

FNDC - PROPOSED DISTRICT PLAN

COASTAL ENVIRONMENT, NATURAL CHARACTER & OUTSTANDING NATURAL LANDSCAPES



FOR: FAR NORTH DISTRICT COUNCIL

MELEAN ABSOLUM LIMITED
Landscape Architects

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1 INTRODUCTION

Melean Absolum Limited (MAL) have been asked by Far North District Council (FNDC) to review a number of identified submissions and submission topics received in relation to three chapters of the notified Proposed District Plan (PDP). The chapters are:

- the coastal environment;
- natural character; and
- natural features and landscapes.

This last chapter includes provisions relating to outstanding natural features, (ONFs), as well as outstanding natural landscapes, (ONLs). Submissions relating to ONFs are not being considered in this report.

This work followed on from the review of the Draft District Plan provisions in relation to the same three chapters of the PDP, undertaken by Melean Absolum Ltd in March 2020. That report supported the s32 reports prepared ahead of the PDP notification.

The identified submissions and submission topics have been identified by the consultant planners advising Council, to assist them in preparing their responses to submissions. The topics are:

- Submissions seeking to remove, add or change mapped overlays;
- Submissions seeking relaxation of building controls in the Coastal Environment (CE) and Outstanding and High Natural Character overlays (ONCs and HNCs) and ONLs;
- The need to control the purpose of buildings;
- The need to control changes in farming activity;
- Submissions seeking to increase earthworks and vegetation clearance thresholds; and
- A range of miscellaneous issues.

In preparing this report the following information was referred to:

- The PDP as notified;
- The PDP maps, as notified;
- A summary of submissions and cross submissions;
- Individual submissions themselves;
- The Operative District Plan (ODP) and maps;
- The Regional Policy Statement, (RPS), including maps and appendices;
- RPS Natural Character Mapping Methodology;
- RPS ONL Mapping Methodology and worksheets;
- RPS CE mapping methodology and worksheets.

The summary of submissions was prepared by FNDC and made available for review. Reference was also made to the same information on 'Spoken' while it remained available, which enabled easier filtering of submission points etc. Access to the original submissions was also provided.

The Coastal Environment, (CE), Outstanding and High Natural Character Areas (ONC and HNCs), and the Outstanding Natural Landscapes (ONLs), included in the PDP maps are all derived from the Northland Regional Policy Statement (NRPS), having been identified as part of the Northland Mapping Project.

Where submitters have sought to have any of these overlays removed from all or parts of their properties, the following process was followed in ascertaining a response:

Firstly, a careful assessment of the overlay in relation to the aerial photography in the PDP maps was made. In some instances Google Maps and Google Street-view provided more up to date aerial and roadside photography which assisted in understanding the situation on the ground. Additionally, the attributes of the overlay as listed in the PDP Schedules and RPS were referred to, to establish what was intended to be protected by the overlay. If necessary, a site visit was made to view the situation from the nearest road, but the responses to submission requests are primarily based on a desk-top exercise, unless indicated otherwise.

It should also be noted that the desk-top exercise necessitated reliance on different data sets including current aerial photography and digitised overlays, which are likely to have utilised different aerial photography. Some minor mis-alignment is to be expected under these circumstances.

Where I considered there was some justification in the reduction or removal of the overlay, the assessment criteria¹ of the relevant overlay were carefully considered before a conclusion was drawn. Where the criteria relate to matters outside my area of expertise, this is made clear in the discussion.

It should be noted that the presence of less natural vegetation, such as gardens, lawns, forestry and orchards are unlikely to be appropriate within either a HNC or ONC overlay. These areas have been identified because of the presence of natural vegetation patterns, as well as other natural attributes, as identified in the definition of natural character provided for the Northland Mapping Project:

“Natural character occurs along a continuum. The natural character of a “site” at any scale is the degree to which it

- is part of nature, particularly indigenous nature*
 - is free from the effects of human constructions and non-indigenous “biological artefacts”²*
 - exhibits fidelity to the geomorphology, hydrology³ and biological structure, composition and pattern of the reference conditions chosen*
 - exhibits ecological and physical processes comparable with reference conditions*
- Human perceptions and experiences of a “site’s” natural character are a product of the “site’s” biophysical attributes, each individual’s sensory acuity and a wide variety of personal and cultural filters.”*

¹ As included in Appendix 1 of the PDP

² The term biological artefact is used in international scientific literature to represent human constructed and managed biological systems such as pasture for grazing, lawns, gardens, plantations and orchards. In the application of the methodology for measuring natural character such a distinction is not necessary.

³ In aquatic systems this includes water quality including nutrient levels.

In contrast, it is clear from many of the RPS ONL worksheets that homes, gardens, driveways and lawns etc can all be found in some ONLs. Additionally, ONLs were identified at a broader scale than the higher resolution, smaller units utilised in the identification of ONC and HNC areas. The scale of the ONL and its broader attributes are such that the presence of these less natural features will not necessarily detract from the landscape as a whole.

As a consequence, submissions seeking the removal of an ONC or HNC overlay from domesticated parts of a property are more likely to be accepted than those seeking removal of an ONL overlay from the same area. This is particularly true where the characteristics of the ONL specifically include human constructions such as houses, gardens, orchards and lawns etc.

Identification of the various overlays in the RPS does not mean that they cannot be re-considered at a more local scale. Indeed, refinement of the overlays is anticipated by the RPS provisions which include:

4.5.1 Policy – Identification of the coastal environment, outstanding natural features and outstanding natural landscapes and high and outstanding natural character

The regional council has mapped these areas. The maps form part of the Regional Policy Statement and are to be given effect to in district and relevant regional plans. These maps are supported by worksheets which are available from the Northland Regional Council. Any further assessments should use the attributes and criteria in Appendix 1.

The policy contemplates refinement of the maps in accordance with Method 4.5.4, following further detailed assessment, provided the change is undertaken using the attributes and criteria listed in Appendix 1. This is to ensure a consistent approach is adopted where such changes are proposed.

4.5.4 Method – Statutory plans and strategies

- (1) Within two years of this Regional Policy Statement becoming operative (or the first relevant plan change after the Regional Policy Statement becoming operative, whichever is the earlier) the regional and district councils shall notify a plan change to their relevant regional and district plans to incorporate the Regional Policy Statement – Maps subject to Method 4.5.4(2).*
- (2) The coastal environment, and areas of high and outstanding natural character within the coastal environment, and outstanding natural features and outstanding natural landscapes as shown in the Regional Policy Statement – Maps may be changed, provided the changes are:

 - (i) Undertaken using the attributes and criteria listed in Appendix 1; and*
 - (ii) Shown in the regional or district plan.**

A number of Appendices are referred to in this report and should be read in conjunction with the text.

2 SUBMISSIONS SEEKING CHANGES TO OVERLAY AREAS

The Natural Character chapter of the PDP deals with the natural character of freshwater, ie the margins of wetlands, lakes, and rivers. The natural character of the Coastal Environment is dealt with in the Coastal Environment chapter, including the identification of High and Outstanding Natural Character areas.

All submissions seeking to remove or make changes to mapped overlays in all three chapters are dealt with first, one chapter at a time, in the order in which they appear in the PDP.

2.1 NATURAL CHARACTER OVERLAY AREAS

No natural character overlay for freshwater margins is identified in the PDP maps. Some submitters suggest that High and Outstanding areas of natural character associated with freshwater need to be mapped, including Marianna Fenn (s542), the Forest and Bird Protection Society (s511) and Kapiro Conservation Trust (s442).

High and Outstanding Natural Character areas have been mapped within the Coastal Environment in response to Policy 13 of the New Zealand Coastal Policy Statement (NZCPS 2010) and its references to Outstanding and High natural character of the coastal environment. There is no similar requirement for the identification of High or Outstanding natural character areas associated with freshwater. Submission points seeking identification of areas of high and outstanding natural character around freshwater are therefore not supported.

Nevertheless, freshwater margins will contain variable levels of natural character values which may be relevant when development proposals in these areas are being considered. In fact, PDP policy NATC-P2 requires that natural character values be assessed in terms of APP1 Mapping methods and criteria. This appendix includes natural character assessment criteria that are taken directly from the NZCPS 2010, Policy 13, which includes reference to high and outstanding levels of natural character.

I am also aware that Federated Farmers have made submissions (s421.145 & 146) that request that the concept of high and outstanding natural character be removed from NATC-P2. Given that the assessment criteria in APP1 were developed for the coastal environment, I support this submissions to the extent that they are not appropriate for use in the freshwater environment.

In order to assess levels of natural character in freshwater margins it would, in my opinion, be more appropriate to use the criteria developed for the NPS Freshwater Management 2020. This policy statement includes Appendix 1B shown overleaf. In my view these criteria could be included, with some minor modifications, in the PDP APP1 as assessment criteria for levels of natural character in freshwater margins.

Appendix 1B – Other values that must be considered

1 Natural form and character

The FMU or part of the FMU has particular natural qualities that people value. Natural qualities may include exceptional, natural, or iconic aesthetic features.

Matters contributing to the natural form and character of an FMU are its biological, visual and physical characteristics that are valued by the community, including:

- a) its biophysical, ecological, geological, geomorphological and morphological aspects
- b) the natural movement of water and sediment including hydrological and fluvial processes
- c) the natural location of a water body and course of a river
- d) the relative dominance of indigenous flora and fauna
- e) the presence of culturally significant species
- f) the colour of the water
- g) the clarity of the water.

2.2 OUTSTANDING NATURAL LANDSCAPES OVERLAY

The PDP maps identify areas that have been identified as being outstanding natural landscapes (ONL) and features (ONF). As recorded above, the geographical areas notated have been taken from the Northland Regional Policy Statement (NRPS), having been identified as part of the Northland Mapping Project. Also as recorded above, submissions relating to ONF are being dealt with in a separate report.

2.2A FORESTRY IN ONL OVERLAYS

A group of forestry owners all sought to have ONLs removed from production forestry land. This includes PF Olsen NZ Ltd, (s91.012); and Summit Forests Ltd, (s148.030 and 148.053).

In principle, I support the removal of ONLs from areas of legally established forestry because the presence of non-indigenous tree species planted in rows of the same age will undermine the natural science factors, aesthetic and experiential values associated with an ONL.

None of the submissions identify any particular area as having an ONL overlay over established forestry. I have therefore carefully examined the aerial photographs in the PDP, and have identified 13 areas where small parts of forestry blocks appear to have an ONL overlay over them. I note that for some of these, the overlap may be a result of inconsistencies between mapped overlays and aerial photographs. These areas are listed below and shown in **Appendix A** to this report.

1. Matauri Bay south;

2. Mahinepua;
3. Okura Bay east;
4. Tangoake coast;
5. West of Renwick Road, Otaua;
6. Tahekiti Road, Omahuta;
7. East of Takahue Road, Takahue;
8. East end of Okakewai Road, Te Rore;
9. Makene Road, Mangamuka;
10. West of Mangataipa;
11. Northern end of Kauaepepe Road, Mohuiti;
12. Mansbridge Road, Broadwood; and
13. South-east of Kaitaia.

I support the submissions seeking removal of the ONL overlays from these identified areas of forestry.

One additional area of forestry within an ONL was identified just south of Rawhiti. The owner of this property (William Goodfellow, (s493.001)) has made a submission requesting the removal of the overlay from his land. This matter is discussed in detail in the next section of this report. In summary, I am not recommending removal of the ONL from the property because much of the forestry has been removed. That which remains, does not, in my opinion justify changes to the overlay.

2.2B ONL OVER OTHER LAND

[Dennis & Jennifer Whooley, \(s75.001\)](#)

These submitters state that the ONL area over their property at 2195 Waikare Road, Russell/Kawakawa has been drawn from very out-of-date aerials and all overlays (including ONC and HNC areas discussed below) should be removed completely. The relevant overlay is ONL57, 'Russell Forest and bush remnants'.

The submission states that several kilometres of roading have been put in place; there have been acres of land cleared; buildings constructed and resource consents issued for further buildings yet to be built.

I have referred to both NRC and Google Maps aerials in an attempt to understand this submission. Google Maps photos are labelled as being from 2024, but do not differ significantly from the NRC (FNDC PDP) maps, apart from the completion of one building and construction of another. I note that if searching this address in the PDP maps, a different property from that shown on the entry fence in Google Street-view is identified.

From the aerial photographs consulted the property appears to be covered in native vegetation with a series of tracks and building sites cut into the vegetative cover. There also appears to be one dwelling and one other building and a short wharf on the northern side of the southern peninsula of the property.

I note that the edges of the ONL do not cover the coastal edge of the property which is where the majority of the building and wharf developments appear to have been undertaken.

Having read the worksheet for this ONL I note the characterisation of the ONL includes the following:

The majority of the unit falls into two large catchments – flowing west to the Waikare Inlet, or east to the Whangaruru Harbour and ocean. A number of smaller catchments on the southern edge of the unit feed systems that flow to the south west, south and south east, including one that flows into the Hikurangi swamp and the Wairua River.

The landform within the unit rises to a maximum height of 430 m with a complex and dissected terrain over much of its area with little modification with the body of the forest. Development has occurred on the forest margins, and in places this has extended up valleys, particularly where roads provide access. Here, on the valley bottoms and gentle slopes pasture has been established, although regenerating vegetation evidences previous clearance of vegetation which has since been left to regenerate naturally.

The forest forms an important and powerful backdrop to the east coast, particularly where the steep and elevated landform is closer to the coastal edge around Whangaruru. Along the Waikare Inlet it [sic] the forested margins are less dramatic in character, but enhance the sense of naturalness and remoteness.

It is clear that some scattered development forms part of the landscape character of this ONL. I thus do not believe the presence of the roading through the property is sufficient to undermine the overall values of this ONL and do not support this submission point.

[Mark Wyborn, \(s497.002\), Ian Jepson, \(s494.001\) and John Bayley \(s490.002\)](#)

These three submitters have all asked for ONL 49, 'Parekura Headland & Orokawa Peninsula' overlay to be removed from parts of their properties, these being 187A Manawaora Road, Russell, 17B Jacks Bay Road (Lot 3 DP 48494) and 3A1 Orokawa Bay, respectively.

Having read the worksheet for this ONL, I do not believe the presence of these scattered houses are sufficient to undermine the overall values of this ONL. In particular, the worksheet includes the following under Landscape Characterisation:

"Built development is a component of this coastline. Most of that housing tends to be focused in embayments, leaving the headlands and peninsulas almost entirely free of development."

This is exactly the situation with these three submitters' properties. The overall landscape values assessed for the Northland Mapping Project included built development within the bays and their presence does not justify removal of the ONL overlay. I thus do not support these submission points.

[Ironwood Trustees Ltd \(s492.002\)](#)

This company owns a number of properties at Jacks Bay and another on the western edge of Waipiro Bay. They have requested that both the ONL and HNC over parts of some of their landholdings at Jacks Bay be removed. In particular they say that ongoing development of the residential sections on the northern headland mean that this area should not be identified as an ONL.

The relevant ONL overlay is again ONL 49, 'Parekura Headland & Orokawa Peninsula' which wraps around the coastal edge of the northern peninsula of their property.

Importantly, the overlay does not cover the upper portions of the residential sections, leaving these roadside areas free of ONL constraints, for the purposes of future residential development. Given the importance of the coastal vegetation lower down the slopes of these properties and its contribution to the ONL, I do not support this submission point.

Philip Thornton, (s496.001) and Eric Kloet (s491.002)

These two submissions relate to land at Waipohutukawa Bay and Pareanui Bay, respectively, which are both covered by the same ONL 49 as the previous submissions discussed. Both submitters seek removal of the ONL. As well as the quotation cited above, the worksheet also notes under Landscape Characterisation:

"An extensive and relatively recently [sic] subdivision on the headland has continued that pattern, and linked the coastal sequence with an extensive restorative planting programme."

The subdivision referred to is Omarino, undertaken by Bentzen Farms some years ago which includes the submitters' properties. It is clear from the description of the ONL in the worksheet that pockets of built development within the broader vegetative cover is a characteristic of this landscape. Given that these qualities were assessed as an ONL, I do not support these submission points.

Ricky Kloet, (s495.002)

This submission relates to Lot DP 488661 on the southern coast of Motuarohia Island which is covered by ONL 43, 'Bay of Islands'. The submission seeks that:

"... the HNC and ONL notations be removed from the land such that the submitter can continue to use his land in a manner consistent with the present planning regimen.[sic]"

I note that under the Operative District Plan (the present planning regime), the whole of Motuarohia Island is identified as an ONL. The worksheet for this ONL includes the following relevant excerpts:

Ecology

Motuarohia Island has 3 ecological types; pohutukawa-dominant, kanuka dominant, and a combination of both. It is cited as an example of a nationally rare vegetation type and a representative site for pohutukawa coastal forest. It is also important for the presence of threatened and regionally significant birds and the threatened Pacific gecko.

Naturalness

Very limited settlement & that which is present tends to be focused in contained areas. Islands are typically either completely clothed in developing indigenous cover or rapidly advancing through phases of colonisation to that state. Planting efforts on some of the islands is assisting that process.

Having read the assessment worksheet for this ONL, I do not believe the presence of the house and garden included in the submission are sufficient to undermine the overall values identified for this ONL. I thus do not support this submission point.

William Goodfellow, (s493.001)

This submitter requests removal of ONL45, 'Karakahuarua to Rawhiti Point' from parts of his properties at Omakiwi Cove just south of Rawhiti. The aerial photograph in the submission identifies the seven properties concerned and examination of the PDP maps shows that ONL 45 lies over them all.

Much of the landholding has been used for production forestry in the past, but the coastal edge remains clad in native vegetation and this is where HNCs 318 and 339, discussed below, are located. Although the forestry is shown in the PDP maps, Google Maps aerials show that the majority of the pines have been felled, with at least four skid sites being developed within the central part of the property. Those images also show replanting of the central forestry areas and earthworks and road construction across the northern peninsula.

A site visit in March 2024 revealed that the majority of the clear felled areas, including the earth-worked northern peninsula, appear to have been replanted with native vegetation, as shown in **Photographs 1** below and **2** overleaf. As can be seen, some pines are emerging among the native revegetation, but the majority of the vegetation is native. There is also a small block of mature pines remaining on the central part of the property, as shown in **Photograph 3** overleaf.



Photograph 1 Omakiwi entry looking north-west across the earth-worked and revegetated northern peninsula

The worksheet for this ONL states, under Naturalness:

"A clearly "lived in" landscape, with the settlement nearby and scattered housing within the unit. Despite the residential component of the landscape, natural patterns of vegetation cover and the consistency of the coastal margin serve to dominate and unify the settled aspect of this landscape."

In my opinion, the above excerpt from the ONL worksheet accurately describes the existing situation on the property. As such, the identification of the property as part of a larger 'lived in' ONL is, in my opinion, appropriate. I thus do not support this submission point. I also note that the gradual replacement of the production forestry with native revegetation will enhance the landscape values identified in the worksheet, over time.



Photograph 2 Looking south-east across the central valley to revegetated slopes with scattered emergent pines, presumed to be wildings



Photograph 3 Looking north-west from outside 515 Rawhiti Road towards the remaining pines along the ridge, with revegetation below them

[Amanda Kennedy, Julia & Simon Till \(s353.002\)](#)

These submitters own Butterfly Bay Lodge on the south-western headland at Tauranga Bay. Their submission seeks some amendments to the ONL22 overlay, 'Whangaroa Harbour Headlands', but as the submission states:

The submitters are working with a qualified landscape architect and ecologist to consider the accuracy of the character and landscape mapping as it applies specifically to the Landholdings. This is on the basis that some areas have characteristics and qualities that are of a low value on initial assessment. Further work will be undertaken and presented for consideration at time of the hearing.

It is difficult to either support or oppose this submission until further information is provided.

Muriwhenua Incorporated (s420.007 and 009)

Muriwhenua Incorporated have made a comprehensive submission in relation to their landholdings at Te Hāpua, on the east coast just south of North Cape. This includes the creation of new zones or a precinct to facilitate the development of papakainga and commercial activities at Te Hāpua. Additionally, the iwi seek to remove a number of overlays from their land.

Specifically, in s420.007 they seek removal of the ONL overlay from that part of their land that they propose be re-zoned Māori Purposes Rural Settlement zone, illustrated in **Figure 1** below. Having carefully reviewed the PDP maps relating to Te Hāpua, I can confirm that there are no ONLs over the area illustrated.

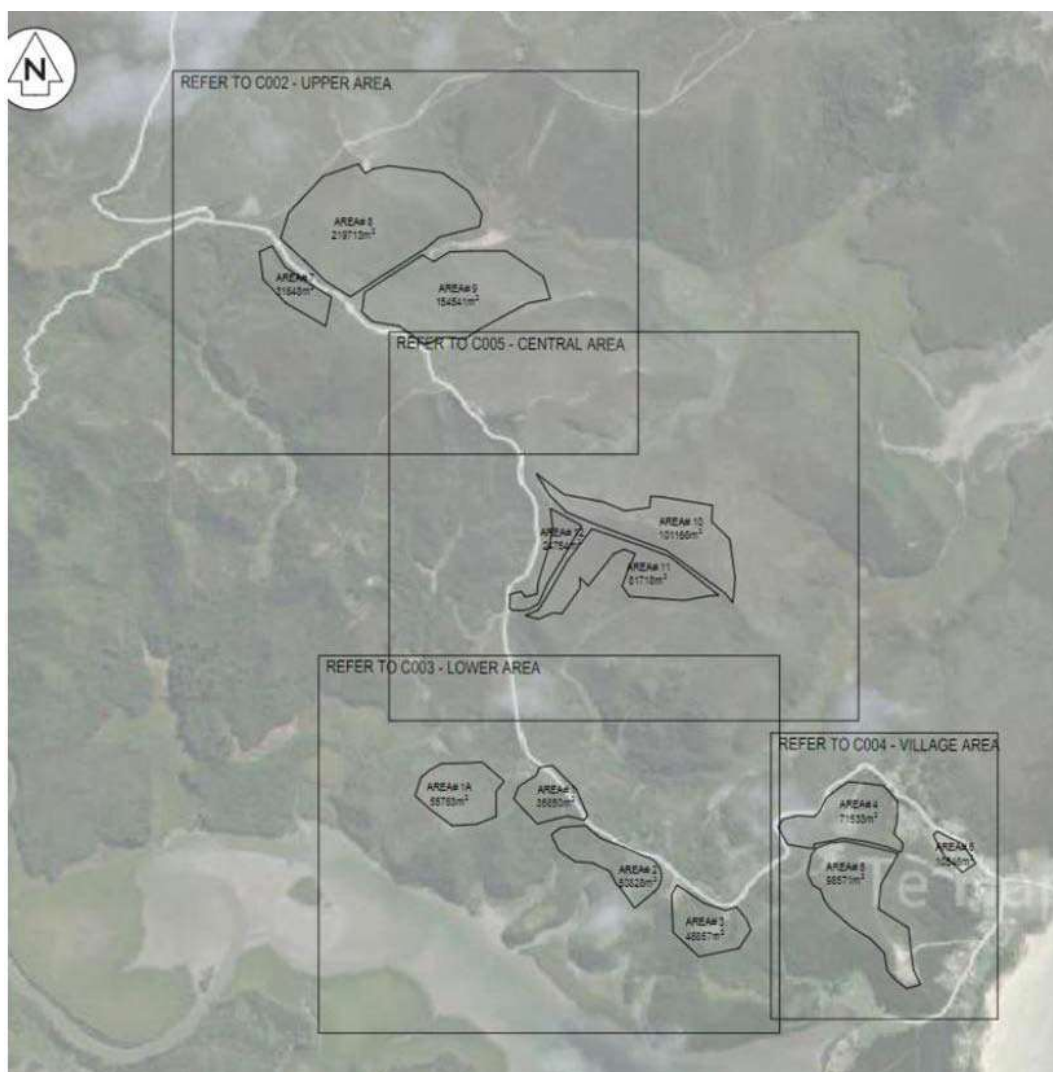


Figure 1 Proposed Maori Purpose Rural Settlement zone taken from p12 of the submission

Submission point s420.009 seeks the removal of the ONL "from that part of the Te Hāpua and Shenwood Forests that is greater than 500m from the coast." Although not defined in the submission, the areas of forestry referred to would appear to be those lying immediately east of Spirits Bay Road, as illustrated in the polygon in **Figure 2** below.

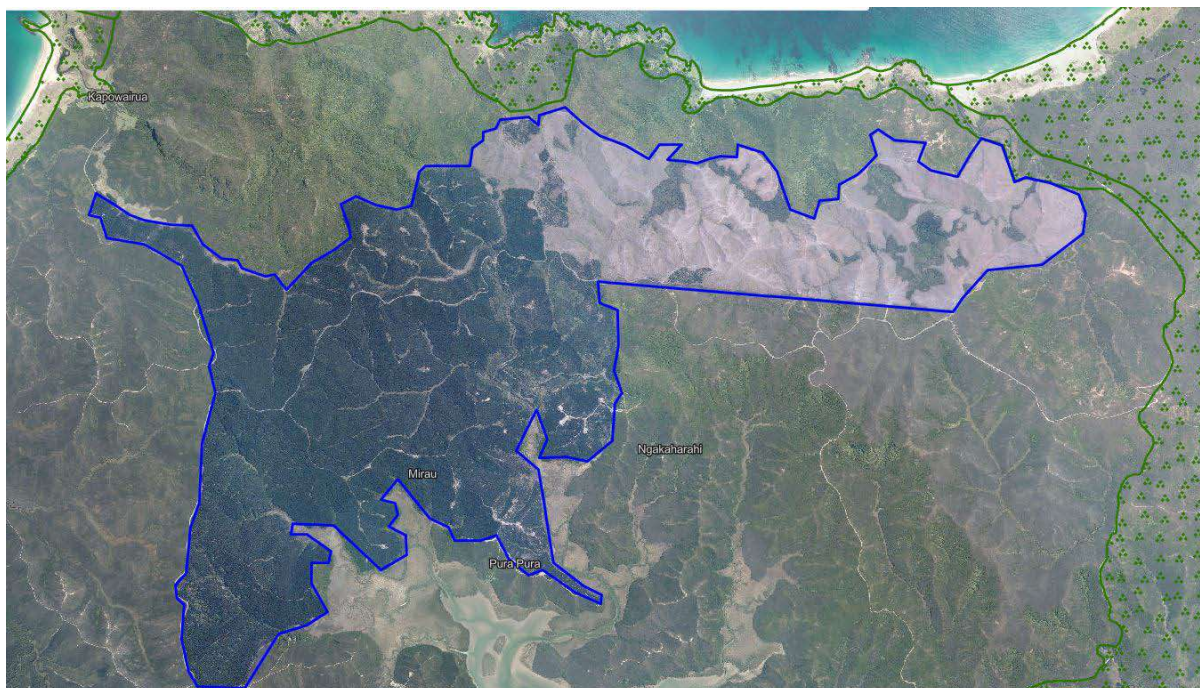


Figure 2 Excerpt from PDP maps with ONL overlay over aerial photography. The forestry areas referred to above are highlighted in blue

As can be seen, there is no ONL overlay over the areas of forestry.

Zeja Hu (s242.001)

This submitter seeks either the ONL overlay, or the PDP provisions that would apply as a result, be amended so that:

- "a constructing a dwelling and undertaking other customary associated activities; and
 - b undertaking farming activities
- on the non-bush covered areas of my site would be classed as permitted or controlled activities, thereby avoiding my site being rendered incapable of reasonable use and avoiding placing an unfair and unreasonable burden on me."

The site in question is at 79C Peninsula Parade, Hihi, an approximately 6.5ha property on the coastal edge of the eastern peninsula of Mangonui Harbour heads. The site comprises both grassed areas and a bush clad gully with native vegetation along the coastal edge, as shown in the photograph overleaf, taken from the Silver Egg Road boat ramp in Mill Bay, on the other side of the harbour entrance.



Photograph 4 Looking across Mangonui Harbour from Silver Egg Road boat ramp to the subject site, with Whakaanga rising behind

As can be seen in **Photograph 4**, the open paddocks on the eastern headland contrast with the surrounding bush clad slopes and draw the eye to this area. In fact the paddocks tend to attract attention as one progresses northwards along Silver Egg Road. Similarly, the paler open grass areas are distinctive in the views of the headland from the Rangikapiti Pa on the western side of the Mangonui Harbour Heads, a popular local walking destination, shown in **Photograph 5** below.



Photograph 5 The eastern Mangonui Harbour Headland seen from Rangikapiti Pa

ONL17, 'Mangonui Harbour Headlands' sits across both the eastern and western headlands that form the narrow entrance to the Mangonui Harbour. The worksheet for this ONL includes the following under Landscape Characterisation:

A strongly defined harbour entrance that is an important part of Mangonui's character, both in terms of views north east down the inner harbour shore, where it forms a powerful backdrop, and for vessels entering the harbour from Doubtless Bay.

Rangikapiti pa is one of the most graphic pa forms on the coast and commonly accessed by visitors. It holds a commanding strategic position over the outer harbour, harbour mouth and wider Doubtless Bay.

Importantly, it also includes the following excerpts under Aesthetic Values:

Diversity & Complexity

The relationship between the two landforms bridging across the harbour mouth, the interaction of the sea in various wave states and tidal / water clarity conditions, subtle vegetation associations and cultural dimensions to both elements combine to give this unit a high level of diversity and complexity.

Vividness

A very distinctive landscape entity and one that is intrinsically linked to Mangonui's character and sense of place. The pa site, in particular, has a wider role in the area's identity which relates to Coopers Beach and beyond. Highly memorable and vivid.

Naturalness

Whilst the unit does not contain buildings per se, it is closely linked to nearby structures, particularly on the Butler's Point side of the ONL. The proximity of the main Mangonui, Mill Bay and Cooper's Beach areas of settlement all impact upon the sense of naturalness experienced within the unit.

The relationship of the two sides of the harbour entrance are an important component of the ONL. In my opinion, the retention of the ONL across this Submitter's property is justified. Rather than rendering the submitter's property incapable of reasonable use, the provisions in the PDP which would apply as a result of the ONL overlay, will ensure that any development proposed on this highly visible site will be carefully considered by Council at the time of consenting. I do not support this submission point.

2.3 COASTAL ENVIRONMENT

The PDP maps show the coastal environment and identify areas within it that contain high or outstanding natural character. As recorded above, the geographical areas notated have been taken from the Northland Regional Policy Statement (NRPS), having been identified as part of the Northland Mapping Project.

The definition of natural character provided for the Northland Mapping Project is provided in the Introduction to this report.

Some submitters have sought to have the Coastal Environment overlay removed from their properties, while others have sought to have it extended over particular parcels of land. Additionally, some submitters seek that either Outstanding or High Natural Character (ONC and HNCs) overlays be removed from their land. These are dealt with separately below.

2.3A COASTAL ENVIRONMENT OVERLAY

[Muriwhenua Incorporated \(s420.006\)](#)

This submitter has requested that the Coastal Environment overlay be removed from:

"the Muriwhenua land, other than that land requested to be zoned Māori Development rural that is within 500m of mean high water spring, and the sites currently used for housing or business activity."

I note that this submission point is only one amongst several in a comprehensive submission. No reason is given for the removal of the CE overlay sought, but I assume it is related to the provisions that would subsequently apply to land within the overlay. Generally, I would not support the removal of this overlay, as it has been carefully identified as part of the Northland Mapping Project and indicates an existing relationship with the coast.

Given the wide-reaching nature of the submission, which includes the seeking of new zones or a precinct, it may be better to address this submission point as part of a more comprehensive response. This could include adjusting the CE provisions to suit an agreed precinct type solution.

[Haititaimarangai Marae Kaitiaki Trust \(s394.062\)](#)

This submitter has also made a very comprehensive submission, with many submission points relating to the Carrington Estate Special Purpose Zone. This includes the request that the CE be extended across the whole of Carrington Estate because, in the submitter's opinion, Carrington Estate meets many of the coastal environment criteria specified in Appendix 1.

I have read the Coastal Environment Mapping Methodology Report prepared by Mortimer Consulting in February 2014 as part of the Northland Mapping Project. I have also carefully considered the mapping methodology for the Coastal Environment included in Appendix 1 of the PDP, which includes a table of 9 'Areas / Characteristics', with more detailed criteria applying to each of the nine. While I am qualified to comment on some of these criteria, a

number are beyond my professional expertise. The following comments are therefore made within the limits of my expertise.

The Mortimer Coastal Environment Mapping Methodology Report records that for many years the Planning Tribunal and subsequently the Environment Court has had an:⁴

"accepted general definition of the coastal environment that it is "an environment in which the coast is a significant part or element". However, the Courts have also cautioned that "what constitutes the coastal environment will vary from place to place and according to the position from which a place is viewed."

The report goes on to state:

"A criteria-based approach, backed by field-testing, is required with a clear emphasis on determining whether the coastal influence on the land area in question is 'significant'".

Although the coast, including Puwheke, Karikari Beach and Waimango Lagoon are all visible from much of Carrington Estate, including from the winery, I do not believe that it forms a significant element to the whole property. There may be some scope for some readjustment of the CE boundary in places but I am reluctant to identify an alternative location for the boundary across Carrington Estate, because more detailed information would be required with input from various other disciplines. I also note that the submitter has not identified any particular location for the boundary to be.

I am aware that the submitter is involved in a separate process with respect to Carrington Estate and it may be that that process will include detailed consideration of the boundary of the CE. At the moment I do not support this submission point.

[Matauri Trustee Limited \(s243.128\)](#)

This submitter seeks that the CE overlay on part of their property be removed. The map **Figure 3**, below, shows the area where they seek the CE overlay removed outlined in red:

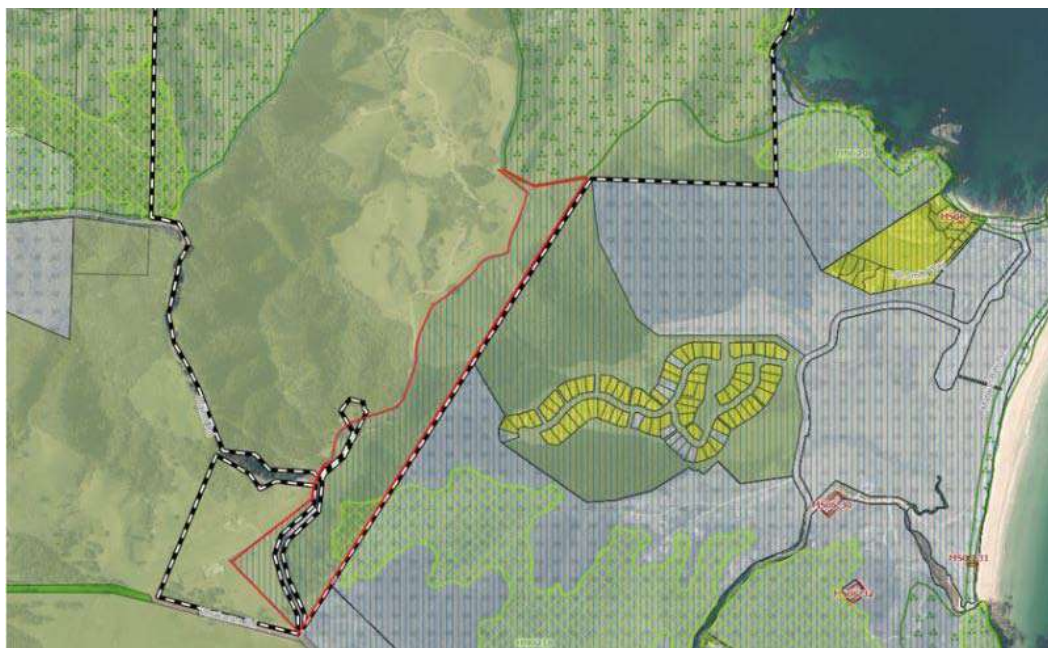


Figure 3 Area Matauri Trustee Limited requests be removed from the CE

⁴ Coastal Environment Mapping Methodology Report, Mortimer Consulting, February 2014, p9

I include below an excerpt from Appendix 1 of the RPS which shows some of the criteria used to identify the CE.

<p><i>Elements and features that contribute to the natural character, landscape, visual qualities or amenity values</i></p>	<p>Key evaluation criteria / elements:</p> <ul style="list-style-type: none"> a) Land contour / visibility from coastal marine area b) Landscape assessments c) Coast landform type (e.g. harbour, estuary, beach, rocky shoreline) d) Public access. <p>Generally included: Areas within the first prominent ridge line or contour, especially where:</p> <ul style="list-style-type: none"> a) These are close to the coast (nominally within 2km); and b) The land rises directly from the coastline up to the ridgeline; and c) The ridgeline is: <ul style="list-style-type: none"> o more or less parallel with the coast; or o otherwise forms a contiguous visual backdrop and / or catchment area enclosing a coastal segment such as a beach or embayment.
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Having examined both the alignment of the CE in relation to the local contours⁵ and the above cited criteria, it is my opinion that the majority of the area outlined in red should remain identified as CE. This is because the crest of the first ridge back from Matauri Bay runs along the alignment of the entry drive to the property (shown by the black and white dashed parallel lines) and continues along the crest of the ridge forming the western edge of the CE. The ridge rises directly from and within 2km of the coast at Matauri Bay and runs more or less parallel with the bay, providing a visual backdrop to the beach.

The small area that, in my opinion, should have the CE overlay removed from it is the small triangle to the west of the entry drive. This area is on the other side of the ridge crest and should be removed from the CE. I can support this submission point, but only to a very small extent.

John Andrew Riddell (s431.047)

This submission point seeks the expansion of the CE over the Kaimaumau Wetland "as set out in the relevant Environment Court decision". No decision is cited, but it would appear to be *Burgoyne v Northland Regional Council* [2019] NZEnvC 28 (19 February 2019). Mr Riddell appeared as an expert planning witness for the Director-General of Conservation during this hearing, which was one of a series dealing with water takes from Northland aquifers, primarily for avocado production.

I have quoted the relevant part of the Environment Court decision below.

"[19] At the hearing, however, the evidence was unequivocal that all of the Reserve Area (identified by us earlier as the combined Scientific and Conservation reserve) is a coastal area of importance lying just behind extensive dune and coastal wetland habitat. In fact, no witness before us disputed that the Kaimaumau-Motutangi Wetland is part of the coastal environment. This is of some particular

⁵ As shown by using the NZMS base map in the RPS mapping tool

*importance because the lowest lying areas within the area of application lie within the Kaimaumu-Motutangi Wetland. **Map B** shows the surveyed groundwater underlying aquifer levels and wetland groundwater levels. By extension, the topography utilises colour notations for metres above mean sea level (mASL). We accept that the area south of the Reserve Area is more tentatively connected to the coastal environment, and the exact delineation between the coastal environment and the hinterland is not as clear in this area.*

[20] Similarly, as one approaches Houhora harbour the exact extent of coastal environment, although back from the water's edge, would not cover the entire area of land within the aquifer. Given that there was no relevant dispute between the parties in respect of this area, it is not necessary for the purposes of this hearing to conclude the exact area of coastal environment. Suffice it to say the coastal environment includes all of the Kaimaumu-Motutangi Wetlands, namely all those areas shown in blue to light yellow through to blue on B. For current purposes we conclude that the Reserve Area (as we have defined it) is within the Coastal Environment."

The Map B referred to in the decision is included overleaf. The key on the map shows that the topography of the wetland in metres above sea level is illustrated in bands of colour.

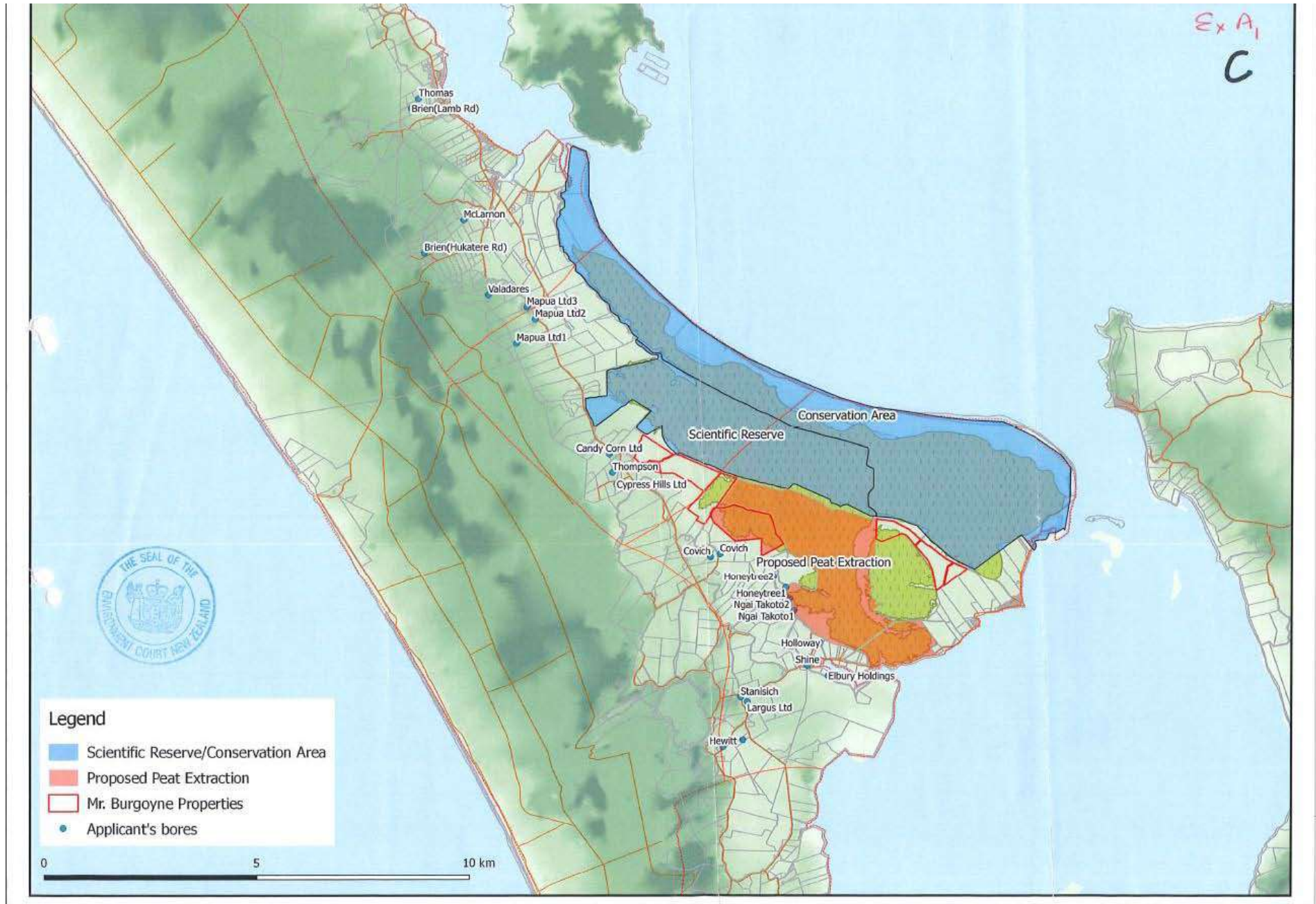
The landward edge of the CE as mapped in the RPS and PDP appears, from aerial photography, to follow a change in vegetation type or height and sits more or less consistently at about 1km from the coastal edge.

Although the Environment Court decision is somewhat ambiguous about which bands of colour in Map B it is referring to, it nevertheless concludes that both the Scientific Reserve and Conservation Area (together called the Reserve Area) is within the CE. I have also included Map C from the Environment Court decision, as this more clearly identifies the boundaries of the Scientific Reserve and the Conservation Area.

Given this decision, I support this submission point and suggest that, at least, the whole of the Conservation Area and Scientific Reserve areas should be included in the Coastal Environment overlay.



Ex A,
C



2.3B AREAS IDENTIFIED AS ONC AND HNC

A number of submitters requested that the identification of either ONC or HNC areas on their properties be reduced in extent or removed altogether.

Summit Forests NZ Ltd (s148.054)

This submitter states that HNC areas are over significant areas of SFNZ's plantation forests. Unfortunately, no location or HNC reference number is provided. In principle I agree with their request to remove HNCs from existing plantation forestry. This is because areas of ONC and HNC are identified for their natural character values. Areas of plantation forestry, which comprise single species trees planted in rows of the same age, interspersed with clear felled areas, skid sites and slash mounds do not, in my opinion, display natural character values worthy of protection.

Having checked the PDP maps I have identified five areas where ONC / HNC areas do appear to be over plantation forestry. Again, I note that for some of these, the overlap may be a result of inconsistencies between mapped overlays and aerial photographs. The list below identifies these areas by reference to the Area number shown on the aerial excerpts in **Appendix B**.

- Area 1 Kerikeri Inlet Road HNC 322;
- Area 2 Tauranga Bay East HNC 176;
- Area 3 Te Kao ONC 33 and HNC 51;
- Area 4 Tangoake coast HNC 47; and
- Area 5 Kohukohu Road HNC 503.

I support this submission point to the extent that the ONC / HNC layers are trimmed off underlying plantation forestry.

Mark Wyborn (s497.001)

This submitter asks for both the ONC and HNC overlays to be removed from parts of his property at 187A Manawaora Road, Russell. The map included in the submission shows both the ONL and HNC overlays across the property and identifies an area around the house and curtilage from which he seeks that ONC, HNC and ONL overlays be removed. Because there is no ONC overlay on this property and the area identified on the submission map corresponds with the edge of HNC370, I do not support this submission.

Paihia Properties Holdings Corporate Trustee Ltd & UP Management Ltd (s344.017)

These submitters, who own 120-128 Marsden Road, Paihia, request that the HNC 426 overlay be removed from their property below the 12m contour. These three adjacent properties (120, 124 and 128) are part of a larger MUZ area immediately east of the Paihia Beach Resort and Bar. At present the narrow (between 11m and 17m wide) flat area at the northern edge of the properties is metalled and until recently used for carparking. To the south of this area the coastal escarpment rises steeply and is clad in vegetation and merges with the adjacent Nihonui Scenic Reserve.

As can be seen from the two maps overleaf, the edge of HNC 426 does not extend down to the bottom of the coastal escarpment but leaves the bottom vegetated slopes free of the overlay.

Figure 4 below shows the site and 12m contour in red, as shown in the FNDC property and land maps.

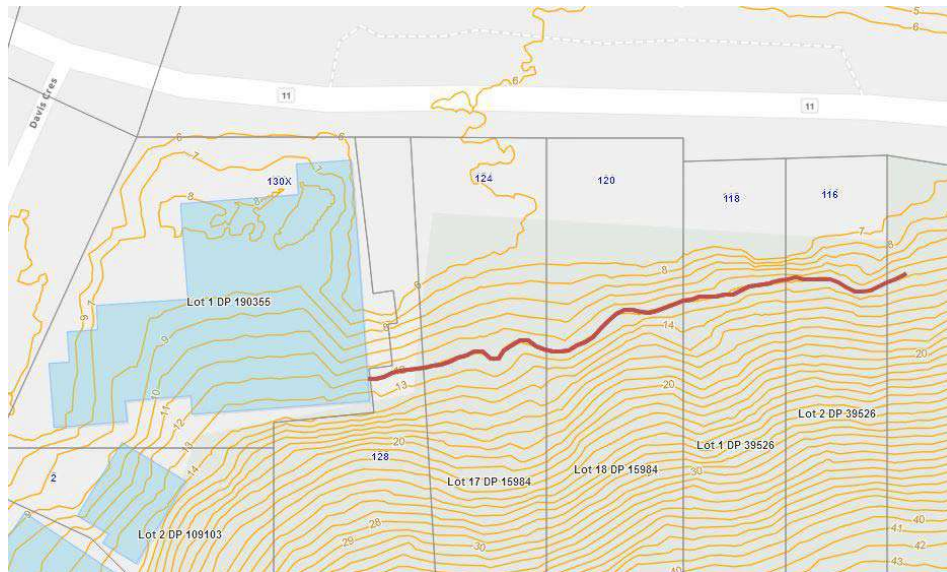


Figure 4

Figure 5 below shows the sites with HNC 426 visible over the aerial photograph of the site from the PDP maps.



Figure 5

It appears to me that the difference between the edge of the HNC and the 12m contour line, particularly across numbers 120 and 124, is minimal and development potential of the site will not be impeded to any extent by the presence of HNC 426.

HNC 426 is described in the PDP Schedule 7 and RPS as:

Summary Description:

Much of unit is part of the Opuia Forest managed by Department of Conservation. Hill slopes with indigenous forest with some outstanding sections including mature podocarp-mixed broadleaved forest (rimu-kahikatea/tairare-puriri). Some younger vegetation around urban margins, some with weeds.

Contributing Values:

Indigenous forest including patches of mature indigenous forest of outstanding natural character. Unit is part of a larger block of indigenous forest. Recently part of community pest control area. Apart from some margins adjoining the urban area, the unit is largely free of pest plants.

A site visit in March 2024 revealed that earthworks and construction activities are already taking place on the lower slopes of numbers 120-128, as shown in **Photograph 6**, below. I assume that the appropriate consents have been granted for this work and if any incursions into the HNC area have been made, they have been authorised.



Photograph 6 Earthworks and construction activities on numbers 120-128 in March 2024

Given the identification of the HNC overlay in the RPS, the values of the indigenous vegetation and the minimal difference between the 12m contour and the edge of the overlay, I do not support this submission.

[Waiaua Bay Farm Ltd \(s463.056\)](#)

This submitter requested deletion of the ONC over part of the Kauri Cliffs Golf Course within the Lodge sub-zone and close to the existing guest cottages.

The identification of the ONC80 is explained in the RPS as:

"Summary Description:

Coastal terrace with relatively mature native conifer-mixed broadleaved forest patch adjoining villas/buildings at Kauri Cliffs Golf Resort. This patch includes a large kauri and a broadleaved canopy of mature taraire & puriri. Unit does not include the areas between individual buildings. Some predator pest control.

Contributing Values:

Mature indigenous forest that is one of the very few remaining such areas on the open east coast north of the Bay of Islands ."

Given the importance of this stand of mature indigenous vegetation and its identification in the RPS, it is appropriate for it to be also identified in the PDP.

I am aware that Waiau Bay Farm Ltd has made a comprehensive submissions seeking, in part, to reconfigure the sub-zone arrangements on the property, as well as detailed amendments to the Kauri Cliffs Zone and subdivision provisions of the PDP. It seems to me that a comprehensive response to this submission is required. This may include the opportunity to address the concerns in relation to the ONC overlay.

PS Yates Family Trust (s333.110)

This submitter requests that the HNC overlay be removed from grassed areas at 1 and 23 Kokinga Point Road, Rawhiti. From my examination of the PDP maps, there appears to be a small area of grass with ONC99 overlay across it, close to the house at number 23 and a larger grass area with HNC339 across it at number 1, as illustrates in **Area 1** in **Appendix C**. As discussed above, the inclusion of less natural vegetation patterns is unlikely to be appropriate in an HNC overlay area. In my opinion it is appropriate to trim the two overlays from these grassed areas.

Ricky Kloet (s495.001)

This submitter requests the removal of the HNC from Lot 6 DP 488661 at the western end of Motuarohia Island. This property and the HNC overlay are illustrated in **Area 2** in **Appendix C**. HNC 331 is described in the PDP Schedule 7 and RPS as:

"Summary Description:

Steep coastal faces to west and south-west and inland hill slopes with kanuka-mixed broadleaved shrubland & forest. Includes one house and its curtilage and access way. Part of Project Island Song (animal pests eradicated)

Contributing Values:

Largely indigenous vegetation with few pest plants, but includes a house and curtilage. Relatively little human-mediated hydrological or landform changes except access ways. Animal pest free. "

Given the two very small areas of HNC over the property, the importance of this pest free indigenous vegetation and its identification in the RPS, it is appropriate for it to be also identified in the PDP. The submission point seeking its removal is not supported.

John Bayley (s490.001)

This submitter requests the removal of HNC 345 from parts of his property at Orokawa 3A1 Block. The narrow property extends across the Orokawa Peninsula from Orokawa Bay in the south to Putakokota Bay in the north. Residential development has occurred on the southern end of this and neighbouring sections and the HNC overlay skirts around the northern side of this domesticated area. The submission includes a map showing an area, which extends well beyond the submitter's property, from which he seeks to have the HNC overlay removed.

HNC 345 is described in the PDP Schedule and RPS as:

"Summary Description

Peninsula with native forest and shrubland. Cover is primarily kanuka-mixed broadleaved shrubland & low forest on steeper outer faces with kanuka-mixed broadleaved & mixed broadleaved forest on the more sheltered Te Hue Bay coastal margins.

Contributing Values

Largely indigenous vegetation with relatively few pest plants. No obvious human structures, minimal human-mediated hydrological or landform changes. Part of a community pest control area."

From the HNC description and the aerial information available, the HNC overlay does appear to be appropriate, where it covers the vegetation to the north of the dwelling and curtilage. I therefore do not support this submission point.

Ian Jepson (s494.002)

This submitter requests removal of the HNC from 17B Jacks Bay Road (Lot 3 DP 48494). The overlay and property are illustrated in **Area 3** in **Appendix C**. HNC 400 is described in the PDP Schedule 7 and RPS as:

Summary Description:

Peninsula and adjoining hill slopes on the west side of Jacks Bay settlement with indigenous vegetation cover. Cover is primarily kanuka-mixed broadleaved forest including pohutukawa (and several wilding conifers) on the tip of the headland. Mixed broadleaved species include rewarewa, puriri & pohutukawa. There are some patches kanuka dominant shrubland. Access ways, houses & curtilage generally excluded.

Contributing Values:

Largely mature indigenous vegetation with few pest plants. Minimal human-mediated hydrological or landform changes. Few obvious human structures. Part of community pest control area. Part of series of headlands with indigenous vegetation.

Given the large area of this property without the HNC overlay, which includes the driveway, house, pool, gardens and large curtilage, as well as the importance of the indigenous vegetation and the inclusion of the overlay in the RPS, I do not support this submission point.

Ironwood Trustees Ltd (s492.001)

This company owns a number of properties at Jacks Bay and another on the western edge of Waipiro Bay. They have requested that both the ONL and HNC over parts of some of their landholdings at Jacks Bay be removed. In particular they say that ongoing development of the residential sections on the northern headland mean that this area should not be identified as an HNC. The northern headland has HNC 392 over the majority of the land, while HNC 405 covers a portion of the landholding to the south, alongside Kempthorne Road.

The relevant HNC overlays are described thus:

HNC 392 Manawaroa

"Summary Description

Hill slopes with predominantly kanuka- totara, kanuka-mixed broadleaved forest and mixed broadleaved forest. Smaller amounts of kanuka dominant shrubland & forest and mature mixed broadleaved forest with native conifers. Pohutukawa present within mixed broadleaved forest especially around water margins. Much of area subject to intensive pest control as part of the mainland pest buffer for project Island Song. There are local patches of outstanding natural character (native conifers with mature mixed broadleaved forest (e.g. part of Dicks Bay, Opunga Cove). Road & some access tracks. Occasional patch of grass. Houses & curtilage excluded.

Contributing Values

Relatively large area of coastal indigenous vegetation. Includes areas of relatively mature indigenous vegetation for site conditions and natural disturbance regime/history. Part of community pest control area. There are local patches of outstanding natural character (native conifers with mature mixed broadleaved forest (e.g. part of Dicks Bay, Opunga Cove))"

HNC 405 Manawaroa Bay*"Summary Description*

Hill slopes with kanuka shrubland & low forest with some mixed broadleaved species & tree ferns.

Contributing Values

Largely indigenous vegetation with few pest plants. Part of community pest control area. Part of a larger area of indigenous vegetation."

As recorded in my response on the ONL on the property, above, HNC 392 overlay does not cover the upper portions of the residential sections on the northern headland, leaving these roadside areas free of HNC constraints, for the purposes of future residential development. Given the importance of the coastal vegetation lower down the slopes of these properties and its contribution to the HNC, I do not support this part of this submission point.

As referred to in the submission, much of HNC 405 over the southern property covers a wetland area, with the remainder comprising regenerating natives with some weeds. Given the area is part of a community pest control area with improving natural character values, as well as the importance of native wetland vegetation, I do not support this submission point, either.

Ecochic Properties Ltd (s574.001)

This submitter has requested the removal of HNC 170 from their property at 48 Taupo Bay Road. This property is at the northern end of the bay, beyond the end of the formed carriageway. HNC 170 covers the headland to the north of the bay, sweeping around the western side of houses to the south of the submitters property.

From my review of both the PDP maps and Google maps it would appear that the submitter is corrects in their claim that the HNC overlay should be removed from their property. The alignment of the edge of the HNC area has gone beyond the line of the vegetation to the rear of the property and should be trimmed back to the boundary. I support this submission point.

Dandy Developments Ltd (s142.002)

This submitter has requested that HNC 151 be removed from their property at 458A Hihi Road, (Lot 2 DP 195378). Having carefully examined the boundaries of the property on Council's Property and Land maps I can confirm that although nearby, HNC 151 does not encroach onto the submitters land. I therefore do not support this submission point.

Eric Kloet (s491.001)

This submitter requests removal of the HNC (and ONL referred to above) from his property at Waipohutukawa Bay. Having carefully examined the PDP maps I can confirm that there are no HNC areas over his property. I thus do not support this submission point.

William Goodfellow (s493.002)

This submitter requests removal of the HNC (and ONL referred to above) from parts of his properties at Omakiwi Cove just south of Rawhiti. The aerial photograph in the submission identifies the seven properties concerned and examination of the PDP maps shows that HNC318 lies over the coastal edge of the northern peninsula, while HNC 339 projects in two

small areas into the subject sites close to their southern boundary. These are shown in **Area 4 Omakiwi Cove** in **Appendix C**.

The explanation of these HNC areas provided in the PDP Schedule 7 and RPS are as shown below:

HNC318 Orokawa Bay

Summary Description:

Coastal faces with kanuka dominant shrubland & low forest with some wilding pines with discontinuous fringing pohutukawa forest & treeland -mainly on south.

Contributing Values:

Largely indigenous vegetation with few pest plants. Includes some mature pohutukawa forest & treeland. Minimal human-mediated hydrological or landform changes and few obvious human structures. Part of a community pest control area.

HNC339 Orokawa Bay

Summary Description:

Coastal faces with kanuka dominant shrubland & low forest with patches pohutukawa forest & treeland. Several houses with grass & plantings.

Contributing Values:

Largely indigenous vegetation with few pest plants. Includes some patches of mature pohutukawa. Minimal human-mediated hydrological or landform changes but a few obvious human structures. Part of a community pest control area

The submitter claims that the overlays should be removed "*such that the submitter can continue to use the land in a manner consistent with its evident physical characteristics.*"

The majority of this submitter's landholdings contained areas of forestry, which in the more up-to-date Google maps shows large areas devoid of vegetation where forestry has been clear felled the majority of the pines have been felled, with at least four skid sites being developed within the central part of the property.

As recorded above, a site visit in March 2024 confirmed that the cleared areas all appear to have been revegetated. The HNC overlays are confined to the steep coastal edges which contain more mature vegetation. Use and development may continue to occur elsewhere on the properties, outside the HNC overlays. Given this, together with the identified values of the overlay areas described above, and the HNC identification in the RPS, I do not support this submission point.

Victoria Yorke & Andre Galvin (s530.002)

These submitters request changes to the boundary of HNC 409 on their property at Haruru. They state that part of the site was once used as a quarry and should not be identified as HNC. HNC 409 is described in the PDP Schedule 7 and RPS as:

Summary Description:

Hillslopes & valley with indigenous vegetation. Hill slopes have kanuka dominant forest cover with some mixed broadleaved species. The valley has more mixed broadleaved forest with some kanuka. Some weed species on the margins.

Contributing Values:

Largely indigenous vegetation with relatively few pest plants. Minimal human-mediated hydrological or landform changes.

The property also contains a small projection of HNC 422 which crosses Puketona Road from the south and covers an area where access to the property has clearly been made in the past. This HNC is described in the PDP Schedule 7 and RPS as:

Summary Description:

Extensive area of mainly mangroves and saltmarsh upstream & downstream of the road bridge in the Kapatiki Creek. Also includes the channel & small amount of road bridge and small areas freshwater wetland.

Contributing Values:

Relatively extensive area of mangrove, saltmarsh & freshwater wetland continuum mostly adjoining indigenous vegetation that is part of a larger area of indigenous vegetation. Few obvious human structures, except for causeway.

The relationship of the property boundary and HNC areas is shown in **Area 5 in Appendix C**.

The submission has both a 2022 letter from Creative Intentions Ltd, (CIL) a Christchurch based design company, along with a 2005 Archaeological Assessment report by Northern Archaeological Research attached to it. The Archaeological Assessment includes a plan of a proposed 12 lot subdivision of the property which has not proceeded.

The CIL letter includes a series of aerial photographs of the subject property taken between 1951 and 2019. On each of the 7 historical aerials the apparent edge of vegetation on the property is marked. The penultimate plan provided (22027-01-015) appears to be an amalgamation of the cleared areas taken from the previous aerials, shown on the current aerial, although no key is provided to be certain of this. Also the alignment of cleared spaces does not align from one aerial to another, despite similar shapes of clearance being identified. This is probably a result of the unreliability of overlaying aerial information on cadastral data without using survey markers for accuracy.

Plan 22027-01-015 also shows what is described as the "suggested line of proposed HNC409". Interestingly, this line does not follow the edge of the combined historically cleared areas and no explanation is provided as to how its location has been identified. The last plan submitted shows a development proposal comprising 12 homes, access road, public board walk, eco centre and community storage space on the edge of the estuary.

Having observed the lower portion of the subject property from the road, I consider there may be some justification in removing part of the small projection of HNC422 from the property. This area of the site is clear of native vegetation and does not fit the description in Appendix 7, provided above. I have included a plan showing the suggested trimming by means of a blue line in **Figure 6** overleaf.



Figure 6 Part of HNC 422 at the southern end of the subject property.

In terms of the rest of the property, it is my understanding that the presence or absence of areas of historical native vegetation clearance has little bearing on the appropriateness of identification as an HNC area in the PDP. It is the existence of native vegetation today and its contribution to the natural character values of the area which is important.

I support the submission request, in part, by the removal of a small portion of HNC422 from the property, as illustrated above.

Dennis & Jennifer Whooley, (s75.002 & 3)

These submitters state that the ONC and HNC areas over their property at 2195 Waikare Road, Russell/Kawakawa have been drawn from very out-of-date aerials and all overlays should be removed completely (along with an ONL discussed above). The relevant overlays are ONC109 and HNC 452.

As recorded above, the submission states that several kilometres of roading having been put in place; there have been acres of land cleared; buildings constructed and resource consents issued for further buildings yet to be built.

I have referred to both NRC and Google Maps aerials in an attempt to understand this submission. Google Maps photos are labelled as being from 2023, but do not differ significantly from the NRC (FNDC PDP) maps, apart from the completion of one building and construction of another.

From the aerial photos consulted the property appears to be covered in native vegetation with a series of tracks and building sites cut into the vegetative cover. There also appears to be one dwelling and one other building and a short wharf on the northern side of the southern peninsula of the property.

The ONC109 area referred to is:

Summary description

Hillslopes with native conifer/mixed broadleaved forest including kauri & rimu emergents.

Contributing values:

Mature indigenous forest, in matrix of younger forest. Part of a continuum of marine to terrestrial ecosystems. Minimal human-mediated hydrological or landform changes and few obvious human structures.

HNC452 referred to is described as:

Summary description

Hillslopes with kanuka-mixed broadleaved forest. Some unsealed roading.

Contributing values:

Indigenous forest, some mature. Part of a continuum of marine to terrestrial ecosystems. Minimal human-mediated hydrological or landform changes. Few obvious human structures, except roadway

In principle I agree with removing the ONC and HNC overlay from cleared and built areas, but think it unlikely that this applies to the whole of the ONC and HNC overlays. I support this submission point but only as far as removal of ONC and HNC overlays from cleared and developed areas.

[The Shooting Box \(s187.097\)](#)

This submitter has requested that the HNC areas on their two adjacent properties at the intersection of Rawhiti Road and Kokinga Point Road, be removed from the areas of "planted gardens and low value manuka/kanuka."

The properties and the overlay HNC 339 are shown in **Area 6** in **Appendix C**. This HNC area, which is in four separate pieces, is described in the RPS thus:

"Summary Description

Coastal faces with kanuka dominant shrubland & low forest with patches pohutukawa forest & treeland. Several houses with grass & plantings.

Contributing Values

Largely indigenous vegetation with few pest plants. Includes some patches of mature pohutukawa. Minimal human-mediated hydrological or landform changes but a few obvious human structures. Part of a community pest control area."

From careful observation of the aerial photograph and overlay there does appear to be a very small areas of grass within the HNC, but this is minimal. In my opinion it is appropriate to trim the overlay from the grassed areas, which do not exhibit sufficiently natural values to be worthy of protection. I thus support this submission point in part.

Margaret Ridge (s258.001)

This submitter seeks that the boundary of HNC439 be adjusted to remove pastoral areas so resource consent is not required for the existing activity of grazing. HNC 439 sits across at least three properties just north of Okiato. It is not clear where the overlap between existing grazing and the HNC occurs. In principle, I support the removal of the HNC from lawfully established areas of grazing but need to know which property is being referred to in order to identify the area. No clarification is provided in the submission.

Setar Thirty Six Ltd (s168.152)

This submitter seeks to "Amend the High Natural Character overlay on Lot 1 DP 36233 (being land owned by Setar Thirty Six at Moturua Island) to exclude areas of open grass and gardens." From the PDP maps it appears that a small area of lawn to the west of the house is covered by HNC 324. This is shown in **Area 7** in **Appendix C**. In my opinion it is appropriate to trim the boundary of this HNC to the edge of the indigenous vegetation and thus support this submission.

Amanda Kennedy, Julia & Simon Till (s353.001)

These submitters own Butterfly Bay Lodge on the south-western headland at Tauranga Bay. Their submission seeks some amendments to HNC overlay areas but as the submission states:

The submitters are working with a qualified landscape architect and ecologist to consider the accuracy of the character and landscape mapping as it applies specifically to the Landholdings. This is on the basis that some areas have characteristics and qualities that are of a low value on initial assessment. Further work will be undertaken and presented for consideration at time of the hearing.

It is difficult to either support or oppose this submission until further information is provided.

Lucklaw Farm Ltd (s551.003)

These submitters suggest there inaccuracies between HNC areas shown in the PDP maps and those shown in the RPS around Puwheke Beach. The submission includes maps from the RPS, the Regional Plan and the PDP.

I have included overleaf maps from both the PDP and the RPS. I agree that there is a difference between the maps in that ONC44 does not extend seaward in the PDP as far as it does in the RPS. I note that the CE in the PDP maps extends as far as the HNC in the RPS map, so the difference would not appear to be a matter of the extent of FNDC jurisdiction. I therefore cannot explain the difference.



Legend

Coastal Environment

Natural Character

-  High Natural Character
-  Outstanding Natural Character

≡ Far North Proposed District Plan



Map Tools

Map Layers

- Non-District Plan Layers
- Zone
- Historical and Cultural Values Overlays
- Specific Controls
- Overlays
 - Energy Infrastructure and Transport Overlays
 - Precincts
 - Natural Environments Overlays
 - Outstanding Natural Landscape
 - Outstanding Natural Feature
 - High Natural Character
 - Outstanding Natural Character
- Designations
- Natural Hazards and Risks

3 RELAXATION OF BUILDING CONTROLS IN SPECIFIC AREAS

3.1 BUILDING FOOTPRINT CONTROLS

Numerous submitters have raised concerns with the permitted activity thresholds for the area / footprint of buildings and structures in ONL, ONC, HNC and CE overlays. I have been asked to consider whether the permitted activity thresholds could be increased without undermining the relevant objectives to protect the characteristics and qualities of these overlays.

3.1A NFL-R1

The relevant notified provisions are shown below:

New buildings or structures, and extensions or alterations to existing buildings or structures

Activity status: Permitted

Where:

PER-1
 If a new building or structure is located outside the coastal environment it is:
 1. ancillary to farming (excluding a residential unit);
 2. no greater than 25m².

PER-2
 If a new building or structure is located within the coastal environment it is:
 1. ancillary to farming (excluding a residential unit);
 2. no greater than 25m².

PER-3
 Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.

PER-4
 The building or structure, or extension or alteration to an existing building or structure, complies with standards:
 NFL-S1 Maximum height
 NFL-S2 Colours and materials

Under the above provisions, the construction of a residential unit within an ONL is going to require a consent. I agree with this approach, as these are sensitive landscapes where new residential development has the potential to undermine the landscape values being protected. On the other hand, buildings which are ancillary to farming are permitted in ONLs but are constrained to 25m² in area, whether they are also inside the CE or not.

This differentiation between residential buildings and those ancillary to farming is, in my view appropriate. Buildings being constructed for use in association with farming practices are likely to be utilitarian and simpler in design, with fewer and smaller windows than those found in dwellings. They are also unlikely to have other features often found in association with houses, such as ranch slider windows, complicated roof designs, and developed gardens with lawns, washing lines, swimming pools, decks and cabanas etc. Where these features are developed alongside a house they will create a domesticated landscape

character which may well be inappropriate in an ONL. Providing the opportunity for Council to consider such proposals against the particular values of the ONL concerned is, in my view, appropriate.

There may also be other types of non-residential buildings which could be acceptable in an ONL. For example a storage shed for a community or sports group would be unlikely to create a domesticated landscape character around it. My concern lies primarily with the domestication of an ONL by the development of houses.

I do, nevertheless, accept that the 25m² control on buildings ancillary to farming, which equates roughly to a double garage, could be increased a little. I accept the argument put forward by Northland Federated Farmers and others that buildings that are ancillary to farming often need to be larger than 25m². I do, however, think that a limit should be imposed and recommend that it be 50m² in an ONL that is also in the CE and 100m² for ONLs outside the CE.

3.1B CE-R1

The relevant notified provisions are shown below:

New buildings or structures, and extensions or alterations to existing buildings or structures

Activity status: Permitted

Where:

PER-1

If a new **building** or **structure** is located in an **urban** zone it is:

1. no greater than 300m².
2. located outside high or outstanding natural character areas.

PER-2

If a new **building** or **structure** is not located within an **urban** zone it is:

1. ancillary to **farming** activities (excluding a **residential unit**).
2. no greater than 25m².
3. located outside outstanding natural character areas.

PER-3

Any extension to a lawfully established **building** or **structure** is no greater than 20% of the **GFA** of the existing lawfully established **building** or **structure**.

PER-4

The **building** or **structure**, or extension or addition to an existing **building** or **structure**, complies with standards:

- CE-S1** Maximum height.
- CE-S2** Colours and materials.

CE-R1 PER-1 as notified permits buildings up to 300m² in an urban zone if they are outside ONC or HNC overlay areas. For larger buildings consent as a discretionary activity is required for buildings in HNC area and non-complying for buildings in ONC area. I note that the activity status of buildings larger than 300m² but outside either ONC or HNC areas is not defined.

Because the above PDP provisions differentiate between urban and non-urban zoned land it is necessary to understand which zones are which when considering submissions seeking an increase in the size of footprints of buildings in the CE. The PDP defines urban as follows:

Urban means an area of land zoned either:

1. *General Residential*
2. *Kororareka Russell Township*
3. *Mixed Use*
4. *Light Industrial*

that currently has adequacy and capacity of available development infrastructure or is signalled to receive at a minimum reticulated wastewater infrastructure, in the Long Term Plan or the 30 Year Infrastructure Strategy.

I am aware that, the s42A report recommends that rather than rely on adding zones to the list of urban ones in the definitions, it proposes that a list to which CE-R1 PER1 applies be included the provision. As I understand it, this list will include the following:

5. *Māori Purpose (urban) SPZ*
6. *Oronga Bay SPZ⁶*
7. *Hospital SPZ and*
8. *Kauri Cliffs SP Golf Living sub-zone*

I support this recommendation and have assumed its acceptance in the following discussion.

There are 19 settlements around the coastal edge of the district where urban zones can be found, at least partially, in the coastal environment. They are:

- Ahipara;
- Cable Bay;
- Coopers Beach;
- Haruru;
- Hihi;
- Kohukohu;
- Mangonui;
- Omapere;
- Opononi;
- Opuā;
- Paihia & Waitangi;
- Rangiputa;
- Rawene;
- Russell / Kororāreka;
- Taipa;
- Tapeka Point;
- Te Haumi;
- Tokerau Beach and Whatuwhiwhi; and
- Whangaroa.

⁶ *Oronga Bay SPZ is already differentiated from other areas of the CE in the notified provisions by its exclusion from CE-S1, building height standards*

The majority of these locations are small settlements with primarily GRZ land, along with small areas of other urban zones, such as MUZ, LIZ and MPZ urban in places.

A number of these locations have additional controls in the PDP by way of Heritage Area overlays. They are:

- Hihi Heritage Area;
- Kohukohu Heritage Area;
- Kororāreka Russell Heritage Area;
- Mangonui and Rangitoto Peninsula Heritage Area;
- Paihia Heritage Area; and
- Rawene Heritage Area.

From my review of the PDP provisions I note that the Heritage Area overlays do not apply any controls on building size, beyond those provided by the underlying zone, but rather apply controls on building setbacks, building colours and an accidental discovery protocol. Building colour is discussed later in this report.

To achieve compliance with the requirements of both the NZCPS and the RPS Council is required to ensure that development does not adversely affect the natural character values of the coastal environment, even where the underlying zoning is urban. Nevertheless, in my opinion the CE controls on building coverage, could be increased a little in non-urban zones, so long as the differentiation between buildings ancillary to farming and residential units is maintained, for the reasons discussed above under the ONL overlay.

In response to submissions, I support an increase from the notified 25m² to 100m² where there is no ONC or HNC overlay, again recognising that rural ancillary buildings may need to be larger than a double garage. Where development is proposed within an HNC overlay area, the control should be increased to 50m² and in ONC overlay areas, the 0m² control should be retained. These limits are smaller than those I can support in an ONL because most ONLs are larger in scale than ONC / HNC areas and many already have scattered built development within them. They are thus able to absorb development more readily than ONC / HNC areas can.

In my opinion the 300m² building coverage controls are appropriate in the majority of the coastal settlements, but a more nuanced response to a handful of locations is appropriate, given that larger and taller buildings already exist and have already impacted on natural character values. These locations are:

- Coopers Beach;
- Mangonui;
- Opuā;
- Paihia & Waitangi;
- Rawene; and
- Russell / Kororareka.

In these locations I recommend that the 300m² control be retained for the GRZ areas but that in other urban zoned land the underlying zone's coverage control be retained. This is because the often steeper slopes of the GRZ land rising up from the coastal edge at the

centre of the settlement, means that development here is often highly visible, particularly from beaches and in-shore waters. The CE development controls of 300m² site coverage are, in my opinion, appropriate because larger residential buildings have the potential to undermine the natural character values of GRZ areas. By contrast, the other urban zones, principally MUZ areas, are generally closer to the coastal edge and in the parts of these six settlements that have already been developed and where the natural character values are subsequently already reduced.

3.1C NATC-R1

The relevant notified provisions are shown below:

New buildings or structures, and extensions or alterations to existing buildings or structures

Activity status: Permitted

Where:

PER-1
 The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is not located within an ONL or ONF.

PER-2
 The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is required for:

1. restoration and enhancement purposes; or
2. natural hazard mitigation undertaken by, or on behalf of, the local authority; or
3. park management activity in the Open Space or Sport and Active Recreation zones; or
4. a post and wire fence for the purpose of protection from farm stock.
5. river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings.
6. activities related to the construction of river crossings.
7. pumphouses utilised for the drawing of water provided they cover less than 25m² in area.

PER-3
 The building or structure on wetland, lake and river margins is no greater than 300m².

PER-4
 The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins complies with standard NATC-S1 Maximum height

Unlike the building coverage controls in the ONFL and CE chapters, the controls in the NC chapter are more generous, enabling buildings up to 300m² as a permitted activity, whether in an urban or rural zone and whether the building is ancillary to farming or not. From my observation of the PDP maps the district's lakes are in rural areas, but some of the district's rivers run through urban areas, such as in Kerikeri. Although the margins of many of these 'urban rivers' have been subdivided to create riparian reserves and the like, there are no doubt instances where this has not occurred.

I am not aware of any submissions seeking to reduce this permitted level of development, although in my opinion, the size of building enabled does seem to be something of an anomaly, when considered against the provisions in both the ONFL and CE chapters.

3.2 BUILDING HEIGHT CONTROLS

3.2A COASTAL ENVIRONMENT

Many of the numerous submitters seeking an increase in permitted building footprint size also seek to have permitted building height controls relaxed. In the same way that building footprints need to be controlled in sensitive locations to avoid adverse effects of building bulk on specific values, so building heights need to be managed. Indeed, the two controls work in tandem to ensure future development protects important landscape and coastal values.

As with my consideration of building coverage controls, above, I think there may be some opportunities for building height increases, in some specific circumstances. In particular, I believe permitted building heights can be increased in some zones in the six coastal settlements identified above:

- Coopers Beach;
- Mangonui;
- Opuā;
- Paihia & Waitangi;
- Rawene;
- Russell / Kororareka.

Elsewhere in the CE, in both the remaining coastal settlements and in non-urban areas, I believe the 5m height limit is appropriate. This height enables a single storey building to be constructed. Increasing above 5m, to 6m for example, offers the opportunity for bespoke designs that include a ground floor of, say 3.2m, plus a second storey of 2.8m. In my opinion restricting permitted development to single storey is appropriate to protect identified landscape and coastal values in the CE.

In considering appropriate height limits in the six coastal settlements listed above I have examined what urban zones occur where and what the underlying zoning would permit and make the following comments.

Coopers Beach

In Coopers Beach⁷ the MUZ and LIZ areas adjoin the State Highway and are well back from the coastal edge. Large buildings already exist, including the Four Square supermarket, Gas petrol station, Coopers Beach Garage and Novus Glass buildings. In my view the 12m height limit applying to permitted development in both the LIZ and MUZ is acceptable within this environment, despite the CE overlay.

Mangonui

Similarly, in Mangonui the MUZ areas are strung along the waterfront where existing development, some of which is quite old, hugs the coastal road. Several buildings are two storey and more than 5m high, so limiting new development to this height limit would not achieve the purpose of the controls, which is to protect the natural character values from

⁷ I have defined Coopers Beach as extending from Bay View Road eastwards to Mill Bay Road

inappropriate development. In my view the underlying zone height limits are appropriate here, too.

Opuā

The coastal edge of Opuā, particularly to the south and east of the ferry terminal, is already characterised by substantial buildings in both the LIZ and MUZ. Restricting permitted new development to 5m high in these areas would, in my opinion, be inappropriate, as the natural character values have already been compromised.

In considering the appropriate controls in the LIZ and MUZ zones in Opuā, I am aware of HNC 469 covering part of the MUZ site at 16 Baffin Street. Under the PDP as notified, any further development of this site, beyond the existing buildings, would be considered as a discretionary activity by CE-R1 PER-1 because of the overlay. Removal of the CE 5m height limit over this property would not risk adverse effects on the natural character values in the area. This is because larger buildings already exist outside the HNC overlay and any further development within the HNC would require a discretionary consent.

Paihia

Paihia has a complex mosaic of both zones and overlays in the PDP, in addition to the CE controls. Much of the land fronting Marsden Road along the waterfront from the middle of Te Ti Bay south-eastwards to Seaview Road is zoned either MUZ or open space of one sort or another. New development in the MUZ in the PDP is permitted up to 12m in height and only 10% of any site needs to be landscaped. These broad controls are further refined in this part of Paihia by MUZ-S1 (i) which imposes an 8.5m height limit over Area A and a 10m height limit over Area B. These areas are identified on the PDP maps and occur along much of the waterfront referred to.

In contrast, the western part of Te Ti Bay is zoned MPZ Urban which has an 11m permitted height limit and permitted site coverage rule (MPZ-S5 Urban) of no more than 50%.

In Waitangi the Copthorne Hotel and Resort is in a MUZ, while the Waitangi Treaty Grounds and museums, the Bay of Islands Yacht Club and the Waitangi wharf are all in RPROZ.

I have examined the existing development in Paihia, the Operative District Plan (ODP) development controls applying to this area and the PDP provisions. Again I have concluded that some relaxation of the proposed CE 5m height limit is appropriate and can be undertaken without undermining remaining natural character values. For those areas zoned Mixed Use in Paihia I recommend removal of the CE 5m height limit and reliance on the underlying zoning for height controls.

For the remaining urban zones in Paihia, including the MPZ urban zoned land to the north-west of Puketona Road and the General Residential zoned areas, I recommend retention of the 5m height limit to protect natural character values.

Rawene

The CE extends across the whole of the Rawene peninsula and continues south on both the western and eastern sides. The majority of Rawene has a GRZ across it, with an area of MUZ concentrated at the northern end of the peninsula. Further south, at the top of the hill is the Hokianga Hospital which has a Special Purpose zone.

The MUZ sites at the northern end of the peninsula contain a mixture of buildings, several of them recognised heritage buildings and some of which are substantial two storey buildings, such as the Masonic Hotel. High Natural character areas are confined to four small patches on the northern and western coastal edges.

I have examined the existing development in Rawene and have concluded that some relaxation of the proposed CE 5m height limit is appropriate. I believe some taller development could be undertaken without undermining remaining natural character values. I note that the Rawene Design guidelines, drawn up by Heritage Architect Dave Pearson in July 2009, recommends that new buildings be no higher than two storeys. This would normally equate to a height limit of 8m, but rather than complicate the PDP further, I accept that the underlying zone limit of 12m would be acceptable.

Russell / Kororāreka

The CE extends right across the Russell peninsula from Tapeka Point in the north to just south of Florance Avenue. There is an area of MUZ along The Strand and York Street in the centre of town. Wrapping around this and stretching across the peninsula, the majority of the built up area is zoned Kororāreka Russell Township, one of the Special Purpose zones included in the definition of urban in the PDP.

As with the other coastal settlements already discussed, I do not believe the CE permitted height controls are necessary within the historic centre of Kororāreka in the MUZ area, where many existing buildings are already larger and remaining natural character values do not warrant protection from such controls. Similarly, in the Kororāreka Russell Township zone the building height controls of the operative District Plan have been 'rolled over' into the PDP. It is my understanding that these controls were developed in close consultation with the local community and I recommend that the permitted building height in this zone be kept at 7.2m.

3.2B NATC BUILDING HEIGHT CONTROLS

The PDP includes the following in the Natural Character chapter:

NATC-R1 PER-4

The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins complies with standard NATC-S1 Maximum height.

NATC-S1

- 1 The maximum height of a building or structure, or extension or alteration to an existing building or structure is 5m above ground level;

As with the natural character of the CE, development on the margins of wetlands, rivers and lakes has the potential to adversely affect the natural character of these sensitive areas. Enabling development as a permitted activity up to a limited height, is my view, appropriate.

Some submitters have questioned the 5m height limit, including L Newport (s136.002) and P Hayman (s210.003), suggesting that there is no resource management based link between the height of a building and its proximity to a wetland, river or lake margin, or that the zone's height limit should apply. As explained above, the 5m height limit enables the construction of a single storey building. In my opinion restricting permitted development to single storey is appropriate to protect identified landscape and natural character values.

3.2C NFL BUILDING HEIGHT CONTROLS

For the same reasons, I believe the 5m maximum permitted height in NFL-S1 and is appropriate. New development in these important landscapes has the potential to undermine the values identified for protection. Enabling some development as permitted but ensuring it remains limited to single storey is, in my opinion, appropriate. Where development higher than this is proposed, it would be considered as either a discretionary or non-complying activity, depending on whether it is within the CE or not.

3.3 EARTHWORKS AND VEGETATION CLEARANCE THRESHOLDS

All the NFL, NC and CE chapters of the PDP contain rules related to earthworks and the clearance of indigenous vegetation, as shown below:

NATC-S2	Earthworks or indigenous vegetation clearance
Natural character	Any earthworks or indigenous vegetation clearance on a site within a wetland, lake and river margins must: <ol style="list-style-type: none"> not exceed a total area of 400m² for 10 years from the notification of the District Plan, unless a control in 5. below applies; not exceed a cut height or fill depth of 1m; screen exposed faces; and comply with Ecosystems and indigenous biodiversity chapter, NFL-S3 Earthworks or indigenous vegetation clearance and CE-S3 Earthworks or indigenous vegetation clearance. <p>Note: The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.</p>
NFL-S3	Earthworks or indigenous vegetation clearance
Within ONL and ONF	Any earthworks or indigenous vegetation clearance must (where relevant): <ol style="list-style-type: none"> not exceed a total area of 50m² over the life of the District Plan. not exceed a cut height or fill depth of 1m. screen any exposed faces. be for the purpose of access and/or a building platform.
CE-S3	Earthworks or indigenous vegetation clearance
Coastal environment	Any earthworks or indigenous vegetation clearance must (where relevant): <ol style="list-style-type: none"> not occur in outstanding natural character areas. not exceed a total area of 50m² for 10 years from the notification of the District Plan in an area of high natural character. not exceed a total area of 400m² for 10 years from the notification of the District Plan in an area outside high or outstanding natural character areas. not exceed a cut height or fill depth of 1m. screen any exposed faces.

Submitters have sought to have both the area thresholds in these rules increased and the time period over which this is calculated reduced. I make the following comments:

The restriction on earthworks and indigenous vegetation clearance in an ONC is appropriate. These areas contain the most important natural character values, derived in large part from the flora and fauna they contain. Any removal of that vegetation, whether in association with earthworks or not, would have adverse effects on the values identified.

While I appreciate that indigenous vegetation removal is often necessary to undertake earthworks, I have concerns with the timeframes used to calculate what level is permitted being applied to both activities equally. In my experience landowners are unlikely to undertake earthworks unless they need to. They are expensive to carry out and create problems with land management practices for a period of time once completed.

Indigenous vegetation removal, on the other hand, too often is undertaken for the purposes of enlarging gardens, or areas of grazing, or to improve views. The incorporation of a time period within the rule would, in theory, enable the gradual but continuous removal of indigenous vegetation over any number of years within a valuable environment, (either the CE, the margin of an area of freshwater, or an ONL), where that vegetation is likely to be contributing to the values identified. It is conceivable that a landowner could deliberately remove the permitted area of indigenous vegetation on his/her property over consecutive years, until all the indigenous vegetation was removed. The landowner might then claim that the overlay no longer applies and seek its removal at the next plan review. I would therefore prefer to see these two activities managed differently and separately.

I have been asked to consider both the Whangarei District Plan controls for earthworks and vegetation removal, as well as the Northland Regional Plan controls, as alternatives to the PDP controls. Both these plans use a 12 month period for calculation of permitted activity thresholds. This time period is probably easier for a Council to monitor and thus more appropriate to use.

Considering vegetation removal first, I note that if one translates the PDP provisions from ten years⁸ to annual rates then:

- 0m² per annum is permitted in an ONC;
- 5m² per annum is permitted in an HNC;
- 40m² per annum is permitted in the CE outside ONC and HNC areas;
- 40m² per annum is permitted close to the margins of wetlands, rivers and lakes; and
- 5m² per annum is permitted in an ONL overlay area.

The Whangārei DP (WDP) enables 150m² of indigenous vegetation removal per site per annum as a permitted activity in an ONL, while the NRC PRP enables vegetation clearance of up to 200m² per annum as a permitted activity. Importantly, this last control is not confined to only indigenous vegetation clearance. These areas are much larger than those in the PDP and I could not support them because the role of indigenous vegetation in all

⁸ The rule, in fact, refers to the life of the District Plan so the 10 years I have used could be inaccurate.

parts of the CE, the margins of freshwater areas and in ONLs is important, often critically so in ONLs and ONCs.

In my view, the role of indigenous vegetation in all landscapes considered in the three relevant chapters of the PDP is important. For the reasons I have already given, I do not support a reduction from the thresholds in the PDP, although I could support calculating this on an annual basis rather than on the life of the district plan.

Turning to earthworks controls, I have already noted that, in my opinion, the risk of this activity occurring year after year is small. I also agree with those submitters who have pointed out that excavated areas are often quickly remediated by re-grassing, planting or the construction of a building. Nevertheless, earthworks limits are required, in my opinion, because changes to landforms could have adverse effects on the relevant values of the various overlays.

The WDP rule for excavation in an ONL is shown below:

NFL-ONL-R7 Earthworks

Activity Status: Permitted

Where:

1. The excavation and fill volume is less than 150m³ and the area is less than 150m² in any 12 month period within a **site**; and
2. **Earthworks** do not exceed a **height** or depth of 2m over a continuous distance of more than 50m within a **site**;

In my opinion the earthworks limit within any 12 month period in an ONL outside the CE could be increased from the 5m² in the PDP but should not be as large as the WDP 150m². This is because an area as large as that could well detract from the landscape values that have been identified. I could accept up to 100m² per annum as appropriate, so long as the ONL was outside the CE. This would enable earthworks sufficient for a small building or an access track, for example. For ONLs inside the CE, where recovery of the land from the scarring created by earthworks is likely to take longer, I believe the limit should be 50m² per annum.

Earthworks controls in the CE could also be relaxed a little, in my opinion. I could accept 50m² within any 12 month period in an HNC and 100m² in the CE outside either ONC or HNC areas as appropriate. In my view earthworks within an ONC should remain not permitted. I have deliberately suggested that the controls in the CE outside ONC and HNC areas be the same as an ONL because the recovery of the land from the scarring created by earthworks frequently takes longer in the harsher coastal environment than in inland areas.

I could also support the relaxation of the rules for earthworks around the margins of freshwater bodies a little. Here the controls could be increased to 50m², in my opinion, which is the same as for HNC areas. Both these areas have important natural character values which could be undermined by more extensive areas of earthworks being permitted.

To assist in understanding what levels of vegetation clearance and earthworks I am able to support, I have prepared the table overleaf. The different cell colours represent the different levels of protection provided by the NZCPS and RPS, as well as the relative size of the

areas being represented, while the blue text is the revised figure that I can support. It should be noted that I have converted all notified rates to annual rates of clearance. The table also includes permitted building sizes to provide an indication of what development might follow the vegetation clearance and earthworks.

	COASTAL ENVIRONMENT (CE)				NOT CE	
	ONC (CE)	ONL (CE)	HNC (CE)	CE outside ONC & HNC	Riparian margin NC	ONL (not CE)
Earthworks	0	5-50	5-50	40-100	40-50	5-100
Vegetation clearance	0	5	5	40	40	5
Buildings	0	25-50	25* 50	300** 25*	300	25-100

* in a non-urban zone

** in an urban zone, but with underlying zone controls in some coastal settlements

	Avoid adverse effects / discrete areas
	Avoid adverse effects / larger areas
	Avoid significant adverse effects / discrete areas
	Avoid significant adverse effects / larger areas

Finally, I have been asked to respond to those submissions seeking that NFL-S3.3 and NATC-S2.3 be amended slightly. They have suggested that the requirement be amended as shown below:

3. "screen any exposed faces visible from a public place"

I accept that the standard is intending to avoid scars on the landscape being visible to the public at large and that the additional words make this clear.

4 MISCELLANEOUS MATTERS

4.1 FARMING CONTROLS

I have been asked to comment on the necessity to include controls on farming in ONC, HNC and ONL overlays in the PDP. The NFL and CE chapters include rules⁹ that identify farming as a permitted activity only where it is outside one of these overlays (or ONF). As existing farming activities can rely on existing use rights, this rule is only likely to apply where there is a change from some other land-use to a farming activity.

Firstly, I point out that careful examination of the aerials in the PDP alongside the relevant overlays shows very few instances where pastoral, or any other kind of farming, is present within an ONC or HNC. There are some instances of these overlays over lawns and gardens and where these do occur, they are small in area and have largely been identified by submitters and responded to in the first section of this report. ONC and HNC areas appear to be largely comprised of woody vegetation of some sort, probably either established native forest or regenerating natives, although this is impossible to identify from aerials alone.

One caveat to this is that changes may have occurred on the ground since the aerial photographs were taken, but nevertheless, I have relied on them in the absence of anything more up to date.

In contrast, much of the rest of the CE, outside the coastal settlements and beyond ONC and HNC areas, is farmed. Here farming activities form part of the coastal environment and changes within these areas to some other form of farming is unlikely to create adverse effects on the natural character of the CE. Importantly, however, there is a distinction between 'farming' and 'primary production' in the PDP. The definition of farming in the PDP is:

*"the use of land for the purpose of agricultural, pastoral, horticultural or apiculture activities, including accessory buildings, **but excludes** mining, quarrying, plantation forestry activities, intensive indoor primary production and processing activities."* my emphasis

The definition also notes that 'farming' is a subset of 'primary production'. I support this distinction, as all the activities specifically excluded from the definition of farming are those likely to create adverse effects on the values being protected in the various PDP overlays.

ONLs also regularly include areas of farming activity and this is usually acknowledged in the relevant ONL assessment sheet. I have therefore considered the sorts of scenarios likely to trigger either rule NFL-R6 or CE-R4 and the level of landscape effects likely to arise as a result and make the following observations:

A change from pastoral farming to cultivation (another type of farming), such as maize, or to horticulture may have very localised effects on the landscape character within the ONL or

⁹ Rules CE-R4 and NFL-R6

the CE, but these will only likely be of concern if the proposed farming activity includes large shelter screens such as those used in avocado, kiwifruit and blueberry production. These structures can be up to about 5m in height, extend for long distances and may also incorporate a roof¹⁰. In such situations the ability to consider the potential impacts of these structures already exists within the rules.

A change from plantation forestry to a farming activity in an ONL is unlikely, in my view. I have carefully examined the PDP aerals to establish whether or not plantation forestry exists within ONLs, as claimed by some submitters and have responded in the first section of this report. Where I have been able to identify plantation forestry within an ONL I have recommended the re-alignment of the ONL overlay to exclude this land use. Given the fact that forestry owners have requested this to be done, I am hopeful that if I have missed any, they will be in a position to bring this to the attention of the hearing panel during the hearing process. In any case, a change from forestry to some form of farming, is likely to improve both landscape and natural character values in either ONLs or the CE.

One example where a change in land-use might generate adverse effects is where an area of currently un-managed rural land is cultivated either for cropping or pasture establishment. I am aware of large areas of such land where a mixture of weed species such as pampas, gorse, tobacco weed and ginger are mixed with some native regeneration. In these situations, depending on the ecological value of the native regeneration, there may be some loss of natural character values if the whole area is mown or ploughed ready for pasture or crops to be established. Other than this example, I think most potential land-use change would either be benign or positive, in terms of landscape and natural character values.

Overall, I am uncertain whether either of these rules is necessary. I think the chances of new farming operations being proposed in ONC, HNC or ONL areas, which are not already controlled by other rules, (such as native vegetation clearance or structures rules NFL-R1 & R3 and CE-R1 & R3), are low. Nevertheless, there may be situations where the consenting process would be a useful tool for considering the effects of land-use change on the values of particular areas.

4.2 NFL, CE AND NATC - INFRASTRUCTURE RULES

Chorus and other infrastructure providers have made a number of submission points in relation to how the controls within the three overlays may constrain the provision of important infrastructure. From the perspective of protecting landscape and natural character values, the introduction of new poles, towers, lines of cabling or antennae has the potential to undermine identified values in protected areas. On the other hand, the provision of infrastructure to provide power and telecommunications services to communities throughout the district is an important goal of the network utility providers. The following discussion aims to find a balance between these two aims.

¹⁰ I have assumed that this would not render the activity 'intensive indoor primary production' which is excluded from the definition of 'farming' in the PDP

Chorus and other infrastructure providers have requested that rules not apply to infrastructure in the road reserve:

*"The current rules framework in relation to Natural Features and Landscapes does not provide for new infrastructure activities noting that in instances there may be a functional or operational need for such activities to be located in Natural Character areas, (margins of water bodies). Allowing for new infrastructure (compliant with the relevant standards within the Infrastructure section) within existing road reserve would appear appropriate given the land has already been developed and therefore has a lesser degree of impact in these areas."*¹¹

Firstly, I note that the submission excerpt cited above refers to both ONL rules and Natural Character areas. I assume this has resulted from a duplication of most of submission point S282.013 in relation to the NATC chapter, as s282.027 in relation to ONL. I have assumed that the submitters seek the ability put new infrastructure through ONLs and areas on the margins of freshwater as a permitted activity, where these will follow existing road corridors.

Many ONLs do include road corridors within the overlay and roads also occur on the margins of freshwater areas. In my opinion facilitating the introduction of new infrastructure within an existing road corridor could have adverse effects on the identified values of the relevant overlay, depending on the scale of the new infrastructure. Single poles up to 10m in height will probably be acceptable, but taller structures, pi-poles or more complex lattice towers may well have adverse effects that should be considered through a consenting process. I therefore only support this submission point to the extent described.

Infrastructure providers have also requested that the upgrading of existing above ground network utilities be permitted. It has been suggested that such upgrades would need to comply with I-R3. Those rules are shown below:

Upgrading of existing above ground network utilities

Activity status: Permitted

Where:

PER-1
The realignment, relocation or replacement of a telecommunications line, pipe, pole, tower, conductor, cross arm, switch, transformer or ancillary structure is within 5m of the existing alignment or location.

PER-2
The realignment, relocation or replacement of a gas transmission line is within:
 1. an existing easement in favour of the pipeline;
 2. is within 12m of the existing alignment or location.

PER-3
A pole is not replaced with a tower.

PER-4
A replacement pole, tower or telecommunication pole does not exceed a height, which is the lesser of the following:
 1. 25m;
 2. the height of the replaced pole, tower or telecommunications pole by more than 30 percent in a 10 year period.

PER-5

The diameter or width of a replacement pole or telecommunication pole:

1. does not exceed twice that of the replaced pole at its widest point;
2. where a single pole is replaced with a pi pole, the width of the pi pole [structure](#) must not exceed three times the width of the replaced pole at its widest point.

PER-6

There are no additional towers.

PER-7

A maximum of two additional poles, where necessary to achieve conductor clearances required by [NZECP 34:2001](#).

PER-8

Additional cross arms do not exceed the length of the existing cross arm by more than 100 percent, up to a maximum of 4m.

PER-9

The diameter of replacement pipes do not exceed the diameter of the replacement pipe by more than 300mm.

PER-10

The realignment, relocation or replacement of any other [network utility structure](#) or [buildings](#) must:

1. be within 5m of the alignment or location of the original [structure](#) or [building](#);
2. must not increase the footprint of the [structure](#) or [building](#) by greater than 30 percent in a 10 year period;
3. must comply with the zones permitted [setback](#) standards if it is a [building](#).

PER-11

A replacement panel antenna does not increase the face area by more than 20 percent in a 10 year period.

PER-12

A replacement dish antenna does not increase in diameter by more than 20 percent in a 10 year period.

PER-13

The activity complies with standards:

- I-S1 Radio frequency fields; and
- I-S2 Electric and magnetic fields.

I make the following observations in relation to enabling upgrading of network utilities in sensitive locations.

Firstly, I have concerns with enabling this type of upgrading of equipment where the existing structure is within both an ONL and the CE. The sensitivity of such locations means that, in my opinion, a consent process should be initiated to ensure adverse affects on landscape and natural character values are considered.

I also note that the increase in size of network structures in I-R3 is generous. Allowing the introduction of a pole or tower up 25m high could create adverse effects within an ONL, even where it is replacing an existing pole or tower. Such a height could potentially rise above surrounding vegetation which successfully masks the existing structure and could create adverse effects on the landscape values identified. The same is also true on the margins of freshwater bodies, where vegetation is unlikely to mask a 25m high structure.

Similarly, enabling pi poles up to the three times the width of the existing pole could create unacceptable adverse effects within an ONL. A row of single poles across a landscape can be difficult to pick up, visually. However a line of pi poles across the same landscape could well have adverse effects of the landscape values being protected by the ONL overlay. Similarly, a row of pi poles along the edge of a freshwater body could be highly visible across the body of water.

Additionally, enabling existing utility buildings to be extended by 30% or relocated by up to 5m could seriously undermine landscape values, whether they are in an ONL or the margins of freshwater.

While I think it is appropriate to enable some upgrading of existing infrastructure, I find that the controls in I-R3 are too generous, and will not necessarily protect the landscape or natural character values that have been identified for protection. In my opinion it would be acceptable to enable a new replacement pole or tower either up to 10m in height or the height of the existing structure, whichever is the highest. In terms of building coverage, I can accept an increase of 20%, in line with NFL-R1 PER-3. The use of pi poles to replace single poles should not, in my view, be a permitted activity in either of these overlay areas.

In summary I can support the following in a road reserve in an ONL or freshwater margin:

- Enabling poles and towers up to 10m high or the height of the existing structure, whichever is the higher, as a permitted activity;
- Enabling the expansion of existing buildings by up to 20%.

4.3 NFL-S1 1 & CE-S1.1

A number of submitters have questioned the wording of the second phrase in NFL-S1.1, which is repeated in NFL-S1.2. The words in the PDP are "... *and must not exceed the height of the nearest ridgeline, headland or peninsula.*" I note the same phrase also appears CE-S1.1 and S1.2 and the comments I make below apply equally there.

My understanding is that this phrase was introduced in response to wording in the RPS. That document states under '4.6 Managing effects on natural character, features / landscapes and heritage', at 'Policy 4.6.1(1) In the coastal environment':

"(b): Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods which may achieve this include:

*(i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, **ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and...**"*

my emphasis.

and at (2) Outside the coastal environment:

*"(a) In **outstanding natural landscapes**, requiring that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins;" my emphasis.*

Section 75 of the RMA requires District Plans to 'give effect to' regional policy statements and to 'not be inconsistent with regional plans'. I understand this explains the wording in the PDP. Nevertheless, I anticipate there being some difficulties in applying the phrase " *must not exceed the height of the nearest ridgeline, headland or peninsula.*" The uncertainty of which landform needs to be used to make such an assessment will, I anticipate, create problems for both applicants and Council officers.

While I am certainly supportive of the protection of landscape values generally, by avoiding development on visually prominent ridgelines, in my experience problems can also arise in determining how a proposed building should be assessed.

For example, there are several factors that are unclear in the phrase "... *and must not exceed the height of the nearest ridgeline, headland or peninsula.*" Firstly, which of the three landforms is to be used in any assessment and, perhaps more critically, should this assessment be carried out by determining:

- a. whether the building will "appear" higher than the nearest landform feature when viewed from a public place some distance away, or
- b. whether the spot height of the top of the building is higher than the highest spot height of the nearest ridgeline, headland or peninsula.

In example a. above it would be necessary to clarify that the viewing location is a public place, as it is the public's perception of landscape values which I assume is sought to be protected by this standard. As many of the district's ONL's are in coastal locations, alongside ONC and HNC areas, views from beaches and inshore waters may also need to be considered.

In example b. above, although the actual height of the structure may be appropriate in relation to local landform features, the specific location of a viewer, in relation to these two features, will be determinative in whether the building "appears" higher than the particular landform or not. I include **Figure 7**, below to illustrate what I mean.

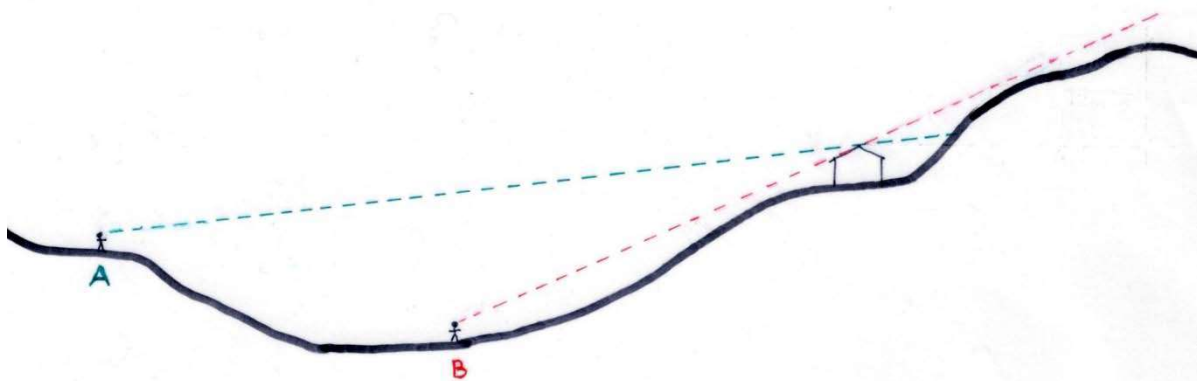


Figure 7 *Is the new building 'higher' than the ridgeline or not?*

The farm shed in **Figure 7** above has been constructed so that the highest point is below the crest of the nearest ridge. For viewer A the ridge successfully provides a backdrop to the building. However, for Viewer B the angle of view means that the building has no backdrop provided by the ridge and may appear on the skyline 'above' the ridge.

I understand that the Whangārei District Plan, (WDP) which also must not be inconsistent with the RPS, includes the following:

NFL-ONL-R3 Construction of Buildings and Major Structures

Activity Status: Permitted

Where:

1. The building or major structure is non-habitable and ancillary to rural production or network utility activities provided that:
 - ...
 - b. The highest point of the building or major structure is no less than 15m lower in elevation than the most proximate portion of ridgeline closest to the building or major structure.

I note that rather than refer to all three landforms used in the RPS, ridgeline, headland or peninsula, the WDP provisions only refer to ridgelines. I support this approach as ridges will always include a degree of elevation making them vulnerable to visual intrusion by development. Headlands and peninsulas on the other hand do not necessarily include elevated land.

I am aware that the operative Kaipara District Plan (KDP) includes the following provision in the list of restricted discretions it reserves for development in parts of the rural environment:

*"Extent of visual intrusion and dominance of any **buildings** from beyond the **site**, particularly from the **road** and public places including the **Coastal Marine Area** and the **effect** on skylines and ridgelines."*

Having been involved with the protection of ridgelines from inappropriate development for several decades, I am concerned that successfully including consideration of this complex matter as a standard for permitted activities is going to be difficult. I would recommend that consideration of the relationship of new development, either in the CE or in an ONL, with the local landform be a matter of discretion to be considered as part of a resource consent.

4.4 NFL-S2 & CE-S2

Some submitters have pointed out that the use of the Resene BS5252 colour chart in the hyperlink from NFL-S2 is inappropriate. I agree and note the same hyperlink in CE-S2. Resene are not the only paint manufacturer who can provide paint that complies with the requirements of NFL and CE-S2. The original BS5252 includes a whole range of colours which any paint manufacturer should be able to provide. The important point is that any colours used in these sensitive landscapes, should have a reflectance value no greater than 30% and be drawn from Groups A, B or C within the BS5252 colour chart.

I have prepared an alternative colour chart which I recommend be used in the hyperlink in CE-S2 and NFL-S2. It is included in **Appendix D**, along with an explanation of the reference numbers used.

There are however some important exceptions to this. The historic centres of a number of the coastal settlements have heritage overlays with controls which include controls on the colour of buildings. As many of these settlements, such as Kororāreka and Mangonui have numerous buildings which are white or nearly white, imposing controls which would prevent the use of these colours would not be appropriate, in my opinion. Impacts on the natural character values of the area would not be avoided by such controls, as these colours already exist in the towns. In the case of Rawene, in particular, the use of a variety of relatively bright colours on the commercial buildings has become a particular feature of the town.

My recommendation is that for Hihi, Kohukohu, Mangonui, Paihia, Rawene and Russell / Kororāreka, the colour controls within the heritage areas should prevail over the CE colour controls. Beyond the heritage areas, the CE controls should apply.

As an aside, I note that the building colour controls in the heritage area overlays also refer to Resene colour charts:

"The exterior facades of all buildings or structures are finished in accordance with the colour scheme from the following paint ranges or equivalent:

- *resene heritage colours;*
- *resene whites and neutrals; and*
- *resene colour range BS5252 (A01-C40 range)."*

In this instance the use of the words "*or equivalent*" are important, and enable alternative paint suppliers to be used.

As notified, the PDP provisions mean that the colour controls apply to both new buildings and structures and extensions to existing buildings. However, in my opinion, this may be unnecessarily constraining. If a building already exists, in either the CE or an ONL, which does not comply with the BS5252 colours nominated, then requiring any extension to that building to comply will not achieve any particular environmental protection. The existing building will already be creating a level of adverse effects which will not be increased by enabling the extension, which cannot be greater than 20% of the GFA of the existing building, to be in the same colour or materials.

In terms of new or extensions to existing structures, such as bridges, boat ramps etc., these will usually be constructed from natural materials and will not be visually intrusive. The one exception is the use of galvanised steel in structures. As this finish gradually darkens and dulls as it ages, I accept that it need not comply with the colour standards.

A number of submitters have suggested that natural materials should not be excluded from use on the outside of buildings in the CE or ONLs. I agree. The references to BS5252 seem to have been inferred by some submitters as a requirement for all cladding to be painted. That is not, in my opinion, appropriate and some adjustment of the wording in CE-S2 and NFL-S2 is recommended.

4.5 APPENDIX 1 & MAPPING OF NATURAL CHARACTER AREAS

Pacific Eco-Logic have stated in their submission (s451.020) that:

"The listed criteria for the mapping of coastal natural character differ from what was actually used to map natural character for the RPS in 2012

and have requested that:

the definitions, criteria and methodology used for mapping the natural character in the Regional Policy Statement for Northland."

The submission references the Natural Character Mapping Methodology which is referenced in the RPS. This report details the methodology employed in mapping ONC and HNC areas. It is a complex report prepared by the submitter as part of the Northland Mapping Project.

In response I note that the Coastal Environment Assessment Criteria from Appendix 1 Mapping Methods of the RPS, as shown below should suffice as the PDP is adopting the RPS maps and thus should adopt the RPS Appendix, as well.

Natural character assessment criteria

The following attributes are to be used in any further assessment to identify Northland's outstanding and high natural character areas in the coastal environment (as mapped in the Regional Policy Statement – Maps). These attributes are based on Policy 13(2) of the NZCPS 2010.

Natural character attributes

Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as the following to identify a range of natural character from pristine to modified:

- a) Natural elements, processes and patterns;*
- b) Biophysical, ecological and geomorphological aspects;*
- c) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
- d) The natural movement of water and sediment;*
- e) The natural darkness of the night sky;*
- f) Places or areas that are wild or scenic; and*
- g) Experiential attributes, including the sounds and smell of the sea; and their context or setting.*

As a guide

- Outstanding natural character generally means entirely natural (such as near to pristine indigenous land cover, negligible human features e.g. buildings, structures, paved surfaces, roading or vehicle tracks) and a very strong experience of naturalness.*
- High natural character generally means a high proportion of indigenous vegetation cover, visually unobtrusive land management (e.g. low intensity pasture), few and visually subservient human features and a strong experience of naturalness.*

- *Areas where natural character is less than high generally means one or more of the following: Mostly modified land cover (e.g. pasture, plantations), limited remnant indigenous vegetation, obvious land management patterns, obvious or prominent human structures, and a modest experience of naturalness.*

A full copy of the assessment worksheets and methodology used for evaluating coastal natural character: Northland Regional Council Northland Mapping Project: Natural Character Methodology is available from Northland Regional Council.

4.6 NATC-R1 PER-2

Northland Planning and Development Ltd (s502.035) have requested additions to the buildings and structures listed in rule NATC-R1 PER-2 as permitted. They have asked that the following be added to the list:

- Lighting poles by, or on behalf of, the local authority;
- Footpaths and or paving no greater than 2m in width; and
- Boundary fences or walls no more than 2m in height above ground level.

I note that the list is described in the PDP as "being required for". The above list does not include the purpose of each of the suggested structures and so does not fit the language of the rule well.

Despite this, I agree with the sentiments expressed in the submission explaining why the first two structures listed might be needed at the margins of freshwater bodies as permitted activities. I am, however, not comfortable with making boundary fences or walls up to 2m in height permitted structures in these sensitive locations. A solid block wall or fence up to 2m high could have adverse effects on the natural character values of some freshwater bodies, depending on the specific location. It would be more appropriate for such proposals to be considered by Council and not included as permitted.

I support the submission point, in terms of the first two structures listed, but not the third.

4.7 HORTICULTURE NZ SUBMISSION

Horticulture NZ have made a comprehensive submission on the whole of the PDP, including several submission points relating to the Natural Character chapter. Amongst other requests they have asked for an addition to NATC-R1. They have requested that a new PER-5 be added to enable the following as permitted activities:

- Irrigation structures;
- Crop support structures; and
- Artificial crop support structures with green or black cloth on vertical sides.

Although many of these structures may fit within the 5m height limit imposed on structures by NATC-S1, they can extend for hundreds of metres across the landscape, often in a series of parallel lines, at frequent intervals. Such extensive and clearly man-made structures are likely to have adverse effects on the natural character of the margins of wetlands, lakes and rivers. I do not support them being enabled as permitted activities.

Horticulture NZ have also requested that different setbacks from those listed in the definition of "wetland, lake and river margins" in the PDP be applied to such structures, by seeking that setbacks be:

- 10m from a wetland, lake or river over 3m wide; or
- 3m from a wetland, lake or river less than 3m wide.

The definition of "wetland, lake and river margins" in the PDP varies from zone to zone, but for areas where horticultural activities are likely to take place, it means the area of land within 30m of the wetland, lake or river.

For the same reasons as expressed above, I am concerned that enabling horticultural crop protection structures as permitted activities in close proximity to areas with important natural character values will have adverse effects on those values. Horticulture NZ state that the 30m setback will "preclude optimal use of highly productive land". While I support the optimal use of highly productive soil, in my opinion it is appropriate for such developments to be carefully considered by Council where potential adverse effects can be assessed. I thus do not support them being enabled as permitted activities.

Finally, Horticulture NZ have requested that "Irrigation structures" and "Artificial crop protection structures" be added to the list of structures which can be repaired or maintained as a permitted activity under NATC-R2. While I support enabling people to repair and maintain legally established buildings and structures within the margins of freshwater areas, I am concerned that the Natural Character policies, particularly NATC-P1, requires avoidance of significant adverse effects and the avoidance, remediation or mitigation of other adverse effects on the natural character of these areas.

Without a full understanding of the types of equipment likely to be necessary for repair or maintenance activities on crop protection structures, or the potential for either earthworks or vegetation removal to be necessary in association with repair or maintenance activities, I find it difficult to comment on the submission point. If the submitter is able to provide further insights during the hearing, then I would be happy to respond.

4.8 NATC-R3 PER-1, NFL-R3 PER-1 & CE-R3 PER-1

NATC-R3 PER-1 refers to NATC-R2 which lists a number of maintenance situations where earthworks or indigenous vegetation clearance would be a permitted activity in the margin of a freshwater body. Similarly, both NFL-R3 PER-1 and CE-R3 PER-1 refer to NFL-R2 PER-1 and CE-R3 PER-1 respectively, each contain a similar list of maintenance situations where earthworks or indigenous vegetation clearance would be permitted in the CE and ONLs.

Waitangi Limited, (s503.015, s503.021 & s503.044) have sought additions to these lists with respect to repair and maintenance of:

- Carparking areas;
- Board walks;
- Boat ramps; and
- Buildings and Structures

I shall deal with each of these four maintenance situations in turn, including comments in relation to the CE, ONLs and freshwater body margins.

It is not made clear in the submission how the need for either earthworks or indigenous vegetation removal might be necessary for the maintenance of a car park. I can only assume that the repair and maintenance activities anticipated, extend beyond the formed surface of the carpark in some way, possibly for new stormwater infrastructure, perhaps. I am also uncertain that such activities would be required adjacent to a freshwater body.

Any earthworks or vegetation removal beyond the edge of the formed parking area should go through a consenting process, in my opinion, if it exceeds the permitted limits already discussed, to protect the natural character or landscape values of the site. Repair and maintenance of the formed car park itself is, in my opinion, acceptable and could be added to the list but the words need to specifically relate to the formed parking area.

The repair or maintenance of board walks or boat ramps is less likely to create adverse effects on the natural character of the margins of the sea, wetland, river or lake where they are situated. As the structures already exist, it is unlikely that vegetation removal or earthworks will be required for maintenance operations where the size, scale and materials used are like for like. I thus support the addition of these two items to the lists.

Enabling indigenous vegetation removal or earthworks around any building or structure as a permitted activity runs the risk of adverse effects on the natural character or landscape values of the area. Repair and maintenance of buildings and structures can involve substantial disturbance to the area around the building or structure. Such works could involve, for example, access of large vehicles, such as cranes, the erection of scaffolding and similar works. The potential for adverse effects from these works on the natural character of freshwater bodies, or the CE or on landscape values in ONLs should, in my view, be assessed by way of a discretionary consent if it exceeds the permitted limits already discussed.

4.9 NFL-R3 & CE-R3 BENTZEN FARMS LTD

Within their comprehensive submission, Bentzen Farms Ltd have requested other additions to the list where indigenous vegetation removal or earthworks would be permitted activities under both NFL-R3 and CE-R3.

The first of these is a request for the creation of firebreaks through indigenous vegetation around vulnerable activities. Vulnerable activities are residential activities, care facilities (including day care centres), retirement villages, visitor accommodation, marae and medical facilities with overnight stay facilities. It has been suggested that the creation or maintenance of a 20m setback between the indigenous vegetation and the vulnerable activity be enabled as a permitted activity. Where the vegetation clearance is clearly for the safety of human occupants of various buildings, I can support this submission point.

Secondly, the submitter has suggested that the construction of a new fence, for the purpose of exclusion of stock and/or pests from the area of indigenous vegetation, or to provide boundary delineation, could be permitted, so long as the area of clearance was no more than 3.5m wide. Where the proposed fence will ultimately provide additional protection to the indigenous vegetation, such as fencing out stock, then I can support such a rule. 3.5m is wide enough for the access of a tractor for the construction of a fence, allowing poles and wire to be delivered and poles to be rammed. This will then leave 1.75m of cleared area either side of the fence which should revegetate relatively quickly. I thus support this submission point.

Thirdly, they have sought that the re-establishment of pasture which has been abandoned for a number of years resulting in the need for indigenous vegetation to be cleared be added to this list of permitted activities. The removal of naturally occurring re-vegetation areas within an ONL or in the CE could potentially create adverse effects on the landscape values identified for the ONL and the natural character values of the CE. I thus do not support this submission point.

4.10 LAKES

Matauri Trustee Limited seek amendments to various policies and rules to exclude application to lakes with a bed less than 5ha in area and exclude a body of freshwater impounded by a dam (e.g. S243.042).

In response I note that the NRC Plan requires stock to be excluded from lakes greater than 1ha. Although the purpose of the NRC restriction is principally for water quality purposes, damage to water quality is directly linked to adverse effects on natural character values. I therefore conclude that an appropriate size limit for the application of the NATC rules is greater than 1ha.

In terms of whether the rules should apply to man-made lakes, ie freshwater impounded by a dam, I note that the manner in which the lake was created, whether naturally or by deliberate damming, will have little effect on the natural character values of the lake's margins, once vegetation and other natural processes have established there. As an example, I note that Lake Manuwai, Kerikeri's irrigation reservoir, has high natural character values despite being constructed in the 1980s. I thus do not support the exclusion of freshwater impounded by a dam.

4.11 NFL-R1 PER-1

The NRC (s359.032) are concerned that there is potential for unintended consequences of the rules applying in NFLs. The rules, as notified, mean that new fencing requires a resource consent. As such, NRC requests that the permitted activity rules are expanded to allow for fencing within ONLs where it is required for protection or enhancement of soil conservation treatments, waterbodies and wetlands, in line with the Stock Exclusion Regulations or Regional Plan rules.

The need to erect fencing to ensure compliance with the Stock Exclusion Regulations should not, by itself, create the necessity to gain a resource consent, even where that fence is proposed within an ONL. I thus support this addition to NFL-R1 PER-1.

4.12 NFL-R1 & CE-R1 RESIDENTIAL UNITS

A number of submitters have pointed out that, as notified, the NFL and CE rules would mean that an unimplemented residential development within an approved subdivision would need to gain an additional resource consent.

Council's consultant planner is suggesting that this be addressed by the inclusion of a controlled activity (CON-1) provision under NFL-R1 and CE-R1. While I am supportive of enabling development which has already been anticipated by way of a consent, it will be important to ensure that the original subdivision was subject to a landscape assessment which ensured that landscape impacts were carefully considered at the time of subdivision consent. This will include the need for the proposed residential unit being on an identified building platform.

For such a controlled activity it will thus be necessary to consider:

- any adverse effects on the characteristics and qualities of the ONL;
- the matters listed in NFL-P8; and
- any mitigation measures required as part of the subdivision consent.

If these considerations are appropriately included in the matters of control, then I can support this response to these submissions.

4.13 KAURI CLIFFS SPZ

As discussed in 3.1B CE-R1 above, the requirement in CE-R1 in the PDP, as notified, to differentiate between proposals in an urban zone and a non-urban zone is problematic. As notified, the definition of urban zones in the PDP did not, in fact, include all urban zones. The recommendation of Council's consultant planner is that rather than use the term 'urban zone' and 'non-urban zone', a list of zones to which the PER-1 rule applies would be used instead.

I have been asked to consider whether the Kauri Cliffs SPZ should be moved to that list, given that further development is anticipated to occur at the golf resort. Of the four sub-zones within the Kauri Cliffs SPZ, the Golf Living sub-zone is where further development is anticipated. Rather than referring to the Kauri Cliffs SPZ as a whole, I would prefer that only the Golf Living sub-zone, be included in the list of urban zones to which CE-R1 PER 1 would apply.

4.14 EARTHWORKS CUT HEIGHT & FILL DEPTH IN NFL, CE & NATC

All three chapters of the PDP contain a control in the Earthworks and indigenous vegetation clearance standard which limits the height of any cut face or fill depth to 1m. They are NFL-S3.2, CE-S3.4 and NATC-S2.2. A number of submitters have sought to have this figure increased to 1.5m. I make the following comments:

Both excavation and filling will lead to the creation of exposed areas of either cut ground or deposited fill. Such features can become a scar on the landscape which, in some of the more sensitive environments should be avoided. At the same time the creation of a hard edge to an area of either cut or fill can also create unnatural landforms that undermine landscape values. Some level of control over the height of such exposed faces is appropriate in all the overlays.

In my opinion the 1m height limit should be retained for both ONLs and HNC in the CE and for the margins of freshwater bodies. These are the more sensitive areas where earthworks should be limited to 50m², as discussed above. In the CE outside both ONCs and HNCs I am supporting a permitted earthworks limit of 100m². Nevertheless, because of the comparatively harsher climatic conditions and the difficulty of revegetating cut surfaces, I consider the retention of the 1m height limit to be appropriate here as well. I could accept an increase in height to 1.5m in ONLs outside the CE.



Melean
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