

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 underline used for new text and ~~strikethrough~~ for deleted text).

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 ~~d~~District’s¹ coastline is relatively undeveloped in the sense that there is limited built development and supporting infrastructure. The past few ~~of~~ 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 ~~community’s~~ health, safety and wellbeing of communities².

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-O1	The natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection <u>from inappropriate land use and subdivision</u> 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.

	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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 landscapes¹⁰ in of the coastal environment not identified as an: <ul style="list-style-type: none"> a. outstanding natural character area; b. ONL; or c. ONF.
CE-P4	Preserve the visual qualities, character and integrity of the coastal environment by: <ul style="list-style-type: none"> 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.¹¹ where: <ul style="list-style-type: none"> a. 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:

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.

⁹ Forest and Bird (S511.098, S511.099) and others.

¹⁰ NZTA (S356.097) and DOC (S364.064)

¹¹ John Andrew Riddell (S431.029) and others.

	<ul style="list-style-type: none"> a. <u>recognising that existing farming activities form part of the coastal environment and allowing for these activities to continue without undue restriction; and</u>¹² b. <u>only allowing new farming activities outside outstanding and high natural character areas where appropriate.</u>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	<p><u>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:</u></p> <ul style="list-style-type: none"> 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	<p>Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and to address the effects of the activity requiring resource consent, including (but not limited to) consideration of <u>Consider the following matters where relevant when assessing and managing the effects of land use and subdivision on the coastal environment:</u>¹⁷to the application</p> <ul style="list-style-type: none"> a. the presence or absence of buildings, structures or infrastructure; b. the temporary or permanent nature of any adverse effects, <u>including any cumulative effects;</u>¹⁸ c. the location, scale and design of any proposed development; d. any means of integrating the building, structure or activity <u>into the wider landscape;</u>¹⁹ e. the ability of the environment to absorb change; f. the need for and location of earthworks or <u>indigenous vegetation clearance and proposed mitigation measures;</u>²⁰ 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. <u>potential effects of land use and subdivision on the coastal marine area and</u>²¹ the ability to improve the overall quality of coastal waters; and

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

¹³ Pacific Eco-logic (S451.014).

¹⁴ Bentzen Farm Limited (S167.070) and others.

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.

	<p>m. <u>any positive contribution the development has on the characteristics and qualities, including restoration and enhancement;</u>²²</p> <p>n. <u>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;</u>²³</p> <p>o. <u>the extent to which the land use and subdivision complements activities in the coastal marine area; and</u>²⁴</p> <p>p. <u>whether the activity is on a previously approved building platform.</u>²⁵</p>
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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 this 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.~~

CE-R1	New buildings or structures, and extensions or alterations to existing buildings or structures	
Coastal environment	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 If a new building or structure is located in <u>the General Residential Zone, Mixed Use Zone, Light Industrial Zone, Russell / Kororareka Special Purpose Zone, Māori Purpose Zone – Urban, Oronga Bay Zone, Hospital Zone, or Kauri Cliff SPZ - Golf Living Sub-Zone,</u>²⁸ an urban zone it is:</p> <p>1. <u>is no greater than 300m²; and</u></p>	<p>Activity status where compliance not achieved with PER-1 <u>and PER-2: Controlled</u></p> <p>Discretionary (inside a high natural character area)</p> <p>Non-complying (inside an outstanding natural character area)</p> <p>CON-1 <u>The building is a residential unit on a defined building platform, where the defined building platform has been identified through a professional landscape assessment and approved as part of an existing subdivision</u></p>

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

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.

	<p>2. <u>is located outside high or outstanding natural character areas; and</u></p> <p>3. <u>complies with:</u></p> <ol style="list-style-type: none"> a. <u>CE-S1 Maximum height;</u> b. <u>CE-S2 Colour and materials;</u> <u>and</u> c. <u>CE-S4 Setbacks from MHWS.</u> <p>PER-1(1) does not apply to: <u>the Mixed-Use Zone, Light Industrial Zone, Māori Purpose Zone – Urban and Hospital Zone within the following settlements: Coopers Beach, Mangonui, Opuā, Paihia and Waitangi, Rawene, and Russell / Kororareka.</u>²⁹</p> <p>PER-2 If a new building or structure <u>is not located within any of the zones referred to in PER-1 an urban zone</u> it is:</p> <ol style="list-style-type: none"> a. <u>ancillary to farming activities (excluding a is not used for a residential activity unit),</u>³⁰ b. <u>is no greater than:</u> <ol style="list-style-type: none"> a. <u>25m² within an outstanding natural character area;</u> b. <u>50m² within a high natural character area; and</u> c. <u>100m² in all other areas of the coastal environment; and</u>³¹ c. <u>located outside outstanding natural character areas; and</u> d. <u>complies with:</u> <ol style="list-style-type: none"> a. <u>CE-S1 Maximum height;</u> b. <u>CE-S2 Colour and materials;</u> <u>and</u> c. <u>CE-S4 Setbacks from MHWS.</u> <p>PER-3 Any extension or <u>alternation</u> to a lawfully established building or structure is:</p> <ol style="list-style-type: none"> 1. <u>no greater than 20% of the GFA of the existing lawfully established building or structure; and</u> 2. <u>complies with CE-S1 Maximum height.</u> <p>PER-4³² <u>Any new building or structure or an extension or alteration to an existing</u></p>	<p><u>consent.</u></p> <p><u>The matters of control are:</u></p> <ol style="list-style-type: none"> a. <u>the matters in CE-P10.</u>³³ <p>Activity status where compliance not achieved with <u>CON-1, PER-3 and PER-4 PER-2</u> : Discretionary (outside an outstanding natural character area) Non-complying (inside an <u>and outstanding a high natural character area</u>): <u>Restricted Discretionary</u></p> <p><u>The matters of discretion are:</u></p> <ol style="list-style-type: none"> a. <u>the matters in CE-P10; and</u>³⁴ b. <u>positive effects.</u> <p>Activity status where compliance not achieved with <u>CON-1, PER-3 or PER-4</u>:</p> <ol style="list-style-type: none"> a. <u>Discretionary (in a high natural character area); or</u> b. <u>Non-complying (in an outstanding natural character area).</u>
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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.

	<p><u>building or structure not provided for by PER-1, PER-2 or PER-3, where it is:</u></p> <ul style="list-style-type: none"> a. <u>fencing for the purposes of stock exclusion;</u> b. <u>an upgrade of an existing network utility where this is:</u> <ul style="list-style-type: none"> i. <u>outside high or outstanding natural character areas;</u> ii. <u>permitted by I-R3;</u> iii. <u>no greater than 10m high or the height of the existing structure (whichever is the greatest);</u> iv. <u>no greater than 20% of the GFA of the existing lawfully established building or structure; and</u> v. <u>not replacing a pole with a pi pole.</u> <p>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.</p>	
CE-R2	Repair or maintenance³⁵	
<p>Coastal environment</p>	<p>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:</p> <ul style="list-style-type: none"> 1. roads; 2. fences; 3. network utilities; 4. driveways and access; 5. walking tracks; 6. cycling tracks; or 7. farming tracks. 	<p>Activity status where compliance is not achieved with PER-1:- Discretionary</p>
CE-R3	Earthworks or indigenous vegetation clearance	
<p>Coastal environment</p>	<p>Activity status: Permitted</p>	<p>Activity status where compliance not achieved with PER-1 and PER-2</p>

³⁵ Bentzen Farm (S167.076) and others.

	<p>Where:</p> <p>PER-1 The earthworks or indigenous vegetation clearance is:</p> <ol style="list-style-type: none"> 1. required for <u>the operation, repair or maintenance of existing lawfully established³⁶ permitted under CE-R2 Repair or Maintenance;</u> <ol style="list-style-type: none"> a. <u>fences;</u> b. <u>network utilities;</u> c. <u>tracks, driveways, roads and access ways;</u> d. <u>formed carparks;</u> e. <u>board walks;</u> f. <u>boat ramps;³⁷</u> 2. required to provide for safe and reasonable clearance for existing overhead power lines; or 3. <u>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;</u> or 4. <u>clearance for biosecurity reasons to control pests;³⁹ or</u> 5. for the sustainable non-commercial harvest of plant material for rongoā Māori; 6. <u>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;⁴⁰</u> 7. <u>for the construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m in width; or⁴¹</u> 8. <u>for any upgrade of existing network utilities:</u> <ol style="list-style-type: none"> a. <u>outside high natural character and outstanding natural character areas; and</u> b. <u>permitted by rule CE-R1 PER-4.⁴²</u> <p>PER-2</p>	<p><u>(outside an outstanding natural character area):</u> Restricted Discretionary The matters of discretion are: a. <u>the matters in CE-P10.⁴³</u></p> <hr/> <p>Activity status where compliance not achieved with PER-1 and PER-2 (inside an outstanding natural character area): Non-complying</p>
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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.

	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	Farming	
Coastal environment	Activity status: Permitted Where: PER-1 The farming activity is located outside high or outstanding natural character areas.	Activity status where compliance is not achieved with PER-1: Discretionary (outside <u>inside</u> an outstanding <u>high</u> natural character area) Non-complying (inside an outstanding natural character area)
CE-R5	Demolition of buildings or structures⁴⁴	
Coastal environment	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
CE-R6	Plantation forestry and plantation forestry activity <u>Afforestation for commercial forestry</u>⁴⁵	
Coastal environment	Activity status: Discretionary Where: DIS-1 The plantation forestry or plantation forestry activity <u>afforestation</u> ⁴⁶ is located outside outstanding natural character areas.	Activity status where compliance not achieved with DIS-1: Non-complying
CE-R7	Extension to existing mineral extraction activity	
Coastal environment	Activity status: Discretionary Where: DIS-1 The extension is to an existing lawfully established mineral extraction activity and is located outside outstanding natural character areas.	Activity status where compliance not achieved with DIS-1: Non-complying
CE-R8	New mineral extraction activity	
Coastal environment	Activity status: Prohibited	Activity status where compliance not achieved: Not applicable
CE-R9	Land fill, managed fill or clean fill	
Coastal environment	Activity status: Prohibited	Activity status where compliance not achieved: Not applicable
Standards		

⁴⁴ Clause 16, Schedule 1, RMA.

⁴⁵ PF Olsen (S91.014) and others.

⁴⁶ PF Olsen (S91.014) and others.

CE-S1		Maximum height
Coastal environment	<p>1. The maximum height of any new building or structure above ground level is 5m and must not exceed the height of the nearest ridgeline, headland or peninsula;⁴⁷ and</p> <p>2. Any extension to a building or structure must not exceed the height of the existing building above ground level or exceed the height of the nearest ridgeline, headland or peninsula⁴⁸.</p> <p>This standard does not apply to:</p> <ol style="list-style-type: none"> <u>Telecommunication facilities;</u> The Orongo Bay zone <u>and the Kororāreka Russell Township zone.</u> <u>The Mixed-Use Zone, Light Industrial Zone, Māori Purpose Zone – Urban, and Hospital Zone within the following settlements:</u> <ol style="list-style-type: none"> <u>Coopers Beach;</u> <u>Mangonui;</u> <u>Opuā;</u> <u>Paihia & Waitangi; and</u> <u>Rawene.</u>⁴⁹ 	Where the standard is not met, matters of discretion are restricted to: Not applicable
CE-S2		Colours and materials
Coastal environment	<p>The exterior surfaces of <u>new</u>⁵⁰ buildings or structures shall:</p> <ol style="list-style-type: none"> be constructed of <u>natural</u>⁵¹ materials and/or finished to achieve a reflectance value no greater than 30%; and if the exterior surface is <u>painted</u>⁵², have a exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette. <p>This standard does not apply to: the: <u>Kohukohu, Mangonui, Paihia, Rawene and Russell / Kororāreka Heritage Area Overlays.</u>⁵³</p>	Where the standard is not met, matters of discretion are restricted to: Not applicable
CE-S3		Earthworks or indigenous vegetation clearance
Coastal environment	<ol style="list-style-type: none"> Any earthworks or indigenous vegetation clearance must (where relevant): <ol style="list-style-type: none"> not occur in outstanding natural character areas; and not exceed a total area of: 	Where the standard is not met, matters of discretion are restricted to: Not applicable

⁴⁷ IDF Developments (S253.006) and others.

⁴⁸ IDF Developments (S253.006) and others.

⁴⁹ Paihia Properties (S344.014) and others.

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.

	<ul style="list-style-type: none"> i. <u>50m² within a calendar year⁵⁴ for 10 years from the notification of the District Plan</u> in an area of high natural character; or ii. <u>4100m² within a calendar year⁵⁵ for 10 years from the notification of the District Plan</u> in an area outside high or outstanding natural character areas; and <ul style="list-style-type: none"> c. not exceed a cut height or fill depth of 1m; and d. screen any exposed faces <u>visible from a public place.</u>⁵⁶ <p>2. <u>Any indigenous vegetation clearance must:</u></p> <ul style="list-style-type: none"> a. <u>not occur in outstanding natural character areas;</u> b. <u>not exceed a total area of:</u> <ul style="list-style-type: none"> i. <u>50m² within any 10-year period in an area of high natural character;</u> ii. <u>400m² within any 10-year period outside high or outstanding natural character areas.</u>⁵⁷ <p>Note: The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.⁵⁸</p>	
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CE-S4	Setbacks from MHWS⁵⁹	
<u>Coastal environment</u>	<p><u>New buildings and structures and or extension or alteration to an existing building or structure must be setback at least:</u></p> <ul style="list-style-type: none"> a. <u>30m from MHWS in the Rural Production, Rural Lifestyle, Rural Residential, Horticulture and Horticulture Processing Facilities zones; or</u> b. <u>26m in all other zones.</u> 	<p><u>Where the standard is not met, matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> a. <u>the natural character of the coastal environment;</u> b. <u>screening, planting and landscaping on the site;</u> c. <u>the design and siting of the building or structure with respect to dominance on adjoining public space;</u>

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.

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.

	<p><u>This standard does not apply:</u> where there is a legally formed and maintained road between the property and MHWS.⁶⁰</p>	<ul style="list-style-type: none"> d. <u>natural hazard mitigation and site constraints;</u>⁶¹ e. <u>the effectiveness of the proposed method for controlling stormwater; and</u> f. <u>the impacts on existing and planned roads, public walkways, reserves and esplanades.</u>
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⁶⁰ Ed and Inge Amsler (S341.010) and others.

⁶¹ FNDC (S368.047 to S368.061).