Remember submissions close at 5pm, Friday 21 October 2022

Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

1. Submitter details:

Full Name:	**Matauri Trustee Limited**		
Company / Organisation Name: (if applicable)			
Contact person (if different):	**Peter Hall** **Peter Hall Planning Limited**		
Full Postal Address:	**Level 3, 43 High Street**		
	Auckland 1010		
Phone contact:	**Mobile: 0274222118**	**Home:**	**Work:**
Email (please print):	**peter@phplanning.co.nz**		

2. (Please select one of the two options below)

☑ I **could not** gain an advantage in trade competition through this submission
☐ I **could** gain an advantage in trade competition through this submission

If you could gain an advantage in trade competition through this submission, please complete point 3 below

3. ☐ I **am** directly affected by an effect of the subject matter of the submission that:
(A) Adversely affects the environment; and
(B) Does not relate to trade competition or the effect of trade competition

☐ I **am not** directly affected by an effect of the subject matter of the submission that:
(A) Adversely affects the environment; and
(B) Does not relate to trade competition or the effect of trade competition

Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

Matauri Trustee Limited owns the 339ha coastal property known as Opounui Farm at 2118 Wainui Road, Matauri Bay, Kaeo.

The property comprises four separate titles for which consent for a boundary adjustment has recently been approved by the Far North District Council. The lots are currently legally described as follows (prior to implementation of the boundary adjustment): Lot 2 Deposited Plan 545586 and Part Matauri 2J Block (194.6751 ha); Part Matauri No 2H Block (123.5 ha); Matauri 1B1 (20.23 ha) and Lot 1 DP 72511 (5224m2). The two largest of these titles span Wainui Road, with farming, outbuildings and a farm airstrip occupying that inland side of the

property. A homestead is on the property at Parua Bay, with a well-established network of roads and farm tracks, waterways and farm dams.

The property has been owned by Matauri Trustee Limited and the family of the beneficiaries since the 1970s.

During this time, extensive conservation work has been undertaken on the property with pest and predator control, wetland and bush fencing and native bush restoration. The high part of the property to the north of Wainui Road is in native bush, with areas of pine plantation which are currently being harvested to be replanted in native vegetation.

The farm is in the Rural Production Zone and, in large part, in the Coastal Environment. It is subject to overlays including High Natural Character around parts of the coastal margins and Outstanding Natural Landscape around a wide section of the coastal side of the property.

The Proposed Plan will impose significant consenting risk and cost implications on the farming operation on the property due to the impact of the coastal environment and other overlays. Farming will be the primary use of the property moving forward, augmented by the various conservation activities noted above. In this respect, the objectives, policies and rules relating to the overlays make only very limited provision for farming (and indeed conservation activities). This is despite farming being a key part of the economy of the Far North, and farming activities defining in many instances coastal and landscape character. Various changes are sought to the Proposed Plan in this submission seeking more workable provisions for farming and conservation activities.

The Proposed Plan also puts at risk the ability to build and modify existing houses and any future new houses on the property. Due to both the coastal and outstanding landscape overlays applying, resource consent for a non-complying activity is required for residential units over large sections of the property. Changes are sought to the Proposed Plan to make better provision for the construction of a limited number of houses on the property, acknowledging the need for a density of development and design which properly respects its rural and coastal character.

In addition, there is little recognition in the objectives, policies and rules of the Rural Production Zone and overlays for other non-farming land uses in rural areas, despite farming not occupying all of the zone. Various amendments are sought to address this disconnect between the Rural Production Zone and the full range of activities, and subdivision opportunities, that do and should occur within the zone.

The submitter opposes and seeks amendments to the provisions as specified in **Attachment 1** for the specific reasons set out therein and including:

a) That they do not represent the most appropriate way of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions, and in particular the assessment of the benefits and costs of the environmental, economic and social effects that are anticipated from the implementation of the provisions; and

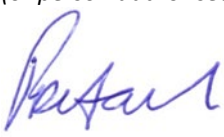
b) That they will not promote the sustainable management of natural and physical resources and are not the most appropriate way to achieve the purpose of the Resource Management Act 1991.

Confirm your position: ✓ Support ✓ Support In-part ✓ Oppose
(please tick relevant box)

The position of the submitter on the specific provisions of the Plan that this submission relates to are as set out in **Attachment 1.**

My submission is:
(Include details and reasons for your position)
The submission points and reasons are as set out in **Attachment 1.**

I seek the following decision from the Council:
(Give precise details. If seeking amendments, how would you like to see the provision amended?)
The decision from Council sought in respect of each of the submission points is as set out in in **Attachment 1** and includes in each case any consequential amendments or alternative relief to address the matters raised in this submission.

☑ I **wish** to be heard in support of my submission ☐ I **do not wish** to be heard in support of my submission *(Please tick relevant box)*
If others make a similar submission, I will consider presenting a joint case with them at a hearing ☑ Yes ☐ No
Do you wish to present your submission via Microsoft Teams? ☑ Yes ☐ No
Signature of submitter: *(or person authorised to sign on behalf of submitter)*  **Date: 20/10/22** (*A signature is not required if you are making your submission by electronic means)*

Important information:

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

Send your submission to:

Post to: Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council,
Private Bag 752
KAIKOHE 0400

Email to: pdp@fndc.govt.nz

Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.

Submissions close 5pm, 21 October 2022

Please refer to pdp.fndc.govt.nz for further information and updates.

Please note that original documents will not be returned. Please retain copies for your file.

Note to person making submission

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language

- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION NUMBER

243

Attachment 1

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)
PART 1 – INTRODUCTION AND GENERAL PROVISIONS **HOW THE PLAN WORKS** **General approach**			
General Approach Section titled "Applications Subject to Multiple Provisions"	Support subject to amendments	As described in the National Planning Standard 2019, an overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions. It follows that the provisions relating to the overlay only apply to that part of a site so mapped. While this may be the intent of the overlays, in some instances in the Proposed Plan for overlay provisions, reference is made to 'the site'; the potential implication being that the overlay provisions apply to the site as a whole. In many instances, overlays apply to part of but not the whole of the site. Applying the provisions to the site as a whole in these situations would not serve the resource management purpose of the overlay. In addition to the above, the following part of the explanation is necessary to specify that overlay chapters do not contain all the provisions relating to an activity. For example, residential activity may not be provided for in the overlay, but is provided for in the underlying zoning: *"Some of the Overlay chapters only include rules for certain types of activities (e.g. natural character, natural features and landscapes or coastal*	**Add** a new clause specifying that if an overlay is shown on the Planning Maps, the overlay provisions only apply to the portion of the property covered by the overlay.

S243.001

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		environment). If your proposed activity is within one of these overlays, but there are no overlay rules that are applicable to your activity, then your activity can be treated as a permitted activity under the Overlay Chapter unless stated otherwise. Resource consent may still be required under other Part 2: District-wide Matters chapters and/or Part 3: Area-Specific chapters (including the underlying zone)".		
PART 1 – INTRODUCTION AND GENERAL PROVISIONS **INTERPRETATION** **Definitions**				
Definitions Wetland, Lake and River Margins Definitions	Oppose	In the Proposed Plan, "Lake" has the same meaning as in section 2 of the RMA (as set out below) *"means a body of fresh water which is entirely or nearly surrounded by land".* The Natural Character Chapter Rules, Objectives and Policies apply to lakes, without any limitation on the size of the lake. There are many small bodies of freshwater in the district which would qualify as a lake under this definition (including farm dams made by people), which do not contribute to natural character. The Operative District Plan applies the maximum setback rules to lakes only where they have a lakebed	**Amend** Wetland, Lake and River Margins Definition as follows: *"WETLAND, LAKE AND RIVER MARGINS DEFINITION* *In the Light Industrial and Heavy Industrial zones means the area of land within 20 metres of a:* *wetland;* *lake (where the lake bed has an area of 5ha or more or is not a body of freshwater impounded by a dam); or* *river greater than 3m average width* *In the General Residential, Russell Township, Quail Ridge or Mixed Use zones means the area of land within 26 metres of a:*	S243.002

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
		area of 8ha or more, with as lesser setback determined by a calculation against the area of the lake. It also defines a lake as *"a permanent body of fresh water 5 or more hectares in area which is entirely or nearly surrounded by land"*. Either option should be carried over into the Proposed Plan to ensure that the provisions relating to Wetland, Lake and River Margins in the Proposed Plan are targeted to larger lakes, which are more likely to contribute to natural character, and avoid the provisions apply to farm dams.	*wetland; lake (where the lake bed has an area of 5ha or a body of freshwater impounded by a dam); or river greater than 3m average width* *In all other zones means the area of land within 30 metres of a: wetland;* *lake (where the lake bed has an area of 5ha or more or is not a body of freshwater impounded by a dam); or river greater than 3m average width* *Where a river is smaller than 3m average width means 10m of a river.* *Note: The width is measured in relation to the bed of the waterbody"* **Or** in the alternative: **Add** a new definition of lake as *"A permanent body of fresh water 5 or more hectares in area which is entirely or nearly surrounded by land, and excluding a body of freshwater impounded by a dam";*	
Definitions New Definition: "Helicopter landing areas".	Oppose	See submission point in this submission on rule NOISE-S4 Helicopter landing areas	**Add** the following new definition: "Helicopter landing areas means an identified landing area for helicopter landing, loading and take-off but does not include refuelling, servicing, a hangar, or a freight handling facility".	S243.003
Definitions Highly Productive Land	Oppose	Clause 3.4 of the National Policy Statement for Highly Productive Land 2022 requires regional councils to map as highly productive land any land in its region that:	**Amend** the definition of Highly Productive Land as follows: *means land that is, or has the potential to be, highly productive for ~~farming activities~~ land-based primary production. It includes versatile soils and Land Use*	S243.004

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)
		(a) is in a general rural zone or rural production zone; and (b) is predominantly LUC 1, 2, or 3 land; and (c) forms a large and geographically cohesive area. The proposed definition of Highly Productive Land refers to Land Use Capability Class 4 land which is generally not highly productive land. The definition should apply only to LUC 1, 2, and 3 consistent with the National Policy Statement for Highly Productive Land 2022. The Section 32 Report on the Rural provisions assesses versatile soils as LUC 1, 2, or 3. The definition should similarly be revised to refer only to LUC 1, 2, or 3, in order to most efficiently and effectively achieve related objectives in the plan on protecting "highly productive land" from sterilisation and to enable it to be used for more productive forms of primary production (for example objective RPROZ-O3. In addition, as drafted the definition is confusing with a stray reference to "Land Use Capability". Furthermore, reference to "land-based primary production" in this definition rather than "farming activities" better gives effect to the National Policy Statement for Highly Productive Land 2022.	*Capability Class ~~4~~ 1, 2 and 3 land ~~and other Land Use Capability classes Land Use Capability,~~ or has the potential to be~~,~~ highly productive having regard to:* *a. Soil type;* *b. Physical characteristics;* *c. Climate conditions; and* *d. Water availability.*

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PART 2 – DISTRICT-WIDE MATTERS **STRATEGIC DIRECTION** **Economic and social wellbeing**				
Strategic direction: Economic and social wellbeing Objectives SD-SP-O1 - SD-EP-O5	Support	These strategic objectives are supported, in particular the encouragement of opportunities for fulfilment of the community's cultural, social, environmental, and economic wellbeing.	**Retain** Strategic Objectives SD-SP-O1 - SD-EP-O5	S243.005 to S243.013
Strategic direction Rural environment	Support subject to amendments	The Far North is predominantly a rural environment. This environment incorporates a diverse range of activities, supported by a range of zones, including rural lifestyle, rural residential and settlement. Significant areas of the rural environment are not defined by rural production activities, nor are they suitable for this purpose (including lifestyle areas, unsuitable soils, some coastal land and bush blocks). Without detracting from the strategic importance expressed in Strategic objectives SD-RE-O1 and SD-RE-O2, it is appropriate that the strategic objectives also recognise and enable the broader range of activities which occur in rural zones. This strategic objective is necessary to provide a strategic policy basis for the various rural environment zone objectives and policies which follow in the Plan	**Add** the following new Strategic Objective. *SD-RE-O2 The importance of non-primary production activities in the rural environment to the social, economic and cultural well-being of the district is recognised and provided for.*	S243.014
Strategic direction Environmental prosperity Objective SD-EP-O5	Support subject to amendments	The long term protection of the values set out in this strategic objective may not necessary mean their restoration. The natural character of the coastal environment is in most cases degraded, and opportunities for its restoration or rehabilitation should be promoted as required by policy 14 of the NZCPS 2010.	**Amend** Strategic Objective SD-EP-O5 as follows: *The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations, including their restoration.*	S243.015
Strategic direction Environmental prosperity	Support subject to amendments	The objective follows the section 6(c) matter of national importance, though is realised in limited	**Amend** Strategic Objective SD-EP-O6 as follows:	S243.016

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Objective SD-EP-O6		terms in the Proposed Plan as notified, with some methods included to implement it. Nevertheless, there are methods included in for example the Ecosystems and indigenous biodiversity section of the Plan. Subject to the deletion of Significant Natural Areas as sought in this submission (for the reasons set out below), the objective is supported with the typo amendment as noted.	*Areas of significant indigenous vegetation and significant habitats of indigenous fauna ~~and~~ are protected for current and future generations*.	
PART 2 – DISTRICT-WIDE MATTERS **HAZARDS AND RISKS** **Natural hazards**				
Natural Hazards Wildfire Policy NH-P9	Oppose	The policy on wildfire protection should be targeted towards vulnerable activities only, consistent with the methods that implement the policy (ie rules NH-R5 and NH-R6).	**Amend** Policy NH-P9 as follows: *Manage land use and subdivision that may be susceptible to wildfire risk by requiring the following for vulnerable activities:* *a. setbacks from any contiguous scrub or shrubland, woodlot or forestry;* *b. access for emergency vehicles; and* c. *sufficient accessible water supply for firefighting purposes*	S243.017
Natural Hazards Rules Notes	Oppose	Note 2 to the rule applies the requirement for a report prepared by a suitably qualified and experienced engineer/instability assessment to activities and subdivision on the site as a whole, rather than just that part impacted by the identified natural hazard, imposing unnecessary cost. The amendments sought target the requirements just to the mapped hazard area.	**Amend** note 2 as follows *2. Any application for a land use resource consent in relation to a ~~site~~ location that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion. Any application for a subdivision consent must additionally include an assessment of whether ~~the site~~ any new site to be created includes an area of land susceptible to instability.*	S243.018

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
Natural Hazards Rules NH-R5: Wild fire - Buildings used for a vulnerable activity (excluding accessory buildings)	Oppose	Non-conformity with the rule should be a restricted discretionary activity, rather than full discretionary, as the matters managed by the rule are confined to the single issue of fire risk. There are circumstances where the rule can not be met, and indeed such an outcome would be a compromise compared to wider landscape and biodiversity outcomes. For example, new dwellings where landscape mitigation close to the house is desirable or required as an existing condition of subdivision consent. In these circumstances, the matters of discretion sought to be added by this submission will appropriately direct decision making. These include the ability to consider the suitability of low family plant species as fire risk mitigation adjoining the house as described in the following reference: https://fireandemergency.nz/home-and-community-fire-safety/flammability-of-plant-species/	**Amend** the activity status in Rule NH-R5 where compliance is not achieved with PER-1 or PER-1 from Discretionary to Restricted Discretionary Activity. **Add** the following matters of discretion: *a. The availability of water for fire-fighting;* *b. The scale of the extension or alteration;* *c. Alternative options for the location of the extension or alteration;* *d. The use of building materials to reduce fire risk;* *e. The extent and type of vegetation present and* *f. The nature and density of any planting to reduce fire risk, including use of low flammability species.*	S243.019
Natural Hazards Rules NH-R6: Wild fire - extensions and alterations to buildings used for a vulnerable activity (excluding accessory buildings) that increase the GFA	Support subject to amendments	Reasons as above.	**Add** the following matter of discretion to rule NH-R6: *f. The nature and density of any planting to reduce fire risk, including use of low flammability species.*	S243.020
Natural Hazards Standards NH-S1 All Natural Hazards	Oppose	The information requirement applies the need for a report prepared by a suitably qualified and experienced engineer/instability to activities and	Amend Information Requirement NH-S1 as follows: *Any application for a resource consent in relation to*	S243.021

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
		subdivision on the site as a whole, rather than just that part impacted by the identified natural hazard, imposing unnecessary cost. The amendments sought target the requirements just to the mapped hazard area location.	*a ~~site~~ location that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion.*	
PART 2 – DISTRICT-WIDE MATTERS NATURAL ENVIRONMENT VALUES Ecosystems and indigenous biodiversity				
Ecosystems and indigenous biodiversity Overview	Oppose	Amendments to the overview section, and the objectives, policies and rules are sought to: 1. Recognise that the Council has not identified Significant Natural Areas in the Proposed Plan; and 2. Clarify that the role of identifying SNAs cannot be passed onto landowners; however areas of significant indigenous vegetation and significant habitats of indigenous fauna may be desirably protected through the consent process. Without the SNA areas being mapped, the section 32 analysis cannot properly conclude that the associated objectives, policies and rules are most appropriate or efficient or effective methods to protect such areas. Without mapping the SNAs, the associated rules lack precision, and in relying on case-by-case assessment by landowners as proposed, risk not being consistently applied.	Amend the Overview as follows: *Council has responsibilities under the RMA, the NZCPS and the RPS to identify and protect areas of significant indigenous biodiversity ~~(Significant Natural Areas)~~ and maintain indigenous biodiversity. Where ~~Significant Natural Areas~~ areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified ~~in the District Plan or~~ through ecological assessments in accordance with the significance criteria in Appendix 5 of the RPS or any more recent National Policy Statement on indigenous biodiversity there ~~will be greater control over land use and subdivision~~ conditions may be placed on consents to ensure that the ecological significance of these areas are protected. There may be tension between the public and ecological benefits in protecting, maintaining or enhancing indigenous biodiversity and the associated costs or restrictions to private and public (including Māori) landowners*	S243.022
Ecosystems and indigenous biodiversity Objectives	Oppose	As above.	Amend Objective IB-O1 as follows: *Areas of significant indigenous vegetation and significant habitats of indigenous fauna ~~(Significant Natural Areas)~~*	S243.023

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IB-O1			*are identified and protected for current and future generations*	
Ecosystems and indigenous biodiversity Policies IB-P1	Oppose	Policy IB-P1 seeks to *"encouraging landowners to include identified Significant Natural Areas in Schedule 4 of the District Plan at the time of subdivision and development;…"* This policy cannot be achieved unless by way of 4th schedule process private plan change which is an unreasonable burden to place on landowners.	**Delete** Policy IB-P1	S243.024
Ecosystems and indigenous biodiversity Policies IB-P2	Oppose	Because areas of Significant Natural Area are not mapped, avoidance can only be achieved in relation to areas of significant indigenous vegetation and significant habitats of indigenous fauna. The change proposed by this submission gives effect to the requirements of the NZCPS 2010.	**Amend** Policy IB-P2 as follows: Within the coastal environment: *a. avoid adverse effects of land use and subdivision on ~~Significant Natural Areas~~ areas of significant indigenous vegetation and significant habitats of indigenous fauna ; and* *b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems.*	S243.025
Ecosystems and indigenous biodiversity Policies IB-P3	Oppose	As above.	**Amend** Policy IB-P3 as follows: *Outside the coastal environment:* *a. avoid, remedy or mitigate adverse effects of land use and subdivision on ~~Significant Natural Areas~~ areas of significant indigenous vegetation and significant habitats of indigenous fauna to ensure adverse effects are no more than minor; and* *b. avoid, remedy or mitigate adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems to ensure there are no significant adverse effects.*	S243.026

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Ecosystems and indigenous biodiversity Policies IB-P5	Oppose	As above in the reasons for the changes to the Overview section.	**Amend** Policy IB-P5 as follows: *Ensure that the management of land use and subdivision to protect ~~Significant Natural Areas~~ areas of significant indigenous vegetation and significant habitats of indigenous fauna and maintain indigenous biodiversity is done in a way that:* *a. does not impose unreasonable restrictions on existing primary production activities, particularly on highly versatile soils;* *b. recognises the operational need and functional need of some activities, including regionally significant infrastructure, to be located within ~~Significant Natural Areas~~ areas of significant indigenous vegetation and significant habitats of indigenous fauna in some circumstances;* *c. allows for maintenance, use and operation of existing structures, including infrastructure; and* *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.*	S243.027
Ecosystems and indigenous biodiversity Policies IB-P6	Support subject to amendments	As above in the reasons for the changes to the Overview section. In addition, an amendment is sought to provide a policy basis for rule SUB-R6 Environmental benefit subdivision and SUB-R7 Management plan subdivision. This outcome gives effect to objective 3.4 and policy 4.4.2 of the Regional Policy Statement for Northland. The RPS recognises at 4.4.3 that *"ecologically beneficial use and development and voluntary efforts*	**Amend** Policy IB-P6 as follows: *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:* *~~a. assisting landowners with physical assessments by suitably qualified ecologists to determine whether an area is a Significant Natural Area;~~* *a. Enabling subdivision and land use where that results in the restoration or enhancement of indigenous biodiversity,*	S243.028

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		can be actively encouraged by including appropriate rules and incentives in regional and district plans". Subdivision is one such incentive – providing the necessary capital injection to enact the land use change required and establishing a community of care, and on-going obligations in respect to biodiversity.	*<u>including under-represented ecosystems, and where biodiversity is increased and legally protected.</u>* *b. reducing or waiving resource consent application fees;* *c. providing, or assisting in obtaining funding from other agencies and trusts;* *d. sharing and helping to improve information on indigenous biodiversity; and* *e. working directly with iwi and hapū, landowners and community groups on ecological protection and enhancement projects.*	
Ecosystems and indigenous biodiversity Policies IB-P10	Support subject to amendments	As above in the reasons for the changes to the Overview section.	**Amend** Policy IB-P10 as follows: *Manage land use and subdivision to address the effects of the activity requiring resource consent for indigenous vegetation clearance and associated land disturbance, including (but not limited to) consideration of the following matters where relevant to the application:* … *~~h. where the area has been mapped or assessed as a Significant Natural Areas:~~* *~~i. the extent to which the proposal will adversely affect the ecological significance, values and function of that area;~~* *~~ii. whether it is appropriate or practicable to use biodiversity offsets or environmental biodiversity compensation to address more than minor residual adverse effects;~~* …."	S243.029
Ecosystems and indigenous biodiversity	Support subject to amendments	As above in the reasons for the changes to the Overview section.	**Amend** rule IB-R1 as follows:	S243.030

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
Rules IB-R1 Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area		In addition, the use of building platform (ie single residential unit) should not matter in assessing its effects relative to Indigenous vegetation. The provision for the use should be conferred from the underlying zoning. A more effective and efficient way to achieve the objective is to simply refer to 'building platforms'. Furthermore, the rule confuses density rules applying to residential units which are specified elsewhere in the Plan. It is appropriate to add further exclusions for 'existing domestic gardens' in recognition that many existing gardens include indigenous vegetation. In addition, ecosystem protection, rehabilitation or restoration works should be excluded in recognition that Indigenous vegetation may need to be modified for such purposes, including for access tracks for planting and pest control and to release new plants.	*Indigenous vegetation pruning, trimming and clearance and any associated land disturbance* *for specified activities ~~within and outside a Significant Natural Area~~* *…* *7. To allow for the construction of a ~~single residential unit on a title~~ building platform and essential associated onsite infrastructure and access and it does not exceed 1,000m ;* *14. For existing domestic gardens* *15. It is for ecosystem protection, rehabilitation or restoration works*	
Ecosystems and indigenous biodiversity Rules IB-R2 Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area for papakāinga	Oppose	As above in the reasons for the changes to the Overview section.	**Delete** Rule IB-R2	S243.031

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
Ecosystems and indigenous biodiversity Rules IB-R3 Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area	Oppose	As above in the reasons for the changes to the Overview section.	**Delete** Rule IB-R3	S243.032
Ecosystems and indigenous biodiversity Rules IB-R4 Indigenous vegetation clearance and any associated land disturbance outside a Significant Natural Area	Oppose	As above in the reasons for the changes to the Overview section. In addition, the rule includes the requirement that *"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 the clearance being undertaken"*. This requirement lacks precision necessary for a permitted activity, and imposes an unfair cost and burden on landowners to identify SNA areas. The rule is unfairly structured such that the areas are assumed SNA unless proven otherwise by landowners and, as such, does not satisfy the requirements of section 32 of the RMA 1991.	**Delete** Rule IB-R4	S243.033
IB-R5 Plantation forestry and plantation forestry activities within a Significant Natural Area	Oppose	As above in the reasons for the changes to the Overview section.	**Delete** Rule IB-R5	S243.034

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
PART 2 – DISTRICT-WIDE MATTERS **NATURAL ENVIRONMENT VALUES** **Natural character**				
Natural Character Policies NATC-P1 NATC-P2 NATC-P3 NATC-P4 NATC-P5	Oppose	In the Proposed Plan, "Lake" has the same meaning as in section 2 of the RMA (as set out below) *"means a body of fresh water which is entirely or nearly surrounded by land".* The Natural Character Chapter Rules, Objectives and Policies apply to lakes, without any limitation on the size of the lake. There are many small bodies of freshwater in the district which would qualify as a lake under this definition (including farm dams made by people), which do not contribute to natural character. The Operative District Plan applies the maximum setback rules to lakes only where the lakebed has an area of 8ha or more, with as lesser setback determined by a calculation against the area of the lake. The Operative Plan also defines a lake as "a permanent body of fresh water 5 or more hectares in area which is entirely or nearly surrounded by land". These alternative methods have not been assessed in the Section 32 report; however, both efficiently and effectively achieves the objective by targeting the rule to lakes most likely to exhibit natural character while minimising the costs of resource consent applications by not applying the full set back provisions to smaller lakes and dams	**Amend** all references to lakes in policies: NATC-P1; NATC-P2; NATC-P3; NATC-P4; and NATC-P5T to exclude their application to lakes with a bed less than 5ha in area and exclude a body of freshwater impounded by a dam.	S243.035 to S243.039

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		Either option should be carried over into the Proposed Plan to ensure that the provisions relating to Wetland, Lake and River Margins in the Proposed Plan are targeted to larger lakes, which are more likely to contribute to natural character, and avoid the provisions apply to farm dams. See also the relief sought in this submission in relation to the Definition of "Wetland, Lake and River Margins" which would achieve the same outcome.		
Natural Character Rules NATC-R1 NATC-R2 NATC-R3 NAT-S2	Oppose	As above	**Amend** all references to lakes in rules: NATC-R1; NATC-R2; NATC-R3; and NAT-S2 to exclude their application to lakes with a bed less than 5ha in area and exclude a body of freshwater impounded by a dam.	S243.040 to S243.043
Natural Character Rules NATC-R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Oppose	The provision is targeted only to effects on natural character and such potential effects can be properly anticipated when considering this activity class. As such the rule is more efficient and effective if restricted discretionary activity, rather than a full discretionary activity. The assessment matters set out in the relief sought are taken from policy NATC-P6, and provide a complete basis to assess likely and potential effects on natural character.	**Amend** rule NATC-R1 to change the activity status where compliance is not achieved with PER-2, PER-3 and PER-4 from discretionary to restricted discretionary, with discretion limited to the effects on natural character values as follows: a. the presence or absence of buildings, structures or infrastructure; b. the temporary or permanent nature of any adverse effects; c. the location, scale and design of any proposed development; d. any means of integrating the building, structure or activity; e. the ability of the environment to absorb change; f. the need for and location of earthworks or vegetation clearance;	S243.044

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			g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location; h. any viable alternative locations for the activity or development; i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6; j. the likelihood of the activity exacerbating natural hazards; k. the opportunity to enhance public access and recreation; l. the ability to improve the overall water quality; and m. any positive contribution the development has on the characteristics and qualities.	
Natural Character Rules NATC-R2 Repair or maintenance	Oppose	The provision is targeted only to effects on natural character and such potential effects can be properly anticipated when considering this activity class. As such the rule is more efficient and effective if restricted discretionary activity, rather than a full discretionary activity. The assessment matters set out in the relief sought are taken from policy NATC-P6, and provide a complete basis to assess likely and potential effects on natural character.	**Amend** rule NATC-R2 to change the activity status where compliance is not achieved with PER-1 from discretionary to restricted discretionary, with discretion limited to the effects on natural character values as follows: a. the presence or absence of buildings, structures or infrastructure; b. the temporary or permanent nature of any adverse effects; c. the location, scale and design of any proposed development; d. any means of integrating the building, structure or activity; e. the ability of the environment to absorb change; f. the need for and location of earthworks or vegetation clearance; g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location;	S243.045

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			h. any viable alternative locations for the activity or development; i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6; j. the likelihood of the activity exacerbating natural hazards; k. the opportunity to enhance public access and recreation; l. the ability to improve the overall water quality; and m. any positive contribution the development has on the characteristics and qualities.	
Natural Character Rules NATC-R3 Earthworks or indigenous vegetation clearance	Oppose	The provision is targeted only to effects on natural character and such potential effects can be properly anticipated when considering this activity class. As such the rule is more efficient and effective if restricted discretionary activity, rather than a full discretionary activity. The assessment matters set out in the relief sought are taken from policy NATC-P6, and provide a complete basis to assess likely and potential effects on natural character.	**Amend** rule NATC-R3 to change the activity status where compliance is not achieved with PER-1 and PER-1 from discretionary/non-complying to restricted discretionary, with discretion limited to the effects on natural character values as follows: a. the presence or absence of buildings, structures or infrastructure; b. the temporary or permanent nature of any adverse effects; c. the location, scale and design of any proposed development; d. any means of integrating the building, structure or activity; e. the ability of the environment to absorb change; f. the need for and location of earthworks or vegetation clearance; g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location; h. any viable alternative locations for the activity or development;	S243.046

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			i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6; j. the likelihood of the activity exacerbating natural hazards; k. the opportunity to enhance public access and recreation; l. the ability to improve the overall water quality; and m. any positive contribution the development has on the characteristics and qualities.	
Natural Character Standards Earthworks or indigenous vegetation clearance	Oppose	Amendments to size of the lake or being a dam as per submission points above. The limitation on earthworks for 400m2 for 10 years from the notification of the Proposed Plan is unduly restrictive and does not recognise that the effects of earthworks (complying with the other standards proposed in the rule) can effectively 'heal' over a calendar year through re-grassing, establishment of vegetation or the construction of the building or accessway for which the earthworks were required. To impose area limitations for the 10-year time frame will trigger resource consent applications for subsequent earthworks which need only be assessed against this new established environment, rather than against earthworks occurring some time over the preceding 10 year period. Clause 3 of the rule implies visual screening, and that being the case, it should state where screening is to be from. This should be a public place given that is where natural character values will be seen from.	**Amend** NATC-S2 as follows: *Any earthworks or indigenous vegetation on a site within wetland, lake (where the lake bed has an area of 5ha or more or is a body of freshwater impounded by a dam) and river margins clearance must:* *1. not exceed a total area of 400m2 ~~for 10 years from the notification of the District Plan~~ per calendar year, unless a control in 5. below applies;* *2. not exceed a cut height or fill depth of 1m;* *3. screen exposed faces visible from a public place; and* *4. comply with Ecosystems and indigenous biodiversity chapter, NFL-S3 Earthworks or indigenous vegetation clearance and CE-S3 Earthworks or indigenous vegetation clearance.* *Note: The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.* **Add** the following as '5'. *Earthworks* *i. must for their duration be controlled in accordance with the Erosion and Sediment Control*	S243.047

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		The Standard references 'control in 5 below', however there is no number 5 in the standard. On the basis that this was intended to reference sediment control methods as follows (taken from EW-S5 Erosion and sediment contro)l, then this is an appropriate addition to the rule as an effective method to control : *Earthworks* *i. must for their duration be controlled in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005);* *ii. shall be implemented to prevent silt or sediment from entering water bodies, coastal marine area, any stormwater system, overland flow paths, or roads.*	*Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005);* *ii. shall be implemented to prevent silt or sediment from entering water bodies, coastal marine area, any stormwater system, overland flow paths, or roads.*	
PART 2 – DISTRICT-WIDE MATTERS **NATURAL ENVIRONMENT VALUES** **Natural features and landscapes**				
Natural Features and Landscapes Overview	Oppose	Outstanding natural landscapes (ONL) account for approximately 22% of the Far North District's land area. Of this, a significant portion has been highly modified in the past. The Overview incorrectly identifies that modification of ONLs has been minimal. Large tracts of ONLs are highly modified from their natural state by land uses including historical settlement, burn-offs, logging,	**Amend** the Overview as follows: *The Far North District has an extensive coastline with many harbours, large tracts of indigenous vegetation and a wide variety of natural processes that operate at varying scales. This has created a District rich in unique landscapes and features. In many instances, they are celebrated by cultural associations and stories. ~~Modification of these places has been minimal largely due to their remote locations, historic~~*	S243.048

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		forestry and farming practices. In many instances the characteristics of the ONL are in fact defined by these previous or current land uses. The Overview as written sets up an incorrect expectation that ONLs as mapped are in a natural state. The objective is also internally Inconsistent with policy NFL-P4 which correctly recognises that farming is part of ONLs.	~~*heritage and in some cases challenging topography and geomorphology.*~~	
Natural Features and Landscapes Objectives NFL-O2	Oppose	By its nature, land use and subdivision cannot be 'consistent with' the characteristics and qualities of an ONL or ONF: those being defined by a current state. It can however not compromise their characteristics and values as have been identified by the higher order planning documents. The NRC Landscape Assessment Work Sheets refer to "values" not qualities. In order for this objective to be the most appropriate way to achieve the requirements of the RMA and give effect to the NPS (ie allow a measurable assessment), it should use the same language as the Landscape Assessment methodology. "Identified" characteristics has been correctly used in policy NFL-P5, allowing a more measurable test of compliance with the policy. This should be consistently used thoroughly this objectives ad policy set.	**Amend** Objective NFL-O2 as follows: *Land use and subdivision in ONL and ONF ~~is consistent with and~~ does not compromise the identified characteristics and ~~qualities~~ values of that landscape or feature.* **Or** alternatively *The identified characteristics and values of ONLs and ONFs are protected from inappropriate subdivision, use and development..*	S243.049
Natural Features and Landscapes Policies NFL-P2	Oppose	As per submission point on NFL-O2	**Amend** Policy NFL-P2 as follows: *Avoid adverse effects of land use and subdivision on the identified characteristics and ~~qualities~~ values of ONL and ONF within the coastal environment*.	S243.050

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Natural Features and Landscapes Policies NFL-P3	Oppose	As per submission point on NFL-O2	**Amend** Policy NFL-P3 as follows: *Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the identified characteristics and ~~qualities~~ values of ONL and ONF outside the coastal environment.*	S243.051
Natural Features and Landscapes Policies NFL-P4	Support subject to amendments	The policy provides appropriate recognition that farming should be provided for in ONLs and ONFs and that the use can form part of the characteristics and values that established the landscape or feature. Changes are sought in line with reasons for submission point on NFL-O2	**Amend** Policy NFL-P4 as follows: *Provide for farming activities within ONL and on ONF where:* *a. the use forms part of the identified characteristics and ~~qualities~~ values that established the landscape or feature; and* *b. the use is consistent with, and does not compromise the characteristics and qualities of the landscape or feature.*	S243.052
Natural Features and Landscapes Policies NFL-P5	Support subject to amendments	Support the use of 'identified' as has been used in this policy, but should be used elsewhere to allow a measurable method to determine compliance with the policy.	**Amend** Policy NFL-P5 as follows: *Provide for the use of Māori Purpose zoned land and Treaty Settlement land in ONL and ONF where land use and subdivision is consistent with the ancestral use of that land and does not compromise any identified characteristics and ~~qualities~~ values.*	S243.053
Natural Features and Landscapes Policies NFL-P6	Support subject to amendments	The restoration and enhancement of ONLs and ONF should always be encouraged and to do otherwise may hold such areas in a degraded state.	**Amend** Policy NFL-P6 as follows: *Encourage the restoration and enhancement of ONL and ONF areas ~~where it is consistent with the characteristics and qualities~~.*	S243.054
Natural Features and Landscapes Policies NFL-P7	Oppose	Prohibit land use that would result in any loss of and/or destruction of the characteristics and qualities of ONL and ONF. Some loss of 'characteristics and qualities' should be able to be sustained before those values are gone. The classification system used by the NRC uses a	**Delete** Policy NFL-P7	S243.055

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		ranking within which the value should be able to move along before it is lost. In this context prohibiting 'any loss' is an unreasonable test.		
Natural Features and Landscapes Policies NFL-P8	Oppose	Policy NFL-P6 seeks to 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 a range of matters where relevant to the application: This is not a policy but a method of assessment, and therefore more appropriately an assessment criterion. Non complying and discretionary activity applications should be assessed against objectives and policies which should be a clear expression of a desired outcome – not a way to achieve an unspecified outcome as is this policy.	**Delete** Policy NFL-P6	S243.056
Natural Features and Landscapes Policies New Policy	Oppose	As drafted, the Proposed Plan does not provide appropriate recognition of existing and/or authorised subdivision, use and development in ONLs and ONFs. Many values and characteristics of ONLs have been enhanced through development and subdivision through for example native plating regeneration and its ongoing protection. Such activities have been deemed to be appropriate in the past and in the more recent past, typically subject to legally binding ongoing obligations to protect and enhance the values which comprise the ONL or ONF. A new policy is required to recognise the positive benefits that can accrue from such activities and enable their continuation.	**Add** a new policy as follows**:** *Recognise that identified ONLs and ONFs may contain existing and/or authorised subdivision, use and development and provide for these activities.*	S243.057
Natural Features and Landscapes	Oppose	The building per -se, rather than the use of the building, is the matter that should be controlled in this instance, having regard to the purpose of the rule. As	**Amend Rule NFL-R1 as follows:** *Activity status: Permitted*	S243.058

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Rules NFL-R1 New buildings or structures, and extensions or alterations to existing buildings or structures		such the requirement for the building to be ancillary to farming should be deleted. Reliance is still able to be placed on the other controls and standards referred to in the rule to manage effects on natural features and landscapes. Residential Units should be provided for in the overlay, in accordance with the underlying zone. They otherwise default to non-complying in the coastal environment as this rule is drafted in the Proposed Plan. This fails to recognise the existence of residential units in ONLs and the benefits that subdivision, use and development associated with residential units can bring to ONFs and ONLs. Should the concern be the proliferation of residential dwellings in the coastal environment, then this can be managed by the inclusion of a rule limiting as a per the drafting proposed at PER-5. As drafted, the rule ignores that there are titles, including titles with approved building platforms, which have occurred through a subdivision process which has confirmed the suitability of a residential unit, but are as yet unbuilt on. That should be recognised as a matter of discretion, or in the preferred alternative added as a controlled activity as also sought by this submission. 50m2, rather than 25m2, better provides for small farm sheds that are typical in rural environments. Non-conformity with the rule is more effectively and efficiently dealt with as a restricted discretionary	*Where:* *PER-1* *If a new building or structure is located outside the coastal environment it is:* *~~1. ancillary to farming (excluding a residential unit);~~* *1. 2. no greater than ~~25~~ 50m2 .* *PER-2* *If a new building or structure is located within the coastal environment it is:* *~~1. ancillary to farming (excluding a residential unit);~~* *1 ~~2~~. no greater than ~~25~~ 50m2.* *PER-3* *Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.* *PER-4* *The building or structure, or extension or alteration to an existing building or structure, complies with standards:* *NFL-S1 Maximum height* *NFL-S2 Colours and materials* **Add** the following rule: *PER-5* *Where the new building is for a residential unit, there is only one residential unit within the ONL and ONF area on the lot.* **Amend** the activity status where compliance is not achieved with rules PER-1, PER-2, PER-3 and PER-4 from discretionary /non complying to restricted discretionary in the case of each rule. **Add** a new activity status where compliance is not

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		activity. This is because the matters of discretion are capable of being confined to effects on the identified characteristics and values of the feature. Except for more than one dwelling per lot, notification should not be a consideration, as the restricted discretionary matters are limited in their scope and need not involve third party input. .	achieved with rule PER-5 as a non-complying activity. **Add** a matter of discretion as follows: 1. *The effects on the identified characteristics and values that established the landscape or feature, having regard to:* a. *the temporary or permanent nature of any adverse effects;* b. *the location, scale and design of any proposed development;* c. *any means of Integrating the building, structure or activity;* d. *the ability of the environment to absorb change;* e. *the need for and location of earthworks or vegetation clearance;* f. *the operational or functional need of any regionally significant infrastructure to be sited in the particular location;* g. *Except as provided for under m and n below, any viable alternative locations for the activity or development outside the landscape or feature;* h. *the characteristics and qualities of the landscape or feature;* i. *the physical and visual integrity of the landscape or feature;* j. *the natural landform and processes of the location; and* k. *any positive contribution the development has on the characteristics and qualities.*

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)
			l. *Whether locating the activity within the ONF or ONL area is required to enable reasonable residential or farming use of the lot.* m. *Whether the location is on a previously approved building platform.* **Add** new clause as follows: *Building/s which do not comply with PER1, PER2, PER3 or PER4 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).*
Natural Features and Landscapes Rules New Rule	Oppose	There are subdivisions in the district, including in coastal environments, where resource consents have been granted and/or titles issued specifying controls on the location and size of building platforms, and controlling these through legally binding instruments. Such forms of subdivision were encouraged under the Management Plan rule of the Operative Plan. This form of rule is proposed to be carried over into the Proposed Plan, and so may result in more such forms of subdivision. As drafted in rule NFL-R1, where these occur in the coastal areas, the activity status of dwellings defaults to non-complying, regardless of prior entitlements provided by subdivision. In many cases, the subdivisions have been carefully designed and have detailed controls imposed by way of consent condition and consent notices on the titles	**Add new rule as follows:** *"New buildings or structures, and extensions or alterations to existing buildings or structures within an approved building platform or buildable area on a site for which a subdivision consent was granted after 1 January 2000"* **Specify** the activity status as controlled activity **Include** the following matter of control: 1. *Compliance with location, height, design and mitigation conditions which apply to the site or building platform by way of resource consent condition or consent notice.* **Include** the following clause: *Building/s which are a controlled activity under this rule shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management*

S243.059

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		to manage the effects of buildings. Owners have purchased lots on the understanding that their entitlement to build on them is protected. The default to non-complying activity would require a wholesale reassessment of the appropriateness to build on an approved building platform. It imposes considerable unnecessary cost and risk to current owners. Controlled activity is an appropriate activity class because the Council will have already assessed appropriations in such circumstance and all that may be required will be an evaluation against the conditions of the subdivision consent/consent notices. Typically, such subdivisions have occurred in more recent times and so a cut-off date as proposed in the relief may also be appropriate. Non-notification is also appropriate as the substantive consideration as to whether a building is acceptable on the approved building platform will have occurred already at subdivision stage. A similar provision is in the Operative Whangarei District Plan 2022	*Act unless special circumstances exist or notification is required under section 95B(2) and (3).*
Natural Features and Landscapes Rules NFL-R2 Repair or maintenance	Oppose	There is no need not be a rule for an activity class of repair and maintenance. Repairs and maintenance should be otherwise be permitted under the respective rules relating to the buildings, earthworks and indigenous vegetation clearance activity classes within the overlay. Those	**Delete Rule NFL-R2**

S243.060

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		rules (as sought to be amended by this submission) most effectively and efficiently manage the effects of relevant activities on the resources managed by the overlay. Unforeseen consequences will result with the rule as drafted where classes of repairs and maintenance not listed will fall to discretionary activity, triggering costly and unnecessary consent processes. An example is existing houses in the ONF and ONL, whereby their repair and maintenance (including any normal domestic maintenance) would trigger a full discretionary activity resource consent because they are not specified in the repair or maintenance rule.	
Natural Features and Landscapes Rules NFL-R3 Earthworks or indigenous vegetation clearance	Oppose	Given the nature of the PER-1 repair and maintenance activities (ie lawfully established and like for like works), there should be no limit in the volume of earthworks associated with these. For the reasons set out above in this submission, the repair and maintenance activities are better placed as a permitted activity clause within this rule itself, rather than a separate activity class. More exceptions for normal farming and rural practices should be provided for. In this regard, farming activities are often a feature of the overlay area and not providing for such activities would impose significant consent cost and risks on land owners. Where ONLs and ONFs are not farmed, then the vegetation controls provide protection. In particular, exceptions are required for:	**Amend Rule NFL-R3 as follows:** *Activity status: Permitted* *Where:* *PER-1* *The earthworks or indigenous vegetation clearance is:* ~~*1. required for the repair or maintenance permitted under NFL-R2 Repair or maintenance.*~~ *1. Required for the repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:* *1. roads.* *2. fences* *3. network utilities* *4. driveways and access* *5. walking tracks* *6. cycling tracks* *7. farming tracks.* *2. required to provide for safe and reasonable*

S243.061

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		• Maintenance of fire breaks (for ecosystem protection and providing for the health and safety of people) • Cultivation and domestic gardens (continuation of domestic and rural activities). • Ecosystem protection and enhancement (where vegetation may need to be thinned to release new plantings) • Maintenance of driveways and roads. The need for such exemptions is heightened by the very broad definition of "earthworks" under the National Planning Standard 2019 that has been adopted in the plan. Almost all ground disturbance is captured by this definition. In each instance non conformity should be a restricted discretionary activity. The scope of assessment is limited and the potential effects well-understood and able to be categorised as assessment matters. The policy NFL-P8, provides the necessary matters of assessment and are sought to be repeated in the rule, with the addition of new matters: • Whether locating the activity within the ONF or ONL area is required to enable reasonable residential or farming use of the lot. • Whether the location is on a previously approved building platform.	*clearance for existing overhead power lines.* *3. necessary to address a risk to public health and safety.* *4. for biosecurity reasons.* *5. for the sustainable non-commercial harvest of plant material for rongoā Māori.* *6. for vegetation clearance required to establish or maintain a firebreak within 20m of a dwelling.* *7. for cultivation (for earthworks only) or domestic gardens.* *8. for ecosystem protection, rehabilitation or restoration works.* *9. required to maintain an operational farm (including the maintenance or reinstatement of pasture where the vegetation to be cleared is less than 15 years old and less than 6m in height) or operate a plantation forestry activity.* *10. required for vegetation clearance to maintain an existing driveway to a dwelling, within 5m of that driveway.* *11. required for vegetation clearance as a strip of no more than 3.5m wide to construct new fences for the purpose of stock control or boundary delineation.* *12. required for vegetation clearance within the legal width of an existing formed road.* *PER-2* *Except as permitted under PER-1, ~~T~~the earthworks or indigenous vegetation clearance* *outside the coastal environment ~~is not provided for within NFL-R3 PER-1 but it~~ complies with standard NFL-S3 Earthworks or indigenous vegetation clearance* *PER-3*

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		The importance of providing for development on previously approved building platforms is discussed earlier in this submission. As essentially a technical assessment against a defined set of matters, a non-notification rule is appropriate as it will avoid unnecessary consent cost and risk burden on landowners.	*Except as permitted under PER-1 ~~T~~the earthworks or indigenous vegetation clearance inside the coastal environment ~~is not provided for within NFL-R3 PER-1 but it~~ complies with standard NFL-S3 Earthworks or indigenous vegetation clearance* **Amend** the activity status where compliance is not achieved with rules PER-1, PER-2 and PER-3 from discretionary /non complying to restricted discretionary in the case of each rule. **Add** a matter of discretion as follows: 1. *The effects on the identified characteristics and qualities values that established the landscape or feature, having regard to:* a. *the temporary or permanent nature of any adverse effects;* b. *the ability of the environment to absorb change;* c. *the need for and location of earthworks or vegetation clearance;* d. *the operational or functional need of any regionally significant infrastructure to be sited in the particular location;* e. *Except as provided for under k and l below, any viable alternative locations for the activity or development outside the landscape or feature;* f. *any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;* g. *the characteristics and qualities of the landscape or feature;*

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			h. *the physical and visual integrity of the landscape or feature;* i. *the natural landform and processes of the location; and* j. *any positive contribution the development has on the characteristics and qualities.* k. *Whether locating the activity within the ONF or ONL area is required to enable reasonable residential or farming use of the lot.* l. *Whether the location is on a previously approved building platform.* **Add** new clause as follows: *Earthworks or indigenous vegetation clearance which do not comply with PER1, PER2 or PER3 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).*	
Natural Features and Landscapes Rules NFL-R3 Farming	Oppose	Under this rule, farming becomes a non-complying activity in the coastal environment and discretionary elsewhere. . This does not implement policy NFL-P4 of the Proposed Plan which recognises that that farming should be provided for in ONLs and ONFs and that the use can form part of the characteristics and values that established the landscape or feature; While existing farms may be protected by existing use rights, new farming methods or practices may not be, and may trigger the need for a resource consent with the rule as proposed. This ignores that in large	**Delete** rule NFL-R3 (assuming reliance can then be placed on the activity status for farming in the underlying zoning as per "Applications Subject to Multiple Provisions" section of the Proposed Plan) Or, in the alternative, **Amend** rule NFL-R3 so that Farming is a permitted activity in the overlay.	S243.062

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		sections of the district, ONF and ONLs apply over working farms. Furthermore, the values sought to be protected in these overlays often refer to pastoral and open characteristics of landscapes. The rule will impose significant compliance costs on existing farms where resource consents may be required for every new aspect of their operation. The rule as proposed is not effective nor efficient as the effects on the values and characterises of the overlays are better managed through controls on earthworks, vegetation clearance and buildings, rather than the activity of farming. As per the overview explanation of overlays in the Proposed Plan, where there is no specific rule relevant to the activity, then it reverts to its underlying zoning (for example, if Rural Production then farming is a permitted activity). If this is the case, the then the rule can and should be deleted for the reasons above. If that is not the case, then an alternative relief is sought that farming is a permitted activity in the overlay.		
Natural Features and Landscapes Standards NFL-S1 Maximum Height	Oppose	The maximum height specified of 5m may or may not be appropriate in the circumstances, and is best assessed and determined at resource consent stage for the building under NFL-R1. The height limit of the zone would otherwise apply to smaller (less than 50m structures).	**Detele** Standard NFL-S1	S243.063

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
		The requirement to not exceed the height of the nearest ridgeline, headland or peninsula as a height limit lacks precision and measurability, with these factors better taken into account at resource consent stage.		
Natural Features and Landscapes Standards NFL-S2 Colours and materials	Support subject to amendments	The rule should allow for natural materials also.	**Amend** Standard NFL-S2 as follows: *The exterior surfaces of buildings or structures shall:* *1. be constructed of materials and/or finished to achieve a reflectance value no greater than 30%.* *2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette or are a natural finish stone or timber.*	S243.064
Natural Features and Landscapes Standards NFL-S3 Earthworks or indigenous vegetation clearance	Support subject to amendments	Amendments are sought to the rule so that earthworks or indigenous vegetation clearance associated with access and/or a building platform are not subject to the preceding subclause 1-3s. Otherwise, such works would trigger the need for consent in almost every instance (building platforms generally being greater than 50m2). Also, as drafted, it could be interpreted that only earthworks and vegetation clearance for the purpose of access and/or a building platform are permitted (eg not farming earthworks and vegetation clearance). These changes are appropriate because earthworks or indigenous vegetation clearance associated with the building is assessed as a restricted discretionary activity matter with the building resource consent application. Life of District Plan as a compliance measure is unnecessarily limited and does not recognise the	**Amend** rule NFL-S2 as follows: *Any earthworks or indigenous vegetation clearance must (where relevant):* *1. not exceed a total area of 50m2 ~~over the life of the District Plan.~~ per calendar year; and* *2. not exceed a cut height or fill depth of ~~1m~~ 1.5m~~.~~; and* *3. screen any exposed faces visible from a public place~~.~~; or* *4. be for the purpose of access and/or a building platform.* *Note: The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.*	S243.065

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
		ability for the land to heal each season (ie calendar year) after earthworks. Screening should only be from public places (which includes the CMA) for the rule to efficiently apply.		
PART 2 – DISTRICT-WIDE MATTERS **NATURAL ENVIRONMENT VALUES** **Public access**				
Public access Policies PA-P2	Oppose	Policy PA-P2 sets out a number of circumstances at a.-g. where public access is required to be provided at subdivision. These do not align with the subdivision rules which implement this policy, where such circumstances are limited. The policy should integrate with the equivalent policy in the subdivision section (SUB- P7) so that the specific method for achieving the policy is specified in the rule rather than in the policy. For example, the obligation of policy PA-P2 to require the creation of esplanade reserves where it '*c. protects, maintains or enhances public access*' goes beyond the limited circumstances specified in rule SUB-S8.	**Delete** policy PA-P2 and replace with: *"Require esplanade reserves or strips when subdividing to specified lot sizes land adjoining the coast and other qualifying water-bodies".*	S243.066
PART 2 – DISTRICT-WIDE MATTERS **SUBDIVISION** **Subdivision**				
Subdivision Policies SUB-P1	Support subject to amendments	Policy SUB-P1 enables boundary adjustments where they are in accordance with the minimum lot sizes of the zone. Many existing lots do not comply with the minimum lot size standards and subdivisions (and more so, should that be increased to 40ha in the rural production zone). Boundary adjustments in such circumstances should also be enabled where they do not increase the number of lots created. The effect of the non-confirming lot already exists and therefore	**Amend** policy SUB-P1 as follows: *Enable boundary adjustments that:* *a. do not alter:* *i. the degree of non compliance with District Plan rules and standards;* *ii. the number and location of any access; and* *iii. the number of certificates of title; and*	S243.067

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
		allowing boundary adjustments will not increase density not give rise to further effects on the environment that already exist (subject to meeting the controlled activity matters).	*b. ~~are in accordance with the minimum lot sizes of the zone and~~ comply with access, infrastructure and esplanade provisions.*	
Subdivision Policies SUB-P3	Support	The provision of subdivision in the circumstances listed is supported as an efficient use of the land resource of the district.	**Retain** Policy SUB-P3	S243.068
Subdivision Policies SUB-P7	Support	The policy that requires the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying waterbodies. Although a more accurate expression of policy intent than policy PA-P2, it should limit its application to specified lots sizes to align with its associated rules.	**Amend** Policy SUB-P7 as follows *Require the vesting of esplanade reserves when subdividing to specified lots sizes land adjoining the coast or other qualifying waterbodies.*	S243.069
Subdivision Policies SUB-P8	Oppose	Policy SUB-P7 which seeks to avoid rural lifestyle subdivision in rural zones, does not set out all of the circumstances where limited rural lifestyle subdivision in the Rural Production Zone may be appropriate, and can provide economic and environmental benefit. The policy should recognise that limited rural lifestyle subdivision may be a sustainable use of land resources, particularly where they are degraded and unsuited to productive use and significant environmental gains can be made. In these circumstances, subdivision, through an injection of capital and introduction of a 'community of care', allows for restoration and enhancement opportunities to be implemented and maintained through legal protection and ongoing obligations. The policy as drafted does not support subdivision rules SUB-R6 "Environmental benefit subdivision" nor SUB-R7 "Management plan subdivision" and should be redrafted to actively 'provide for' such opportunities.	**Delete** Policy SUB-P7 and replace with the following: *SUB-P8* *Provide limited opportunities for rural lifestyle subdivision in rural areas while ensuring that:* *(a) there will be significant environmental protection of indigenous vegetation including restoration, or wetlands;* *(b) subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;* *(c) subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;* *(d) adverse effects on rural and coastal character are avoided, remedied or mitigated;* *(e) sites are of sufficient size to absorb and manage adverse effects within the site; and*	S243.070

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
			(f) reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production; and *(g) loss of versatile soils for primary production activities is avoided.*	
Subdivision Policies SUB-P9	Oppose	Policy SUB-P9 seeks to avoid subdivision rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule. This policy is not needed with the new policy SUB-P8 sought by this submission.	**Delete** Policy SUB-P9	S243.071
Subdivision Policies SUB-P11	Oppose	The matters set out in Policy SUB-P11 are information requirements for assessment of applications and do not prescribe policy as such. They are better placed as assessment matters/criteria against which applications are to be assessed.	**Delete** Policy SUB-P11	S243.072
Subdivision Rules SUB-R1 Boundary adjustments	Support subject to amendments	Many existing lots do not comply with the minimum lot size standards and subdivisions should also be enabled where boundary adjustments to such lots do not increase the number of lots created. The effect of the non-confirming lot already exists and therefore allowing boundary adjustments will not give rise to further effects on the environment.	Amend Rule SUB-R1 as follows: *CON-1* *The boundary adjustment complies with standards:* *~~SUB-1 Minimum allotment sizes for controlled activities, except where an existing allotment size is already non-compliant, the degree of non-compliance shall not be increased;~~* *SUB-S2 Requirements for building platforms for each allotment;* *SUB-S3 Water supply;* *SUB-S4 Stormwater management;* *SUB-S5 Wastewater disposal;* *SUB-S6 Telecommunications and power supply; and* *SUB-S7 Easements for any purpose;*	S243.073

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
Subdivision Rules SUB-R3 Subdivision of land to create a new allotment	Support	The rule provides an appropriate range of standards and controlled activity matters for subdivision.	**Retain** Rule SUB-R3	S243.074
Subdivision Rules SUB-R6 Environmental benefit subdivision	Support subject to amendments	The rule appropriately recognises that that limited rural lifestyle subdivision may be a sustainable use of land resources, particularly where they are degraded and unsuited to productive use and significant environmental gains can be made. In these circumstances, subdivision, through an injection of capital and introduction of a 'community of care' and legal protection/going obligations, allows for restoration and enhancement opportunities to be implemented and maintained in perpetuity. RDIS-3 which requires the protected area to be added to the list of scheduled Significant Natural Areas in the District Plan cannot be met as a standard, unless by private plan change: the burden of which is significant and would negate the effectiveness of the rule. The council is able to capture such areas in its own plan changes, without risk of interim adverse impacts on such areas due to the obligation under the rule that they be legally protected. The balance lot requirement of 40ha is unnecessary and will negate the effectiveness of the rule on smaller sites which may have equal or better ecological values worthy of protection.	**Amend** Rule SUB-R6 by: 1. Deleting RDIS-3; and 2. Amending RDIS-6 as follows: *All proposed new environmental allotments are to be a minimum size of 2ha in area ~~and the balance lot must be greater than 40ha~~***.**	S243.075
Subdivision Rules SUB-R7 Management Plan subdivision	Support	The rule appropriately recognises that that limited rural lifestyle subdivision may be a sustainable use of land resources, particularly where they are degraded and unsuited to productive use and significant environmental gains can be made. In these	**Retain** Rule SUB-R7	S243.076

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
		circumstances, subdivision allows for restoration and enhancement opportunities to be implemented and maintained in perpetuity.		
Subdivision Rules SUB-R17 Subdivision of a site containing a scheduled SNA	Oppose	There are no scheduled SNAs in the Proposed Plan. In any event the existence of an SNA on a site should not alter the activity status to full discretionary / non-complying activity.	**Delete** Rule SUB-R17	S243.077
Subdivision Rules SUB-R18 Subdivision of a site within an Outstanding Natural Landscape and Outstanding Natural Feature	Support subject to amendments	On many sites the overlay or margin is a small component of a larger site. Subdivision of the balance of the site not covered by the overlay or margin should be able to occur in accordance with the standard subdivision provisions. Only where the new lot to be created (or boundary) is within the overlay should assessment be required under this rule. That may have been the intent of the drafting; however, as drafted, it may capture sites where only a part of them is within an overlay or margin yet applies the rule and activity status to subdivisions of the site as a whole. The rule should also only be restricted to the creation of new lots within these overlays/margins and should not apply to the other classes of subdivision provided for (for example, boundary adjustments). The revisions sought in this submission seeks to limit the application of the rule only to the creation of new lots.	**Amend** Rule SUB-R18 as follows: *SUB-R18 Subdivision of a site within an Outstanding Natural Landscape and Outstanding Natural Feature (where any boundary of a new lot to be created (excluding boundary adjustments) is within that part of the existing site covered by the overlay)*	S243.078
Subdivision Rules SUB-R19 Subdivision of a site within wetland, lake and river margins	Support subject to amendments	As above in this submission.	**Amend** Rule SUB-R19 as follows: *SUB-R18 SUB-R19 Subdivision of a site within wetland, lake and river margins (where any boundary of a new lot to be created (excluding boundary adjustments) is within the margin)*	S243.079

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
Subdivision Rules SUB-R20 Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)	Support subject to amendments	As above in this submission.	**Amend** Rule SUB-R20 as follows: *SUB-R20 Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas) (where any boundary of a new lot to be created (excluding boundary adjustments) is within that part of the existing site covered by the overlay)*	S243.080
Subdivision Rules SUB-R21 Subdivision of a site within Outstanding Natural Character Areas in the Coastal Environment	Support subject to amendments	As above in this submission.	**Amend** Rule SUB-R21 as follows: *SUB-R21* Subdivision of a site within Outstanding Natural Character Areas in the Coastal Environment *(where any boundary of a new lot to be created (excluding boundary adjustments) is within that part of the existing site covered by the overlay)*	S243.081
Subdivision Standards SUB-S1 Minimum allotment sizes	Oppose	The Proposed 40ha minimum allotment size in the Rural Production Zone is opposed and a 20ha *average* lot size is sought for the following reasons: 1. The 40ha minimum follows a productive use of land imperative for the zone which in many instances cannot be achieved and is unsuitable to many steep, coastal and/or bush-clad parts of the district. A smaller 20ha lot size is more able to be managed by owners with non-productive land units such as bush blocks and regenerating land. 2. The district has a long-established subdivision pattern through a minimum lot size of 20ha. 3. 20ha can be a productive lot. 4. An average lot size reduces the risk of arbitrary lot design, enabling the landowner to design a subdivision in a manner that takes the characteristics of the land and its resources into account.	**Amend** SUB-S1 Minimum allotment sizes to a 20ha minimum average allotment size as a controlled activity in the Rural Production Zone. **Amend** SUB-S1 Minimum allotment sizes to a 8ha minimum average allotment size as a discretionary activity in the Rural Production Zone.	S243.082

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
Subdivision Standards SUB-S8 Esplanades	Support	The rule appropriately aligns with the esplanade reserve requirements of the RMA 1991. A lake of 8ha is suitably defined in the rule, with esplanades around smaller lakes likely of no or of limited public benefit and a significant imposition on landowners.	**Retain** Rule SUB-S8	S243.083
PART 2 – DISTRICT-WIDE MATTERS **GENERAL DISTRICT-WIDE MATTERS** **Coastal environment**				
Coastal Environment Objectives CE-01 and CE-02	Oppose	Objective CE-O1 seeks that the natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations. This objective lacks specificity as to the outcome sought for the coastal environment and, together with Objective CE-02, fails to take into account the full scope of resources in the coastal environment and the range of existing and potential new sustainable land uses able to be supported in the coastal environment (including opportunities for restoration or rehabilitation of modified or degraded areas of natural character through land use and subdivision). This submission seeks both objectives both be deleted and replaced with a consolidated single objective which sets out a clear and specific outcome for resources in the coastal environment, and which gives effects to the NZCPS.	**Delete** Objectives CE-O1 and CE-02 and replace with the following: *Objective CE-O1 Subdivision, use and development in the Coastal Environment:* *a. Enables people and their communities to provide for the social, economic, and cultural well-being and their health and safety;* *b. Maintains or restores the integrity, form, functioning and resilience of the Coastal Environment; and* *c. Protects the indigenous biodiversity values of the Coastal Environment in relation to the biodiversity values present; and* *d. Preserves the natural character of the Coastal Environment in relation to the level of natural character present; and* *e. Protects natural features and landscapes values of the Coastal Environment in relation to the level of natural feature and landscape values present; and* *f. Recognises and provides for the relationship of tāngata whenua with the Coastal Environment; and*	S243.084 & S243.085

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
			g. Maintains and enhances public open space and recreation opportunities in the Coastal Environment; and *h. Manages coastal hazard risks, including the long-term projected effects of climate change; and* *i. Protects and enhances historic heritage values; and* *j. Avoids sprawling or sporadic patterns of development and enabling consolidation of existing settlements.* *k. Where appropriate, promotes opportunities for restoration or rehabilitation of modified or degraded areas of natural character.*	
Coastal Environment Policies CE-P2	Support subject to amendments	An amendment is sought to the policy to recognise that some of the overlays referenced identify "values" in APP-1.	**Amend** Policy CE-P2 as follows: *Avoid adverse effects of land use and subdivision on the characteristics, values and qualities of the coastal environment identified as:* *a. outstanding natural character;* *b. ONL;* **c.** *ONF.*	S243.086
Coastal Environment Policies CE-P3	Support subject to amendments	An amendment is sought to the policy to recognise that some of the overlays referenced identify "values" in APP-1.	**Amend** Policy CE-P3 as follows: *Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, values and qualities of the coastal environment not identified as:* *a. outstanding natural character;* *b. ONL;* *c. ONF.*	S243.087
Coastal Environment Policies	Support subject to amendments	The policy seeks to enable farming activities in the coastal environment and that part of the policy is	**Amend** Policy CE-P6 as follows:	S243.088

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CE-P6		supported. The qualifications that farming is only supported where *"its use forms part of the values that established natural character of the coastal environment; or* *the use is consistent with, and does not compromise the characteristics and qualities"*, are unnecessary. Farming is a typical activity in the coastal environment in the Far North, and as recognised by the Proposed Plan, in many instances it defines its character. The qualifications proposed in the policy are better managed by other overlays that are targeted to the management of specific resources (for example indigenous vegetation clearance in the High and Outstanding Natural Character overlay).	*Enable farming activities within the coastal environment ~~where:~~* *~~a. the use forms part of the values that established natural character of the coastal environment; or~~* b. *~~the use is consistent with, and does not compromise the characteristics and qualities.~~*	
Coastal Environment Policies CE-P8	Support	The natural character of the coastal environment is in many instances significantly modified or degraded and it is appropriate that the Proposed Plan encourages its restoration and enhancement to give effect to the NZCPS.	**Retain** Policy CE-P8	S243.089
Coastal Environment Policies CE-P9	Oppose	Policy CE-P9 seeks to prohibit land use and subdivision that would result in any loss and/or destruction of the characteristics and qualities in outstanding natural character areas. This policy is not implemented by any rules and, moreover, is inconsistent with Policy CE-P2 which better gives effect to the NZCPS.	**Delete** Policy CE-P9	S243.090
Coastal Environment Policies CE-P10	Oppose	Policy CE-P10 seeks to 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,	**Delete** Policy CE-P10	S243.091

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)
		including (but not limited to) consideration of a range of matters "where relevant to the application". This is not a policy but a method of assessment, and therefore more appropriately an assessment criterion. Noncomplying and discretionary activity applications should be assessed against objectives and policies which should be a clear expression of a desired outcome – not a way to achieve an unspecified outcome as is this policy.	
Coastal Environment Rules CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Oppose	The rule as proposed fails to recognise the existence of residential units in the coastal environment and the benefits that subdivision, use and development associated with residential units can bring in the coastal environment. Provision should be made for buildings not ancillary farming activities (including residential units). 50m2, rather than 25m2, better provides for small farm sheds that are typical in rural environments. Non-conformity with the rule is more effectively and efficiently dealt with as a restricted discretionary activity. This is because the matters of discretion are capable of being confined to effects on the identified characteristics and values of the coastal environment. As drafted, the rule ignores that there are titles, including titles with approved building platforms, which have occurred through a subdivision process which has confirmed the suitability of a residential unit, but are as yet unbuilt on. That should be recognised as a matter of discretion, or in the	**Amend** rule CE-R1 as follows: *Activity status: Permitted* *Where:* *PER-1* *If a new building or structure is located in an urban zone it is:* 1. *no greater than 300m2.* 2. *located outside high or outstanding natural character areas.* *PER-2* *If a new building or structure is not located within an urban zone it is:* 1. *ancillary to farming activities (excluding a residential unit).* 2. *If not ancillary farming activities (including a residential unit) no greater then ~~25m2~~ 50m2.* 3. *located outside outstanding natural character areas.* *PER-3*

S243.092

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)
		preferred alternative, added as a controlled activity as also sought by this submission. Except for more than one dwelling per lot, notification should not be a consideration, as the restricted discretionary matters are limited in their scope and need not involve third party input. .	*Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.* *PER-4* *The building or structure, or extension or addition to an existing building or structure, complies with standards:* *CE-S1 Maximum height.* *CE-S2 Colours and materials.* **Amend** the activity status for non compliance with PER-1, PER-2 and PER-3 from discretionary and non-complying to restricted discretionary activity in each case. **Add** the following restricted discretionary activity assessment matter: *The effects on the characteristics, values and qualities of the coastal environment, including (but not limited to) consideration of the following matters where relevant to the application:* *a. the presence or absence of buildings, structures or infrastructure;* *b. the temporary or permanent nature of any adverse effects;* *c. the location, scale and design of any proposed development;* *d. any means of integrating the building, structure or activity;* *e. the ability of the environment to absorb change;*

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)
			f. the need for and location of earthworks or vegetation clearance; *g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location;* *h. Except as provided for under n and o below, any viable alternative locations for the activity or development;* *i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;* *j. the likelihood of the activity exacerbating natural hazards;* *k. the opportunity to enhance public access and recreation;* *l. the ability to improve the overall quality of coastal waters; and* *m. any positive contribution the development has on the characteristics and qualities.* *n. Whether locating the activity within the coastal environment is required to enable reasonable residential or farming use.* *o. Whether the location is on a previously approved building platform.* **Add** the following clause: *New buildings or structures, and extensions or alterations to existing buildings or structures which do not comply with PER1, PER2, PER3 or PER4 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).*

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)
Coastal Environment Rules New Rule	Oppose	There is no need not be a rule for an activity class of repair and maintenance. Repairs and maintenance should be otherwise be permitted under the respective rules relating to the buildings, earthworks and indigenous vegetation clearance activity classes within the overlay. Those rules (as sought to be amended by this submission) most effectively and efficiently manage the effects of relevant activities on the resources managed by the overlay. Unforeseen consequences will result with the rule as drafted where classes of repairs and maintenance not listed will fall to discretionary activity, triggering costly and unnecessary consent processes. An example is existing houses in the ONF and ONL, whereby their repair and maintenance (including any normal domestic maintenance) would trigger a full discretionary activity resource consent because they are not specified in the repair or maintenance rule. This form of rule is proposed to be carried over into the Proposed Plan, and so may result in more such forms of subdivision. As drafted in rule CE-R1, where these occur in the coastal areas and are within an ONL/ONF, the activity status of dwellings defaults to non-complying, regardless of prior entitlements provided by subdivision. In many cases, the subdivisions have been carefully designed and have detailed controls imposed by way of consent condition and consent notices on the titles	**Add new rule as follows:** *"New buildings or structures, and extensions or alterations to existing buildings or structures within an approved building platform or buildable area on a site for which a subdivision consent was granted after 1 January 2000"* **Specify** the activity status as controlled activity **Include** the following matter of control: 2. *Compliance with location, height, design and mitigation conditions which apply to the site or building platform by way of resource consent condition or consent notice.* **Include** the following clause: *Building/s which are a controlled activity under this rule shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).*

S243.093

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		to manage the effects of buildings. Owners have purchased lots on the understanding that their entitlement to build on them is protected. The default to non-complying activity would require a wholesale reassessment of the appropriateness to build on an approved building platform. It imposes considerable unnecessary cost and risk to current owners. Controlled activity is an appropriate activity class because the Council will have already assessed appropriations in such circumstance and all that may be required will be an evaluation against the conditions of the subdivision consent/consent notices. Typically, such subdivisions have occurred in more recent times and so a cut-off date as proposed in the relief may also be appropriate. Non-notification is also appropriate as the substantive consideration as to whether a building is acceptable on the approved building platform will have occurred already at subdivision stage. A similar provision is in the Operative Whangarei District Plan 2022		
Coastal Environment Rules CE-R2 Repair or maintenance	Oppose	There is no need not be a rule for an activity class of repair and maintenance. Repairs and maintenance should be otherwise be permitted under the respective rules relating to the buildings, earthworks and indigenous vegetation clearance activity classes within the overlay. Those	**Delete Rule CE-R2**	S243.094

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		rules (as sought to be amended by this submission) most effectively and efficiently manage the effects of relevant activities on the resources managed by the overlay. Unforeseen consequences will result with the rule as drafted where classes of repairs and maintenance not listed will fall to discretionary activity, triggering costly and unnecessary consent processes. An example is existing houses in the coastal environment, whereby their repair and maintenance (including any normal domestic maintenance) would trigger a full discretionary activity resource consent because they are not specified in the repair or maintenance rule.	
Coastal Environment Rules CE-R3 Earthworks or indigenous vegetation clearance	Oppose	More exceptions for normal farming and rural practices should be provided for. In this regard, farming activities are typically part of the coastal environment and not providing for such activities would impose significant consent cost and risks on landowners. Where such areas are not farmed, then the vegetation controls provide protection from inappropriate use and development. In particular, exceptions are required for: • Maintenance of fire breaks (for ecosystem protection and providing for the health and safety of people) • Cultivation and domestic gardens (continuation of domestic and rural activities). • Ecosystem protection and enhancement (where vegetation may need to be thinned to release new plantings) • Maintenance of driveways and roads.	**Amend** Rule CE-R3 as follows: *Activity status: Permitted* *Where:* *PER-1* *The earthworks or indigenous vegetation clearance is:* ~~*1. required for the repair or maintenance permitted under CE-R2 Repair or maintenance.*~~ *1. Required for the repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:* *1. roads.* *2. fences* *3. network utilities* *4. driveways and access* *5. walking tracks* *6. cycling tracks* *7. farming tracks.* *2. required to provide for safe and reasonable*

S243.095

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)
		The need for such exemptions is heightened by the very broad definition of "earthworks" under the National Planning Standard 2019 that has been adopted in the plan. Almost all ground disturbance is captured by the control. In each instance non conformity should be a restricted discretionary activity. The scope of assessment is limited and the potential effects well-understood and able to be categorised as assessment matters. The policy CE-P10, provides the necessary matters of assessment and are sought to be repeated in the rule, with the addition of new matters: • Whether locating the activity within the ONF or ONL area is required to enable reasonable residential or farming use of the lot. • Whether the location is on a previously approved building platform. The importance of providing for development on previously approved building platforms is discussed earlier in this submission. As essentially a technical assessment against a defined set of matters, a non-notification rule is appropriate as it will avoid unnecessary consent cost and risk burden on landowners.	*clearance for existing overhead power lines.* *3. necessary to address a risk to public health and safety.* *4. for biosecurity reasons.* *5. for the sustainable non-commercial harvest of plant material for rongoā Māori.* *6. for vegetation clearance required to establish or maintain a firebreak within 20m of a dwelling.* *7. for cultivation (for earthworks only) or domestic gardens.* *8. for ecosystem protection, rehabilitation or restoration works.* *9. required to maintain an operational farm (including the maintenance or reinstatement of pasture where the vegetation to be cleared is less than 15 years old and less than 6m in height) or operate a plantation forestry activity.* *10. required for vegetation clearance to maintain an existing driveway to a dwelling, within 5m of that driveway.* *11. required for vegetation clearance as a strip of no more than 3.5m wide to construct new fences for the purpose of stock control or boundary delineation.* *12. required for vegetation clearance within the legal width of an existing formed road.* *PER-2* *Except as permitted under PER-1, ~~T~~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* **Amend** the activity status where compliance is not

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)
			achieved with rules PER-1 and PER-2 from discretionary /non complying to restricted discretionary in the case of each rule. **Add** a matter of discretion as follows: 1. *The effects characteristics, values and qualities of the coastal environment, having regard to:* a. *the temporary or permanent nature of any adverse effects;* b. *the ability of the environment to absorb change;* c. *the need for and location of earthworks or vegetation clearance;* d. *the operational or functional need of any regionally significant infrastructure to be sited in the particular location;* e. *Except as provided for under k and l below, any viable alternative locations for the activity or development outside the coastal environment;* f. *any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;* g. *the likelihood of the activity exacerbating natural hazards;* h. *the ability to improve the overall quality of coastal waters; and* i. *any positive contribution the development has on the characteristics and qualities.* j. *Whether locating the activity within the coastal environment is required to enable reasonable residential or farming use.*

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)
			k. *Whether the location is on a previously approved building platform or access drive.* **Add** new clause as follows: *Earthworks or indigenous vegetation clearance which do not comply with PER1, PER2 or PER3 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).*
Coastal Environment Rules CE-R4 Farming	Oppose	Under this rule, farming becomes a non-complying activity in the coastal environment when combined with the ONL or ONF overlay. This does not implement policy CE-P6 of the Proposed Plan which recognises that that farming should be provided for in the coastal environment. While existing farms may be protected by existing use rights, new farming methods or practices may not be, and may trigger the need for a resource consent with the rule as proposed. This ignores that in large sections of the district, working farms are in the coastal environment. The rule will impose significant compliance costs on existing farms where resource consents may be required for every new aspect of their operation. The rule as proposed is not effective nor efficient as the effects on the coastal environment are better managed through controls on earthworks, vegetation	**Delete** rule CE-R4 (assuming reliance can then be placed on the activity status for farming in the underlying zoning as per "Applications Subject to Multiple Provisions" section of the Proposed Plan) Or, in the alternative, **Amend** rule CE-R4 so that Farming is a permitted activity in the overlay. **Amend** rule CE-R4 as follows: *Activity status: Permitted* ~~*Where:*~~ ~~*PER-1*~~ ~~*The farming activity is located outside high or outstanding natural character areas.*~~ ~~*Activity status where compliance is not achieved with PER-1:*~~

S243.096

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
		clearance and buildings, rather than the activity of farming. As per the overview explanation of overlays in the Proposed Plan, where there is no specific rule relevant to the activity, then it reverts to its underlying zoning (for example, if Rural Production then farming is a permitted activity). If this is the case, the then the rule can and should be deleted for the reasons above. If that is not the case, then an alternative relief is sought that farming is a permitted activity in the overlay.	~~*Discretionary (outside an outstanding natural character area)*~~ ~~*Non-complying (inside an outstanding natural character area)*~~ *Activity status where compliance not achieved: Not applicable*	
Coastal Environment Standards CE-S1 Maximum height	Oppose	The maximum height specified of 5m may or may not be appropriate in the circumstances, and is best assessed and determined at resource consent stage for the building. The height limit of the zone would otherwise apply to smaller (less than 50m2 structures). The requirement to not exceed the height of the nearest ridgeline, headland or peninsula as a height limit lacks precision and measurability, with these factors better taken into account at resource consent stage.	**Delete** Standard CE-S1	S243.097
Coastal Environment Standards CE-S2 Colours and materials	Support subject to amendments	The rule should allow for natural materials also which typically sit well in the coastal environment.	**Amend** Standard CE-S2 as follows: *The exterior surfaces of buildings or structures shall:* ***1.*** *be constructed of materials and/or finished to achieve a reflectance value no greater than 30%.*	S243.098

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
			2. *have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette or are a natural finish stone or timber.*	
Coastal Environment Standards CE-S3 Earthworks or indigenous vegetation clearance	Oppose	Amendments are sought to the rule so that earthworks or indigenous vegetation clearance associated with access and/or a building platform are not subject to the preceding subclause 1-3s. Otherwise, such works would trigger the need for consent in almost every instance (building platforms generally being greater than 50m2). Also, as drafted, it could be interpreted that only earthworks and vegetation clearance for the purpose of access and/or a building platform are permitted (eg not farming earthworks and vegetation clearance). These changes are appropriate because earthworks or indigenous vegetation clearance associated with the building is assessed as a restricted discretionary activity matter with the building resource consent application. Life of District Plan as a compliance measure is unnecessarily limited and does not recognise the ability for the land to heal each season (ie calendar year) after earthworks. Screening should only be from public places (which includes the CMA) for the rule to efficiently apply.	**Amend** Standard CE-S2 as follows: *Any earthworks or indigenous vegetation clearance must (where relevant):* 1. *not occur in outstanding natural character areas.* 2. *not exceed a total area of 50m2 ~~for 10 years from the notification of the District Plan~~ per calendar year in an area of high natural character.* 3. *not exceed a total area of 400m2 ~~for 10 years from the notification of the District Plan~~ per calendar year in an area outside high or outstanding natural character areas.* 4. *not exceed a cut height or fill depth of ~~1m~~ 1.5m.* 5. *screen any exposed faces visible from a public place.; or* 6. *be for the purpose of access and/or a building platform.* *Note: The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.*	S243.099
Coastal Environment Standards in coastal hazard areas CE-S5	Oppose	As drafted, the standard may trigger the need for an engineering report for a resource consent for an activity *anywhere* on a site subject to a coastal hazard overlay. In most instances, the coastal hazard overlays are limited in area on a property The related rules in	**Amend** standard CE-S5 as follows: *Any application for a resource consent in relation to a ~~site~~ location that is potentially affected by a coastal hazard must be accompanied by a report prepared by a suitably*	S243.100

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
Information requirements		this section consistently refer to 'location' which limits the assessment to the location of the activity sought, relative to the overlay. The standard should also refer to location to avoid this potential interpretation.	*qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion.*	
PART 2 – DISTRICT-WIDE MATTERS **GENERAL DISTRICT-WIDE MATTERS** **Earthworks**				
Earthworks Objectives EW-O1	Support subject to amendments	The definition of earthworks is broadly cast as means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts. As such it captures many rural activities, which should be exempt from the rules (ie they can occur subject to standards, without the need for resource consent). The objective as drafted seeks to enable earthworks associated with subdivision and development, however neglects to enable earthworks associated with rural activities which are otherwise provided for under policy EW-P1.	**Amend Objective** EW-01 as follows: *Earthworks are enabled where they are required <u>for rural land uses and development and</u> to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, coastal marine area, public safety, surrounding land and infrastructure.*	S243.101
Earthworks Rules EW-R14 Activities not otherwise listed in this chapter	Oppose	The effects of earthworks are mostly the same irrespective of the purpose of the earthworks and can be anticipated and managed by standards. Subject to compliance with the full suite of standards, such earthworks should also be a permitted activity. The construction of the earthworks rule as drafted runs the risk of requiring earthworks for many activities not anticipated in EW-R1 – EWR13, yet provided for in the various underlying zones.	**Delete** Rule EW-R14 and replace with the following: *<u>EW-R14 General earthworks not provided for by EW-R1 – EWR13</u>* *<u>All zones</u>* *<u>Activity status: Permitted</u>* *<u>Where:</u>* *<u>PER-1</u>*	S243.102

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
			The earthworks complies with standards: *EW-S1 Maximum earthworks thresholds;* *EW-S2 Maximum depth and slope;* *EW-S4 Site reinstatement;* *EW-S6 Setbacks;* *EW-S7 Land stability;* *EW-S8 Nature of filling material; and* *EW-S9 Flood and coastal hazards.* *EW-S1 does not apply to Motoura Island or Orongo Bay zones".*	
Earthworks Standards EW-S1 Maximum earthworks thresholds	Support	The thresholds, per calendar year measurements method and activity status are supported.	**Retain** rule EW-S1	S243.103
Earthworks Standards EW-S2 Maximum depth and slope	Support	The maximum depth of any cut or height of any fill thresholds and activity status are supported	**Retain** rule EW-S2	S243.104
PART 2 – DISTRICT-WIDE MATTERS **GENERAL DISTRICT-WIDE MATTERS** **Noise**				
Noise Rule Noise-R7 Helicopter landing areas	Oppose	As drafted, Rule Noise-R7 only permits Helicopter landing areas where flight movements are for emergency purposes such as medical emergencies, search and rescue or firefighting purposes and the helicopter landing site complies with standard: NOISE-S4 Helicopter landing areas. In other words, both PER-1 and PER-2 need to be met in order to comply with	**Amend** Rule Noise-R7 as follows: *Activity status: Permitted* *Where:* *PER-1*	S243.105

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)
		the rule (consistent with the structure of other rules in the Plan). Given the nature of the activity, it would serve a better resource management purpose, if flight movements for emergency purposes such as medical emergencies, search and rescue or firefighting purposes are exempt from the standard NOISE-S4 Helicopter landing areas. That would also be consistent with note 10 in this section that the noise rules and standards do not apply to helicopters used for an emergency and as an air ambulance. As drafted there would appear to be no provision for helicopters other than flight movements for emergency purposes such as medical emergencies, search and rescue or firefighting purposes. The intent of the rule might be better served by allowing helicopter landing site complying with standard: NOISE-S4 Helicopter landing areas, irrespective of the use of the helicopter. Redrafting of the rule to make PER-1 and PER-2 separately applicable would meet the above issues (ie the addition of an 'or') In addition, the rule lacks specificity as to what comprises a helicopter landing area, although there is a disconnect between the title of the rule which applies to "helicopter landing areas" (presumably dedicated areas for this purpose) and the content of the rule which applies to the movements and landing of helicopters. If the intent is to apply to dedicated helicopter landing areas, then a definition of that land	*Flight movements are for emergency purposes such as medical emergencies, search and rescue or firefighting purposes;* ***Or*** *PER-2* *The helicopter landing site complies with standard: NOISE-S4 Helicopter landing areas.* *This standard does not apply to:* *i. Emergency or rescue helicopter operation occurring to or from Bay of Islands, Rawene or Kaitaia Hospital (excludes established helicopter bases on hospital land).* *ii. Emergency or rescue helicopter landings, departures, overflights or activity during operations that occur away from the permanently established helicopter base.* *iii. Cropping, top dressing, and spraying for the purpose of farming or conservation carried out in the Rural Production, Horticulture zones, or within Significant Natural Area on a seasonal, temporary, or intermittent basis for a period up to 30 days in any 12 month period.*

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
		use is warranted to give the rule specificity. The following definition is proposed to be included by this submission: *"Helicopter landing areas means an identified landing area for helicopter landing, loading and take-off but does not include refuelling, servicing, a hangar, or a freight handling facility".*		
Noise Standards NOISE-S4 Helicopter landing areas	Oppose	The rule NOISE-S4 rule does not specify the noise standard to be complied with: referring to 'the following noise limits', without specifying what that is (with only reference to being 'assessed' in accordance with NZS 6807:1994: Noise Management and Land Use Planning for Helicopter Landing Areas, rather than any noise limit contained therein or otherwise expressing a noise limit). That lacks measurability as a rule. In addition, the rule ostensibly applies to 'helicopter landing areas' which presumably is the land use as proposed to be defined by this submission (ie dedicated landing areas), rather than simply the landing and take off of helicopter areas per se. If this is the case, then this would appropriately link with NZS 6807:1994: Noise Management and Land Use Planning for Helicopter Landing Areas.	**Delete** NOISE-S4 Helicopter landing areas and replace with a rule that: 1. Applies the rule to helicopter landing areas only as sought to be defined by this submission. 2. References an appropriate noise limit to be complied with (for example 50 dB Ldn at the notional boundary of a vulnerable activity).	S243.106
PART 3 – AREA-SPECIFIC MATTERS ZONES Rural zones Rural production				
PART 3 – AREA-SPECIFIC MATTERS ZONES	Oppose	The zoned is inappropriately named "Rural Production". Large parts of the district that is zoned this is not suitable for rural production and certainly is	**Replace** "Rural Production" zone in every instance in the Proposed District Plan with "General Rural" zone.	S243.107

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)
Rural zones Rural production Zone General		not retained for rural production purposes. The zone should be renamed to "General Rural" which more accurately reflects the wider range of activities that occur in the rural environments of the Far North. These activities are provided for in the zone as drafted (at least by the rules), but not recognised in the zone name. This is not to diminish the importance of rural production activities and these should be enabled and protected by the objectives and policies of the zone. The zone name however should recognise the broader range of land uses which occur in rural parts of the district; including bush blocks, smaller titles, residential activity and land holding which are unsuitable for rural production uses. It is important to strengthen the District's economy by providing for a range of land use activities in the rural area; however, accepting the priority is to sustain the productive capacity of the soil and the rural character and amenity values that are key elements. The National Planning Standards "Zone Framework Standard" refers to the "General rural zone" which is a better fit. There is more to it than the name, with the stated primary objective of the zone being that it "is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment". That puts undue emphasis on farming	

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
		activities and does not recognise the broad applicability of the zone in many unproductive areas. This point is taken up further in this submission.		
Rural zones Rural production Zone Overview	Oppose	For the reasons set out above in this submission.	**Add** the following to the Overview: *"The purpose of the zone is also to contribute to the social, economic and cultural well-being of the district by providing for a range of other land use activities".*	S243.108
Rural zones Rural production Zone Objectives RPROZ-O2	Support subject to amendments	Reference to "functional need" in this objective potentially negates the ability for other activities to establish which may be a sustainable use of land and also contribute to the economic and social development of the district. Functional need is tightly defined in the Proposed Plan as *"the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment"*. There is a disconnect here with the subdivision opportunities provided for in the Rural Production Zone (eg environmental enhancement and management plan opportunities). Also with the range of uses permitted in the zone that perhaps also have no 'functional need' to locate within the tight constraint of the definition ie the activity can only occur in that environment (such as Residential activities, Visitor accommodation, Educational facilities, Conservation activities, Recreational activities, Cemeteries / Urupā and Minor residential units). These subdivision opportunities where they result in environmental benefit are recognised by policy RPROZ-P6.	**Amend** Objective RPROZ-O2 *"The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities ~~that have a functional need to be in a rural environment~~".*	S243.109

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
Rural zones Rural production Zone Objectives RPROZ-O3	Support	The support for this objective is conditional on the amendments to the definition of highly productive land also sought by this submission. Reference to "other compatible activities" is supported because it recognises the broader range of land uses which occur in rural parts of the district.	**Retain** Objective RPROZ-O3	S243.110
Rural zones Rural production Zone Objectives RPROZ-O4	Oppose	The proposed objective that *"the rural character and amenity associated with a rural working environment is maintained"*, fails to recognise that character and amenity of the zone is not only defined by a working rural environment for the reasons discussed above in this submission, and that such character and amenity can be very location specific. The proposed alternative objective allows a more nuanced assessment of character and amenity. In contrast, this diverse range of rural environments, rural character and amenity values throughout the District is recognised by policy RPROZ-P4.	**Delete** Objective RPROZ-O4 and replace with the following: *Subdivision, use and development in the Rural Area maintain the rural character and amenity of the zone.*	S243.111
Rural zones Rural production Policies RPROZ-P4	Support	The policy is supported because it recognises that the rural character and amenity of the zone includes "a diverse range of rural environments, rural character and amenity values throughout the District".	**Retain** Policy RPROZ-P4	S243.112
Rural zones Rural production Zone Policies RPROZ-P5	Oppose	Reference to "functional need" in this policy potentially negates the ability for other activities to establish which may be a sustainable use of land and also contribute to the economic and social development of the district, or bring environmental benefit such as residential activities, Visitor accommodation, Educational facilities, Conservation activities, Recreational activities, Cemeteries / Urupā and Minor residential units.	**Delete** Policy RPROZ-P5 Or alternatively **Amend** Policy RPROZ-P5 as follows: *Avoid land use that:* *a. is incompatible with the purpose, character and amenity of the Rural Production zone;*	S243.113

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
		The zone purpose presumably is from the overview. Sub clause a. is only supported with the amendment to that overview sought in this submission. Similarly, reference to Highly Productive Land in subclause c. is only supported with the amendments to the definition of Highly Productive Land also sought in this submission.	~~*b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;*~~ *c. would result in the loss of productive capacity of highly productive land;* *d. would exacerbate natural hazards; and* *e. cannot provide appropriate on-site infrastructure.*	
Rural zones Rural production Zone Policies RPROZ-P6	Oppose	Policy RPROZ-P6 seeks to avoid subdivision except in the limited circumstances specified. This fails to recognise the forms and subdivision otherwise enabled by the Proposed Plan in rural environment (Management Plan and Environmental benefit subdivisions). The zone should recognise and provide for these opportunities on the basis that they may represent the only viable pathway to achieve sustainable land use change on a rural block and that they actively promote the biodiversity/natural character enhancement policies of the Proposed Plan, the RPS and the NZCPS. Other features of the rural environment can be appropriately managed in the manner sought in the relief.	**Delete** Policy RPROZ-P6 and replace with the following: *Provide limited opportunities for subdivision in the general rural zone while ensuring that:* *a. there will be significant environmental protection of indigenous vegetation including restoration, or wetlands;* *b. subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;* *c. subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;* *d. adverse effects on rural and coastal character are avoided, remedied or mitigated;* *e. sites are of sufficient size to absorb and manage adverse effects within the site; and* *f. reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.* *g. The fragmentation of highly productive land is avoided.*	S243.114

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
Rural zones Rural production Zone Policies RPROZ-P7	Oppose	Policy RPROZ-P7 seeks to manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of matters listed. This is not a policy but a method of assessment, and therefore more appropriately an assessment criterion. Noncomplying and discretionary activity applications should be assessed against objectives and policies which should be a clear expression of a desired outcome – not a way to achieve an unspecified outcome as is this policy.	**Delete** Policy RPROZ-P7	S243.115
Rural zones Rural production Zone Rules RPROZ-R3 Residential activity	Oppose	Amend the rule to align with the minimum lot size of 20ha sought in this submission, with a consequent pro-rata amendment to PER-2. The provision that PER-1 does not apply to: a single residential unit located on a site less than 20ha (as sought) is supported because it recognises existing and potential new sites provided for in the zone with smaller lot sizes .	**Amend** Rule RPROZ-R3 as follows: *Activity status: Permitted* *Where:* *PER-1* *The site area per residential unit is at least ~~40ha~~ 20ha.* *PER-2* *The number of residential units on a site does not exceed ~~six~~ three.* *PER-1 does not apply to: a single residential unit located on a site less than ~~40~~ 20ha.*	S243.116
Rural production Zone Rules RPROZ-R7 Farming activity	Support	Rule RPROZ-R7 is supported because it effectively and efficiently enables farming activities in the zone giving direct effect to the zone's objectives.	**Retain** Rule RPROZ-R7	S243.117
Rural production Zone Rules	Support	Rule RPROZ-R8 is supported because it enables conservation activities, thereby giving effect to wider	**Retain** Rule RPROZ-R8	S243.118

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)	
RPROZ-R8 Conservation activity		District Plan objectives and policies such as *"CE-P8 Encourage the restoration and enhancement of the natural character of the coastal environment".*		
Rural production Zone Rules RPROZ-R19 Minor residential unit	Oppose	This rule should be a permitted activity and it is unclear from the drafting whether that was in fact the intent. The matters sought to be managed by the rules (density, access, separation distance and size) are easily controlled by the standards at CON-1 to CON-5. Council is able to ascertain compliance with these matters at building consent stage, with the requirement for a controlled activity resource consent unnecessary. The requirement that the separation distance between the minor residential unit and the principal residential unit does not exceed 15m should be deleted. There are many site-specific characterises which may necessitate a greater separation distance, including availability o a suitable building platform and the desirability of screening the minor unit. The size limit of 65m2 as proposed effectively controls the risk of the proliferation of minor units as de-facto gull dwellings.	**Amend** the activity status for Minor residential units RPROZ-R19 from controlled to permitted, where the standards are complied with. **Replace** CON to PER in the rule. **Delete** the requirement that the separation distance between the minor residential unit and the principal residential unit does not exceed 15m (CON-4).	S243.119
Rural production Zone Standards RPROZ-S1 - RPROZ-S7	Support	The standards, exclusions and matters of discretion are appropriate for buildings in the rural zone.	**Retain** RPROZ-S1- RPROZ-S7	S243.120 to S243.126
PART 4 – APPENDICES AND SCHEDULES **APPENDICES** **APP3 – Subdivision management plan criteria**				
PART 4 – APPENDICES AND SCHEDULES	Support	The Management Plan Subdivision matters set out an appropriate set of provisions to secure environmental	**Retain** Management Plan Subdivision	S243.127

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)
APPENDICES APP3 – Subdivision management plan criteria		benefits from the once off management plan subdivision opportunity.	
MAPPING			
Coastal Environment Overlay	Oppose	The Proposed Plan mapping extends the Coastal Environment Overlay across Wainui Road, with an arbitrary straight sided triangle of land included on that side of the road. This triangle has no relationship with the coastal environment and does not satisfy the attributes and criteria in Appendix 1 of the RPS. Namely: 1. It is not an area where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these. 2. It is not an area at risk from coastal hazards. 3. It does not exhibit coastal vegetation and the habitat of indigenous coastal species including migratory birds, being farmed. 4. It does not have elements and features that contribute to the natural character, landscape, visual qualities or amenity values of the coastal environment, being inland from the dominant ridge. 5. It does not include items of cultural and historic heritage in the coastal marine area or on the coast (none are mapped in the planning documents and no archaeological sites are in this area as determined by Clough and Associates archaeological report). 6. It is not an inter-related coastal marine and terrestrial system, including the intertidal zone	**Remove** the Coastal Environment Overlay to the extent shown on the map below from the Opounui Farm property as described in this submission.

S243.128

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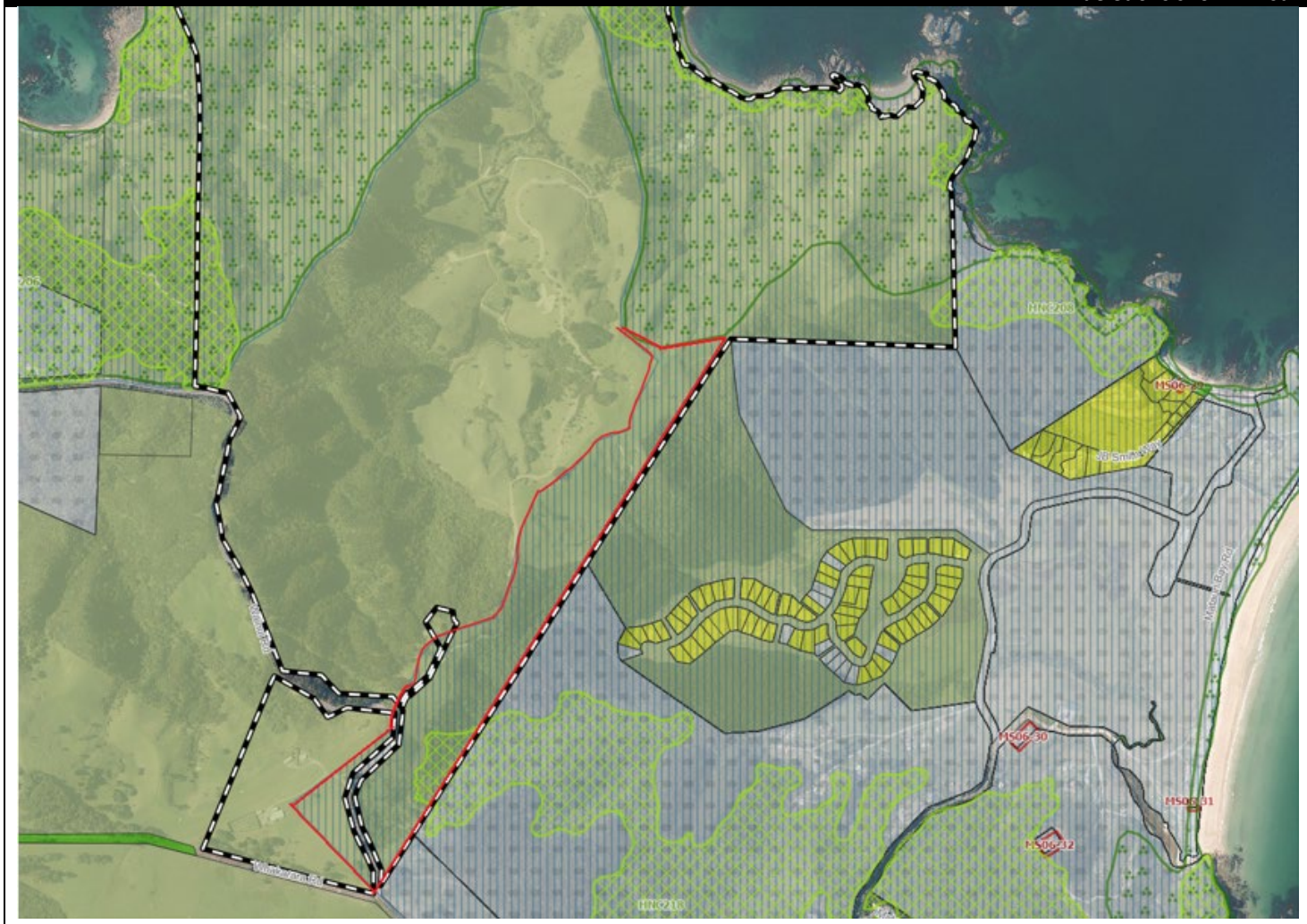
		7. It has no physical resources and built facilities, including infrastructure, that have modified the coastal environment. 8. It is not a flat, low-lying area. A more logical position for the demarcation of the coastal environment would be the first dominant inland ridge seaward of this location. The area of Coastal Environment sought to be excluded is shown on the map below. There is scope for this change because under Policy 4.5.1 of the Northland Regional Policy Statement, refinement of the maps in accordance with Method 4.5.4 is contemplated. The RPS states that "*Where following further detailed assessment, an area in the Regional Policy Statement – Maps has been amended in accordance with Method 4.5.4, and the amended area is operative in the relevant district or regional plan, it shall supersede the relevant area in the Regional Policy Statement – Maps".* The related Method specifies that the coastal environment, and areas of high and outstanding natural character within the coastal environment, and outstanding natural features and outstanding natural landscapes as shown in the Regional Policy Statement –Maps may be changed, provided the changes are: (i) Undertaken using the attributes and criteria listed in Appendix 1; and (ii) Shown in the regional or district plan.	

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown underlined, deletions shown in ~~strikethrough~~)



Coastal Environment Overlay sought to be deleted shown in red.