteria not being satisfied when development is undertaken. Although not all methods were implemented, similar to the conclusion found in the Residential zone, the lack of implementation isn’t considered to be to the detriment of the zones intended outcomes. Rather, the lack of differentiation across the Industrial and Commercial zone is of concern.</p> <p><u>To what extent have the outcomes been achieved?</u></p> <p>The Commercial Zone consents included 11 breaches with 11 associated conditions. The breakdown was different to the overall total and Residential Zone, with character and amenity related conditions being imposed more than others.</p> <p>The internal consistency appraisal for the Commercial and Industrial Zone recognised that their frameworks had a moderate-poor influence on achieving the intended outcomes. A key critique included a lack of rule differentiation. This deficiency enables both commercial and industrial activities to co-exist within each zone without many constraints. The effectiveness of the zone provisions are limited by this deficiency.</p> <p>Notwithstanding, observations can be provided that further articulate the issues noted above. As a result of the deficiency, when commercial activities enter into areas zoned industrial, pressure is placed on industrial activities to locate elsewhere. Historically, this has been the Rural Production Zone. This in turn creates further tensions between industrial uses and bona fide rural uses. A historic example includes big box retail establishing in Waipapa and acting as an anchor for further retail and service industries, taking up finite industrial zoned land. A more recent example includes retail operations establishing in Kaitaia posing further issues regarding urban form and design.</p>

	<p>The Waipapa example highlights that while the Commercial and Industrial Zone provides for a wide range of activities, this is at the detriment, over time to the wellbeing of the communities they serve. From a provision of infrastructure perspective, areas zoned and appropriately serviced for industrial activities are taken up by activities which will not utilise the services to the level intended. From a character and amenity perspective, the underlying characteristics of industrial areas may not be entirely consistent with the look and feel of retail areas which can be established. This ultimately leads to pressures for industrial uses to locate elsewhere, as there are internal conflicts between particular commercial and industrial activities and the land once designate for their use is no longer appropriate. The same deductions can be made for the Commercial Zone; however this occurrence is yet to occur in a similar manner to that seen above.</p> <p>Another matter to acknowledge is the potential for residential development in both the Commercial and Industrial Zones. Both the Commercial and Industrial Zone do not contain a Residential Intensity rule and high density development may be achieved with consideration only given to noise mitigation measures. No consideration is given to amenity related outcomes such as improved health and well being through matters such as outdoor living space, privacy, and outlook rules. This links back to the critique made in earlier assessments (See section X) with respect to the policy framework being responsive to one outcome over the others.</p>
<b>Industrial Zone</b>	
<p><b>7.8.2.1 Industrial areas contributing a wide range of activities that are mutually compatible in terms of their environmental effects, and which contribute to the needs and well being of the people of the District.</b></p> <p><b>7.8.2.2 Environmental controls that take account of the needs of industry but also ensure that the amenity of adjacent areas, and the sustainability of natural and physical resources in the District, is safeguarded.</b></p>	<p><u>To what extent have the policies and methods been implemented?</u></p> <p>The Industrial Zone consents included 17 breaches with 32 associated conditions. The breakdown was similar to the overall total and Residential Zone, with reverse sensitivity related conditions being imposed more than the others. The number of resource consents and conditions imposed relating to earthworks within the Zone is considered to be an anomaly when considered against the Commercial Zone. While the Industrial Zone had 5 related consents, the Commercial Zone had none. The two zones are very similar in every other aspect and it is surprising that the threshold between the two are</p> <p>Again, policies are largely implemented through zone rules and zoning. Stormwater disposal systems incorporating Low Impact Design have both regulatory and non-regulatory methods to achieve them, although as stated, Council has not recently been proactively educating the public on the specific benefits of Low Impact Design.</p> <p>Only 3 out of 10 zone rules were implemented during the sample period, although a number of Chapter 12 rules were breached. Like the Residential zone these related to earthworks and NES. Methods not breached included the Sunlight, Noise Mitigation for Residential Activities, Keeping of Animals, Noise, Building Height, Stormwater, and Helicopter Landing Area. Therefore, typical industrial activities were of a nature that did not include aspects to which the rules manage.</p> <p>The lack of implementation relates to the nature of the activity proposed but also to the resource management ethos to have less regulatory intervention. As noted above, the lack of methods, and their differentiation, can be to the detriment of the outcomes intended for the areas.</p> <p><u>To what extent have the outcomes been achieved?</u></p> <p>See reasoning provided in Commercial Zone section above.</p>

**Table 7 - Cost Benefit Analysis of Rules**

Rule(s)	Benefits	Costs	Is the rule efficient?
<b>Sunlight</b>	<ul style="list-style-type: none"> <li>The rule is a key factor in determining access to sunlight and daylight which people value for various reasons, for example health and warmth.</li> </ul>	<ul style="list-style-type: none"> <li>The rule does not acknowledge that tighter controls are necessary for southern boundaries relative to northern ones. Buildings</li> </ul>	<ul style="list-style-type: none"> <li>The rule should acknowledge different levels of daylight admission relative to the buildings location. This would influence design and siting of</li> </ul>

	<ul style="list-style-type: none"> <li>The rule ensures sunlight is not blocked by buildings on adjacent sites, unless written approval is given. It is necessary to provide a threshold which requires buildings to fall within an angle which permits sunlight on to the site.</li> <li>The rule provides for privacy and reduces the visual dominance of a building.</li> <li>Written approval by affected neighbours is usually provided and therefore they are the arbiter of their own value on amenity, privacy, and sunlight/daylight admission.</li> </ul>	<p>located close to the southern boundary are likely to have a greater effect on neighbouring properties. The need to avoid or reduce shading effects is greatest in winter when the sun is at its lowest trajectories.</p> <ul style="list-style-type: none"> <li>Potential changes to the rule may reduce, depending on the buildings location, the need for resource consent, whilst improving the benefits of increased sunlight for all.</li> <li>Average costs are known to be \$1,271 per consent.</li> <li>Written approval by affected neighbours is usually required for sunlight breaches. Where this cannot be supplied, the notification process is usually instigated.</li> </ul>	<p>buildings and create greater benefits for residential areas, particularly south facing sites.</p> <ul style="list-style-type: none"> <li>From a provision of amenity perspective, the rule is not considered efficient.</li> </ul>
<b>Scale of Activities</b>	<ul style="list-style-type: none"> <li>The rule seeks to manage the amount of people on a site at any one time and the implications that can have in terms of: <ul style="list-style-type: none"> <li>noise, hours of operation, visual amenity (by way of increased building scale), traffic movement, and impacts on water, wastewater and stormwater systems.</li> </ul> </li> <li>Key rule in Residential zone to keep activities consistent with residential character, scale, and nature</li> </ul>	<ul style="list-style-type: none"> <li>Ability to effectively monitor and enforce the rule, particularly with respect to the 60 day exemption clause.</li> <li>Average costs are known to be \$1,121 per consent.</li> </ul>	<ul style="list-style-type: none"> <li>On balance, the rule is considered efficient, but could be improved for the purposes of enhanced monitoring and enforcement.</li> </ul>
<b>Coastal Hazard 2</b>	<ul style="list-style-type: none"> <li>The rule seeks to reduce the threat of natural hazards to life, property and the environment.</li> </ul>	<ul style="list-style-type: none"> <li>Accuracy of information;</li> <li>Average costs are known to be \$1,441 per consent.</li> </ul>	<ul style="list-style-type: none"> <li>The rule helps both council and landowners reduce risks from natural hazards.</li> <li>Information is not, and never will be, definitive. New information comes to light on a periodic basis and this will constantly test efficiency.</li> <li>The Proposed Regional Policy Statement for Northlands' (PRPS) proposed methods relating to hazards suggest that the rule may be inefficient. The PRPS has included methods which seek to increase minimum floor levels within the district.</li> </ul>

			Minimum floor level requirements are not found within the current Plan, but in Council's engineering standards. These factors suggest that the current rule is inefficient.
<b>Traffic, Parking and Access</b>	<p>Breaches to the traffic, parking and access standards of the Plan were common in the Urban Environment, particularly the Commercial and Industrial Zones. These provisions provide a means to manage the scale and intensity of activities and therefore seek to reduce the occurrence of reverse sensitivity and effects on character and amenity. They also provide a means for the evaluation of impacts on the roading network and associated infrastructure. Therefore, the provisions are very relevant to the Urban Environment and the outcomes foreseen by the Plan. It has already been determined that these provisions are not the most efficient means to achieve the Plans expected outcomes. Council has initiated a proposed plan change 20 – traffic, parking and access to make the policy framework and suite of rules more effective and efficient</p> <p>As an example, the section 32 document for the plan change notes with respect to traffic regulation that ‘in some cases resource consents have been required because figures in Appendix 3A are much higher than actual traffic generation. This is a process which places unnecessary costs on landowners’<sup>13</sup>. With respect to parking and access, similar outcomes have been found during the section 32 process. The proposed changes provide an avenue to increase the efficacy of traffic, parking and access regulations in the Plan. The proposed plan change was notified on the 20<sup>th</sup> May 2015 and submissions from the public will provide further information regarding the proposal and its efficiency and therefore this report does not seek to comment any further on those matters.</p>		

### 4.3 Rural Sustainability

The ‘Rural Environment’ made up of the Rural Production (456,052.8ha or 69.98%), Rural Living (2,625.2ha or 0.40%), and Minerals (1,017.6ha or 0.16%) zone accounts for 70.54% of the District’s land mass.

The average lot size for the Rural Living Zone was 1.24ha, which suggests latent potential for development and growth in this area.

Amongst the findings of the research was the conclusion that the ad hoc development of commercial and industrial activities can lead to an increased risk of reverse sensitivity and land use incompatibility; and potential for adverse effects on amenity values associated with the rural environment.

Key observations relating to the internal consistency of the Rural Living Zone are considered in the table below. The internal consistency table assesses the influence the Plan has in providing for the outcomes intended. In summary, the table below highlights that the Plan has a strong influence in being able to achieve its intended outcomes. The table finishes with a list of generic recommendations that can be used to enhance internal consistency.

**Table 8 - Internal Consistency**

Rural Living Zone: Environmental Outcomes Expected	Relevant Theme	Internal Consistency	Summary of Key Observations
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<sup>13</sup> Proposed Plan Change 20 – Traffic, Parking and Access Section 32 Report, Page 43.

<p><b>8.7.2.1 A Rural Living Zone where residential living on small rural lots is compatible with those other rural activities that have an emphasis on production rather than lifestyle.</b></p>	<p>Reverse Sensitivity  Character, Privacy and Amenity</p>	<p><b>Strong</b></p>	<p>The objectives and policies are quite strong and explicit with respect to the outcome.  Provisions are similar to those found in the Residential Zone, with slight differences to cater to the effects of adjacent and adjoining productive rural activities and the special amenity features along Kerikeri Road.</p>
<p><b>8.7.2.2 A Rural Living Zone where the controls on the activities ensure a high standard of privacy and amenity for residential activities.</b></p>	<p>Character, Privacy and Amenity</p>	<p><b>Strong</b></p>	<p>Again the objective and policies are strong with respect to the outcome. Controls around sunlight, stormwater management, building coverage and setbacks for example, are all more restrictive than those found in the Residential zone.  A similar TIF, screening for neighbours and hours of operation rule also applies which intend to limit the scale of commercial activities. However, a 'high standard' has not been defined and therefore, it is hard to establish what this might mean</p>
<p><b>8.7.2.3 A Rural Living Zone where activities are self sufficient in terms of water supply, sewerage and drainage, while not causing adverse effects on the environment.</b></p>	<p>On site Provision of Infrastructure.</p>	<p><b>Strong</b></p>	<p>The Plans ability to influence this outcome is related to density, stormwater management, and building coverage standards. Where activities are permitted, the Building and Drainage Act are further influencing factors.  Further explanation is required to understand the impacts that site servicing can have on areas considered appropriate for urban zoning and its subsequent potential for infill development and intensification and effects of on productive uses.</p>
<p><b>General Comments for Future Review:</b></p>			
<ul style="list-style-type: none"> <li>• Clear references should be established in order to easily identify the relationship between Issues, Objectives, Policies, Methods and Expected Outcomes.</li> <li>•</li> </ul>			

### 4.3.1 Development Activity

**Figure 17** shows resource consents from 2007-2015 located in the Rural Living Zone. This is some 362 resource consents. Land-use (45%), subdivision (31%), combined applications (7%) and variations (10%) were the most common.

**Figure 17 - Rural Living Consents**

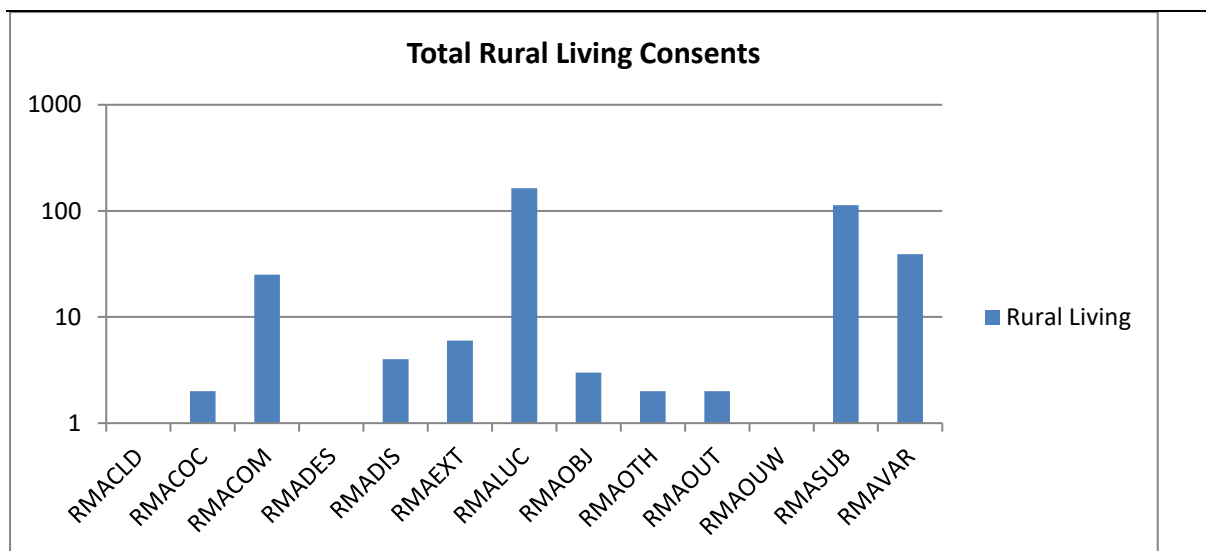
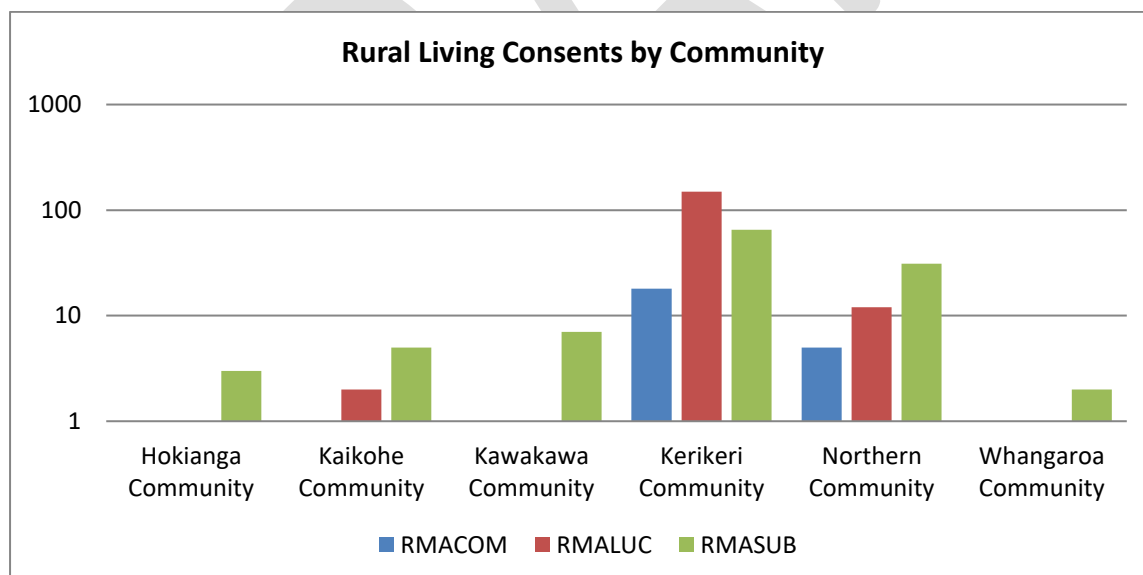


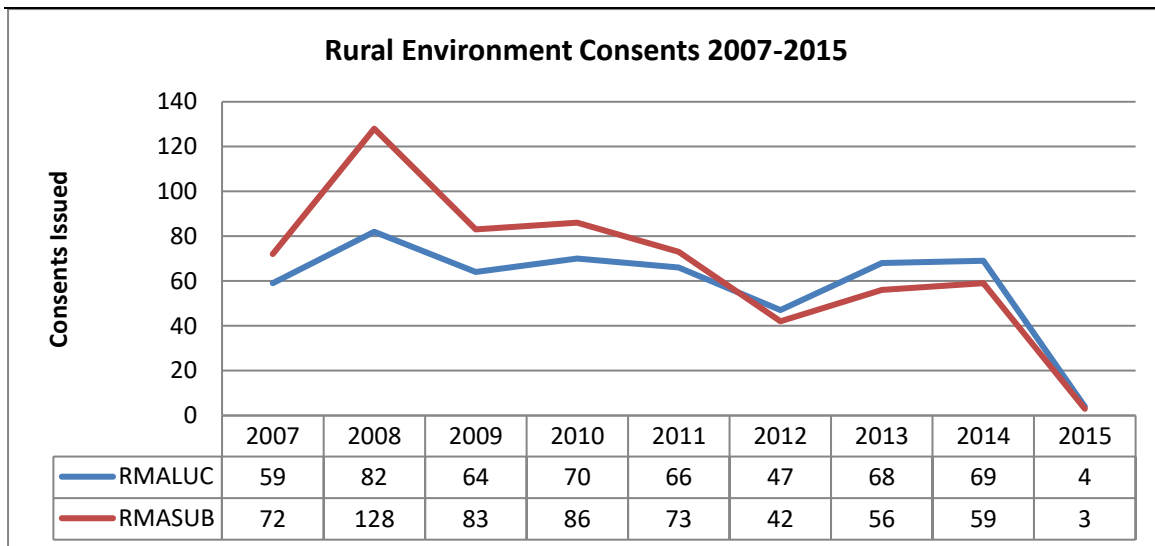
Figure 18 below highlights where resource consents have been issued throughout the district. The majority of consents were issued in the Kerikeri and Northern Communities. A fair proportion of all Rural Living Zone land is located in these areas as opposed to the Kaikohe and Hokianga Communities where activity and zoned land is lower. The figures mirror the Urban Environment development trends which highlight similar trends.

Figure 18 - Rural Living Consents by Community



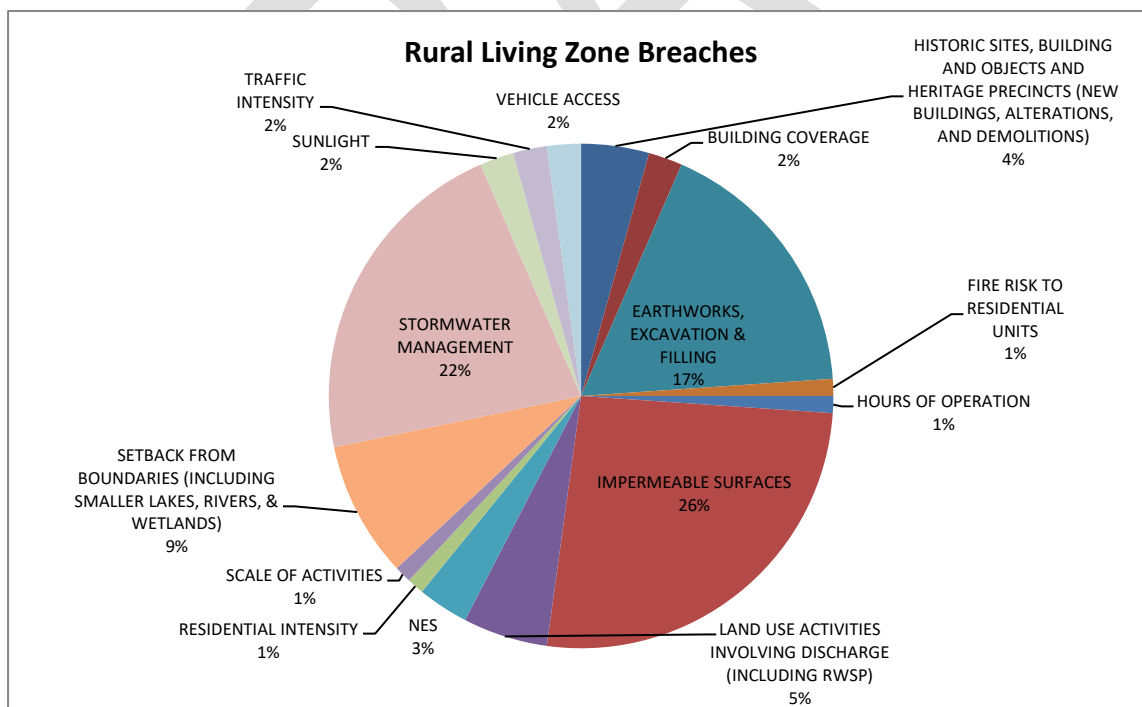
In the Zone there has historically been more subdivision activity as opposed to land use activity. This changed in 2012. Overall, land use consents issued have remained, more or less, steady. The peak for both types of applications were in 2008, there has been a gradual decrease in numbers since this period in time.

Figure 19 - Rural Environment Consents



A sample of 51 consents by breach type is shown below. This included a total of 92 rule breaches to the Plan. This assessment helps to understand whether land use consents have been growth related i.e. an increase in scale of a building, or technical i.e. greater parking requirements as a result of a change of use.

**Figure 20 - Rural Living Zone Breaches**



Breaches to the previous rule Impermeable Surface and current Stormwater Management rule accounted for over 50% of the rule breaches within the Zone over the sample. Other frequent breaches included earthworks and setback from boundaries rules’.

**Table 9 - Assessment of Environmental Outcomes Expected**

Environmental Outcome(s) Expected	Key Observations: Effectiveness
<b>Rural Living Zone</b>	
<p><b>8.7.2.1 A Rural Living Zone where residential living on small rural lots is compatible with those other rural activities that have an emphasis on production rather than lifestyle.</b></p>	<p><u>To what extent have the policies and methods been implemented?</u></p> <p>Policies are largely implemented through zoning and rules. Servicing requirements are also managed outside of the RMA framework by other legislation such as the Building and Drainage Act. The most common rule breached and therefore the most used methods include the stormwater management (and previously impermeable surface rule), setback from boundaries, and earthworks rules.</p> <p>Of the 13 permitted activity rules, 7 were breached over the sample period. This included the sunlight, scale of activities, traffic intensity, setback from boundaries, building coverage, residential intensity and stormwater management rules. Eight Chapter 12 rules were breached which related to earthworks, heritage, access, discharge, fire risk, and setback from waterways. The rules not breached included the building height, screening for neighbours, keeping of animals, and helicopter landing area rules. A number of the rules above would not be breached by typical development, and Council’s awareness of non-compliance would largely come about through complaints.</p>
<p><b>8.7.2.2 A Rural Living Zone where the controls on the activities ensure a high standard of privacy and amenity for residential activities.</b></p>	<p>With respect to the extent of implementation, it is clear that a number of methods, and therefore policies, were implemented, which related to typical rural residential development.</p>
<p><b>8.7.2.3 A Rural Living Zone where activities are self sufficient in terms of water supply, sewerage and drainage, while not causing adverse effects on the environment.</b></p>	<p><u>To what extent have the outcomes been achieved?</u></p> <p>A sample of 10 resource consents have been analysed to examine the extent to which outcomes have been achieved. Conditions were analysed to understand their contribution to the grouped themes of the Urban Environment. This assessment helps to understand whether conditions imposed relate to intended outcomes.</p> <p>Of the consents, 5 were processed as a Discretionary Activity, 4 as a Restricted Discretionary Activity, and 1 as a Controlled Activity. A total of 22 breaches were noted with 60 corresponding conditions of consent. Of the consents, 7 (50%) related to the theme of On-Site Provision of Infrastructure, 2 (14%) related to Character, Privacy and Amenity, and 5 (36%) related to Reverse Sensitivity outcomes. A number of conditions of consent related to a combination of both Reverse Sensitivity and On Site Provision of Infrastructure themes. Some activities, and their associated conditions, canvassed all themes.</p> <p>With respect to outcome 8.7.2.1, conditions of consent included, for example, restrictions on hours of operation, screening and landscape planting requirements, and silt and sedimentation controls. However, the requirements were not necessarily related to the compatibility of rural productive activities, rather, for residential activities. The interface between the Rural Production Zone and the Rural Living Zone is very important to manage. The Plan has a number of rules, including setback and screening to reduce potential effects. While the rules themselves are not being implemented regularly, conditions of consent can still be adopted that recognise reverse sensitivity outcomes. The assessment criteria for the zone are considered to be very effective in lieu of the rules themselves being breached.</p> <p>Breaches relating to character, privacy and amenity were not as abundant as the others. However the theme is closely related to Reverse Sensitivity. Related conditions included limits on the amount of signage, particular finishes for cladding, roofing, and windows and the implementation of landscape plans. These impositions, as well as those examples seen above for reverse sensitivity, are all consistent with the outcome and its expectation of a ‘high level of privacy and amenity’.</p> <p>A number of conditions were imposed relating to outcome 8.7.2.3. Since becoming operative changes to the previous Impermeable Surfaces rule through Plan Change 17, resulted in two</p>



	<p>new rules; Stormwater Management and Building Coverage. Figure 20 above has identified that the Stormwater Management rule has been one of the most frequently breached rules since becoming operative in February 2015. A number of conditions relating to the theme included the provision of stormwater detention tanks, installation of waste interceptor traps, and upgrade of wastewater systems.</p> <p>All dwellings in the Zone are required to provide a TP58 report alongside building consent applications which set out how on site treatment and disposal of sewage from domestic sources are to be managed. In terms of provision of water, this is dictated by personal preferences and in some instances, building act processes. The definition of Impermeable Surfaces within the Plan exempts 20m<sup>2</sup> from the Stormwater Management rule calculation for the provision of on-site water tanks.</p> <p>Overall, with respect to outcome 8.7.2.3 there are a number of both resource management, and other associated, mechanisms that help to achieve the expected outcome.</p>
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**Table 10 - Cost Benefit Analysis of Rules**

Rule(s)	Benefits	Costs	Is the rule efficient?
<b>Excavation and Filling</b>	<ul style="list-style-type: none"> <li>The earthworks rules attempt to 'avoid, remedy, or mitigate adverse effects of excavation and filling activities such as erosion, loss of soil structure due to disturbance or compaction, water logging and loss of visual amenity'<sup>14</sup>.</li> <li>Earthworks Bylaw captures small scale works that need not be assessed via the resource consent process.</li> </ul>	<ul style="list-style-type: none"> <li>Perceived inconsistency and duplication with Regional Council rules.</li> <li>Thresholds may not be appropriate in all Zones. For example, in the Industrial Zone there were a number of consents related to excavation and filling. The threshold is the same as that found for the Residential Zone.</li> <li>Unintended consequences through subdivision process – ground level changes as a controlled activity..</li> </ul>	<ul style="list-style-type: none"> <li>On balance the rules are considered inefficient. While compliance costs could not be substantiated, only earthworks of scale require resource consent.</li> <li>The thresholds for the Industrial zone may require some further attention as detailed earlier.</li> <li>Duplication and consistency questions can be addressed via the review of both the District and Regional Plans, which are set to occur over the next couple of years.</li> </ul>
<b>Setback from Boundaries</b>	<ul style="list-style-type: none"> <li>Ensure adequate sunlight admission to buildings, accessibility along all sides of a site, reduces the visual dominance of buildings, and provides a degree of visual and aural privacy.</li> </ul>	<ul style="list-style-type: none"> <li>The requirement for a continuous shelterbelt where Rural Living sites adjoin Rural Production and Minerals Zones seems misplaced in the rule. The implementation of this aspect of the rule is also unknown.</li> <li>Implementation of rules relating to setback from Rural Production and Minerals Zone are unknown.</li> <li>As a transition zone, the impacts of setback rules (alongside other rules) may limit the potential for infill development.</li> </ul>	<ul style="list-style-type: none"> <li>Data relating to the implementation of the rule has, to date, only captured information on clauses (a) &amp; (d). Compliance costs relating to individual breaches are also not available. Without such information it is hard to assess efficiency.</li> <li>The rule provides for outcomes related to the themes of Character, Privacy and Amenity and Reverse Sensitivity.</li> <li>Overall, it is considered that the rule is neutral with respect to efficiency.</li> </ul>
<b>Stormwater Management</b>	<ul style="list-style-type: none"> <li>Attempts to address the effects of stormwater run-off which can result in flooding, erosion and the uncontrolled</li> </ul>	<ul style="list-style-type: none"> <li>More aspects considered 'impermeable' through definition change and</li> </ul>	<ul style="list-style-type: none"> <li>The Stormwater Management rule has been operative for less than 6 months and to come to</li> </ul>

<sup>14</sup> Chapter 11.3 – Soils and Minerals Decision Report, 2003. Page 6.

	release of pollutants into waterways.	therefore potential for more resource consents. • Average costs regarding a breach of the rule equated to \$1,483.35.	substantive conclusions regarding the rule is premature. Therefore the provisions are considered as neutral at present.
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Further preliminary consultation on a suite of rural provisions followed, including:

- 19 July 2012 - the issue of a working draft of the proposed plan change to a targeted sector group, including agencies, practitioners and farm sector organisations seeking feedback to draft set of provisions
- 31 October 2012 – Public notification of draft Proposed Plan Change, including full page information page in local media, and supported by representation and sector and community meetings to discuss draft plan change.

In addition to these processes, Council representatives have held discussions and meeting with individuals and representative groups and Councillor workshops to explore the ends and means associated with the rural provisions.

The feedback provided from these processes included the following:

- Recognition that more controls are needed for the zone to manage potentially incompatible land uses (e.g. child care centres alongside orchards);
- some concerns over establishment of commercial and industrial land uses not expected for the Rural Production Zone – preference that industrial land uses be located in industrial zones;
- some industries and services have a functional need to be in the Rural Production Zone and require differentiation in the policy framework;
- the Rural Production Zone is a working environment and amenity should be a lower order consideration than productive enterprise;
- divergent attitudes from community and landowners over specific amenity values rules such as screening form road frontages;
- requests from rural sector groups and elected representatives for more certainty for farming and horticulture through expansion of the exemptions available to farming related industry, structures and processes;
- support from the NZTA for the reduction of the Traffic Intensity thresholds for the Rural Production zone, however concerns from most other interests regarding this draft measure.
- strong support for more flexible rural housing provisions except from Top Energy who raised concerns over district capacity to service additional demand and horticultural interests who were concerned about the reverse sensitivity potential from intensification of rural residential housing.

#### **4.4 Coastal Protection**

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The coastline in the Far North is long and varied and contains eight major harbour systems. There are a number of values attributed to the coastal environment that contribute to its natural character, which include landscape, ecology, tangata whenua and historic values. Of the Far North's 651,709ha, 0.48% of land is zoned 'Coastal Living', 0.12% is zoned 'Coastal Residential' and 9.44% is zoned General Coastal.

#### **4.1.1 The drafting of Issues**

In a general sense the issues in the operative District Plan are not concise. If the issue is not clear then it can lose its impetus. It is the job of the objectives and policies to address the issues identified, in other words identify the outcome and how to get there. Best practice denotes that issues should:

- Identify an environmental problem;
- be specific ;
- be succinct ; and
- include what is being affected, how it is being affected, and where

Below is a sample of issues currently identified in the District Plan relating to the coastal environment and some suggested changes to align with best practice:

1. Issue 1 Coastal Environment: *The Act requires that the natural character of the coastal environment is preserved. Natural character can be adversely affected by inappropriate subdivision, use and development. The preservation of natural character requires that limitations be placed on further development in some of the District's coastal areas. Some areas already compromised by development are not necessarily appropriate for further development.*

Suggested change: Inappropriate subdivision, use and development is having an adverse affect on the natural character of the coastal environment.

2. Issue 3 Coastal Environment: *Public access to and along the coast is insufficient in places and needs to be enhanced. Public access can have positive effects in terms of recreation, access to seafood, commercial activity and education. The issue is partly addressed in Chapter 14 of the Plan and/or in the LTCCP. The Council is undertaking work to identify areas where access is inadequate and will be initiating a plan change to give effect to that work. However, public access, and particularly access by vehicles, can also have negative effects in respect to public safety and enjoyment of the coast, the protection of indigenous vegetation and habitats of indigenous species, sensitive cultural and heritage sites and areas, and damage to landforms).*

Suggested change: There is currently insufficient public access provided to and along the coastal environment.

3. Issue 7 Coastal Environment: *Parts of the coastal environment are subject to natural hazards such as coastal erosion. Careful management of subdivision, use and development in the coastal environment is necessary in order that the effects of natural hazards do not cause hardship and danger to people in the District and to ensure that future subdivision, use and development generally avoids the need for hazard protection works.*

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Suggested change: There is pressure for subdivision, use and development to locate in areas of the coastal environment that may be subject to natural hazards, including coastal erosion.

#### **4.4.2 The drafting of Objectives**

The objectives in the coastal zones have generally been drafted like policies in that they are explaining the 'how'. In many instances they talk about avoiding, remedying and mitigating where they should be denoting the 'outcome'. Best practice denotes that objectives should:

- be specific
- state what is to be achieved
- relate the objective to the issue
- write the objective in such a way that people implementing and monitoring the plan will know when the objective has been met

Below is a sample of current objectives in the District Plan relating to the coastal environment and some suggested changes to align with best practice. I have chosen the objectives that relate to the issues that I have sampled above:

1. Objective 1 Coastal Environment: *To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.*

Suggested change: Subdivision, use and development is managed to preserve the natural character of the coastal environment.

2. Objective 4 Coastal Environment: *To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the coastal environment, including Maori cultural values, and public health and safety.*

Suggested change: Public access to and along the coastal environment is maintained and enhanced where is it is consistent with the values attributed to that environment, including Maori cultural values, and public health and safety.

3. There is no Objective that relates to Issue 7 Coastal Environment. As such a suggested Objective would be:

Subdivision, use and development is located in areas of the coastal environment that are not subject to natural hazards

#### **4.4.3 Uncertainty or lack of clarity**

Some of the language used in the policy framework creates uncertainty and loses the impetus of what the provisions are attempting to deliver. Examples of this include:

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1. Policy 1 Coastal Environment: *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:*

*(a) 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...*

Use of the language “is where the activity generally” is non specific in terms of asking ‘where’ or ‘why’. The policy fails to tie down what appropriate subdivision use and development is, it would be better to use a word such as “include” as it would incorporate the list that followed and would also include other items that may be appropriate but missed off the list.

With respect to the items listed in the Policy 1 it would appear that *(d) 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...* is inconsistent with *(h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland*. The New Zealand Coastal Policy Statement is clear that adverse effect on outstanding natural landscapes in the coastal environment is to be avoided<sup>15</sup>.

2. Policy 7 Coastal Environment: *To ensure the adverse effects of land-based activities associated with maritime facilities including mooring areas and boat ramps are avoided, remedied or mitigated through the provision of adequate services, including where appropriate:*

- (a) parking;*
- (b) rubbish disposal;*
- (c) waste disposal;*
- (d) dinghy racks.*

The reference in this policy is to “land-based activities”, which in itself is helpful as examples are giving to interpret what those land-based activities may include. However, this policy stems from Issue 9 which references “land-based resources”, which one can only assume means the same thing as “land-based activities”. Unfortunately activities and resources can mean entirely different things. Assuming that they are meant to mean the same thing it would be preferable to utilise consistent terminology to ensure that there is no confusion in terms of what the cascade of provisions is attempting to achieve.

3. Policy 1 General Coastal: *That a wide range of activities be permitted in the General Coastal Zone, where their effects are compatible with the preservation of the natural character of the coastal environment.*

This policy is drafted in a way where it is providing for a “wide range of activities” on one hand then stating that those activities must not contravene the preservation of the natural character of

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<sup>15</sup> New Zealand Coastal Policy Statement: Policy 15(a)

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the coastal environment. The problem is the policy gives no indication of what may be included in the wide range of activities allowed as a permitted activity.

4. Issue 1 Coastal Living: *Rural residential development on relatively small lots adjoining the coast is a popular and appropriate form of development in some parts of District. However, this can have adverse effects on the natural character and physical environment of the coastal environment and on water quality.*

and Policy 1 Coastal Living: *To provide for the well being of people by enabling low density residential development to locate in coastal areas where any adverse effects on the environment of such development are able to be avoided, remedied or mitigated.*

It is not clear that this Issue and the Policy are addressing the same thing as the language used is not consistent. Issue 1 is referencing “small lots” and Objective 1 is concerned with enabling “low density residential”. The problem is that the Issue is identifying that in some circumstances providing for small lots on the coast may be appropriate, yet the policy does not reinforce this and only enables low density development (where appropriate). Further, the term “relatively small” is not definable.

#### **4.4.4 Repetition in the provisions**

The provisions that relate to the suite of coastal zones often share a number of the same issues, as such there are a number of instances where duplication occurs across the provisions. Examples of this include:

1. Objective 1 General Coastal Zone: *To provide for appropriate subdivision, use and development consistent with the need to preserve its natural character.*

Objective 2 General Coastal Zone: *- To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.*

In my opinion these objectives say the same thing, only Objective 1 is drafted to make subdivision, use and development the focus of the provision where in Objective 2 the preservation of natural character of the coastal environment is the focus. Both versions are consistent in terms of addressing the issue.

2. The issues identified within the suite of Coastal zones represent a common theme, only there are slight variations on each occasion. In essence all are saying:
  - There is pressure for development to be located near the coast.
  - Not all development is sympathetic to the character of the coastal environment
  - We need to sustainably manage the development of the coastal environment

The issues drafted in the coastal environment are generally more overarching than those identified in the following coastal zones. I consider that it unnecessary to duplicate what is a common theme running through all of the coastal issues. A more efficient way, to avoid

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duplication, would be to concisely identify the issues in the 'Coastal Environment' and just identify objectives and policies that apply to each of the zones which relate to the issues identified in the Coastal Environment section.

#### **4.4.5 How the provisions cascade or link**

In some instances there is no clear cascade or link through the provisions starting from the Issues, and then moving through the Objectives and Policies. On a number of occasions the link through to the objectives and policies is weak or non-existent. Examples of this include:

1. Issue 7 Coastal Environment: *Parts of the coastal environment are subject to natural hazards such as coastal erosion. Careful management of subdivision, use and development in the coastal environment is necessary in order that the effects of natural hazards do not cause hardship and danger to people in the District and to ensure that future subdivision, use and development generally avoids the need for hazard protection works.*

There is no objective that clearly addresses this issue. There are generic type objectives that look to minimise adverse effects and avoid adverse effects from subdivision, use and development but there is no objective (outcome) that looks to ensure that subdivision, use and development is managed to ensure that the public's health and safety is protected. There are two Policies that relate to this issue, there is however no Environmental Outcome Expected.

2. Issue 11 Coastal Environment: *Activities having a functional need for a coastal location and access to the sea, such as wharves and boat haul-out facilities, can be important for the well being of the community. It is important that these activities are able to be established in a limited range of suitable locations, recognising that there is potential for conflict between activities with a functional need and other activities.*

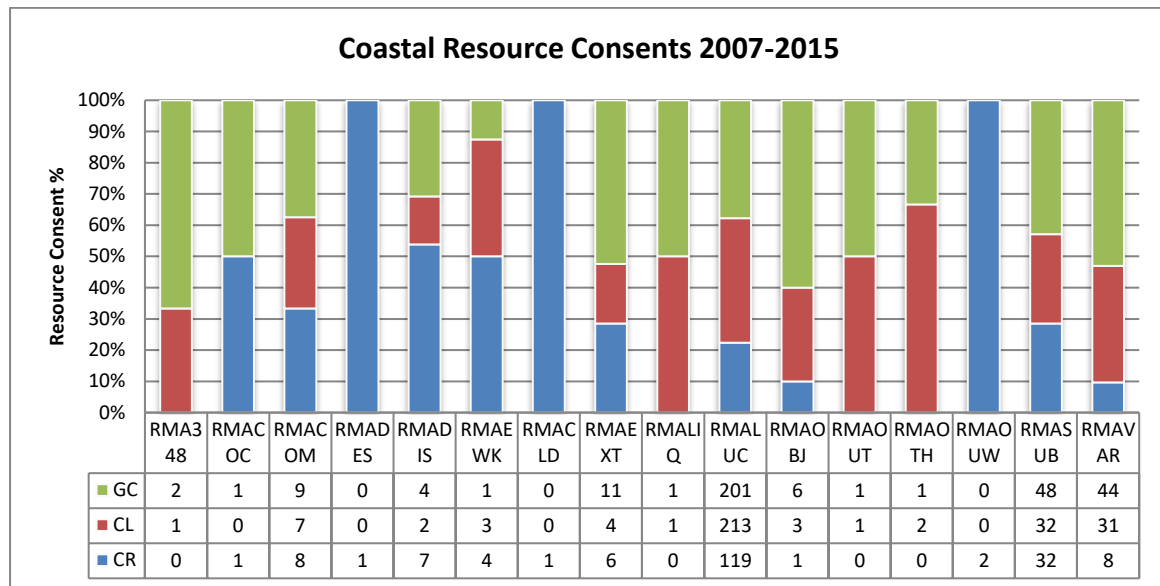
There is no clear objective that addresses this issue. While there is broad generic relevance in Objective 1 there is no specificity in enabling activities that have a functional need to locate in the coastal environment. Activities that have a functional need to locate in the coastal environment can be a hotly debated topic and is often relied upon by infrastructure providers to undertake development and use in that environment. To provide clarity and suitable direction for this issue a specific objective is required to address what the term functional need encapsulates. There are also no clear policies addressing this issue. There are some Policies that address land-based activities and reference examples similar to that given in the issue, however not all activities that have a functional need to locate in the coastal environment will be land-based so need to be addressed as well.

3. In many of the Coastal zones provisions are double and triple used to enable the cascade from Issues through to Policies. In some instances it may be appropriate for an Objective or Policy to be repeated to address more than one Issue. However, in my opinion many of the provisions are too generic and do not effectively address the Issues that has been identified, meaning they are unclear in terms of their purpose. It is important for the cascade to be clear and easy to interpret for the user of the District Plan.

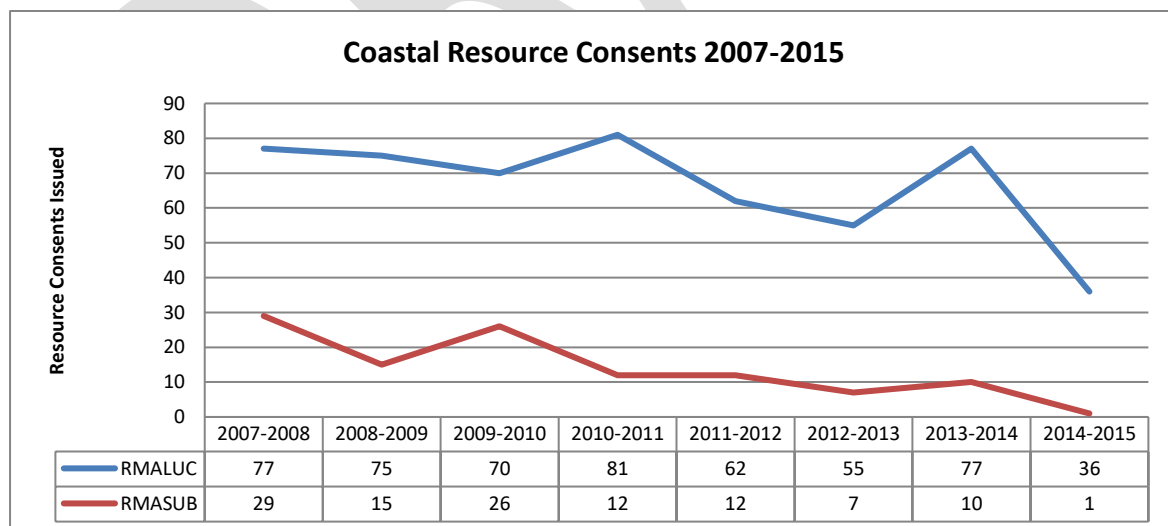
#### **4.4.6 Resource consents**

A total of 820 resource consents were received in the Coastal Environment (being the Coastal Living zone, Coastal Residential zone and the General Coastal zone) between July 2007 and January 31 2015. **Figure 21** below details those consents received. In the Coastal Living (CL) zone there were 300 consents, in the Coastal Residential (CR) zone there were 190, and in the General Coastal (GC) zone there were 330. Land use consents made up the majority of applications accounting for 65%.

**Figure 21 - Coastal Resource Consents**



**Figure 22 - Coastal Resource Consents Issued**



Since 2007, the Coastal Environment has consistently had more land use consent applications issued compared with subdivision consent applications. In general subdivision signals new development and growth and it is closely aligned with the prevailing economic climate. As the economy slows there is less impetus for growth. However, despite subdivision consents having slowed substantially since

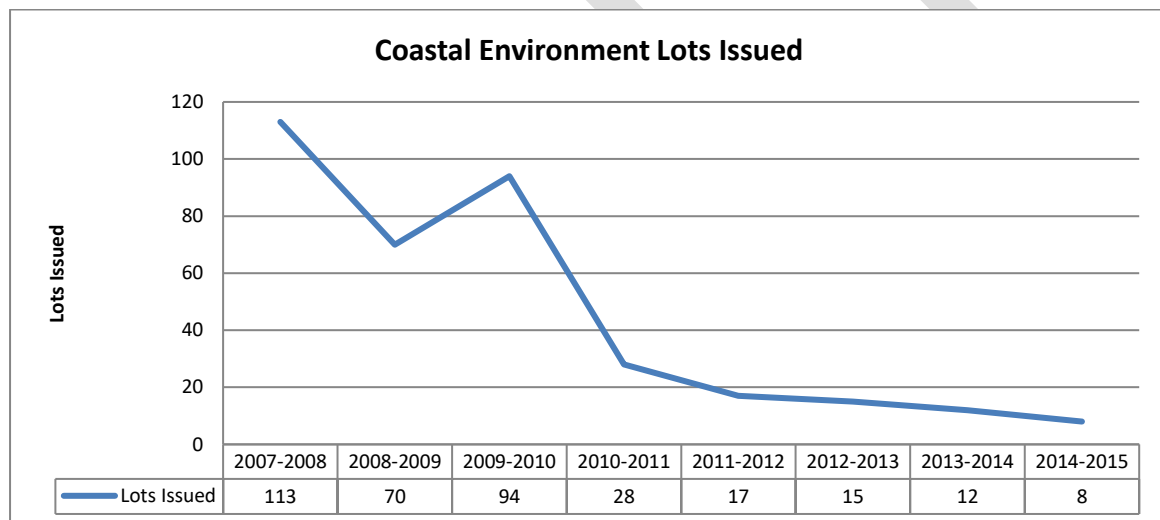


2007, there has been a steady flow of land use consents which suggests that activities such as infill development, additions/alterations, and changes of use have still occurred over that period.

#### 4.4.7 Coastal lots issued

The number of lots issued is directly related to the number of subdivision consents that have been issues since 2007. As already identified, the number of subdivision application has slowed. However, this statistic alone does not create the entire picture as it does not elaborate on the number of lots that have been established through a subdivision consent application. **Figure 23** below identifies the number of lots that have been established through the subdivision consents dating back to 2007. The graph clearly shows that the number of lots that have been created is comparable to the slow down of consents issued for subdivision.

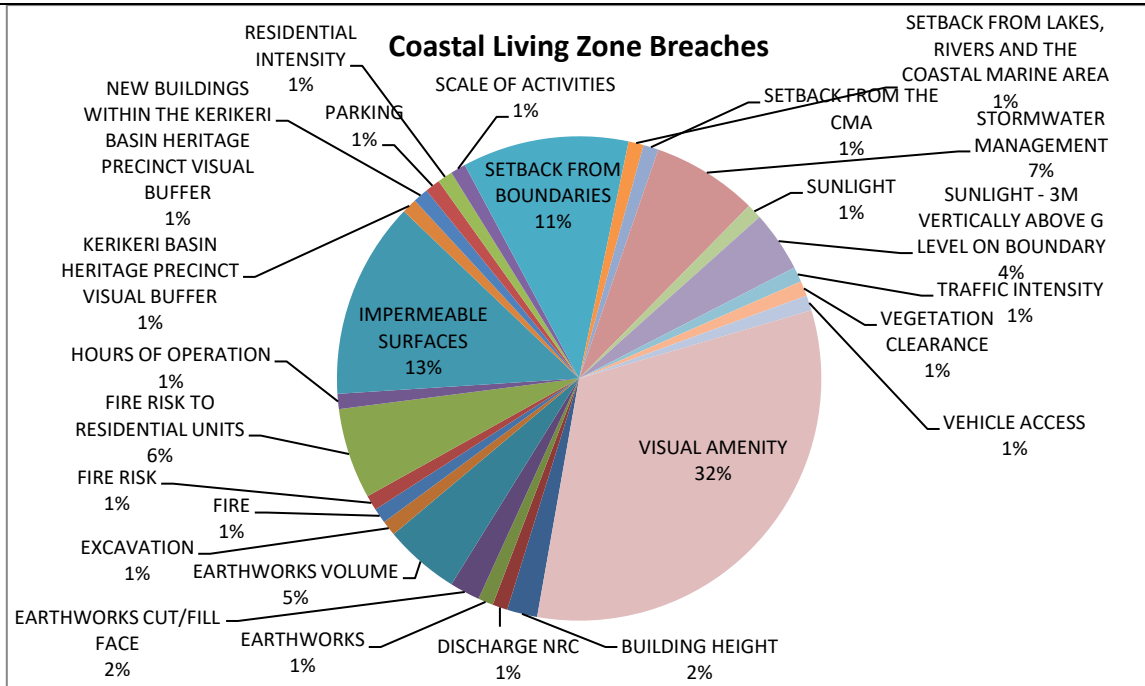
**Figure 23 - Coastal Environment Lots Issued**



#### 4.4.8 Breaches of resource consent

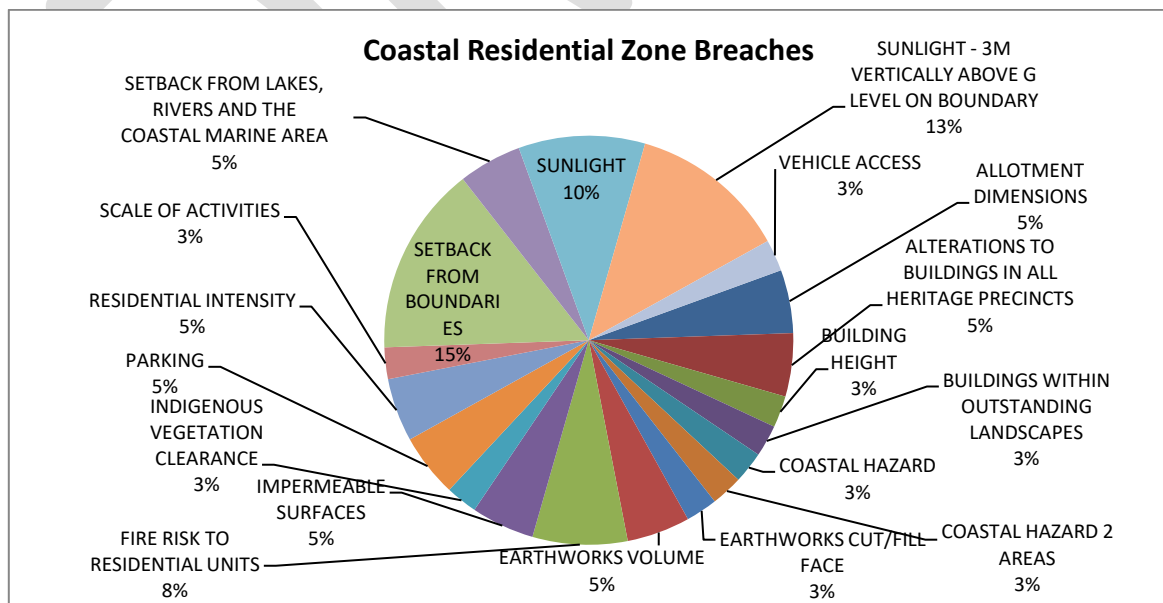
The breaches identified in the figures below may help us better understand the nature of the land use consent applications since 2007 and whether they have been growth related i.e an increase in scale of a building, or technical i.e greater parking requirements as a result of a change of use. **Figures 24 – 26** identify a total of 232 breaches to the relevant rules in the District Plan from the time records area available (2013 – 2015). This data may assist in determining whether rules most commonly breached are the most efficient and effective means of meeting the relevant policies, objectives and environmental outcomes expected.

**Figure 24 - : Coastal Living Breaches**



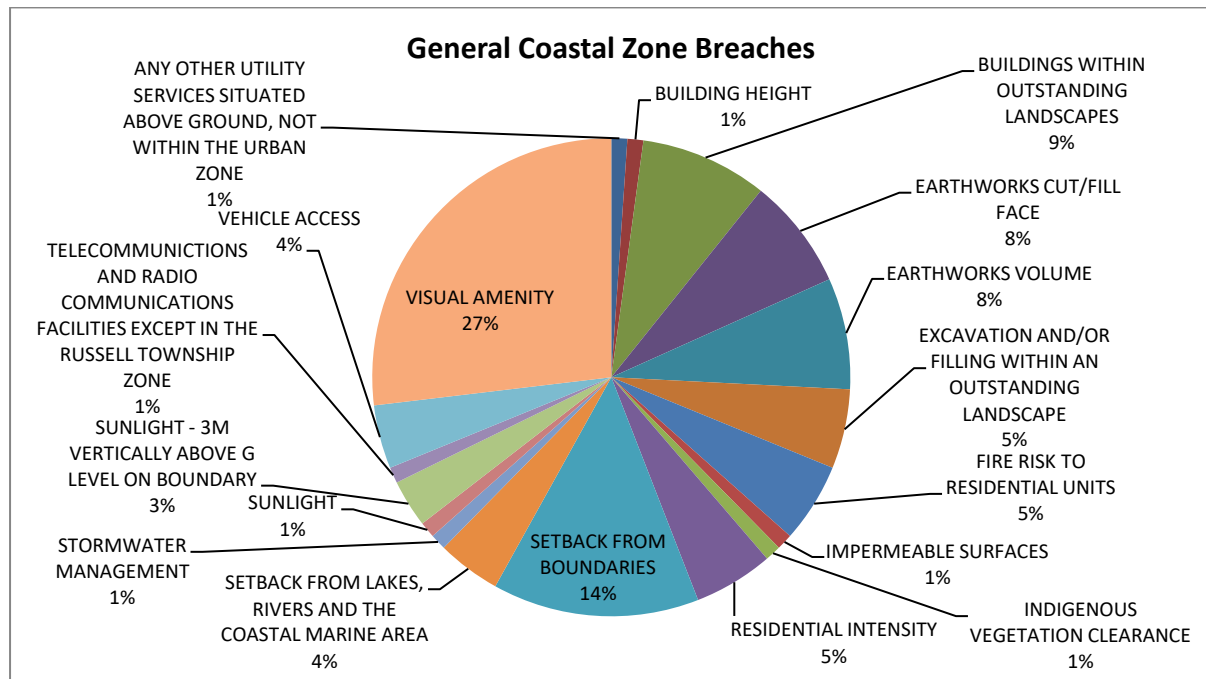
Of the sample of 232 breaches, 99 related to the Coastal Living Zone. Breaches of the Visual Amenity were by far the most common at 32% followed by Impermeable Surfaces (13%), Setback from Boundaries (11%), and Stormwater Management (7%). The nature of the breaches suggests that the degree of development was greater than that envisaged by the provisions in the plan. Most of the Visual Amenity breaches related to buildings where, as a permitted activity, control over a new building as a permitted activity is limited to 50m<sup>2</sup> and any alteration/addition is limited to a 30% in addition to that which currently exists.

**Figure 25 - Coastal Residential Breaches**



Of the sample of 232 breaches, 40 related to the Coastal Residential Zone. The majority of consents were related to Sunlight breaches (23%) and Setbacks from Boundaries (15%). The nature of these breaches suggests that new dwellings or additions/alterations are struggling to remain in the confines of the site and are therefore impinging on the sunlight and setback controls.

**Figure 26 - General Coastal Breaches**

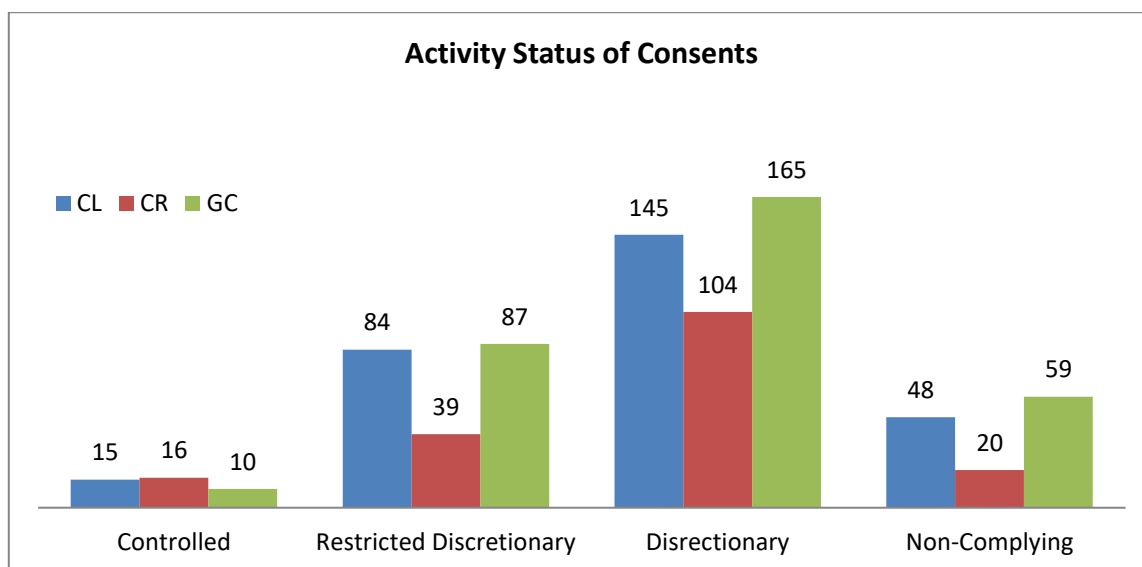


Of the sample of 232 breaches, 93 related to the General Coastal Zone. Breaches of the Visual Amenity were by far the most common at 27% followed by Setbacks from Boundaries (14%), Buildings within Outstanding Landscapes (9%) and Earthworks cut/fill face (8%). Most of the Visual Amenity breaches related to buildings where, as a permitted activity, control over a new building as a permitted activity is limited to 50m<sup>2</sup> and any alteration/addition is limited to a 30% in addition to that which currently exists.

#### **4.4.9 Notification of resource consents**

Understanding the approach to notification is an important factor because it has a direct bearing on the level of third party involvement and cost of the resource consent process, but more importantly investment and development behavior with respect to the Plan. Of the 820 consents that were issued over this period only 3.2% were notified or limited notified. The lack of notified applications suggests that the breaches to the controls as they relate to the coastal environment incurred no more than minor effects on the environment, in other words the breaches were not significant. This may indicate that the current thresholds that apply in the coastal zones are too onerous and that these landscapes may be able withstand further modification. A caveat to this statement would be that cumulative effects on the coastal environment would become more of a factor and a greater consideration to any further development rights would need to be given in these locations.

**Figure 27 - Activity Status of Consents**



Of the resource consents that required consent over 50% of them were Discretionary activities. In most instances this activity status would have been triggered because applications failed to complying with one or more of the standards for permitted, controlled or restricted discretionary activities.

## **4.5 Outstanding Landscapes**

Of the Far North's 651,709ha, 143621.6ha or 22% of land is identified on the Outstanding Landscapes resource mapping. This mapping was the result of an assessment undertaken by consultants LA4 in the mid 1990's. Of the land identified as Outstanding Landscape 46.9% is within public ownership and 53.1% is privately owned.

The District Plan under section 75(3)<sup>16</sup> of the RMA is required to give effect to the NZCPS and the RPS.

### **4.5.1 King Salmon**

The Supreme Court issued what has become commonly known as the 'King Salmon' decision<sup>17</sup> on 17 April 2014. The decision contains important guidance on how policies within the NZCPS are to be interpreted, particularly where policies are prescriptive in their intent. Policy 15(a) of the NZCPS requires that council planning instruments shall 'avoid' adverse effects on Outstanding Natural Landscapes, which are currently mapped by FNDC and the Northland Regional Council.

The words in the NZCPS are clear and directive. Where the word 'avoid' is used it means 'not allow' or 'prevent the occurrence of'<sup>18</sup>. King Salmon states that an 'overall balancing approach' should not be

<sup>16</sup> A district plan must give effect to —  
(a) any national policy statement; and  
(b) any New Zealand coastal policy statement; and  
(c) any regional policy statement

<sup>17</sup> SC 82/2013 [2014] NZSC 38 Environmental Defence Society Inc v New Zealand King Salmon Company Limited

<sup>18</sup> SC 82/2013 [2014] Para 24(b)

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used when implementing the directive or prescriptive policies of the NZCPS. In the case of Policy 15 an 'environmental bottom line' is created and the adverse effects cannot be balanced against positive effects through revisiting Part 2 of the RMA. The following policies in the District Plan are at conflict with the interpretation of the NZCPS through King salmon decision:

*Policy 1 - "That both positive and adverse effects of development on outstanding natural features and landscapes be taken into account when assessing applications for resource consent.*

*Policy 2 – That activities avoid, remedy or mitigate significant adverse effects on both the natural and the cultural values and elements which make up the distinctive character of outstanding natural features and landscapes.*

*Policy 3 - That the cumulative effect of changes to the character of Outstanding Landscapes be taken into account in assessing applications for resource consent.*

*Policy 5 - That the adverse visual effect of built development on outstanding landscapes and ridgelines be avoided, remedied or mitigated."*

#### **4.5.2 Consistency of language**

"Outstanding Natural Landscapes" is the term used in section 6(b) of the RMA, in Policy 15(a) of the NZCPS and in the RPS. The District Plan currently uses the term "Outstanding Landscapes", which is inconsistent with these higher order documents. This has the potential to add a layer of confusion as the term "Outstanding Landscape" is not defined or used anywhere else in any relevant statutory documents. Consistency of language is important as it enables the plan user more certainty, in this case when addressing matters of national importance. The intent of the District Plan provisions is to protect Outstanding Natural Landscapes, as such the term should remain the same and not be shortened to a term not consistently used elsewhere.

#### **4.5.3 The drafting of Issues**

Issue 1 identifies Outstanding Natural Landscapes and their capacity to accommodate change without appreciable 'visual impact'. Outstanding Natural Landscapes are identified using a set of values or attributes called the WESI criteria. There are a number of different values or attributes that may contribute to a site being identified as 'outstanding', it is not limited to just 'visual impact'. Instead of just identifying 'visual impact' it would be more appropriate to identify the 'characteristics and qualities' or the 'attributes' that contribute to the values that make up an Outstanding Natural Landscape, as opposed to just singling out one. This issue would be better drafted to read:

*The values attributed to Outstanding Natural Landscapes and Outstanding Landscape Features have a relatively low capacity to accommodate change.*

Issue 7 as it is framed has no place in this chapter because Maori cultural landscapes are primarily different to Outstanding Natural Landscapes. Tangata whenua values are a factor or value to consider when identifying an Outstanding Natural Landscape, however Maori cultural landscapes as such are

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not a section 6b RMA matter (unless they contribute to the overall values of an Outstanding Natural Landscape).

#### **4.5.4 The drafting of Objectives**

The objectives in the natural and physical resources chapter have generally been drafted like policies in that they are explaining the 'how'. In some instances they identify avoiding adverse effects where they should be addressing the 'outcome'. Below is an example of a current objective in the District Plan relating to Outstanding Landscapes (or Outstanding Natural Landscapes) and a suggested change to align with best practice. Note that the protection of Outstanding Landscapes from inappropriate subdivision, use and development is addressed already in Objective 1 and is repeated in the first part of Objective 4.

Objective 4 *To avoid adverse effects and to encourage positive effects resulting from land use, subdivision or development in outstanding landscapes and natural features and Maori cultural values associated with landscapes.*

Suggested change: Subdivision, use and development is managed to encourage positive effects in Outstanding Natural Landscapes, natural features and Maori cultural values associated with landscapes.

#### **4.5.5 Natural Character of the Coastal Environment**

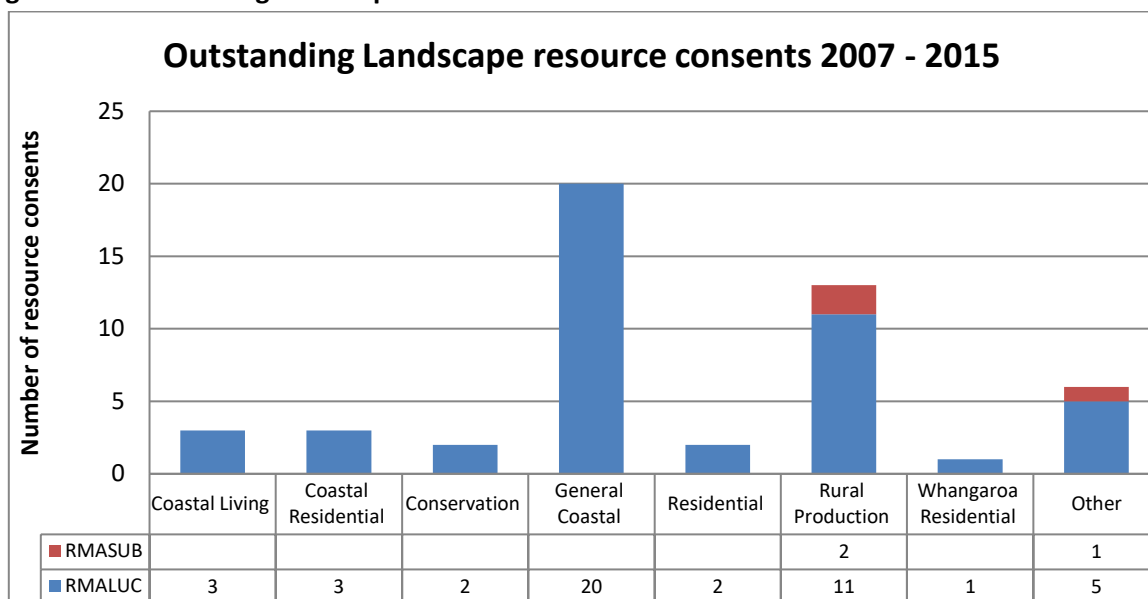
The preservation of natural character in the coastal environment and its protection from inappropriate subdivision, use and development is a requirement in section 6(a) of the RMA and Policy 13(1) of the NZCPS.

No policy framework currently exists within the District Plan for the preservation of natural character of the coastal environment and its protection from inappropriate subdivision, use and development. The natural character areas of the coastal environment have not previously been mapped by FNDC. The mapping of high and outstanding natural character has recently been done by Northland Regional Council. The criteria for establishing these areas are identified in Policy 13(2) of the NZCPS. Inclusion of provisions that relate to the natural character of the coastal environment could potentially either sit within this chapter or within the coastal chapter.

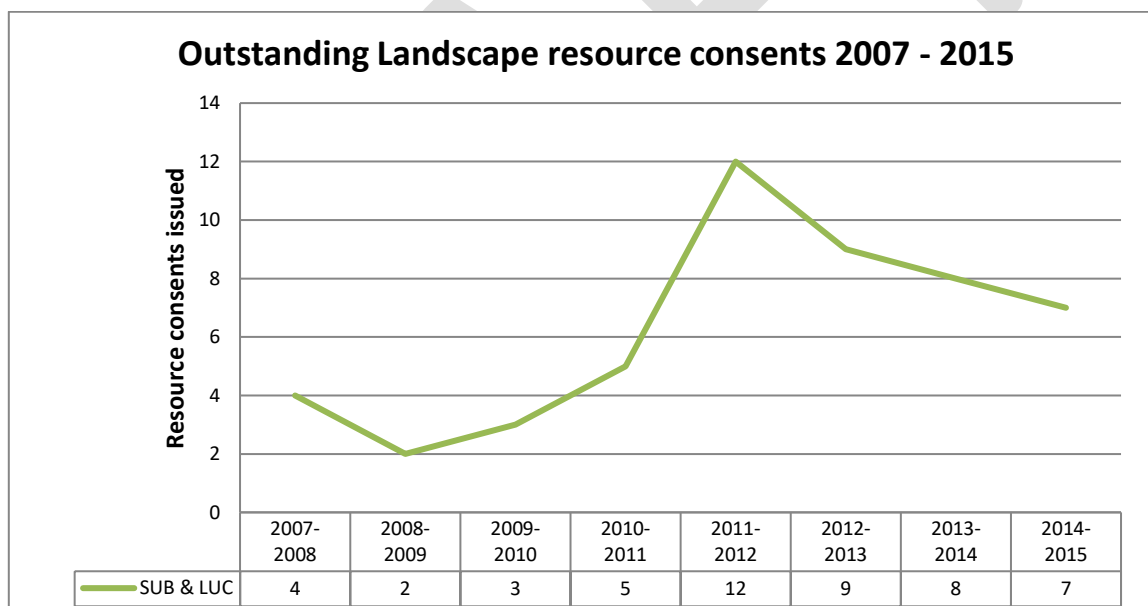
#### **4.5.6 Resource consents**

A total of 50 resource consents were received in relation to Outstanding Landscapes between July 2007 and January 31 2015. **Figure 28** below further details in what zones those resource consents were received. Out of the 50 consents issued only three were for subdivision, meaning 94% of all applications were land use applications. The majority of applications were either in the General Coastal zone or the Rural Production zone. As can be seen in the table below there was a peak of resource consent applications issued in 2011, from then there has been a steady decline leading up to 2015.

**Figure 28 - Outstanding Landscape Resource Consents**



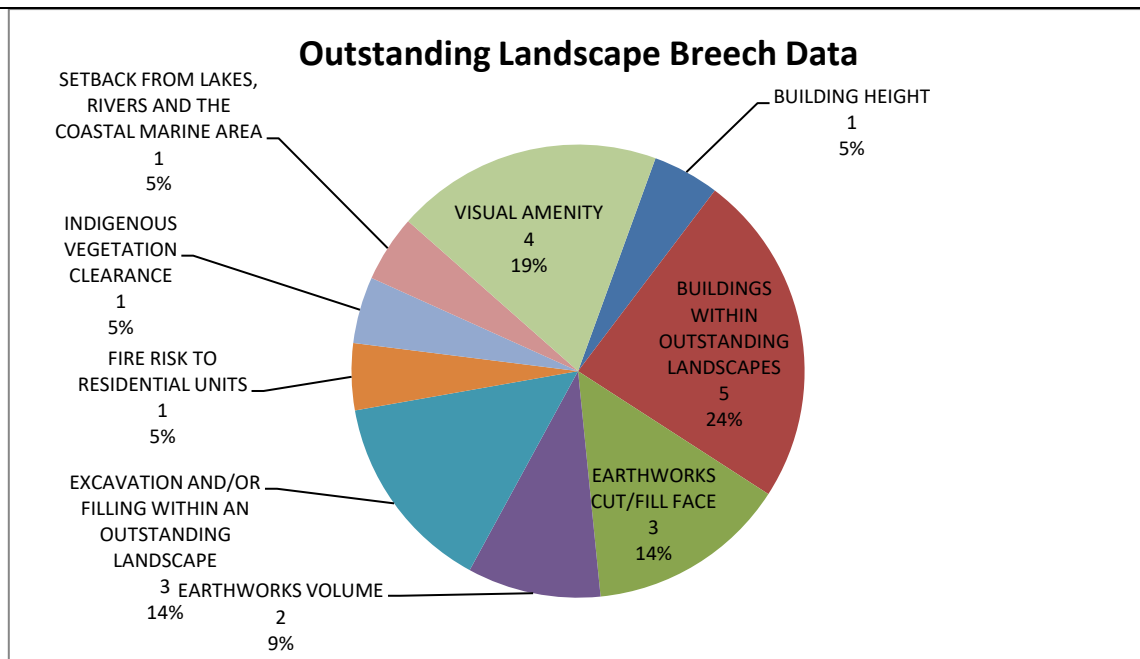
**Figure 29 - Outstanding Natural Landscapes Resource Consents Issued**



#### 4.5.7 Breaches of resource consents

The breaches identified in the figures below may help us better understand the nature of the land use consent applications since 2007. **Figure 30** identifies a total of 21 breaches to the relevant rules in the District Plan from the time records area available (2013 – 2015). This data may assist in determining whether rules most commonly breached are the most efficient and effective means of meeting the relevant policies, objectives and environmental outcomes expected.

**Figure 30 - Outstanding Landscape Breach Data**



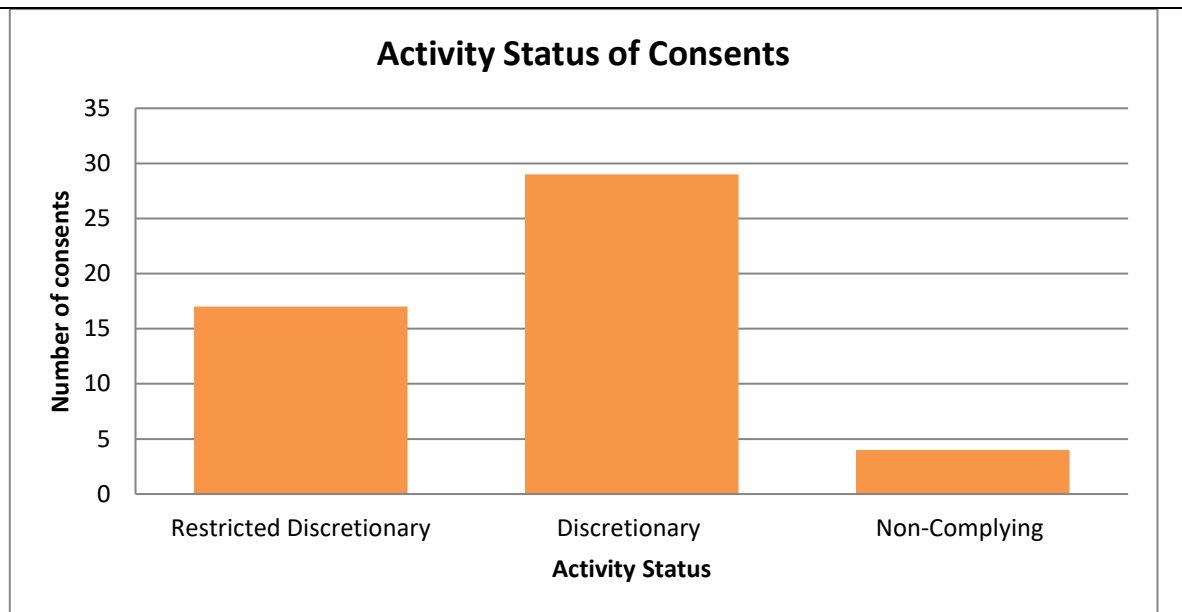
Of the sample of 21 breaches, 37% related to earthworks (being a combination of excavation, filling, cut/fill face and volume), 24% related to buildings within outstanding landscapes and 19% related to visual amenity. The nature of the breaches suggests that the degree of development in these outstanding areas was greater than that envisaged by the provisions in the plan. While visual amenity is not a standard addressed in the Outstanding Landscape rules, it is picked up along with breaches relating to buildings within Outstanding Landscapes in the General Coastal zone. Where this happens the non habitable threshold for buildings reduces to 25m<sup>2</sup> and resource consent is required for a habitable dwelling. It therefore is understandable that this is a common breach of the controls as building a dwelling of any size will require a resource consent within an Outstanding Landscape.

### 5.8 Notification of resource consents

Understanding the approach to notification is an important factor because it has a direct bearing on the level of third party involvement and cost of the resource consent process, but more importantly investment and development behavior with respect to the Plan. Of the 50 consents that were issued over this period only two were notified applications. The lack of notified applications may suggest that the breaches to the controls as they relate to Outstanding Natural Landscapes incurred no more than minor effects on the environment. This may indicate that the current thresholds that apply in these Outstanding Landscapes are too onerous and that these landscapes may be able withstand further modification. A caveat to this statement would be that cumulative effects on the coastal environment would become more of a factor and a greater consideration to any further development rights would need to be given in these locations.

**Figure 31 - Activity status of consents**





Of the resource consents that required consent 58% of them were Discretionary activities. Discretionary activities are activated in the District Plan within Outstanding Landscapes where applications fail to comply with one or more of the standards for permitted, controlled or restricted discretionary activities.

#### **4.6 Indigenous Flora and Fauna**

The Far North District has a land area of around 651,709 hectares . Approximately 267,000 hectares of that area (around 40%) comprises indigenous habitat<sup>19</sup>. Due in part to the relatively large area of indigenous habitat remaining, but also due to the district’s unique geology, the Far North retains a diverse suite of ingenious ecosystems and is host to a large variety of native plants and animals, many of which are found only in the Northland area. In fact the Northland Regional is commonly referred as a biodiversity hotspot owing to the diversity of unique ecosystems and associated flora and fauna.

The planning implementing the indigenous flora and fauna provisions relied heavily on the mapping of “Significant Natural Areas” undertaken as part of the Department of Conservation’s Protected Natural Areas Programme (PNA). The use of the Department’s PNA process for the purpose of identifying significant natural areas was common practice by Territorial Authorities across the country, but the process was inherently flawed for the use with RMA planning documents due to mapping inaccuracies and because the process tended to focus on the *best* remaining habitat rather than significant habits in the context of s6(c) of the RMA (Maseyk and Gerbeaux 2014<sup>20</sup>).

The new Regional Policy Statement for Northland (RPS) includes, amongst other things, policies and methods aimed at maintaining and protecting significant ecological areas and habitat. The new RPS

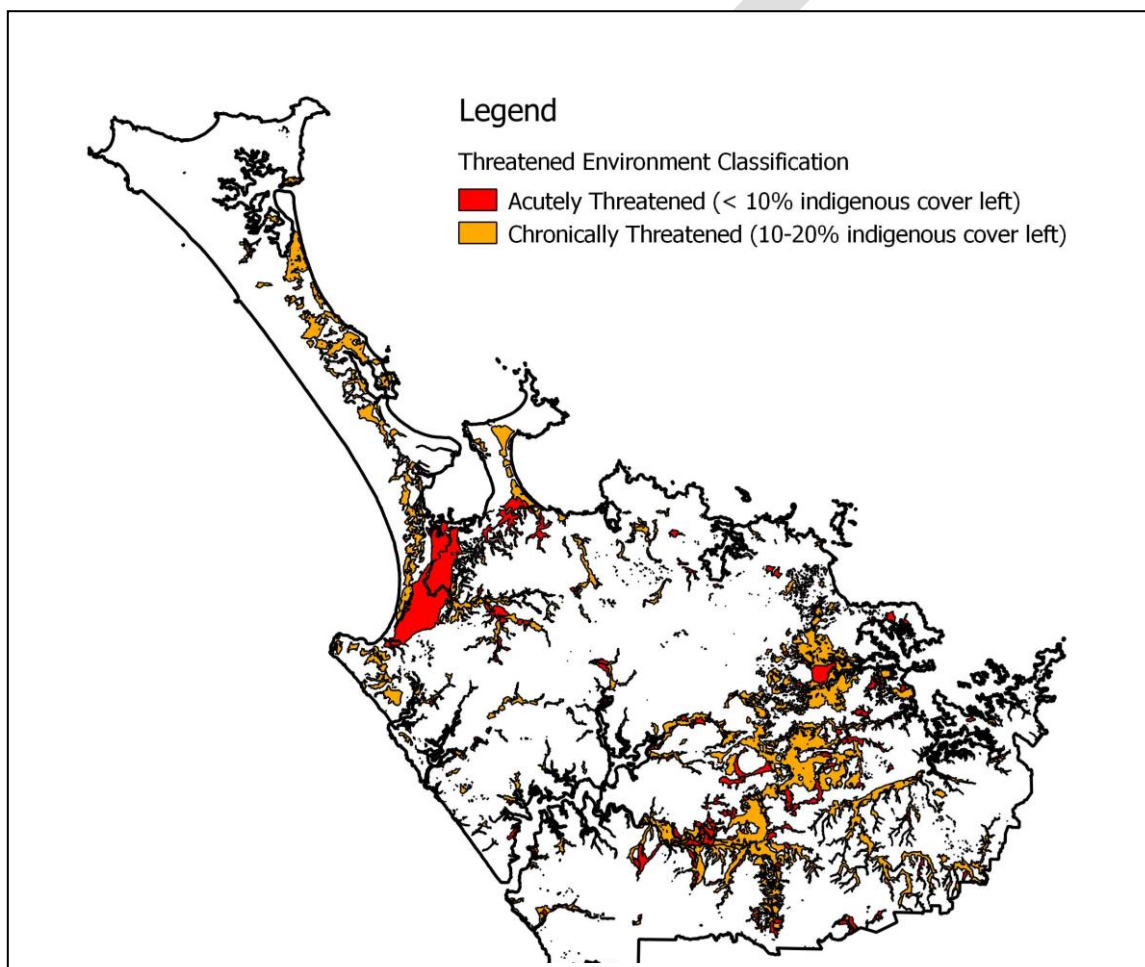
<sup>19</sup> Data obtained from Land Cover Database Version 4: <https://iris.scinfo.org.nz/layer/412-lcdb-v40-land-cover-database-version-40>

<sup>20</sup> Maseyk and Gerbeaux 2014. Advanced in the identification and assessment of ecologically significant habitat in two area of contrasting biodiversity loss in New Zealand. *New Zealand Journal of Ecology* 39: 116-127.

identifies significant ecological areas as including modified habitat remnants that are acutely or chronically threatened (sites where there is less than 20% indigenous cover left)<sup>21</sup>.

The total area of land in the Far North District that falls into the category of acutely or chronically threatened is approximately 104,422 hectares (see **figure 32**). Given that nearly half of the District's indigenous vegetation is located on private land, one of the key challenges for the District Plan review process will be developing a Plan that gives effect to the biodiversity provisions of the RPS whilst achieving the right balance with regard to the social and economic wellbeing of property owners.

**Figure 32 Acutely and Chronically threatened environments in the far North District**



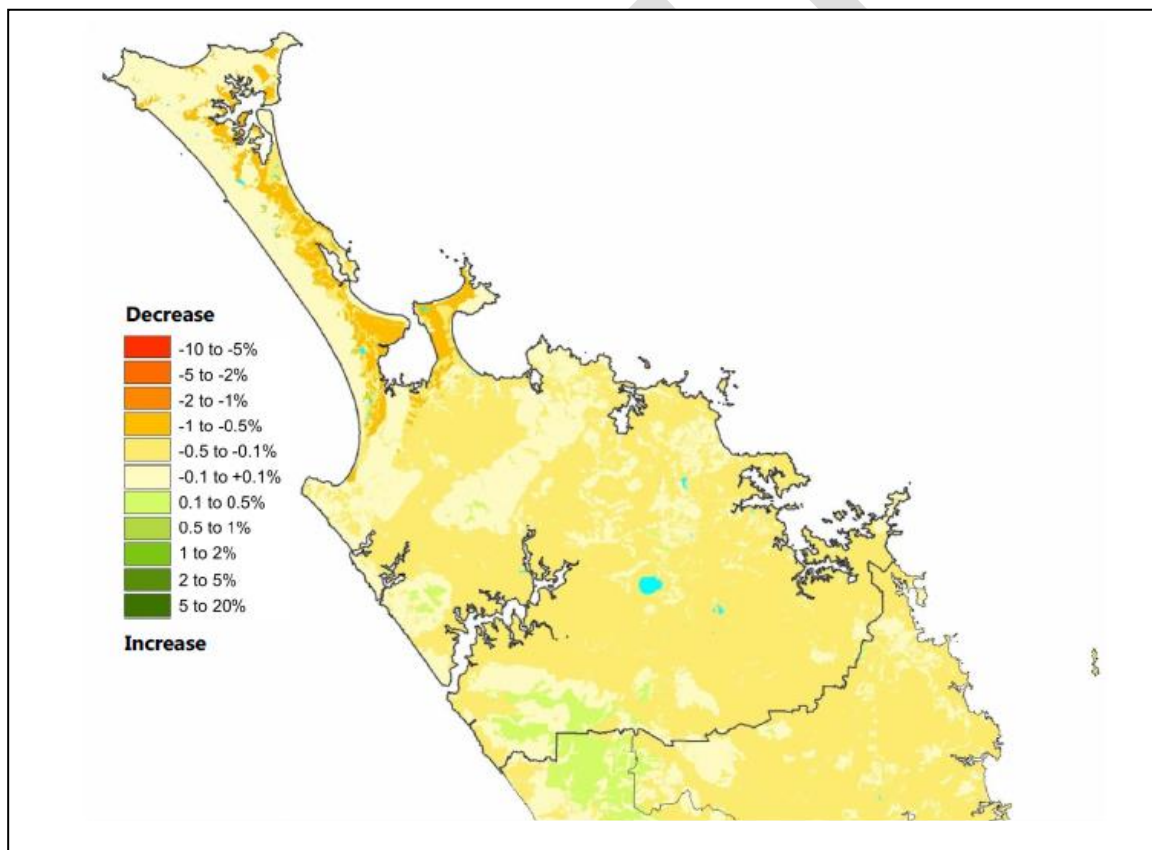
Most notably, Landcare Research has completed a large amount of work over the years assessing the temporal changes in indigenous land cover at a national scale (for example Walker *et al.* 2005, Walker

<sup>21</sup>). Guide for Users of the Threatened Environment Classification, August 2007, Authors: Walker S, Cieraad E, Grove P, Lloyd K, Myers S, Park T, Porteous T, for Landcare Research New Zealand Ltd.

*et al.* 2006, Cieraad *et al.* 2015). The work carried out by Cieraad *et al.* (2015) reports on the most recent synthesis of land cover changes, providing a national scale assessment of remaining native biodiversity in New Zealand drawing on the results of updated spatial datasets of New Zealand land cover. The overall national trend over the last decade has been one of biodiversity decline.

It should be emphasised that the work carried out by Landcare provides a national scale picture, and so it cannot be used to draw direct conclusions for the Far North. However, to understand the matter further, Landcare Research was commissioned to complete an assessment of land cover change between 2002 and 2012 using the same spatial datasets utilised by Cieraad *et al.* (2015) covering the Far North District only. The resulting map is provided in **Figure 33** below.

**Figure 33 - Change in the percent of Land Environments New Zealand Level 4 environments in indigenous cover between 2002 and 2012**



The work undertaken by Landcare Research suggests that the natation trend of overall habitat loss is carried though to the Far North District, with around a 0.5 to 1% decrease of indigenous vegetation cover along the east coast of the Te Hiku area, and decline of around 0.5-0.1% throughout the rest of the district.

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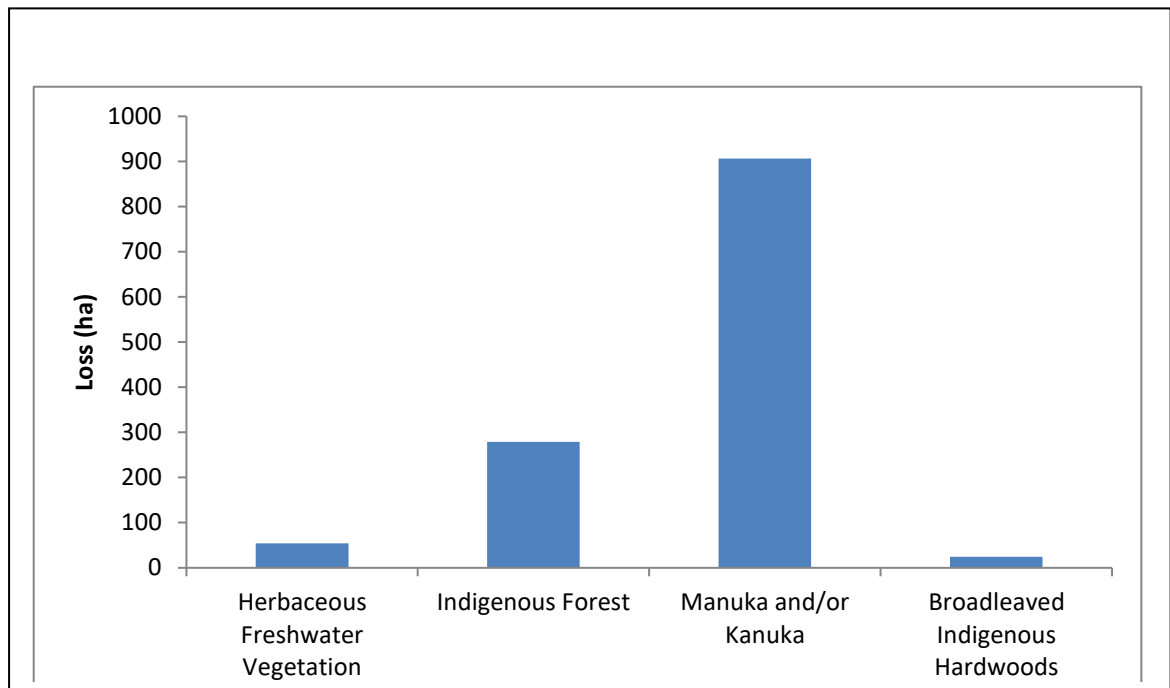
Whilst the work produced by Landcare is useful for providing an overall picture of land cover change throughout the district, it should be noted that there are a number of data uncertainties with the process used; that is, uncertainty about whether the changes were actual change on the ground or database corrections or errors. Nevertheless the work provides the best indication of indigenous land cover changes over the last decade taking into account the limited information currently available.

In addition to the above work, the Land Cover Database version 4<sup>22</sup> was used to complete an analysis of changes in vegetation cover over the period of summer 2008/09 (around the time the plan become operative) and summer 2012/13. The results of that analysis indicate that indigenous vegetation cover throughout the district declined by about 1200 hectares over the four year assessment period. Results of the analysis by land class type are provided in **Figure 34** below.

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<sup>22</sup> <https://iris.scinfo.org.nz/layer/412-lcdb-v40-land-cover-database-version-40>

**Figure 34 - Vegetation loss in the Far North District between summer 2008/09 and summer 2012/13**

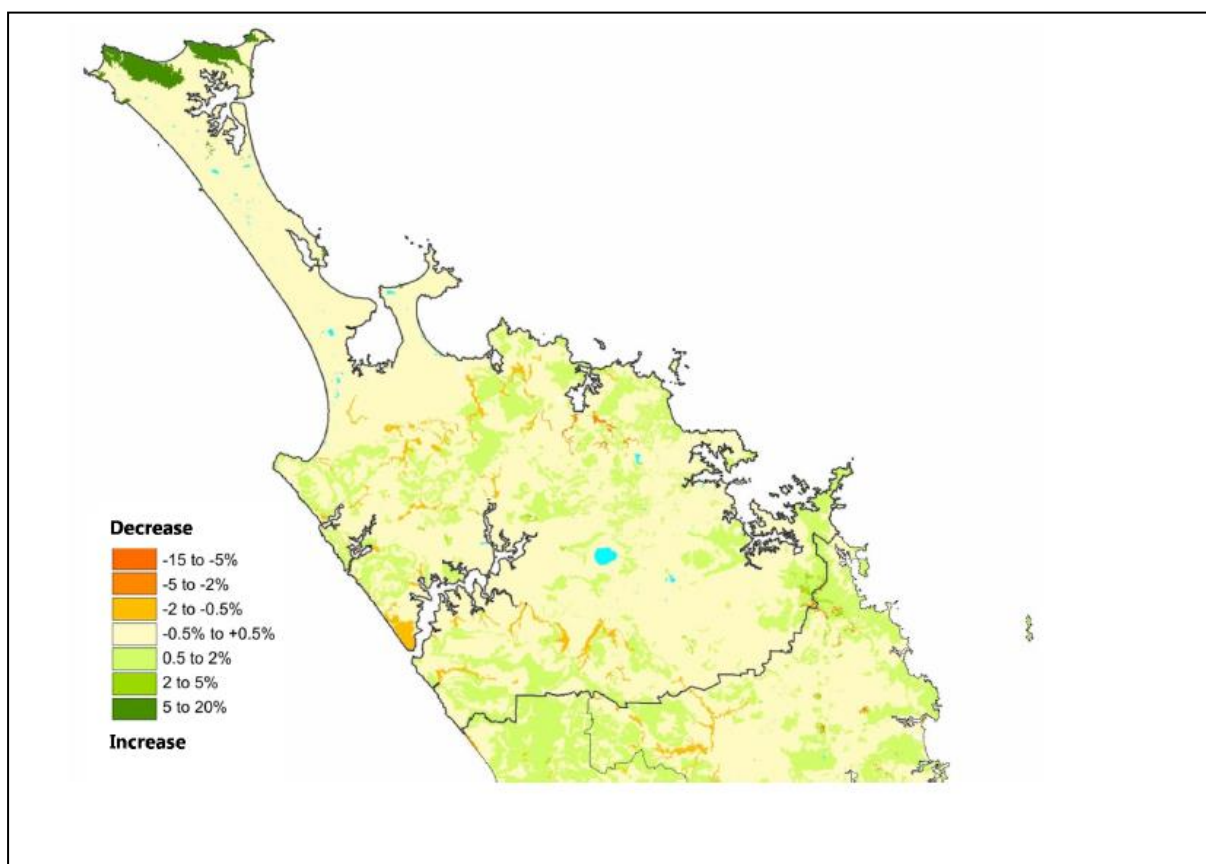


#### **4.6.1 Legal protection**

In terms of levels of formal protection, at a national scale, Cieraad *et al.* (2015) describe a pattern of increased levels of protection over habitat types that already enjoyed good levels of protection; and reduced protection of habitats that were previously poorly protected and in decline. Changes in protection between 2002 to 2012 are depicted at a district level in **Figure 35**. That work suggests that there has been a net increase in protection over the last decade or so. However, it is not clear if this increase in protection follows the same polarising trend described by Cieraad *et al.* (2015); that is, an increase in protection in those habitats already highly protected.

FNDC has implemented a policy (# R04/11) to allow for the remission of rates on land subject to protection for outstanding landscape, cultural, historic or ecological purposes. The policy was implemented to give effect to Method 12.2.5.13 of the District Plan, which sets out that FNDC will allow for to the remission or postponement of rates in areas afforded permanent legal protection through a covenant or reserve status. Since 2002, the approximate area of covenants registered with FNDC that give protection to indigenous vegetation is 1,839ha.

**Figure 35 - Change in the percent of Land Environments New Zealand Level 4 environments legally protected between 2004 and 2012**



In addition to the above area, long-term protection of indigenous habitat on private land is also secured via Queen Elizabeth II National Trust (QEII) and Nga Rahui Whenua covenants. These covenants are also subject to rates remission and postponement policy # R04/11. Data provided by QEII indicate that a total of 187 covenants are presently registered in the Far North District, covering a total area of 5171 hectares. The total area protected by QEII covenants has nearly doubled since 2002, at which point 2379 hectares was registered with the Trust. Details of the types of habitats protected, and the relative areas, are provided in **Table 11** below.

**Table 11 - QEII Open Space covenants registered within the Far North District**

Habitat type	No. of Open Space covenants	Surveyed Area (Ha)
Coastal/semi-coastal forest and/or scrubland	41	802.7
Coastal/semi-coastal wetland	7	259.9
Coastal/semi-coastal wetland + forest and/or scrubland	8	108.0
Dune	2	18.4
Dune + wetland	3	104.5

Geological feature	1	1.5
Lowland forest and/or scrubland	106	3222.8
Lowland wetland + forest and/or scrubland	14	587.4
Lowland wetland + forest and/or scrubland	5	65.9
<b>Total</b>	<b>187</b>	<b>5171</b>

With Regard to Nga Rahui Whenua sites, the Ngā Whenua Rāhui Fund provides funds to help protect indigenous ecosystems on Maori land. Information provided by the Department of Conservation (which administers the fund), indicates that a total area of around 6500 hectares of Māori land in the Far North District has gained protection through the Nga Rahui Whenua process. It is assumed that this land comprises exclusively of indigenous ecosystems.

QEII covenants, Ngā Whenua Rāhui protection and covenants registered with FNDC for rates remission/postponement are the main forms of voluntary legal protection on private land within the district. Together these protection mechanisms equate to a total area of around 13500 hectares, which is about 10% of area of indigenous vegetation located on private land. It is reasonable to assume the bulk of the FNDC covenants were registered in order to receive the rates remission or postponement, and so it is possible to conclude that 1839 hectares of indigenous vegetation on private land has been protected largely through the implementation of Method 12.2.5.13 of the District Plan. The influence of that method on the extent of QEII covenants is not so clear because rates remissions is only one of many reasons why a property owner would seek to protect indigenous vegetation on their land.

The environmental outcomes set down in Chapter 12.2 provide a clear expectation in respect of the maintenance and enhancement of significant vegetation and rare or endemic plants and animals in addition to improving the extent of formal protection of indigenous vegetation on private land.

The provisions in Chapter 12.2 place heavy reliance on non-regulatory mechanisms (i.e. “Other Methods”). However many of these methods have not been implemented; or were implemented and have since stopped, a key example being the Significant Natural Areas Committee and associated funding. In this case the Committee was intended to play a substantial role in developing voluntary means of maintaining, enhancing and protecting indigenous habitat.

In addition to the limited implementation of the “Other Methods” contained in Chapter 12.2, there is insufficient information available to allow for a detailed assessment of the efficiency and effectiveness of Chapter 12.2. Of particular note is that there is virtually no information available with regard to the extent of vegetation clearance being carried out under the permitted activity rules contained in Chapter 12.2. To put this issue into context, it is worth considering the extent of the vegetation cleared under the previous permitted activity framework. Specifically, between 2003 and 2007, following the full retraction of the first proposed District Plan, the indigenous Flora and Fauna Chapter of the Plan (then Chapter 11) contained a permitted activity rule that allowed for the clearance of vegetation on rural production land provided 15 days notice was given to FNDC. Over the period that the rule was in effect FNDC maintained an effective monitoring process. That process involved commissioning an ecological assessment and long term monitoring of tracts of permitted vegetation clearance. Over the

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four years that the rule was in effect, property owners notified FNDC of indigenous vegetation clearance totaling 1,200 hectares.

Although the permitted activity provisions at the time were not particularly useful at promoting the maintenance of indigenous vegetation on private land, the notification and monitoring process was at least an effective means of understanding the extent and type of permitted indigenous vegetation clearance being carried out throughout the district. In contrast, the permitted activity rules contained in the current District Plan are substantially more restrictive but do not require any form of notification by anyone relying on the rules. Consequently, since 2007, there has been no way of gaining a detailed understanding of the extent or type of indigenous vegetation being cleared that relies on the permitted activity rules in Chapter 12.2. This represents a substantial knowledge gap, particularly taking into account the limited area of vegetation clearance that has been authorised by resource consents.

In terms of consented activities, an assessment of resource consents granted between 2007 to 2015 indicates that very little vegetation clearance is being consented. Over that period, a total of 24 resource consents were issued that allowed for indigenous vegetation clearance. The vast majority of those authorisations were for ancillary activities for property developments; that is, very few applications were for indigenous vegetation clearance only. The total area of vegetation clearance authorised by these resource consents is 8 hectares. Given that a total of 1200 hectares was cleared in the four years between 2003 and 2007 as a permitted activity (permitted clearance after that time was not recorded), it is reasonable to assume that the 8 hectares of consented clearance between 2007 and 2015 represents a minor proportion of actual indigenous vegetation removal over that period, particularly taken into account the national trend of overall biodiversity decline.

## **4.7 Heritage**

Under 'Section 6 Matters of national Importance' of the RMA, all persons exercising functions and powers under the Act, shall recognise and provide for 6(e) *"the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga"* and "6(f) *the protection of historic heritage from inappropriate subdivision, use, and development"*.

The Heritage New Zealand Pouhere Taonga Act 2014 provides that Heritage NZ Pouhere Taonga maintains the New Zealand Heritage List/Rārangi Kōrero. Inclusion on the list does not provide automatic protection but it does record the importance of historic places. The Heritage New Zealand Pouhere Taonga Act 2014 gives legal protection to archaeological sites.

In 2012 some interim data gathering was carried out in regard to heritage and a report card produced titled 'Cultural and Historic Heritage'.

The following sections describe the environmental outcomes expected, the indicators developed to assess the degree to which the outcomes have been achieved and an analysis of data available relating to these the indicators.



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#### **4.7.1 Chapter 10.9 – Russell Township Zone**

The following indicators have been developed in an attempt to assess whether or not the environmental outcomes expected from Chapter 10.9 Russell Township Zone have been achieved. The outcomes are as follows:

##### 10.9.2 Environmental Outcomes Expected

*These outcomes supplement those set out in Section 10.2.*

*10.9.2.1 A Russell Township Zone in which activities and development occur in a way that is compatible with the historic heritage and amenity values of Russell, and where there are no significant adverse effects on the environment.*

*10.9.2.2 The intrinsic character of Russell and its significance as New Zealand's oldest European settlement is recognised and preserved by controlling development within defined boundaries.*

Indicator(s):	<b>Indicator - Number of consents granted within the Russell Township Zone and the most common rule breach.</b> Seven consents have been granted within the Russell Township Zone since 2008. The most common rule breach is of permitted standard rule 10.9.5.1.5 - <i>Building Scale</i> . <b>Indicator - Number of consents in Russell Township Zone which address heritage issues.</b> Of the seven consents granted all except one addresses heritage issues as the consents were also within heritage precinct overlay areas. The most common rule breach is of the controlled activity rule 12.5A.6.2.2 - <i>Alterations to Buildings in all Heritage Precincts except Kerikeri Basin</i> .
Indicator Date:	June 2015
Explanation:	These indicators outline the number of consents within the Russell Township Zone which control development in order that it is compatible with the historic heritage and amenity values of Russell.
Data Source:	Far North District Resource Consent Data 2008-2014

**Comment** – The most common rule breach in the Russell Township Zone is the building scale rule which is controlling the bulk and scale of the built development within the zone. The most common heritage precinct rule breach relates to alterations to buildings. However, it is uncertain if the ‘intrinsic character’ of Russell is recognised and preserved as this has not been defined or explained and is therefore difficult to measure.

#### **4.7.2 Chapter 12.5 – Heritage**

The outcomes expected from Chapter 12.5 – Heritage are listed below as have the indicators which have been developed in an attempt to assess whether or not the outcomes expected have been achieved.

##### 12.5.2 Environmental Outcomes Expected

*12.5.2.1 Recognition and retention of the heritage values of identified historic buildings, objects, or features.*

Indicator(s):	<p><b>Indicator – Number of heritage buildings, sites and objects in the District Plan.</b></p> <p>There are 245 heritage buildings, sites and objects listed in Appendix 1E - Schedule of Historic Sites, Buildings and Objects of the Far North District Plan.</p> <p>In 2010 Plan Change 4 sought to make amendments to the Far North District Plan schedules. A number of historic buildings were included in Appendix 1E and modifications will be made to the district plan resource maps to reflect these changes.</p> <p>In 2012 Plan Change 11 sought to make further amendments to Appendices 1E - Schedule of Historic Sites, Buildings and Objects of the District Plan to update the schedule in order to improve efficiency.</p> <p><b>Indicator – Number of heritage buildings, sites and objects in the New Zealand Heritage List/Rārangi Kōrero (formerly the Register).</b></p> <p>There are 363 historic places, areas, wāhi tūpuna and wāhi tapu areas in the Far North District which are on the New Zealand Heritage List/Rārangi Kōrero (formerly the Register).</p>
Indicator Date:	June 2015
Explanation:	This indicator outlines the number of heritage items afforded protection by the District Plan and the New Zealand Heritage List/Rārangi Kōrero (formerly the Register)
Data Source:	Far North District Plan and New Zealand Heritage List/Rārangi Kōrero (formerly the Register).

**Comment** - The data indicates that there are less heritage buildings, sites and objects listed in Appendix 1E of the District Plan than are identified in the New Zealand Heritage List/Rārangi Kōrero (formerly the Register). This suggests that more heritage items may need to be afforded the additional protection of the district plan as inclusion in the New Zealand Heritage List/Rārangi Kōrero (formerly the Register) does not provide automatic protection.

#### 12.5.2.2 An improved level of knowledge and understanding of heritage resources.

Indicator(s):	<p><b>Indicator – Number and distribution of applications to the heritage assistance fund.</b></p> <p>Council does not appear to offer a heritage assistance fund.</p> <p><b>Indicator – Education advocacy work done by council and other organisations in regards to historic heritage.</b></p> <p>Council does not have the resources and does not do any planned education or advocacy work in regard to historic heritage.</p>
Indicator Date:	June 2015
Explanation:	Section 12.5.5.17 of the plan provides that the Council may operate a District Heritage Assistance Fund to provide grants and low interest loans for resource consents required under the District Plan and to encourage other conservation work.
Data Source:	Council records.

**Comment** - Council could and perhaps should partner with other organisations such as Heritage New Zealand Pouhere Taonga to and actively plan to do education and advocacy work in regard to historic heritage.

#### 12.5.2.3 No unnecessary loss of identified notable trees.

Indicator(s):	<p><b>Indicator: Number of new notable trees added to the district plan.</b> There are 134 notable trees listed in Appendix 1D – Schedule of Notable Trees of the Far North District Plan.</p> <p><b>Indicator: Number and distribution of notable trees lost (also a breakdown of reasons why)</b> In 2010 Plan Change 4 sought to make amendments to the Far North District Plan Schedule of Notable Trees. New trees were added to the Schedule (i.e. trees that meet the Notable Tree assessment criteria but were not included on the Schedule); There were also trees deleted from the schedule. These trees were either physically removed since being listed on the schedule or it is considered inappropriate that the tree be included on the schedule. Corrections of legal descriptions for existing trees on the schedule to accurately locate tree/s were also made; and amendments to the District Plan zoning maps to reflect these changes. The Schedule of Notable Trees was introduced in the Far North Proposed District Plan in April 2000. Since the preparation of this schedule there has been a growing awareness of a number of trees currently listed that have either died or suffered significant damage. There are also other trees worthy of inclusion which were originally omitted from the schedule. Following completion of the review the following amendments were made to the plan: 15 trees currently listed in the Schedule were removed; 28 trees were in need of immediate remedial work; A number of trees were incorrectly located on the District Plan maps; and 10 nominated trees met the criteria for inclusion in the Schedule of Notable Trees. A search of the Monitoring Department complaints process has not identified any notable trees in the district which have been removed.</p>
Indicator Date:	June 2015
Explanation:	This indicator outlines the number of Notable trees afforded protection by the plan.
Data Source:	Far North District Plan and Plan Change 4

**Comment** – The formal plan change process has enabled Council to identify and explain the loss of some notable trees. Although no loss of notable trees has been identified through the complaints process it would be necessary to do some checking of this by way of a sample of the notable trees identified in the schedule or with a regular check of all notable trees.

#### 12.5.2.4 No unnecessary modification of archaeological sites.

Indicator(s):	<p><b>Indicator: Number of archaeological sites in the District Plan</b> There are 183 archaeological sites listed in Appendix 1G – Registered Archaeological Sites of the Far North District Plan.</p> <p><b>Indicator: Number of archaeological sites on the New Zealand Heritage List/Rārangī Kōrero (formerly the Register);</b> There are 205 NZAA sites on the New Zealand Heritage List/Rārangī Kōrero (formerly the Register).</p> <p><b>Indicator: Number of archaeological sites in the NZAA index</b></p>
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	Access to the NZAA Index has not been achieved although enquiries have been made with NZAA. An investigation of the NZAA GIS ArchSite indicates that there are a large number of NZAA recorded archaeological sites in the Far North District. Informal information obtained from NZ Heritage Pouhere Taonga estimates that there are over 8,000 recorded archaeological sites in Northland (comprising the Far North, Whangarei and Kaipara districts) and this and others are being recorded all the time.
Indicator Date:	June 2015
Explanation:	This indicator outlines the number of NZAA sites identified within the district plan.
Data Source:	Far North District Plan, New Zealand Heritage List/Rārangī Kōrero (formerly the Register), NZAA GIS ArchSite

**Comment** – The indicators related to this outcome may only tell part of the story regarding modification of archaeological sites. No data has been gathered in regard to consented or unconsented excavation which may have effects on archaeology. Perhaps we need to be working more closely with NZ Heritage Pouhere Taonga in order to determine if the numbers of authorities to modify archaeological sites have been issued in our district. A review of the outcome and/or indicator may be required in order to include this dimension.

*12.5.2.5 Recognition and retention of the heritage values of specified areas of Russell, Kohukohu, Mangonui, Kerikeri Basin and Rawene (which are coastal settlements with related values), and Waimate North and Pouerua, (which are inland areas with heritage values).*

Indicator(s):	<p><b>Indicator: Total number of consents granted within heritage precincts.</b>  The resource consent data below summarises the number of consents that have been granted within the heritage precincts identified in the plan:</p> <table style="margin-left: 20px;"> <tr><td><i>The Strand:</i></td><td style="text-align: right;">3</td></tr> <tr><td><i>Wellington Street:</i></td><td style="text-align: right;">2</td></tr> <tr><td><i>Christ Church:</i></td><td style="text-align: right;">5</td></tr> <tr><td><i>Mangonui:</i></td><td style="text-align: right;">4</td></tr> <tr><td><i>Kohukohu:</i></td><td style="text-align: right;">3</td></tr> <tr><td><i>Rawene:</i></td><td style="text-align: right;">2</td></tr> <tr><td><i>Kerikeri Basin:</i></td><td style="text-align: right;">10</td></tr> <tr><td><i>Te Waimate:</i></td><td style="text-align: right;">2</td></tr> <tr><td><i>Pouerua (Pakaraka):</i></td><td style="text-align: right;">2</td></tr> </table> <p><b>Indicator: Total number of consents granted within Visual Buffer Zones.</b>  The resource consent data indicates that 10 consents have been granted within the Kerikeri Basin Heritage Precinct Visual Buffer overlay.  Note: the indicator refers to the 'Visual Buffer Zones', is this more accurately an 'overlay' rather than a zone.</p>	<i>The Strand:</i>	3	<i>Wellington Street:</i>	2	<i>Christ Church:</i>	5	<i>Mangonui:</i>	4	<i>Kohukohu:</i>	3	<i>Rawene:</i>	2	<i>Kerikeri Basin:</i>	10	<i>Te Waimate:</i>	2	<i>Pouerua (Pakaraka):</i>	2
<i>The Strand:</i>	3																		
<i>Wellington Street:</i>	2																		
<i>Christ Church:</i>	5																		
<i>Mangonui:</i>	4																		
<i>Kohukohu:</i>	3																		
<i>Rawene:</i>	2																		
<i>Kerikeri Basin:</i>	10																		
<i>Te Waimate:</i>	2																		
<i>Pouerua (Pakaraka):</i>	2																		
Indicator Date:	June 2015																		
Explanation:	These indicators outline the number of consents within heritage precincts and the Kerikeri Visual Buffer overlay which control development in order that there is recognition and retention of the heritage values of the specific precinct.																		
Data Source:	Resource consents data.																		

**Comment** - A closer examination of resource consents may be required, particularly in regard to conditions imposed, in order to determine whether or not the outcome has been achieved. A review of the outcome may be required to ensure clarity and measurability.

*12.5.2.6 Knowledge and understanding of sites of cultural significance to Maori.*

*12.5.2.7 Recognition and retention of the Maori values relating to sites of cultural significance.*

Indicator(s):	<p><b>Indicator – Number of Sites of cultural significance to Maori in the District Plan.</b> There are 332 sites of cultural significance to Māori in Appendix 1F: Schedule of Sites of Cultural Significance to Māori, in the District Plan.</p> <p><b>Indicator – Number of Sites of cultural significance to Māori within the District Plan which are water bodies.</b> There are 15 sites of cultural significance to Māori within the District Plan which are water bodies.</p> <p><b>Indicator – Number of Sites of cultural significance to Maori in Iwi and Hapu Management Plans.</b> While sites of cultural significance to Māori are referred in the Iwi and Hapu Management Plans lodged with Council they are not specified in any of the plans.</p> <p><b>Indicator – Number and distribution of Sites of cultural significance to Maori on Iwi and Hapu GIS.</b> No data has been obtained to identify sites of cultural significance to Māori on Iwi and Hapu GIS.</p> <p><b>Indicator - Number of Cultural Impact Assessments conducted as part of a resource consent application where Tangata Whenua are determined to be an affected party.</b> Few cultural impact assessments are provided with resource consent applications. Council’s data base does not provide a suitable means to record when CIA’s are provided or required for resource consents.</p>
Indicator Date:	June 2015
Explanation:	These indicators outline the number of sites of cultural significance to Māori and
Data Source:	Council records and Iwi/Hapu Management Plans.

**Comment** – There is a paucity of information to determine if these cultural outcomes have been achieved. The outcomes, indicators and methods of data gathering need to be reviewed in order to provide clear and measurable outcomes.

*12.5.2.8 No unnecessary damage, destruction or modification of archaeological sites.*

This outcome is almost identical to 12.5.2.4 No unnecessary modification of archaeological sites. See above for data and assessment.

*12.5.2.9 Active involvement by Māori in decision making about, and management of Sites of Cultural Significance to Maori.*

Indicator(s):	<b>Indicator – Frequency of consultation on resource consents/ plan changes and frequency of pre consultation on resource consents.</b>
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	<p>Consultation with Māori is undertaken for all plan changes and generally follows the process whereby Iwi/Hapu Management Plans are assessed to determine if the proposed plan change is identified as an issue in the plans lodged with Council. All Iwi are notified about the plan change at the draft notification and full notification stages of the process. is may be undertaken but is more likely to be just</p> <p>Anecdotally and following a discussion with the Principal planner the number of resource consents that come in where the applicants have undertaken pre-consultation with Māori is 'not very many'. Pre-consultation is likely to have taken place if the site contained a Site of Cultural Significance to Māori or had a distinctive figure such as a Pa site.</p>
Indicator Date:	June 2015
Explanation:	This indicator requires an analysis of the resource consent process to determine whether or not there is active involvement of Māori in decision making.
Data Source:	Council records and Iwi/Hapu Management Plans.

**Comment** - The process of consultation on resource consents and plan changes needs to be more clearly defined in order to ensure active involvement by Māori in decision making.

There are several 'other methods' included in the heritage section of the plan that are worthy of note see below:

Section 12.5.5.12 – *The Council will hold an up to date copy of the NZAA database and will make this information available to the public.*

**Comment** - The information on the NZAA database is not currently made available to the public.

Section 12.5.5.13 - *Where any person wishes to protect, maintain or upgrade heritage resources, or to obtain a heritage order or a Plan Change to the schedule of historic buildings and objects, and in doing so is required to make application to the Council, consideration will be given to the waiving of application fees (pursuant to s36 of the Act).*

**Comment** - No information is available to determine if the waiving of fees for any person wishing to protect, maintain or upgrade heritage resources, or to obtain a heritage order or a Plan Change to the schedule of historic buildings and objects.

Section 12.5.5.14 - *Where heritage resources are afforded permanent legal protection through means such as a covenant, an application may be made to the Council for rates relief according to Council policy.*

**Comment** - From the information available it appears that there has been no uptake of the rates relief policy in regard to heritage resources afforded permanent legal protection through means such as a covenant

12.5.5.17 - *The Council may operate a District Heritage Assistance Fund to provide grants and low interest loans for resource consents required under the District Plan and to encourage other conservation work.*

**Comment** - There does not appear to be a District heritage Fund to provide grants and low interest loans for resource consents and to encourage other conservation work.

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In summary it is considered that there is insufficient evidence to show whether the above methods are efficient and overall, there is insufficient data to be able to assess the efficiency of the plans.

DRAFT