

## **Peter Hall Presentation to Far North Proposed District Plan Hearing Four: Natural Environment Values & Coastal Environment – 5 August 2024**

### **Correction of Error**

1. I wish to make a correction to my evidence, such that Para 9.8 reads as follows:

*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:*

*i. 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);*

*ii. 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) and restricted discretionary in an ONL outside the CE (per s42A Report);*

*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).*

### **Further Amendment to Provisions**

2. The controlled activity clause in Rule NFL-R1 and CE-R1 and Policies NFL-P8 and CE-P10 should be amended to include 'or buildable area' in addition to building platform as referred to. The reason is that both terms are used in the same way and shown on subdivision plans.
3. **Attached** are the Coastal Environment and Natural Features and Landscapes Chapters with these amendments included, in addition to some other minor amendments given in answers by Peter Hall in response to questions from the Panel.

# 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).  
Amendments in red as recommended in the evidence of Peter Hall.  
Further Amendments in green recommended by Peter Hall at Panel Hearing 5/8/24

## 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 dDistrict's<sup>1</sup> 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 communities<sup>2</sup>.

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 environment<sup>3</sup>.

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	
<b>CE-O1</b>	The natural character of the coastal environment is <del>identified and managed to ensure its long-term preservation and protection from inappropriate land use and subdivision for current and future generations.</del> <sup>4</sup>
<b>CE-O2</b>	Land use and subdivision in the coastal environment:

<sup>1</sup> FNDC (S368.035).  
<sup>2</sup> FNDC (S368.035).  
<sup>3</sup> Forest and Bird (S511.088) and others.  
<sup>4</sup> Federated Farmers (S421.181) and others.

	<ul style="list-style-type: none"> <li>a. <del>preserves the characteristics and qualities of the natural character of the coastal environment;</del></li> <li>b. <del>is consistent compatible<sup>5</sup> with the surrounding land use;</del></li> <li>c. <del>does not result in urban sprawl occurring outside of existing urban areas zones;<sup>6</sup></del></li> <li>d. <del>promotes restoration and enhancement of the natural character of the coastal environment; and</del></li> <li>e. <del>recognises and provides for the relationship of tangata whenua needs for with their ancestral lands in the coastal environment use of whenua Māori.<sup>7</sup></del></li> </ul>
<b>CE-O3</b>	Land use and subdivision in the coastal environment within urban <del>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.<sup>8</sup></del>
<b>Policies</b>	
<b>CE-P1</b>	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.
<b>CE-P2</b>	<p>Avoid adverse effects of land use and subdivision on the characteristics, <del>and</del> qualities and <del>values that make an area an outstanding natural character area in</del> of the coastal environment <del>identified as:</del></p> <ul style="list-style-type: none"> <li>a. <del>outstanding natural character;</del></li> <li>b. <del>ONL;</del></li> <li>c. <del>ONF.</del><sup>9</sup></li> </ul>
<b>CE-P3</b>	<p>Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, <del>and</del> qualities <del>and values of natural character areas and natural features and landscapes<sup>10</sup> in</del> of the coastal environment not identified as <del>an:</del></p> <ul style="list-style-type: none"> <li>a. <del>outstanding natural character area;</del></li> <li>b. <del>ONL; or</del></li> <li>c. <del>ONF.</del></li> </ul>
<b>CE-P4</b>	<p>Preserve the visual qualities, character and integrity of the coastal environment by:</p> <ul style="list-style-type: none"> <li>a. <del>consolidating land use and subdivision around existing urban centres and rural settlements; and</del></li> <li>b. <del>avoiding sprawl or sporadic patterns of development.</del></li> </ul>
<b>CE-P5</b>	<p>Enable land use and subdivision in urban <del>areas zones</del> within the coastal environment <del>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.<sup>11</sup></del> <del>where:</del></p> <ul style="list-style-type: none"> <li>a. <del>there is adequacy and capacity of available or programmed development infrastructure; and</del></li> <li>b. <del>the use is consistent with, and does not compromise the characteristics and qualities.</del></li> </ul>
<b>CE-P6</b>	Enable farming activities within the coastal environment <del>by where:</del>

<sup>5</sup> Waiaua Bay Farm Limited (S463.052) and others.

<sup>6</sup> Paihia Property Owners Group (S565.002) and others.

<sup>7</sup> Haititaimarangai Marae Kaitiaki Trust (S394.043).

<sup>8</sup> Paihia Property Owners Group (S565.002) and others.

<sup>9</sup> Forest and Bird (S511.098, S511.099) and others.

<sup>10</sup> NZTA (S356.097) and DOC (S364.064)

<sup>11</sup> John Andrew Riddell (S431.029) and others.

	<ul style="list-style-type: none"> <li>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><sup>12</sup></li> <li>b. <u>only allowing new farming activities outside outstanding and high natural character areas <del>where appropriate.</del></u><sup>13</sup></li> <li>c. <del>the use forms part of the values that established the natural character of the coastal environment; or</del></li> <li>d. <del>the use is consistent with, and does not compromise the characteristics and qualities.</del><sup>14</sup></li> </ul>
<b>CE-P7</b>	<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"> <li>a. <del>the use is consistent with the ancestral use of that land; and</del></li> <li>b. <del>the use does not compromise any identified characteristics and qualities.</del><sup>15</sup></li> </ul>
<b>CE-P8</b>	Encourage the restoration and enhancement of the natural character of the coastal environment.
<b>CE-P9</b>	<del>Prohibit land use and subdivision that would result in any loss and/or destruction of the characteristics and qualities in outstanding natural character areas.</del> <sup>16</sup>
<b>CE-P10</b>	<p><del>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</del> <u>Consider the following matters where relevant when assessing and managing the effects of land use and subdivision on the natural character of the coastal environment:</u><sup>17</sup><del>to the application</del></p> <ul style="list-style-type: none"> <li>a. the presence or absence of buildings, structures or infrastructure;</li> <li>b. the temporary or permanent nature of any adverse effects, <u>including any cumulative effects;</u><sup>18</sup></li> <li>c. the location, scale and design of any proposed development;</li> <li>d. any means of integrating the building, structure or activity <u>into the wider landscape;</u><sup>19</sup></li> <li>e. the ability of the environment to absorb change;</li> <li>f. the need for and location of earthworks or <u>indigenous</u> vegetation clearance <u>and proposed mitigation measures;</u><sup>20</sup></li> <li>g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</li> <li><del>h. any viable alternative locations for the activity or development;</del></li> <li>i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</li> <li>j. the likelihood of the activity exacerbating natural hazards;</li> <li>k. the opportunity to enhance public access and recreation;</li> <li>l. <u>potential effects of land use and subdivision on the coastal marine area and</u><sup>21</sup> <del>the ability to improve the overall quality of coastal waters; and</del></li> </ul>

<sup>12</sup> Wendover Two Limited (S222.062) and others.

<sup>13</sup> Pacific Eco-logic (S451.014).

<sup>14</sup> Bentzen Farm Limited (S167.070) and others.

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

<sup>16</sup> Federated Farmers (S421.185) and others.

<sup>17</sup> Clause 16, Schedule 1, RMA.

<sup>18</sup> John Andrew Riddell (S431.032) and others.

<sup>19</sup> Sarah Ballantyne and Dean Agnew (S386.012) and others.

<sup>20</sup> Consequential amendment to changes to CE-R3.

<sup>21</sup> Sarah Ballantyne and Dean Agnew (S386.012) and others.

	<p>m. any positive contribution the development has on the characteristics and qualities, <u>including restoration and enhancement</u>;<sup>22</sup></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>;<sup>23</sup></p> <p>o. <u>the extent to which the land use and subdivision complements activities in the coastal marine area; and</u><sup>24</sup></p> <p>p. <u>whether the activity is on a <del>previously an</del> approved building platform or buildable area</u>.<sup>25</sup></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.~~<sup>26</sup>
3. The Earthworks chapter and Ecosystem and Indigenous Biodiversity rules apply ‘in addition’ to the earthworks and indigenous vegetation clearance<sup>27</sup> 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.~~

<b>CE-R1</b>	<b>New buildings or structures, and extensions or alterations to existing buildings or structures</b>	
<b>Coastal environment</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> 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>,<sup>28</sup> an urban zone it is:</p>	<p><b>Activity status where compliance not achieved with PER-1 and PER-2: Controlled</b></p> <p><b>Discretionary (inside a high natural character area)</b></p> <p><b>Non-complying (inside an outstanding natural character area)</b></p> <p><b>CON-1</b> The building is <u>a residential unit for a residential unit or a minor residential unit</u> on a <u>single</u> defined building platform <u>or buildable area</u>, where the defined building platform <u>or buildable</u></p>

<sup>22</sup> Sarah Ballentyne and Dean Agnew (S386.012) and others.

<sup>23</sup> Pacific Eco-Logic (S451.015) and others.

<sup>24</sup> NRC (S359.001).

<sup>25</sup> P S Yates Family Trust (S333.068) and others.

<sup>26</sup> Summit Forests New Zealand (S148.033) and others.

<sup>27</sup> Forest and Bird (S511.097) and others.

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

	<p>1. <u>is</u> no greater than 300m<sup>2</sup>; <u>and</u></p> <p>2. <u>is</u> located outside high or outstanding natural character areas; <u>and</u></p> <p>3. <u>complies with</u>:</p> <p style="margin-left: 20px;">a. <u>CE-S1 Maximum height</u>;</p> <p style="margin-left: 20px;">b. <u>CE-S2 Colour and materials</u>; <u>and</u></p> <p style="margin-left: 20px;">c. <u>CE-S4 Setbacks from MHWS</u>.</p> <p><b>PER-1(1) does not apply to:</b> the Mixed-Use Zone, Light Industrial Zone, Māori Purpose Zone – Urban and Hospital Zone within the following settlements: <u>Coopers Beach, Mangonui, Opuā, Paihia and Waitangi, Rawene, and Russell / Kororareka.</u><sup>29</sup></p> <p><b>PER-2</b> 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> <p style="margin-left: 20px;">a. <del>ancillary to farming activities (excluding a is not used for a residential activity unit),</del><sup>30</sup></p> <p style="margin-left: 20px;">b. <u>is</u> no greater than:</p> <p style="margin-left: 40px;">a. <u>25m<sup>2</sup> within an outstanding natural character area</u>;</p> <p style="margin-left: 40px;">b. <u>50m<sup>2</sup> within a high natural character area</u>; <u>and</u></p> <p style="margin-left: 40px;">c. <u>100m<sup>2</sup> in all other areas of the coastal environment</u>; <u>and</u><sup>31</sup></p> <p style="margin-left: 20px;">c. <u>located outside outstanding natural character areas</u>; <u>and</u></p> <p style="margin-left: 20px;">d. <u>complies with</u>:</p> <p style="margin-left: 40px;">a. <u>CE-S1 Maximum height</u>;</p> <p style="margin-left: 40px;">b. <u>CE-S2 Colour and materials</u>; <u>and</u></p> <p style="margin-left: 40px;">c. <u>CE-S4 Setbacks from MHWS</u>.</p> <p><b>PER-3</b> Any extension <u>or alteration</u> to a lawfully established building or structure is:</p> <p style="margin-left: 20px;">1. no greater than 20% of the GFA of the existing lawfully established building or structure; <u>and</u></p> <p style="margin-left: 20px;">2. <u>complies with CE-S1 Maximum height</u>.</p>	<p><u>area</u> has been identified through a <u>professional landscape assessment and approved as part of an existing or implemented subdivision consent</u>.</p> <p>The matters of control are:</p> <p style="margin-left: 20px;">a. <u>the location, scale and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence</u>;</p> <p style="margin-left: 20px;">b. <u>the means of integrating the building, structure or activity into the landscape, including through planting</u>;</p> <p style="margin-left: 20px;">c. <u>the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects</u>; <u>and</u></p> <p style="margin-left: 20px;">d. <u>any mitigation measures proposed</u>.</p> <p>a. <del>the matters in CE-P10.</del><sup>33</sup></p> <p><u>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.</u></p> <p><b>Activity status where compliance not achieved with CON-1, PER-3 and PER-4 PER-2:</b> <b>Discretionary</b> (outside an outstanding natural character area) <b>Non-complying (inside an and outstanding a high natural character area): Restricted Discretionary</b></p> <p>The matters of discretion are:</p> <p style="margin-left: 20px;">a. <u>the matters in CE-P10</u>; <u>and</u><sup>34</sup></p> <p style="margin-left: 20px;">b. <u>positive effects</u>.</p>
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<sup>29</sup> Foodstuffs North Island Limited (S363.014) and others.

<sup>30</sup> Bentzen Farm Limited (S167.074) and others.

<sup>31</sup> New Zealand Maritime Parks Ltd (S251.007) and others.

<sup>33</sup> P S Yates Family Trust (S33.066) and others.

<sup>34</sup> Bentzen Farm Limited (S167.074) and others.

	<p><b>PER-4<sup>32</sup></b>  <u>Any new building or structure or an extension or alteration to an existing building or structure not provided for by PER-1, PER-2 or PER-3, where it is:</u></p> <ul style="list-style-type: none"> <li>a. <u>fencing for the purposes of stock exclusion;</u></li> <li>b. <u>an upgrade of an existing network utility where this is:</u> <ul style="list-style-type: none"> <li>i. <u>outside high or outstanding natural character areas;</u></li> <li>ii. <u>permitted by I-R3;</u></li> <li>iii. <u>no greater than 10m high or the height of the existing structure (whichever is the greatest);</u></li> <li>iv. <u>no greater than 20% of the GFA of the existing lawfully established building or structure; and</u></li> <li>v. <u>not replacing a pole with a pi pole.</u></li> </ul> </li> </ul> <p><b>PER-4</b>                  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>	<p><b>Activity status where compliance not achieved with CON-1, PER-3 or PER-4:</b></p> <ul style="list-style-type: none"> <li><b>a. Discretionary (in a high natural character area); or</b></li> <li><b>b. Non-complying (in an outstanding natural character area).</b></li> </ul>
<b>CE-R2</b>	<b>Repair or maintenance<sup>35</sup></b>	
<b>Coastal environment</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b>                  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"> <li>1. roads;</li> <li>2. fences;</li> <li>3. network utilities;</li> <li>4. driveways and access;</li> <li>5. walking tracks;</li> <li>6. cycling tracks; or</li> <li>7. farming tracks.</li> </ul>	<p><b>Activity status where compliance is not achieved with PER-1:</b></p> <p><b>Discretionary</b></p>
<b>CE-R3</b>	<b>Earthworks or indigenous vegetation clearance</b>	

<sup>32</sup> Top Energy (S483.174)

<sup>35</sup> Bentzen Farm (S167.076) and others.

<p><b>Coastal environment</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The earthworks or indigenous vegetation clearance is:</p> <ol style="list-style-type: none"> <li>1. <u>Compliant with standard CE-S3; or</u></li> <li>2. required for <u>the operation, repair or maintenance of existing lawfully established</u><sup>36</sup> <u>permitted under CE R2 Repair or Maintenance;</u> <ol style="list-style-type: none"> <li>a. <u>fences;</u></li> <li>b. <u>network utilities;</u></li> <li>c. <u>tracks, driveways, roads and access ways;</u></li> <li>d. <u>formed carparks;</u></li> <li>e. <u>board walks;</u></li> <li>f. <u>boat ramps;</u><sup>37</sup> <u>or</u></li> </ol> </li> <li>3. required to provide for safe and reasonable clearance for existing overhead power lines; <del>or</del> <u>or</u></li> <li>4. <u>to address an immediate risk to the health and safety of the public or damage to property</u><sup>38</sup> <u>necessary to ensure the health and safety of the public;</u> <del>or</del> <u>or</u></li> <li>5. <u>clearance for biosecurity reasons to control pests;</u><sup>39</sup> <del>or</del> <u>or</u></li> <li>6. for the sustainable non-commercial harvest of plant material for rongoā Māori; <u>or</u></li> <li>7. <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;</u> <u>or</u><sup>40</sup></li> <li>8. <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;</u> <u>or</u><sup>41</sup></li> <li>9. <u>for any upgrade of existing network utilities;</u> <ol style="list-style-type: none"> <li>a. <u>outside high natural character and outstanding natural character areas; and</u></li> </ol> </li> </ol>	<p><b>Activity status where compliance not achieved with PER-1 and PER-2 (outside an outstanding natural character area):</b> <b>Restricted Discretionary</b> The matters of discretion are: a. _____ the matters in CE-P10.<sup>43</sup></p> <hr/> <p><b>Activity status where compliance not achieved with PER-1 and PER-2 (inside an outstanding natural character area):</b> <b>Non-complying</b></p>
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<sup>36</sup> Top Energy (S483.175).

<sup>37</sup> Waitangi Limited (S503.015) and others.

<sup>38</sup> DOC (S364.071) and others.

<sup>39</sup> DOC (S364.071).

<sup>40</sup> P.S. Yates Family Trust (S333.068) and others.

<sup>41</sup> P.S. Yates Family Trust (S333.068) and others.

<sup>43</sup> P.S. Yates Family Trust (S333.068) and others.



	<p>b. <del>permitted by rule CE-R1 PER-4</del> ; <del>or</del><sup>42</sup></p> <p>10. <u>for maintenance of planted indigenous vegetation within domestic gardens outside areas of HNC and ONC, including the removal and replacement of plants; or</u></p> <p>11. <u>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</u></p> <p>12. <u>for maintenance or reinstatement of pasture through the removal of regenerating manuka (<i>Leptospermum scoparium</i> var. <i>scoparium</i>) or kanuka (<i>Kunzea robusta</i>) 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.</u></p> <p><b>PER-2</b> 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.</p>	
<b>CE-R4</b>	<b>Farming</b>	
<b>Coastal environment</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The farming activity is located outside high or outstanding natural character areas.</p>	<p><b>Activity status where compliance is not achieved with PER-1:</b> <b>Discretionary (outside <u>inside</u> an outstanding <u>high</u> natural character area)</b> <b>Non-complying (inside an outstanding natural character area)</b></p>
<b>CE-R5</b>	<b>Demolition of buildings or structures<sup>44</sup></b>	
<b>Coastal environment</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>CE-R6</b>	<b><del>Plantation forestry and plantation forestry activity</del> <u>Afforestation for commercial forestry<sup>45</sup></u></b>	
<b>Coastal environment</b>	<p><b>Activity status: Discretionary</b></p> <p><b>Where:</b></p> <p><b>DIS-1</b> The <del>plantation forestry or plantation forestry activity</del> <u>afforestation<sup>46</sup></u> is located outside outstanding natural character areas.</p>	<p><b>Activity status where compliance not achieved with DIS-1: Non-complying</b></p>

<sup>42</sup> Top Energy (S483.175).

<sup>44</sup> Clause 16, Schedule 1, RMA.

<sup>45</sup> PF Olsen (S91.014) and others.

<sup>46</sup> PF Olsen (S91.014) and others.

<b>CE-R7</b>	<b>Extension to existing mineral extraction activity</b>	
<b>Coastal environment</b>	<b>Activity status: Discretionary</b>  <b>Where:</b>  <b>DIS-1</b> The extension is to an existing lawfully established mineral extraction activity and is located outside outstanding natural character areas.	<b>Activity status where compliance not achieved with DIS-1: Non-complying</b>
<b>CE-R8</b>	<b>New mineral extraction activity</b>	
<b>Coastal environment</b>	<b>Activity status: Prohibited</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>CE-R9</b>	<b>Land fill, managed fill or clean fill</b>	
<b>Coastal environment</b>	<b>Activity status: Prohibited</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>Standards</b>		
<b>CE-S1</b>	<b>Maximum height</b>	
<b>Coastal environment</b>	<ul style="list-style-type: none"> <li>i. The maximum height of any new building or structure above ground is <del>5m</del> <b>5.5m</b> and must not exceed the height of the nearest ridgeline, headland or peninsula;<sup>47</sup> and</li> <li>ii. Any extension to a building or structure must not exceed the height of the existing building above ground level or <del>exceed the height of the nearest ridgeline, headland or peninsula</del><sup>48</sup>.</li> </ul> <p><b>This standard does not apply to:</b></p> <ul style="list-style-type: none"> <li>iii. <u>Telecommunication facilities</u>; <b>or</b></li> <li>iv. <u>The Orongo Bay zone and the Kororāreka Russell Township zone</u>; <b>or</b></li> <li>v. <u>The Mixed-Use Zone, Light Industrial Zone, Māori Purpose Zone – Urban, and Hospital Zone within the following settlements:</u></li> <li>vi. <u>Coopers Beach</u>;</li> <li>vii. <u>Mangonui</u>;</li> <li>viii. <u>Opua</u>;</li> <li>ix. <u>Paihia &amp; Waitangi</u>; and</li> <li>x. <u>Rawene</u>; <b>or</b><sup>49</sup></li> <li>xi. <b>solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation; or</b></li> </ul>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>

<sup>47</sup> IDF Developments (S253.006) and others.

<sup>48</sup> IDF Developments (S253.006) and others.

<sup>49</sup> Paihia Properties (S344.014) and others.

	<p>xii. <u>chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or</u></p> <p>xiii. <u>satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; or</u></p> <p>xiv. <u>architectural features (e.g. finials, spires) that do not exceed 1m in height on any elevation.</u></p>	
<b>CE-S2</b>	<b>Colours and materials</b>	
<b>Coastal environment</b>	<p>The exterior surfaces of <u>new</u><sup>50</sup> buildings or structures shall:</p> <ol style="list-style-type: none"> <li>1. be constructed of <u>natural</u><sup>51</sup> materials and/or finished to achieve a reflectance value no greater than 30%; and</li> <li>2. <u>if the exterior surface is painted</u><sup>52</sup>, have a exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette <u>in Appendix X.</u></li> </ol> <p><b>This standard does not apply to:</b> the: <u>Kohukohu, Manonui, Paihia, Rawene and Russell / Kororāreka Heritage Area Overlays.</u><sup>53</sup></p>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>
<b>CE-S3</b>	<b>Earthworks or indigenous vegetation clearance</b>	
<b>Coastal environment</b>	<ol style="list-style-type: none"> <li>1. Any earthworks or <del>indigenous vegetation clearance</del> must (where relevant): <ol style="list-style-type: none"> <li>a. not occur in outstanding natural character areas; and</li> <li>b. not exceed a total area of: <ol style="list-style-type: none"> <li>i. <u>50m<sup>2</sup> within a calendar year</u><sup>54</sup> for 10 years from the <del>notification of the District Plan</del> in an area of high natural character; or</li> <li>ii. <u>4100m<sup>2</sup> within a calendar year</u><sup>55</sup> for 10 years from the <del>notification of the District Plan</del> in an area outside high or outstanding natural character <del>areas</del>; and</li> </ol> </li> <li>c. not exceed a cut height or fill depth of 1m; and</li> <li>d. screen any exposed faces <u>visible from a public place.</u><sup>56</sup></li> </ol> </li> </ol>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>

<sup>50</sup> P S Yates Family Trust (S33.066) and others.

<sup>51</sup> P.S. Yates Family Trust (S333.070) and others.

<sup>52</sup> Trent Simpkin (S283.002) and others.

<sup>53</sup> Paihia Properties (S344.015) and others.

<sup>54</sup> Northland Planning and Development (S502.020) and others.

<sup>55</sup> Northland Planning and Development (S502.020) and others.

<sup>56</sup> P.S. Yates Family Trust (S333.071) and others.

	<p>2. <u>Any indigenous vegetation clearance must:</u></p> <ul style="list-style-type: none"> <li>a. <u>not occur in outstanding natural character areas;</u></li> <li>b. <u>not exceed a total area of:</u> <ul style="list-style-type: none"> <li>i. <u>50m<sup>2</sup> within any 10-year period in an area of high natural character;</u></li> <li>ii. <u>400m<sup>2</sup> within any 10-year period outside high or outstanding natural character areas.</u> <sup>57</sup></li> </ul> </li> </ul> <p><b>Note:</b> 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. <sup>58</sup></p>	
<p><b>CE-S4      Setbacks from MHWS<sup>59</sup></b></p>		
<p><b><u>Coastal environment</u></b></p>	<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"> <li>a. <u>30m from MHWS in the Rural Production, Rural Lifestyle, Rural Residential, Horticulture and Horticulture Processing Facilities zones; or</u></li> <li>b. <u>26m in all other zones.</u></li> </ul> <p><b><u>This standard does not apply:</u></b> where there is a legally formed and maintained road between the property and MHWS. <sup>60</sup></p>	<p><b><u>Where the standard is not met, matters of discretion are restricted to:</u></b></p> <ul style="list-style-type: none"> <li>a. <u>the natural character of the coastal environment;</u></li> <li>b. <u>screening, planting and landscaping on the site;</u></li> <li>c. <u>the design and siting of the building or structure with respect to dominance on adjoining public space;</u></li> <li>d. <u>natural hazard mitigation and site constraints;</u> <sup>61</sup></li> <li>e. <u>the effectiveness of the proposed method for controlling stormwater; and</u></li> <li>f. <u>the impacts on existing and planned roads, public walkways, reserves and esplanades.</u></li> </ul>

<sup>57</sup> Northland Planning and Development (S502.020) and others.

<sup>58</sup> Vision Kerikeri (S527.025) and Carbon Neutral NZ (S529.150).

<sup>59</sup> 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.

<sup>60</sup> Ed and Inge Amsler (S341.010) and others.

<sup>61</sup> FNDC (S368.047 to S368.061).

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

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

Amendments in red as recommended in the evidence of Peter Hall.  
Further Amendments in green recommended by Peter Hall at Panel Hearing 5/8/24

## Overview

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Rules**

**Notes:**

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

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

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

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

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

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

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

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

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

<p><b>PER-2<del>3</del></b>                  Any extension or alteration<sup>25</sup> to a lawfully established building or structure:                  1. is no greater than 20% of the GFA of the existing lawfully established building or structure, and                  2. complies with NFL-S1 <b>Maximum Height</b>.</p> <p><b>PER-3</b>                  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. a stock fence, or<sup>26</sup>                  2. infrastructure less than 10m high within a road corridor provided any pole:                      a. is a single pole (monopole), and                      b. is not a pi-pole or a steel-lattice tower, or<sup>27</sup>,                  3. an upgrade of existing electricity network utilities:                      a. outside the coastal environment,                      b. in a ONL or category 'A' ONF,                      c. no greater than 10m high or the height of the existing structure                      d. no greater than 20% of the GFA of the existing lawfully established building or structure, and                      e. not replacing a pole with a pi pole.<sup>28</sup></p> <p><b>PER-4</b>                  The building or structure, or extension or alteration to an existing building or structure, complies with standards: NFL S1 Maximum height                  NFL S2 Colours and materials<sup>29</sup></p>	<p><u>prominence;</u>                  b. <u>the means of integrating the building, structure or activity into the landscape, including through planting;</u>                  c. <u>the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and</u>                  d. <u>any mitigation measures proposed.</u>                  a. <del>effects on the characteristics, qualities and values of ONL and ONF</del>                  b. <del>the matters in NFL-P8.</del> <sup>30</sup></p> <p><u>New buildings or structures, and extensions or alterations to existing buildings or structures that are a controlled activity under rule <b>CON-1</b> shall be precluded from public or limited notification unless special circumstances apply.</u></p> <p><b>Activity status when compliance not achieved with <u>CON-1 PER-1, PER-2, and PER-3</u> outside the coastal environment or inside the coastal environment where the entire site is included within an ONL and the site does not include an existing residential unit:</b>  <b>Restricted discretionary Discretionary</b></p> <p><u>The matters of discretion are:</u>                  a. <u>effects on the characteristics, qualities and values that make ONL and ONF outstanding</u>                  b. <u>the matters in NFL-P8.</u>                  c. <u>the positive effects of the activity.</u><sup>31</sup></p>
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<sup>25</sup> Clause 16, Schedule 1, RMA.

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

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

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

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

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

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



		<p>Activity status when compliance not achieved with <b>CON-1 or PER-2 within the coastal environment</b> <b>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)</b> <b>Non-complying (within an ONF)</b></p>
<b>NFL-R2</b>	<b>Repair or maintenance<sup>32</sup></b>	
<b>Within ONL and ONF</b>	<p><b>Activity status: Permitted Where:</b></p> <p><b>PER-1</b></p> <p>The repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:</p> <ol style="list-style-type: none"> <li>1. roads</li> <li>2. fences</li> <li>3. network utilities</li> <li>4. driveways and access</li> <li>5. walking tracks</li> <li>6. cycling tracks</li> <li>7. farming tracks</li> </ol>	<p>Activity status when compliance not achieved with <b>PER-1: Discretionary</b></p>
<b>NFL-R3</b>	<b>Earthworks or indigenous vegetation clearance</b>	
<b>Within ONL and ONF</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p> <p>The earthworks or indigenous vegetation clearance is:</p> <ol style="list-style-type: none"> <li>1. <u>compliant with standard NFL-S3, or</u></li> <li>2. <u>for the operation, repair and maintenance of existing lawfully established:</u> <ul style="list-style-type: none"> <li>• <u>fences</u></li> <li>• <u>network utilities<sup>33</sup></u></li> <li>• <u>tracks, driveways, roads and access ways<sup>34</sup></u></li> <li>• <u>formed carparks</u></li> <li>• <u>board walks</u></li> <li>• <u>boat ramps<sup>35</sup></u></li> </ul> </li> <li>3. <del>required for the repair or maintenance permitted under NFL-R2 Repair or maintenance.</del><sup>36</sup></li> <li>4. <u>required to provide for safe and reasonable clearance for existing overhead power lines, or</u></li> <li>5. <u>to address an immediate necessary to address a risk to public the health and safety of the public, or<sup>37</sup></u></li> <li>6. <u>clearance for the control pests for biosecurity reasons, or<sup>38</sup></u></li> <li>7. <u>for the sustainable non-commercial harvest of plant material for rongoā Māori, or</u></li> <li>8. <u>to maintain firebreaks to manage fire risk; or</u></li> </ol>	<p>Activity status when compliance not achieved with <b>PER-1 or PER-2 outside the coastal environment: Restricted discretionary</b></p> <p>The matters of discretion are:</p> <ol style="list-style-type: none"> <li>a. <u>effects on the characteristics, qualities and values that make ONL and ONF outstanding</u></li> <li>b. <u>the matters in NFL-P8.</u></li> <li>d. <u>the positive effects of the activity.<sup>44</sup></u></li> </ol> <p><b>Activity status when compliance not achieved with PER-1 within the coastal environment PER-3: Non-complying</b></p>

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

<sup>33</sup> Top Energy (S483.0158) and others.

<sup>34</sup> Manulife Forest Management (S 160.022) and others.

<sup>35</sup> Waitangi Limited (S503.021) and others.

<sup>36</sup> Consequential amendment.

<sup>37</sup> Forest & Bird (S511.081)

<sup>38</sup> Forest & Bird (S511.081)

<sup>44</sup> Bentzen Farm (S167.040) and others.

	<p>9. <u>to remove vegetation as directed by Fire and Emergency New Zealand due to fire risk, or</u>                  10. <u>to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area, or<sup>39</sup></u>                  11. <u>for the construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m, or<sup>40</sup></u>                  12. <u>for any upgrade of existing electricity network utilities permitted by rule NFL-R1; or<sup>41</sup></u>                  13. <u>for maintenance of planted indigenous vegetation within domestic gardens, including the removal and replacement of plants; or</u>                  14. <u>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</u>                  15. <u>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.</u></p> <p><b>PER-2</b>                  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<sup>42</sup></p> <p><b>PER-3</b>                  The earthworks or indigenous vegetation clearance inside the coastal environment is not provided for within NFL R3 PER 1 but it complies with standard NFL S3 Earthworks or indigenous vegetation clearance<sup>43</sup></p>	
<b>NFL-R4</b>	<b>Demolition of buildings or structures</b>	
<b>Within ONL and ONF</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Not applicable</b>
<b>NFL-R5</b>	<b>Afforestation for commercial forestry <del>new plantation forestry and plantation forestry activity</del><sup>45</sup></b>	
<b>Within ONL and ONF</b>	<p><b>Activity status: Discretionary Where:</b></p> <p><b>DIS-1</b>                  The <del>afforestation plantation forestry or plantation forestry activity</del><sup>46</sup> is located outside the coastal environment.</p>	<b>Activity status where compliance not achieved with DIS-1: Non-complying</b>
<b>NFL-R6</b>	<b>Farming<sup>47</sup></b>	
<b>Within ONL and ONF</b>	<p><b>Activity status: Discretionary Where:</b></p> <p><b>DIS-4</b>                  The farming activity and is located outside the coastal environment.</p>	<b>Activity status where compliance not achieved with DIS-1: Non-complying</b>
<b>NFL-R7</b>	<b>Extension to existing mineral extraction activity</b>	

<sup>39</sup> FENZ (S512.027).

<sup>40</sup> P S Yates Family Trust (S333.037) and others.

<sup>41</sup> Top Energy (S483.0158) and others.

<sup>42</sup> Clause 16, Schedule 1, RMA.

<sup>43</sup> Top Energy (S483.161).

<sup>45</sup> NRC (S359.041) and others.

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

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

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

Standards		
<b>NFL-S1</b>	<b>Maximum height <del>Buildings and structures</del> Maximum Height</b>	
Within ONL and ONF	<p>1. The maximum height of any new building or structure above ground level is <del>5m</del> <b>5.5m</b> and must not exceed the height of the nearest ridgeline, headland or peninsula, and<sup>48</sup></p> <p>2. Any extension to a building or structure must not exceed the height of the existing building above ground level or exceed the height of the nearest ridgeline, headland or peninsula.<sup>49</sup></p> <p><b>This standard does not apply to:</b></p> <ul style="list-style-type: none"> <li>i. <u>solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation; or</u></li> <li>ii. <u>chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or</u></li> <li>iii. <u>satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation; or</u></li> <li>iv. <u>architectural features (e.g. finials, spires) that do not exceed 1m in height on any elevation.</u></li> </ul>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>
<b>NFL-S2</b>	<b>Colours and materials</b>	
Within ONL and ONF	The exterior surfaces of new buildings or structures shall: <ul style="list-style-type: none"> <li>i. be constructed of <u>natural</u><sup>50</sup> materials and/or finished to achieve a reflectance value no greater than 30%.</li> <li>ii. if the exterior surface is painted,<sup>51</sup> have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in Appendix X.<sup>52</sup></li> </ul>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>
<b>NFL-S3</b>	<b>Earthworks or indigenous vegetation clearance</b>	
Within ONL and ONF	<p>1. Any earthworks or indigenous vegetation clearance must (where relevant) not exceed:</p> <ul style="list-style-type: none"> <li>a. in a ONL a total area of: <ul style="list-style-type: none"> <li>i. <u>50m<sup>2</sup> in the coastal environment within any calendar year;</u></li> <li>ii. <u>100m<sup>2</sup> outside the coastal environment within any calendar year;</u><sup>53</sup></li> </ul> </li> <li>b. in a category 'A' ONF outside the coastal environment a total area of 50m<sup>2</sup> within any calendar year</li> <li>c. in a ONF (excluding category 'A' ONF outside the coastal</li> </ul>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable:</b>

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

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

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

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

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

<sup>53</sup> Waitangi Limited (S333.040) and others.

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

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

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

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

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

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