

BEFORE THE HEARINGS PANEL FOR THE PROPOSED FAR NORTH DISTRICT
PLAN

UNDER the Resource Management Act 1991

IN THE MATTER OF the Proposed Far North District Plan Hearing Topic 4 -
Natural Environment Values and Coastal Environment

AND Waiaua Bay Farm Limited

STATEMENT OF EVIDENCE BY STEVE TUCK

22 JULY 2024

1. INTRODUCTION

- 1.1 My name is Steve Tuck. I am an Associate with Mitchell Daysh Limited, a resource management consultancy with offices throughout New Zealand.
- 1.2 Waiaua Bay Farm Limited (“WBFL”) has engaged me to prepare this statement of planning evidence about the provisions it submitted on that are within the scope of this hearing topic.
- 1.3 I assisted with the preparation of WBFL’s submission and further submission on the Proposed Far North District Plan (“Proposed Plan”). The District Council has numbered those documents as submission 463 and further submission 534.

Qualifications and Experience

- 1.4 I hold a Master of Social Science (Planning and Environment) from RMIT University, Melbourne. I am a member of the New Zealand Planning Institute and the Resource Management Law Association.
- 1.5 I have been engaged in public and private sector planning and resource management roles in New Zealand and Australia since 2011.
- 1.6 In recent years I have focused on providing consultancy advice relating to regional and district plans, resource consents and environmental effects assessments. This has included involvement with various regionally and nationally significant projects.
- 1.7 My recent professional experience is summarised in **Appendix A** to this evidence.

Code of Conduct

- 1.8 Although this is not an Environment Court hearing, I have read, and agree to comply with, the Code of Conduct for Expert Witnesses contained in the Environment Court’s Practice Note 2023. This evidence is within my area of expertise, except where I state that I am relying upon material produced by

another person. I have not omitted to consider any material fact known to me that might alter or detract from the opinions I express.

- 1.9 In preparing this statement of evidence I have reviewed the section 42A reports and appendices relating to the Coastal Environment, Indigenous Biodiversity, Natural Character and Natural Features and Landscapes chapters of the Proposed Plan.

Scope of Evidence

- 1.10 In this statement of evidence, I:
- a. Summarise my recommendations, at section 2;
 - b. Outline the basis for WBFL's interest in this hearing topic, in section 3;
 - c. Provide my comments on the provisions of most significance for resource management at WBFL's Kauri Cliffs landholding, in section 4; and
 - d. Provide a concluding comment, at section 5.
- 1.11 **Appendix A** to this statement of evidence outlines my recent professional experience.
- 1.12 **Appendix B** to this statement of evidence is a table with additional detail describing:
- a. the relief WBFL sought in each submission point on these provisions;
 - b. the section 42A Report recommendation on WBFL's submissions; and
 - c. my subsequent recommendation on each provision.

2. SUMMARY OF RECOMMENDATIONS

- 2.1 I support the recommendations of the section 42A report authors on WBFL's submissions, where these relate to provisions included in this hearing topic.
- 2.2 In particular, I concur with the section 42A recommendations regarding:

- a. discretionary activity status for most subdivision in the coastal environment, under rule SUB-R20;
 - b. the activity status cascade set out in rule CE-R1 for development in the coastal environment, particularly the provision for controlled and restricted discretionary consenting pathways; and
 - c. under rule CE-R3 PER-1, a permitted activity status for modest earthworks and/or indigenous vegetation clearance in the coastal environment, with a restricted discretionary or (in outstanding natural character areas) non-complying activity status for activities that are not permitted.
- 2.3 In my view, the section 42A report recommendations provide reasonable responses to WBFL's submissions, supported by appropriate further evaluations in terms of section 32AA of the Resource Management Act 1991 ("RMA").
- 2.4 As such, I recommend the amended provisions appended to each section 42A report to the Panel.

3. WAIAUA BAY FARM LIMITED AND KAURI CLIFFS

- 3.1 Section 4 of WBFL's submission on the Proposed Plan describes its Kauri Cliffs property, WBFL's long-term and substantial investments into enhancing the property's ecological values and stewardship of heritage values, Kauri Cliffs important contributions to the district's economy, and outlines WBFL's aspirations for Kauri Cliffs.
- 3.2 Under the operative Far North District Plan ("Operative Plan"), Kauri Cliffs is subject to a mix of zones. A Rural Production Zone covers the largest portion of the property. A General Coastal Zone applies to the eastern areas of the property. A bespoke special purpose zone specific to Kauri Cliffs – the "Special Purpose Zone – Kauri Cliffs" ("KCZ") applies to the golf course, lodge and surroundings. The KCZ is further divided into four sub-zones, which provide for Lodge, golf course, environmental and residential activities.

- 3.3 The Proposed Plan retains these zones in their present locations and configurations, albeit the extent of the operative General Coastal Zone will be replaced with the updated Rural Production Zone.
- 3.4 The Proposed Plan notified the spatial configuration of the KCZ as per the Operative Plan. WBFL's submission seeks to partly reconfigure the KCZ as follows:
- a. the Golf Living sub-zone would reduce in area and move to the north;
 - b. the Golf Playing sub-zone would apply to areas of the Golf Living sub-zone no longer required for that purpose; and
 - c. the Lodge sub-zone would be extended to the north.
- 3.5 The Natural Heritage sub-zone (renamed under the Proposed Plan as the Natural Open Space Zone) is a 13.8 ha covenanted area of remnant forest. No changes to the strict protection of that area are sought.
- 3.6 The zoning configuration at Kauri Cliffs will be considered in Hearing Topic 19 next year. However, relevantly to this hearing, all of the zones at Kauri Cliffs will be affected by the Proposed Plan's coastal environment provisions, because some parts of all of the zones will be included in the mapped extent of the coastal environment. This is true for both the Proposed Plan's notified zone configuration, and the configuration that WBFL seeks.
- 3.7 Furthermore, the Proposed Plan introduces new mapping and provisions relating to High Natural Character areas and Outstanding Natural Character areas. Most relevantly, the Proposed Plan maps a modified patch of indigenous vegetation (the "Totara Forest") near the Lodge as Outstanding Natural Area 80 ("ONC80"). The Operative Plan does not ascribe outstanding values to the Totara Forest.
- 3.8 I consider that the Proposed Plan's coastal environment, natural character indigenous biodiversity, and natural features and landscapes provisions

(especially the former) either have no equivalent in, or are substantially modified from, the Operative Plan.

- 3.9 As outlined at paragraphs 4.40 – 4.41 and 4.54.3 of WBFL’s submission, WBFL’s fundamental concern was that these provisions could obstruct the bespoke development and land use outcomes that it is the purpose of the KCZ to deliver.
- 3.10 WBFL’s submission identifies that if the Proposed Plan applies generic coastal environment provisions to special purpose zones, the delivery of the zone objectives could be unnecessarily complicated. I discuss examples in the next section.

4. ASSESSMENT AND RECOMMENDATIONS

Rule CE-R1 New buildings and structures, extensions or alterations

- 4.1 The section 42A reporting officer’s recommendation (paragraph 5.2.10 of the report) is to amend this rule to refine the zones it applies to and to refine the thresholds and standards. I support this recommendation.
- 4.2 Submissions opposing this rule are summarised in paragraphs 267 to 286 of the section 42A report. The opposition is unsurprising in my view, given the restrictive drafting of this rule. It would generate resource consent requirements for innocuous development proposals that are anticipated by the underlying zone. The costs of this additional regulatory burden would be borne by applicants and the Council.
- 4.3 For example, rule CE-R1 PER-2 only permits development in non-urban zones¹ and outside outstanding natural character areas if it is < 25 m² in area *and* < 5 m in height *and* ancillary to farming. All other development would require a discretionary resource consent.

¹ i.e., 11 of the special purpose zones, the three open space zones, the four rural zones and the heavy industrial zone.

- 4.4 With this in mind, the KCZ, the Rural Residential zone and the Settlement zone are non-urban zones, with objectives to deliver residential and other non-farming development outcomes. Where these zones intersect the mapped coastal environment, rule CE-R1 PER-2 would apply. The non-farming activities that the zones are intended to deliver will never comply with the requirement for permitted activities to be “ancillary to farming activities”. Consequently, a discretionary resource consent will always be required, for development that is anticipated by the zone objectives.
- 4.5 The 25 m² permitted floor area allowance under CE-R1 PER-2 is similarly problematic. Requiring a discretionary consent for structures the size of a modest garden shed, in zones where development is anticipated, does not appear to me to be appropriate, in light of the matters to be evaluated under section 32 of the RMA.
- 4.6 I consider that the combination of restrictive permitted activity performance standards with a default to a discretionary consenting pathway will mean that innocuous proposals that are expressly anticipated by the objectives of various zones would be subject to complex new planning and notification assessments and processes.
- 4.7 The section 42A report substantially amends the rule to provide more practicable permitted activity performance standards. It also inserts controlled and restricted discretionary consenting pathways for development that is not permitted. Discretionary and non-complying consenting pathways are reserved for development proposals that exceed the permitted activity performance standards for areas of high or outstanding natural character.
- 4.8 In my opinion, the amendments recommended by the section 42A author considerably improve this rule. I support the new controlled and restricted discretionary activity consent pathways, and their use of assessment criteria listed under policy CE-P10.
- 4.9 I consider that the amendments will make the rule more efficient and effective in application. The refinements to CE-R1 PER-1 and the insertion of CE-R1

CON-1 provide appropriate certainty around the approval of residential development where it is anticipated by the zoning and/or the presence of a subdivision consent with a defined building platform. CE-R1 RDIS-1 will apply to most other development that is not permitted.

- 4.10 I consider that the extensive matters of discretion in policy CE-P10 provide useful guidance about the potential effects that applicants and assessors should consider in resource consent applications. I observe that the inclusion of clause CE-P10(p) (“whether the activity is on a previously approved building platform”) is a useful inclusion to expressly recognise the outcomes of subdivision consents in subsequent land use consenting.
- 4.11 I support the combination of more confined permitted activity performance standards and discretionary or non-complying consenting pathways for proposals in areas of high or outstanding natural character. This structure differentiates these higher-value areas from the rest of the coastal environment. This signals a more efficient and focused approach that, in my opinion, is more likely to better provide preserve and protect the values of the coastal environment.

Subdivision in the coastal environment

- 4.12 The recommendation at Key Issue 19 of, and Appendix 1.3 to, the section 42A report is that rule SUB-R20 be amended to specify that subdivision creating one or more additional allotments in the coastal environment be assessed as a discretionary activity, while subdivision intersecting outstanding natural character areas in the coastal environment would be a non-complying activity pursuant to rule SUB-R21.
- 4.13 Subdivision precedes, and creates the conditions for subsequent, land use and development to ensue. A comprehensive assessment at subdivision stage through a discretionary activity status will confirm the suitability of land for future development. This enables subsequent land use applications to proceed through a controlled or restricted discretionary process that

principally focuses on matters of design detail rather than consideration afresh of the appropriateness of the land use.

- 4.14 As such, I concur with paragraph 460 of the section 42A report, which observes that considering the full range of relevant matters at subdivision stage via a discretionary activity status is appropriate.

Rule CE-R3 Earthworks or indigenous vegetation clearance

- 4.15 WBFL's submission point no. 463.062 sought that rule CE-R3 be amended to permit minor earthworks or indigenous vegetation clearance in the KCZ Golf Living, Golf Playing and Lodge subzones. This submission point responded to the Proposed Plan imposing the ONC80 over the Totara Forest, in combination with this rule and CE-S3 making earthworks or indigenous vegetation in ONC areas a non-complying activity.
- 4.16 The submission point also responded to concerns about the application of a discretionary activity status to earthworks that are reasonably required as part of activities anticipated in the zone.
- 4.17 An example is the KCZ Golf Playing subzone, which will largely be in the mapped coastal environment. A key objective of the KCZ is the operation of an internationally recognised golfing facility. Earthworks are part and parcel of golf course operations and in my opinion, should be uncontroversial in this context. The imposition of a discretionary consenting pathway for earthworks exceeding the permitted allowance of 400 m² per 10-year period (under CE-S3(2)), would, in my opinion, be an onerous requirement for a golf course and another example of the Proposed Plan placing additional barriers to the achievement of zone objectives.
- 4.18 The amendments to CE-R3 and CE-S3 that the section 42A reporting officer recommends are appropriate in my opinion. The amendments will clarify the permitted activity performance standards for earthworks or indigenous vegetation clearance proposals within areas of outstanding natural character, while retaining a non-complying activity status for proposals that exceed the

modest permitted activity allowances. From a practical perspective, this will enable WBFL to carry out its usual maintenance of the paths within the Totara Forest without need for a non-complying resource consent.

- 4.19 The insertion of a restricted discretionary activity status for earthworks or indigenous vegetation clearance in the coastal environment (outside outstanding natural character areas) beyond the permitted activity allowances replaces the onerous discretionary activity status discussed above in relation to the KCZ Golf Playing sub-zone. The section 42A reporting officer recommends amending the permitted earthworks allowance under CE-S3(1)(b)(ii) from 400 m² per 10 years to 100 m² per year. I consider these amendments to be reasonable. They preclude the most innocuous earthworks activities from unnecessary consenting requirements and apply a restricted discretionary pathway (premised on the assessment criteria at CE-P10) otherwise. I consider this appropriately confines assessment in the context of zones like the KCZ Golf Playing sub-zone, where earthworks should be uncontroversial.
- 4.20 The preceding commentary addresses the principal matters raised in WBFL's submission. WBFL's submission sought amendments to numerous other provisions being considered in this hearing.
- 4.21 I am satisfied that the relief sought in WBFL's other submission points is largely achieved by the section 42A report recommendations.
- 4.22 For the small number of submission points where the relief sought by WBFL is recommended to be declined, I agree with the reasoning stated in the section 42A reports. In a number of instances, the recommendation to decline the relief sought is consequential to broader changes to the provisions, an example being the revised approach towards the Significant Natural Area ("SNA") provisions (deferring these to a future plan change) which renders many submission points on the SNA provisions moot.

4.23 For completeness, **Appendix B** records each WBFL submission point, the section 42A recommendation, and my position on the matter. I support each recommendation.

5. CONCLUSION

5.1 WBFL's submission on the provisions that are subject of this hearing topic principally raised concerns about tensions between these provisions and zone objectives. The notified text of the provisions appeared to raise unduly onerous consenting requirements for activities that would otherwise be anticipated, given the zone objectives.

5.2 I consider that the section 42A report authors recommendations resolve these concerns. On that basis, I support the recommendations as detailed above and in **Appendix B**, attached.

Steve Tuck

22 July 2024

APPENDIX A

Steve Tuck Summary of Recent Professional Experience (2022 – current)

- Waiaua Bay Farm Limited - consenting of online dam, water storage reservoir and reconsenting of surface water take – Far North District.
- Waiaua Bay Farm Limited - groundwater take consenting – Far North District.
- Waiaua Bay Farm Limited - consenting of beach pavilion and staff accommodation developments – Far North District.
- Waiaua Bay Farm Limited - wastewater discharge reconsenting – Far North District.
- Waiaua Bay Farm Limited – consenting of walking trails – Far North District.
- Silver Fern Farms Limited – preparation of submissions and planning evidence on the proposed Te Tai o Poutini District Plan – Westland, Grey, Buller districts.
- Silver Fern Farms Limited – preparation of submissions on the proposed Timaru District Plan – Timaru District.
- Silver Fern Farms Limited – preparation of submissions on the proposed Gore District Plan – Gore District.
- Silver Fern Farms Limited – preparation of submissions and evidence on the proposed Central Hawkes Bay District Plan – Central Hawkes Bay District.
- Silver Fern Farms Limited – preparation of submissions and evidence on the proposed Otago Regional Policy Statement – Otago Region.
- Silver Fern Farms Limited – stormwater discharge reconsenting – South Taranaki District.
- Port Marlborough New Zealand Limited – consenting of workshop development – Marlborough Region.
- Sanford Limited – marine farm reconsenting – Southland, Waikato and Auckland regions.
- Malaghans 704 Limited – residential consenting - Queenstown Lakes District.
- OceanaGold (New Zealand Limited) – Waihi North gold mine project - Hauraki District.
- Manawa Energy Limited – hydroelectric power scheme reconsenting – Bay of Plenty and Manawatu region.

APPENDIX B:

S TUCK RECOMMENDATIONS ON SUBMISSION POINTS IN SCOPE

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
Ecosystems & Indigenous Biodiversity				
FS534.020	<i>IB-O1 Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected, or current and future generations.</i>	<p>RE S364.031 - Oppose – disallow amendment.</p> <p><i>Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected, and enhanced for current and future generations.</i></p> <p>The objective goes beyond the requirements of s6(c) RMA. A mandatory enhancement obligation leaves little scope for activities with a functional or operational need to intersect significant areas – as contemplated by IB-P5(b) – (d).</p>	<p>Accept in part.</p> <p><i>Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected for current and future generations.</i></p>	<p>No further relief required.</p> <p>Relief sought by WBFL granted. Recommended drafting appropriately aligns with RMA section 6(c).</p>
463.027	<i>IB-O2 Indigenous biodiversity is managed to maintain its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.</i>	<p>Amend as follows:</p> <p><i>Indigenous biodiversity is managed to ensure no net loss of maintain its extent and diversity, and in a way that provides for the social, economic and cultural well-being of people and communities.</i></p>	Reject. Retain as notified.	<p>No further relief required.</p> <p>Submission was made in the context of the draft NPS-IB. I agree with the section 42A report at 120(b) and (c) that the objective appropriately aligns with the final version of the NPS-IB.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
		<p>The statement regarding management to maintain extent and diversity is unclear and may be interpreted as a “hard” environmental bottom line that could inappropriately constrain ecological restoration or regeneration projects.</p> <p>WBF suggests a reference to “no net loss” of diversity and extent may be a more appropriate way to clarify the objective and ensure that maintenance of extent is not treated as a requirement to avoid all adverse effects.</p>		
463.028	<i>IB-O5 Restoration and enhancement of indigenous biodiversity is promoted and enabled.</i>	<i>Retain as notified.</i>	Accept.	No further relief required.
463.029	<p><i>IB-P2 Within the coastal environment:</i></p> <p><i>a. avoid adverse effects of land use and subdivision on Significant Natural Areas; and</i></p> <p><i>b. avoid significant adverse effects and avoid, remedy or mitigate other</i></p>	<p><i>Delete sub-clause (b) or amend it to clarify the reference to “important and vulnerable” features.</i></p> <p>WBF opposes the uncertainty of sub-clause (b) insofar as it refers to the avoidance of effects on “...areas of important and</p>	<p>Accept in part. Amend:</p> <p><i>IB-P2 Within the coastal environment:</i></p> <p><i>a. avoid adverse effects of land use and subdivision on: Significant Natural Areas</i></p>	<p>No further relief required.</p> <p>Agree the amended policy aligns with NZCPS Policy 11 (which overrides the NPSIB).</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<i>adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems.</i>	vulnerable indigenous vegetation, habitats and ecosystems”. Unless the composition of “important and vulnerable” is clearly quantified / stated in the Proposed Plan, the interpretation and application of this policy is unduly vague. If this is a reference to species that are the New Zealand Threat Classification List, that should be clearly expressed, and provision made for future updates to that List.	<i>(i) Threatened and At-Risk indigenous species;</i> <i>(ii) areas of significant indigenous vegetation and significant habitat of indigenous fauna;</i> <i>(iii) areas of indigenous biodiversity protected under other legislation;</i> <i>and</i> <i>b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on;</i> <i>(i) areas of predominately indigenous vegetation; and</i> <i>(ii) indigenous species, habitats and ecosystems areas of that are important and particularly vulnerable to modification indigenous vegetation, habitats and ecosystems.</i>	Per RPS 4.4.1(4), minor or transitory effects are not precluded by the direction to “avoid” adverse effects.
463.030	<i>IB-P3 Outside the coastal environment:</i> <i>a. avoid, remedy or mitigate adverse effects of land use and subdivision on Significant Natural Areas to</i>	<i>Delete sub-clause (b) or amend it to clarify the reference to “important and vulnerable” features.</i> WBF opposes the vague wording of sub-clause (b) of this policy for the	Accept in part. Amend: <i>IB-P3 Outside the coastal environment:</i> <i>a. avoid, remedy or mitigate adverse effects of land use and subdivision</i>	No further relief required. Amendments align with RMA section 6(c) and RPS Pol. 4.4.1(3).

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p>ensure adverse effects are no more than minor; and</p> <p>b. avoid, remedy or mitigate adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems to ensure there are no significant adverse effects.</p>	<p>same reasons given in relation to policy IB-P2.</p>	<p>on Significant Natural Areas to ensure adverse effects are no more than minor <u>on</u>:</p> <p><u>i. Threatened and At-Risk indigenous species;</u></p> <p><u>ii. areas of significant indigenous vegetation and significant habitat of indigenous fauna;</u></p> <p><u>iii. areas of indigenous biodiversity protected under other legislation;</u> and</p> <p>b. avoid, remedy, or mitigate, <u>offset or compensate</u> adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems to ensure there are no significant adverse effects <u>on</u>:</p> <p><u>i. areas of predominately indigenous vegetation; and</u></p> <p><u>ii. indigenous species, habitats and ecosystems that are particularly vulnerable to modification.</u></p>	

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
FS534.021	<p><i>IB-P4 If adverse effects on indigenous species, habitats and ecosystems located outside of the coastal environment cannot be avoided, remedied or mitigated in accordance with IB-P3, consider whether it is appropriate to apply the following steps as an effects management hierarchy:</i></p> <p><i>a. biodiversity offsetting to address more than minor residual adverse effects to achieve a no net loss and preferably net gain in indigenous biodiversity; and</i></p> <p><i>b. environmental biodiversity compensation to address more than minor residual adverse effects where it is not practicable to achieve biodiversity offsetting.</i></p>	<p>RE S364.039 - Support in part</p> <p><i>The Director General supports the intention of Policy IB-P4, however requests amendments to ensure the policy incorporates the principles of the NPSIB exposure draft.</i></p> <p>WBFL agrees that alignment with the NPSIB 2023 offsetting and compensation principles is desirable for regulatory consistency.</p>	<p>Accept in part. Amend:</p> <p><i>IB-P4 <u>Where IB-P2 and IB-P3 do not apply, significant adverse effects on indigenous biodiversity must be managed by applying the effects management hierarchy</u> If adverse effects on indigenous species, habitats and ecosystems located outside of the coastal environment cannot be avoided, remedied or mitigated in accordance with IB-P3, consider whether it is appropriate to apply the following steps as an effects management hierarchy:</i></p> <p><i>a. biodiversity offsetting to address more than minor residual adverse effects to achieve a no net loss and preferably net gain in indigenous biodiversity; and</i></p> <p><i>b. environmental biodiversity compensation to address more than minor residual adverse effects where it is not practicable to achieve biodiversity offsetting.</i></p>	<p>No further relief required.</p> <p>Appropriately clarifies that all effects management measures are available.</p>
FS534.022	<p><i>IB-P5 Ensure that the management of land use and subdivision to protect Significant Natural Areas</i></p>	<p>RE S143.005 – Support - retain as notified</p>	<p>Accept in part. Amend:</p> <p>IB-P5 Ensure that the management of land use and subdivision to protect <u>areas of significant</u></p>	<p>No further relief required.</p> <p>Aligns with section 6(c) and RPS 4.4.1 / 4.4.3.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p><i>and maintain indigenous biodiversity is done in a way that:</i></p> <p><i>a. does not impose unreasonable restrictions on existing primary production activities, particularly on highly versatile soils;</i></p> <p><i>b. recognises the operational need and functional need of some activities, including regionally significant infrastructure, to be located within Significant Natural Areas in some circumstances;</i></p> <p><i>c. allows for maintenance, use and operation of existing structures, including infrastructure; and</i></p> <p><i>d. enables Māori land to be used and developed to support the social, economic and cultural well-being of tangata whenua, including the provision of papakāinga, marae and associated residential units and infrastructure.</i></p>		<p><u>indigenous vegetation and significant habitat of indigenous fauna Significant Natural Areas</u> and maintain indigenous biodiversity is done in a way that:</p> <p>a. does not impose <u>impose</u> unreasonable restrictions on existing primary production activities, particularly on highly <u>productive land</u> versatile <u>soils</u>;</p> <p>b. recognises the operational need and functional need of some activities, including regionally significant infrastructure, to be located within <u>areas of significant indigenous vegetation and significant habitat of indigenous fauna Significant Natural Areas</u> in some circumstances;</p> <p>c. allows for maintenance, use and operation of existing structures, including <u>upgrading of regionally significant</u> infrastructure; and</p> <p>d. enables Māori land to be used and developed to support the social, economic and cultural well-being of tangata whenua, including</p>	

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
			the provision of papakāinga, marae and associated residential units and infrastructure.	
n/a	New provision recommended by 42A author as required by clause 3.21 of the NPS-IB	n/a	<p><i><u>IB-PX Promote the restoration of indigenous biodiversity, with priority given to:</u></i></p> <p><i><u>a. areas of significant indigenous vegetation and significant habitat of indigenous fauna whose ecological integrity is degraded;</u></i></p> <p><i><u>b. threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems;</u></i></p> <p><i><u>c. areas that provide important connectivity or buffering functions;</u></i></p> <p><i><u>d. natural inland wetlands where ecological integrity is degraded or these no longer retain their indigenous vegetation or habitat for indigenous fauna;</u></i></p> <p><i><u>e. areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners; and</u></i></p>	No further relief required. cl 3.21 NPS-IB requires council plans to include policies to promote restoration activities, as this does.

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
			<i>f. any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.</i>	
n/a	New provision recommended by 42A author.	n/a	<i>IB-PX Enable subdivision and associated land use where this results in the legal protection and/or restoration of areas of significant indigenous vegetation and significant habitat of indigenous fauna in accordance with SUB-R6</i>	No further relief required. Improved policy linkage with subdivision Rule SUB-R6, which provides for additional lots to be created if there is an environmental benefit offered by the applicant.
FS534.023	<p><i>IB-P6 Encourage the protection, maintenance and restoration of indigenous biodiversity, with priority given to Significant Natural Areas, through both regulatory and non-regulatory methods including consideration of:</i></p> <p><i>a. assisting landowners with physical assessments by suitably qualified ecologists to determine whether an area is a Significant Natural Area;</i></p> <p><i>b. reducing or waiving resource consent application fees;</i></p>	<p>RE S222.026 – Support amendment:</p> <p><i>Encourage the protection, maintenance and restoration of indigenous biodiversity, with priority given to Significant Natural Areas, through both regulatory and non-regulatory methods including consideration of:</i></p> <p><i>a. assisting landowners with physical assessments by suitably qualified ecologists to determine whether an area is a Significant Natural Area;</i></p> <p><i>a. Enabling subdivision and land use where that results in the</i></p>	<p>Accept in part. Amend:</p> <p>Encourage the protection, maintenance and restoration of indigenous biodiversity, with priority given to Significant Natural Areas, through both regulatory and non-regulatory methods including consideration of:</p> <p><i>a. assisting landowners with physical assessments by suitably qualified ecologists to determine whether an area is a Significant Natural Area;</i></p>	No further relief required given the revised approach towards SNAs.

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p>c. providing, or assisting in obtaining funding from other agencies and trusts;</p> <p>d. sharing and helping to improve information on indigenous biodiversity; and</p> <p>e. working directly with iwi and hapū, landowners and community groups on ecological protection and enhancement projects.</p>	<p><u>restoration or enhancement of indigenous biodiversity, including underrepresented ecosystems, and where biodiversity is increased and legally protected.</u></p>	<p>[(b) to (e) recommended to be retained as notified].</p>	
FS534.024	<p><i>IB-P7 Encourage and support active management of pest plants and pest animals.</i></p>	<p>RE S159.052 – Support amendment</p> <p><u>Encourage and support active management of pest plants and pest animals. Provide for the active management of pest plants and pest animals including those identified in the Regional Pest Management Plan and unwanted organisms under the Biosecurity Act 1993.</u></p> <p>It is appropriate to provide for active management of pests, particularly those that are identified in statutory instruments. WBFL considers that the proposed Plan should apply</p>	<p>Accept in part. Amend:</p> <p><i>Encourage and support active management of pests, plants and pest animals</i></p>	<p>No further relief required.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
		minimal regulatory friction to pest control activities.		
463.031	<p><i>IB-R1 Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area</i></p> <p><i>All zones</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>It is for any of the following:</i></p> <ol style="list-style-type: none"> <i>1. To address an immediate risk to the health and safety of the public or damage to property;</i> <i>2. To remove dead trees, provided that no more indigenous vegetation is cleared or trimmed than is necessary for safe removal;</i> <i>3. The formation of walking tracks less than 1.2m wide using manual methods which do not</i> 	<p><i>Amend sub-clause (3) as follows:</i></p> <ol style="list-style-type: none"> <i>3. The formation of walking or cycling tracks no greater less than 1.82m wide using manual methods which does not require the removal of any tree over 300 mm in girth.</i> <p>WBF supports the inclusion of a permitted activity rule for the various activities listed.</p> <p>It recommends minor amendments to sub-clause (3) because:</p> <ul style="list-style-type: none"> > The distinction between use of tracks for walking or cycling appears to be of no consequence if the limit on clearance is observed. > Increasing the allowance to a 1.8m wide path would be consistent with the minimum standard for pedestrian paths provided in reserves specified in s7.2.5.3 of Council's 	<p>Reject. Retain (3) as notified:</p> <ol style="list-style-type: none"> <i>3. The formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth;</i> 	<p>No further relief required.</p> <p>Accept reasons provided in Indigenous Biodiversity section 42A report.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<i>require the removal of any tree over 300 mm in girth;</i>			
	<i>4. Clearance for biosecurity reasons;</i>	>		
	<i>5. The sustainable non-commercial harvest of plant material for rongoā Māori (customary medicine);</i>			
	<i>6. To create or maintain a 20 m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area;</i>			
	<i>7. To allow for the construction of a single residential unit on a title and essential associated on-site infrastructure and access and it does not exceed 1,000 m²;</i>			
	<i>8. It is within an area subject to an Open Space Covenant under the Queen Elizabeth II National Trust Act 1977, a Ngā Whenua Rahui Kawenata, a Conservation Covenant under the Reserves Act 1977 or the</i>			

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p><i>Conservation Act 1987, or a Heritage covenant under the Heritage New Zealand Pouhere Taonga Act 2014 and the vegetation clearance is provided for in that covenant or order;</i></p> <p>9. <i>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 in width either side of the fence line;</i></p> <p>10. <i>The removal or clearance from land which was previously cleared and the indigenous vegetation to be cleared is less than 10 years old;</i></p> <p>11. <i>Creation and maintenance of firebreaks to manage fire risk;</i></p> <p>12. <i>The harvesting of indigenous timber approved under the Forests Act 1949 via either a registered sustainable forest management plan, a registered</i></p>			

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p><i>sustainable forest management permit or a personal use approval for the harvesting and milling of indigenous timber from the Ministry of Primary Industries;</i></p> <p>13. <i>It is for the operation, repair and maintenance of the following activities where they have been lawfully established:</i></p> <ul style="list-style-type: none"> <i>i. Fences</i> <i>ii. infrastructure</i> <i>iii. buildings</i> <i>iv. driveways and access</i> <i>v. walking tracks</i> <i>vi. cycling tracks</i> <i>vii. farming tracks.</i> 			
463.032	<i>IB-R3 Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area.</i>	<p><i>Retain as notified.</i></p> <p>In the Special Purpose Zone – Kauri Cliffs, numerous areas of ecological restoration are being progressed at any one time.</p>	<p>Reject: delete.</p> <p>IB-R3 Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area.</p>	No further relief required.

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p><i>PER-1: Activity status being permitted for 100 m² per site in any calendar year.</i></p> <p><i>Activity status where compliance not achieved with PER-1: Discretionary</i></p>	<p>The allowance for 100 m² of clearance in a SNA per calendar year is considered appropriate. The activity status being discretionary once this threshold is exceeded is considered appropriate to avoid, remedy and mitigate the effects of further vegetation removal where required.</p>	<p>PER-1: Activity status being permitted for 100 m² per site in any calendar year.</p> <p>Activity status where compliance not achieved with PER-1: Discretionary</p>	
463.033	<p><i>IB-R4 Indigenous vegetation clearance and any associated land disturbance outside a Significant Natural Area</i></p> <p><i>All zones</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>1. A report has been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and it is submitted to Council 14 days in advance of</i></p>	<p><i>Amend PER-1(2) as follows:</i></p> <p><i>PER-1</i></p> <p><i>2. It does not exceed the following amounts per site over a 5-year period:</i></p> <p><i>i. Rural Production zone, Horticulture zone, Māori Purpose zone and Treaty Settlement Land Overlay and Kauri Cliffs Golf Living subzone – 5,000 m² if not in a remnant forest, otherwise 500 m² in a remnant forest;</i></p> <p><i>ii. All other zones – 500 m².</i></p> <p>The 500 m² limit per 5-year period (i.e., an average of 100 m² per year) that would apply to the Special</p>	<p>Reject - amend:</p> <p>IB-R34 Indigenous vegetation clearance and any associated land disturbance outside a Significant Natural Area</p> <p>All zones</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</p> <p>1. A report has been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and it is submitted to</p>	<p>No further relief required.</p> <p>Reduced permitted allowance (100 m² down from 500 m²) reflects application of a precautionary approach before SNA mapping is completed.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<i>the clearance being undertaken; and</i>	Purpose Zones under rule IB-R4 PER-1(2)(ii) is not supported.	Council 14 days in advance of the clearance being undertaken; and	
	2. <i>It does not exceed the following amounts per site over a 5-year period:</i>	In the case of the KCZ Golf Living subzone, development will largely (if not entirely) avoid Significant Natural Areas (“SNAs”).	2. It does not exceed the following amounts per site over a <u>calendar year 5-year period</u> :	
	i. <i>Rural Production zone, Horticulture zone, Māori Purpose zone and Treaty Settlement Land Overlay – 5,000 m² if not in a remnant forest, otherwise 500 m² in a remnant forest;</i>	However, the scale of development (up to 60 residential lots) anticipated by the Proposed Plan means clearance outside SNAs could easily exceed the modest permitted limit, by way of unavoidable impacts on scattered indigenous vegetation.	i. Rural Production zone, Horticulture zone, Māori Purpose zone and Treaty Settlement Land Overlay – 5,000 m ² if not in a remnant forest, otherwise 500 m ² in a remnant forest;	
	ii. <i>All other zones – 500 m².</i>		ii. All other zones – <u>5100 m²</u> .	
	<i>PER-2</i>		<i>PER-2</i>	
	1. <i>A report has not been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and a report has not been submitted to Council 14 days in advance of the clearance being undertaken; and</i>	Given the purposes and anticipated development in the KCZ, WBF considers that this rule could appropriately be amended to provide for the KCZ Golf Living subzone (and potentially, for other Special Purpose Zones) similarly to the allowance made under sub-clause PER-1(2)(i).	1. A report has not been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and a report has not been submitted to Council 14 days in advance of the clearance being undertaken; and	
	2. <i>It does not exceed 100 m² per site in any calendar year.</i>			

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
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Activity status where compliance not achieved with PER-1 or PER-2: Discretionary

2.— It does not exceed 100 m² per site in any calendar year.

Activity status where compliance not achieved with PER-1 or PER-2: Discretionary

Natural Character

463.034	NATC-O1 <i>The natural character of wetland, lake and river margins are managed to ensure their long-term preservation and protection for future generations.</i>	<p>Oppose – delete this objective.</p> <p>This objective appears to be a recombination of RMA s6(a) with the inclusion of a vague reference to “long-term” protection and a superfluous reference to “current and future generations”.</p> <p>However, the objective fails to recognise the RMA s6(a) distinction regarding protection from <u>inappropriate</u> activities.</p> <p>The objective appears to envisage outright “preservation and protection” without recognition that some activities and the associated effects, may not necessarily be inappropriate.</p>	<p>Accept in part – amend:</p> <p><i>NATC-O1 The natural character of wetland, lake and river margins are managed to ensure their long-term preservation and protection for future generations <u>The natural character of wetland, lake and river margins is preserved and protected from inappropriate land use and subdivision.</u></i></p>	<p>No further relief required.</p> <p>Amendments more clearly align with RMA s6(a).</p>
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Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
463.035	<i>NATC-O2 Land use and subdivision is consistent with and does not compromise the characteristics and qualities of the natural character of wetland, lake and river margins.</i>	<p>Amend as follows:</p> <p><i>NATC-O2 Land use and subdivision is consistent with and does not compromise <u>maintains or enhances</u> the characteristics and qualities of the natural character of wetland, lake and river margins.</i></p> <p>The requirement that development “...not compromise the characteristics and qualities of the natural character” is vague and a de-facto requirement to avoid all adverse effects, regardless of how negligible, and despite any net environmental gains that might be associated with a development proposal.</p>	<p>Accept in part – delete objective:</p> <p><i>NATC-O2 Land use and subdivision is consistent with and does not compromise the characteristics and qualities of the natural character of wetland, lake and river margins.</i></p>	<p>No further relief required.</p> <p>Agree that retaining this would unnecessarily duplicate the amended first objective NATC-O1.</p>
FS534.025	<i>NATC-P1</i>	RE s243.035 - .043 Support	Accept in part.	No further relief required.
FS534.026	<i>NATC-P2</i>	<p>Amend references to “lake” in Policy NATC-P1 to NATC-P5, NATC-R1 and -R3 and NATC-S2 to exclude application to lakes with a bed less than 5ha in area and to exclude freshwater bodies impounded by a dam.</p>	<p>Definition of “Wetland, Lake and River Margins” to be amended so that lakes < 1ha, stormwater and wastewater ponds are excluded.</p>	<p>Accept reasons provided in Natural Character section 42A report.</p>
FS534.027	<i>NATC-P3</i>			
FS534.028	<i>NATC-P4</i>			
FS534.029	<i>NATC-P5</i>			
FS534.030	<i>NATC-R1</i>			
FS534.031	<i>NATC-R3</i>			

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
FS534.032	NATC-S2	WBFL agrees that the unqualified application of the natural character provisions to the margins of artificial waterbodies (i.e., water storages and farm dams that fall within the definition of “lakes”) is likely to be problematic. An exception for artificial waterbodies is an appropriate method to avoid this situation from arising.		
463.036	<p><i>NATC-P3 Enable indigenous vegetation removal and/or earthworks within wetland, lake and river margins where:</i></p> <p><i>a. it is for the repair or maintenance of lawfully established activities;</i></p> <p><i>b. it is for safe and reasonable clearance for existing overhead powerlines;</i></p> <p><i>c. it is for health and safety of the public;</i></p> <p><i>d. it is for biosecurity reasons; and</i></p>	<p>Original submission: <i>retain as notified.</i></p> <p>WBF supports the enablement of indigenous vegetation removal and/or earthworks as set out in this policy.</p>	<p>Accept in part – amend:</p> <p><i>NATC-P3 Enable indigenous vegetation removal and/or earthworks within wetland, lake and river margins where <u>it is the minimum necessary for:</u></i></p> <p>[remainder not shown here, intent unchanged]</p>	No further relief required.

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	e. <i>it is for the sustainable non-commercial harvest for rongoā Māori.</i>			
463.037	<i>NATC-P4 Provide for buildings or structures, and extensions to existing buildings or structures on wetland, lake and river margins where:</i>	<i>Delete sub-clause (c).</i> WBFL supports the matters referred to under sub-clauses (a), (b) and (d) of this policy. However, it opposes sub-clause (c) on grounds of ambiguity as the outcome sought by the sub-clause is not apparent. It seemingly requires any activities that would not ‘preserve the protection of’ natural character to be avoided. As mentioned in WBFL’s comments on objectives NATC-O1 and NATC-O2, a requirement of this type is not considered to accurately reflect the obligations imposed by RMA s6(a).	Accept in part (original and further submission points) - amend: <i>NATC-P4 Enable Provide for buildings or structures, and extensions to existing buildings or structures on wetland, lake and river margins where:</i>	No further relief required. New cross reference to NATC-P1 implements RMA section 6(a).
FS534.028	<p>a. <i>there is a functional or operational need for a building or structures location;</i></p> <p>b. <i>public access, customary access and recreational use can be protected or enhanced;</i></p> <p>c. <i>the protection of natural character is preserved; and</i></p> <p>d. <i>natural hazard risk will not be increased, taking into account the likely long term effects of climate change.</i></p>		<p>a. <i>there is a functional or operational need for a building or structures location; <u>and</u></i></p> <p>b. <i>public access, customary access and recreational use can be protected or enhanced; <u>and</u></i></p> <p>c. <i><u>the effects on natural character are in accordance with policy NATC-P1</u> the protection of natural character is preserved; <u>and</u></i></p> <p>d. <i>natural hazard risk will not be increased, taking into account the likely long term effects of climate change.</i></p>	

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
463.038	<p><i>NATC-P6 Manage land use and subdivision to preserve and protect the natural character of wetland, lake and river margins, 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:</i></p> <ul style="list-style-type: none"> <i>a. the presence or absence of buildings, structures or infrastructure;</i> <i>b. the temporary or permanent nature of any adverse effects;</i> <i>c. the location, scale and design of any proposed development;</i> <i>d. any means of integrating the building, structure or activity;</i> <i>e. the ability of the environment to absorb change;</i> <i>f. the need for and location of earthworks or vegetation clearance;</i> <i>g. the operational or functional need of any regionally</i> 	<p><i>Delete this policy.</i></p> <p>Sub-clauses (a) to (m) are a list of assessment matters that are inappropriate to be included in a policy. They do not provide direction about how to achieve the overarching objectives (NATC-O1 and NATC-O2).</p> <p>WBF recommends deletion of the policy and reliance on Policy NATC-P1 instead. If necessary, the assessment criteria can be relocated to rules and standards later in this chapter.</p>	<p>Accept in part – amend:</p> <p><i>NATC-P6 <u>Consider the following matters where relevant when assessing the effects of land use and subdivision on natural character</u> Manage land use and subdivision to preserve and protect the natural character of wetland, lake and river margins, 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:</i></p> <p>[sub-clauses unchanged]</p>	<p>No further relief required.</p> <p>Agree this can operate as a consolidated list of assessment criteria, instead of repeating the matters multiple times through the controlled and restricted discretionary rules.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p><i>significant infrastructure to be sited in the particular location;</i></p> <p><i>h. any viable alternative locations for the activity or development;</i></p> <p><i>i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</i></p> <p><i>j. the likelihood of the activity exacerbating natural hazards;</i></p> <p><i>k. the opportunity to enhance public access and recreation;</i></p> <p><i>l. the ability to improve the overall water quality; and</i></p> <p><i>m. any positive contribution the development has on the characteristics and qualities.</i></p>			
463.039	<p><i>NATC-R1 New buildings or structures, and extensions or alterations to existing buildings or structures</i></p> <p><i>Natural character</i></p> <p><i>Activity status: Permitted</i></p>	<p><i>Amend this rule to expressly permit the construction of access for vehicles and/or stock across rivers.</i></p> <p>WBF would support enablement of river crossings and stock crossings</p>	<p>Accept - amend rule to</p> <p>-delete PER-1;</p> <p>- add more permitted activities under PER-2 as sub-clause 8 – 11, which include “a footpath and or</p>	<p>No further relief required.</p> <p>Support expanded range of permitted activities and default to a restricted discretionary rather than discretionary status.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
FS534.030	<p>Where:</p> <p><i>PER-1</i></p> <p><i>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.</i></p> <p><i>PER-2</i></p> <p><i>The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is required for:</i></p> <ol style="list-style-type: none"> <i>1. restoration and enhancement purposes;</i> <i>2. natural hazard mitigation undertaken by, or on behalf of, the local authority;</i> <i>3. park management activity in the Open Space or Sport and active recreation zone;</i> <i>4. a post and wire fence for the purpose of protection from farm stock;</i> 	<p>under rule NATC-R1 PER-1 as a permitted activity.</p> <p>However, this is not what the rule achieves [see submission for detailed reasons].</p> <p>RE s243.035 - .043 Support</p> <p><i>Amend references to “lake” in Policy NATC-P1 to NATC-P5, NATC-R1 and -R3 and NATC-S2 to exclude application to lakes with a bed less than 5ha in area and to exclude freshwater bodies impounded by a dam.</i></p> <p>WBFL agrees that the unqualified application of the natural character provisions to the margins of artificial waterbodies (i.e., water storages and farm dams that fall within the definition of “lakes”) is likely to be problematic. An exception for artificial waterbodies is an appropriate method to avoid this situation from arising.</p>	<p><i>paving no greater than 2m wide”;</i> and</p> <p>-make non-conformance with the permitted activity standards a restricted discretionary activity (relying on the criteria in NATC-P6) rather than a discretionary activity.</p> <p><i>PER-2</i></p> <p><i>The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is:</i></p> <p><i>[...]</i></p> <p><i>8. infrastructure less than 10m high within a road corridor provided any pole:</i></p> <p><i>a. is a single pole (monopole), and</i> <i>b. is not a pi-pole or a steel-lattice tower, or</i></p> <p><i>9. a lighting pole by, or on behalf of the local authority, or</i></p> <p><i>10. a footpath and or paving no greater than 2m wide, or</i></p>	

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p>5. river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings;</p> <p>6. activities related to the construction of river crossings; or</p> <p>7. pumphouses utilised for the drawing of water provided they cover less than 25 m² in area.</p> <p><i>PER-3</i></p> <p>The building or structure on wetland, lake and river margins is no greater than 300 m².</p> <p><i>PER-4</i></p> <p>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.</p>		<p><i>11. an upgrade of an existing above ground network utility, provided it:</i></p> <p><i>a. is no greater than 10m high or the height of the existing structure; and</i></p> <p><i>b. is no greater than 20% of the GFA of the existing lawfully established building or structure; and</i></p> <p><i>c. does not involve replacing a pole with a pi pole.</i></p>	
FS534.033	<p><i>NATC-R3 Earthworks or indigenous vegetation clearance.</i></p> <p><i>Activity status: Permitted</i></p>	<p>RE S436.037 Support</p> <p><i>Insert a new point in PER-1 of Rule NATC-R3 as follows:</i></p>	<p>Accept in part. Additional scope for permitted activities and restricted discretionary status applied in place of discretionary.</p>	<p>No further relief required.</p> <p>Agree with the recommendations of the section 42A report.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p>Where:</p> <p>PER-1</p> <p>The earthworks or indigenous vegetation clearance within wetland, lake and river margins is:</p> <p>1. required for the repair or maintenance permitted under NATC-R2; or</p> <p>2. required to provide for safe and reasonable clearance for existing overhead power lines; or</p> <p>3. necessary to address a risk to public health and safety; or</p> <p>4. for biosecurity reasons; or</p> <p>5. for the sustainable non-commercial harvest of plant material for rongoā Māori.</p>	<p><u>6. Wetland maintenance and restoration work</u></p> <p>The relief sought will better align the Proposed Plan with regulations 38(1)(a) and (2)(a) of the NES-FW.</p>		
Coastal Environment				
463.051	<p>CE-O1 The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations.</p>	<p>Delete this objective.</p> <p>This objective is almost identical to proposed objective NATC-O1 and displays the same issues in that it appears to be a recombination of</p>	<p>Accept in part. Amend:</p> <p>CE-O1 The natural character of the coastal environment is identified and managed to ensure its long-term preservation and</p>	<p>No further relief required.</p> <p>The recommended amendments better align with RMA s6(a).</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
		<p>RMA s6(a) with the inclusion of a vague reference to “long-term” protection and a superfluous reference to “current and future generations”.</p> <p>However, the objective fails to recognise the RMA s6(a) distinction regarding protection from <u>inappropriate</u> activities.</p>	<p>protected from inappropriate land use and subdivision for current and future generations.</p>	
463.052	<p><i>CE-O2 Land use and subdivision in the coastal environment:</i></p> <p>a. <i>preserves the characteristics and qualities of the natural character of the coastal environment;</i></p> <p>b. <i>is consistent with the surrounding land use;</i></p> <p>c. <i>does not result in urban sprawl occurring outside of urban zones;</i></p> <p>d. <i>promotes restoration and enhancement of the natural character of the coastal environment; and</i></p>	<p>Amend as follows:</p> <p><i>CE-O2 Land use and subdivision in the coastal environment:</i></p> <p>a. <i>preserves the characteristics and qualities of the natural character of the coastal environment;</i></p> <p>b. <i>is consistent compatible with the surrounding land use;</i></p> <p>[Entire objective not shown here].</p> <p>Sub-clause (b) would, in the case of a development or activity in a previously undeveloped part of the coastal environment, present a bar to approval. In another scenario, it would require a new land use to be</p>	<p>Accept in part. Amend point b. of Objective CE-O2 as follows:</p> <p><i>CE-O2 Land use and subdivision in the coastal environment:</i></p> <p>a. <i>preserves the characteristics and qualities of the natural character of the coastal environment;</i></p> <p>b. <i>is consistent compatible with the surrounding land use;</i></p> <p>c. <i>does not result in urban sprawl occurring outside of existing urban areas zones;</i></p> <p>d. <i>promotes restoration and enhancement of the natural</i></p>	<p>No further relief required.</p> <p>The relief sought by WBFL is provided.</p> <p>Other amendments are agreed, noting the section 42A author’s view at [186] that “I do not consider that development anticipated within a special purpose zone would be considered “sprawl or sporadic development” for the purposes of CE-P4. There are a number of special purpose zones in the PDP that are within the coastal environment where a level of development is anticipated by the provisions. Some level of development within these zones</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	e. <i>recognises tangata whenua needs for ancestral use of whenua Māori.</i>	<p>“consistent” with surrounding land uses, even of the latter are undesirable.</p> <p>WBF recommends replacing the term “consistent” with the term “compatible”.</p>	<p><i>character of the coastal environment; and</i></p> <p>e. <i>recognises and provides for the relationship of tangata whenua needs for with their ancestral lands in the coastal environment use of whenua Māori.</i></p>	<i>would not be inconsistent with the direction in CE-P4, in my opinion”.</i>
FS534.043	<p><i>CE-P2 Avoid adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment identified as:</i></p> <p>a. <i>outstanding natural character;</i></p> <p>b. <i>ONL;</i></p> <p>c. <i>ONF.</i></p>	<p>RE s421.183 – Support – amend</p> <p>Amend Objective CE-P2 as follows:</p> <p><i>Avoid adverse effects of inappropriate development, land use and subdivision on the characteristics and qualities of the coastal environment identified as: ... or wording with similar intent.</i></p> <p>WBFL agrees that the notified drafting of this policy does not accurately reflect the more qualified obligation that appears in RMA s6(a) and NZCPS Policy 13(1)(a) and (1)(b) and Policy 15(a) and (b) to manage inappropriate activities, rather than avoiding all adverse effects.</p>	<p>Reject – amend:</p> <p><i>CE-P2 Avoid adverse effects of land use and subdivision on the characteristics, and qualities and values that make an area an outstanding natural character area in of the coastal environment identified as:</i></p> <p>a. — outstanding natural character;</p> <p>b. — ONL;</p> <p>c. ONF.</p>	<p>No further relief required.</p> <p>Amendments appropriately align with NZ CPS Policy 13(a).</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
463.053	<p><i>CE-P3 Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment not identified as:</i></p> <p><i>a. outstanding natural character;</i></p> <p><i>b. ONL; and</i></p> <p><i>c. ONF.</i></p>	<p>Amend:</p> <p><i>CE-P3 Avoid significant adverse effects and avoid, remedy or mitigate other</i> <u><i>Manage any</i></u> <i>adverse effects of land use and subdivision on the characteristics and qualities of the coastal environment in</i> <u><i>locations</i></u> <i>not identified as:</i></p> <p><i>a. outstanding natural character;</i></p> <p><i>b. ONL; and</i></p> <p><i>c. ONF.</i></p> <p>It is considered inappropriate to require all significant adverse effects to be avoided in areas of the coastal environment outside of “significant” (in a RMA section 6 sense) ONC, ONL and ONF areas. It is appropriate to facilitate an assessment of the merits of proposals with such effects rather than requiring outright avoidance as a first principle policy setting.</p>	<p>Reject – amend:</p> <p><i>CE-P3 Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, and qualities and values of natural character areas and natural features and landscapes in</i> <u><i>of the coastal environment not identified as an:</i></u></p> <p><i>a. outstanding natural character area;</i></p> <p><i>b. ONL; or and</i></p> <p><i>c. ONF.</i></p>	<p>No further relief required.</p> <p>Amendments appropriately align with RPS policy 4.6.1.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
463.054	<p><i>CE-P4 Preserve the visual qualities, character and integrity of the coastal environment by:</i></p> <p><i>a. consolidating land use and subdivision around existing urban centres and rural settlements; and</i></p> <p><i>b. avoiding sprawl or sporadic patterns of development.</i></p>	<p>Amend:</p> <p><i>CE-P4 Preserve the visual qualities, character and integrity of the coastal environment by:</i></p> <p><i>a. consolidating land use and subdivision around existing urban centres and rural settlements <u>or in locations provided for by Special Purposes Zones</u>; and</i></p> <p><i>b. avoiding sprawl or <u>unplanned</u> sporadic patterns of development.</i></p> <p>Sub-clause (a) appears to disregard the presence of Special Purpose Zones, some of which (like the KCZ) were specifically established to provide for various developments beyond the boundaries of the district’s towns.</p>	Reject – retain as notified.	<p>No further relief required.</p> <p>Section 42A report comments at [186] that development of special purpose zones would not be considered “sprawl or sporadic development” under this policy are noted.</p>
463.055	<p><i>CE-P6 Enable farming activities within the coastal environment where:</i></p> <p><i>a. the use forms part of the values that established</i></p>	<p><i>Delete this policy or amend to clearly enable farming in the coastal environment in line with Rule CE-R4.</i></p> <p>It is unclear how sub-clause (a) could be operationalised in a</p>	<p>Accept in part – amend:</p> <p>CE-P6 Enable farming activities within the coastal environment <u>by where:</u></p> <p>a. <u>recognising that existing farming activities form part of</u></p>	<p>No further relief required.</p> <p>Appropriate recognition of farming activities provided.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p><i>natural character of the coastal environment; or</i></p> <p>b. <i>the use is consistent with, and does not compromise the characteristics and qualities.</i></p>	<p>resource consent application context.</p> <p>Sub-clause (b) appears to be incomplete. Nevertheless, WBF observes that the requirement to be “consistent with, and does not compromise” is indicative of a de-facto requirement to avoid farming activities if these are deemed to “compromise” the unspecified “characteristics and qualities”.</p> <p>Furthermore, this policy appears more tentative than Rule CE-R4, which permits farming in the coastal environment as long as it is done outside HNC or ONC areas.</p>	<p><u>the coastal environment and allowing for these activities to continue without undue restriction; and</u></p> <p>b. <u>only allowing new farming activities outside outstanding and high natural character areas where appropriate. the use forms part of the values that established natural character of the coastal environment; or</u></p> <p>the use is consistent with, and does not compromise the characteristics and qualities.</p>	
463.056	<p><i>CE-P9 Prohibit land use and subdivision that would result in any loss and/or destruction of the characteristics and qualities in outstanding natural character areas.</i></p>	<p><i>If the ONC80 layer is not deleted from WBF’s property, delete this policy.</i></p> <p>Part of WBFs site (the “Totara Forest”) is proposed to be included in the ONC80 area. WBF opposes the application of that layer to its property. For completeness, it also opposes this policy insofar as it would prohibit WBF’s landscape maintenance activities and the</p>	<p>Accept - delete policy.</p> <p><i>CE-P9 Prohibit land use and subdivision that would result in any loss and/or destruction of the characteristics and qualities in outstanding natural character areas.</i></p>	No further relief required.

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
		upgrade and development of structures in the Totara Forest.		
463.059	<p><i>CE-P10 Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</i></p> <p><i>a. the presence or absence of buildings, structures or infrastructure;</i></p> <p><i>b. the temporary or permanent nature of any adverse effects;</i></p> <p><i>c. the location, scale and design of any proposed development;</i></p> <p><i>d. any means of integrating the building, structure or activity;</i></p> <p><i>e. the ability of the environment to absorb change;</i></p> <p><i>f. the need for and location of earthworks or vegetation clearance;</i></p>	<p><i>Delete this policy.</i></p> <p>Sub-clauses (a) to (m) are a list of assessment matters that are inappropriate to be included in a policy. They do not provide direction about how to achieve the overarching objectives.</p> <p>WBF recommends deletion of the policy and reliance on the remaining policies. If necessary, the assessment criteria can be relocated to rules and standards of the infrastructure chapter.</p>	<p>Reject – amend:</p> <p>CE-P10 Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and to address the effects of the activity requiring resource consent, including (but not limited to) consideration of <u>Consider</u> the following matters where relevant <u>when assessing and managing the effects of land use and subdivision on the coastal environment to the application:</u></p> <p>a. the presence or absence of buildings, structures or infrastructure;</p> <p>b. the temporary or permanent nature of any adverse effects <u>including any cumulative effects;</u></p> <p>c. the location, scale and design of any proposed development;</p>	<p>No further relief required.</p> <p>Accept reasons at [213] of the section 42A report, that this “consideration” policy reflects a consistent drafting approach in the Proposed Plan.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p><i>g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</i></p> <p><i>h. any viable alternative locations for the activity or development;</i></p> <p><i>i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</i></p> <p><i>j. the likelihood of the activity exacerbating natural hazards;</i></p> <p><i>k. the opportunity to enhance public access and recreation;</i></p> <p><i>l. the ability to improve the overall quality of coastal waters; and</i></p> <p><i>m. any positive contribution the development has on the characteristics and qualities.</i></p>		<p>d. any means of integrating the building, structure or activity <u>into the wider landscape</u>;</p> <p>e. the ability of the environment to absorb change;</p> <p>f. the need for and location of earthworks or <u>indigenous</u> vegetation clearance <u>and proposed mitigation measures</u>;</p> <p>g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</p> <p>h. any viable alternative locations for the activity or development;</p> <p>i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</p> <p>j. the likelihood of the activity exacerbating natural hazards;</p> <p>k. the opportunity to enhance public access and recreation;</p>	

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
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- l. potential effects of land use and subdivision on the coastal marine area and the ability to improve the overall quality of coastal waters; and
- m. any positive contribution the development has on the characteristics and qualities, including restoration and enhancement;
- n. the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity;
- o. the extent to which the land use and subdivision complements activities in the coastal marine area; and
- p. whether the activity is on a previously approved building platform.

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
463.060	<p><i>CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>If a new building or structure is located in an urban zone it is:</i></p> <ol style="list-style-type: none"> <i>no greater than 300 m².</i> <i>located outside high or outstanding natural character areas.</i> <p><i>PER-2</i></p> <p><i>If a new building or structure is not located within an urban zone it is:</i></p> <ol style="list-style-type: none"> <i>ancillary to farming activities (excluding a residential unit).</i> <i>no greater than 25 m².</i> <i>located outside outstanding natural character areas.</i> <p><i>PER-3</i></p> <p><i>Any extension to a lawfully established building or structure is</i></p>	<p><i>Amend PER-2 as follows:</i></p> <p><i>CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>[PER-1 not shown here]</i></p> <p><i>PER-2</i></p> <p><i>If a new building or structure is not located within an urban zone it is:</i></p> <ol style="list-style-type: none"> <i>ancillary to farming activities (excluding a residential unit).</i> <i>no greater than 25 m².</i> <i>located outside outstanding natural character areas.</i> <i><u>Located in a Special Purpose Zone, where the zone provisions prevail and this rule does not apply.</u></i> <p><i>PER-3</i></p> <p><i>Any extension to a lawfully established building or structure is no greater than 20% of the GFA of</i></p>	<p>Accept in part – amend:</p> <p><i>CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>If a new building or structure is located in <u>the General Residential Zone, Mixed Use Zone, Light Industrial Zone, Russell/ Kororareka Special Purpose Zone, Māori Purpose Zone – Urban, Oronga Bay Zone, Hospital Zone, or Kauri Cliff SPZ - Golf Living Sub-Zone</u> an urban zone it is:</i></p> <ol style="list-style-type: none"> <i><u>is no greater than 300 m²; and</u></i> <i><u>is located outside high or outstanding natural character areas; and</u></i> <i><u>complies with:</u></i> <ol style="list-style-type: none"> <i><u>CE-S1 Maximum height;</u></i> <i><u>CE-S2 Colour and materials;</u></i> <p><i>and</i></p>	<p>No further relief required.</p> <p>Refer to discussion in statement of evidence.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p>no greater than 20% of the GFA of the existing lawfully established building or structure.</p> <p>PER-4</p> <p>The building or structure, or extension or addition to an existing building or structure, complies with standards:</p> <p>CE-S1 Maximum height.</p> <p>CE-S2 Colours and materials.</p>	<p>the existing lawfully established building or structure.</p> <p>PER-4</p> <p>The building or structure, or extension or addition to an existing building or structure, complies with standards:</p> <p>CE-S1 Maximum height, <u>except in a Special Purpose Zone, where the zone provisions prevail and this rule does not apply.</u></p> <p>CE-S2 Colours and materials.</p> <p>The upshot of this rule for WBF is that in the coastal environment, a discretionary activity status applies to all development > 25 m². Even if smaller than 25 m², development is a discretionary activity if it is not ancillary to farming.</p> <p>At Kauri Cliffs the land in both the coastal environment <u>and</u> the RPROZ, is mainly cliffs or areas of regenerating vegetation. Farming is not carried out in these areas.</p> <p>The remaining areas of Kauri Cliffs that are in the coastal environment</p>	<p><u>c. CE-S4 Setbacks from MHWS.</u></p> <p><u>PER-1(1) does not apply to: the Mixed-Use Zone, Light Industrial Zone, Māori Purpose Zone – Urban and Hospital Zone within the following settlements: Coopers Beach, Mangonui, Opuā, Paihia and Waitangi, Rawene, and Russell / Kororareka</u></p> <p>PER-2</p> <p>If a new building or structure is not located within <u>any of the zones referred to in PER-1 an urban zone it is:</u></p> <p>a. <u>ancillary to farming activities (excluding is not used for a residential activity unit).</u></p> <p>b. <u>is no greater than:</u></p> <p><u>a. 25 m² within an outstanding natural character area;</u></p> <p><u>b. 50m² within a high natural character area; and</u></p> <p><u>c. 100m² in all other areas of the coastal environment; and</u></p>	

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
		<p>are in the Golf Living, Golf Playing or Lodge subzones, and accommodate limited farming activity, which will decrease further as the next stage of development is implemented.</p> <p>Therefore, the 25 m² and ancillary to farming performance standards are practically impossible for WBFL to comply with. These standards are entirely misplaced in the context of Kauri Cliffs, given the activities that exist, or can reasonably be anticipated, in the Golf Living, Golf Playing or Lodge subzones.</p>	<p>c. located outside outstanding natural character areas.</p> <p>d. <u>complies with:</u></p> <p><u>a. CE-S1 Maximum height;</u></p> <p><u>b. CE-S2 Colour and materials;</u></p> <p><u>and</u></p> <p><u>c. CE-S4 Setbacks from MHWS.</u></p> <p>PER-3</p> <p><u>Any extension or alteration to a lawfully established building or structure is:</u></p> <p><u>1. no greater than 20% of the GFA of the existing lawfully established building or structure; and</u></p> <p><u>2. complies with CE-S1 Maximum height</u></p> <p>PER-4</p> <p><u>Any new building or structure or an extension or alteration to an existing building or structure not provided for by PER-1, PER-2 or PER-3, where it is:</u></p>	

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
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a. fencing for the purposes of stock exclusion;

b. an upgrade of an existing network utility where this is:

i. outside high or outstanding natural character areas;

ii. permitted by I-R3;

iii. no greater than 10m high or the height of the existing structure (whichever is the greatest);

iv. no greater than 20% of the GFA of the existing lawfully established building or structure; and

v. not replacing a pole with a pi pole.

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

GE-S1 Maximum height:

GE-S2 Colours and materials:

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
463.061	<p><i>CE-R2 Repair or maintenance</i></p> <p><i>Coastal environment</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>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:</i></p> <ol style="list-style-type: none"> <i>1. roads.</i> <i>2. fences.</i> <i>3. network utilities.</i> <i>4. driveways and access.</i> <i>5. walking tracks.</i> <i>6. cycling tracks.</i> <i>7. farming tracks.</i> <p><i>Activity status where compliance is not achieved with PER-1:</i></p> <p><i>Discretionary</i></p>	<p><i>Retain as notified.</i></p> <p>It is appropriate to provide a permitted activity status for repairs or maintenance of the listed structures.</p>	<p>Reject – delete rule.</p> <p>CE-R2 Repair or maintenance</p> <p>Coastal environment</p> <p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1</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:</p> <ol style="list-style-type: none"> 1. — roads. 2. — fences. 3. — network utilities. 4. — driveways and access. 5. — walking tracks. 6. — cycling tracks. 7. — farming tracks. <p>Activity status where compliance is not achieved with PER-1:</p> <p>Discretionary</p>	<p>No further relief required.</p> <p>Consolidation with CE-R3 is appropriate.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
463.062	<p><i>CE-R3 Earthworks or indigenous vegetation clearance</i></p> <p><i>Coastal environment</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1 The earthworks or indigenous vegetation clearance is:</i></p> <ol style="list-style-type: none"> <i>1. required for repair or maintenance permitted under CE-R2 Repair or Maintenance.</i> <i>2. required to provide for safe and reasonable clearance for existing overhead power lines.</i> <i>3. necessary to ensure the health and safety of the public.</i> <i>4. for biosecurity reasons.</i> <i>5. for the sustainable non-commercial harvest of plant material for rongoā Māori.</i> <p><i>PER-2 The earthworks or indigenous vegetation clearance is not provided for within CE-R3 PER-1 but it complies with standard CE-S3</i></p>	<p><i>Amend as follows:</i></p> <p><i>CE-R3 Earthworks or indigenous vegetation clearance</i></p> <p><i>Coastal environment</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>[PER-1 not shown here].</i></p> <p><i>PER-2 The earthworks or indigenous vegetation clearance is not provided for within CE-R3 PER-1 but it:</i></p> <ol style="list-style-type: none"> <i>1. complies with standard CE-S3 Earthworks or indigenous vegetation clearance; or</i> <i>2. is in the Golf Living, Golf Playing or Lodge subzones of the Kauri Cliffs Zone.</i> <p><i>Activity status where compliance not achieved with PER-1: Discretionary</i></p> <p><i>Activity status where compliance not achieved with PER-2: Non-complying</i></p>	<p>Accept in part - amend:</p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1 The earthworks or indigenous vegetation clearance is:</i></p> <ol style="list-style-type: none"> <i>1. required for the operation, repair or maintenance of existing lawfully established permitted under CE-R2 Repair or Maintenance. ;</i> <ol style="list-style-type: none"> <i>a. fences;</i> <i>b. network utilities;</i> <i>c. tracks, driveways, roads and access ways;</i> <i>d. formed carparks;</i> <i>e. board walks;</i> <i>f. boat ramps</i> <i>2. required to provide for safe and reasonable clearance for existing overhead power lines.</i> <i>3. to address an immediate risk to the health and safety of the public or damage to</i> 	<p>No further relief required.</p> <p>Permitted allowance for maintenance within ONC areas is appropriate, with a default non-complying consent requirements is appropriate.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p><i>Earthworks or indigenous vegetation clearance.</i></p> <p><i>Activity status where compliance not achieved with PER-1: Discretionary</i></p> <p><i>Activity status where compliance not achieved with PER-2: Non-complying</i></p>	<p><i>Activity status where compliance not achieved with PER-2 in the Kauri Cliffs Zone: Discretionary</i></p> <p>The result of clause PER-2 of this rule is to impose permitted limits (via standard CE-S3) on earthworks or indigenous vegetation clearance of:</p> <ul style="list-style-type: none"> > Nil permitted in the ONC80 area that the Proposed Plan seeks to apply to the Totara Forest; > 50 m² for 10 years (i.e. 5 m² per year) in a HNC area such as covers extensive areas of Kauri Cliffs coastal margin; and > 400 m² for 10 years (i.e., 40 m² per year) for areas in the coastal environment but not in outstanding or high natural character areas. <p>If these meagre permitted limits are breached, a <u>non-complying</u> activity status applies.</p> <p>It is guaranteed that WBF will need to breach these permitted limits during the term of the Proposed</p>	<p><i>property necessary to ensure the health and safety of the public.</i></p> <ol style="list-style-type: none"> 4. <i>Clearance for biosecurity reasons to control pests.</i> 5. <i>for the sustainable non-commercial harvest of plant material for rongoā Māori.</i> 6. <i>to create or maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area;</i> 7. <i>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 in width; or</i> 8. <i>for any upgrade of existing network utilities:</i> <ol style="list-style-type: none"> a. <i>outside high natural character and outstanding natural character areas; and</i> 	

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
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Plan if it is to carry out golf course maintenance, track construction and maintenance, vegetation management and infrastructure installation duties/activities that are part of its regular operations. It goes without saying that the future residential subdivision of land in the Golf Living subzone will, where it encroaches into the coastal environment, also breach these highly restrictive provisions.

The consequential non-complying activity status is a highly onerous regulatory intervention that is in WBF's opinion, likely to generate ongoing resource consenting burdens. These will be of little/no benefit to the environment or the community but a significant drag on resources that could be better allocated to WBFs business and ecological restoration activities.

b. permitted by rule CE-R1 PER-4.

PER-2 The earthworks or indigenous vegetation clearance is not provided for within CE-R3 PER-1 but it complies with standard CE-S3 Earthworks or indigenous vegetation clearance.

Activity status where compliance not achieved with PER-1 and PER-2 (outside an outstanding natural character area): Restricted Discretionary

The matters of discretion are:

a. the matters in CE-P10.

Activity status where compliance not achieved with PER-1 and PER-2 (inside an outstanding natural character area): Non-complying

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
463.063	<p><i>CE-R4 Farming</i></p> <p><i>Coastal environment</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>The farming activity is located outside high or outstanding natural character areas.</i></p>	<p><i>Retain as notified.</i></p> <p>WBF agrees that it is appropriate to require resource consent for farming activities proposed in identified HNC or ONC areas.</p>	<p>Accept in part – amend:</p> <p><i>Activity status where compliance is not achieved with PER-1:</i></p> <p><i>Discretionary (outside inside an outstanding high natural character area)</i></p> <p><i>Non-complying (inside an outstanding natural character area)</i></p>	No further relief required.
463.064	<p><i>CE-R5 Demolition of buildings or structures</i></p> <p><i>Coastal environment</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Activity status where compliance not achieved: Not applicable</i></p>	<p><i>Retain as notified.</i></p> <p>WBF agrees with the unequivocal provision of a permitted activity status for demolition in the coastal environment.</p>	<p>Reject – delete:</p> <p><i>CE-R5 Demolition of buildings or structures</i></p> <p><i>Coastal environment</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Activity status where compliance not achieved: Not applicable</i></p>	<p>No further relief required.</p> <p>Accept reasons at [426] and [427] of the section 42A report.</p>
FS534.044	<p><i>New Coastal Environment rule proposed by Northland Regional Council</i></p>	<p>RE s359.031 – support – add new rule</p> <p><i>Amend the rules to expand the permitted activity rule to allow for fencing within natural character areas, ONLs and ONFs where fencing is required for protection or</i></p>	<p>Accept – amend CE-R1 to provide for fencing for stock exclusion as a permitted activity without being subject to the coverage thresholds for structures.</p>	No further relief required.

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
		<p><i>enhancement of soil conservation treatments, water bodies and wetlands and in line with the Stock Exclusion Regulations and/or regional plan rules.</i></p> <p><i>There is potential for unintended consequences of the rules in the Coastal Environment as new fencing requires resource consent.</i></p> <p>Agree with the reasons given by NRC as to unintended consequences.</p>	See recommended text of CE-R1 PER-4.	
463.040	<p><i>New NATC rule proposed by WBFL</i></p> <p><i><u>NATC-R[X]</u></i></p> <p><i><u>Activity Status: Restricted Discretionary</u></i></p> <p><i><u>Where:</u></i></p> <p><i><u>RDIS-1</u></i></p> <p><i><u>Tracks not for conservation or pest control purposes.</u></i></p> <p><i><u>Matters of discretion:</u></i></p> <p><i>1. <u>The location and purpose of the proposed track or fence, its alignment and potential</u></i></p>	<p><i>See opposite column.</i></p> <p>WBF seeks the addition of a new rule to provide a restricted discretionary consenting pathway for the construction of walking trails in the High Natural Character (“HNC”) overlay.</p> <p>WBF intends to provide guest/visitor amenity, and connectivity and amenity for future residents in the Golf Living subzone, by developing a modest trail network between key features of the property.</p>	<p>Accept in part – amend CE-S3 to provide modest permitted allowances for indigenous vegetation clearance:</p> <p>-50 m2 per 10-year period in HNC areas of the coastal environment;</p> <p>-400m2 per 10-year period in other areas of the coastal environment (outside ONC areas); and</p> <p>-A restricted discretionary consenting pathway where the permitted allowances are not met</p>	<p>No further relief required.</p> <p>Combination under CE-R3 PER-2 and CE-S3 of permitted thresholds and restricted discretionary consenting pathway for new earthworks/vegetation clearance outside a HNC area is appropriate.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p><u>adverse effects on the high natural character area, including fragmentation and loss of biodiversity;</u></p> <p>2. <u>Whether any proposed indigenous vegetation disturbance associated with the activity will result in loss of habitat that supports or provides a key life function for 'threatened' or 'at risk' indigenous species; and</u></p> <p>3. <u>The extent to which unavoidable adverse effects of the proposed indigenous vegetation disturbance associated with the activity on areas of significant biodiversity can be remedied or offset through established or new biodiversity restoration programmes.</u></p>	<p>Large areas of Kauri Cliffs are in the HNC overlay. Initial plans for the trail network indicate that some walking tracks will intersect areas in the proposed HNC.</p> <p>In light of the purposes of the KCZ, that many areas in the HNC have been protected, maintained or enhanced through WBF's efforts over the years, it is considered reasonable to provide a consenting pathway for this activity.</p>	with assessment matters at CE-P10 applying.	
463.065	<p>CE-S1 Maximum height.</p> <p>1. <i>The maximum height of any new building or structure above ground level is 5m and must not exceed the height of the</i></p>	<p>CE-S1 Maximum height.</p> <p>1. <i>The maximum height of any new building or structure above ground level is 5m and must not exceed the height of the</i></p>	<p>Accept in part - amend:</p> <p>CE-S1 Maximum height.</p> <p>1. <i>The maximum height of any new building or structure</i></p>	<p>No further relief required.</p> <p>Concerns raised in WBFLs submission are addressed by reformulation of the rule to provide controlled or restricted</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p>nearest ridgeline, headland or peninsula.</p> <p>2. Any extension to a building or structure must not exceed the height of the existing building above ground level or exceed the height of the nearest ridgeline, headland or peninsula.</p> <p>This standard does not apply to:</p> <p>1. The Orongo Bay zone</p>	<p>nearest ridgeline, headland or peninsula.</p> <p>2. Any extension to a building or structure must not exceed the height of the existing building above ground level or exceed the height of the nearest ridgeline, headland or peninsula.</p> <p>This standard does not apply to:</p> <p>1. The Orongo Bay zone; <u>and</u></p> <p>2. <u>Special Purpose Zone - Kauri Cliffs.</u></p> <p>The imposition of a generic 5m permitted height limit over <i>all</i> land in the coastal environment is a very notable change introduced by the Proposed Plan.</p> <p>This is likely to heavily constrain some landowners' ability to use and develop land in accordance with its zoned purpose.</p> <p>This highly conservative and all-encompassing proposed rule is not mandated by any provisions of the Regional Policy Statement for</p>	<p>above ground level is 5m and must not exceed the height of the nearest ridgeline, headland or peninsula.</p> <p>2. Any extension to a building or structure must not exceed the height of the existing building above ground level or exceed the height of the nearest ridgeline, headland or peninsula.</p> <p>This standard does not apply to:</p> <p><i>i. Telecommunication facilities;</i></p> <p><i>ii. The Orongo Bay zone <u>and</u> the Kororāreka Russell Township zone</i></p> <p><i>iii. The Mixed-Use Zone, Light Industrial Zone, Māori Purpose Zone – Urban, and Hospital Zone within the following settlements:</i></p> <p><i>a. Coopers Beach;</i></p> <p><i>b. Mangonui;</i></p> <p><i>c. Opuā;</i></p> <p><i>d. Paihia & Waitangi; and</i></p> <p><i>e. Rawene.</i></p>	<p>discretionary activity consenting pathways for breaches of the permitted activity performance standards.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
		<p>Northland, the Proposed Regional Plan for Northland August 2022 – Appeals Version, nor by the New Zealand Coastal Policy Statement.</p> <p>The planning issues created by the introduction of a resource consent requirement for buildings taller than 5m are apparent when considering the Special Purposes Zones. Such zones are, according to the Kauri Cliffs s32 report:</p> <p><i>“...locations where detailed site assessment and development have been completed by way of a resource consent, development plan, structure plan or master plan to result in outcomes for the area, managed by way of area specific objectives, policies and methods. Each Special Area is unique, with individual circumstances, site constraints, surrounding environment, resource management issues and development potential”.</i></p> <p>Given the foregoing, the Special Purposes Zones anticipate, and provide individualised planning</p>	<p><i>Where the standard is not met, matters of discretion are restricted to: Not applicable</i></p> <p>And policy CE-P10 is amended to include <i>“the visual effect of the building, structure or activity on nearby ridgelines, headlands or peninsula”</i> as a matter of control / discretion.</p>	

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
		frameworks for, unique developments. Introducing a 5 m permitted height limit as proposed by this rule contradicts the bespoke development outcomes that have previously been considered and embedded in the Special Purpose Zones, in Kauri Cliffs case since the commencement of the Operative Plan in 2009.		
463.066	<p><i>CE-S3 Earthworks or indigenous vegetation clearance.</i></p> <p><i>Any earthworks or indigenous vegetation clearance must (where relevant):</i></p> <ol style="list-style-type: none"> <i>not occur in outstanding natural character areas.</i> <i>not exceed a total area of 50 m² for 10 years from the notification of the District Plan in an area of high natural character.</i> <i>not exceed a total area of 400 m² for 10 years from the notification of the District Plan</i> 	<p><i>CE-S3 Earthworks or indigenous vegetation clearance.</i></p> <p><i>Any earthworks or indigenous vegetation clearance must (where relevant):</i></p> <ol style="list-style-type: none"> <i>not occur in outstanding natural character areas.</i> <i>not exceed a total area of 50 m² for 10 years from the notification of the District Plan per calendar year, in an area of high natural character.</i> <i>not exceed a total area of 400 m² for 10 years from the notification of the District Plan</i> 	<p>Accept in part – amend:</p> <p><i>CE-S3 Earthworks or indigenous vegetation clearance.</i></p> <p><i>1. Any earthworks or indigenous vegetation clearance must (where relevant):</i></p> <ol style="list-style-type: none"> <i>not occur in outstanding natural character areas;</i> <i>not exceed a total area of:</i> <ol style="list-style-type: none"> <i>50 m² within a calendar year for 10 years from the notification of the District Plan in an area of high natural character;</i> 	<p>No further relief required.</p> <p>Refer to discussion of this rule in the statement of evidence.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<i>in an area outside high or outstanding natural character areas.</i>	<i>per calendar year in an area outside high or outstanding natural character areas.</i>	<i>ii. not exceed a total area of 4100 m² within a calendar year for 10 years from the notification of the District Plan in an area outside high or outstanding natural character areas;</i>	
4.	<i>not exceed a cut height or fill depth of 1 m.</i>	4. <i>not exceed a cut height or fill depth of 1 m.</i>		
5.	<i>screen any exposed faces.</i>	5. <i>screen any exposed faces.</i>		
	<i>Note: The NESF requires a 10 m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.</i>	If the relief sought in respect of the deletion of the ONC80 layer from the Totara Forest is not granted, WBF seeks that this rule is amended to provide a discretionary pathway for earthworks and vegetation removal within the ONC80, given that this area has been modified and needs ongoing maintenance to provide amenity to guests and future residents of Kauri Cliffs. Sub-clause (2) needs to be amended as 50 m ² per calendar year is much more appropriate than 50 m ² per 10 years. The latter is highly conservative, and these effects can be managed with appropriate management plans. For areas outside the HNC area there is no need for such a	c. <i>not exceed a cut height or fill depth of 1 m</i> d. <i>screen any exposed faces visible from a public place.</i> <u>2. Any indigenous vegetation clearance must:</u> <i>a. not occur in outstanding natural character areas;</i> <i>b. not exceed a total area of:</i> <i>i. 50m² within any 10-year period in an area of high natural character;</i> <i>ii. 400m² within any 10-year period outside high or outstanding natural character areas.</i> <i>Note: The NESF requires a 10 m setback from any natural wetland in respect of earthworks or vegetation</i>	

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
		conservative approach and a discretionary activity provides and appropriate pathway.	clearance and may require consent from the Regional Council.	
Subdivision				
463.050	<p><i>SUB-R20 Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)</i></p> <p><i>All zones - Activity status: Discretionary</i></p> <p><i>Activity status where compliance not achieved: Not applicable</i></p>	<p>Amend as follows:</p> <p>SUB-R20 Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)</p> <p>All zones</p> <p>Activity status: Discretionary</p> <p><u>a. This rule does not apply to land in the Kauri Cliffs Zone.</u></p>	<p>Reject - amend:</p> <p>SUB-R20 Subdivision <u>creating one or more additional allotments of a site</u> within the Coastal Environment (excluding Outstanding Natural Character Areas)</p> <p>All zones - Activity status: Discretionary</p> <p>Activity status where compliance not achieved: Not applicable</p>	<p>No further relief required.</p> <p>Refer to discussion of this rule in the statement of evidence.</p>
Natural Features & Landscapes				
FS534.034	<p><i>NFL-O1 ONL and ONF are identified and managed to ensure their long-term protection for current and future generations.</i></p>	<p>RE s421.151 - Oppose – disallow amendment.</p> <p><i>Amend Objective NFL-O1 to be more aligned with section 6(b) of the Resource Management Act 1991.</i></p>	<p>Accept in part – amend:</p> <p><u>ONF and ONL are protected from inappropriate land use and development. ONL and ONF are identified and managed to ensure their long-term protection for current and future generations.</u></p>	<p>No further relief required.</p> <p>Amendments are well-aligned with RMA section 6(b).</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
		<p>WBFL prefers the notified wording. It considers that better aligns with s6(b) considerations, especially insofar as the term “management” provides flexibility to consider whether a proposal is “inappropriate” in a s6(b) sense.</p>		
FS534.035	<p><i>NFL-O2 Land use and subdivision in ONL and ONF is consistent with and does not compromise the characteristics and qualities of that landscape or feature.</i></p>	<p>RE s167.031 – Support</p> <p><i>Amend as follows:</i></p> <p><i>Land use and subdivision in ONL and ONF is consistent with and does not compromise the <u>identified</u> characteristics and qualities values of that landscape or feature.</i></p> <p><i>Or alternatively:</i></p> <p><i><u>The identified characteristics and values of ONLs and ONFs are protected from inappropriate subdivision, use and development.</u></i></p> <p>WBFL agrees that the need to determine “consistency” in the notified policy may be too subjective to implement in a consent decision-making process.</p>	<p>Accept in part – delete objective.</p> <p>NFL-O2 Land use and subdivision in ONL and ONF is consistent with and does not compromise the characteristics and qualities of that landscape or feature</p>	<p>No further relief required.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
		WBFL agrees with the proposition that an assessment of effects needs to be premised on “identified” characteristics and values and should not enable an open-ended consideration.		
FS534.036	<i>NFL-P2 Avoid adverse effects of land use and subdivision on the characteristics and qualities of ONL and ONF within the coastal environment.</i>	RE s421.153, s421.154, and s421.155 - Support <i>Amend Policy NFL-P2, Policy NFL-P3 and Policy NFL-P7 to achieve consistency with section 6 of the Resource Management Act 1991 and to recognise the need to allow appropriate subdivision, use and development.</i>	FS534.036 & FS534.037: Reject: amend. FS534.038: Accept in part: delete.	No further relief required. Deletion of NFL-P7 is appropriate given its formulation is misaligned with the outcomes required by section 6(b) RMA.
FS534.037	<i>NFL-P3 Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics and qualities of ONL and ONF outside the coastal environment.</i>	WBFL agrees that the outright avoidance of effects required by these policies is inconsistent with the direction of RMA 6(b) in terms of differentiating “inappropriate” activities.	NFL-P2 Avoid adverse effects of land use and subdivision on the characteristics, and qualities and <u>values that make of</u> ONL and ONF within the coastal environment <u>outstanding</u> .	
FS534.038	<i>NFL-P7 Prohibit land use that would result in any loss of and/or destruction of the characteristics and qualities of ONL and ONF.</i>	WBFL anticipates that costs to the community will arise from this outright avoidance setting. The costs will be in the form of resource consent requirements for discretionary and non-complying	NFL-P3 Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, and qualities and <u>values that make of</u> ONL and ONF	

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
		<p>activities arising from breaches of NFL-R3(PER-2) and NFL-R3(PER-3) in respect of NFL-S3(1) in particular.</p> <p>Section 8.3.3 of the NFL s32 report simply states: “Potentially additional costs and complexity to justify subdivision, use and development affecting ONL and ONF where located within the coastal environment. It may be that the threshold of no adverse effects cannot be met” (emphasis added).</p> <p>In the context of a resource consent application, a management threshold of “no adverse effects” almost certainly will not be met, in most cases (the fact that a resource consent requirement arises in itself indicates the potential for an effect).</p> <p>As such, the above comment from the s32 report signals the impracticality of NFL-P2 and the unduly restrictive rules and standards that flow from it.</p>	<p>outside the coastal environment <u>outstanding</u>.</p> <p>NFL-P7 Prohibit land use that would result in any loss of and/or destruction of the characteristics and qualities of ONL and ONF.</p>	

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
FS534.039	<p><i>NFL-P8 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:</i></p> <ul style="list-style-type: none"> <i>a. the presence or absence of buildings, structures or infrastructure;</i> <i>b. the temporary or permanent nature of any adverse effects;</i> <i>c. the location, scale and design of any proposed development;</i> <i>d. any means of integrating the building, structure or activity;</i> <i>e. the ability of the environment to absorb change;</i> <i>f. the need for and location of earthworks or vegetation clearance;</i> <i>g. the operational or functional need of any regionally</i> 	<p>RE s167.038 – Support deletion</p> <p>WBFL agrees that NFL-P8 more closely resembles assessment criteria than a policy.</p> <p>This policy will largely be redundant if the amendments to NFL-P2, -P3 and -P7 sought by Northland Federated Farmers of New Zealand (S421) are carried through. Those amendments will adequately articulate the “management” directive of NFL-P8.</p>	<p>Accept in part – amend:</p> <p><i>NFL-P8 Consider the following matters where relevant when assessing and managing the effects of land use and subdivision on ONL and ONF 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:</i></p> <ul style="list-style-type: none"> <i>a. the presence or absence of buildings, structures or infrastructure;</i> <i>b. the temporary or permanent nature of any adverse effects;</i> <i>c. the location, scale and design of any proposed development;</i> <i>d. any means of integrating the building, structure or activity;</i> <i>e. the ability of the environment to absorb change;</i> 	<p>No further relief required.</p>

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<p><i>significant infrastructure to be sited in the particular location;</i></p> <p><i>h. any viable alternative locations for the activity or development outside the landscape or feature;</i></p> <p><i>i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</i></p> <p><i>j. the characteristics and qualities of the landscape or feature;</i></p> <p><i>k. the physical and visual integrity of the landscape or feature;</i></p> <p><i>l. the natural landform and processes of the location; and</i></p> <p><i>m. any positive contribution the development has on the characteristics and qualities.</i></p>		<p><i>f. the need for and location of earthworks or vegetation clearance;</i></p> <p><i>g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</i></p> <p><i>h. any viable alternative locations for the activity or development outside the landscape or feature;</i></p> <p><i>i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</i></p> <p><i>j. the characteristics and qualities of the landscape or feature;</i></p> <p><i>k. the physical and visual integrity of the landscape or feature;</i></p> <p><i>l. the natural landform and processes of the location; and</i></p> <p><i>m. any positive contribution the development has on the characteristics and qualities;</i></p>	

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
			<p>n. <i>the visibility of impacts viewed from public places; and</i></p> <p>o. <i>the visual effect of the building, structure or activity on nearby ridgelines, headlands or peninsula.</i></p>	
FS534.040	<p><i>NFL-R1 New buildings or structures, and extensions or alterations to existing buildings or structures</i></p> <p><i>Within ONL and ONF</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>If a new building or structure is located outside the coastal environment it is:</i></p> <p><i>1. ancillary to farming (excluding a residential unit); and</i></p> <p><i>2. no greater than 25m2.</i></p> <p><i>[reminder not shown]</i></p>	<p>RE s159.061 – Support – amend</p> <p><i>Amend subsection 2 of PER-1 of Rule NFL-R1 as follows: (2) no greater than 25m² 100m²</i></p> <p>WBFL agrees that NFL-R1(PER-1)(2) is unduly limiting and likely to generate numerous, low-value (in a resource management sense) resource consent applications.</p> <p>A more practicable allowance than 25 m2 is appropriate.</p> <p>WBFL draws Council’s attention to the more nuanced framework provided by Rule NFL-R1 and Standard NFL-S4 of the proposed Timaru District Plan. It provides an example of an alternative way to address the matter, albeit WBFL is</p>	<p>Accept in part – amend:</p> <p>Amend to update the permitted allowances for development on ONFLs and provide controlled and restricted discretionary consenting pathways for exceedances.</p>	No further relief required.

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
		not suggesting Council should simply replicate those provisions.		
FS534.041	<p><i>NFL-R3 Earthworks or indigenous vegetation clearance</i></p> <p><i>Within ONL and ONF</i></p> <p><i>Activity status: Permitted</i></p> <p><i>Where:</i></p> <p><i>PER-1</i></p> <p><i>The earthworks or indigenous vegetation clearance is:</i></p> <ol style="list-style-type: none"> <i>1. required for the repair or maintenance permitted under NFL-R2 Repair or maintenance;</i> <i>or</i> <i>2. required to provide for safe and reasonable clearance for existing overhead power lines;</i> <i>or</i> <i>3. necessary to address a risk to public health and safety; or</i> <i>4. for biosecurity reasons; or</i> 	<p>RE S421.158 - Support in part – amend</p> <p><i>Amend PER-1 of Rule NFL-R3 to include additional activities, being farming activities, emergency services work, and works required for access.</i></p> <p>WBFL supports increased flexibility for landowners to carry out earthworks or indigenous vegetation clearance as proposed by Northland Federated Farmers of New Zealand.</p>	<p>Accept in part – amend:</p> <p>Amend to include permitted allowances for operation/repair/maintenance of existing assets and provide restricted discretionary consenting pathway outside the coastal environment.</p>	No further relief required.

Point	Provision	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
	<i>for the sustainable non-commercial harvest of plant material for rongoā Māori.</i>			
FS534.042	<p><i>NFL-S3 Earthworks or indigenous vegetation clearance</i></p> <p><i>Within ONL and ONF</i></p> <p><i>Any earthworks or indigenous vegetation clearance must (where relevant):</i></p> <ol style="list-style-type: none"> <i>1. not exceed a total area of 50m² over the life of the District Plan;</i> <i>2. not exceed a cut height or fill depth of 1m;</i> <i>3. screen any exposed faces; and</i> <i>4. be for the purpose of access and/or a building platform.</i> 	<p>RE s167.047 - Support in part – amend</p> <p><i>Amend rule NFL-S3 (inferred) to apply a yearly timeframe rather than the “over the life of the District Plan” compliance measure specified in the notified text.</i></p> <p>WBFL shares this submitter’s concern that limiting earthworks to an area of 50 m² “over the life of the District Plan” is a very onerous compliance measure.</p> <p>In WBFL’s view, the restrictive criteria combined with the default under PER-3 to a non-complying activity status present a very onerous regulatory framework.</p> <p>WBFL questions whether the implications of this – in terms of costs and benefits – have been appropriately assessed in a s32 sense, with reference to the</p>	<p>Accept in part – amend:</p> <p>Update permitted threshold for earthworks and indigenous vegetation clearance.</p>	No further relief required.

Point	<i>Provision</i>	Relief sought by WBFL	Section 42A recommendation	S Tuck recommendation
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overarching 'avoidance' policy at NFL-P2.
