BEFORE THE FAR NORTH DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the submissions and further submission made by

Bentzen Farm Limited, Setar Thirty Six Limited, The Shooting Box Limited, Matauri Trustee Limited, P S Yates Family Trust, and Mataka Residents Association

Incorporated

AND

IN THE MATTER Hearing Four: Natural Environment Values & Coastal

Environment.

STATEMENT OF EVIDENCE OF PETER RAYMOND HALL (PLANNER)
ON BEHALF OF BENTZEN FARM LIMITED (SETAR THIRTY SIX
LIMITED, MATAURI TRUSTEE LIMITED, P S YATES FAMILY TRUST,
AND MATAKA RESIDENTS ASSOCIATION INCORPORATED

22 July 2024

1.0 EXECUTIVE SUMMARY

- 1.1 I present this evidence on behalf of Bentzen Farm Limited, ¹ Setar Thirty Six Limited, ² The Shooting Box Limited, ³ Matauri Trustee Limited, ⁴ P S Yates Family Trust⁵, and Mataka Station Residents Association Incorporated, ⁶ together "the submitters". I prepared the submissions and further submissions on behalf of the submitters except for the Mataka Station Residents Association Incorporated's primary submission, which was prepared by others, however, I support the outcomes sought in that submission and prepared its further submission.
- 1.2 I set out in my evidence to Hearing 1 an introduction to the submitters, including a description of their landholdings with location maps and a table of the key outcomes that are sought.⁷
- 1.3 In general I support the changes that have been recommended in the Section 42A reports in relation to the various objectives and policies applying to the coastal environment and to areas of Outstanding Natural Character (ONC), High Natural Character (HNC), Outstanding Natural Landscape (ONL) and Outstanding Natural Feature (ONF).
- 1.4 I propose various further amendments to the provisions as appended to the s42A Reports. Attachment 1 is an executive summary of my recommendations and reasons. I have marked these amendments up in red on the 42A Report versions of the provisions and included these in my Attachment 2.
- 1.5 I include at **Attachment 3** the excerpts of the submitter submission points relevant to this hearing.

Submission 167, Further Submissions 066, 376 and 578.

Submission 168, Further Submissions 069 and 377.

Submission 187, Further Submissions 067, 383 and 579.

Submission 243, Further Submission 582.

Submission 333, Further Submission 068, 384 and 580.

Submission 230, Further Submission 143 and 581.

⁷ FNPDP Hearing One- Hearing Statement of Evidence of Peter Hall

- 1.6 This is on the basis that the amendments provide more certainty and clarity on the adverse effects that need to be avoided, consistent with the direction in the New Zealand Coastal Policy Statement 2010 (NZCPS) and the Regional Policy Statement for Northland 2016 (RPS) and that the amendments are necessary to meet the tests in s32 of the Resource Management Act 1991 (RMA).
- 1.7 I am familiar with the RPS and have considered the provisions and the various amendments I propose against its objectives and policies.
- 1.8 In my opinion, and as I discuss further below, the provisions of the subject Proposed Plan Chapters, as proposed be amendment in my evidence, properly give effect to the relevant policies of the RPS.
- 1.9 As noted in the s42A reports, RPS Policy 4.6.1 "Managing effects on the characteristics and qualities natural character, natural features and landscapes" is key to many of the provisions under consideration in Hearing 4. This policy sets out the regime for managing the adverse effects of subdivision, use and development inside and outside the coastal environment.
- 1.10 The RPS provides further particular direction for the management of adverse effects that is important for the consideration of the District Plan provisions that are the subject of Hearing 4. In particular the recognition that a minor or transitory effect may not be an adverse effect (noting that cumulative effects may still be) and that many areas contain ongoing use and development that were present when the area was identified as high or outstanding or have subsequently been lawfully established⁸.
- 1.11 Also very relevant, is the related RPS Method 4.6.3 which directs that in giving effect to Policy 4.6.1 that District Plans for Northland include controls on the location, scale and form of buildings and structures, and earthworks and indigenous vegetation removal.

⁸ RPS Policy 4.6.1 (3)

Here, further direction is given that that such District Plan provisions shall:

- permit the maintenance of existing authorised structures, buildings, accessways, infrastructure and production land; and
- ii. not unduly restrict existing authorised use of land9.
- 1.12 I refer to this RPS policy and related method where relevant in my evidence.

2.0 QUALIFICATIONS AND EXPERTISE

2.1 My qualifications and expertise are set out in my evidence to Hearing 1 Strategic Direction and Part 1 /General / Miscellaneous Topics, dated 13 May 2024.¹⁰

3.0 CODE OF CONDUCT

3.1 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes 2023. I agree to comply with the code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

4.0 SCOPE OF EVIDENCE

4.1 As per the directions of the Hearing Panel in Minute 1, I have summarised areas of agreement with the s42A Reports above, with my evidence below focussing on remaining areas of disagreement. In particular, my evidence addresses:

⁹ PRS Method 4.6.3 (4)

¹⁰ FNPDP Hearing One- Hearing Statement of Evidence of Peter Hall.

- The "Consideration" Policies CE-P10 (Coastal Environments) and NFL-P8 (Natural Features and Landscapes);
- ii. Policy CE-P6 (Coastal Environment) in relation to farming;
- iii. The new Policy IB-PX: Ecosystems and Indigenous Biodiversity recommended in the s42A Report;
- iv. Amendments to the proposed new clauses in rules NFL-R1 and Rule CE-R1 for new buildings or structures, and extensions or alterations to existing buildings or structures as a controlled activity on a defined building platform;
- v. Proposed use of restricted discretionary and discretionary activity status in certain rules;
- vi. The provision for additional exclusions to the earthworks and indigenous vegetation clearance rules;
- vii. Amendments to the natural character rules relating to lakes and wetlands and associated definitions; and
- viii. Support for the mapping changes recommended in the Landscape Evidence of Mr John Goodwin on behalf of the submitters.
- 4.2 In preparing this evidence, I have read the s42 Reports by Ben Lee and Jerome Wyeth and the appended assessments by Melean Absolum.
- 4.3 I rely on the landscape, natural character and visual amenity evidence of Mr Goodwin and assessment of Ms Absolum where stated in my evidence.
 - 5.0 CONSIDERATION POLICIES CE-P10 (COASTAL ENVIRONMENTS) AND NFL-P8 (NATURAL FEATURES AND LANDSCAPES)
- 5.1 Policies referred to as "Consideration policies" in the s42A Reports appear in the chapters that are the subject of this hearing at:

- Policy CE-P10 (Coastal Environments)
- Policy NFL-P8 (Natural Features and Landscapes)
- Policy IB-P10 (Ecosystems and Indigenous Vegetation)
- Policy NATC-P6 (Natural Character)
- 5.2 These policies set out matters to be considered, where relevant, when assessing the effects of land use and subdivision. As noted in the s42A Reports, this form of policy is used throughout the Proposed Plan.
- 5.3 I propose amendments to consideration policies CE-P10 (Coastal Environments) and NFL-P8 (Natural Features and Landscapes) and set out the rationale for these below.

Amendments to Policy CE-P10 (Coastal Environments)

- I propose qualifying Policy CE-P10 such that consideration is given to the "natural character of the" coastal environment when assessing the effect of land use and subdivision, rather than simply the "coastal environment" as is drafted in the s42 Report version. This better achieves Objective CE-01 of this chapter which, as redrafted in the s42A report, gives effect to the primary policy direction here being Policy 13 of the NZCPS (Preservation of natural character of the coastal environment) and Policy 4.6.1 of the RPS (Managing effects on the characteristics and qualities natural character, natural features and landscapes). My proposed change enables a more targeted assessment of the effects of land use and subdivision in line with the requirements of these higher-order policy directives.
- 5.5 I also propose <u>deletion</u> of any consideration matter "h. any viable alternative locations for the activity or development". This consideration matter would, in effect, requires an assessment of alternatives, yet gives no criteria against which to assess these alternatives against. As such, whether an alternative location is 'viable' is open ended, subject to interpretation at resource consent

stage, and could be measured against any number of factors, including financial viability, geotechnical viability, construction viability etc. Within financial viability alone, factors of cost of development (including building platform construction, retaining, servicing, roading length) all come into play when selecting locations, as do potential returns driven by the desirability of a particular location.

- In my view, including matter h. would be inconsistent with the general thrust of the RMA where the effects of a proposal on the environment are to be assessed on their merits rather than by reference to alternative proposals. The matter should be targeted to the effects of the land use or subdivision location relative to the purpose of the policy only ie. the characteristics, qualities and values of the ONL and ONF. Those considerations are already contained in the policy, such that an assessment of the suitability of a particular location will be an inherent consideration (in fact often the main consideration), without the need to present an alternatives assessment, weighing one potential location against another.
- 5.7 I further note that, other than matters relating to discharges,
 Schedule 4 of the RMA 1991 only requires a description of any
 possible alternative locations or methods for undertaking the
 activity, where it is likely that the activity will result in any significant
 adverse effect on the environment.
- 5.8 In my opinion, with the removal of consideration matter "h", the remaining matters in Policy CE-P10 contain a full and robust list of considerations to be taken into account when assessing and managing the effects of land use and subdivision on the characteristics, qualities and values of the ONL and ONF.

Amendments to Policy NFL-P8 (Natural Features and Landscapes)

5.9 As with Policy CE-P10 above, I propose qualifying Policy NFL-P8 such that consideration is given to <u>"the characteristics, qualities and values of the"</u> ONL and ONF – again in line with its preceding

objectives and policies is recommended in the s42A Report which I support.

- 5.10 I also propose changes to Policy NFL-P8 where I consider they are usefully consistent with changes recommended in the s42A Report recommendations to Policy CE-P10; namely:
 - d. any means of integrating the building, structure or activity into the wider landscape;

This is on the basis that thing that integration is required with should be stated.

f. the need for and location of earthworks or <u>indigenous</u> vegetation clearance <u>and proposed mitigation measures</u>;

This is on the basis that only the need for indigenous vegetation clearance should be a consideration here (rather than vegetation per se), and that mitigation measures are a relevant factor.

j. the characteristics, and qualities <u>and values</u> of the landscape or feature

This is to ensure consistency with the other objectives and policies in this Chapter, as recommended to be amended in the s42A report.

p. whether the activity is on a previously approved building platform [New matter]

This is consistent with the s42A Report recommendations for Policy CE-P10, to recognise that, as in the Coastal Environment, there are previously approved building platforms in ONL areas and that should factor into the consideration of the effects of land use.

- 5.11 I have also proposed to amend Policy NFL-P8 matter "o" as follows, to recognise that buildings, structures or activities more properly have a visual effect in "relation to" rather than "on" nearby ridgelines etc:
 - o. the visual effect of the building, structure or activity on in relation to nearby ridgelines, headlands or peninsula;"

5.12 Policy NFL-P8 Matter "h" "any viable alternative location…" is deleted for the same reasons as I set out under Policy CE-P10 above.

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5.13 In my opinion, the amendments I set out above are the most appropriate way to achieve the objectives, in particular that ONF and ONL areas are protected from inappropriate land use and development (Objective NFL-01 as recommended in the s42A Report). I compare these to the alternative policies in the notified version of the Proposed Plan and in the s42A Report. The amendments more efficiently and effectively achieve the objectives by providing greater clarity and specification as to the matters to be considered when assessing land use and subdivision proposals. They do not impose any additional costs (being matters assessed through a consent process in any event), however do provide benefit in allowing for a more targeted assessment. Benefits also arise in the proposed inclusion of whether the activity is on a previously approved building platform (proposed matter "p"). While this is but one factor to be weighed in the policy, it does allow consideration of assessments undertaken during previous consent processes as to the suitability of building on a building platform to be taken into account, reducing consenting risks and costs for applicants.

6.0 POLICY CE-P6 (COASTAL ENVIRONMENT): FARMING

- 6.1 Policy CE-P6 seeks to enable farming activities in the coastal environment, which I support. Farming is a typical activity in the coastal environment in the Far North. As recognised by the Proposed Plan, in many instances farming activities define the character of the coastal environment.
- 6.2 The amendments proposed in the s42A Report recast the provisos of this policy to recognise that *existing* farming activities form part of the coastal environment and allow for these activities to continue without undue restriction, again which I support.

- 6.3 The s42A Report policy construction here specifies a different approach for *new* farming activities in the coastal environment; namely that they should only be allowed outside ONC and HNC areas "where appropriate".
- 6.4 I generally agree with the s42A Report rationale that, for the main, ONC and HNC areas as mapped in the Proposed Plan exclude pasture areas, which by its nature, excludes farming activities. Although I am aware of some exceptions, particularly where there are isolated small HNC pockets surrounded by pasture and are grazed underneath, this is probably the exception rather than the norm.
- 6.5 I do however consider that care needs to be taken with the "existing" and "new" farming activities approach in this policy. While existing farms may be protected by this policy as re-cast in the s42A Report, new farming methods or practices may not be.
- 6.6 I also note that farming outside a HNC or ONC area is a permitted activity under rule CE-R4, making the "where appropriate" proviso for other locations in the coastal environment redundant in my opinion.
- 6.7 The amendment I propose to Policy CE-P6 is to delete the "where appropriate" proviso for new farming activities outside a HNC or ONC area.
- 6.8 I note here also the direction provided by the RPS at Method 4.6.3
 (4) where it states that in implementing 4.6.1 (Managing effects on the characteristics and qualities natural character, natural features and landscapes) district and regional plans shall:
 - Permit the maintenance of existing authorised structures, buildings, accessways, infrastructure and production land; and
 - ii) Not unduly restrict existing authorised use of land or render land incapable of reasonable use.

6.9 This direction to permit the maintenance of production land when managing effects on the characteristics and qualities natural character, natural features and landscapes is required to be given effect to by the District Plan, adding further support for the approach taken in 6.1 Policy CE-P6.

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6.10 The amendment I propose is the most appropriate way to achieve the Coastal Environment objectives (CE-01, CE-02 and CE-03) compared to the notified and s42 Report version because it firstly still enables farming in the coastal environment (with the significant benefits for the district that arise from that), while making the policy more effective and efficient by removing any proviso to farming outside of areas of HNC and ONC. The environmental effects of farming outside of areas of HNC and ONC in the coastal environment are more effectively regulated through other provisions in the District and Regional Plan.

7.0 NEW POLICY IB-PX: ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

- 7.1 The s42A Report recommends adding a new policy to the Ecosystems and Indigenous Biodiversity Chapter:
 - "Policy IB-PX: Enable subdivision and associated land use where this results in the legal protection and/or restoration of areas of significant indigenous vegetation and significant habitat of indigenous fauna in accordance with SUB-R6"
- 7.2 While I do not disagree with the intent of the new policy, in my opinion it is too narrow, limited as it is only to significant indigenous vegetation and significant habitat of indigenous fauna protected and restored in accordance with SUB-R6¹¹.

¹¹ Rule SUB-R6 "Environmental benefit subdivision" from the Subdivision Chapter provides for additional lots to be created in exchange for the legal protection of areas of significant indigenous vegetation or significant indigenous habitat (but also wetlands too irrespective of their significance).

- 7.3 Objective IB-O5 from the Ecosystems and Indigenous Biodiversity Chapter sets a broader target here being: "Restoration and enhancement of indigenous biodiversity is promoted and enabled", and is not limited only to significant indigenous vegetation and significant habitat of indigenous fauna.
- 7.4 Likewise Policy 4.7.1 "Promote active management" from the RPS directs that plan provisions and the resource consent process, recognise and promote the positive effects of certain activities that contribute to active management. These are not limited only to significant indigenous vegetation and significant habitat of indigenous fauna, and include:
 - a) Pest control, particularly where it will complement an existing pest control project / programme;

. . . .

e) Re-vegetation with indigenous species, particularly in areas identified for natural character improvement;

. . .

 i) Protection of indigenous biodiversity values identified under Policy 4.4.1, outstanding natural character, outstanding natural landscapes or outstanding natural features either through legal means or physical works;

. . . .

k) Restoration or creation of natural habitat and processes, including ecological corridors in association with indigenous biodiversity values identified under Policy 4.4.1, particularly wetlands and / or wetland sequences;

...."

7.5 In my opinion, the Policy IB-PX should follow suit and seek to enable subdivision where it achieves those broader outcomes. I

propose the following new policy to replace IB-PX as recommended in the s42A Report:

Enabling subdivision and land use where that results in the restoration or enhancement of indigenous biodiversity, including under-represented ecosystems, and where biodiversity is increased and legally protected

7.6 Finally, I note here that SUB-R6 as referenced in the s42A Report version of Policy IB-PX is not the only Proposed Plan subdivision rule that would result in the restoration or enhancement of indigenous biodiversity. Management Plan subdivision under Rule SUB-R7 requires where relevant "measures to protect, manage and enhance indigenous vegetation and habitats" 12. This in my view appropriately recognises that indigenous biodiversity, irrespective of its current significance assessment, can be restored or enhanced in previously degraded environments through subdivision and land use. Both Ōmarino and Mataka are excellent examples of such an outcome.

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7.7 The amendment I propose is the most appropriate way to achieve the relevant Ecosystems and Indigenous Biodiversity Objective IB-O5, that restoration and enhancement of indigenous biodiversity is promoted and enabled. Recognising that subdivision and land use should be enabled where that results in the restoration or enhancement of indigenous biodiversity, very effectively achieves this objective. It is through the catalyst of subdivision and land use change that restoration or enhancement of indigenous biodiversity can most readily occur, where that is done right and in accordance with policies in the Proposed Plan in other chapters. The Policy IB-PX that I propose has the benefit of seeking to enable such forms of subdivision, with those still to be measured against other objectives and policies of the District Plan such as appropriateness in relation to coastal character. As such, it does not present any obvious

¹² APP3 – Subdivision Management Plan Criteria

external costs, with the cost of undertaking the restoration and enhancement work, and its ongoing maintenance, borne by the developer then by the subsequent landowners.

8.0 CONTROLLED ACTIVITIES ON A DEFINED BUILDING PLATFORM

- 8.1 The s42A Reports recommend the inclusion of a new activity class in both Rule NFL-R1 (Within ONL and ONF) and Rule CE-R1 (Coastal Environment), to provide for buildings for a residential unit on a defined building platform as a controlled activity (where the defined building platform has been identified through a professional landscape assessment and approved as part of an existing subdivision or implemented consent).
- 8.2 I support and concur with the s42A reasons for inclusion of this rule. Both Ōmarino and Mataka Station are examples of where, without such a rule, new residential buildings on building platforms approved by previous subdivision consents would be a non-complying activity in the ONL and a discretionary activity in the Coastal Environment Overlays which apply.
- 8.3 The proposed inclusion of this controlled activity rule is supported by Policy 4.6.1 (3) of the RPS which states that when considering whether there are any adverse effects on the characteristics and qualities of the natural character, natural features and landscape values of the coastal environment, and the 'avoidance' obligation, recognition should be given to the fact that:
 - "...many areas contain ongoing use and development that: (i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established...."

 13.
- 8.4 Also at RPS Method 4.6.1 (ii) that District Plans shall "not unduly restrict existing authorised use of land" in implementing Policy 4.6.1.

¹³ RPS Policy 4.6.1(3) b)

- 8.5 The default to non-complying or discretionary activity as in the Proposed Plan as notified would require a wholesale reassessment of the appropriateness to build on an already approved building platform. It imposes considerable unnecessary cost and risk to current owners, including costs and risk associated with potential notification, in a situation where a building platform and the principle of a building on that platform has already been confirmed as being appropriate and lawfully established through a subdivision consent process.
- 8.6 I therefore support the approach recommended in the s42A Report, but propose some amendments to both Rule NFL-R1 and Rule CE-R1 to:
 - Recognise entitlements in underlying zoning for both residential units <u>and</u> minor residential units to be allowed in building platforms as a controlled activity;
 - ii. Better target the matters of control;
 - iii. Clarify that the rule applies to existing and implemented subdivision consents; and
 - iv. Make it clear that such applications will be dealt with on a non-notified basis, unless special circumstances apply.
- 8.7 I address these proposed amendments in turn below.

Minor Residential Units

8.8 Dealing first with minor residential units. Both residential activity¹⁴ and minor residential units¹⁵ are provided for as separate activities variously throughout the Proposed Plan, including in rural zones¹⁶. Standards apply to minor residential units including a GFA limit of

¹⁴ Residential Activity means the use of land and building(s) for people's living accommodation.
¹⁵ Minor Residential Units means a self-contained residential unit that is ancillary to the principal

residential unit and is held in common ownership with the principal residential unit on the same site.
¹⁶ Minor Residential Units are a controlled activity in the Rural Production Zone under RPROZ-R19, a permitted activity in the Rural Lifestyle Zone under RLZ-R11, a controlled activity in the Rural Residential under RRZ-R10 and a permitted activity in the Settlement zone RSZ-R10.

- 65m², if sharing the same vehicle access as the principal residential unit, a limit on one per site, and maximum separation distances.
- 8.9 Having minor residential units associated with a principal residential unit occurs in circumstances where the minor residential unit might provide accommodation for members of an extended family, or on some large rural and coastal properties, for a caretaker.
- 8.10 The drafting of the new proposed controlled activity rule would apply to "residential units" only. Whether that term is intended to apply to both residential activity and minor residential units is unclear, but in my opinion should be specified in the new controlled activity rule.
- 8.11 My preference in fact would be that the controlled activity rule applied to buildings and structures within building platforms, irrespective of their use. However, I understand that the construction of relevant rules makes this difficult. Residential activity is excluded from the permitted building GFA limits otherwise specified, which would apply for example to farm buildings. With this exclusion, there is then the need to specify an activity status for buildings used for residential activity. For clarity I propose both residential units and minor residential units are specified in the controlled activity rule.
- 8.12 As I pick up in the section below, the design of the buildings and associated earthworks, driveways and services of both the residential unit and the minor residential unit on a building platform would still be assessed for appropriateness against the matters of control I recommend.

Matters of Control

8.13 Turning next to matters of control. I have proposed a more targeted set of matters of control for buildings for a residential unit or minor residential unit on a defined building platform. In both instances for rules as recommended in Rules NFL-R1 and CE-R1, the matters recommended with their reference to Policies NFL-P8 and CE-P10 respectively, are in fact matters of discretion rather than matters of

- control, and in any event cast too wide for what should be a reasonably targeted assessment at this point.
- 8.14 By way of example, the cross reference to Consideration Policies NFL-P8 and CE-P10 in these respective rules, brings in matters such as: "the presence or absence of buildings, structures or infrastructure", "the ability of the environment to absorb change", "any viable alternative locations...", and "the opportunity to enhance public access and recreation".
- 8.15 At this stage in the development process, those fundamental issues would have already been dealt with at subdivision stage, and in the subdivision layout, size and density of lots, identification of suitable building platforms, provision of legal and physical access to lots, provision of esplanade reserves where required, and implementation of any mitigation such as planting etc. What should be left to consider in the controlled activity assessment of buildings should start with an assumption that the principle of building on a particular building platform has already been confirmed by professional landscape assessment at subdivision consent stage as are requirements in the controlled activity rules recommended in the respective s42A reports.
- 8.16 My proposed matters of control, which I have developed with input from Mr Goodwin, take the assessment from that starting point and are as follows:
 - a. the location, scale and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;
 - <u>b. the means of integrating the building, structure or activity into the landscape, including through planting;</u>
 - c. the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and
 - d. any mitigation measures proposed.

Existing and "Implemented" Subdivision Consents

- 8.17 Turning then to existing and implemented subdivision consents. As is drafted in the s42A Reports, Rule NFL-R1 and Rule CE-R1 provide for residential units on a defined building platform, where that has been approved as part of an "existing" subdivision consent. I agree with that proviso generally, noting the need to exclude lapsed subdivision consents from this controlled activity allowance. I recommend, however, that that this proviso be amended further to recognise that subdivision consents at a point are "implemented", after which point titles are issued (as is the case at Mataka and Ōmarino). That situation might be covered by the proviso as drafted, however to avoid doubt, I recommend inclusion of "implemented" in this clause as follows: "approved as part of an existing subdivision or implemented consent".
- 8.18 Finally non-notification. In response to the relief sought by the submitters, the s42A Reports note that controlled activity applications will always be non-notified under the RMA, unless the applicant requests it, or unless special circumstances exist. I agree with this and also agree that there could conceivably be a special circumstance that was not contemplated at the time of subdivision.
- 8.19 In my opinion however, it is important for clarity and for future plan administration to state this intent in the rule, and so have recommended the following clause to the controlled activity clauses in both rules NFL-R1 and CE-R1:

New buildings or structures, and extensions or alterations to existing buildings or structures that are a controlled activity under this rule shall be precluded from public or limited notification, unless special circumstances apply.

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8.20 The amendments I propose to the controlled activity clauses in both rules NFL-R1 and CE-R1 achieve the objectives of their respective chapters. I agree with the s42 Reports that the inclusion of the new controlled activity clause more effectively strikes a balance between allowing some development without unduly impacting ONL or ONF or coastal environment areas – in this particular case by ensuring significant consenting costs and risks are avoided in circumstances where a building platform has already been confirmed as appropriate by professional landscape assessment. Any potential environmental costs of the controlled activity provision are mitigated through the matters of control I propose, coupled with the relevant Proposed Plan Standards. While controlled activity applications do come at a cost to the applicant, this is considerably less than the alternative discretionary or non-complying as in the Proposed Planas notified. Furthermore, this activity status brings the significant benefit of certainty to the applicant, with the matters of control I propose essentially limited to matters of design and mitigation. The same applies to the recommended non-notification clause, which while I agree applies as a matter of law, provides the benefit of certainty. Overall, my proposed amendments are a more efficient and effective way of achieving the objectives.

9.0 ACTIVITY STATUS FOR BUILDINGS, EXTENSIONS AND ALTERATIONS IN AN ONL

- 9.1 The s42A Report recommends non-complying activity status under Rule NFL-R1 for new buildings or structures, and extensions or alterations to existing buildings or structures in an ONL or ONF where they are in the coastal environment. The rationale being that there is a possibility that such activities will result in adverse effects beyond what are referred to as the "bottom lines" set by NFL-P2 (avoid adverse effects on ONL and ONF in the coastal environment) and NFL-P3 (avoid significant adverse effects on ONL and ONF outside the coastal environment).
- 9.2 I favour the discretionary rather than non-complying consent status here for buildings, extensions and alterations in ONL areas, where they are not otherwise a controlled activity in a defined building platform.

- 9.3 My reason being that discretionary activity status still allows consideration of these bottom-line policies referred to. Important also here is the overriding objective that ONF and ONL are protected from *inappropriate* land use and development¹⁷. That in my opinion warrants a merits-based assessment as to the appropriateness of a new building or structures in the coastal environment, as would take place in a discretionary activity assessment.
- 9.4 The objectives and policies of the Natural Features and Landscapes Chapter, reflects those of the NZCPS and RPS¹⁸. They do not present a policy construction which precludes or assumes against new buildings or structures in the ONL in coastal environments particularly recognising that some ONLs are lived-in and/or modified landscapes and there may be a reasonable expectation to build a new dwelling or re-build an existing dwelling.
- 9.5 There is a distinction here between ONL and ONF areas. ONF areas are mapped in a discrete and very limited way throughout the coastal environment and there is a reasonable presumption that buildings and structures would likely not be located within an ONF. In my opinion, non-complying activity status appropriately applies to new buildings in ONF areas.
- 9.6 I also would make a distinction for new buildings or structures and extensions or alterations to existing buildings or structures located on sites in the coastal environment where the entire site is included within an ONL (as is more likely to occur in the coastal environment) and the site is not otherwise occupied by a residential unit. In these cases, there should be a reasonable expectation to be able to build on the site, accepting that special regard still has to be had to the effects on the characteristics, qualities and values of the ONL in location and design. These are relevant matters in a restricted discretionary consent assessment as I have recommended.

¹⁷ Objective NFL-O1 (as proposed to be amended in the s42a Report)

¹⁸ NZCPS Policy 15 and RPS Policy 4.6.1

- 9.7 I note also that this particular distinction is made in the Whangarei District Plan (Operative in Part 2022) where a restricted discretionary activity consent status is applied to buildings for residential units in an ONL, within or outside of the coastal environment, where the entire property title is included within the ONL and does not include an existing dwelling¹⁹.
- 9.8 The amendments I have made to Rule NFL-R1 at **Attachment 1** make these distinctions, providing for the following activity status for new buildings or structures, and extensions or alterations to existing buildings or structures:
 - Controlled activity on a defined building platform in the Coastal Environment, HNC, ONC, ONL and ONF (as per the s42A recommendation, but with amendments as I discuss above);
 - Restricted Discretionary Activity in the Coastal Environment,
 Discretionary in a HNC and Non-Complying in an ONC (per the s42A Report);
 - iii. Restricted Discretionary Activity in the ONL (inside or outside the coastal environment) where the entire site is included within an ONL and the site does not include an existing residential unit (my proposal);
 - iv. Discretionary Activity in an ONL where the entire site is not included in an ONL and where there is an existing residential unit on the site (my proposal); and
 - v. Non-Complying Activity in an ONF (per the s42A Report).
- 9.9 As I read the provisions, the activity status for modifications to the standards simply follows suit, such that if a controlled activity on a defined building platform then modification of maximum height, colour and materials and setback from MWHS has the same activity status, with the same applying to also to restricted discretionary, discretionary and non-complying classes of new buildings or

¹⁹ Whangarei District Plan, Rule NFL-ONL-R3 Construction of Buildings and Major Structures

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

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9.10 The changes I am proposing compared to the s42A Report recommendations are to firstly make particular provision for buildings in circumstances where the entire site is included within an ONL and the site does not include an existing residential unit. Secondly, to change the activity status from non-complying to discretionary in ONLs. Both still achieve the relevant objective being to ensure that ONL areas are protected from inappropriate land use and development. The matters of discretion applied are broadly cast and include the fundamental consideration of the effects on the characteristics, qualities and values that make an ONL or ONF outstanding. This provides no guarantee that such a development would be appropriate and allows the full scope for the Council to decline or impose conditions on an inappropriate development. Restricted discretionary activity status, however, comes with the benefit to the applicant of an application and assessment targeted only to the matters under consideration, not the full scope of effects as occurs in a non-complying activity application. The discretionary activity class I propose as the default in ONL areas for new buildings does come with the potential cost of an application covering all effects (the discretion not being limited), however, does not add environmental costs as a result of the full sweep of matters that can be assessed. It therefore provides a more efficient and effective method to achieve the objective, compared to non-complying.

10.0 AMENDMENTS TO THE EARTHWORKS AND INDIGENOUS VEGETATION CLEARANCE RULES

Additional Exclusions

10.1 I have proposed three new exclusions to the earthworks and indigenous vegetation clearance rules applying to both Rule NFL- R3 (Within ONL and ONF) and Rule CE-R3 (Coastal Environment); namely to allow for the following:

- 1. <u>Maintenance of planted indigenous vegetation within domestic</u> gardens, including the removal and replacement of plants; or
- 2. The formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth; or
- 3. for maintenance or reinstatement of pasture through the removal of regenerating manuka (Leptospermum scoparium var. scoparium) or kanuka (Kunzea robusta) tree ferns or scattered rushes in pasture on a farm established prior to 27 July 2022, and the vegetation to be cleared is less than 10 years old and less than 6m in height.
- 10.2 The primary purpose of these new exclusions is to avoid the need for resource consents for activities for which (applying the same sort of tests as in the s42 Report):
 - There is a low likelihood of the proposed activity having an adverse effect above the relevant adverse effect thresholds applicable to the overlay; or
 - ii. The effects of the activity are likely to be the same or similar to activities already permitted by the relevant rule; and
 - iii. The activity described is specific enough to be able to make a reasonable determination of potential effects.
- 10.3 Considering each in turn in the table below:

Activity	Analysis
Maintenance of	It is not uncommon for gardens and planted landscaped
planted indigenous	areas to be comprised entirely of planted indigenous
vegetation within	vegetation. Renewing and wholesale replacement of
domestic gardens,	such areas is a normal and in fact necessary part of
including the	gardening practice and on large properties could readily
removal and	exceed the annual area thresholds from the standards in

replacement of plants.

one season. There are no permitted height thresholds under the rules in the Proposed Plan, meaning indigenous vegetation in gardens and landscaped areas, irrespective of its species or height, would be captured by the limits of these standards. The proposed exemption will avoid the need for resource consents in these circumstances. Being tied to domestic gardens and planted indigenous vegetation, by its nature there would be a low likelihood of adverse effects relative to the relevant threshold from the particular overlay or in general. Given the methodology of the HNC and ONC identification methodology that does not apply these overlays to garden areas, the exemption for gardening should logically not apply to these areas, and I have carried that proviso through to my recommended drafting.

The formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth

The exclusion here that I apply to Rule NFL-R3 and Rule CE-R3 the follows the same exclusion as under Rule IB-R1 in the Ecosystems and indigenous biodiversity chapter. Initially, and in response to the comments made in the s42A Reports, the exclusion for "ecosystem protection, rehabilitation or restoration works" as sought by the submitters was intended to enable this purpose; namely to allow the formation of tracks through existing vegetation for the purposes of establishing trap and bait station lines, and for undertaking planting. The exclusion from Rule IB-R1 should equally apply to Rule NFL-R3) and Rule CE-R3, where in the overlays the need for such access through indigenous vegetation, for the purpose of protecting and enhancing that vegetation, is equally (if not more) necessary.

Maintenance or reinstatement of pasture through the removal of regenerating manuka (Leptospermum scoparium var. scoparium) or kanuka (Kunzea robusta) tree ferns or scattered rushes in pasture on a farm

This exclusion provides for maintenance and reinstatement of pasture where that has recently been colonised by indigenous vegetation that is not susceptible to grazing. The management of pastureland in this manner is a normal part of farming practice. Being for the purposes of maintenance and reinstatement, being applicable only to existing farms rather than new, and with the limits on age and size of the vegetation specified, it is anticipated that there is a low likelihood of adverse effects relative to the relevant threshold from the overlay. The exclusion generally follows that provided for in Rule IB-R1 in the Ecosystems and Indigenous Biodiversity Chapter which provides for "10. The removal or clearance"

established prior to 27 July 2022, and the vegetation to be cleared is less than 10 years old and 6m in height from land which was previously cleared and the indigenous vegetation to be cleared is less than 10 years old", however is limited in the overlays to the management of pasture that has been re-colonised by grazing tolerant indigenous vegetation in recognition of the value of natural regeneration that occurs outside of areas of managed pasture. I adapted this rule from an equivalent exclusion in the Thames Coromandel District Plan (Operative in Part 2024) which applies generally and to the overlays²⁰.

- 10.4 In considering the RPS, I have referred again to Policy 4.6.1 (managing effects on the characteristics and qualities natural character, natural features and landscapes). I note again the direction at Method 4.6.3(4) that in implementing this policy, district plans shall permit the maintenance of existing authorised structures, buildings, accessways, infrastructure and production land. This reference in this RPS method to permitting the maintenance of production land supports the pasture management exclusion I have proposed.
- 10.5 Finally, to ensure consistency in drafting approach to exclusions between Rule NFL-R3, IB-R1 and CE-R3, where I have applied the drafting approach recommended in the s42A Report for Rule NFL-R3 to IB-R1 and CE-R3 by adding "or" after each exclusion. That provides better clarity for the plan user that the various exclusions apply irrespective of whether they comply with the standards, which I understand to be the intent.
- 10.6 I have applied the maintenance of planted indigenous vegetation within domestic gardens exception to rule IB-R1 also in the Ecosystems and indigenous biodiversity chapter to provide consistency with the above changes.

²⁰ Rule 2, Section 29 – Biodiversity, Thames Coromandel District Plan (Operative in Part 2024)

Restricted Discretionary Activity Status Where Compliance is not Achieved in ONL and ONF Areas

- 10.7 I propose a restricted discretionary activity status under Natural Features and Landscapes Rule NFL-R3 where compliance is not achieved, rather than non-complying in the coastal environment as recommended in the s42A Report. This is intended to strike a better balance between the need to provide proper assessment of the effects on the characteristics, qualities and values that make ONL and ONF outstanding, while recognising the very many circumstances where a non-complying consent application would not be warranted or be unreasonable. This change will make the activity status for earthworks or indigenous vegetation clearance in ONL areas where the standards are not met consistent with the coastal environment and in HNC areas.
- 10.8 While I appreciate that non-compliance with the standards could be to any scale, the consideration of the appropriateness of scale of the indigenous vegetation clearance or earthworks would be a matter fundamental to the assessment as a restricted discretionary activity (eg. NFL-R3 restricted discretionary matter "a. effects on the characteristics, qualities and values that make ONL and ONF outstanding").
- 10.9 The non-complying activity default for earthworks or indigenous vegetation clearance in an ONL and ONF in the coastal environment in contrast risks that activity status applying to very many either reasonably anticipated or innocuous things such as earthworks for access drives to approved building platforms, cut earthwork faces over the very restrictive 1m height limit, an exposed earthwork face not being screened from a public view no matter the distance of the view, or clearance of indigenous vegetation exceeding the 50m² limit on a very large property where such an excess could be readily absorbed. While I understand this is the nature of setting a limit in a rule, I consider that as with the balance of the coastal environment and in HNC, a restricted discretionary activity status should equally apply to ONL and ONF areas.

10.10 The particular issue here is that earthworks and indigenous vegetation clearance are often (or in the case of earthworks - always) a precursor to development, such that the non-complying activity status would "spill over" from this component of a proposal to the proposal as a whole, and for example void the controlled activity status for a building in a building platform, or (as I recommend) the restricted discretionary and discretionary activity status otherwise for building in an ONL.

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- 10.11 The additional exclusions I propose will reduce regulatory costs for the three additional activities I specify, which are a normal part of property maintenance and farming. The limited nature of the exclusions will not increase environmental costs such that outweighs the benefits. A significant unintended cost of not allowing the exemption for planted domestic gardens could be to discourage landowners on large properties from planting native gardens, in the knowledge that its future removal over the permitted standards would trigger a resource consent.
- 10.12 Changing the non-compliance with PER-1 for activities in ONF and ONL inside the coastal environment from non-complying to restricted discretionary will have no change in potential impact on ONL and ONF, given the scope of assessment matters. It will however have the benefit for the applicant of not triggering a whole proposal into non-complying where one aspect of it exceeds the earthworks and indigenous vegetation clearance standards or whether there is otherwise a minor exceedance.

11.0 AMENDMENTS TO MAXIMUM HEIGHT LIMITS

- 11.1 I propose adding exclusions for minor roof-top projections through the maximum height standards CE-S1 (Coastal Environment), NFL-S1 (Within ONL and ONF) and NATC-S1 (Natural Character).
- 11.2 I have adopted the same exclusions from the maximum height limits used otherwise throughout in the District Plan; namely:

- i. <u>solar and water heating components provided these do not</u> exceed the height by more than 0.5m on any elevation; and
- ii. <u>chimney structures not exceeding 1.2m in width and 1m</u> <u>in height on any elevation; and</u>
- iii. <u>satellite dishes and aerials that do not exceed 1m in height</u> <u>and/or diameter on any elevation; or</u>
- iv. <u>architectural features (e.g. finials, spires) that do not exceed</u>1m in height on any elevation.
- 11.3 These are in my opinion necessary exclusions and provide for projections which by their limited nature and dimensions will not give rise to adverse effects on the characteristics, qualities and values of the particular overlay in question. In some instances also, the allowances are desirable from a broader sustainability perspective, such as the provision for solar and water heating components.
- 11.4 The structure of the Proposed Plan is such that, in accordance with the National Planning Standard, there are no such exemptions provided for in the definition of "Height", meaning they must be made instead where maximum height applies as a standard.
- 11.5 The alternative to providing for these exemptions would be to trigger resource consents for such minor projections where above the maximum height limit or further constraining the height of the building so that projections comply by cutting it into the landform.
- 11.6 I would also support the increase of the height limit from 5m to 5.5m. Although that is not recommended by the landscape experts Ms Absolum and Mr Goodwin, it would be consistent with the equivalent in the Operative Whangarei District Plan and the Exposure Draft of the Kaipara District Plan. A 5.5m height limit would allow a degree of flexibility to provide for sloping roofs and reduce resource consent requirements particularly on sloping sites, as are common in the coastal environment, where application of this rolling height can impact across the front face of a building.

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- 11.7 The proposed exclusions for rooftop projections reduce regulatory costs by avoiding resource consent for typical additions to buildings. Given the limits on size or scale, they would not offend the purpose of the overlay, noting also the obligation for these projections to still comply with standards on materials and colours.
- 11.8 In recommending a 5.5m maximum height limit, I have sought to reduce to the greatest extent possible resource consent requirements, while still maintaining what I understand to be the landscape objective of providing for single storey building scale in the coastal environment. In section 32 RMA terms, this reduces costs to the applicant and the Council in processing applications for minor infractions, while still meeting the objective.

12.0 NATURAL CHARACTER RULES RELATING TO WETLANDS, LAKES AND RIVERS

- 12.1 The s42A recommended amendments to the "Wetland, lake and river margins" definition which apply to the Natural Character chapter propose to exclude artificial lakes where the primary purpose is for managing stormwater. I propose to add to this "or constructed for farm water supply". The purpose of this addition is to avoid farm dams being caught by the definition given that farm dams are clearly artificial, and by that reason typically of low natural character.
- 12.2 I have read Ms Absolum's report on this issue. While I accept that lakes can have natural character irrespective of whether they are constructed or not, that is very much less likely to be the case with farm dams which are typically much more functional in nature.
- 12.3 I have also deliberately used the word "constructed" for farm water supply. This is to avoid farm dams which have 'naturalised' to some degree by the stock exclusion efforts of a farmer or landowner being captured by the provisions. In other words, their original purpose of being constructed for farm water supply is the key matter.

12.4 I would also support an increase in the size threshold for lakes to be above 1ha. I can see no strong section 32 justification for 1ha as the threshold. Clearly there is a threshold needed to ensure small lakes that are much less likely to have natural character are not included in the rules, however by its nature 1ha is entirely arbitrary. In the absence of any supporting evidence or analysis on what an alternative might be however, I have not recommended any change to this size threshold.

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12.5 My proposed amendment to the definition of a lake is a more appropriate way to give effect to Objective NATC-O1, compared to that recommended in the s42A Report. Objective NATC-O1 seeks to ensure that the natural character of wetland, lake and river margins is preserved and protected from inappropriate land use and subdivision. My amendment provides for a more targeted application of this objective through the provisions, avoiding artificial lakes on farms for water supply purposes, where natural character is much less likely, or if it exists, only there by virtue of the active management of the margin of that lake.

13.0 MAPPING

13.1 Mr Goodwin has set out in his evidence his agreement with various mapping changes proposed by Ms Absolum in her reports appended to the s42A Reports. I support those changes as concluded by Mr Goodwin and refer to Policy 4.5.1 of the RPS which sets out the process for refinement of the maps through district plan review.

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13.2 I consider that the removal of the coastal environment and HNC areas as set out in the evidence of Mr Goodwin is appropriate to achieve the objectives in accordance with section 32AA of the RMA. This change will not impact on the relevant coastal environment or HNC values or the appropriate management of effects. The

changes will provide a benefit to landowners by removing unnecessary regulation and therefore avoiding unnecessary resource consent costs.

Peter Raymond Hall

22 July 2024

Attachment 1: Executive Summary of Recommendations and Reasons

Natural Features and Landscapes

- 1. I support the consistent inclusion of "characteristics, qualities and values" that make an Outstanding Natural Landscape (ONL) and Outstanding Natural Feature (ONF) outstanding in the various objectives and policies in this chapter. This is on the basis that the amendments provide more certainty and clarity on the adverse effects that need to be avoided, consistent with the direction in the New Zealand Coastal Policy Statement 2010 (NZCPS) and the Northland Regional Policy Statement (RPS).
- 2. I **support the deletion** of the sentence in the Overview which states that modification of ONL and ONF areas has been "minimal largely due to their remote locations, historic heritage and in some cases challenging topography and geomorphology". I support this on the basis that the sentence is inaccurate because large parts of these areas have been highly modified from their natural state by land use. I also support the addition of the sentence in the Overview recognising that landowners play a critical role in the preservation of natural landscape and feature values.
- I support the deletion in Objective NFL-O2 that land use and subdivision is consistent with the qualities of ONLs and ONFs on the basis that a more accurate NZCPZ/RPS policy position is now included in the redrafted Objective NFL-O2.
- 4. I support the deletion of Policy NFL-P4 and its replacement of a new Policy NFL-P4 that recognises that lawfully established activities form part of ONL and ONF area and allows these activities to continue without undue restriction. This for example provides for existing farming operations, particularly in ONLs where farmed landscaped are much more likely to feature.
- 5. I **support the amendment** to Policy NFL-P6 which seeks to encourage the restoration and enhancement of ONL and ONF areas,

with the deletion of the requirement as is proposed in the s42A report for that restoration and enhancement to be consistent with the characteristics and qualities. I agree with the s42A Report that restoration and enhancement of ONL and ONF should be encouraged without limitation.

- 6. I retain some reservations in relation to Policy NFL-P8 and other similar "consideration" policies throughout the Proposed Plan (as they are referred to in the s42A Reports). They read more as methods of assessment or information requirements than policy. However, on balance I can accept the retention of these policies and agree with the s42A author that there is benefit in adding greater direction to what should be considered when assessing the effects of land use and subdivision relative to the other objectives and policies. I propose to amend the chapeau to Policy NFL-P8, however, so that consideration of the matters listed should be undertaken when assessing the effects of land use and subdivision on the characteristics, and qualities, and values of ONL and ONF". I also propose some amendments to the matters to be considered, such that the wording is consistent (where appropriate) with the changes recommended in the s42A Report for the equivalent coastal environment policy CE-P10.
- 7. I **support with amendments** the inclusion of the new clause to rule NFL-R1 "New buildings or structures, and extensions or alterations to existing buildings or structures" to provide for a residential unit on a defined building platform as a controlled activity. The amendments I seek are to improve the workability of the rule, specifically that:
 - i. The allowance is not limited to residential units only and also applies to minor residential units.
 - ii. The matters of control should be specified and limited as a controlled activity, rather than a broad assessment of adverse effects on the characteristics, qualities and values of the coastal environment / the matters in NFL-P8 as recommended in the s42A Report.

- iii. Provide for clarity that the controlled activity status provides to both defined building platforms approved as part of an existing subdivision consent, and also to such subdivisions which have been implemented, but not yet built.
- iv. The inclusion of a non-notification clause.
- 8. I propose further amendments to Rule NFL-R1 such that:
 - the activity status for new buildings or structures and extensions or alterations to existing buildings or structures in ONLs inside the coastal environment is a discretionary activity rather than non-complying activity; and
 - ii. the activity status for new buildings or structures and extensions or alterations to existing buildings or structures in ONLs inside the coastal environment where the entire site is included within an ONL and the site does not include an existing residential unit, is a restricted discretionary activity.
- 9. I support the deletion of Rule NFL-R2 "Repair or Maintenance" on the basis that the rule as drafted could have unforeseen consequences where forms of repair and maintenance that are not specified could default to discretionary activity. I agree with the s42A report that the repair or maintenance activities provided for are best dealt with in either the zone provisions or, where required, in the overlay provisions (such as the operation, repair and maintenance provisions in rule NFL-R3 Earthworks or indigenous vegetation clearance).
- 10. I support the various changes set out in the s42A report to Rule NFL-R3 "Earthworks or indigenous vegetation clearance", however propose some further amendments to improve the workability of the rule. Specifically, I propose three further exclusions to the rule to provide for the maintenance of planted domestic gardens, the formation of walking tracks and the maintenance of pasture. I also propose a restricted discretionary activity status where compliance is not achieved rather than non-complying in the coastal environment as

recommended in the s42A Report. This is intended to strike a better balance between the need to provide proper assessment of the effects of earthworks and vegetation clearance on the characteristics, qualities and values that make ONL and ONF areas outstanding, while recognising the very many circumstances, including minor exceedances, where a non-complying consent application would not be warranted.

- 11. I support the deletion of Rule NFL-R6 "Farming" which as notified would have made farming a discretionary activity within the ONL and ONF. This is because farming can be a defining characteristic of an ONL and ONF, the effects of farming are better managed by other rules where required, and the rule as notified would have imposed significant compliance costs on existing farms where resource consents could have been required for every new aspect of a farming operation.
- 12. I **propose an amendment** to Standard NFL-S1 "Buildings and structures", to provide for various minor roof top projections, consistent with those that apply in underlying zones. I otherwise support deletion of the reference to height being measured against the height of the nearest ridgeline, headland or peninsula that being an imprecise rule.
- 13. I support the inclusion of the allowance for "natural" materials also in Standard NFL-S2 "Colours and Materials", and the recognition that only where the exterior surface is painted, need it comply with the BS5252 standard colour palette.
- 14. I support the amendment to proposed subdivision rule SUB-R18 on the basis it provides better clarity that the subdivision activity status only applies when creating allotments within a ONL or ONF, and not to the balance of the site not subject to these overlays.

Coastal Environment

15. As with above, I **support the consistent inclusion** of "characteristics, qualities <u>and values of natural character areas and</u>

- <u>natural features and landscapes</u>" of the coastal environment in the various policies of the Coastal Environment Chapter also.
- 16. I propose **an amendment to** Policy CE-P6 which seeks to enable farming activities in the coastal environment, but with the proviso of allowing new farming activities outside outstanding and high natural character areas "where appropriate". That proviso is not consistent with the remainder the provisions, nor necessary.
- 17. I **support the deletion** of Policy CE-P9 that would prohibit land use and subdivision that would result in "any loss and/or destruction of the characteristics and qualities in outstanding natural character areas", on the basis that this does not reflect the policy direction of the NZCPS and RPS.
- 18. As with above, on balance I accept the retention of the consideration policy CE-P10; however propose amendments similar to as I propose above to the chapeau of the Natural Features and Landscapes Policy NFL-P8, that consideration is in regard to the "natural character" of the coastal environment, that being the primary objective of that chapter.
- 19. I **support with amendments** the inclusion of the new clause to rule CE-R1 "New buildings or structures, and extensions or alterations to existing buildings or structures" to provide for a residential unit on a defined building platform as a controlled activity, with the same changes set out above for the equivalent rule in the Natural Features and Landscapes chapter.
- 20. I support the restricted discretionary activity status proposed in the s42A Report for new buildings or structures, and extensions or alterations to existing buildings or structures in the coastal environment under Rule CE-R1 (where not controlled activities), outside a High Natural Character (HNC) and or Outstanding Natural Character (ONC) area. This is on the basis that the matters of discretion provided will enable a full and robust assessment of the effects of such activities, including consideration of any positive effects as is recommended in the s42A Report. I note here also that

this restricted discretionary activity status in the coastal environment would apply also to infringements of the standards relating to maximum height, colours and materials and setbacks from MHWS, again where they are not provided for as a controlled activity under CON-1.

- 21. I support the deletion of Rule CE-R2 "Repairs and Maintenance" for the same reasons set out above for the equivalent rule in the Natural Features and Landscapes chapter.
- 22. I support the various changes set out in the s42A report to Rule CE-R3 "Earthworks or indigenous vegetation clearance" including the restricted discretionary activity status outside an ONC; however propose some further amendments to provide for the same exclusions for maintenance of domestic gardens, the formation of walking tracks and the maintenance of pasture as discussed above. The distinction I have made here however is that the exception applying to domestic gardens does not apply to HNC or ONC areas, where such gardens would not normally be included.
- 23. I propose an amendment to Standard CE-S1 Maximum Height to provide the same exclusions for roof top projections as discussed above, but otherwise support deletion of the reference to height being measured against the height of the nearest ridgeline, headland or peninsula as discussed above.
- 24. I **support the inclusion** of the allowance for "natural" materials also in CE-S2 "Colours and Materials", and the recognition that only where the exterior surface is painted, need it comply with the BS5252 standard colour palette.
- 25. As above, I support the amendments to the proposed subdivision rules SUB-R20 and SUB-R21 which provide better clarity in relation to subdivision within and outside of the coastal environment and ONCs.
- 26. I **support the changes** to the mapped extents of the Coastal Environment and Natural Character Overlays as set out in the landscape evidence of Mr John Goodwin on behalf of the submitters.

Ecosystems and indigenous biodiversity

- 27. I support the various amendments to the objectives, policies and rules of the Ecosystems and Indigenous Biodiversity chapter to remove references to Significant Natural Areas on the basis that the identification of SNAs should be done only in accordance with the National Policy Statement for Indigenous Biodiversity 2023 (NPS:IB), in a consistent way across the district and following the various decision making principles, consultation obligations and identification criteria of that policy statement, and that this has yet to occur.
- 28. I propose amendments to the new Policy IB-PX recommended in the s42A Report to enable subdivision and land use where that "results in the restoration or enhancement of indigenous biodiversity, including under-represented ecosystems, and where biodiversity is increased and legally protected", and not limited only to areas of significant indigenous vegetation and significant habitat of indigenous fauna in accordance with SUB-R6.
- 29. I **propose the addition** of an allowance for vegetation clearance for the maintenance of indigenous vegetation within planted domestic gardens, including the removal and replacement of plants to Rule IB-R1, consistent to that sought above. The other two exclusions I propose above in the overlays are otherwise provided for in Rule IB-R1 as attached the s42A Report at "3. The formation of walking tracks….", and at "10. The removal or clearance from land which was previously cleared….".

Natural Character (wetlands, lakes and rivers)

30. I **support the amendments** to activity status from discretionary to restricted discretionary activity in Rule NATC-R1 for new buildings and structures, alterations and extensions not meeting the permitted standard and in Rule NATC-R3 Earthworks or indigenous vegetation clearance. This is on the basis that the matters of discretion provided will enable a full and robust assessment of the effects of such activities, including consideration of any positive effects.

- 31. I **support the deletion** of Rule NATC-R2 "Repair or maintenance" for the same reasons as set out above.
- 32. I **propose an amendment** to Rule NATC-S1 Maximum Height to provide for the same minor roof top projections as described above.
- 33. I propose an amendment to the Definition of "Wetland, Lake and River Margins" appended to the s42A Report to also exempt artificial lakes constructed for farm water supply. The purpose of this is to recognise that such artificial lakes are unlikely to have natural character values (being primarily functional), and where they have been 'naturalised' around their edges since their construction, that would likely be as a result of stock exclusion and planting by the landowner.

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

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

Amendments in red as recommended in the evidence of Peter Hall.

Overview

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

Outstanding natural landscapes (ONL) account for approximately 22% of the Far North District's land area. Outstanding natural features (ONF) account for approximately 1.6% of the district's land area. The NRC Regional Northland Mapping Project largely identified the characteristics and qualities, and values² attributed to the ONL and ONF identified in the Far North District. The criteria for identifying ONL and ONF and the schedules for them can be found in APP1- Mapping methods and criteria and SCHED5 and SCHED6 of the District Plan.

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

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

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

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

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

¹ Setar Thirty Six (S168.033) and others.

² Bentzen Farm (S167.031) and others.

³ Federated Farmers (S421.150).

⁴ Federated Farmers (S421.151) and others.

⁵ Federated Farmers (S421.151) and others.

⁶ Bentzen Farm (S167.031) and others.

⁷ Bentzen Farm (S167.031) and others.

⁸ Bentzen Farm (S167.031) and others

NFL-P3	Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, and qualities and values that make of ONL and ONF outside the coastal environment outstanding.	
NFL-P4	Recognise that lawfully established activities form part of ONL and ONF and allow these activities to continue without undue restriction. Provide for farming activities within ONL or ONF where: a. the use forms part of the characteristics and qualities 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.	
NFL-P5	Enable land use and subdivision within Māori Purpose zoned land and Treaty Settlement land by recognising that adverse effects on ONL and ONF may be acceptable to support the social, economic and cultural wellbeing of tangata whenua. Provide for the use of Māori Purpose zoned land and Treaty Settlement land in ONL and ONF where land use and subdivision is consistent with the ancestral use of that land and does not compromise any identified characteristics_and qualities of ONL and ONF outstanding.	
NFL-P6	Encourage the restoration and enhancement of ONL and ONF where it is consistent with the characteristics and qualities. 12	
NFL-P7	Prohibit land use that would result in any loss of and/or destruction of the characteristics and qualities of ONL and ONF. 13	
NFL-P8	IFL-P8 Consider the following matters where relevant when assessing and managing the effects of land us and subdivision on the characteristics, qualities and values of the ONL and ONF: 14	
	location; h. any viable alternative locations for the activity or development outside the landscape or feature; i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6; j. the characteristics, and qualities and values of the landscape or feature; k. the physical and visual integrity of the landscape or feature; l. the natural landform and processes of the location;	

 $^{^{\}rm 9}$ Bentzen Farm (S167.031) and others.

¹⁰ Summits Forests New Zealand (S148.027) and others.

Te Rūnanga o Ngāti Rēhia (\$559.025).
 P S Yates Family Trust (\$333.031) and others.
 Bentzen Farm (\$167.037) and others.
 Clause 16, Schedule 1, RMA.

¹⁵ Bentzen Farm (S167.037) and others.

¹⁶ John Andrew Riddell (S431.162). 17 Setar Thirty Six (S168.046) and others.

Rules

Notes:

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

NFL-R1	New buildings or structures, and extensions or alterations to exist	ting buildings or structures
Within ONL and ONF	Activity status: Permitted	Activity status when compliance not achieved with PER-1:
	PER-1 Any-If a new building or structure if it is: 1. not used for a residential activity, and 23 2. complies with NFL-S1 Maximum Height and NFL-S2 Colours and Materials, and 3. no greater than: a. 50m² in ONL in the coastal environment, and b. 100m² in ONL outside the coastal environment, and c. 50m² in category 'A' ONF in the coastal environment, and d. 100m² in category 'A' ONF outside the coastal environment e. 25m² in ONF (excluding category 'A' ONF).24	CON-1 The building is a residential unit for a residential unit or a minor residential unit on a defined building platform, where the defined building platform has been identified through an expert landscape assessment and approved as part of an existing or
	is located outside the coastal environment it is: 1. ancillary farming (excluding a residential unit); 2. no greater than 25m² PER-2 If a building or structure is located within the coastal environment it is: 1. ancillary farming (excluding a residential unit); 2. no greater than 25m²	implemented subdivision consent. The matters of control are: a. the location, scale and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;

¹⁸ PF Olsen (S91.016) and others.

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¹⁹ Forest and Bird (S511.080).

²⁰ Clause 16, Schedule 1, RMA.

²¹ Clause 16, Schedule 1, RMA.

²² Consequential change (various reccomended changes to include refference to category 'A' ONF)

²³ Bentzen Farm (S167.040) and others.

²⁴ Bentzen Farm (S167.040) and others.

PER-23

Any extension or alteration $\frac{25}{2}$ to a lawfully established building or structure:

- is no greater than 20% of the GFA of the existing lawfully established building or structure, and
- 2. complies with NFL-S1 Maximum Height.

PER-3

Any new building or structure, and extension or alteration to an existing building or structure

not provided for by PER-1 or PER-2 and is:

- 1. <u>a stock fence</u>, or ²⁶
- 2. infrastructure less than 10m high within a road corridor provided any pole:
 - a. is a single pole (monopole), and
 - b. is not a pi-pole or a steel-lattice tower, or²⁷,
- 3. an upgrade of existing electricity network utilities:
 - a. outside the coastal environment,
 - b. in a ONL or category 'A' ONF,
 - c. no greater than 10m high or the height of the existing structure
 - d. no greater than 20% of the GFA of the existing lawfully established building or structure, and
 - e. not replacing a pole with a pi pole. 28

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 materials²⁹

- b. the means of integrating
 the building, structure or
 activity into the
 landscape, including
 through planting;
- c. the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and
- <u>d.</u> <u>any mitigation measures</u> <u>proposed.</u>
- a. effects on the characteristics, qualities and values of ONL and ONE
- b. the matters in NFL-P8. 30

New buildings or structures, and extensions or alterations to existing buildings or structures that are a controlled activity under rule CON-1 shall be precluded from public or limited notification unless special circumstances apply.

Activity status when compliance not achieved with CON-1 PER-1,-PER-2, and PER-3 outside the coastal environment or inside the coastal environment where the entire site is included within an ONL and the site not include an does existing residential unit Restricted discretionary **Discretionary**

The matters of discretion are:

- a. effects on the characteristics, qualities and values that make ONL and ONF outstanding
- b. the matters in NFL-P8.
- c. the positive effects of the activity. 31

²⁵ Clause 16, Schedule 1, RMA.

²⁶ NRC (S359.032).

²⁷ Chorus New Zealand Limited et al. (S282.027).

²⁸ Top Energy (S483.160).

²⁹ Bentzen Farm (S167.040) and others.

³⁰ Wendover Two (S222.044) and others.

³¹ Bentzen Farm (S167.040) and others.

Activity status when compliance not achieved with CON-1 or PER-2 within the coastal environment PER-2: Discretionary (within an ONL and where the entire site is not included in an ONL and where there is an existing residential unit on the site) Non-complying (within an ONF) NFL-R2 Repair or maintenance 32 Within ONL **Activity status: Permitted Where:** Activity status when and ONE compliance not achieved with PER-1 PER-1: **Discretionary** 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 cycling tracks 7. farming tracks NFL-R3 Earthworks or indigenous vegetation clearance Within ONL **Activity status: Permitted** Activity status when and ONF compliance not achieved with PER-1 or PER-2 outside the Where: coastal environment: **Restricted** discretionary The earthworks or indigenous vegetation clearance is: 1. compliant with standard NFL-S3, or The matters of discretion are: 2. for the operation, repair and maintenance of existing lawfully effects on the established: characteristics, qualities fences and values that make ONL network utilities³³ • tracks, driveways, roads and access ways 34 and ONF outstanding formed carparks the matters in NFL-P8. · board walks the positive effects of the boat ramps 35 activity.44 3. required for the repair or maintenance permitted under NFL-R2 Repair or maintenance. 36 4. required to provide for safe and reasonable clearance for Activity status when existing overhead power lines, or compliance not achieved with 5. to address an immediate necessary to address a risk to public PER-1 within the coastal the health and safety of the public, or 37 environment PER-3: 6. <u>clearance for the control pests</u> for biosecurity reasons, or 38 Non-complying 7. for the sustainable non-commercial harvest of plant material for rongoā Māori, or

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8. to maintain firebreaks to manage fire risk; or

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³² P S Yates Family Trust (S333.036) and others.

³³ Top Energy (S483.0158) and others.

³⁴ Manulife Forest Management (S 160.022) and others.

³⁵ Waitangi Limited (S503.021) and others.

³⁶ Consequential amendment.

³⁷ Forest & Bird (S511.081)

³⁸ Forest & Bird (S511.081)

⁴⁴ Bentzen Farm (S167.040) and others.

	 to remove vegetation as directed by Fire and Emergency New Zealand due to fire risk, or to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area, or 32 for the construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m, or 40 for any upgrade of existing electricity network utilities permitted by rule NFL-R1; or 41 for maintenance of planted indigenous vegetation within domestic gardens, including the removal and replacement of plants; or the formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth; or for maintenance or reinstatement of pasture through the removal of regenerating manuka (Leptospermum scoparium var. scoparium) or kanuka (Kunzea robusta) tree ferns or scattered rushes in pasture on a farm established prior to 27 July 2022, and the vegetation to be cleared is less than 10 years old. PER-2 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 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 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 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 inside the coastal environment is not provided for within NFL-R3 PER-1 but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearanc	
NFL-R4	Demolition of buildings or structures	
Within ONL and ONF	Activity status: Permitted	Activity status when compliance not achieved: Not applicable
NFL-R5	Afforestation for commercial forestry new plantation forestry and p	lantation forestry activity 45
Within ONL and ONF	Activity status: Discretionary Where: DIS-1 The <u>afforestation</u> plantation forestry or plantation forestry activity ⁴⁶ is located outside the coastal environment.	Activity status where compliance not achieved with DIS-1: Non-complying
NFL-R6	Farming-47	
Within ONL and ONF	Activity status: Discretionary Where: DIS-1 The farming activity and is located outside the coastal environment.	Activity status where compliance not achieved with DIS-1: Non-complying
NFL-R7	Extension to existing mineral extraction activity	

FENZ (S512.027).
 P S Yates Family Trust (S333.037) and others.
 Top Energy (S483.0158) and others.
 Clause 16, Schedule 1, RMA.

⁴³ Top Energy (S483.161). ⁴⁵ NRC (S359.041) and others.

⁴⁶ NRC (S359.041) and others. ⁴⁷ Federated Farmers (S421.159) and others.

applicable

Standards			
NFL-S1	Maximum height Buildings and structures Maximum Height		
Within ONL and ONF	 The maximum height of any new building or structure above ground level is 5m 5.5m and must not exceed the height of the nearest ridgeline, headland or peninsula. and 48 Any extension to a building or structure must not exceed the height of the existing building above ground level or exceed the height of the nearest ridgeline, headland or peninsula. 49 	Where the standard is not met, matters of discretion are restricted to: Not applicable	
	 i. solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation; or ii. chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or iii. satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; or iv. architectural features (e.g. finials, spires) that do not exceed 1m in height on any elevation. 		
NFL-S2	Colours and materials		
Within ONL and ONF	 The exterior surfaces of <u>new</u> buildings or structures shall: be constructed of <u>natural</u> 50 materials and/or finished to achieve a reflectance value no greater than 30%. if the exterior surface is painted, 51 have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in Appendix X.52 	Where the standard is not met, matters of discretion are restricted to: Not applicable	
NFL-S3	Earthworks or indigenous vegetation clearance		
Within ONL and ONF	Any earthworks er indigenous vegetation clearance must (where relevant) not exceed: a.4. in a ONL a total area of: i. 50m² in the coastal environment within any calendar year: ii. 100m² outside the coastal environment within any calendar year: b. in a category 'A' ONF outside the coastal environment a total area of 50m² within any calendar year c. in a ONF (excluding category 'A' ONF outside the coastal	Where the standard is not met, matters of discretion are restricted to: Not applicable:	

⁴⁸ Setar Thirty Six (S168.046) and others.

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⁴⁹ Setar Thirty Six (S168.046) and others.

⁵⁰ P S Yates Family Trust (S333.039) and others.

⁵¹ Waitangi Limited (S503.023) and others.

⁵² Waitangi Limited (S503.023) and others.

⁵³ Waitangi Limited (S333.040) and others.

environment) 50m² within any 10 year period 54

- i. over the life of the District Plan., and
- d..2. not exceed a cut height or fill depth of 1m:
 - i. 1 m in an ONL within the coastal environment
 - ii. 1.5m in ONL outside the coastal environment
 - iii. 1m in ONF unless it is a category 'A' ONF outside the coastal environment
 - iv. <u>1.5m in category 'A' ONF outside the coastal</u> environment <u>55</u>
- 1.5m in a ONL
- d.3. screen any exposed faces visible from a public place. 56
- 4. be for the purpose of access, and/or a building platform.-57
- 2. Any indigenous vegetation clearance must not exceed a total area of:
 - i. 50m² in ONL within any 10 year period
 - ii. 100m² in ONF within any calendar year 58

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. ⁵⁹

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⁵⁴ Waitangi Limited (S333.040) and others.

⁵⁵ P S Yates Family Trust (S333.040) and others.

⁵⁶ John Andrew Riddell (S431.162).

⁵⁷ Waitangi Limited (S503.024) and others.

⁵⁸ P S Yates Family Trust (S333.040) and others.

⁵⁹ Clause 16, Schedule 1, RMA.

Coastal environment Proposed: 8/06/2024

Appendix 1.1 – Officers Recommended Amendments to Coastal Environment Chapter

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with <u>underline</u> used for new text and strikethrough for deleted text). Amendments in red as recommended in the evidence of Peter Hall.

Overview

The Far North District has a vast and complex coastal environment with dynamic natural processes, unique natural and physical attributes and high cultural values. The District Plan has mapped the coastal environment and identifies areas within it that contain high or outstanding natural character. These areas were originally identified through the regional mapping project undertaken by the Regional Council for the RPS. The methodology for identifying them can be found in APP1- Mapping methods and criteria and the schedules of high and outstanding natural character can be found in SCHED7 and SCHED8 of the District Plan. The mapped coastal environment accounts for approximately 12% of the district's total land area.

Much of the <u>dD</u>istrict's¹ coastline is relatively undeveloped in the sense that there is limited built development and supporting infrastructure. The past few <u>of</u>-decades have seen an increasing pressure for development in coastal areas, particularly along the east coast where there is a continued pattern of settlement which has placed additional pressure on coastal resources and character. Consideration needs to be given to both the preservation of the natural character of the coastal environment and the level of intervention to manage land use and subdivision, while ensuring the <u>community's</u> health, safety and wellbeing <u>of communities</u>².

The coastal hazard rules are located in this chapter in accordance with the Planning Standards, while other natural hazards such as flooding are controlled in the Natural Hazards chapter. The Natural Hazards chapter consolidates all of the objectives and polices related to natural hazards including rules that must be considered when assessing proposals within a Coastal Hazard Area. The Natural Features and Landscape chapter includes objectives, policies and rules relating to ONL and ONF in the coastal environment and this chapter manages adverse effects on other natural features and landscapes in the coastal environment³.

Council has a responsibility under the RMA, the NZCPS and the RPS to preserve and protect the natural character of the coastal environment from inappropriate land use and subdivision.

Objectives

CE-01

The natural character of the coastal environment is identified and managed to ensure its long-term preservedation and protected ion from inappropriate land use and subdivision for current and future generations.⁴

CE-O2 Land use and subdivision in the coastal environment:

¹ FNDC (S368.035).

² FNDC (S368.035).

³ Forest and Bird (S511.088) and others.

⁴ Federated Farmers (S421.181) and others.

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	 a. preserves the characteristics and qualities of the natural character of the coastal environment; b. is consistent compatible⁵ with the surrounding land use; c. does not result in urban sprawl occurring outside of existing urban areas zones;⁶ d. promotes restoration and enhancement of the natural character of the coastal environment; and e. recognises and provides for the relationship of tangata whenua needs for with their ancestral lands in the coastal environment use of whenua Māori.⁷
CE-O3	Land use and subdivision in the coastal environment within urban zones areas is consolidated and provides for the social, economic and cultural well-being of people and communities without compromising other coastal environment values is of a scale that is consistent with existing built development.8
Policies	
CE-P1	Identify the extent of the coastal environment as well as areas of high and outstanding natural character using the assessment criteria in APP1- Mapping methods and criteria.
CE-P2	Avoid adverse effects of land use and subdivision on the characteristics, and qualities and values that make an area an outstanding natural character area in of the coastal environment identified as: a. outstanding natural character; b. ONL; c. ONF. 9
CE-P3	Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, and qualities and values of natural character areas and natural features and landscapes 10 in effect the coastal environment not identified as an: a. outstanding natural character area; b. ONL; or c. ONF.
CE-P4	Preserve the visual qualities, character and integrity of the coastal environment by: a. consolidating land use and subdivision around existing urban centres and rural settlements; and b. avoiding sprawl or sporadic patterns of development.
CE-P5	Enable land use and subdivision in urban areas zones within the coastal environment by recognising that a change in character may be acceptable in some existing urban areas to provide for the social, economic and cultural well-being of people and communities. **There is adequacy and capacity of available or programmed development infrastructure; and b. the use is consistent with, and does not compromise the characteristics and qualities.
CE-P6	Enable farming activities within the coastal environment by where:
L	

⁵ Waiaua Bay Farm Limited (S463.052) and others.

⁶ Paihia Property Owners Group (S565.002) and others.

⁷ Haititaimarangai Marae Kaitiaki Trust (S394.043).

⁸ Paihia Property Owners Group (S565.002) and others.

Forest and Bird (S511.098, S511.099) and others.
 NZTA (S356.097) and DOC (S364.064)
 John Andrew Riddell (S431.029) and others.

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	 a. recognising that existing farming activities form part of the coastal environment and allowing for these activities to continue without undue restriction; and 12 b. only allowing new farming activities outside outstanding and high natural character areas where appropriate. 13 c. the use forms part of the values that established the natural character of the coastal environment; or d. the use is consistent with, and does not compromise the characteristics and qualities. 14 	
CE-P7	Enable Provide for the use and development of Māori Purpose zoned land and Treaty Settlement land in the coastal environment by recognising that adverse effects on natural character may be acceptable to support the social, economic and cultural wellbeing of tangata whenua where: a. the use is consistent with the ancestral use of that land; and b. the use does not compromise any identified characteristics and qualities. ¹⁵	
CE-P8	Encourage the restoration and enhancement of the natural character of the coastal environment.	
CE-P9	Prohibit land use and subdivision that would result in any loss and/or destruction of the characteristics and qualities in outstanding natural character areas. 16	
CE-P10	characteristics and qualities in outstanding natural character areas. 16	

¹² Wendover Two Limited (S222.062) and others.

<sup>Pacific Eco-logic (S451.014).
Bentzen Farm Limited (S167.070) and others.</sup>

¹⁵ Haititaimarangai Marae Kaitiaki Trust (S394.045) and Matauri X Incorporation (S396.020).

¹⁶ Federated Farmers (S421.185) and others.

¹⁷ Clause 16, Schedule 1, RMA.

¹⁸ John Andrew Riddell (S431.032) and others.

¹⁹ Sarah Ballantyne and Dean Agnew (S386.012) and others.

²⁰ Consequential amendment to changes to CE-R3.

²¹ Sarah Ballantyne and Dean Agnew (S386.012) and others.

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- m. any positive contribution the development has on the characteristics and qualities, including restoration and enhancement; 22
- n. the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity;²³
- o. the extent to which the land use and subdivision complements activities in the coastal marine area; and 24
- p. whether the activity is on a previously approved building platform.²⁵

Rules

Notes:

- 1. There may be rules in other District-Wide Matters and the underlying zone in Part 3- Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
- 2. The National Environmental Standards for Plantation Forestry Commercial Forestry 2017 (NES-PCF) regulates plantation commercial forestry and Regulation 6 of the NES-PF allows plan rules to be more stringent to give effect to Policy 13 of the NZCPS and to manage afforestation. Rule CE-R6 Plantation forestry and plantation forestry activities in Tthis chapter contains more stringent rules for plantation forestry activities afforestation, earthworks and indigenous vegetation clearance to protect natural character of coastal environment and prevails over the NES-PF regulations.²⁶
- 3. The Earthworks chapter and Ecosystem and Indigenous Biodiversity rules apply 'in addition' to the earthworks and indigenous vegetation clearance²⁷ rules in this overlay chapter, not instead of. In the event of a conflict between the earthworks chapter and this chapters earthworks rules, the most stringent rule will apply.

	New buildings or structures, and extensions or alterations to existing buildings or structures	
Coastal environment	Where: PER-1 If a new building or structure is located in the General Residential Zone, Mixed Use Zone, Light Industrial Zone, Russell / Kororareka Special Purpose Zone, Māori Purpose Zone – Urban, Oronga Bay Zone, Hospital Zone, or Kauri Cliff SPZ - Golf Living Sub-Zone, ²⁸ an urban zone it is: 1. is no greater than 300m ² ; and	Activity status where compliance not achieved with PER-1 and PER-2: Controlled Discretionary (inside a high natural character area) Non-complying (inside an outstanding natural character area) CON-1 The building is a residential unit for a residential unit or a minor residential unit on a defined building platform, where the defined building platform has been identified through a professional landscape assessment

²² Sarah Ballentyne and Dean Agnew (S386.012) and others.

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²³ Pacific Eco-Logic (S451.015) and others.

²⁴ NRC (S359.001).

²⁵ P S Yates Family Trust (S333.068) and others.

²⁶ Summit Forests New Zealand (S148.033) and others.

²⁷ Forest and Bird (S511.097) and others.

²⁸ Paihia Properties Holdings Corporate Trustee Limited and UP Management Limited (S344.013) and others.

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- 2. <u>is</u> located outside high or outstanding natural character areas; and
- 3. complies with:
 - a. CE-S1 Maximum height;
 - b. <u>CE-S2 Colour and materials;</u> and
 - c. CE-S4 Setbacks from MHWS.

PER-1(1) does not apply to: the Mixed-Use Zone, Light Industrial Zone, Māori Purpose Zone – Urban and Hospital Zone within the following settlements: Coopers Beach, Mangonui, Opua, Paihia and Waitangi, Rawene, and Russell / Kororareka.²⁹

PER-2

If a new building or structure <u>is not located</u> within any of the zones referred to in PER-1 an urban zone it is:

- a. ancillary to farming activities (excluding a is not used for a residential activity unit);30
- b. is no greater than:
 - <u>a.</u> 25m² within an outstanding natural character area;
 - b. 50m² within a high natural character area; and
 - <u>c.</u> 100m² in all other areas of the coastal environment; and 31
- c. located outside outstanding natural character areas; and
- d. complies with:
 - a. CE-S1 Maximum height;
 - <u>b.</u> <u>CE-S2 Colour and materials;</u> <u>and</u>
 - c. CE-S4 Setbacks from MHWS.

PER-3

Any extension <u>or alternation</u> to a lawfully established building or structure is:

- no greater than 20% of the GFA of the existing lawfully established building or structure; and
- 2. complies with CE-S1 Maximum height.

PER-4³²

Any new building or structure or an extension or alteration to an existing

and approved as part of an existing or implemented subdivision consent.

The matters of control are:

- a. the location, scale and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;
- b. the means of integrating the building, structure or activity into the landscape, including through planting;
- c. the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and
- <u>d.</u> <u>any mitigation measures</u> <u>proposed.</u>
- <u>a.</u> the matters in CE-P10. 33

New buildings or structures, and extensions or alterations to existing buildings or structures that are a controlled activity under rule **CON-1** shall be precluded from public or limited notification, unless special circumstances apply.

Activity status where compliance not achieved with CON-1, PER-3 and PER-4 PER-2:

Discretionary (outside an outstanding natural character are

outstanding natural character area)
Non-complying (inside an and outstanding a high natural character area): Restricted
Discretionary

The matters of discretion are:

- a. the matters in CE-P10; and 34
- b. positive effects.

Activity status where compliance not achieved with <u>CON-1</u>, PER-3 or PER-4:

²⁹ Foodstuffs North Island Limited (S363.014) and others.

³⁰ Bentzen Farm Limited (S167.074) and others.

³¹ New Zealand Maritime Parks Ltd (S251.007) and others.

³² Top Energy (S483.174)

³³ P S Yates Family Trust (S33.066) and others.

³⁴ Bentzen Farm Limited (S167.074) and others.

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building or structure not provided for by PER-1, PER-2 or PER-3, where it is:

- a. fencing for the purposes of stock exclusion;
- b. an upgrade of an existing network utility where this is:
 - outside high or outstanding natural character areas;
 - ii. permitted by I-R3;
 - iii no greater than 10m high or the height of the existing structure (whichever is the greatest);
 - no greater than 20% of ίV. the GFA of the existing lawfully established building or structure; and
 - not replacing a pole with a ٧. pi pole.

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.

a. Discretionary (in a high natural character area); or

b. Non-complying (in an outstanding natural character area).

CE-R2 Repair or maintenance³⁵

Coastal environment

Activity status: Permitted

Where:

PER-1

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; or
- 7. farming tracks.

CE-R3 Earthworks or indigenous vegetation clearance

Coastal environment

Activity status: Permitted

Activity status where compliance not achieved with PER-1 and PER-2

Activity status where compliance is

not achieved with PER-1:

Discretionary

35 Bentzen Farm (S167.076) and others.

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Where:

PER-1

The earthworks or indigenous vegetation clearance is:

- 1. Compliant with standard CE-S3; or
- required for the operation, repair or maintenance of existing lawfully established³⁶ permitted under CE-R2 Repair or Maintenance;
 - a. fences;
 - b. network utilities;
 - c. <u>tracks, driveways, roads and access ways;</u>
 - d. formed carparks;
 - e. board walks;
 - f. boat ramps;37or
- required to provide for safe and reasonable clearance for existing overhead power lines; or or
- 4. to address an immediate risk to the health and safety of the public or damage to property³⁸ necessary to ensure the health and safety of the public; or or
- 5. <u>clearance</u> for biosecurity reasons to <u>control pests;</u>³⁹ or <u>or</u>
- 6. for the sustainable non-commercial harvest of plant material for rongoā Māori;
- to create or maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area; or⁴⁰
- 8. for the construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m in width; or⁴¹
- 9. <u>for any upgrade of existing network</u> utilities:
 - a. <u>outside high natural character</u>
 <u>and outstanding natural</u>
 <u>character areas; and</u>
 - b. <u>permitted by rule CE-R1 PER-4-</u>; <u>or</u>⁴²

(outside an outstanding natural character area):

Restricted Discretionary

The matters of discretion are:

a. the matters in CE-P10.43

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

³⁶ Top Energy (S483.175).

³⁷ Waitangi Limited (S503.015) and others.

³⁸ DOC (S364.071) and others.

³⁹ DOC (S364.071).

⁴⁰ P.S. Yates Family Trust (S333.068) and others.

⁴¹ P.S. Yates Family Trust (S333.068) and others.

⁴² Top Energy (S483.175).

⁴³ P.S. Yates Family Trust (S333.068) and others.

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	 10. for maintenance of planted indigenous vegetation within domestic gardens outside areas of HNC and ONC, including the removal and replacement of plants; or 11. for the formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth; or 12. for maintenance or reinstatement of pasture through the removal of regenerating manuka (Leptospermum scoparium var. scoparium) or kanuka (Kunzea robusta) tree ferns or scattered rushes in pasture on a farm established prior to 27 July 2022, and the vegetation to be cleared is less than 10 years old. PER-2 The earthworks or indigenous vegetation clearance is not provided for within CE-R3 PER-1 but it complies with standard CE-S3 Earthworks or indigenous vegetation clearance. 	
CE-R4 F	arming	
Coastal environment	Activity status: Permitted	Activity status where compliance is not achieved with PER-1: Discretionary (outside inside an outstanding high natural character area) Non-complying (inside an outstanding natural character area)
CE-R5	Demolition of buildings or structures ⁴⁴	,
Coastal environment	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
	lantation forestry and plantation forestry activers	Afforestation for commercial
Coastal environment	Activity status: Discretionary Where: DIS-1 The plantation forestry or plantation forestry activity afforestation 46 is located outside outstanding natural character areas.	Activity status where compliance not achieved with DIS-1: Non-complying
CE-R7 E	extension to existing mineral extraction activity	

 ⁴⁴ Clause 16, Schedule 1, RMA.
 45 PF Olsen (S91.014) and others.
 46 PF Olsen (S91.014) and others.

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Coastal	Activity status: Discretionary	Activity status where compliance
environment	Where:	not achieved with DIS-1: Non-complying
	DIS-1 The extension is to an existing lawfully established mineral extraction activity and is located outside outstanding natural character areas.	
CE-R8 N	ew mineral extraction activity	
Coastal environment	Activity status: Prohibited	Activity status where compliance not achieved: Not applicable
CE-R9 L	and fill, managed fill or clean fill	
Coastal environment	Activity status: Prohibited	Activity status where compliance not achieved: Not applicable
Standards		
CE-S1 M	laximum height	
Coastal environment	i. The maximum height of any new building or structure above ground is 5m 5.5m and must not exceed the height of the nearest ridgeline, headland or peninsula;47 and ii. Any extension to a building or structure must not exceed the height of the existing building above ground level or exceed the height of the nearest ridgeline, headland or peninsula48. This standard does not apply to: iii. Telecommunication facilities; or iv. The Orongo Bay zone and the Kororāreka Russell Township zone; or v. The Mixed-Use Zone, Light Industrial Zone, Māori Purpose Zone – Urban, and Hospital Zone within the following settlements: vi. Coopers Beach; vii. Mangonui; viii. Opua; ix. Paihia & Waitangi; and x. Rawene-; or 49 xi. solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation; or xii. chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or	Where the standard is not met, matters of discretion are restricted to: Not applicable

IDF Developments (S253.006) and others.
 IDF Developments (S253.006) and others.
 Paihia Properties (S344.014) and others.

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xiii. satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; or

xiv. architectural features (e.g. finials, spires) that do not exceed 1m in height on any elevation.

CE-S2 Colours and materials

Coastal environment

The exterior surfaces of <u>new</u>⁵⁰ buildings or structures shall:

- 1. be constructed of <u>natural⁵¹</u> materials and/or finished to achieve a reflectance value no greater than 30%; and
- 2. <u>if the exterior surface is painted 52</u>, have a exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in Appendix X.

This standard does not apply to: the:
Kohukohu, Mangonui, Paihia, Rawene and
Russell / Kororāreka Heritage Area Overlays. 53

Where the standard is not met, matters of discretion are restricted to: Not applicable

CE-S3

Earthworks or indigenous vegetation clearance

Coastal environment

- 1. Any earthworks or indigenous vegetation clearance must (where relevant):
- a. not occur in outstanding natural character areas: and
- b. not exceed a total area of:
 - i. 50m² within a calendar
 year⁵⁴ for 10 years from the
 notification of the District
 Plan in an area of high
 natural character; or
 - ii. 4100m² within a calendar year 55 for 10 years from the notification of the District Plan in an area outside high or outstanding natural character areas; and
- c. not exceed a cut height or fill depth of 1m; and
- d. screen any exposed faces <u>visible from a</u> <u>public place</u>. ⁵⁶
- 2. <u>Any indigenous vegetation clearance</u> must:
 - a. <u>not occur in outstanding natural</u> <u>character areas;</u>

Where the standard is not met, matters of discretion are restricted to: Not applicable

⁵⁰ P S Yates Family Trust (S33.066) and others.

⁵¹ P.S. Yates Family Trust (S333.070) and others.

⁵² Trent Simpkin (S283.002) and others.

⁵³ Paihia Properties (S344.015) and others.

⁵⁴ Northland Planning and Development (S502.020) and others.

⁵⁵ Northland Planning and Development (S502.020) and others.

⁵⁶ P.S. Yates Family Trust (S333.071) and others.

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- b. not exceed a total area of:
 - i. 50m² within any 10-year period in an area of high natural character;
 - ii. 400m² within any 10-year period outside high or outstanding natural character areas. ⁵⁷

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.⁵⁸

CE-S4 Setbacks from MHWS 59

Coastal environment

New buildings and structures and or extension or alteration to an existing building or structure must be setback at least:

- a. 30m from MHWS in the Rural
 Production, Rural Lifestyle, Rural
 Residential, Horticulture and
 Horticulture Processing Facilities
 zones; or
- b. 26m in all other zones.

This standard does not apply: where there is a legally formed and maintained road between the property and MHWS. 60

Where the standard is not met, matters of discretion are restricted to:

- a. the natural character of the coastal environment;
- b. <u>screening</u>, <u>planting</u> and <u>landscaping</u> on the site;
- c. the design and siting of the building or structure with respect to dominance on adjoining public space;
- d. <u>natural hazard mitigation and</u> <u>site constraints;⁶¹</u>
- e. the effectiveness of the proposed method for controlling stormwater; and
- f. the impacts on existing and planned roads, public walkways, reserves and esplanades.

⁵⁷ Northland Planning and Development (S502.020) and others.

⁵⁸ Vision Kerikeri (S527.025) and Carbon Neutral NZ (S529.150).

⁵⁹ CE-S4 standard is based on equivalent standards in Zone Chapters but consolidated into one standard in the Coastal Environment chapter under Clause 16, Schedule 1, RMA.

⁶⁰ Ed and Inge Amsler (S341.010) and others.

⁶¹ FNDC (S368.047 to S368.061).

Appendix 1.1 – Officers Recommended Amendments to Ecosystems and Indigenous Biodiversity Chapter

Proposed: 8/07/2024

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

Amendments in red as recommended in the evidence of Peter Hall.

This section has rules that have legal effect. Please check the ePlan to see what the legal effect is or subject to appeal.

Overview

The district is home to a wide range of indigenous species, habitats and ecosystems and a high number of regionally endemic species, including a number that are of cultural significance to tangata whenua. The protection, maintenance and enhancement of indigenous biodiversity contributes to the district's unique scenery, its natural character, its amenity values, and its economic opportunities, such as tourism and recreation.

A large portion of the district is covered in indigenous vegetation and habitat. Based on the criteria in Appendix 5 of the Northland Regional Policy Statement 2016 (RPS)⁴, approximately 42% of the district has indigenous vegetation and habitat with potentially significant ecological values. Around 58% of this indigenous vegetation and habitat is on private land, including Māori land, which can create tensions between the aspirations of landowners to develop their land while protecting those areas and habitats. Vegetation clearance, fragmentation, and the introduction of pest plants and species can all diminish the quality and extent of indigenous ecosystems.

Council has responsibilities under the RMA, the National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)², the NZCPS and the RPS to identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna³ biodiversity (Significant Natural Areas) and maintain indigenous biodiversity. The NPS-IB will be given effect to in full through a separate plan change in the future.⁴

Where Significant Natural Areas areas of significant indigenous vegetation and significant habitats of indigenous fauna⁵ 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 biodiversity⁶ there will may be greater control over land use and subdivision 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.

Objectives

¹ Clause 16, Schedule 1, RMA.

² FNDC (S368.005) and others.

³ P S Yates Family Trust (S333.013) and others.

⁴ P S Yates Family Trust (S333.013) and others.

⁵ P S Yates Family Trust (S333.013) and others.

⁶ Clause 16, Schedule 1, RMA.

IB-O1	Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected for current and future generations.		
IB-O2	Indigenous biodiversity is managed to maintain its extent and diversity in a way that provides for the social, economic and cultural well-being of people and communities.		
IB-O3	The relationship between tangata whenua and indigenous biodiversity, including taonga species and habitats, is recognised and provided for.		
IB-04	The role of tangata whenua as kaitiaki and landowners as stewards in protecting. <u>maintaining</u> and restoring <u>areas of</u> significant <u>indigenous vegetation and significant</u> <u>habitats</u> of indigenous fauna natural areas and indigenous biodiversity is provided for.		
IB-O5	Restoration and enhancement of indigenous biodiversity is promoted and enabled.		
Policies			
IB-P1	Identify Significant Natural Areas by: a. using the ecological significance criteria in Appendix 5 of the RPS or in any more recent National Policy Statement on indigenous biodiversity; b. including areas that meet the ecological significance criteria as Significant Natural Areas in Schedule 4 of the District Plan and on the planning maps where this is agreed with the landowner and verified by physical inspection where practicable; c. encouraging landowners to include identified Significant Natural Areas in Schedule 4 of the District Plan at the time of subdivision and development; d. providing assistance to landowners to add Significant Natural Areas to Schedule 4 of the District Plan; and e. requiring an assessment of the ecological significance for indigenous vegetation clearance to establish permitted activity thresholds in Rule IB R2-R4.9 Ensure that the protection, maintenance and restoration of indigenous biodiversity is done in a way that: a. recognises and values the mana of tangata whenua as kaitiaki; and b. provides specific opportunities for tangata whenua to exercise kaitiakitanga in accordance with tikanga Māori. 10		
IB-P2	Within the coastal environment: a. avoid adverse effects of land use and subdivision on: i. Threatened and At-Risk indigenous species; 11 ii. areas of significant indigenous vegetation and significant habitat of indigenous fauna Significant Natural Areas; 12 iii. areas of indigenous biodiversity protected under other legislation. 13 b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on: i. areas of predominately indigenous vegetation; and 14 ii. areas of important and vulnerable indigenous species vegetation, habitats and ecosystems that are particularly vulnerable to modification 15.		
IB-P3	Outside the coastal environment:		

⁷ Bentzen Farm Limited (167.014) and others.

⁸ P S Yates Family Trust (S333.013) and others.
9 P S Yates Family Trust (S333.013) and others.

¹⁰ Te Rūnanga o Ngāti Rēhia (S559.026) and others iwi submitters.

¹¹ Te Hiku Iwi Development Trust (S399.059).

¹² P S Yates Family Trust (S333.013) and others.

¹³ DOC (S364.037) and others.

Forest and Bird (S511.059) and others.
 Waiaua Bay Farm Limited (S463.029).

- a. avoid, remedy or mitigate adverse effects of land use and subdivision on Significant Natural Areas 16 to ensure adverse effects are no more than minor on;
 - i. Threated and At-Risk indigenous species: 17
 - ii. <u>areas of significant indigenous vegetation and significant habitat of indigenous fauna; 18</u>
 - iii. areas of indigenous biodiversity protected under other legislation; and 19

- b. avoid, remedy, or-mitigate, offset or compensate 20 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 on:
 - i. areas of predominately indigenous vegetation; and 21
 - ii. <u>indigenous species, habitats and ecosystems that are particularly vulnerable</u> to modification²².

IB-P4

If adverse effects on indigenous species, habitats and ecosystems located outside of the coastal environment cannot be avoided, remedied or mitigated in accordance with IB-P3, consider whether it is appropriate to apply the following steps as an effects management hierarchy:

- a. biodiversity offsetting to address more than minor residual adverse effects to achieve a no net loss and preferably net gain in indigenous biodiversity; and
- b. environmental biodiversity compensation to address more than minor residual adverse effects where it is not practicable to achieve biodiversity offsetting.

Where IB-P2 and IB-P3 do not apply, significant adverse effects on indigenous biodiversity must be managed by applying the effects management hierarchy²³.

IB-P5

Ensure that the management of land use and subdivision to protect <u>areas of significant indigenous vegetation and significant habitat of indigenous fauna</u> Significant Natural Areas²⁴ and maintain indigenous biodiversity is done in a way that:

- a. does not impose unreasonable<u>y</u>-restrictions on -25 existing primary production activities, particularly on highly productive land versatile soils; 26
- b. recognises the operational need and functional need of some activities, including²⁷ regionally significant infrastructure, to be located within areas of significant indigenous vegetation and significant habitat of indigenous fauna Significant Natural Areas²⁸ in some circumstances:
- c. allows for maintenance, use and operation of existing structures, including <u>upgrading</u> of regionally significant²⁹ 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.

IB-PX

Promote the restoration of indigenous biodiversity, with priority given to:

a. <u>areas of significant indigenous vegetation and significant habitat of indigenous fauna whose ecological integrity is degraded;</u>

¹⁶ P S Yates Family Trust (S333.013) and others.

¹⁷ Te Hiku Iwi Development Trust (S399.059).

¹⁸ P S Yates Family Trust (S333.013) and others.

¹⁹ DOC (S364.037) and others.

²⁰ Forest and Bird (S511.059) and others.

²¹ Forest and Bird (S511.059) and others.

²² Waiaua Bay Farm Limited (S463.029).

²³ Clause 3.16, NPS-IB, NRC (S359.004) and others.

²⁴ P S Yates Family Trust (S333.013) and others.

²⁵ Kapiro Conservation Trust (S442.080) and others.

²⁶ HortNZ (S159.051).

²⁷ DOC (\$364.040).

²⁸ P S Yates Family Trust (S333.013) and others.

²⁹ Twin Coast Cycle Trail (S425.027) and others.

1		
	 b. threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems; c. areas that provide important connectivity or buffering functions; d. natural inland wetlands where ecological integrity is degraded or these no longer retain their indigenous vegetation or habitat for indigenous fauna; e. areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners; and f. any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration³⁰ 	
IB-P6	Encourage the protection, maintenance and restoration of indigenous biodiversity, with priority given to Significant Natural Areas, 31 through 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; 32 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.	
IB-PX	Enable subdivision and associated land use where this results in the restoration or enhancement of indigenous biodiversity, including under-represented ecosystems, and where biodiversity is increased and legally protected the legal protection and/or restoration of areas of significant indigenous vegetation and significant habitat of indigenous fauna in accordance with SUB-R6. 33	
IB-P7	Encourage and support active management control ³⁴ of pests plants and pest animals ³⁵ .	
IB-P8	Promote-Assist with the protection of species that are endemic to Northland by promoting, supporting and using eco-sourced eco-sourcing plants from within the ecological district. ³⁶	
IB-P9	Require landowners to manage pets and pests species within their property through consent conditions ³⁷ , including dogs, cats, possums, rats and mustelids, where necessary to avoid risks to Threatened and At-Risk indigenous fauna threatened indigenous species ³⁸ , including avoiding the introduction of pets and pests species into kiwi present or high-density kiwi areas where appropriate ³⁹ .	
IB-P10	Manage land use and subdivision to address the effects of the activity requiring resource consent for Consider the following matters where relevant when assessing and managing the effects of indigenous vegetation clearance and associated land disturbance, including (but not limited to) consideration of the following matters where relevant to the application:40 a. the temporary or permanent nature of any adverse effects; b. cumulative effects of activities that may result in loss or degradation of habitats, species populations and ecosystems; c. the extent of any vegetation removal and associated land disturbance;	

³⁰ Clause 3.21, NPS-IB.

³¹ Bentzen Farm Limited (167.014) and others.

³² Bentzen Farm Limited (167.014) and others.

³³ P S Yates Family Trust (S333.018) and others.

 ³⁴ DOC (S364.042).
 ³⁵ Heather Golley (S254.004).
 ³⁶ Forest and Bird (S511.063) and others.

³⁷ HortNZ (S159.053), Forest and Bird (S511.064) and others.

³⁸ DOC (S364.041).

³⁹ Clause 16, Schedule 1, RMA. ⁴⁰ Clause 16, Schedule 1, RMA.

- d. the effects of fragmentation;
- e. linkages between indigenous ecosystems and habitats of indigenous species;
- f. the potential for increased threats from pests plants and animals;41
- g. any downstream adverse effects on waterbodies and the coastal marine area;
- h. where the area has been mapped or assessed as <u>significant indigenous vegetation</u> and <u>significant habitat of indigenous fauna</u> a <u>Significant Natural Areas</u>⁴²:
 - 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:
- i. the location, scale and design of any proposed development;
- j. the extent of indigenous vegetation cover on the site and whether it is practicable to avoid or reduce the extent of indigenous vegetation clearance;
- k. the functional or operational needs of regionally significant infrastructure;
- L any positive contribution any proposed biodiversity offsettings or environmental biodiversity compensation will have on indigenous biodiversity; and
- m. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6-:
- n. the extent to which the proposed activity provides for the social, economic and cultural wellbeing of people and communities;
- o. <u>adopting a precautionary approach where the effects on indigenous biodiversity are uncertain, unknown, or little understood and those effects could cause significant or irreversible damage to indigenous biodiversity;</u>
- p. promoting the resilience of indigenous biodiversity to climate change and recognising the role of indigenous biodiversity in mitigating the effects of climate change 43; and
- q. the benefits provided by the indigenous biodiversity, including ecosystem services. 44

Rules

Notes

- 1. Rules IB-R2 to 45 IB-R34 appliesy to indigenous vegetation clearance not permitted under Rule IB-R1.
- 2. There are rules for indigenous vegetation clearance in the following District-Wide Matters chapters: Natural Character, Natural Features and Landscapes, and Coastal Environment. These other rules for vegetation clearance may be more stringent and apply in addition to the indigenous vegetation clearance rules in this chapter. Refer to the How the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
- 3. This chapter manages land disturbance associated with indigenous vegetation clearance. Earthworks that permanently alter the profile of the land are managed through the earthworks chapter. The Earthworks chapter rules apply 'in addition' to the earthworks rules in this overlay chapter, not instead of. In the event of a conflict between the earthworks chapter and this chapter's earthworks rules, the most stringent rule will apply. 46
- 4. This chapter does not apply to indigenous vegetation clearance in urban environment allotments. Refer to the Notable Trees chapter for rules relating to scheduled notable trees and groups of trees.
- 5. <u>Plantation Commercial forestry is regulated under the National Environmental Standards for Plantation Commercial Forestry 2017 (NES-PCF)</u>. <u>The NES-PF allows district plan</u>

⁴¹ Heather Golley (S254.004).

⁴² P S Yates Family Trust (S333.018) and others.

⁴³ NRC (S359.004) and others to give effect to the NPS-IB.

⁴⁴ Marianna Fenn (S542.002) and others.

⁴⁵ Consequential amendment to deletion of IB-R3.

⁴⁶ Clause 16, Schedule 1, RMA.

rules to be more stringent than the NES-PF when the rule relates to the protection of Significant Natural Areas and IB-R5 in this chapter is a more stringent rule for plantation forestry activities in Significant Natural Areas. This chapter applies to vegetation clearance that is carried out before afforestation but does not otherwise apply to indigenous vegetation clearance associated with plantation commercial forestry activities outside Significant Natural Areas which is regulated under Regulation 93 and 94 of the NES-PCF. 47

IB-R1	Indigenous vegetation pruning, trimming and disturbance for specified activities within and	
All zones	Activity status: Permitted Where:	Activity status where compliance not achieved with PER-1: Discretionary N/A – compliance assessed under
	 PER-1 It is the minimum necessary 49 for any of the following: 1. To address an immediate risk to the health and safety of the public or damage to property; or 2. To remove dead trees, provided that no more indigenous vegetation is cleared or trimmed than is necessary for safe removal; or 3. The formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth; or 4. Clearance for the control of pests for biosecurity reasons; 50 or 5. The sustainable non-commercial harvest of plant material for rongoā Māori (customary medicine); or 6. To create or maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area; or 7. To allow for the construction of a single residential unit on an existing. 51 title and essential associated onsite infrastructure and access and it does not exceed 1,000m²; or 8. Clearance of vegetation provided for in a covenant or order under. It is within an area subject to an Open Space Covenant under the Queen Elizabeth II National Trust Act 1977, a Ngā Whenua Rahui Kawenata, a Conservation Covenant under the Reserves Act 1977 or the Conservation Act 1987, or a Heritage covenant under 	IB-R2 and IB-R3 as applicable

⁴⁷ Summit Forests New Zealand Limited (S148.021) and others.

⁴⁸ P S Yates Family Trust (S333.018) and others.

⁴⁹ Russell Landcare Trust (S276.007) and John Andrew Riddell (S431.104).

⁵⁰ DOC (S364.044) and Forest and Bird (S511.067).

⁵¹ John Andrew Riddell (S431.104) and others.

the Heritage New Zealand Pouhere
Taonga Act 2014 and the vegetation
clearance is provided for in that covenant
or order; ⁵² or
The construction of a new fence where the
purpose of the new fence is to exclude

- 9. The construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m in width either side of the fence line; or
- The removal or clearance from land which was previously cleared and the indigenous vegetation to be cleared is less than 10 years old; or
- 11. Creation and maintenance of firebreaks to manage fire risk; or
- 12. The harvesting of indigenous timber approved under the Forests Act 1949 via either a registered sustainable forest management plan, a registered sustainable forest management permit or a personal use approval for the harvesting and milling of indigenous timber from the Ministry of Primary Industries; er-or
- 13. The upgrade of lawfully established existing infrastructure; or 53
- 14. It is for t⁵⁴The operation, repair and maintenance of the following activities where they have been lawfully established:
 - i. fences;
 - ii. infrastructure;
 - iii. buildings;
 - iv. driveways and access;
 - v. walking tracks;
 - vi. cycling tracks; or
 - vii. farming tracks.; or
- 15. <u>for maintenance of planted indigenous</u> <u>vegetation within domestic gardens</u>, <u>including the removal and replacement of</u> plants.

IB-R2	Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area for papakāinga 55	
Māori Purpose zone, Treaty	Activity status: Permitted Where:	Activity status where compliance not achieved with PER-1: Discretionary
Settlemen t Land	PER-1 It does not exceed:	

⁵² Clause 16, Schedule 1, RMA.

⁵³ The Twin Coast Cycle Trail (S425.026).

⁵⁴ Clause 16, Schedule 1, RMA.

⁵⁵ P S Yates Family Trust (S333.021) and others.

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side a
ance not -2: diate etation s not

⁵⁶ Adams-Te Whata Whanau Trust (S473.004).⁵⁷ P S Yates Family Trust (S333.021) and others.

	Significant Natural Area and a report has not been submitted to Council 14 days in advance of the clearance being undertaken; and 2. It does not exceed 100m ² per site in any calendar year.	
IB-R5	Plantation forestry and plantation forestry activities within a Significant Natural Area ⁵⁸	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable

⁵⁸ Manulife Forest Management (NZ) Ltd. (S160.018).

Natural character Proposed: 27/07/2022

Appendix 1.1 – Officers Recommended Amendments to the Natural Character Chapter

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

Amendments in red as recommended in the evidence of Peter Hall.

Overview

This chapter addresses the natural character of wetlands, lakes and rivers. The focus is on buildings, structures, earthworks and indigenous vegetation clearance in wetland, lake and river margins. The natural character of the coastal environment is addressed in the Coastal Environment chapter.¹

The Far North District has a number of many wetlands, lakes and rivers, some many² of which are located within and on the periphery of urban centres. While the NRC is responsible for the waterbodies themselves, the District Plan managestheir margins and the activities that can occur in these areas³. The margins of these waterbodies are areas of important and valued natural character and support public and customary access, recreation and hazard management. When managed well the margins also promote ecological benefits including on receiving water bodies.⁴

<Split the paragraph at this point>

A range of land use activities can have adverse effects on the natural character of wetlands, lakes and rivers, including the construction and alteration of buildings or structures, earthworks, vegetation clearance and farming within their margins. Some activities have a functional need to be located within wetland, lake and river margins. This chapter seeks to manage these activities to ensure that the characteristics and qualities, and values that contribute to the natural character values are preserved. Further, these provisions encourage land use activities that look to enhance natural character, such as the restoration planting.

Natural character includes a wide range of matters such as ecological aspects, natural processes and natural landforms. For more information about the full range of matters contributing to the natural character of wetland, lake and river margins, refer to APP1- Mapping methods and criteria of the District Plan^Z

The regional mapping project undertaken by the Regional Council for the RPS identified the natural character of the coastal environment, which is a requirement of the NZCPS. While the NZCPS is not concerned with natural character outside of the coastal environment it does list matters (in policy 13.2) which may be part of or contribute to natural character. These matters can be found in APP1- Mapping methods and criteria of the District Plan. 8

Provisions relating to the natural character of the coastal environment are located in the Coastal Environment chapter.9

Objectives	Objectives		
NATC-01	The natural character of wetland, lake and river margins are managed to ensure their long-term-preservation and protection for future generations.		
	The natural character of wetland, lake and river margins is preserved and protected from inappropriate land use and subdivision. 10		
NATC-O2	Land use and subdivision is consistent with and does not compromise the characteristics and qualities of		

¹ Forest and Bird (S511.072) and others.

² Clause 16, Schedule 1, RMA.

³ Clause 16, Schedule 1, RMA.

⁴ Clause 16, Schedule 1, RMA.

⁵ Federated Farmers (S421.140).

⁶ Clause 16, Schedule 1, RMA.

⁷ Forest and Bird (S511.072) and others.

⁸ Forest and Bird (S511.072) and others.

⁹ Forest and Bird (S511.072) and others.

¹⁰ Federated Farmers (S421.143) and others

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the natural character of wetland, lake and river margins. 11

Policies		
NATC-P1	Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the <u>characteristics</u> , <u>qualities</u> and <u>values</u> of the ¹² natural character of wetland, lake and river margins.	
NATC-P2	Identify or assess the natural character of wetland, lake and river margins in accordance with the natural character assessment criteria in APP1- Mapping methods and criteria.	
NATC-P3	Enable_indigenous vegetation removal and/or earthworks within wetland, lake and river margins where it is the minimum necessary for: 13 a. it is for the repair or maintenance of lawfully established activities; or b. it is for safe and reasonable clearance for existing overhead powerlines; or c. it is for health and safety of the public; or d. it is for biosecurity reasons; and or 14 e. it is for the sustainable non-commercial harvest for rongoā Māori.	
NATC-P4	Enable Provide for 15 buildings or structures, and extensions to existing buildings or structures on wetland, lake and river margins where: a. there is a functional or operational need for a building or structures location; and 16 b. public access, customary access and recreational use can be protected or enhanced; and 17 c. the effects on natural character are in accordance with policy NATC-P1. the protection of natural character is preserved; 18 and d. natural hazard risk will not be increased, taking into account the likely long term effects of climate change.	
NATC-P5	Encourage the restoration and enhancement of wetland, lake and river margins where it will achieve improvement in natural character values.	
NATC-P6	Consider the following matters where relevant when assessing the effects of land use and subdivision on natural character: Manage land use and subdivision to preserve and protect the natural character of wetland, lake and rivermargins, and address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: a. the presence or absence of buildings, structures or infrastructure; b. the temporary or permanent nature of any adverse effects; c. the location, scale and design of any proposed development; d. any means of integrating the building, structure or activity; e. the ability of the environment to absorb change; f. the need for and location of earthworks or vegetation clearance; g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location; h. any viable alternative locations for the activity or development; 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 any positive contribution the development has on the characteristics and qualities.	

Rules

¹¹ Federated Farmers (S421.143) and others.

<sup>Clause 16, Schedule 1, RMA.
John Andrew Riddell (S431.159).
Clause 16, Schedule 1, RMA.
Clause 16, Schedule 1, RMA.
RMA.
Clause 16, Schedule 1, RMA.</sup>

¹⁶ Clause 16, Schedule 1, RMA.

¹⁷ Clause 16, Schedule 1, RMA.

¹⁸ Waiaua Bay Farm Limited (S463.037).

¹⁹ Clause 16, Schedule 1, RMA.

²⁰ Clause 16, Schedule 1, RMA.

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Notes:

1. There may be rules in other District-Wide Matters and the underlying zone in Part 3- Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the how the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.

- 2. The Earthworks and Ecosystem and Indigenous Biodiversity²¹ chapter rules apply 'in addition' to the earthworks and indigenous vegetation clearance²² rules in this chapter, not instead of. In the event of a conflict between the earthworks chapter and this chapters earthworks rules, the most stringent rule will apply.²³
- 3. Earthworks and indigenous vegetation clearance in the margins of wetlands are controlled by the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F).

 Rule NATC-R3 does not apply to earthworks and indigenous vegetation clearance regulated by the NES-F. 24
- 4. Earthworks and indigenous vegetation clearance associated with commercial forestry are controlled by the National Environmental Standards for Commercial Forestry 2017 (NES-CF). Rule NATC-R3 does not apply earthworks and indigenous vegetation clearance regulated by the NES-CF.²⁵

NATC-R1	New buildings or structures, and extensions or alterations to existing buildings or structures	
Natural character	Activity status: Permitted Where:	Activity status where compliance not achieved with PER-1: Non-complying 37
	PER-1 The building or structure, or extension or alteration to an existing building or structure on wetland, lake and rivermargins is not located within an ONL or ONF. 26	Activity status where compliance not achieved with PER-2, PER-3 and PER-4: <u>Restricted</u> Discretionary
	 PER-2 The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is required for: ²⁷ 1. for restoration and enhancement purposes; or²⁸ 2. for natural hazard mitigation undertaken by, or on behalf of, the local authority; or²⁹ 3. for park management activity in the Open Space or Sport and Active Recreation zones; or³⁰ 4. a post and wire fence for the purpose of protection from farm stock-; or³¹ 5. a river-crossinge, including but not limited to, fords, bridges, stock-crossings and culverts crossings-; or³² 6. activities related to the construction of a 	Matters of discretion are restricted to: a. effects on the characteristics, qualities and values of natural character b. the matters in NATC-P6 c. the positive effects of the activity 38

²¹ Forest and Bird (S511.074) and others.

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²² Forest and Bird (S511.074) and others.

²³ Clause 16, Schedule 1, RMA.

²⁴ Te Hiku Iwi Development Trust (S399.065) and others.

²⁵ Summit Forests New Zealand Limited (S148.026)

²⁶ Top Energy Limited (S483.154).

²⁷ Clause 16, Schedule 1, RMA.

²⁸ Clause 16, Schedule 1, RMA.

²⁹ Clause 16, Schedule 1, RMA.

³⁰ Clause 16, Schedule 1, RMA.

³¹ Clause 16, Schedule 1, RMA.

³² Waiaua Bay Farm Limited (S463.039).

³⁷ Top Energy Limited (S483.154).

³⁸ Bentzen Farm Limited (S167.026) and others.

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	river_crossings; or 33 7. a pumphouses-utilised for the drawing of water provided they cover less than 25m² in area, or 8. infrastructure less than 10m high within a road corridor provided any pole: a. is a single pole (monopole), and b. is not a pi-pole or a steel-lattice tower, or 9. a lighting pole by, or on behalf of the local authority, or 34 10.a footpath and or paving no greater than 2m wide, or 35 11.an upgrade of an existing above ground network utility, provided it: a. is no greater than 10m high or the height of the existing structure; and b. is no greater than 20% of the GFA of the existing lawfully established building or structure; and c. does not involve replacing a pole with a pi pole. 36 PER-3 The building or structure on wetland, lake and river margins is no greater than 300m².	
	height.	
NATC P2		
NATC-R2	height.	Activity status when compliance not-

NATC-R3	Earthworks or indigenous vegetation clearance	
Natural character	Activity status: Permitted Where:	Activity status when compliance not achieved with PER-1 and PER-2 : Restricted Discretionary
	PER-1 The earthworks or indigenous vegetation clearance	Matters of discretion are restricted to: a. effects on the characteristics and

³³ Clause 16, Schedule 1, RMA.

³⁴ Northland Planning and Development 2020 Limited (S502.035).

Northland Planning and Development 2020 Limited (S502.035).
 Northland Planning and Development 2020 Limited (S502.035).
 Top Energy Limited (S483.154).
 Bentzen Farm Limited (S167.027) and others.

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within wetland, lake and river margins <u>and is the</u> minimum necessary is:⁴⁰

- required for the repair or maintenance permittedunder NATC-R2; or for the operation, repair or maintenance of existing lawfully established:
 - a. fences⁴¹
 - b. network utilities 42
 - c. tracks, driveways, roads and access ways, 43
 - d. formed carparks,
 - e. board walks,
 - f. boat ramps, or 44
- required to provide for safe and reasonable clearance for existing overhead power lines.; or
- to address an immediate necessary to address a risk to public the health and safety of the public, or 45
- clearance for the control pests for biosecurity reasons, or 46
- 5. for the sustainable non-commercial harvest of plant material for rongoā Māori., or
- 6. to maintain firebreaks to manage fire risk; or
- 7. to remove vegetation as directed by Fire and Emergency New Zealand due to fire risk, or
- to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area, or 47
- for the upgrading of existing above ground network utilities permitted by NATC-R1, or 48
- 10.for establishing, operating, maintaining and repairing infrastructure in a road corridor. 49

PER-2

Earthworks or indigenous vegetation clearance not provided for within NATC-R3 PER-1 but it complies with standard NATC-S2 Earthworks or indigenous vegetation clearance.

- quality of natural character
- b. the matters in NATC-P36
- c. the positive effects of the activity 50

Activity status when compliance not achieved with PER-2: Non-complying 54

⁴⁰ John Andrew Riddell (S431.159).

⁴¹ Consequential addition of deleting NATC-R2.

⁴² Top Energy Limited (S483.156).

⁴³ Manulife Forest Management (NZ) Ltd (S160.020) and others.

⁴⁴ Waitangi Limited (S503.044) and others.

⁴⁵ Carbon Neutral NZ Trust (S529.140 & 141)

⁴⁶ Forest & Bird (S511.076)

⁴⁷ FENZ (S512.027).

⁴⁸ Top Energy Limited (S483.156).

⁴⁹ Chorus NZ Ltd. Et al (S282.013).

⁵⁰ Bentzen Farm Limited (S167.028) and others.

⁵¹ Bentzen Farm Limited (S16<u>7.028) and others.</u>

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Standards		
NATC-S1	Maximum height	
Natural character	The maximum height of a building or structure, or extension or alteration to an existing building or structure is 5m 5.5m above ground level; or where a building or structure is lawfully established, any extension does not exceed the height of the existing building or structure above ground level.	Where the standard is not met, matters of discretion are restricted to: Not applicable
	This standard does not apply to:	
	i. solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation; or ii. chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or	
	iii. satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; or	
	iv. <u>architectural features (e.g. finials, spires) that do</u> not exceed 1m in height on any elevation.	
NATC-S2	Earthworks or indigenous vegetation clearance	
Natural character	Any earthworks or indigenous vegetation clearance on a site within a wetland, lake and river margins must: a. 4. not exceed a total area of 50 400m² within any calendar year for 10 years from the notification of the District Plan, unless a control in 4.5. below applies; 52 b. 2. not exceed a cut height or fill depth of 1m; c. 3. screen exposed faces visible from public places; and 53 comply with Ecosystems and indigenous biodiversity chapter, NFL-S3 Earthworks or indigenous vegetation clearance and CE-S3-Earthworks or indigenous vegetation clearance. 54 Note: The NESF requires a 10m setback from any	Where the standard is not met, matters of discretion are restricted to: Not applicable
	natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council. 55 2. Any vegetation clearance on a site within a wetland, lake and river margins must exceed a	
	total area of 400m ² within any 10 year period. 56	

 $^{^{\}rm 52}$ Bentzen Farm Limited (S167.029) and others.

 ⁵³ Bentzen Farm Limited (S167.029) and others.
 54 Clause 16, Schedule 1, RMA.

Te Hiku Iwi Development Trust (S399.065) and others.
 Recommendation of the MAL Report in response to submissions including Bentzen Farm Limited (S167.029) and others.

Natural character Proposed: 27/07/2022

Appendix 1.2 – Officers Recommended Amendments to the 'Wetland, lake and river margins' definition

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

Amendments in red as recommended in the evidence of Peter Hall.

Definition: WETLAND, LAKE AND RIVER MARGINS

In the Light Industrial and Heavy Industrial zones means the area of land within 20 metres of a:

- Wetland;
- Lake greater than 1 ha, and are not:
 - artificial lakes where the primary purpose is for managing stormwater or constructed for farm water supply, and
 - o <u>wastewater treatment ponds (municipal and farms);</u> or¹
- 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:

- wetland;
- lake greater than 1 ha, and are not:
 - artificial lakes where the primary purpose is for managing stormwater or constructed for farm water supply, and
 - o <u>wastewater treatment ponds (municipal and farms);</u> or²
- river greater than 3m average width

In all other zones means the area of land within 30 metres of a:

- wetland;
- lake greater than 1 ha, and are not:
 - artificial lakes where the primary purpose is for managing stormwater or constructed for farm water supply, and
 - o <u>wastewater treatment ponds (municipal and farms);</u> or³
- 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

¹ Matauri Trustee Limited (S243.042).

² Matauri Trustee Limited (S243.042).

³ Matauri Trustee Limited (S243.042).

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Attachment 3: Submission Points (Peter Hall Evidence Hearing 4)

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
PART 2 – DISTRICT-WIDE MANATURAL ENVIRONMENT VA Ecosystems and indigenous I	ALUES		
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
Ecosystems and indigenous biodiversity Objectives IB-O1 Ecosystems and indigenous biodiversity Policies IB-P1	Oppose 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 4 th schedule process private plan change which is an unreasonable	Amend Objective IB-O1 as follows: Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected for current and future generations Delete Policy IB-P1
Ecosystems and indigenous biodiversity	Oppose	burden to place on landowners. Because areas of Significant Natural Area are not mapped, avoidance can only be achieved in relation to areas of	Amend Policy IB-P2 as follows:

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		significant indigenous vegetation and significant habitats of	Within the coastal environment:
Policies		indigenous fauna. The change proposed by this submission	a. avoid adverse effects of land use and subdivision on Significant
IB-P2		gives effect to the requirements of the NZCPS 2010.	Natural Areas areas of significant indigenous vegetation and
			<u>significant habitats of indigenous fauna</u> ; 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.
Ecosystems and indigenous biodiversity	Oppose	As above.	Amend Policy IB-P3 as follows:
			Outside the coastal environment:
Policies			a. avoid, remedy or mitigate adverse effects of land use and
IB-P3			subdivision on Significant Natural Areas <u>areas of significant</u>
			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.
Ecosystems and indigenous	Oppose	As above in the reasons for the changes to the Overview	Amend Policy IB-P5 as follows:
biodiversity		section.	
			Ensure that the management of land use and subdivision to
Policies			protect Significant Natural Areas areas of significant indigenous
IB-P5			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 <u>areas of significant</u>
			indigenous vegetation and significant habitats of indigenous
			<u>fauna</u> 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,

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			including the provision of papakāinga, marae and associated
			residential units and infrastructure.
Ecosystems and indigenous biodiversity	Support subject to amendments	As above in the reasons for the changes to the Overview section.	Amend Policy IB-P6 as follows:
Policies IB-P6		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 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.	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, including under-represented ecosystems, and where biodiversity is increased and legally protected. 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

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

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions
Ecosystems and indigenous biodiversity	Oppose	As above in the reasons for the changes to the Overview section.	shown in strikethrough) Delete Rule IB-R3
Rules IB-R3 Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area			
Ecosystems and indigenous biodiversity	Oppose	As above in the reasons for the changes to the Overview section.	Delete Rule IB-R4
Rules IB-R4 Indigenous vegetation clearance and any associated land disturbance outside a Significant Natural Area		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.	
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
PART 2 – DISTRICT-WIDE MAT			
Natural character			
Natural Character Rules NATC-R1 New buildings or structures, and extensions or	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	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
structures, and extensions of		matters set out in the relief sought are taken from policy	infrastructure;

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
alterations to existing buildings or structures		NATC-P6, and provide a complete basis to assess likely and potential effects on natural character.	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; 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; 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;

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			I. the ability to improve the overall water quality; and
			m. any positive contribution the development has on the
		The provision is targeted only to effects on natural character	characteristics and qualities. Amend rule NATC-R3 to change the activity status where
Rules NATC-R3 Earthworks or indigenous vegetation clearance	Oppose	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	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
		NATC-P6, and provide a complete basis to assess likely and	infrastructure;
		potential effects on natural character.	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; 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	Oppose	The limitation on earthworks for 400m2 for 10 years from the notification of the Proposed Plan is unduly restrictive	Amend NATC-S2 as follows:
Standards Earthworks or indigenous vegetation clearance		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 regrassing, establishment of vegetation or the construction of	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:
		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	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;
		subsequent earthworks which need only be assessed against this new established environment, rather than against	 not exceed a cut height or fill depth of 1m; screen exposed faces visible from a public place; and

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		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. 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 control), 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.	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 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 MA NATURAL ENVIRONMENT VA Natural features and landsca	ALUES		
Natural Features and Landscapes	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	Amend the Overview as follows: The Far North District has an extensive coastline with many
Overview		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	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

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		historical settlement, burn-offs, logging, forestry and	to their remote locations, historic heritage and in some cases
		farming practices. In many instances the characteristics of	challenging topography and geomorphology.
		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.	
Natural Features and	Oppose	By its nature, land use and subdivision cannot be 'consistent	Amend Objective NFL-O2 as follows:
Landscapes		with' the characteristics and qualities of an ONL or ONF:	
		those being defined by a current state. It can however not	Land use and subdivision in ONL and ONF is consistent with and
Objectives		compromise their characteristics and values as have been	does not compromise the <u>identified</u> characteristics and qualities
NFL-O2		identified by the higher order planning documents.	<u>values</u> of that landscape or feature.
		The NRC Landscape Assessment Work Sheets refer to	<u>Or</u> alternatively
		"values" not qualities. In order for this objective to be the	
		most appropriate way to achieve the requirements of the	The identified characteristics and values of ONLs and ONFs are
		RMA and give effect to the NPS (ie allow a measurable	protected from inappropriate subdivision, use and development
		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.	
Natural Features and	Oppose	As per submission point on NFL-O2	Amend Policy NFL-P2 as follows:
Landscapes			
			Avoid adverse effects of land use and subdivision on the <u>identified</u>
Policies			characteristics and qualities <u>values</u> of ONL and ONF within the
NFL-P2			coastal environment.
Natural Features and	Oppose	As per submission point on NFL-O2	Amend Policy NFL-P3 as follows:
Landscapes			
			Avoid significant adverse effects and avoid, remedy or mitigate
Policies			other adverse effects of land use and
NFL-P3			subdivision on the <u>identified</u> characteristics and qualities <u>values</u> of
			ONL and ONF outside the coastal environment.
Natural Features and	Support subject to	The policy provides appropriate recognition that farming	Amend Policy NFL-P4 as follows:
Landscapes	amendments	should be provided for in ONLs and ONFs and that the use	

Proposed Far North District Plan: Hearing 4 Natural Environment Values & Coastal Environment.

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
Policies NFL-P4		can form part of the characteristics and values that established the landscape or feature.	Provide for farming activities within ONL and on ONF where: a. the use forms part of the <u>identified</u> characteristics and qualities <u>values</u> that established the landscape or feature; and
		Changes are sought in line with reasons for submission point on NFL-O2	b. the use is consistent with, and does not compromise the characteristics and qualities of the landscape or feature.
Natural Features and Landscapes	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	Amend Policy NFL-P5 as follows:
Policies NFL-P5		method to determine compliance with the policy.	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.
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.
Natural Features and Landscapes Policies	Oppose	Prohibit land use that would result in any loss of and/or destruction of the characteristics and qualities of ONL and ONF.	Delete Policy NFL-P7
NFL-P7		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 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:	Delete Policy NFL-P6
		This is not a policy but a method of assessment, and therefore more appropriately an assessment criterion.	

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		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.	
Natural Features and	Oppose	As drafted, the Proposed Plan does not provide appropriate	Add a new policy as follows:
Landscapes		recognition of existing and/or authorised subdivision, use	
		and development in ONLs and ONFs. Many values and	Recognise that identified ONLs and ONFs
Policies		characteristics of ONLs have been enhanced through	may contain existing and/or authorised subdivision, use and
New Policy		development and subdivision through for example native	development and provide for these activities.
		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.	
Natural Features and	Oppose	The building per -se, rather than the use of the building, is	Amend Rule NFL-R1 as follows:
Landscapes		the matter that should be controlled in this instance, having	
		regard to the purpose of the rule. As such the requirement	Activity status: Permitted
Rules		for the building to be ancillary to farming should be deleted.	Where:
NFL-R1		Reliance is still able to be placed on the other controls and	PER-1
New buildings or structures,		standards referred to in the rule to manage effects on	If a new building or structure is located outside the
and extensions or alterations		natural features and landscapes.	coastal environment it is:
to existing buildings or			1. ancillary to farming (excluding a residential unit);
structures		Residential Units should be provided for in the overlay, in	<u>1</u> . <u>2.</u> no greater than 25 <u>50</u> m2 .
		accordance with the underlying zone. They otherwise	PER-2
		default to non-complying in the coastal environment as this	If a new building or structure is located within the coastal
		rule is drafted in the Proposed Plan. This fails to recognise	environment it is:
		the existence of residential units in ONLs and the benefits	1. ancillary to farming (excluding a residential unit);
		that subdivision, use and development associated with	<u>1</u> 2. no greater than 25 <u>50</u> m2.
		residential units can bring to ONFs and ONLs.	PER-3
			Any extension to a lawfully established building or
		Should the concern be the proliferation of residential	structure is no greater than 20% of the GFA of the
		dwellings in the coastal environment, then this can be	existing lawfully established building or structure.
		managed by the inclusion of a rule limiting as a per the	
		drafting proposed at PER-5.	PER-4
			The building or structure, or extension or alteration to an existing
			building or structure, complies with standards:

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		As drafted, the rule ignores that there are titles, including	NFL-S1 Maximum height
		titles with approved building platforms, which have occurred	NFL-S2 Colours and materials
		through a subdivision process which has confirmed the	
		suitability of a residential unit, but are as yet unbuilt on.	Add the following rule:
		That should be recognised as a matter of discretion, or in the	PER-5
		preferred alternative added as a controlled activity as also	Where the new building is for a residential unit, there is only one
		sought by this submission.	residential unit within the ONL and ONF area on the lot.
		50m2, rather than 25m2, better provides for small farm	Amend the activity status where compliance is not
		sheds that are typical in rural environments.	achieved with rules PER-1, PER-2, PER-3 and PER-4 from
			discretionary /non complying to restricted discretionary in the
		Non-conformity with the rule is more effectively and efficiently dealt with as a restricted discretionary activity.	case of each rule.
		This is because the matters of discretion are capable of	Add a new activity status where compliance is not
		being confined to effects on the identified characteristics	achieved with rule PER-5 as a non-complying activity.
		and values of the feature.	
			Add a matter of discretion as follows:
		Except for more than one dwelling per lot, notification	
		should not be a consideration, as the restricted	1. <u>The effects on the identified characteristics and values</u>
		discretionary matters are limited in their scope and need not	that established the landscape or feature, having
		involve third party input	<u>regard to:</u>
			 a. <u>the temporary or permanent nature of any adverse</u> <u>effects;</u>
			b. the location, scale and design of any proposed
			development;
			c. any means of Integrating the building, structure or
			activity;
			d. <u>the ability of the environment to absorb change;</u>
			e. <u>the need for and location of earthworks or</u>
			vegetation clearance;
			f. the operational or functional need of any
			regionally significant infrastructure to be sited in
			<u>the particular location;</u>
			g. <u>Except as provided for under m and n below, any</u>
			viable alternative locations for the activity or
			development outside the landscape or feature;
			h. <u>the characteristics and qualities of the landscape</u>
			<u>or feature;</u>

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
			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. 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 noncomplying, regardless of prior entitlements provided by subdivision.	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

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		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 to manage the effects of buildings. Owners have purchased lots on the understanding that their entitlement to build on them is protected.	and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).
		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	
Natural Features and Landscapes	Oppose	There is no need not be a rule for an activity class of repair and maintenance.	Delete Rule NFL-R2
Rules NFL-R2 Repair or 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	

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		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: • 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.	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 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 7. farming tracks 1. 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.

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , 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 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	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
		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.	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, ‡the earthworks or indigenous
		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.	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 Except as permitted under PER-1 Tthe 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 clearances. d. the operational or functional need of any regionally standificant infrastructure to be sited in the particular location; e. Except as provided for under k and 1 belong. Any viable elternative locations; any historical, spiration or outburd association held by tangata where the landscape or feature; f. any historical, spiration or outburd association held by tangata where the landscape or feature; h. the absociation and visual integrity of the landscape or feature; h. the physical and visual integrity of the landscape or feature; h. the physical and visual integrity of the landscape or feature; h. the natural landform and processes of the location; and any positive contribution the development has on the characteristics and qualities. Whether location is a callify within the ONF or ONL orea is required to enable reasonable residential or farming use of the location is not as previously approved huilding latform. Add new clause as follows: Earthworks or indigenous vegetation clearance which do not comply with FERI_FERI_ORERS shall be assessed without qualities or limited anottication is required under section 596(2) and 638 of the Resource Management Act unless special circumstances exist or notification is required under section 596(2) and 638 of the Resource Management Act unless special circumstances exist or notification is required under section 596(2) and 638 of the	Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision	Requested (additions shown <u>underlined</u> , deletions
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Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
Natural Features and	Oppose	Under this rule, farming becomes a non-complying activity in	Delete rule NFL-R3 (assuming reliance can then be placed on the
Landscapes		the coastal environment and discretionary elsewhere	activity status for farming in the underlying zoning as per "Applications Subject to Multiple Provisions" section of the
Rules		This does not implement policy NFL-P4 of the Proposed Plan	Proposed Plan)
NFL-R3		which recognises that that farming should be provided for in	
Farming		ONLs and ONFs and that the use can form part of the	Or, in the alternative,
		characteristics and values that established the landscape or	
		feature;	Amend rule NFL-R3 so that Farming is a permitted activity in the
			overlay.
		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,	
		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.	
		to passeral and open onal accessors 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	Oppose	The maximum height specified of 5m may or may not be	Detele Standard NFL-S1
Landscapes		appropriate in the circumstances, and is best assessed and	

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
Standards NFL-S1 Maximum Height		determined at resource consent stage for the building under NFL-R1.	
THE ST WAXIII THEIGHT		The height limit of the zone would otherwise apply to smaller (less than 50m 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.	
Natural Features and	Support subject to	The rule should allow for natural materials also.	Amend Standard NFL-S2 as follows:
Standards NFL-S2 Colours and materials	amendments		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.
Natural Features and	Support subject to	Amendments are sought to the rule so that earthworks or	Amend rule NFL-S2 as follows:
Standards NFL-S3 Earthworks or indigenous vegetation clearance	amendments	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.	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.
		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.	

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
PART 2 – DISTRICT-WIDE MAT GENERAL DISTRICT-WIDE MAT Coastal environment		Screening should only be from public places (which includes the CMA) for the rule to efficiently apply.	
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-O2, 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-O2 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 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.

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in <u>strikethrough</u>) k. <u>Where appropriate, promotes opportunities for restoration or rehabilitation of modified or degraded areas of natural character.</u>
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.
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.
Coastal Environment Policies CE-P6	Support subject to amendments	The policy seeks to enable farming activities in the coastal environment and that part of the policy is 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).	Amend Policy CE-P6 as follows: 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	Support	The natural character of the coastal environment is in many instances significantly modified or degraded and it is	Retain Policy CE-P8

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
CE-P8		appropriate that the Proposed Plan encourages its restoration and enhancement to give effect to the NZCPS.	
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.	Delete Policy CE-P9
		This policy is not implemented by any rules and, moreover, is inconsistent with Policy CE-P2 which better gives effect to the NZCPS.	
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, including (but not limited to) consideration of a range of matters "where relevant to the application".	Delete Policy CE-P10
		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	
Coastal Environment Rules CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Oppose	achieve an unspecified outcome as is this policy. 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).	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:
		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	 no greater than 300m2. located outside high or outstanding natural character areas. PER-2
		efficiently dealt with as a restricted discretionary activity.	

		shown in strikethrough)
b a a A A ti ti ti ti s S T p s S E S d	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 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.	shown in strikethrough) 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 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-51 Maximum height. CE-52 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;

Proposed Plan Provision	Support/Oppose	Reason for Submission		Requested (additions shown <u>underlined</u> , deletions
				n strikethrough)
			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;
			q.	the operational or functional need of any regionally
			9.	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
				<u>hazards;</u>
			k.	the opportunity to enhance public access and
				recreation;
			I.	the ability to improve the overall quality of coastal
				waters; and
			m.	any positive contribution the development has on the
				<u>characteristics and qualities.</u>
			n.	Whether locating the activity within the coastal
				environment is required to enable reasonable
				residential or farming use.
			0.	Whether the location is on a previously approved
				building platform.
			Add the	following clause:
			New bui	ldings or structures, and extensions or alterations to
			existing	buildings or structures which do not comply with PER1,
			PER2, PE	R3 or PER4 shall be assessed without public or limited
			<u>notificat</u>	ion under sections 95A and 95B of the Resource
			Manage	ment Act unless special circumstances exist or
			<u>notificat</u>	ion is required under section 95B(2) and (3).
Coastal Environment	Oppose	There is no need not be a rule for an activity class of repair	Add nev	v rule as follows:
Rules		and maintenance.	<u>"New bu</u>	uildings or structures, and extensions or alterations to
New Rule			existing	buildings or structures within an approved building

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		Repairs and maintenance should be otherwise be permitted under the respective rules relating to the buildings, earthworks and indigenous vegetation clearance activity	platform or buildable area on a site for which a subdivision consent was granted after 1 January 2000"
		classes within the overlay. Those rules (as sought to be amended by this submission) most effectively and efficiently	Specify the activity status as controlled activity
		manage the effects of relevant activities on the resources managed by the overlay.	Include the following matter of control: 2. Compliance with location, height, design and mitigation
		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	conditions which apply to the site or building platform by way of resource consent condition or consent notice.
		consent processes. An example is existing houses in the ONF and ONL, whereby their repair and maintenance (including	Include the following clause:
		any normal domestic maintenance) would trigger a full discretionary activity resource consent because they are not specified in the repair or maintenance rule.	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
		This form of rule is proposed to be carried over into the Proposed Plan, and so may result in more such forms of subdivision.	circumstances exist or notification is required under section 95B(2) and (3).
		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 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.	

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		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.	<i>S.</i>
		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.	Delete Rule CE-R2
		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 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	Oppose	More exceptions for normal farming and rural practices should be provided for. In this regard, farming activities are	Amend Rule CE-R3 as follows:

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
CE-R3 Earthworks or indigenous vegetation clearance	Support/Oppose	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. 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.	shown in strikethrough) 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 7. farming tracks 8. 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 as a strip of no more than
			3.5m wide to construct new fences for the purpose of stock control or boundary delineation.

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions
		The importance of providing for development on previously	shown in strikethrough) 12. required for vegetation clearance within the legal width of an
		approved building platforms is discussed earlier in this	existing formed road.
		submission.	chisting formed road.
		As essentially a technical assessment against a defined set of	PER-2
		matters, a non-notification rule is appropriate as it will avoid	Except as permitted under PER-1, \mp the earthworks or indigenous
		unnecessary consent cost and risk burden on landowners.	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
			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:
			The effects characteristics, values and qualities of the
			coastal environment, having regard to:
			a. the temporary or permanent nature of any adverse
			<u>effects;</u>
			b. <u>the ability of the environment to absorb change;</u>
			c. <u>the need for and location of earthworks or</u>
			vegetation clearance;
			d. <u>the operational or functional need of any</u> regionally significant infrastructure to be sited in
			the particular location;
			e. <u>Except as provided for under k and l below, any</u>
			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. <u>the likelihood of the activity exacerbating natural</u> hazards;
			h. <u>the ability to improve the overall quality of coastal</u>
			waters; and
			i. <u>any positive contribution the development has on</u>
			the characteristics and qualities.

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions
			shown in strikethrough) j. Whether locating the activity within the coastal
			environment is required to enable reasonable
			residential or farming use.
			k. Whether the location is on a previously approved
			building platform or access drive.
			Sanamy Fragern St assess arre-
			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	Oppose	Under this rule, farming becomes a non-complying activity in	Delete rule CE-R4 (assuming reliance can then be placed on the
Rules		the coastal environment when combined with the ONL or	activity status for farming in the underlying zoning as per
CE-R4 Farming		ONF overlay.	"Applications Subject to Multiple Provisions" section of the
		This does not invalence to alies CE BC of the Brown and Blan	Proposed Plan)
		This does not implement policy CE-P6 of the Proposed Plan which recognises that that farming should be provided for in	Or in the alternative
		the coastal environment.	Or, in the alternative,
			Amend rule CE-R4 so that Farming is a permitted activity in the
		While existing farms may be protected by existing use rights,	overlay.
		new farming methods or practices may not be, and may	
		trigger the need for a resource consent with the rule as	Amend rule CE-R4 as follows:
		proposed. This ignores that in large sections of the district,	
		working farms are in the coastal environment.	Activity status: Permitted
		The mile will impress significant consultance costs on suisting	Where:
		The rule will impose significant compliance costs on existing farms where resource consents may be required for every	PER-1
		new aspect of their operation.	The farming activity is located outside high or outstanding
		new aspect of their operation.	natural character areas.
		The rule as proposed is not effective nor efficient as the	natural character areas.
		effects on the coastal environment are better managed	Activity status where compliance is not achieved with PER-1:
		through controls on earthworks, vegetation clearance and	The state of the s
		buildings, rather than the activity of farming.	Discretionary (outside an outstanding natural character area)
		As per the overview explanation of overlays in the Proposed	Non-complying (inside an outstanding natural character area)
		Plan, where there is no specific rule relevant to the activity,	
		then it reverts to its underlying zoning (for example, if Rural	Activity status where compliance not achieved: Not applicable

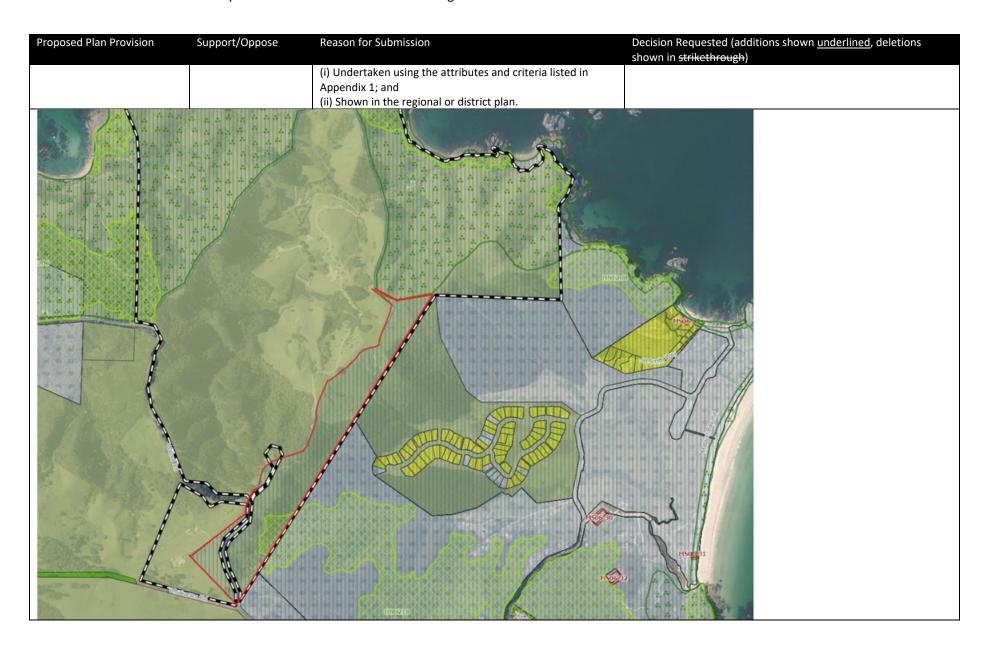
Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		Production then farming is a permitted activity). If this is the	
		case, the then the rule can and should be deleted for the	
		reasons above.	
		If that is not the case, then an alternative relief is sought	
		that farming is a permitted activity in the overlay.	
Coastal Environment	Oppose	The maximum height specified of 5m may or may not be	Delete Standard CE-S1
Standards		appropriate in the circumstances, and is best assessed and	
CE-S1 Maximum height		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.	
Coastal Environment	Support subject to	The rule should allow for natural materials also which	Amend Standard CE-S2 as follows:
Standards	amendments	typically sit well in the coastal environment.	
CE-S2 Colours and materials			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 <u>or</u>
Coastal Environment	Onness	Amondments are cought to the rule so that carthuraries ar	are a natural finish stone or timber. Amend Standard CE-S2 as follows:
Standards	Oppose	Amendments are sought to the rule so that earthworks or indigenous vegetation clearance associated with access	Amena Standard CE-52 as follows:
CE-S3		and/or a building platform are not subject to the preceding	Any earthworks or indigenous vegetation clearance
62 33		subclause 1-3s. Otherwise, such works would trigger the	must (where relevant):
Earthworks or indigenous		need for consent in almost every instance (building	
vegetation clearance		platforms generally being greater than 50m2).	 not occur in outstanding natural character areas.
			2. not exceed a total area of 50m2 for 10 years from the
		Also, as drafted, it could be interpreted that only earthworks	notification of the District Plan <u>per calendar year</u> in an
		and vegetation clearance for the purpose of access and/or a	area of high natural character.
		building platform are permitted (eg not farming earthworks	3. not exceed a total area of 400m2 for 10 years from the
		and vegetation clearance).	notification of the District Plan <u>per calendar year</u> in an

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		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	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.
		the CMA) for the rule to efficiently apply.	
Coastal Environment Standards in coastal hazard areas CE-S5 Information requirements	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 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.	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 qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion.
MAPPING			
Coastal Environment Overlay – Bentzen Farm	Oppose	The objectives, policies and rules in the Coastal Overlay in combination fail to recognise and provide for farming (including enabling people and communities to provide for their social, economic, and cultural well-being), and where the overlay applies to those parts of the property actively farmed, it therefore fails to achieve the purpose of the RMA 1991.	In the alternative to the relief sought in this submission to the coastal objectives, policies and rules relating to farming activities: delete the Coastal Overlay from the Bentzen Farms property legally described as Lot 1 Deposited Plan 87944; Lot 3 Deposited Plan 479155; and Lot 4 Deposited Plan 479155 and Part Lot 4 Deposited Plan 38894 and Lot 5 Deposited Plan 38894 and Section 27-28 Block III Russell Survey District.
High Natural Character Overlay – The Shooting Box	Oppose the High Natural Character Overlay over properties owned by the Shooting Box Limited at 20 Kokinga Point Road, Rawhiti in the Eastern Bay of Islands. identified in	The Proposed Plan mapping includes areas of planted gardens and low value manuka/kanuka on the property as High Natural Character. These do not exhibit high natural character values and should be excluded. There is scope to amend the mapped extent of the High Natural Character Overlay in this way.	Amend the High Natural Character overlay on the subject property legally described as Part Lot 1 Deposited Plan 53930 (4.2152 hectares); and Lot 1 Deposited Plan 97835 and Lot 1 Deposited Plan 71896 (9715 m2) to exclude areas of planted gardens and low value manuka/kanuka.

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
	its submission and legally described as Part Lot 1 Deposited Plan 53930 (4.2152 hectares); and Lot 1 Deposited Plan 97835 and Lot 1 Deposited Plan 71896 (9715 m2).	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.	
High Natural Character Overlay – P S Yates Family Trust	Oppose the High Natural Character Overlay over properties 1 & 23 Kokinga Point Road, Rawhiti, legally described as Lot 3 Deposited Plan 71896 and Part Te Kokinga Block.	The Proposed Plan mapping includes some open grassed areas on the properties as High Natural Character. These do not exhibit high natural character values and should be excluded. These include but are not limited to the grassed cleared area at 1 Kokinga Point Road.	Amend the High Natural Character overlay on the subject properties at 1&23 Kokinga Point Road, Rawhiti, legally described as Lot 3 Deposited Plan 71896 and Part Te Kokinga Block, to exclude existing open grassed areas from High Natural Character.
High Natural Character Overlay – Setar Thirty-Six Limited	Oppose	The Proposed Plan mapping includes small areas of open grass and gardens on the property as High Natural Character. These do not exhibit any natural character values and should be excluded. Under Policy 4.5.1 of the Regional Policy, refinement of the maps in accordance with Method 4.5.4 is contemplated.	Amend the High Natural Character overlay on the subject property legally defined as Lot 1 Deposited Plan 36233 on Moturua Island to exclude areas of open grass and gardens.

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		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.	
		As maintained grass and gardens, the areas sought to be removed do not demonstrate any of the attributes and criteria listed in Appendix 1 of the RPS.	
Coastal Environment Overlay – Matauri Trustee Limited	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	Remove the Coastal Environment Overlay to the extent shown on the map below from the Opounui Farm property as described in this submission.
		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,	

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



Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions
			shown in strikethrough)
Coastal Environment Ove	rlay sought to be delet	ted shown in <mark>red</mark> .	

Mataka Residents' Association Inc Submission Points Relevant to Hearing 4

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
6. The Association makes this submission in relation to all		As stated in the submission	(d) Amend the Overview, Objectives and Policies of the Coastal
relevant provisions affecting the Purerua Peninsula, including			Environment Overlay, High Natural Character Overlay,
but not limited to the following:			Outstanding Natural Landscape overlay and Rural Production
(a) The proposed Coastal Environment (CE) overlay, overview,			zone to give recognise the proposed Mataka Station Precinct
objectives, policies and rules applying to the Site;			provisions and the existing resource consent which provides for
(b) The proposed Outstanding Natural Landscape (ONL) overlay,			dwellings and buildings/structures on the Lots within the Mataka
overview, objectives, policies and rules applying to the Site; and			Scheme as well as the continuation of farming activities.
(c) The proposed High Natural Character (HNC) overlay,			
overview, objectives, policies and rules applying to the Site.			(e) In the alternative, any other provisions including alternative
(d) The proposed Rural Production zone overview, objectives,			activity status rules, matters for discretion and assessment
policies and rules applying to the Site.			criteria that give effect to this submission.
7. The specific provisions of the Proposed Plan that this			(f) Any other consequential relief required to give effect to this
submission relates to are:			submission
(a) the overview, objectives, policies and rules applying to land			
that is subject to a CE overlay (set out under Part 2 – District			
Wide Matters: General District-Wide Matters - Coastal			
environment of the Proposed Plan);			
(b) the overview, objectives, policies and rules applying to land			
that is subject to an ONL overlay (set out under Part 2 – District			
Wide Matters: Natural environmental values - Natural features			
and landscapes of the Proposed Plan); and			
(c) the overview, objectives, policies and rules applying to land			
that is subject to a HNC overlay (set out under Part 2 – District			
Wide Matters: Natural environmental values – Natural character			
of the Proposed Plan).			
(d) The overview, objectives, policies and rules applying to land			
that is subject to The Rural Production zone (set out under Part			
3 – Area Specific Matters: Rural Zones of the Proposed Plan).			