

# Appendix 1.1 – Officers Recommended Amendments to Natural Features and Landscapes Chapter

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text).

## Overview

The Far North District has an extensive coastline with many harbours, large tracts of indigenous vegetation and a wide variety of natural processes that operate at varying scales. This has created a district rich in unique landscapes and features. In many instances, they are celebrated by cultural associations and stories. ~~Modification of these places has been minimal largely due to their remote locations, historic heritage and in some cases challenging topography and geomorphology.~~<sup>1</sup>

Outstanding natural landscapes (ONL) account for approximately 22% of the Far North District's land area. Outstanding natural features (ONF) account for approximately 1.6% of the district's land area. The NRC Regional Northland Mapping Project largely identified the characteristics and qualities, and values<sup>2</sup> attributed to the ONL and ONF identified in the Far North District. The criteria for identifying ONL and ONF and the schedules for them can be found in APP1- Mapping methods and criteria and SCHED5 and SCHED6 of the District Plan.

Landowners play a critical role in the preservation of natural landscape and feature values – by retaining elements that contribute to those values (such as leaving large tracts of indigenous vegetation intact) and actively enhancing these elements (for example through pest control and native plantings).<sup>3</sup>

ONL and ONF provide significant public benefit for the district, including the economic benefits of tourism, recreational use, as well as providing and protecting ecological, aesthetic and cultural values. Consideration needs to be given to recognising and protecting the characteristics, qualities and values of ONL and ONF while ensuring the community's health, safety and wellbeing, and enabling the use of Māori land.

Council has a responsibility under the RMA, the NZCPS and the RPS to protect ONL and ONF from inappropriate land use and subdivision.

Objectives	
NFL-O1	<u>ONF and ONL are protected from inappropriate land use and development.</u> <sup>4</sup> <del>ONL and ONF are identified and managed to ensure their long-term protection for current and future generations.</del>
NFL-O2	<del>Land use and subdivision in ONL and ONF is consistent with and does not compromise the characteristics and qualities of that landscape or feature.</del> <sup>5</sup>
NFL-O3	The ancestral relationships Tangata Whenua has with the land is recognised and provided for as a part of the characteristics, <u>and qualities, and values</u> <sup>6</sup> of ONL and ONF.

Policies	
NFL-P1	Identify ONL and ONF through an assessment of the characteristics, <u>and qualities and values</u> <sup>7</sup> using the criteria in APP1- Mapping methods and criteria.
NFL-P2	Avoid adverse effects of land use and subdivision on the characteristics, <u>and qualities and values that make of ONL and ONF within the coastal environment outstanding.</u> <sup>8</sup>

<sup>1</sup> Setar Thirty Six (S168.033) and others.

<sup>2</sup> Bentzen Farm (S167.031) and others.

<sup>3</sup> Federated Farmers (S421.150).

<sup>4</sup> Federated Farmers (S421.151) and others.

<sup>5</sup> Federated Farmers (S421.151) and others.

<sup>6</sup> Bentzen Farm (S167.031) and others.

<sup>7</sup> Bentzen Farm (S167.031) and others.

<sup>8</sup> Bentzen Farm (S167.031) and others.

<b>NFL-P3</b>	Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, <del>and qualities and values</del> that make of ONL and ONF outside the coastal environment <u>outstanding</u> . <sup>9</sup>
<b>NFL-P4</b>	<u>Recognise that lawfully established activities form part of ONL and ONF and allow these activities to continue without undue restriction.</u> <sup>10</sup>  Provide for farming activities within ONL or ONF where: a. <del>the use forms part of the characteristics and qualities that established the landscape or feature; and</del> b. <del>the use is consistent with, and does not compromise the characteristics and qualities of the landscape or feature.</del>
<b>NFL-P5</b>	Enable land use and subdivision within Māori Purpose zoned land and Treaty Settlement land by recognising <u>that adverse effects on ONL and ONF may be acceptable to support the social, economic and cultural wellbeing of tangata whenua.</u> <sup>11</sup>  <del>Provide for the use of Māori Purpose zoned land and Treaty Settlement land in ONL and ONF where land use and subdivision is consistent with the ancestral use of that land and does not compromise any identified characteristics and qualities of ONL and ONF outstanding.</del>
<b>NFL-P6</b>	Encourage the restoration and enhancement of ONL and ONF <del>where it is consistent with the characteristics and qualities.</del> <sup>12</sup>
<b>NFL-P7</b>	Prohibit land use that would result in any loss of and/or destruction of the characteristics and qualities of ONL and ONF. <sup>13</sup>
<b>NFL-P8</b>	<u>Consider the following matters where relevant when assessing and managing the effects of land use and subdivision on ONL and ONF:</u> <sup>14</sup>  Manage land use and subdivision to protect ONL and ONF and address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: a. the presence or absence of buildings, structures or infrastructure; b. the temporary or permanent nature of any adverse effects; c. the location, scale and design of any proposed development; d. any means of integrating the building, structure or activity; e. the ability of the environment to absorb change; f. the need for and location of earthworks or vegetation clearance; g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location; h. any viable alternative locations for the activity or development outside the landscape or feature; i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6; j. the characteristics and qualities of the landscape or feature; k. the physical and visual integrity of the landscape or feature; l. the natural landform and processes of the location; m. any positive contribution the development has on the characteristics and qualities <u>and values</u> ; <sup>15</sup> n. <u>the visibility of impacts viewed from public places; and</u> <sup>16</sup> o. <u>the visual effect of the building, structure or activity on nearby ridgelines, headlands or peninsula.</u> <sup>17</sup>

<sup>9</sup> Bentzen Farm (S167.031) and others.

<sup>10</sup> Summits Forests New Zealand (S148.027) and others.

<sup>11</sup> Te Rūnanga o Ngāti Rēhia (S559.025).

<sup>12</sup> P S Yates Family Trust (S333.031) and others.

<sup>13</sup> Bentzen Farm (S167.037) and others.

<sup>14</sup> Clause 16, Schedule 1, RMA.

<sup>15</sup> Bentzen Farm (S167.037) and others.

<sup>16</sup> John Andrew Riddell (S431.162).

<sup>17</sup> Setar Thirty Six (S168.046) and others.

**Rules**

**Notes:**

1. There may be rules in other District-Wide Matters and the underlying zone in Part 3- Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the how the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. The National Environmental Standards for Plantation-Forestry Commercial Forestry 2017 (NES-PCF) regulates plantation commercial forestry and Regulation 6 of the NES- PCF allows plan rules to be more stringent to protect ONF, ONL and give effect to Policy 15 of the NZCPS. Rule NFL-R5 Plantation forestry and plantation forestry activities in This chapter contains more stringent rules for commercial plantation-forestry related earthworks, indigenous vegetation and afforestation activities in to ONL and ONF and prevails over the NES-PF regulations.<sup>18</sup>
3. The Earthworks and Ecosystem and Indigenous Biodiversity<sup>19</sup> chapter rules apply ‘in addition’ to the earthworks and indigenous vegetation clearance rules in this chapter, not instead of. ~~In the event of a conflict between the earthworks chapter and this chapters earthworks rules, the most stringent rule will apply.~~<sup>20</sup>
4. Earthworks and indigenous vegetation clearance in the margins of wetlands are controlled by the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). Rule NFL-R3 does not to apply earthworks and indigenous vegetation clearance regulated by the NES-F.<sup>21</sup>
5. The rules refer to ONF categories (for example category ‘A’ ONF). To determine the ONF category, refer to APP1, Outstanding Natural Features identification and assessment criteria and the referenced ONF mapping methodology report (Hayward, B. (2016). Outstanding Natural Features: Identifying and Mapping sites in Far North District Council - Methodology Report)<sup>22</sup>

NFL-R1	New buildings or structures, and extensions or alterations to existing buildings or structures	
<p><b>Within ONL and ONF</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>PER-1</b>  <u>Any</u> If a new building or structure if it is:</p> <ol style="list-style-type: none"> <li>1. <u>not used for a residential activity, and</u><sup>23</sup></li> <li>2. <u>complies with NFL-S1 and NFL-S2, and</u></li> <li>3. <u>no greater than:</u> <ol style="list-style-type: none"> <li>a. <u>50m<sup>2</sup> in ONL in the coastal environment, and</u></li> <li>b. <u>100m<sup>2</sup> in ONL outside the coastal environment, and</u></li> <li>c. <u>50m<sup>2</sup> in category ‘A’ ONF in the coastal environment, and</u></li> <li>d. <u>100m<sup>2</sup> in category ‘A’ ONF outside the coastal environment</u></li> <li>e. <u>25m<sup>2</sup> in ONF (excluding category ‘A’ ONF).</u><sup>24</sup></li> </ol> </li> </ol> <p>is located outside the coastal environment it is:</p> <ol style="list-style-type: none"> <li>1. <u>ancillary farming (excluding a residential unit);</u></li> <li>2. <u>no greater than 25m<sup>2</sup></u></li> </ol> <p><b>PER-2</b></p> <p><del>If a building or structure is located within the coastal environment it is:</del></p> <ol style="list-style-type: none"> <li>1. <del>ancillary farming (excluding a residential unit);</del></li> </ol>	<p><b><u>Activity status when compliance not achieved with PER-1:</u></b></p> <p><b><u>Controlled</u></b></p> <p><b><u>CON-1</u></b>  <u>The building is a residential unit on a defined building platform, where the defined building platform has been identified through an expert landscape assessment and approved as part of an existing subdivision consent.</u></p> <p><u>The matters of control are:</u></p> <ol style="list-style-type: none"> <li>a. <u>effects on the characteristics, qualities and values of ONL and ONF</u></li> <li>b. <u>the matters in NFL-P8.</u><sup>30</sup></li> </ol>

<sup>18</sup> PF Olsen (S91.016) and others.

<sup>19</sup> Forest and Bird (S511.080).

<sup>20</sup> Clause 16, Schedule 1, RMA.

<sup>21</sup> Clause 16, Schedule 1, RMA.

<sup>22</sup> Consequential change (various recommended changes to include reference to category ‘A’ ONF)

<sup>23</sup> Bentzen Farm (S167.040) and others.

<sup>24</sup> Bentzen Farm (S167.040) and others.

<sup>30</sup> Wendover Two (S222.044) and others.

	<p>2. no greater than 25m<sup>2</sup></p> <p><b>PER-23</b> Any extension or alteration<sup>25</sup> to a lawfully established building or structure; 1. is no greater than 20% of the GFA of the existing lawfully established building or structure, and 2. complies with NFL-S1.</p> <p><b>PER-3</b> <u>Any new building or structure, and extension or alteration to an existing building or structure not provided for by PER-1 or PER-2 and is:</u> 1. a stock fence, or<sup>26</sup> 2. infrastructure less than 10m high within a road corridor provided any pole: a. is a single pole (monopole), and b. is not a pi-pole or a steel-lattice tower, or<sup>27</sup>, 3. an upgrade of existing electricity network utilities: a. outside the coastal environment, b. in a ONL or category 'A' ONF, c. no greater than 10m high or the height of the existing structure d. no greater than 20% of the GFA of the existing lawfully established building or structure, and e. not replacing a pole with a pi pole.<sup>28</sup></p> <p><b>PER-4</b> 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<sup>29</sup></p>	<p><b>Activity status when compliance not achieved with CON-1 PER-1, PER-2, and PER-3 outside the coastal environment:</b> <b>Restricted discretionary</b> <b>Discretionary</b></p> <p>The matters of discretion are: a. effects on the characteristics, qualities and values that make ONL and ONF outstanding b. the matters in NFL-P8. c. the positive effects of the activity.<sup>31</sup></p>
<p><b>NFL-R2</b></p>	<p><b>Repair or maintenance<sup>32</sup></b></p>	
<p><b>Within ONL and ONF</b></p>	<p><b>Activity status: Permitted Where:</b></p> <p><b>PER-1</b></p> <p>The repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like: 1. roads 2. fences 3. network utilities 4. driveways and access 5. walking tracks 6. cycling tracks 7. farming tracks</p>	<p><b>Activity status when compliance not achieved with PER-1:</b> <b>Discretionary</b></p>
<p><b>NFL-R3</b></p>	<p><b>Earthworks or indigenous vegetation clearance</b></p>	
<p><b>Within ONL and ONF</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p>	<p><b>Activity status when compliance not achieved with PER-1 or PER-2 outside the coastal environment:</b> <b>Restricted discretionary</b></p>

<sup>25</sup> Clause 16, Schedule 1, RMA.

<sup>26</sup> NRC (S359.032).

<sup>27</sup> Chorus New Zealand Limited et al. (S282.027).

<sup>28</sup> Top Energy (S483.160).

<sup>29</sup> Bentzen Farm (S167.040) and others.

<sup>31</sup> Bentzen Farm (S167.040) and others.

<sup>32</sup> P S Yates Family Trust (S333.036) and others.

	<p><b>PER-1</b> The earthworks or indigenous vegetation clearance is:</p> <ol style="list-style-type: none"> <li>1. <u>compliant with standard NFL-S3, or</u></li> <li>2. <u>for the operation, repair and maintenance of existing lawfully established:</u> <ul style="list-style-type: none"> <li>• <u>fences</u></li> <li>• <u>network utilities</u><sup>33</sup></li> <li>• <u>tracks, driveways, roads and access ways</u><sup>34</sup></li> <li>• <u>formed carparks</u></li> <li>• <u>board walks</u></li> <li>• <u>boat ramps</u><sup>35</sup></li> </ul> </li> <li>3. <u>required for the repair or maintenance permitted under NFL-R2 Repair or maintenance.</u><sup>36</sup></li> <li>4. <u>required to provide for safe and reasonable clearance for existing overhead power lines, or</u></li> <li>5. <u>to address an immediate necessary to address a risk to public the health and safety of the public, or</u><sup>37</sup></li> <li>6. <u>clearance for the control pests for biosecurity reasons, or</u><sup>38</sup></li> <li>7. <u>for the sustainable non-commercial harvest of plant material for rongoā Māori, or</u></li> <li>8. <u>to maintain firebreaks to manage fire risk; or</u></li> <li>9. <u>to remove vegetation as directed by Fire and Emergency New Zealand due to fire risk, or</u></li> <li>10. <u>to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area, or</u><sup>39</sup></li> <li>11. <u>for the construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m, or</u><sup>40</sup></li> <li>12. <u>for any upgrade of existing electricity network utilities permitted by rule NFL-R1.</u><sup>41</sup></li> </ol> <p><b>PER-2</b> <del>The earthworks or indigenous vegetation clearance outside the coastal environment is not provided for within NFL-R3 PER-1 but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearance</del><sup>42</sup></p> <p><b>PER-3</b> <del>The earthworks or indigenous vegetation clearance inside the coastal environment is not provided for within NFL-R3 PER-1 but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearance</del><sup>43</sup></p>	<p>The matters of discretion are:</p> <ol style="list-style-type: none"> <li>a. <u>effects on the characteristics, qualities and values that make ONL and ONF outstanding</u></li> <li>b. <u>the matters in NFL-P8.</u></li> <li>d. <u>the positive effects of the activity.</u><sup>44</sup></li> </ol>
<p><b>Activity status when compliance not achieved with PER-1 within the coastal environment PER-3: Non-complying</b></p>		
<p><b>NFL-R4</b></p>	<p><b>Demolition of buildings or structures</b></p>	
<p><b>Within ONL and ONF</b></p>	<p><b>Activity status: Permitted</b></p>	<p><b>Activity status when compliance not achieved: Not applicable</b></p>
<p><b>NFL-R5</b></p>	<p><b>Afforestation for commercial forestry new plantation forestry and plantation forestry activity</b><sup>45</sup></p>	

<sup>33</sup> Top Energy (S483.0158) and others.  
<sup>34</sup> Manulife Forest Management (S 160.022) and others.  
<sup>35</sup> Waitangi Limited (S503.021) and others.  
<sup>36</sup> Consequential amendment.  
<sup>37</sup> Forest & Bird (S511.081)  
<sup>38</sup> Forest & Bird (S511.081)  
<sup>39</sup> FENZ (S512.027).  
<sup>40</sup> P S Yates Family Trust (S333.037) and others.  
<sup>41</sup> Top Energy (S483.0158) and others.  
<sup>42</sup> Clause 16, Schedule 1, RMA.  
<sup>43</sup> Top Energy (S483.161).  
<sup>44</sup> Bentzen Farm (S167.040) and others.  
<sup>45</sup> NRC (S359.041) and others.

Within ONL and ONF	<b>Activity status: Discretionary Where:</b> <b>DIS-1</b> The <u>afforestation</u> plantation forestry or plantation forestry activity <sup>46</sup> is located outside the coastal environment.	<b>Activity status where compliance not achieved with DIS-1: Non-complying</b>
<b>NFL-R6</b>	<b>Farming<sup>47</sup></b>	
Within ONL and ONF	<b>Activity status: Discretionary Where:</b> <b>DIS-4</b> The farming activity and is located outside the coastal environment.	<b>Activity status where compliance not achieved with DIS-1: Non-complying</b>
<b>NFL-R7</b>	<b>Extension to existing mineral extraction activity</b>	
Within ONL and ONF	<b>Activity status: Discretionary Where:</b> <b>DIS-1</b> The extension is to an existing lawfully established mineral extraction activity and is located outside the coastal environment.	<b>Activity status where compliance not achieved with DIS-1: Non-complying</b>
<b>NFL-R8</b>	<b>New mineral extraction activity</b>	
Within ONL and ONF	<b>Activity status: Prohibited</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>NFL-R9</b>	<b>Land fill, managed fill or clean fill</b>	
Within ONL and ONF	<b>Activity status: Prohibited</b>	<b>Activity status where compliance not achieved: Not applicable</b>

<b>Standards</b>		
<b>NFL-S1</b>	<b>Maximum height Buildings and structures</b>	
Within ONL and ONF	<ol style="list-style-type: none"> <li>1. The maximum height of any new building or structure above ground level is 5m <del>and must not exceed the height of the nearest ridgeline, headland or peninsula,</del> and<sup>48</sup></li> <li>2. Any extension to a building or structure must not exceed the height of the existing building above ground level <del>or exceed the height of the nearest ridgeline, headland or peninsula.</del><sup>49</sup></li> </ol>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>
<b>NFL-S2</b>	<b>Colours and materials</b>	
Within ONL and ONF	The exterior surfaces of <u>new</u> buildings <del>or structures</del> shall: <ol style="list-style-type: none"> <li>i. be constructed of <u>natural</u><sup>50</sup> materials and/or finished to achieve a reflectance value no greater than 30%.</li> <li>ii. <del>if the exterior surface is painted,</del><sup>51</sup> have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in <u>Appendix X</u>.<sup>52</sup></li> </ol>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>
<b>NFL-S3</b>	<b>Earthworks or indigenous vegetation clearance</b>	

<sup>46</sup> NRC (S359.041) and others.

<sup>47</sup> Federated Farmers (S421.159) and others.

<sup>48</sup> Setar Thirty Six (S168.046) and others.

<sup>49</sup> Setar Thirty Six (S168.046) and others.

<sup>50</sup> P S Yates Family Trust (S333.039) and others.

<sup>51</sup> Waitangi Limited (S503.023) and others.

<sup>52</sup> Waitangi Limited (S503.023) and others.

<p><b>Within ONL and ONF</b></p>	<p><u>1. Any earthworks or indigenous vegetation clearance must (where relevant) not exceed:</u></p> <p><u>a.4. in a ONL a total area of:</u></p> <p>i. <u>50m<sup>2</sup> in the coastal environment within any calendar year;</u></p> <p>ii. <u>100m<sup>2</sup> outside the coastal environment within any calendar year;</u><sup>53</sup></p> <p><u>b. in a category 'A' ONF outside the coastal environment a total area of 50m<sup>2</sup> within any calendar year</u></p> <p><u>c. in a ONF (excluding category 'A' ONF outside the coastal environment) 50m<sup>2</sup> within any 10 year period</u> <sup>54</sup></p> <p>i. <u>over the life of the District Plan; and</u></p> <p><u>d.2. not exceed a cut height or fill depth of 1m:</u></p> <p>i. <u>1m in ONL within the coastal environment</u></p> <p>ii. <u>1.5m in ONL outside the coastal environment</u></p> <p>iii. <u>1m in ONF unless it is a category 'A' ONF outside the coastal environment</u></p> <p>iv. <u>1.5m in category 'A' ONF outside the coastal environment</u><sup>55</sup></p> <p><u>1.5m in a ONL</u></p> <p><u>d.3. screen any exposed faces visible from a public place.</u><sup>56</sup></p> <p><u>4. be for the purpose of access, and/or a building platform.</u><sup>57</sup></p> <p><u>2. Any indigenous vegetation clearance must not exceed a total area of:</u></p> <p>i. <u>50m<sup>2</sup> in ONL within any 10 year period</u></p> <p>ii. <u>100m<sup>2</sup> in ONF within any calendar year</u><sup>58</sup></p> <p><b>Note:</b> <u>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.</u><sup>59</sup></p>	<p><b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b></p>
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<sup>53</sup> Waitangi Limited (S333.040) and others.

<sup>54</sup> Waitangi Limited (S333.040) and others.

<sup>55</sup> P S Yates Family Trust (S333.040) and others.

<sup>56</sup> John Andrew Riddell (S431.162).

<sup>57</sup> Waitangi Limited (S503.024) and others.

<sup>58</sup> P S Yates Family Trust (S333.040) and others.

<sup>59</sup> Clause 16, Schedule 1, RMA.