

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
S429.007	Kapiro Residents Association	General / Plan Content / Miscellaneous	Not Stated	In areas where freshwater issues are relevant to District Council functions and the DP, the NPS Freshwater Management of 2020 needs to be given effect in all relevant parts of the DP, including the Ecosystems & Biodiversity chapter and Natural Character chapter.	<p>Amend the Plan to ensure that when subdivision, land use or development is considered, it gives effect to:</p> <ul style="list-style-type: none"> -the NPS FM's fundamental concept of Te Mana o te Wai (including the principles and the hierarchy of obligations) should be applied to all freshwater issues that may be affected by development, not just the aspects of freshwater management referred to in the NPS (this point is stated in NPS FMs1.3(2)) -Policies and rules to promote positive effects and avoid, remedy, or mitigate adverse effects(including cumulative effects) of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments (NPS FM s3.5(4)) -Avoiding the loss of wetlands and protecting their values: 'The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted...' (NPS FM s3.22).We note, in particular, that some provisions of the Natural Character chapter seem to contradict the NPS-FM. -Requirements to use water sensitive and low impact designs for stormwater and wastewater, including constructed wetlands (vegetated retention ponds) to retain stormwater and runoff and prevent silt and pollutants being carried into waterways. -To avoid/reduce freshwater pollution generated by wastewater emissions, it should be a requirement to use enclosed wastewater systems that use disposal-to-land (i.e. systems that do not rely on dispersal via water or disposal into water) such as electrocoagulation methods involving coagulation and flocculation, widely used in parts of Europe. If not a requirement, these systems should at minimum be given priority over systems that rely on dispersal or disposal via water. 	Accept in part

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					-When subdivision or development takes place, all waterways should be protected by requirements for native planting and other measures.		
FS66.21	Bentzen Farm Limited		Oppose	The relief sought in the submission lacks specificity, such that the exact nature of effect of the changes sought can not be understood. That said, the Proposed Plan generally gives appropriate effect to the provisions of the NPS Freshwater Management, acknowledging that the functions under this NPS primarily fall to the regional Council.	Disallow		Accept in part
S431.166	John Andrew Riddell	General / Plan Content / Miscellaneous	Not Stated	Not stated	Amend all rules providing for earthworks that do not specify an areal or volume limit by adding, as the case may be, that the earthworks are to be the minimum necessary		Accept
FS332.166	Russell Protection Society		Support	The original submission aligns with our values. The Russell Protection Society has a purpose of promoting wise and sustainable development that compliments the historic and special character of Russell and its surrounds.	Allow	Allow the original submission.	Accept
S436.001	Northland Fish and Game Council	General / Plan Content / Miscellaneous	Not Stated	Remaining wetlands and ponds change over time due to infilling from decaying vegetation, natural infilling from windblown soils and sand and from natural detritus. This is a natural evolutionary process that has occurred for millenniums. However new wetlands are no longer being created through this natural process due to rivers and streams being forced to defined areas with stopbanks and river control works. Increased contaminants and the introduction of pest plants have resulted in the infilling of small lakes, ponds, rivers and wetlands and the loss of biodiversity. This result causes the loss of habitat for a huge range of species that require open water areas for feeding and breeding. Wetland maintenance, restoration and enhancement is therefore vital to address the loss and degradation of wetlands. Many wetlands have become reliant on beneficial human intervention to function. Such intervention can increase the extent and improve the biodiversity, condition and resilience of wetlands. Most wetlands have been impacted by surrounding land drainage and nutrient enrichment from runoff. Restoration and enhancement works may involve	Amend the Plan to enable earthworks as a permitted activity within wetlands when it is for wetland maintenance and restoration work		Accept in part

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				<p>restoration planting, removal of unwanted plants, managing water inflows and outflows into wetlands within a defined range, removing sediment that accumulates also within a defined range, blocking drains and restoring buffers and ecological linkages, and creating habitat for native flora and fauna. The nature of the works may change over time, but it is always undertaken within limits or ranges, and with the health of the wetland in mind.</p> <p>It is essential that the Far North District Plan strikes the right balance between protection of wetlands and allowing restoration/enhancement activities to occur. Relying on the preservation of remnant wetlands alone, will be insufficient at preventing wetland degradation caused by anthropocentric alteration to natural ecosystem functioning. If the loss and degradation of wetlands in the Far North District is to be addressed, encouraging wetland restoration and enhancement is vital. The District Plan must therefore find a balance that allows for interventions that aim to minimise impacts, restore hydrological functionality where it has been compromised and create new wetlands in order to provide habitat for species that no longer have sufficient natural wetland habitat to meet their ecological requirements.</p>			
FS570.1465	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS346.087	Royal Forest and Bird Protection Society of New Zealand Inc.		Support	The amendments sought give effect to the NPS FM, the RPS and Part 2 of the RMA and the NPS IB. Forest & Bird supports the full submission of Fish and Game other than where the relief sought would conflict with that sought in Forest & Birds submission.	Allow	Allow the original submission	Accept in part
FS566.1479	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS569.1501	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is	Accept in part

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						inconsistent with our original submission	
S483.177	Top Energy Limited	General / Plan Content / Miscellaneous	Support	Top Energy supports the enablement provided throughout this Chapter for earthworks associated with the installation, upgrade and maintenance of infrastructure.	Retain provisions that enable earthworks associated with the installation, upgrade and maintenance of infrastructure.		Accept
FS345.228	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Accept
S511.004	Royal Forest and Bird Protection Society of New Zealand	CULTIVATION	Neutral		Retain definition		Accept
FS164.004	Scrumptious Fruit Trust		Support	Taupo Bay foreshore and surrounds (as well as most Northland beach areas) must be designated as a SNA. There needs to be greater recognition of beaches as primarily biodiversity habitats and secondly as passive recreational spaces, thereby recognising and ensuring stronger protections for wildlife. This will ensure various other instruments such as bylaws are adopted to meet higher standards of protection of wildlife. Dogs on leashes in beach areas will help support the Northland foreshore and biodiversity recovery. The submitter supports Taupo Bay being recognised as a high character area.	Allow	Amend HNC overlay to include Taupo Bay; Amend provisions to require strong wildlife protection; Amend provisions to require dogs on leash in beach areas; Adopt SNA and HNC provisions (inferred).	Accept
FS570.1575	Vision Kerikeri 3		Support	Support to the extent the submission is consistent with our original submissions.	Allow	Allow to the extent that the submission is consistent with our original submission	Accept
FS566.1589	Kapiro Conservation Trust 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Accept
FS569.1611	Vision Kerikeri 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Accept
S442.024	Kapiro Conservation Trust	CULTIVATION	Neutral	No reason stated.	Retain definition.		Accept

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FS570.1720	Vision Kerikeri 3		Support	Support to the extent the submission is consistent with our original submissions.	Allow	Allow the original submission	Accept
FS346.635	Royal Forest and Bird Protection Society of New Zealand Inc.		Support	The amendments sought give effect to the NPS FM, the RPS and Part 2 of the RMA and the NPS IB. Forest & Bird supports the full submission other than where the relief sought would conflict with that sought in Forest & Birds submission.	Allow	Allow the original submission	Accept
S370.002	Linda Gigger	EARTHWORKS	Support in part	The proposed definition would capture the land disturbance in creating building foundations and drilling holes for concrete piles. This would then become an additional burden on applicants as well as Council having to process and monitor building work.	Amend the definition of earthworks to exclude earthworks associated with building foundations. If the definition cannot be amended include an exemption rule within the Earthworks chapter		Accept in part
S262.002	Ti Toki Farms Limited	EARTHWORKS	Not Stated	The submitter considers the definition of earthworks would capture land disturbance in creating building foundations and drilling holes for concrete piles which would become an additional burden for both applicants and Council.	Amend the definition to exclude earthworks associated with building foundations. Or if the definition cannot be amended include an exemption rule within the Earthworks chapter.		Accept in part
S318.002	Mangonui Haulage	EARTHWORKS	Not Stated	The submitter considers that the proposed earthworks definition would capture the land disturbance in creating building foundations and drilling holes for concrete piles and this would be an additional burden on applicants and Council.	Amend the earthworks definition to exclude earthworks associated with building foundations or if the definition cannot be amended include an exemption rule in the Earthworks chapter.		Accept in part
S253.002	IDF Developments Limited	EARTHWORKS	Not Stated	The proposed definition of earthworks would capture the land disturbance in creating building foundations and drilling holes for concrete piles. This would then become an additional burden on applicants as well as Council having to process and monitor building work. These activities are of such a minor and miniscule nature that capturing such within the definitions should be removed.	Amend the definition of earthworks to exclude earthworks associated with building foundations. If the definition cannot be amended, include an exemption rule within the Earthworks chapter.		Accept in part
FS172.269	Audrey Campbell-Frear		Support	For the reasons set out in this primary submission.	Allow		Accept in part
S148.001	Summit Forests New Zealand Limited	EARTHWORKS	Not Stated	The definition of Earthworks captures the alteration or disturbance of land and lists some land disturbing activities along with exclusions for minor disturbance. The proposed definition could capture disturbance caused by vehicles and or machinery operating off a formed road. Such activity is typical of rural production	Amend the definition of Earthworks to provide an exclusion for disturbance of land caused by vehicles and/or machinery operating off a formed road.		Reject

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				activities and should be provided as an exclusion to the definition.			
FS51.132	Heritage New Zealand Poutere Taonga		Oppose	HNZPT does not support the exclusion as sought - "exclusion for disturbance of land caused by vehicles and/or machinery operating off a formed road". When leaving the formed road there may be recorded or unrecorded historic heritage as such activities may cause site damage.	Disallow		Accept
FS346.507	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment values and the values of outstanding landscapes could also result.	Disallow	Disallow the original submission	Accept
FS566.113	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
S263.002	Waitoto Development Limited	EARTHWORKS	Not Stated	The submitter considers the definition of earthworks would capture land disturbance in creating building foundations and drilling holes for concrete piles which would become an additional burden for both applicants and Council.	Amend the definition to exclude earthworks associated with building foundations. Or if the definition cannot be amended include an exemption rule within the Earthworks chapter.		Accept in part
FS332.242	Russell Protection Society		Oppose	All earthworks need to be controlled in this coastal site.	Disallow in part	Disallow the original submission in part.	Accept in part
S215.035	Haigh Workman Limited	EARTHWORKS	Oppose	We support the use of the term 'earthworks' in the Proposed District Plan in preference to the terms 'cutting' and 'filling' in the Operative District Plan. This is consistent with the use of the term in the Regional Plan for Northland. However, it is unclear in the rules whether earthworks volumes are calculated as cut to fill or cut plus fill. If it is intended that aggregate be included in earthworks volumes, this should be made clear. However, including the placing of aggregate in the definition of earthworks is inconsistent with the Regional Plan rules, and placing aggregate does not	Amend the definition of 'Earthworks' to be the same as the definition in the Regional Plan for Northland.		Reject

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				result in the same environmental risks as placing or moving soil.			
FS570.524	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
FS566.538	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
FS569.560	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
S454.002	Transpower New Zealand Ltd	EARTHWORKS	Support	Transpower supports this definition however, notes that the NESETA also contains a definition of earthworks that differs from this one.	Retain the definition of Earthworks		Accept
S421.003	Northland Federated Farmers of New Zealand	New Definition	Support	<p>Off-stream farm water storage dams for stock and domestic water storage are commonplace on many farms. Farm quarries are also part of normal day to day farming operation. Activities such as these which support the main existing land use of farming and primary production should not have to apply for resource consent.</p> <p>Other district plans have made allowance for permitted farm quarries at a scale which is appropriate in the context of the wide-open spaces of the rural environment.</p> <p>The definition should encompass the activities listed below along with any related definitions that are required.</p> <ul style="list-style-type: none"> - The tilling or cultivation of soil for the establishment and maintenance of crops and pasture. - Harvesting of crops. - The planting and removal of trees. - Horticultural root ripping. - The digging of ofal pits. - Burying dead stock and plant waste - Digging post holes and drilling bores. - Installing and maintaining services such as water pipes and troughs. 	<p>Insert a definition for 'Ancillary rural earthworks' as follows:ANCILLARY RURAL EARTHWORKS means</p> <ul style="list-style-type: none"> • any earthworks or disturbance of soil associated with cultivation, land preparation (including the establishment of sediment and erosion control measures), for planting and growing operations of crops and pasture; • the harvesting of agricultural and horticultural crops (farming)and forests (forestry); and planting trees, removing 	Accept in part	

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				- Farm quarries where excavated material is not removed from the farm site.	<p>trees and horticultural root ripping;</p> <ul style="list-style-type: none"> • the maintenance and construction of facilities typically associated with farming and forestry activities. This includes (but is not limited to): farm/forestry tracks, roads, vehicle manoeuvring areas and landings, stock marshalling yards, stock races, silage pits, offal pits, farm effluent ponds, feeding pads, digging post holes, fencing and sediment control measures, drilling bores, the installation and maintenance of services such as water pipes and troughs, off-stream farm water storage dams, hard stand areas for stock, fertiliser storage pads, airstrips and helipads; and • farm quarries where quarry winnings are only used within the farm site. 		
FS24.4	Lynley Newport		Support	Agree with Fed Farmers comments	Allow		Accept in part
FS196.12	Joe Carr		Support	I support in so far as the submission does not conflict with my previous cross submission on quarrying.	Allow in part		Accept in part
FS184.12	Richard Milner		Support	A Helicopter Landing area may be temporary in nature for activities that require helicopters to be used away	Allow in part		Accept in part

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				<p>from a base</p> <p>that are OTHER THAN AGRICULTURAL - such as lifting of equipment, water tanks, machinery, gravel, livestock etc. Removal of trees, maintaining or constructing infrastructure such as Powerlines, Cell towers etc, Maintaining or developing tracks, roads, slips. Survey operations, flight training and utility work like survey or agricultural activities or frost protection. All of these activities would require a helicopter landing site of a temporary nature and it should be Permitted Activity</p> <p>A Helicopter landing area should allow of fuelling of the aircraft especially if a temporary landing area</p> <p>Field Maintenance should also be allowed as a temporary operation may require some inspection and routine maintenance during operations - Transits to maintenance at larger airports is not practical in Northland with Whangerei and Auckland as closest airports with helicopter maintenance facilities</p> <p>Example would be for Powerlines assessment and maintenance - on site fuelling should be allowed as the dead leg to and from a fuelling station could be many miles adding unnecessary cost to the community and economy - Northland does not have many airports so the transit (dead leg) to and from fuel is possibly large</p> <p>Also Agricultural Aircraft will suffer from the same restriction if this is allowed entirely.</p>			
FS570.1235	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS572.008	GE Free Tai Tokerau		Oppose	We oppose this part of the S421 submission (S421.003) because it is inconsistent with our original submission, and the relief we seek. Northland Federated Farmers and head office (Federated Farmers of NZ) falsely states that FNDC's fiscally responsible and collaborative GE/GMO provisions, policies and	Disallow	disallow the original submission	Accept in part

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				<p>rules are "unnecessary duplication." The findings of the Northland/ Auckland INTER COUNCIL WORKING PARTY ON GMO RISK EVALUATION AND MANAGEMENT OPTIONS (of which FNDC is a full member since its inception in 2003), Local Government NZ, and many other councils (including Hastings District Council, Bay of Plenty Regional Council, Nelson City Council) clearly show significant deficiencies in the Hazardous Substances and New Organisms (HSNO) Act and multiple failures by the central government regulator (ERMA/ EPA). Deficiencies in HSNO include inadequate liability provisions and no mandatory requirement by the EPA to take a precautionary approach to outdoor GE/GMO applications. It has also been documented that in a number of cases MAF/MPI failed to adequately monitor ERMA/EPA rubber stamped outdoor GE/GMO field trials, including Plant and Food Research's GE brassica trial. Local councils creating an additional tier of protection against the risks of outdoor GE/GMO experiments, field trials, conditional release (and banning full release) is highly necessary and in keeping with the wishes of the majority of their ratepayers and residents. The responsible action of FNDC (and the other Northland/ Auckland councils) serves to help protect not only existing GM free primary producers and their valuable enterprises, but our biosecurity, wider environment, food sovereignty, and economy. Three major reports commissioned by the Northland/Auckland Working party have identified a range of risks involved with the outdoor trialling and release of GMOs. They also include approaches to managing those risks. Northland Federated Farmers and head office (Federated Farmers of NZ) should be conversant with the above information and case law, given Federated Farmers repeated failures in the courts (attempting to stop local councils from placing precautionary and prohibitive GE/GMO provisions, policies and rules in local plans). Federated Farmers lost every single case in the Environment</p>		

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				Court, High Court, Court of Appeal and Environment Court. Full costs were awarded to WDC, FNDC, Soil & Health Association, GE Free Northland (see Principal Environment Court Judge Laurie Newhook comments below at ***).			
FS346.237	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS.	Disallow	Disallow the original submission	Accept in part
FS566.1249	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS569.1271	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S159.001	Horticulture New Zealand	New Definition	Not Stated	There is a need to provide for 'day-to-day' activities that are integral to productive land use in the rural zone. Providing a definition for ancillary rural earthworks and a clear rule framework is an efficient approach. Cultivation (gardening, and the disturbance of land for the installation of fence posts) are excluded from the definition of earthworks, however there are other activities which submitter seeks to provide for.	Insert a definition of 'ancillary rural earthworks' as follows: Ancillary rural earthworks means earthworks associated with normal agricultural and horticultural practices, such as: <ol style="list-style-type: none"> 1. maintenance of drains, troughs and installation of their associated pipe networks, drilling bores and offal pits, burying of dead stock and plant waste, erosion and sediment control measures 2. the burying of material infected by unwanted organisms as declared by the 		Accept in part

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					Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993. Note: For clarity, it is noted that cultivation is not 'defined as earthworks'.		
FS151.151	Ngāi Tukairangi No.2 Trust		Support		Allow		Accept in part
FS548.035	Northland Federated Farmers of New Zealand Inc		Support	Federated Farmers sought the inclusion of a definition for ancillary rural activities in its submission on the Proposed District Plan.	Allow	Grant the relief sought being the inclusion of a definition in the proposed District Plan for ancillary rural earthworks.	Accept in part
FS346.001	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	Forest & Bird oppose any relaxation of the earthworks rules, which we presume this amendment is intended to facilitate. It is not clear that the amendment would adequately recognise and provide for s6(a)-(c) matters, or allow for adequate effects management generally.	Disallow	disallow original submission	Accept in part
FS570.163	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS566.177	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS569.199	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S55.001	New Zealand Pork Industry Board	New Definition	Neutral	NZPork seeks a definition that includes the burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under	Insert a definition of Ancillary Rural Earthworks to include provisions for biosecurity related activity as a permitted activity. means: a. Normal		Accept in part

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				<p>the Biosecurity Act 1993'. This would allow farmers to undertake earthworks related to burying material in the event of a biosecurity incident as a permitted activity. Not all biosecurity incursions would constitute a biosecurity emergency that would trigger provisions in the RMA or the Biosecurity Act to override consenting requirements. The level of response required will depend entirely on the nature and scale of the incident. To date, the biosecurity emergency powers under the Biosecurity Act have never been used. In addition, any exemption granted under the Act will be short-term only in nature. After the exemption ends, the provisions of the RMA apply to the same extent as those provisions would have applied but for the exemption. This creates uncertainty as to whether resource consent would retrospectively be required for the activity, and as such may still limit the scope of the response for the landowner to what is provided for under the district plan. Biosecurity incidences which do not result in a declared emergency must therefore be managed to regional and district council plan.</p> <p>requirements, including limitations on earthworks which may hinder any urgent response activity required to adequately address the incursion This is not a new matter and other District Plans recognise the issue and provide an appropriate resource management response. The viability of the New Zealand pork industry is dependent on the benefits conveyed upon it from the absence of many viral pathogens which are common in much of the rest of the world (porcine reproductive and respiratory syndrome virus, transmissible gastroenteritis, classical swine fever, African swine fever, swine influenza). Any incursion of new pathogens into the industry potentially jeopardises pork export marketing opportunities as well as directly creating financial and welfare hardships on New Zealand farms from the production consequences of these diseases. In addition, pigs have been proven to be important 'amplifier' hosts for foot-and-mouth disease (FMD), which has never occurred in New Zealand. If FMD did occur, it would have very serious consequences for the country's major dairy and meat export industries. Any biosecurity incursions within the industry must be able to be managed quickly and efficiently to contain spread. The intersect with the</p>	<p>agricultural and horticultural practices, such as cultivating and harvesting crops, ploughing, planting trees, root ripping, digging post holes, maintenance of drains, troughs and installation of their associated pipe networks, and realignment of fence lines, drilling bores and offal pits, burying of dead stock and plant waste;b. Land preparation and vegetation clearance undertaken as part of horticultural plantings; andc. Maintenance of existing walking tracks, farm and forestry tracks, driveways, roads and accessways within the same formation width. the burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993</p>	

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				District Plan may well be in a response that requires burial of animal carcasses. The Regional Plan is in place to manage discharges from such activities but constraints on earthwork activity (volume and area) may inhibit a timely, efficient, and effective response. As such, NZPork seeks that the definition of Ancillary Rural Earthworks include provisions for biosecurity related activity. This method has been included in a number of existing and proposed district plans: - Auckland Unitary Plan- Opotiki District Plan- Proposed Waikato District Plan - Appeals Version- Proposed Selwyn District Plan - s42A Recommendation- Proposed Timaru District Plan			
FS548.006	Northland Federated Farmers of New Zealand Inc		Support	Federated Farmers sought the inclusion of a definition for ancillary rural activities in its submission on the Proposed District Plan.	Allow	Grant the relief sought.	Accept in part
FS354.036	Horticulture New Zealand		Support	HortNZ supports providing for earthworks for biosecurity purposes through the definition of ancillary rural earthworks.	Allow	Allow S55.001	Accept in part
FS369.430	Top Energy		Support in part	Top Energy seeks to ensure the protection of all electricity infrastructure, noting the interdependency of the system and the importance of lines other than 110kV and 33kV line which Top Energy has sought be mapped as Critical Electricity Lines. Top Energy seeks that a further matter of consideration be included to require consideration of potential reverse sensitivity effects on infrastructure at the time of subdivision.	Allow in part		Accept in part
S431.176	John Andrew Riddell	NFL-R7	Not Stated	Reference correction	Delete references in the Plan to 'Moturua Island zone' and 'Motoura Island zone', and replace with 'Moturoa Island zone'		Reject
S359.043	Northland Regional Council	Objectives	Support in part	There appears to be some overlap between the earthwork's provisions in the proposed plan and the Proposed Regional Plan. This becomes problematic (and potentially costly) for applicants.	Amend provisions to avoid duplicating regional council functions where possible.		Accept
FS44.52	Northland Planning &		Support	Agree. Where both district and regional consents are required for an earthworks activity, enable a delegation such that only one consenting authority need to	Allow		Accept

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	Development 2020 Ltd			process an application. Doing it in this way will ensure that district council effects such as amenity, traffic etc. can still be taken into account while saving the applicant from unnecessary costs.			
FS289.17	Reuben Wright		Support	There should be no overlap between NRC and FNDC functions as it relates to earthworks.	Allow		Accept
FS289.20	Reuben Wright		Support	There should be no overlap or duplication of rules regarding earthworks between regional and district plans. The provisions under the Earthworks Chapter should be amended to reflect this inclusive of an explanation in the Chapter Introduction as to differing rules and roles of the FNDC and NRC	Allow		Accept
FS354.152	Horticulture New Zealand		Support	The submitter seeks to amend provisions to avoid duplicating regional council functions where possible. HortNZ supports removal of duplication of requirements.	Allow	Allow S359.044	Accept
FS570.1079	Vision Kerikeri 3		Support	Support to the extent the submission is consistent with our original submissions.	Allow	Allow to the extent that the submission is consistent with our original submission	Accept
FS346.504	Royal Forest and Bird Protection Society of New Zealand Inc.		Support	The amendments sought give effect to the NPS FM, the RPS and Part 2 of the RMA and the NPS IB.Forest & Bird supports the full submission other than where the relief sought would conflict with that sought in Forest & Birds submission	Allow	Allow the original submission	Accept
FS566.1093	Kapiro Conservation Trust 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Accept
FS569.1115	Vision Kerikeri 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Accept
S179.081	Russell Protection Society (INC)	EW-O1	Support	The natural marine environment, especially estuarine areas is being progressively degraded through land use activities in the Bay of Islands. the Objectives and Policies of this section contain a fundamental contradiction between 'efficiency' and 'protection of environmental values' unfortunately the rules and standards do not provide adequate direction as to how to appropriately manage this tension especially where significant resources are involved.	Retain EW-O1		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
				it should be evident by now that standard erosion control methods are largely ineffectual. This is because parts of the Bay of Islands are characterised by heavy clay soils, steep topography and heavy rainfalls. examination of streams during storm events reveal heavy sediment loads, particularly below recent subdivisions		
S333.073	P S Yates Family Trust	EW-01	Support in part	The definition of earthworks is broadly cast as means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts. As such it captures many rural activities, which should be exempt from the rules (ie they can occur subject to standards, without the need for resource consent). The objective as drafted seeks to enable earthworks associated with subdivision and development, however neglects to enable earthworks associated with rural activities which are otherwise provided for under policy EW-P1.	Amend Objective EW-01 as follows: Earthworks are enabled where they are required for rural land uses and development and to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, coastal marine area, public safety, surrounding land and infrastructure.	Accept in part
S168.081	Setar Thirty Six Limited	EW-01	Support in part	The definition of earthworks is broadly cast as means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts. As such it captures many rural activities, which should be exempt from the rules (ie they can occur subject to standards, without the need for resource consent). The objective as drafted seeks to enable earthworks associated with subdivision and development, however neglects to enable earthworks associated with rural activities which are otherwise provided for under policy EW-P1.	Amend Objective EW-01 as follows: Earthworks are enabled where they are required for rural land uses and development and to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, coastal marine area, public safety, surrounding land and infrastructure.	Accept in part
S187.072	The Shooting Box Limited	EW-01	Support in part	The definition of earthworks is broadly cast as means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand	Amend Objective EW-01 as follows: Earthworks are enabled where they are required for rural land uses and development and to facilitate the efficient subdivision	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
				and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts. As such it captures many rural activities, which should be exempt from the rules (ie they can occur subject to standards, without the need for resource consent). The objective as drafted seeks to enable earthworks associated with subdivision and development, however neglects to enable earthworks associated with rural activities which are otherwise provided for under policy EW-P1.	and development of land, while managing adverse effects on waterbodies, coastal marine area, public safety, surrounding land and infrastructure.	
S222.075	Wendover Two Limited	EW-01	Support in part	The definition of earthworks is broadly cast as means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts. As such it captures many rural activities, which should be exempt from the rules (ie they can occur subject to standards, without the need for resource consent). The objective as drafted seeks to enable earthworks associated with subdivision and development, however neglects to enable earthworks associated with rural activities which are otherwise provided for under policy EW-P1.	Amend Objective EW-01 as follows: Earthworks are enabled where they are required for rural land uses and development and to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, coastal marine area, public safety, surrounding land and infrastructure.	Accept in part
S463.067	Waiaua Bay Farm Limited	EW-01	Support	It is appropriate to provide for earthworks that are appropriately managed with respect to effects on the surrounding environment.	Retain objective EW-01	Accept in part
S167.083	Benzen Farm Limited	EW-01	Support in part	The definition of earthworks captures many rural activities, which should be exempt from the rules (ie they can occur subject to standards, without the need for resource consent). The objective as drafted seeks to enable earthworks associated with subdivision and development, however neglects to enable earthworks associated with rural activities which are otherwise provided for under policy EW-P1.	Amend Objective EW-01 as follows: Earthworks are enabled where they are required for rural land uses and development and to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, coastal marine area, public safety, surrounding land and infrastructure.	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
FS143.36	Mataka Residents' Association Inc		Support	The submitter agrees that earthworks for rural activities should be exempt from the rules in the Coastal Environment (ie they can occur subject to standards, without the need for resource consent).	Allow		Accept in part
FS354.153	Horticulture New Zealand		Support in part	HortNZ seeks inclusion of provisions for ancillary rural earthworks and the submitter seeks provisions for rural land uses and development. Ensuring that basic rural earthworks can be undertaken is supported.	Allow	Allow S167.083	Accept in part
FS566.445	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S421.190	Northland Federated Farmers of New Zealand	EW-01	Support	Federated Farmers supports objectives EW-01, EW-2 and EW-03 as currently drafted in the proposed district plan	Retain Objective EW-01 or ensure that amendments include similar wording that achieves the same intent		Accept in part
FS196.132	Joe Carr		Support	tautoko	Allow		Accept in part
FS570.1422	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS346.424	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS.	Disallow	Disallow the original submission	Accept in part
FS566.1436	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS569.1458	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S243.101	Matauri Trustee Limited	EW-01	Support in part	The definition of earthworks is broadly cast as meaning the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring,	Amend Objective EW-01 as follows: Earthworks are enabled where they are required		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts. As such it captures many rural activities, which should be exempt from the rules (i.e. they can occur subject to standards, without the need for resource consent). The objective as drafted seeks to enable earthworks associated with subdivision and development, however neglects to enable earthworks associated with rural activities which are otherwise provided for under policy EW-P1.	for rural land uses and development and to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, coastal marine area, public safety, surrounding land and infrastructure.		
FS570.659	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS566.673	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS569.695	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S179.110	Russell Protection Society (INC)	EW-O2	Support	The natural marine environment, especially estuarine areas is being progressively degraded through land use activities in the Bay of Islands. the Objectives and Policies of this section contain a fundamental contradiction between 'efficiency' and 'protection of environmental values' unfortunately the rules and standards do not provide adequate direction as to how to appropriately manage this tension especially where significant resources are involved. it should be evident by now that standard erosion control methods are largely ineffectual. This is because parts of the Bay of Islands are characterised by heavy clay soils, steep topography and heavy rainfalls. examination of streams during storm events reveal heavy sediment loads, particularly below recent subdivisions	Retain EW-O2		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
S421.191	Northland Federated Farmers of New Zealand	EW-02	Support	Federated Farmers supports objectives EW-01, EW-2 and EW-03 as currently drafted in the proposed district plan	Retain Objective EW-02 or ensure that amendments include similar wording that achieves the same intent		Accept
FS196.130	Joe Carr		Support	tautoko	Allow		Accept
FS196.131	Joe Carr		Support	tautoko	Allow		Accept
FS570.1423	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS346.425	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS.	Disallow	Disallow the original submission	Reject
FS566.1437	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.1459	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S179.111	Russell Protection Society (INC)	EW-03	Support	The natural marine environment, especially estuarine areas is being progressively degraded through land use activities in the Bay of Islands. the Objectives and Policies of this section contain a fundamental contradiction between 'efficiency' and 'protection of environmental values' unfortunately the rules and standards do not provide adequate direction as to how to appropriately manage this tension especially where significant resources are involved. it should be evident by now that standard erosion control methods are largely ineffectual. This is because parts of the Bay of Islands are characterised by heavy clay soils, steep topography and heavy rainfalls. examination of streams during storm events reveal	Retain EW-03		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				heavy sediment loads, particularly below recent subdivisions.			
S421.192	Northland Federated Farmers of New Zealand	EW-03	Support	Federated Farmers supports objectives EW-01, EW-2 and EW-03 as currently drafted in the proposed district plan	Retain Objective EW-03 or ensure that amendments include similar wording that achieves the same intent		Accept
FS196.129	Joe Carr		Support	tautoko	Allow		Accept
FS570.1424	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS346.426	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS.	Disallow	Disallow the original submission	Reject
FS566.1438	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.1460	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S454.100	Transpower New Zealand Ltd	EW-03	Support	Transpower supports the inclusion of an objective in the FNPDP to ensure the stability of infrastructure such as the National Grid is not compromised.	Retain EW-03		Accept
FS369.472	Top Energy		Support	Top Energy supports amendments to give effect to the NPSET.	Allow		Accept
S359.044	Northland Regional Council	Policies	Support in part	There appears to be some overlap between the earthwork's provisions in the proposed plan and the Proposed Regional Plan. This becomes problematic (and potentially costly) for applicants.	Amend provisions to avoid duplicating regional council functions where possible.		Accept
FS289.18	Reuben Wright		Support	There should be no overlap between NRC and FNDC functions and Plan rules relating to earthworks	Allow		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
FS289.21	Reuben Wright		Support	There should be no overlap or duplication of rules regarding earthworks between regional and district plans. The provisions under the Earthworks Chapter should be amended to reflect this inclusive of an explanation in the Chapter Introduction as to differing rules and roles of the FNDC and NRC	Allow		Accept
FS354.154	Horticulture New Zealand		Support	The submitter seeks to amend provisions to avoid duplicating regional council functions where possible. HortNZ supports removal of duplication of requirements.	Allow	Allow S359.044	Accept
FS570.1080	Vision Kerikeri 3		Support	Support to the extent the submission is consistent with our original submissions.	Allow	Allow to the extent that the submission is consistent with our original submission	Accept
FS346.505	Royal Forest and Bird Protection Society of New Zealand Inc.		Support	The amendments sought give effect to the NPS FM, the RPS and Part 2 of the RMA and the NPS IB. Forest & Bird supports the full submission other than where the relief sought would conflict with that sought in Forest & Birds submission	Allow	Allow the original submission	Accept
FS566.1094	Kapiro Conservation Trust 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Accept
FS569.1116	Vision Kerikeri 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Accept
S364.072	Director-General of Conservation (Department of Conservation)	Policies	Support in part	The Director-General submits that the earthworks rules and policies should recognise the potential threat posed by Kauri Dieback where it can be easily spread through soil movements.	Amend earthworks policies and rules to allow consideration and management of kauri dieback.		Reject
FS25.119	Kiwi Fresh Orange Company Limited		Support	Supports the intent of the submission, subject to appropriate wording.	Allow	Allow the original submission, subject to appropriate drafting	Reject
FS548.075	Northland Federated Farmers of New Zealand Inc		Oppose	It is not considered appropriate for a new raft of provisions to be incorporated into the Proposed District Plan without appropriate consultation occurring.	Disallow	Decline the relief sought.	Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
FS570.1153	Vision Kerikeri 3		Support	Support to the extent the submission is consistent with our original submissions.	Allow	Allow to the extent that the submission is consistent with our original submission	Reject
FS346.212	Royal Forest and Bird Protection Society of New Zealand Inc.		Support	The amendments sought give effect to the NPS FM, the RPS, Part 2 of the RMA, and the NPSIB. Forest & Bird supports the full submission of the Director General for Conservation other than where the relief sought would conflict with that sought in Forest & Bird's submission.	Allow	Allow the original submission	Reject
FS566.1167	Kapiro Conservation Trust 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Reject
FS569.1189	Vision Kerikeri 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Reject
S454.101	Transpower New Zealand Ltd	Policies	Not Stated	Earthworks can have an adverse effect on infrastructure such as the National Grid. Earthworks undertaken too close to National Grid infrastructure can have an adverse effect on the stability of structures which needs to be avoided. While the Earthworks chapter includes rules to manage earthworks in the vicinity of the National Grid, there is no policy that directly affects this issue. Transpower considers that a new policy is necessary.	Insert new policy as follows: Protect nationally and regionally significant infrastructure from the adverse effects of earthworks, including the National Grid Yard.		Accept in part
FS304.003	Radio New Zealand		Support		Allow	Allow the original submission.	Accept in part
FS354.155	Horticulture New Zealand		Oppose	A policy of protection is inconsistent with the NPSET.	Disallow	Disallow S454.101	Accept in part
FS369.473	Top Energy		Support	Top Energy supports the protection of regionally significant infrastructure	Allow		Accept in part
S179.082	Russell Protection Society (INC)	EW-P1	Support	The natural marine environment, especially estuarine areas is being progressively degraded through land use activities in the Bay of Islands. the Objectives and Polices of this section contain a fundamental contradiction between 'efficiency' and 'protection of environmental values' unfortunately the rules and standards to not provide adequate direction as to how to appropriately manage this tension especially where significant resources are involved.	Retain EW-P1		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				it should be evident by now that standard erosion control methods are largely ineffectual. This is because parts of the Bay of Islands are characterised by heavy clay soils, steep topography and heavy rainfalls. examination of streams during storm events reveal heavy sediment loads, particularly below recent subdivisions			
S356.098	Waka Kotahi NZ Transport Agency	EW-P1	Support	not stated	Retain EW-P1 as notified		Accept in part
S463.068	Waiaua Bay Farm Limited	EW-P1	Oppose	The policy fails to recognise the need for earthworks in the Special Purpose Zones.	Insert new point f. within Objective EW-P1 as follows: f. Land uses, development and subdivision anticipated in a Special Purpose Zone.		Accept in part
S159.078	Horticulture New Zealand	EW-P1	Support	Provisions for rural land use and farming activities in rural zones is supported.	Retain Policy EW-P1.		Accept in part
FS151.245	Ngāi Tukairangi No.2 Trust		Support		Allow		Accept in part
FS570.240	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS566.254	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS569.276	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S421.193	Northland Federated Farmers of New Zealand	EW-P1	Support	Federated Farmers supports the recognition of earthworks being necessary for rural land uses and development for the District's social, economic, and cultural well-being and health and safety.	Retain Policy EW-P1 (inferred) or ensure that amendments include similar wording that achieves the same intent		Accept
FS196.128	Joe Carr		Support	tautoko	Allow		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
FS570.1425	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS346.427	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS.	Disallow	Disallow the original submission	Reject
FS566.1439	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.1461	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S436.039	Northland Fish and Game Council	EW-P1	Not Stated	For the reasons set out under 'general submissions "wetlands" of the submission (refer to submission points S436.001 and S436.002), amend Policy EW-P1 to enable restoration work for earthworks to enable restoration work for earthworks.	Amend point c. of Policy EW-P1 as follows: c. conservation, restoration and recreation activities;		Accept
FS570.1503	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS346.125	Royal Forest and Bird Protection Society of New Zealand Inc.		Support	The amendments sought give effect to the NPS FM, the RPS and Part 2 of the RMA and the NPS IB. Forest & Bird supports the full submission of Fish and Game other than where the relief sought would conflict with that sought in Forest & Birds submission.	Allow	Allow the original submission	Accept
FS566.1517	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.1539	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is	Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
						inconsistent with our original submission	
S160.027		EW-P1	Oppose	The submitter opposes policy EW-P1 as it should be supporting all primary production.	Amend policy EW-P1 as follows: Enable earthworks necessary to provide for the District's social, economic and cultural well-being, and their health and safety where they provide for: <ol style="list-style-type: none"> 1. urban land uses and development within urban zones; 2. rural land uses and development including, farm tracks, land drainage, and other primary production activities within the Rural zones; 3. conservation and recreation activities; 4. land drainage and flood control works; and 5. installation, upgrade and maintenance of infrastructure. 		Reject
FS346.597	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment values and the values of outstanding landscapes could also result.	Disallow	Disallow the original submission	Accept
S179.112	Russell Protection Society (INC)	EW-P2	Support	The natural marine environment, especially estuarine areas is being progressively degraded through land use activities in the Bay of Islands. the Objectives and Policies of this section contain a fundamental contradiction between 'efficiency' and 'protection of environmental values' unfortunately the rules and standards do not provide adequate direction as to how to appropriately manage this tension especially where significant resources are involved. it should be evident by now that standard erosion	Retain EW-P2		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
				control methods are largely ineffectual. This is because parts of the Bay of Islands are characterised by heavy clay soils, steep topography and heavy rainfalls. examination of streams during storm events reveal heavy sediment loads, particularly below recent subdivisions.		
S368.090	Far North District Council	EW-P3	Support in part	drafting error, use of "or" in e. incorrect, should be "and"	Amend EW-P3 a. controlling maximum depth and height and maximum area or volume of earthworks; b. requiring appropriate setbacks are maintained from adjoining property boundaries, waterbodies and the coastal environment; c. managing the location and design of infrastructure; d. managing impacts on natural drainage patterns and overland flow paths; and e. controlling the movement of dust and sediment beyond the area of development to avoid: i. nuisance effects and/or amenity effects on surrounding sites, and or ii. silt and sediment entering stormwater systems or waterbodies and the coastal marine area.	Accept
S179.113	Russell Protection Society (INC)	EW-P3	Support	The natural marine environment, especially estuarine areas is being progressively degraded through land use activities in the Bay of Islands. the Objectives and Policies of this section contain a fundamental contradiction between 'efficiency' and 'protection of environmental values' unfortunately the rules and standards to not provide adequate direction as to how to appropriately manage this tension especially where significant resources are involved. it should be evident by now that standard erosion control methods are largely ineffectual. This is because parts of the Bay of Islands are characterised by heavy clay soils, steep topography and heavy rainfalls. examination of streams during storm events reveal heavy sediment loads, particularly below recent subdivisions.	Retain EW-P3	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
S179.114	Russell Protection Society (INC)	EW-P4	Support	The natural marine environment, especially estuarine areas is being progressively degraded through land use activities in the Bay of Islands. the Objectives and Policies of this section contain a fundamental contradiction between 'efficiency' and 'protection of environmental values' unfortunately the rules and standards to not provide adequate direction as to how to appropriately manage this tension especially where significant resources are involved. it should be evident by now that standard erosion control methods are largely ineffectual. This is because parts of the Bay of Islands are characterised by heavy clay soils, steep topography and heavy rainfalls. examination of streams during storm events reveal heavy sediment loads, particularly below recent subdivisions	Retain EW-P4	Accept
S179.115	Russell Protection Society (INC)	EW-P5	Support	The natural marine environment, especially estuarine areas is being progressively degraded through land use activities in the Bay of Islands. the Objectives and Policies of this section contain a fundamental contradiction between 'efficiency' and 'protection of environmental values' unfortunately the rules and standards to not provide adequate direction as to how to appropriately manage this tension especially where significant resources are involved. it should be evident by now that standard erosion control methods are largely ineffectual. This is because parts of the Bay of Islands are characterised by heavy clay soils, steep topography and heavy rainfalls. examination of streams during storm events reveal heavy sediment loads, particularly below recent subdivisions	Retain EW-P5	Accept
S179.116	Russell Protection Society (INC)	EW-P6	Support	The natural marine environment, especially estuarine areas is being progressively degraded through land use activities in the Bay of Islands. the Objectives and Policies of this section contain a fundamental contradiction between 'efficiency' and 'protection of environmental values' unfortunately the rules and standards to not provide adequate direction as to how to appropriately manage this tension especially where significant resources are involved. it should be evident by now that standard erosion control methods are largely ineffectual. This is because	Retain EW-P6	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
				parts of the Bay of Islands are characterised by heavy clay soils, steep topography and heavy rainfalls. examination of streams during storm events reveal heavy sediment loads, particularly below recent subdivisions		
S179.117	Russell Protection Society (INC)	EW-P7	Support	The natural marine environment, especially estuarine areas is being progressively degraded through land use activities in the Bay of Islands. the Objectives and Polices of this section contain a fundamental contradiction between 'efficiency' and 'protection of environmental values' unfortunately the rules and standards to not provide adequate direction as to how to appropriately manage this tension especially where significant resources are involved. it should be evident by now that standard erosion control methods are largely ineffectual. This is because parts of the Bay of Islands are characterised by heavy clay soils, steep topography and heavy rainfalls. examination of streams during storm events reveal heavy sediment loads, particularly below recent subdivisions	Retain EW-P7	Accept
S463.069	Waiaua Bay Farm Limited	EW-P8	Oppose	Sub-clauses (a) to (t) are a list of assessment matters that are inappropriate to be included in a policy. They do not provide direction about how to achieve the overarching objectives. WBF recommends deletion of the policy and reliance on the other earthworks policies instead. If necessary, these assessment criteria can be relocated to rules and standards later in this chapter.	Delete Policy EW-P8	Reject
S179.118	Russell Protection Society (INC)	EW-P8	Support	The natural marine environment, especially estuarine areas is being progressively degraded through land use activities in the Bay of Islands. the Objectives and Polices of this section contain a fundamental contradiction between 'efficiency' and 'protection of environmental values' unfortunately the rules and standards to not provide adequate direction as to how to appropriately manage this tension especially where significant resources are involved. it should be evident by now that standard erosion control methods are largely ineffectual. This is because parts of the Bay of Islands are characterised by heavy clay soils, steep topography and heavy rainfalls.	Retain EW-P8	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
				examination of streams during storm events reveal heavy sediment loads, particularly below recent subdivisions		
S356.099	Waka Kotahi NZ Transport Agency	EW-P8	Support	not stated	Retain EW-P8 as notified	Accept in part
FS346.052	Royal Forest and Bird Protection Society of New Zealand Inc.		Support in part	Support provided that the Notes preceding the Rules in the IB section remains as notified.	Allow in part allow in part the original submission	Accept in part
S217.026	New Zealand Defence Force	Rules	Not Stated	EW-R14 is considered onerous and out of keeping with earthworks associated with other activities (such as for farming or rural industrial activities) which are permitted, subject to compliance with the applicable standards.	Insert new rule EW-RXX Earthworks for temporary military training activities Activity status: Permitted Where: PER-1 The earthworks complies with standards: EW-S1 Maximum earthworks thresholds; EW-S2 Maximum depth and slope; EW-S4 Site reinstatement; EW-S7 Land stability; EW-S8 Nature of filling material; and EW-S9 Flood and coastal hazards Activity status where compliance not achieved with PER-1: Restricted discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard.	Accept in part
S179.083	Russell Protection Society (INC)	Rules	Support in part	The natural marine environment, especially estuarine areas is being progressively degraded through land use activities in the Bay of Islands. the Objectives and Policies of this section contain a fundamental contradiction between 'efficiency' and 'protection of	Insert new rules around erosion and sediment control	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
				<p>environmental values' unfortunately the rules and standards to not provide adequate direction as to how to appropriately manage this tension especially where significant resources are involved.</p> <p>it should be evident by now that standard erosion control methods are largely ineffectual. This is because parts of the Bay of Islands are characterised by heavy clay soils, steep topography and heavy rainfalls. examination of streams during storm events reveal heavy sediment loads, particularly below recent subdivisions.</p> <p>It is suggested that Council has primary responsibility for developing these standards rather than simply relying on other agencies such as the regional council</p>		
S178.013	Reuben Wright	Rules	Support in part	None of the rules prescribe any specific requirement for earthworks associated with any subdivision activity. There should be some link between the Subdivision Chapter, where earthworks are usually required in some form and can be assessed as part of any subdivision application, and the Earthworks Chapter.	Amend Earthworks Chapter to include a link between the Subdivision Chapter, where earthworks are usually required in some form and can be assessed as part of any subdivision application.	Reject
S178.014	Reuben Wright	Rules	Support in part	Rules EW-R13, EW-S4 and EW-S5 relate to erosion and sediment control. The District Council has no role in administering erosion and sediment control matters where these are specifically addressed in the Proposed Regional Plan for Northland under Rule C.8.3.1. Inclusion of these rules in the District Plan duplicates controls already in place and administered by the Regional Council. The rules should be removed.	[Amend to delete EW-R13, EW-S4 and EW-S5 relating to erosion and sediment control where these are specifically addressed in the Proposed Regional Plan for Northland under Rule C.8.3.1.]	Accept in part
S148.036	Summit Forests New Zealand Limited	Rules	Not Stated	<p>Unlike farming, plantation forestry and plantation forestry activities are not explicitly provided for such that the general provisions of EW-R6 and R7 would apply.</p> <p>No justification is provided for more stringent standards for earthworks associated with plantation forestry activities in the coastal environment or the ONL or ONF overlays, especially as those standards do not apply to other primary production activities.</p>	Amend the provisions to provide for earthworks associated with plantation forestry and plantation forestry activities as a permitted activity subject to the provisions of the NES-PF.	Accept in part
FS85.31	PF Olsen Ltd		Support	PF Olsen supports the SFNZL submission to amend rules that provide for earthworks associated with forestry activities to be regulated by NESP-PF. There is no justification to require plantation forestry earthworks	Allow	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				to comply with more stringent standards for earthworks in the Coastal Environment or Natural Features and Landscapes overlays, and for those standards to also not equally apply to other primary production land use.			
FS108.18	Manulife Forest Management		Support	As described by the original submitter.	Allow		Accept in part
FS346.542	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment values and the values of outstanding landscapes could also result.	Disallow	Disallow the original submission	Accept in part
FS566.148	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S148.038	Summit Forests New Zealand Limited	Rules	Not Stated	The earthworks Matters of Discretion appear to exceed the scope of the District Council's functions under section 31 of the Resource Management Act and, contrary to its section 32 analysis, stray into the functions of the Regional Council.	Delete any Matters of Discretion that exceed the Council's functions under the RMA.		Accept in part
FS85.32	PF Olsen Ltd		Support	Pf Olsen supports SFNZL submission as the earthworks Matters of Discretion go well beyond the scope of the District Council's powers under section 31 of the Resource Management Act.	Allow		Accept in part
FS289.19	Reuben Wright		Support	The District Plan rules should not overlap or replicate current rules specified in Regional Plans and/or NES / NPS docs. The role of FNDC as it relates to earthworks should be clearly defined so as to avoid any duplication.	Allow		Accept in part
FS289.22	Reuben Wright		Support	There should be no overlap or duplication of rules regarding earthworks between regional and district plans. The provisions under the Earthworks Chapter should be amended to reflect this inclusive of an explanation in the Chapter Introduction as to differing rules and roles of the FNDC and NRC	Allow		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
FS346.544	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment values and the values of outstanding landscapes could also result.	Disallow	Disallow the original submission	Accept in part
FS566.150	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S359.045	Northland Regional Council	Rules	Support in part	There appears to be some overlap between the earthwork's provisions in the proposed plan and the Proposed Regional Plan. This becomes problematic (and potentially costly) for applicants.	Amend provisions to avoid duplicating regional council functions where possible.		Accept
FS289.23	Reuben Wright		Support	There should be no overlap or duplication of rules regarding earthworks between regional and district plans. The provisions under the Earthworks Chapter should be amended to reflect this inclusive of an explanation in the Chapter Introduction as to differing rules and roles of the FNDC and NRC	Allow		Accept
FS354.156	Horticulture New Zealand		Support	The submitter seeks to amend provisions to avoid duplicating regional council functions where possible. HortNZ supports removal of duplication of requirements.	Allow	Allow S359.045	Accept
FS570.1081	Vision Kerikeri 3		Support	Support to the extent the submission is consistent with our original submissions.	Allow	Allow to the extent that the submission is consistent with our original submission	Accept
FS346.506	Royal Forest and Bird Protection Society of New Zealand Inc.		Support	The amendments sought give effect to the NPS FM, the RPS and Part 2 of the RMA and the NPS IB. Forest & Bird supports the full submission other than where the relief sought would conflict with that sought in Forest & Birds submission	Allow	Allow the original submission	Accept
FS566.1095	Kapiro Conservation Trust 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
FS569.1117	Vision Kerikeri 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Accept
S364.073	Director-General of Conservation (Department of Conservation)	Rules	Support in part	The Director-General submits that the earthworks rules and policies should recognise the potential threat posed by Kauri Dieback where it can be easily spread through soil movements.	Amend earthworks policies and rules to allow consideration and management of kauri dieback.		Reject
FS25.120	Kiwi Fresh Orange Company Limited		Support	Supports the intent of the submission, subject to appropriate wording.	Allow	Allow the original submission, subject to appropriate drafting	Reject
FS225.9	Pacific Eco-Logic		Support	Earthworks policies and rules should address the management of kauri dieback.	Allow		Reject
FS548.076	Northland Federated Farmers of New Zealand Inc		Oppose	It is not considered appropriate for a new raft of provisions to be incorporated into the Proposed District Plan without appropriate consultation occurring.	Disallow	Decline the relief sought.	Accept
FS570.1154	Vision Kerikeri 3		Support	Support to the extent the submission is consistent with our original submissions.	Allow	Allow to the extent that the submission is consistent with our original submission	Reject
FS346.213	Royal Forest and Bird Protection Society of New Zealand Inc.		Support	The amendments sought give effect to the NPS FM, the RPS, Part 2 of the RMA, and the NPSIB. Forest & Bird supports the full submission of the Director General for Conservation other than where the relief sought would conflict with that sought in Forest & Bird's submission.	Allow	Allow the original submission	Reject
FS566.1168	Kapiro Conservation Trust 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Reject
FS569.1190	Vision Kerikeri 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Reject
S351.009	Carrington Estate Jade LP and Carrington Farms Jade LP	Rules	Not Stated	The submitter identifies that the operative district plan rule 18.6.6.1.11 Earthworks and Vegetation Clearance, within the Carrington Estate Zone has not been replicated in the earthworks rules in the proposed district plan and submits that it should be included	Amend the earthworks rules to include reference to the Carrington Estate Development Plan and Schedule as per operative district plan rule 18.6.6.1.11 Earthworks and Vegetation Clearance.		Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				within the Carrington Estate zone or an exemption within the earthworks chapter.			
FS339.007	Haititaimarangai Marae Kaitiaki Trust		Oppose	The consents referred to are now outdated. Vegetation and earthworks provisions should ensure that the effects not contemplated 20 years ago are appropriately managed, including as they relate to cultural values.	Disallow	Disallow the original submission.	Accept
S364.001	Director-General of Conservation (Department of Conservation)	Rules	Not Stated	Kauri Dieback is caused by a pathogen that is easily spread through soil movements, including when it is carried on footwear, equipment, and vehicles. The disease is threatening Kauri with functional extinction and requires collaborative work to manage the disease and control any further spread. Any land disturbance works within three times the radius of the canopy of the dripline of New Zealand Kauri Tree ("the kauri hygiene zone") can cause potential contamination of an uninfected site and spread the disease.	Insert provisions and clear guidance within the Earthworks chapter to address the management of Kauri Dieback to prevent spread of the disease.		Reject
FS548.074	Northland Federated Farmers of New Zealand Inc		Oppose	It is not considered appropriate for a new raft of provisions to be incorporated into the Proposed District Plan without appropriate consultation occurring.	Disallow	Decline the relief sought.	Accept
FS570.1082	Vision Kerikeri 3		Support	Support to the extent the submission is consistent with our original submissions.	Allow	Allow to the extent that the submission is consistent with our original submission	Reject
FS346.141	Royal Forest and Bird Protection Society of New Zealand Inc.		Support	The amendments sought give effect to the NPS FM, the RPS, Part 2 of the RMA, and the NPSIB. Forest & Bird supports the full submission of the Director General for Conservation other than where the relief sought would conflict with that sought in Forest & Bird's submission.	Allow	Allow the original submission	Reject
FS566.1096	Kapiro Conservation Trust 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Reject
FS569.1118	Vision Kerikeri 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Reject
S215.047	Haigh Workman Limited	Rules	Not Stated	Permitted activity rules EW-R1 to EW-R11 allow earthworks for a number of specified activities; earthworks for any other activity (such as re-contouring	Insert one rule that permits earthworks for any purpose subject to the standards EW-S1 to EW-S12.		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				a paddock prior to planting an orchard, excavating stormwater detention basins, constructing earth bunds as noise barriers or simply disposing of fill excavated as a result of a permitted activity) automatically becomes a Restricted Discretionary activity. The rules would be simpler and more effects based if they were condensed into one rule that allowed earthworks for any purpose subject to the standards EW-S1 to EW-S12			
FS570.536	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS566.550	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.572	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S335.007	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	Notes	Support in part	The Fuel Companies anticipate Note 6 is intended to mean that the NESCS applies in addition to the earthworks provisions in certain instances.	Amend Note 6 Where soil sampling and land disturbance is proposed on land where a hazardous activity or industry has been, is more likely than not have been or is currently operating, then the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 also apply.		Accept
S335.008	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	Notes	Support in part	Fuel Companies seek a specific exemption for earthworks undertaken in relation to the removal or replacement of underground fuel storage systems, noting that these are specifically addressed under the NESCS and should not be duplicated under the district plan.	Insert a new Note 7 Earthworks undertaken in relation to the removal or replacement of a fuel storage system as defined under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 are exempt from this chapter.		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
S399.069	Te Hiku Iwi Development Trust	Notes	Not Stated	As noted, the NPS-FW and NES apply. For avoidance of doubt reference to the setbacks prescribed by the NES would be helpful to ensure users of the plan are aware of this connection.	Amend Note 5 as follows: The Northland Regional Plan currently in force and the National Environment Standards for Freshwater 2020 include rules and regulations relating to earthworks to manage effects on freshwater and soil including setbacks . Consent may be required for earthworks in terms of the regional rules and regulations in those documents in addition to this District Plan.		Reject
S215.051	Haigh Workman Limited	Notes	Not Stated	Standard EW-S7 is open to wide interpretation. The risk of instability of land at or beyond the property boundary is addressed by standard EW-S6. Standard EW-S7 is redundant and should be removed. The standard may have been intended to address the more general risk of earthworks being carried out on land subject to instability. To address this issue, the Earthworks rules could include a note similar to that in New Plymouth District Plan Standard EW-S1 but refer to 'Land Susceptible to Instability' as defined in the Proposed Far North District Plan.	Insert a note to the Rules: Earthworks on land defined as 'Land Susceptible to Instability' in the Definitions may result in instability. If there is reason to suspect that the earthworks may result in instability, a site-specific geotechnical assessment, undertaken in accordance with engineering best-practice, may be required to demonstrate compliance with this standard.		Reject
FS309.19	Brad Hedger		Support in part	The permitted standard guideline document (GD05) is limited in the control of these measures, and should not be referenced as a means of compliance as the interpretation is to wide.	Allow in part		Accept in part
FS570.540	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
FS566.554	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
FS569.576	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
S335.009	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	EW-R1	Oppose	It is not clear that typical operation, maintenance, and upgrade works at petroleum industry sites under any activity category, for instance the removal and replacement of underground assets like tanks or drainage devices, are provided for. Given all the proposed standards apply to all earthworks activities, the Fuel Companies are unclear why all earthworks cannot be permitted subject to compliance with standards, irrespective of what they are proposed in relation to. Amendments are necessary to provide more broadly for earthworks for a range of activities with a focus on effects, not activities.	Delete rule EW-R1 And include a new rule as follows: EW-R1 All Zones Earthworks Activity Status: Permitted Where: PER-1 Compliance with standards EW-S1 - EW-S9 is achieved.		Accept
S463.070	Waiaua Bay Farm Limited	EW-R1	Support	The rule provides appropriately for permitted earthworks and a fallback restricted discretionary consenting pathway is an efficient method to address a breach of the permitted activity performance standards.	Retain Rule EW-R1		Accept in part
S431.171	John Andrew Riddell	EW-R1	Not Stated	Reference correction	Delete references in the Plan to 'Moturoa Island zone' and 'Motoura Island zone', and replace with 'Moturoa Island zone'		Reject
S215.036	Haigh Workman Limited	EW-R1	Oppose	Permitted activity rules EW-R1 to EW-R11 allow earthworks for a number of specified activities; earthworks for any other activity (such as re-contouring a paddock prior to planting an orchard, excavating stormwater detention basins, constructing earth bunds as noise barriers or simply disposing of fill excavated as a result of a permitted activity) automatically becomes a Restricted Discretionary activity. The rules would be simpler and more effects based if they were condensed into one rule that allowed earthworks for any purpose subject to the standards EW-S1 to EW-S12.	Delete Rule EW-R1		Accept
FS570.525	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
FS566.539	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.561	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S335.010	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	EW-R2	Oppose	It is not clear that typical operation, maintenance, and upgrade works at petroleum industry sites under any activity category, for instance the removal and replacement of underground assets like tanks or drainage devices, are provided for. Given all the proposed standards apply to all earthworks activities, the Fuel Companies are unclear why all earthworks cannot be permitted subject to compliance with standards, irrespective of what they are proposed in relation to. Amendments are necessary to provide more broadly for earthworks for a range of activities with a focus on effects, not activities.	Delete rule EW-R2 And include a new rule as follows: EW-R1 All Zones Earthworks Activity Status: Permitted Where: PER-1 Compliance with standards EW-S1 - EW-S9 is achieved.		Accept
S431.172	John Andrew Riddell	EW-R2	Not Stated	Reference correction	Delete references in the Plan to 'Moturoa Island zone' and 'Motoura Island zone', and replace with 'Moturoa Island zone'		Reject
S215.037	Haigh Workman Limited	EW-R2	Oppose	Permitted activity rules EW-R1 to EW-R11 allow earthworks for a number of specified activities; earthworks for any other activity (such as re-contouring a paddock prior to planting an orchard, excavating stormwater detention basins, constructing earth bunds as noise barriers or simply disposing of fill excavated as a result of a permitted activity) automatically becomes a Restricted Discretionary activity. The rules would be simpler and more effects based if they were condensed into one rule that allowed earthworks for any purpose subject to the standards EW-S1 to EW-S12.	Delete EW- R2		Accept
FS44.32	Northland Planning & Development 2020 Ltd		Support	It is requested that this rule is either deleted in its entirety or reworded such that it is enabling or specifically exempts activities of this nature from complying with the standards specified. This is generally because works of this nature are already	Allow		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				exempt, covered by other rules or compliance with these standards would create a perverse outcome.			
FS570.526	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS566.540	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.562	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S463.071	Waiaua Bay Farm Limited	EW-R2	Support	The rule provides appropriately for permitted earthworks and a fallback restricted discretionary consenting pathway is an efficient method to address a breach of the permitted activity performance standards.	Retain Rule EW-R2		Reject
FS44.33	Northland Planning & Development 2020 Ltd		Oppose	It is requested that this rule is either deleted in its entirety or reworded such that it is enabling or specifically exempts activities of this nature from complying with the standards specified. This is generally because works of this nature are already exempt, covered by other rules or compliance with these standards would create a perverse outcome.	Disallow		Accept in part
S502.024	Northland Planning and Development 2020 Limited	EW-R2	Oppose	It is requested that this rule is either deleted in its entirety or reworded such that it is enabling or specifically exempts activities of this nature from complying with the standards specified. This is generally because works of this nature are already exempt, covered by other rules or compliance with these standards would create a perverse outcome. The definition of earthworks under the PDP excludes the installation of fence posts. Excavation works for fence lines are limited to the installation of fence posts and as such, there should not be additional provision for fence lines. The majority of fences are located on the boundary, including stock fences, such that EW-S6 - Setbacks would be automatically breached if this was to apply, triggering consent. This is considered to be a	Delete EW-R2 or reworded such that it is enabling or specifically exempts activities of this nature from complying with the standards specified		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
				<p>perverse outcome.</p> <p>Service connections are generally required to go over a boundary line, in order to connect a private site to a public service, such as wastewater, water and stormwater. Therefore, earthworks for service connections will automatically require resource consent for a breach of EW-S6 Setbacks, as the associated earthworks will occur on the boundary. It is requested that this particular activity is excluded from having to meet the provisions of EW-S6 - Setbacks.</p> <p>Poles and Piles relate to construction of buildings or structures. It is considered that the earthworks provisions for these items will be bundled within EW-R1 Earthworks for buildings or structures, and extensions to existing buildings or structures, such that an additional rule covering these items is not required.</p> <p>Maximum earthworks thresholds are not considered relevant to the activities listed in this rule, as generally, these works will be very minor. As mentioned, poles and piles will be included as part of a building or structure under the PDP, and therefore, these minor earthworks volumes can be bundled. Service connection earthworks volumes are also anticipated to be minor and generally consist of a small trench for cabling. All of which are not anticipated to create adverse effects. The same can be said for maximum depth and slope, where poles and piles will be assessed under buildings and structures.</p> <p>Site reinstatement and nature of filling material are considered irrelevant to these activities, as generally, the fill material will consist of the material used to excavate the post hole or service trench. Due to the minor nature of the volume of earthworks associated with these activities, no adverse effects are anticipated.</p> <p>Land Susceptible to Instability includes 'Land which has been subject to, or is within 20m of land that has been subject to past modification including un-documented (non-engineered) cuts and fill slopes exceeding 1.5m in vertical height.' By including items such as piles which would technically require the creation of a hole in many cases deeper than 1.5m, or digging a trench for services some of which are deeper than 1.5m would meet this definition. As a result, if these works are within 20m of another site, then it is creating a non-</p>		

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				compliance with EW-S7 which would be a consent trigger. This is considered a perverse outcome.			
FS354.157	Horticulture New Zealand		Support	The submitter has identified a number of structural matters with the rule which make it unworkable - such as including activities in the rule which are exempt in the definition of earthworks. There should be clarity in the rule.	Allow	Allow S502.024	Accept in part
S335.011	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	EW-R3	Oppose	It is not clear that typical operation, maintenance, and upgrade works at petroleum industry sites under any activity category, for instance the removal and replacement of underground assets like tanks or drainage devices, are provided for. Given all the proposed standards apply to all earthworks activities, the Fuel Companies are unclear why all earthworks cannot be permitted subject to compliance with standards, irrespective of what they are proposed in relation to. Amendments are necessary to provide more broadly for earthworks for a range of activities with a focus on effects, not activities.	Delete rule EW-R3 And include a new rule as follows: EW-R1 All Zones Earthworks Activity Status: Permitted Where: PER-1 Compliance with standards EW-S1 - EW-S9 is achieved.		Accept
S431.173	John Andrew Riddell	EW-R3	Not Stated	Reference correction	Delete references in the Plan to 'Moturoa Island zone' and 'Motoura Island zone', and replace with 'Moturoa Island zone'		Reject
S215.038	Haigh Workman Limited	EW-R3	Oppose	Permitted activity rules EW-R1 to EW-R11 allow earthworks for a number of specified activities; earthworks for any other activity (such as re-contouring a paddock prior to planting an orchard, excavating stormwater detention basins, constructing earth bunds as noise barriers or simply disposing of fill excavated as a result of a permitted activity) automatically becomes a Restricted Discretionary activity. The rules would be simpler and more effects based if they were condensed into one rule that allowed earthworks for any purpose subject to the standards EW-S1 to EW-S12.	Delete Rule EW-R3		Accept
FS570.527	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
FS566.541	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.563	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S160.028	Manulife Forest Management (NZ) Ltd	EW-R3	Oppose	The submitter opposes rule EW-R3 as the rule does not include primary production activities and it should do in order to provide clarity and certainty for landowners with plantation forestry and farming activities.	Amend rule EW-R3 to include primary production or plantation forestry.		Accept in part
FS346.598	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment values and the values of outstanding landscapes could also result.	Disallow	Disallow the original submission	Accept in part
S55.022	New Zealand Pork Industry Board	EW-R4	Support in part	The proposed definition of farming excludes intensive indoor primary production. Therefore, any earthworks in relation to this activity would fall under rule EW-R14 as a Discretionary activity. Typical earthworks required as part of an intensive primary production activity would be similar to those required as part of any other farming activity, including building tracks, installing fences or culverts etc. There is no reason why earthworks for an intensive primary production activity would create more risk than those for a farming activity, so these should be permitted, subject to the same standards. Intensive primary production activities cover both intensive indoor primary production and intensive outdoor primary production, as per our suggested definitions.	Amend the definition of farming to account for intensive primary production activities within this rule.		Accept in part
S335.012	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited,	EW-R4	Oppose	It is not clear that typical operation, maintenance, and upgrade works at petroleum industry sites under any activity category, for instance the removal and replacement of underground assets like tanks or drainage devices, are provided for. Given all the proposed standards apply to all	Delete rule EW-R4 And include a new rule as follows: EW-R1 All Zones Earthworks Activity Status: Permitted Where: PER-1 Compliance		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
	Z Energy Limited			earthworks activities, the Fuel Companies are unclear why all earthworks cannot be permitted subject to compliance with standards, irrespective of what they are proposed in relation to. Amendments are necessary to provide more broadly for earthworks for a range of activities with a focus on effects, not activities.	with standards EW-S1 - EW-S9is achieved.		
S463.072	Waiaua Bay Farm Limited	EW-R4	Support	The rule provides appropriately for permitted earthworks and a fallback restricted discretionary consenting pathway is an efficient method to address a breach of the permitted activity performance standards.	Retain Rule EW-R4		Reject
S159.080	Horticulture New Zealand	EW-R4	Oppose	The earthworks rules differentiate between site 8ha and over or those under 8ha. Not sure why and is a bit artificial for growers as many horticultural sites are smaller than 8ha	Delete Rule EW-R4 Provide clarity on why there are different rules for greater and less than 8ha		Accept
FS151.248	Ngāi Tukairangi No.2 Trust		Support		Allow		Accept
FS570.242	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS566.256	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.278	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S421.194	Northland Federated Farmers of New Zealand	EW-R4	Support in part	Federated Farmers supports these rules as they are currently drafted in the proposed district plan. Both rules provide for earthworks for farming activities as a permitted activity and then as a restricted discretionary activity if compliance is unable to be achieved with performance standard PER-1. We do query the fact that the rules are based on the size of sites rather than the potential effects of any earthworks undertaken. It is not clear why it is considered that sites of more than 8ha will have potentially less effects as implied through rule EW-04	Amend to merge Rules EW-R4 and EW-R5 into one rule that deals with earthworks for farming activities (or wording of similar effect), deleting site sizes from the rule/rules and inserting reference in the rule/s to ancillary rural earthworks		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				having less performance standards to be met under PER-1. Federated Farmers also seeks that the rules be amended to include reference to ancillary rural earthworks. We have made a submission point earlier in our submission that seeks the inclusion of a definition for ancillary rural earthworks.			
FS196.127	Joe Carr		Support in part	as below	Allow in part		Accept in part
FS354.158	Horticulture New Zealand		Support in part	HortNZ has sought the deletion of EW-R4 and EW-R5 but the submitter seeks that the rules are merged, size thresholds deleted and include provision for ancillary rural earthworks. HortNZ supports the intent of the submission if the rules are not deleted.	Allow	Allow S421.194 if the HortNZ submission to delete EW-R4 and EW-R5 is not accepted.	Accept in part
FS570.1426	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS346.428	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS.	Disallow	Disallow the original submission	Accept in part
FS566.1440	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS569.1462	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S215.039	Haigh Workman Limited	EW-R4	Oppose	Permitted activity rules EW-R1 to EW-R11 allow earthworks for a number of specified activities; earthworks for any other activity (such as re-contouring a paddock prior to planting an orchard, excavating stormwater detention basins, constructing earth bunds as noise barriers or simply disposing of fill excavated as a result of a permitted activity) automatically becomes a Restricted Discretionary activity.	Delete Rule EW-R4		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				The rules would be simpler and more effects based if they were condensed into one rule that allowed earthworks for any purpose subject to the standards EW-S1 to EW-S12.			
FS570.528	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS566.542	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.564	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S160.029	Manulife Forest Management (NZ) Ltd	EW-R4	Oppose	The submitter opposes rule EW-R4 as the rule should include all primary production activities to provide clarity and certainty for landowners with plantation forestry and farming activities.	Amend rule EW-R4 to include primary production or plantation forestry.		Accept in part
FS346.599	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment values and the values of outstanding landscapes could also result.	Disallow	Disallow the original submission	Accept in part
S55.023	New Zealand Pork Industry Board	EW-R5	Not Stated	The proposed definition of farming excludes intensive indoor primary production. Therefore, any earthworks in relation to this activity would fall under rule EW-R14 as a Discretionary activity. Typical earthworks required as part of an intensive primary production activity would be similar to those required as part of any other farming activity, including building tracks, installing fences or culverts etc. There is no reason why earthworks for an intensive primary production activity would create more risk than those for a farming activity, so these should be permitted, subject to the same standards.	Amend definition of farming to account for intensive primary production activities within this rule		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
S335.013	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	EW-R5	Oppose	It is not clear that typical operation, maintenance, and upgrade works at petroleum industry sites under any activity category, for instance the removal and replacement of underground assets like tanks or drainage devices, are provided for. Given all the proposed standards apply to all earthworks activities, the Fuel Companies are unclear why all earthworks cannot be permitted subject to compliance with standards, irrespective of what they are proposed in relation to. Amendments are necessary to provide more broadly for earthworks for a range of activities with a focus on effects, not activities.	Delete rule EW-R5 And include a new rule as follows: EW-R1 All Zones EarthworksActivity Status: Permitted Where: PER-1 Compliance with standards EW-S1 - EW-S9is achieved.		Accept
S463.073	Waiaua Bay Farm Limited	EW-R5	Support	The rule provides appropriately for permitted earthworks and a fallback restricted discretionary consenting pathway is an efficient method to address a breach of the permitted activity performance standards.	Retain Rule EW-R5		Reject
S431.174	John Andrew Riddell	EW-R5	Not Stated	Reference correction	Delete references in the Plan to 'Moturua Island zone' and 'Motoura Island zone', and replace with 'Moturoa Island zone'		Reject
S159.081	Horticulture New Zealand	EW-R5	Oppose	The earthworks rules differentiate between site 8ha and over or those under 8ha. Not sure why and is a bit artificial for growers as many horticultural sites are smaller than 8ha	Delete Rule EW-R5 Provide clarity on why there are different rules for greater and less than 8ha		Accept
FS151.249	Ngāi Tukairangi No.2 Trust		Support		Allow		Accept
FS151.250	Ngāi Tukairangi No.2 Trust		Support		Allow		Accept
FS570.243	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS566.257	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.279	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is	Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
						inconsistent with our original submission	
S421.195	Northland Federated Farmers of New Zealand	EW-R5	Support in part	<p>Federated Farmers supports these rules as they are currently drafted in the proposed district plan. Both rules provide for earthworks for farming activities as a permitted activity and then as a restricted discretionary activity if compliance is unable to be achieved with performance standard PER-1.</p> <p>We do query the fact that the rules are based on the size of sites rather than the potential effects of any earthworks undertaken. It is not clear why it is considered that sites of more than 8ha will have potentially less effects as implied through rule EW-04 having less performance standards to be met under PER-1.</p> <p>Federated Farmers also seeks that the rules be amended to include reference to ancillary rural earthworks. We have made a submission point earlier in our submission that seeks the inclusion of a definition for ancillary rural earthworks.</p>	Amend to merge Rules EW-R4 and EW-R5 into one rule that deals with earthworks for farming activities (or wording of similar effect), deleting site sizes from the rule/rules and inserting reference in the rule/s to ancillary rural earthworks		Accept in part
FS196.126	Joe Carr		Support in part	change proposed by NFF should include with farming 'and forestry'	Allow in part		Accept in part
FS354.159	Horticulture New Zealand		Support in part	HortNZ has sought the deletion of EW-R4 and EW-R5 but the submitter seeks that the rules are merged, size thresholds deleted and include provision for ancillary rural earthworks. HortNZ supports the intent of the submission if the rules are not deleted.	Allow	Allow S421.195 if the HortNZ submission to delete EW-R4 and EW-R5 is not accepted.	Accept in part
FS570.1427	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS346.429	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS.	Disallow	Disallow the original submission	Accept in part
FS566.1441	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
						inconsistent with our original submission	
FS569.1463	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S215.040	Haigh Workman Limited	EW-R5	Oppose	Permitted activity rules EW-R1 to EW-R11 allow earthworks for a number of specified activities; earthworks for any other activity (such as re-contouring a paddock prior to planting an orchard, excavating stormwater detention basins, constructing earth bunds as noise barriers or simply disposing of fill excavated as a result of a permitted activity) automatically becomes a Restricted Discretionary activity. The rules would be simpler and more effects based if they were condensed into one rule that allowed earthworks for any purpose subject to the standards EW-S1 to EW-S12.	Delete Rule EW-R5		Accept
FS570.529	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS566.543	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.565	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S160.030	Manulife Forest Management (NZ) Ltd	EW-R5	Oppose	The submitter opposes rule EW-R5 as it should include all primary production activities to provide clarity and certainty for landowners with plantation forestry and farming activities.	Amend rule EW-R5 to include primary production or plantation forestry.		Accept in part
FS346.600	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment	Disallow	Disallow the original submission	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				values and the values of outstanding landscapes could also result.			
S335.014	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	EW-R6	Oppose	It is not clear that typical operation, maintenance, and upgrade works at petroleum industry sites under any activity category, for instance the removal and replacement of underground assets like tanks or drainage devices, are provided for. Given all the proposed standards apply to all earthworks activities, the Fuel Companies are unclear why all earthworks cannot be permitted subject to compliance with standards, irrespective of what they are proposed in relation to. Amendments are necessary to provide more broadly for earthworks for a range of activities with a focus on effects, not activities.	Delete rule EW-R6 And include a new rule as follows: EW-R1 All Zones Earthworks Activity Status: Permitted Where: PER-1 Compliance with standards EW-S1 - EW-S9 is achieved.		Accept
S431.175	John Andrew Riddell	EW-R6	Not Stated	Reference correction	Delete references in the Plan to 'Moturoa Island zone' and 'Motoura Island zone', and replace with 'Moturoa Island zone'		Reject
S215.041	Haigh Workman Limited	EW-R6	Oppose	Permitted activity rules EW-R1 to EW-R11 allow earthworks for a number of specified activities; earthworks for any other activity (such as re-contouring a paddock prior to planting an orchard, excavating stormwater detention basins, constructing earth bunds as noise barriers or simply disposing of fill excavated as a result of a permitted activity) automatically becomes a Restricted Discretionary activity. The rules would be simpler and more effects based if they were condensed into one rule that allowed earthworks for any purpose subject to the standards EW-S1 to EW-S12.	Delete Rule EW-R6		Accept
FS570.530	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS566.544	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.566	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is	Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
						inconsistent with our original submission	
S483.178	Top Energy Limited	EW-R7	Not Stated	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 - all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays.	Delete Standard EW-S1 from Rule EW-R7		Reject
FS196.222	Joe Carr		Support	Sensible alignment with Regional planning	Allow		Reject
FS345.229	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Reject
S356.100	Waka Kotahi NZ Transport Agency	EW-R7	Support	not stated	Retain EW-R7 as notified		Reject
FS346.053	Royal Forest and Bird Protection Society of New Zealand Inc.		Support in part	Support provided that the Notes preceding the Rules in the IB section remains as notified.	Allow in part	allow in part the original submission	Accept in part
FS369.476	Top Energy		Support in part	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 - all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays	Allow		Accept in part
S215.042	Haigh Workman Limited	EW-R7	Oppose	Permitted activity rules EW-R1 to EW-R11 allow earthworks for a number of specified activities; earthworks for any other activity (such as re-contouring	Delete Rule EW-R7		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				a paddock prior to planting an orchard, excavating stormwater detention basins, constructing earth bunds as noise barriers or simply disposing of fill excavated as a result of a permitted activity) automatically becomes a Restricted Discretionary activity. The rules would be simpler and more effects based if they were condensed into one rule that allowed earthworks for any purpose subject to the standards EW-S1 to EW-S12.			
FS570.531	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS566.545	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.567	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS369.474	Top Energy		Support in part	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 - all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays	Allow		Accept in part
S335.015	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	EW-R7	Oppose	It is not clear that typical operation, maintenance, and upgrade works at petroleum industry sites under any activity category, for instance the removal and replacement of underground assets like tanks or drainage devices, are provided for. Given all the proposed standards apply to all earthworks activities, the Fuel Companies are unclear why all earthworks cannot be permitted subject to	Delete rule EW-R7 And include a new rule as follows: EW-R1 All Zones EarthworksActivity Status: Permitted Where: PER-1 Compliance		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
				compliance with standards, irrespective of what they are proposed in relation to. Amendments are necessary to provide more broadly for earthworks for a range of activities with a focus on effects, not activities.	with standards EW-S1 - EW-S9is achieved.	
FS369.475	Top Energy		Support in part	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 - all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays	Allow	Accept in part
S463.074	Waiaua Bay Farm Limited	EW-R7	Support	The rule provides appropriately for permitted earthworks and a fallback restricted discretionary consenting pathway is an efficient method to address a breach of the permitted activity performance standards.	Retain Rule EW-R7	Reject
FS369.477	Top Energy		Support in part	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 - all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays	Allow	Accept in part
S431.177	John Andrew Riddell	EW-R8	Not Stated	Reference correction	Delete references in the Plan to 'Moturua Island zone' and 'Motourua Island zone', and replace with 'Moturoa Island zone'	Reject
S356.101	Waka Kotahi NZ Transport Agency	EW-R8	Support	not stated	Retain EW-R8 as notified	Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
FS346.054	Royal Forest and Bird Protection Society of New Zealand Inc.		Support in part	Support provided that the Notes preceding the Rules in the IB section remains as notified.	Allow in part	allow in part the original submission	Accept in part
FS369.481	Top Energy		Oppose	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 - all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays	Disallow		Accept
S215.043	Haigh Workman Limited	EW-R8	Oppose	Permitted activity rules EW-R1 to EW-R11 allow earthworks for a number of specified activities; earthworks for any other activity (such as re-contouring a paddock prior to planting an orchard, excavating stormwater detention basins, constructing earth bunds as noise barriers or simply disposing of fill excavated as a result of a permitted activity) automatically becomes a Restricted Discretionary activity. The rules would be simpler and more effects based if they were condensed into one rule that allowed earthworks for any purpose subject to the standards EW-S1 to EW-S12.	Delete Rule EW-R8		Accept
FS570.532	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS566.546	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.568	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is	Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
						inconsistent with our original submission	
FS369.478	Top Energy		Support in part	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 - all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays	Allow		Accept in part
S483.179	Top Energy Limited	EW-R8	Not Stated	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 - all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volumes will otherwise be managed by Regional Council, an amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays.	Delete Standard EW-S1 from Rule EW-R8.		Reject
FS345.230	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Reject
S282.014	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand Limited	EW-R8	Oppose	While earthworks undertaken by network utility operators are permitted they are also subject to maximum earthworks thresholds, maximum depth and slop and setbacks from site boundaries. The earthworks undertaken by most telecommunications operators are relatively minor given works are generally for pole infrastructure, cabinet foundations and underground services. As such, it is considered inappropriate to restrict infrastructure works that are typically of lesser effect when compared to other forms of development.	Amend EW-R8 to remove the need to comply with EW-S1, EW-S2 and EW-S6 for telecommunication pole foundations, service trenches and trenchless methods such as directional drilling.		Accept in part
FS369.479	Top Energy		Support in part	Top Energy notes that no particular benefit is provided by this rule when compared to	Allow in part		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
				earthworks for EW-1 - all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays		
S335.016	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	EW-R8	Oppose	It is not clear that typical operation, maintenance, and upgrade works at petroleum industry sites under any activity category, for instance the removal and replacement of underground assets like tanks or drainage devices, are provided for. Given all the proposed standards apply to all earthworks activities, the Fuel Companies are unclear why all earthworks cannot be permitted subject to compliance with standards, irrespective of what they are proposed in relation to. Amendments are necessary to provide more broadly for earthworks for a range of activities with a focus on effects, not activities.	Delete rule EW-R8 And include a new rule as follows: EW-R1 All Zones EarthworksActivity Status: Permitted Where: PER-1 Compliance with standards EW-S1 - EW-S9is achieved.	Accept
FS369.480	Top Energy		Support in part	Top Energy notes that no particular benefit is provided by this rule when compared to earthworks for EW-1 - all of the same performance standards apply. Top Energy seeks an exemption from SW-1 Maximum earthworks thresholds where the works are associated with infrastructure owned by a network utility. Volume will otherwise be managed by the Regional Council, and amenity and stability issues addressed by the remaining standards, and the more stringent earthworks provisions contained within the Overlays	Allow	Accept in part
S335.017	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	EW-R9	Oppose	It is not clear that typical operation, maintenance, and upgrade works at petroleum industry sites under any activity category, for instance the removal and replacement of underground assets like tanks or drainage devices, are provided for. Given all the proposed standards apply to all earthworks activities, the Fuel Companies are unclear	Delete rule EW-R9 And include a new rule as follows: EW-R1 All Zones EarthworksActivity Status: Permitted Where: PER-1 Compliance	Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				why all earthworks cannot be permitted subject to compliance with standards, irrespective of what they are proposed in relation to. Amendments are necessary to provide more broadly for earthworks for a range of activities with a focus on effects, not activities.	with standards EW-S1 - EW-S9is achieved.		
S463.075	Waiaua Bay Farm Limited	EW-R9	Support	The rule provides appropriately for permitted earthworks and a fallback restricted discretionary consenting pathway is an efficient method to address a breach of the permitted activity performance standards.	Retain Rule EW-R9		Reject
S431.178	John Andrew Riddell	EW-R9	Not Stated	Reference correction	Delete references in the Plan to 'Moturoa Island zone' and 'Motoura Island zone', and replace with 'Moturoa Island zone'		Reject
S215.044	Haigh Workman Limited	EW-R9	Oppose	Permitted activity rules EW-R1 to EW-R11 allow earthworks for a number of specified activities; earthworks for any other activity (such as re-contouring a paddock prior to planting an orchard, excavating stormwater detention basins, constructing earth bunds as noise barriers or simply disposing of fill excavated as a result of a permitted activity) automatically becomes a Restricted Discretionary activity. The rules would be simpler and more effects based if they were condensed into one rule that allowed earthworks for any purpose subject to the standards EW-S1 to EW-S12.	Delete Rule EW-R9		Accept
FS570.533	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS566.547	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.569	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S335.018	BP Oil New Zealand Limited, Mobil Oil New	EW-R10	Oppose	It is not clear that typical operation, maintenance, and upgrade works at petroleum industry sites under any activity category, for instance the removal and	Delete rule EW-R10 And include a new rule as follows: EW-R1 All		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
	Zealand Limited, Z Energy Limited			replacement of underground assets like tanks or drainage devices, are provided for. Given all the proposed standards apply to all earthworks activities, the Fuel Companies are unclear why all earthworks cannot be permitted subject to compliance with standards, irrespective of what they are proposed in relation to. Amendments are necessary to provide more broadly for earthworks for a range of activities with a focus on effects, not activities.	Zones Earthworks Activity Status: Permitted Where: PER-1 Compliance with standards EW-S1 - EW-S9 is achieved.		
S463.076	Waiaua Bay Farm Limited	EW-R10	Support	The rule provides appropriately for permitted earthworks and a fallback restricted discretionary consenting pathway is an efficient method to address a breach of the permitted activity performance standards.	Retain Rule EW-R10		Reject
S431.179	John Andrew Riddell	EW-R10	Not Stated	Reference correction	Delete references in the Plan to 'Moturoa Island zone' and 'Motoura Island zone', and replace with 'Moturoa Island zone'		Reject
S282.026	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand Limited	EW-R10	Support in part	While the intent of the rule is supported in allowing for earthworks associated with walkways and cycle tracks, it is considered appropriate to also extend the scope to cover access tracks for infrastructure activities.	Amend EW-R10 to include access tracks for infrastructure activities.		Accept in part
FS78.004	Transpower New Zealand Limited		Support	The submitter considers it would be helpful if earthworks for access tracks for infrastructure was a permitted activity.	Allow	Allow the original submission.	Accept in part
S356.102	Waka Kotahi NZ Transport Agency	EW-R10	Support	not stated	Retain EW-R10 as notified		Reject
FS346.055	Royal Forest and Bird Protection Society of New Zealand Inc.		Support in part	Support provided that the Notes preceding the Rules in the IB section remains as notified.	Allow in part	allow in part the original submission	Accept in part
S215.045	Haigh Workman Limited	EW-R10	Oppose	Permitted activity rules EW-R1 to EW-R11 allow earthworks for a number of specified activities; earthworks for any other activity (such as re-contouring	Delete Rule EW-R10		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				a paddock prior to planting an orchard, excavating stormwater detention basins, constructing earth bunds as noise barriers or simply disposing of fill excavated as a result of a permitted activity) automatically becomes a Restricted Discretionary activity. The rules would be simpler and more effects based if they were condensed into one rule that allowed earthworks for any purpose subject to the standards EW-S1 to EW-S12.			
FS570.534	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS566.548	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.570	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S335.019	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	EW-R11	Oppose	It is not clear that typical operation, maintenance, and upgrade works at petroleum industry sites under any activity category, for instance the removal and replacement of underground assets like tanks or drainage devices, are provided for. Given all the proposed standards apply to all earthworks activities, the Fuel Companies are unclear why all earthworks cannot be permitted subject to compliance with standards, irrespective of what they are proposed in relation to. Amendments are necessary to provide more broadly for earthworks for a range of activities with a focus on effects, not activities.	Delete rule EW-R11 And include a new rule as follows: EW-R1 All Zones Earthworks Activity Status: Permitted Where: PER-1 Compliance with standards EW-S1 - EW-S9 is achieved.		Accept
S463.077	Waiau Bay Farm Limited	EW-R11	Support	The rule provides appropriately for permitted earthworks and a fallback restricted discretionary consenting pathway is an efficient method to address a breach of the permitted activity performance standards.	Retain Rule EW-R11		Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
S431.180	John Andrew Riddell	EW-R11	Not Stated	Reference correction	Delete references in the Plan to 'Moturoa Island zone' and 'Motoura Island zone', and replace with 'Moturoa Island zone'		Reject
S215.046	Haigh Workman Limited	EW-R11	Oppose	Permitted activity rules EW-R1 to EW-R11 allow earthworks for a number of specified activities; earthworks for any other activity (such as re-contouring a paddock prior to planting an orchard, excavating stormwater detention basins, constructing earth bunds as noise barriers or simply disposing of fill excavated as a result of a permitted activity) automatically becomes a Restricted Discretionary activity. The rules would be simpler and more effects based if they were condensed into one rule that allowed earthworks for any purpose subject to the standards EW-S1 to EW-S12.	Delete Rule EW-R11		Accept
FS570.535	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS566.549	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.571	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S335.020	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	EW-R12	Oppose	It is not clear that typical operation, maintenance, and upgrade works at petroleum industry sites under any activity category, for instance the removal and replacement of underground assets like tanks or drainage devices, are provided for. Given all the proposed standards apply to all earthworks activities, the Fuel Companies are unclear why all earthworks cannot be permitted subject to compliance with standards, irrespective of what they are proposed in relation to. Amendments are necessary to provide more broadly for earthworks for a range of activities with a focus on effects, not activities.	Delete rule EW-R12 And include a new rule as follows: EW-R1 All Zones Earthworks Activity Status: Permitted Where: PER-1 Compliance with standards EW-S1 - EW-S9 is achieved.		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
S335.021	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	EW-R13	Oppose	It is not clear that typical operation, maintenance, and upgrade works at petroleum industry sites under any activity category, for instance the removal and replacement of underground assets like tanks or drainage devices, are provided for. Given all the proposed standards apply to all earthworks activities, the Fuel Companies are unclear why all earthworks cannot be permitted subject to compliance with standards, irrespective of what they are proposed in relation to. Amendments are necessary to provide more broadly for earthworks for a range of activities with a focus on effects, not activities.	Delete rule EW-R13 And include a new rule as follows: EW-R1 All Zones Earthworks Activity Status: Permitted Where: PER-1 Compliance with standards EW-S1 - EW-S9 is achieved.		Accept
S215.048	Haigh Workman Limited	EW-R13	Support in part	We support the requirement for erosion and sediment control to be implemented on all earthworks in accordance with Auckland Council GD05. Note these are guidelines only and may not provide the precision and certainty required for a permitted activity rule. However, the guidelines are comprehensive and should be implemented. Rule EW-R13 / EW-S5 is in addition to other earthworks rules in the Plan. As such, the matters of discretion where the standard is not met should be confined to erosion and sediment control issues.	Amend EW-R13 matters of discretion to erosion and sediment control issues only		Accept in part
FS354.160	Horticulture New Zealand		Support	The submitter seeks that the matters of discretion are limited to consideration of erosion and sediment control standard, rather than the broad matter of discretion in the proposed rule. HortNZ supports the more specific matter of discretion.	Allow	Allow S215.048	Accept in part
FS570.537	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS566.551	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS569.573	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
					inconsistent with our original submission	
S335.022	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	EW-R14	Oppose	It is not clear that typical operation, maintenance, and upgrade works at petroleum industry sites under any activity category, for instance the removal and replacement of underground assets like tanks or drainage devices, are provided for. Given all the proposed standards apply to all earthworks activities, the Fuel Companies are unclear why all earthworks cannot be permitted subject to compliance with standards, irrespective of what they are proposed in relation to. Amendments are necessary to provide more broadly for earthworks for a range of activities with a focus on effects, not activities.	Delete Rule EW-R14 OR Amend activity status to Restricted Discretionary	Accept
S333.074	P S Yates Family Trust	EW-R14	Oppose	The effects of earthworks are mostly the same irrespective of the purpose of the earthworks and can be anticipated and managed by standards. Subject to compliance with the full suite of standards, such earthworks should also be a permitted activity. The construction of the earthworks rule as drafted runs the risk of requiring earthworks for many activities not anticipated in EW-R1 - EWR13, yet provided for in the various underlying zones.	Delete Rule EW-R14 and replace with the following: EW-R14 General earthworks not provided for by EW-R1 -EWR13All zonesActivity status: PermittedWhere:PER-1The earthworks complies with standards:EW-S1 Maximum earthworks thresholds;EW-S2 Maximum depth and slope;EW-S4 Site reinstatement;EW-S6 Setbacks;EW-S7 Land stability;EW-S8 Nature of filling material; andEW-S9 Flood and coastal hazards.EW-S1 does not apply to Motoura Island or Orongo Bay zones".	Accept in part
S168.082	Setar Thirty Six Limited	EW-R14	Oppose	The effects of earthworks are mostly the same irrespective of the purpose of the earthworks and can be anticipated and managed by standards. Subject to compliance with the full suite of standards, such earthworks should also be a permitted activity. The construction of the earthworks rule as drafted runs the risk of requiring earthworks for many activities not	Delete Rule EW-R14 and replace with the following: EW-R14 General earthworks not provided for by EW-R1 - EWR13All zonesActivity status: PermittedWhere:PER-1The earthworks	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
				anticipated in EW-R1 - EWR13, yet provided for in the various underlying zones.	complies with standards:EW-S1 Maximum earthworks thresholds;EW-S2 Maximum depth and slope;EW-S4 Site reinstatement;EW-S6 Setbacks;EW-S7 Land stability;EW-S8 Nature of filling material; andEW-S9 Flood and coastal hazards.EW-S1 does not apply to Motoura Island or Orongo Bay zones	
S187.073	The Shooting Box Limited	EW-R14	Oppose	The effects of earthworks are mostly the same irrespective of the purpose of the earthworks and can be anticipated and managed by standards. Subject to compliance with the full suite of standards, such earthworks should also be a permitted activity. The construction of the earthworks rule as drafted runs the risk of requiring earthworks for many activities not anticipated in EW-R1 - EWR13, yet provided for in the various underlying zones.	Delete Rule EW-R14 and replace with the following: EW-R14 General earthworks not provided for by EW-R1 -EWR13All zonesActivity status: PermittedWhere:PER-1The earthworks complies with standards:EW-S1 Maximum earthworks thresholds;EW-S2 Maximum depth and slope;EW-S4 Site reinstatement;EW-S6 Setbacks;EW-S7 Land stability;EW-S8 Nature of filling material; andEW-S9 Flood and coastal hazards.EW-S1 does not apply to Motoura Island or Orongo Bay zones".	Accept in part
S222.076	Wendover Two Limited	EW-R14	Oppose	The effects of earthworks are mostly the same irrespective of the purpose of the earthworks and can be anticipated and managed by standards. Subject to compliance with the full suite of standards, such earthworks should also be a permitted activity. The construction of the earthworks rule as drafted runs the risk of requiring earthworks for many activities not anticipated in EW-R1 - EWR13, yet provided for in the various underlying zones.	Delete Rule EW-R14 Activities not otherwise listed in this chapter and insert with the following: EW-R14 General earthworks not provided for by EW-R1 - EWR13 All zonesActivity status: PermittedWhere:PER-1The earthworks complies with standards:EW-S1	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
					<p>Maximum earthworks thresholds;EW-S2 Maximum depth and slope;EW-S4 Site reinstatement;EW-S6 Setbacks;EW-S7 Land stability;EW-S8 Nature of filling material; andEW-S9 Flood and coastal hazards.EW-S1 does not apply to Motoura Island or Orongo Bayzones.</p>		
S167.084	Benzen Farm Limited	EW-R14	Oppose	<p>The effects of earthworks are mostly the same irrespective of the purpose of the earthworks and can be anticipated and managed by standards. Subject to compliance with the full suite of standards, such earthworks should also be a permitted activity. The construction of the earthworks rule as drafted runs the risk of requiring earthworks for many activities not anticipated in EW-R1 - EWR13, yet provided for in the various underlying zones.</p>	<p>Delete Rule EW-R14 and replace with the following:EW-R14 General earthworks not provided for by EW-R1 - EWR13All zonesActivity status: PermittedWhere:PER-1The earthworks complies with standards:EW-S1 Maximum earthworks thresholds;EW-S2 Maximum depth and slope;EW-S4 Site reinstatement;EW-S6 Setbacks;EW-S7 Land stability;EW-S8 Nature of filling material; andEW-S9 Flood and coastal hazards.EW-S1 does not apply to Motoura Island or Orongo Bay zones".</p>		Accept in part
FS143.37	Mataka Residents' Association Inc		Support	<p>Subject to compliance with the full suite of standards, earthworks should also be a permitted activity irrespective of their purpose.</p>	Allow		Accept in part
FS354.161	Horticulture New Zealand		Support	<p>The submitter is concerned that may earthworks activities not provided for in EW- R1- EW-R13 will default to a discretionary activity and so seek a new rule that if the activity complies with the standards then it is permitted. This approach is supported to avoid activities needing to get a resource consent even though they meet the standards.</p>	Allow	Allow S167.084	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
FS566.446	Kapiro Conservation Trust 2		Oppose		Disallow		Accept in part
S243.102	Matauri Trustee Limited	EW-R14	Oppose	The effects of earthworks are mostly the same irrespective of the purpose of the earthworks and can be anticipated and managed by standards. Subject to compliance with the full suite of standards, such earthworks should also be a permitted activity. The construction of the earthworks rule as drafted runs the risk of requiring earthworks for many activities not anticipated in EW-R1 - EWR13, yet provided for in the various underlying zones.	Delete Rule EW-R14 and replace with the following: EW-R14 General earthworks not provided for by EW-R1 - EWR13All zonesActivity status: PermittedWhere:PER-1The earthworks complies with standards:EW-S1 Maximum earthworks thresholds;EW-S2 Maximum depth and slope;EW-S4 Site reinstatement;EW-S6 Setbacks;EW-S7 Land stability;EW-S8 Nature of filling material; andEW-S9 Flood and coastal hazards.EW-S1 does not apply to Motoura Island or Orongo Bay zones		Accept in part
FS570.660	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS566.674	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS569.696	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S159.082	Horticulture New Zealand	EW-R15	Oppose	Permitted activity status should be allowed if compliance with NZECP34	Amend Rule EW-R15 to include compliance with NZECP34		Reject
FS151.251	Ngāi Tukairangi No.2 Trust		Support		Allow		Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
FS570.244	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
FS566.258	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
FS569.280	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
FS369.482	Top Energy		Oppose	Top Energy considers that the wording of the rule does not work as a non-complying activity and needs to be redrafted so that the activities identified are a permitted activity with a noncomplying default. There is potential overlap with I -R12 given it also applies to Top Energy's 110kv lines; as currently drafted the Infrastructure Chapter only applies to network utility operators	Disallow in part		Accept
S454.003	Transpower New Zealand Ltd	EW-R15	Support	Transpower supports this definition however, notes that the NESETA also contains a definition of earthworks that differs from this one. The key difference between the two is that the NESETA does not contain an exclusion for fence posts and the associated drilling of vertical holes. The drilling of vertical holes in the vicinity of transmission facilities has the potential to adversely affect the stability of those facilities. Rather than include both earthworks definitions in the FNPDP, Transpower proposes to address this matter by making amendments to the earthworks rule EW-R15 for the National Grid Yard to ensure the drilling of vertical holes is captured where necessary.	Amend rule EW-R15 to ensure the drilling of vertical holes is captured where necessary.		Accept
FS354.162	Horticulture New Zealand		Oppose	The standards should comply with NZECP34:2001.	Disallow	Disallow S454.003 and ensure rule is consistent with NZECP34:2001.	Reject
FS369.483	Top Energy		Support	Top Energy considers that the wording of the rule does not work as a non-complying activity and needs to be redrafted so that the activities identified are a permitted activity with a noncomplying	Allow		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
				default. There is potential overlap with I -R12 given it also applies to Top Energy's 110kv lines; as currently drafted the Infrastructure Chapter only applies to network utility operators		
S454.102	Transpower New Zealand Ltd	EW-R15	Not Stated	EW-R15 is a non-complying activity rule containing performance standards, which Transpower considers unusual. Transpower is not opposed to earthworks occurring within the National Grid Yard provided they are managed carefully to ensure effects on access and the stability of National Grid structures are carefully managed. As a result of addressing this issue in many jurisdictions across New Zealand, Transpower has developed a Permitted Activity earthwork rule allows that effectively manages the activity. Transpower proposes that existing rule EW-R15 be replaced is standard be replaced with an earthworks rule.	Amend to replace EW-R15 with the following permitted activity rule in the Infrastructure chapter: 110kV Transmission lines and the National Grid YardAll zonesActivity status: Permitted1. The earthworks are no deeper than 300mm within 6 metres of the outer visible edge of a foundation of a 110kV transmission line tower or pole.2. The earthworks are no deeper than 3 metres:a. between 6 metres and 12 metres from the outer visible edge of a foundation of a 110kV or a 220kV transmission line tower or pole; orb. between 6 metres and 10 metres from the outer visible edge of foundation of a 66kV transmission line tower or pole.3. The land disturbance does not compromise the stability of a transmission line tower or pole.4. The land disturbance does not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).5. The earthworks do not permanently physically impede access to a 110kV transmission line or	Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
					<p>National Grid support structure6. Clauses 1 - 5 do not apply to the following: a. Land disturbance undertaken as part of agricultural, horticultural or domestic cultivation, or repair or resealing of a road, footpath, driveway or farm track. b. Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5 metres from outer visible edge of foundation of a National Grid transmission line pole or stay wire. c. Earthworks that otherwise comply with Clause 2.4.1 of NZECP34 Activity status when compliance not achieved: Noncomplying</p>		
FS354.163	Horticulture New Zealand		Support in part	The submitter seeks that the rule is re-written as a permitted activity rule rather than a non-complying rule as a standard. This approach is supported. The standards should be consistent with NZECP34:2001.	Allow	Allow S454.102 to the extent that the rule is rewritten as a permitted activity rule which is consistent with NZECP34:2001.	Accept in part
FS369.484	Top Energy		Support	Top Energy considers that the wording of the rule does not work as a non-complying activity and needs to be redrafted so that the activities identified are a permitted activity with a noncomplying default. There is potential overlap with I -R12 given it also applies to Top Energy's 110kv lines; as currently drafted the Infrastructure Chapter only applies to network utility operators	Allow		Accept
S483.180	Top Energy Limited	EW-R15	Support	Top Energy supports the inclusion of reference to Top Energy in the wording of the rule but notes that as notified, the wording of the rule doesn't work as a noncomplying activity and needs to be redrafted so that the activities identified are a permitted activity with a noncomplying default, and notes potential overlap with I	Amend provisions relating to earthworks within proximity to Top Energy's 110kv lines.		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				-R12 given it also applies to Top Energy's 110kv lines, however as currently drafted the Infrastructure Chapter only applies to network utility operators.			
FS354.164	Horticulture New Zealand		Support in part	The submitter seeks that the rule is re-written as a permitted activity rule rather than a non-complying rule as a standard. This approach is supported. The standards should be consistent with NZECP34:2001.	Allow	Allow S483.180 to the extent that the rule is rewritten as a permitted activity rule which is consistent with NZECP34:2001.	Accept in part
FS345.231	Ngawha Generation Limited		Support	NGL is a subsidiary of Top Energy Limited. NGL supports all submission points made by Top Energy.	Allow	Allow all of the relief sought by Top Energy Limited in its submission (S483).	Accept
S179.084	Russell Protection Society (INC)	Standards	Support in part	<p>The natural marine environment, especially estuarine areas is being progressively degraded through land use activities in the Bay of Islands. the Objectives and Policies of this section contain a fundamental contradiction between 'efficiency' and 'protection of environmental values' unfortunately the rules and standards do not provide adequate direction as to how to appropriately manage this tension especially where significant resources are involved.</p> <p>it should be evident by now that standard erosion control methods are largely ineffectual. This is because parts of the Bay of Islands are characterised by heavy clay soils, steep topography and heavy rainfalls. examination of streams during storm events reveal heavy sediment loads, particularly below recent subdivisions.</p> <p>It is suggested that Council has primary responsibility for developing these standards rather than simply relying on other agencies such as the regional council</p>	Insert new standards around erosion and sediment control		Accept in part
S178.012	Reuben Wright	Standards	Support in part	Rules EW-S1- EW-S9 do not appear to have an activity status expressed where any application will comply with the various Rules. It is assumed any activity should be permitted where it complies with any one of the rules, and restricted discretionary where it does not comply. An activity status should be referenced for each rule.	Amend EW-S1- EW-S9 to clarify the activity status.		Accept in part
S359.038	Northland Regional Council	Standards	Support in part	There appears to be some overlap between the earthwork's provisions in the proposed plan and the	Amend the matters of discretion to avoid duplicating regional council functions where possible.		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				Proposed Regional Plan. This becomes problematic (and potentially costly) for applicants.			
FS141.003	Gray Phillips		Support	Overlap between the earthwork's provisions in the Proposed District Plan and the Proposed Regional Plan. This becomes problematic and potentially costly for applicants.	Allow	amend matters of discretion in earthworks to prevent duplication	Accept
FS327.007	LMD Planning Consultancy		Support	Overlap between the earthwork's provisions in the Proposed District Plan and the Proposed Regional Plan. This becomes problematic and potentially costly for applicants.	Allow	Allow the original submission.	Accept
FS354.165	Horticulture New Zealand		Support	The submitter seeks to amend provisions to avoid duplicating regional council functions where possible. HortNZ supports removal of duplication of requirements.	Allow	Allow S359.038	Accept
FS570.1074	Vision Kerikeri 3		Support	Support to the extent the submission is consistent with our original submissions.	Allow	Allow to the extent that the submission is consistent with our original submission	Accept
FS346.499	Royal Forest and Bird Protection Society of New Zealand Inc.		Support	The amendments sought give effect to the NPS FM, the RPS and Part 2 of the RMA and the NPS IB. Forest & Bird supports the full submission other than where the relief sought would conflict with that sought in Forest & Birds submission	Allow	Allow the original submission	Accept
FS566.1088	Kapiro Conservation Trust 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Accept
FS569.1110	Vision Kerikeri 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Accept
S148.037	Summit Forests New Zealand Limited	Standards	Not Stated	The proposed standards exceed, duplicate, and overlap with the regional rules and, in the plantation forestry context, appear unworkable.	Delete any requirement for plantation forestry activity to meet the requirements of the standards EW-S1, S2, S3, S4, s5, S6, S7, S8, and S9. These are provided for under the NES-PF		Accept
FS346.543	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the	Disallow	Disallow the original submission	Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				NZCPS. Loss of natural character, coastal environment values and the values of outstanding landscapes could also result.			
FS566.149	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S91.017	PF Olsen Limited	Standards	Oppose	The proposed earthworks standards exceed, duplicate and overlap with the Regional rules in both the RWSP and the Proposed Regional Plan. The standards are poorly drafted and ill-considered and show a significant lack of understanding of earthworks process and application.	<p>Amend the earthworks standards to ensure that they do not frustrate the activity that is being permitted and are meaningful to the activity that they are applied to.</p> <p>Delete the requirement for setbacks (EW-S6) to apply to plantation forestry. This is provided for under the NES-PF and is beyond the scope of stringency provided for by section 6 of the National Environmental Standards for Plantation Forestry.</p> <p>Delete the requirement for nature of filling material (EW-S8) to apply to plantation forestry. This is provided for under the NES-PF.</p> <p>Delete the requirement for flood and coastal hazards (EW-S9) to apply to plantation forestry. This is beyond the scope of stringency provided for by section 6 of the National Environmental Standards for Plantation Forestry.</p>		Accept
FS566.106	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S172.013	Terra Group	EW-S1	Support	Support this standard, as it will achieve positive outcomes for the proposed zone.	Retain as notified (inferred)		Accept in part
S333.075	P S Yates Family Trust	EW-S1	Support	The thresholds, per calendar year measurements method and activity status are supported.	Retain rule EW-S1		Accept in part
S168.083	Setar Thirty Six Limited	EW-S1	Support	The thresholds, per calendar year measurements method and activity status are supported	Retain Rule EW-S1		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
S253.011	IDF Developments Limited	EW-S1	Support	These thresholds adequately manage the potential effect arising from the earthworks, however the definition of earthworks needs to exclude work involving building foundations.	Retain the 5,000m ³ and 2,500m ² thresholds for the Rural Production zone (inferred)	Accept
S187.074	The Shooting Box Limited	EW-S1	Support	The thresholds, per calendar year measurements method and activity status are supported.	Retain Rule EW-S1.	Accept in part
S370.006	Linda Gigger	EW-S1	Support in part	These thresholds endeavour to manage the potential effect arising from the earthworks, however the 200m ³ threshold is reasonably low. The Light Industrial zone should enable minimal consenting requirements to facilitate the ongoing development of the submitter's land. The increase in the volume (m ³) threshold can be accommodated through the provision of suitable information at the time of the Building Consent application as well as the other standards which require confirmation of earthworks are in accordance with GD-05.	Amend the 200m ³ threshold for earthworks in the Light Industrial Zone, increasing the volume threshold to 500 m ³ . Retain the 2,500m ² area threshold for earthworks in the Light Industrial Zone	Accept
S384.011	LD Family Investments Limited	EW-S1	Support in part	These thresholds endeavour to manage the potential effect arising from the earthworks, however the 200m ³ threshold is in conflict with zoning the land for industrial activity. The new zone should enable minimal consenting requirements to facilitate the development of the land. The increase on the m ³ threshold can be accommodate through the provision of suitable information at the time of the Building Consent application as well as the other standards which require confirmation of earthworks are in accordance with GD-05.	Delete the 200m ³ threshold, and retain the 2500m ² threshold for the Light Industrial Zone. The volume threshold should be raised to 500m ³ .	Accept
S262.011	Ti Toki Farms Limited	EW-S1	Support in part	The submitter considers that the 200m ³ maximum volume of earthworks in the Light Industrial Zone is in conflict with the intent to enable industrial activity within the zone.	Retain the 2,500m ² area and amend the volume from 200m ³ to 500m ³ , in the Light Industrial Zone.	Accept
S318.006	Mangonui Haulage	EW-S1	Oppose	The submitter opposes EW-S1 as it relates to the volume of 200m ³ in the Light Industrial Zone but supports the Area of 2500m ² , as the new zone should enable minimal consenting requirements to facilitate ongoing development of land in the zone.	Amend EW-S1 volume from 200m ³ to 500m ³ , as it relates to the Light Industrial Zone the earthworks.	Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested	Hearings Panel Recommendation
S222.077	Wendover Two Limited	EW-S1	Support	The thresholds, per calendar year measurements method and activity status are supported.	Retain rule EW-S1	Accept in part
S463.078	Waiaua Bay Farm Limited	EW-S1	Support	This standard provides appropriate allowances and a range of suitable assessment criteria, to facilitate the assessment and processing of resource consent applications involving earthworks.	Retain Standard EW-S1	Accept in part
S503.051	Waitangi Limited	EW-S1	Not Stated	Provision has been made for the exclusion of certain activities due to the nature of the works. The activities stated to be excluded are normal practices which are not considered to create adverse effects on the environment. For example, the installation of a septic tank is required in most rural areas, where a new build is occurring. Due to the nature of the excavations and the fact that they are temporary, noting that once the septic tank is installed, the open ground is filled over, it is considered this should be exempt from the maximum earthworks thresholds. Similar comments are made for maintenance of farm drains. Although sites greater than 8 hectares do not have to account for this rule for farming activities, sites less than 8 hectares, which provide productive activities (such as orchards), will have to take this into account. These simple activities will increase the total amount of earthworks on sites exponentially although effects are not considered to be adverse due to the nature of the earthworks. As such, it is requested that these activities are excluded from this rule	Amend the first paragraph of Standard EW-S1 as follows: The following maximum volumes and area thresholds for all earthworks undertaken on a site within a single calendar year, excluding any excavation works associated with fence lines, posts, piles, trenching of drains or cables, dam maintenance, normal rural practices, such as maintenance of farm drains, service connections, excavations for building foundations, septic tanks and associated drainage fields.	Accept in part
S159.079	Horticulture New Zealand	EW-S1	Not Stated	Include a new PER rule for ancillary earthworks	Insert the following within Standard EW-S1 to apply to General Rural, Rural Production, Horticulture and Rural Lifestyle zones: Activity status: Permitted Where: PER-1 For any ancillary rural earthworks, there is no limit;PER-2 For other activities: 5,000m³ in any12-month period per site.Where standard is not met: Restricted Discretionary Matters of discretion are restricted to:	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
					<ol style="list-style-type: none"> 1. dust nuisance, sedimentation, land instability, erosion and contamination effects; and 2. the impact on the road network, of heavy vehicle and other vehicular traffic generated as a result of earthworks; and 3. the impact on visual amenity and landscape character; and the impact on any overland flow paths. 		
FS151.246	Ngāi Tukairangi No.2 Trust		Support		Allow		Accept in part
FS151.247	Ngāi Tukairangi No.2 Trust		Support		Allow		Accept in part
FS548.055	Northland Federated Farmers of New Zealand Inc		Support	Ancillary rural earthworks include everyday farming activities which need to be provided for with as few impediments as possible.	Allow	Grant the relief sought.	Accept in part
FS346.017	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments do not provide the Council with the ability to adequately manage effects of earthworks.	Disallow	disallow the original submission	Accept in part
FS570.241	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS566.255	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
FS569.277	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S159.083	Horticulture New Zealand	EW-S1	Oppose	The provisions allow for 5,000m ³ volume and 2,500m ² area as a permitted activity, however a consent would be required for any earthworks that met volume requirements on 1/4 of a hectare. Thresholds need to be reflective of the activities that take place in certain environments	Amend Standard EW-S1 to delete the 2,500m ² area threshold		Reject
FS151.252	Ngāi Tukairangi No.2 Trust		Support		Allow		Reject
FS570.245	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
FS566.259	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
FS569.281	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
S421.196	Northland Federated Farmers of New Zealand	EW-S1	Support	Federated Farmers supports the proposed maximum earthwork thresholds for the Rural Production zone of 5000m ³ in volume and 2500m ² in area for all earthworks undertaken on a site in a single calendar year.	Retain the thresholds for the Rural Production zone outlined in Standard EW-S1, namely the maximum volume of 5000m ³ and maximum area of 2500m ²		Accept
FS196.125	Joe Carr		Support	tautoko	Allow		Accept
FS570.1428	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS346.430	Royal Forest and Bird Protection		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not	Disallow	Disallow the original submission	Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
	Society of New Zealand Inc.			give effect to the RPS, NPSFM, NPSIB and the NZCPS.			
FS566.1442	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.1464	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S502.025	Northland Planning and Development 2020 Limited	EW-S1	Support in part	Provision has been made for the exclusion of certain activities due to the nature of the works. The activities stated to be excluded are normal practices which are not considered to create adverse effects on the environment. For example, the installation of a septic tank is required in most rural areas, where a new build is occurring. The excavations associated with the installation of the septic tank can be large, which would cause most sites zoned rural residential or settlement to breach the permitted earthworks threshold. Due to the nature of the excavations and the fact that they are temporary, noting that once the septic tank is installed, the open ground is filled over, it is considered this should be exempt from the maximum earthworks thresholds. Similar comments are made for maintenance of farm drains. Although sites greater than 8 hectares do not have to account for this rule for farming activities, sites less than 8 hectares, which provide productive activities (such as orchards), will have to take this into account. These simple activities will increase the total amount of earthworks on sites exponentially although effects are not considered to be adverse due to the nature of the earthworks.	Amend EW-S1 The following maximum volumes and area thresholds for all earthworks undertaken on a site within a single calendar year, excluding any excavation works associated with fence lines, posts, piles, trenching of drains or cables, dam maintenance, normal rural practices, such as maintenance of farm drains, service connections, excavations for building foundations, septic tanks and associated drainage fields...		Accept in part
FS141.002	Gray Phillips		Support	The request to amend EW -S1 which affects district wide is reasonable	Allow	amend EW-S!	Accept in part
FS327.006	LMD Planning Consultancy		Support	The request to amend EW -S1 which affects district wide is reasonable.	Allow	Allow the original submission.	Accept in part
FS354.166	Horticulture New Zealand		Support in part	The submitter has identified similar concerns to HortNZ in EW-S1 and seeks changes. HortNZ supports the	Allow	Allow S502.025 to the extent that changes are made	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				intent that the standard is inappropriate for ancillary rural earthworks.		similar to those sought by HortNZ.	
S342.009	Waipapa Pine Limited and Adrian Broughton Trust	EW-S1	Support in part	The 200m3 threshold automatically triggers a resource consent in the Waipapa commercial area by reason of the land levels and is compounded by reason the definition of earthworks includes work associated with building foundations. The threshold should be increased to 500m3. The m2 threshold adequately manages the potential effect arising from the earthworks.	amend to delete the 200m3 threshold - support for 2500m2 threshold for the heavy industrial zone (inferred)		Accept
FS374.023	Waipapa Pine Limited		Support	The original submission reflects the position of Waipapa Pine Limited of support for the Heavy Industrial Zone with proposed changes to rules that would better support heavy industrial activities.	Allow	allow the original submission	Accept
S45.016	Puketona Business Park Limited	EW-S1	Not Stated	The Earthworks chapter of the PDP as notified is generally acceptable, however the proposed permitted thresholds for the Light Industrial zone are considered to be unnecessarily restrictive.	Amend Standard EW-S1 to raise the thresholds in the Light Industrial zone to 2,500 m ² in area and 2,500 m ³ in volume, beyond which restricted discretionary activity consent should be required, with the activity to be assessed against the matters of discretion already listed.		Reject
FS395.006	Ti Toki Farms Limited		Support	Overall, the submission promotes numerous changes to the Light Industrial Zone which are generally agreed with to The change promotes limits within the Light Industrial Zone which are far more realistic considering the nature of the proposed zone.	Allow	allow the original submission	Reject
FS391.006	LD Family Investments Ltd		Support	The change promotes limits within the Light Industrial Zone which are far more realistic considering the nature of the proposed zone	Allow	allow the original submission	Reject
S243.103	Matauri Trustee Limited	EW-S1	Support	The thresholds, per calendar year measurements method and activity status are supported.	Retain rule EW-S1		Accept in part
FS570.661	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
						inconsistent with our original submission	
FS566.675	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS569.697	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S349.019	Neil Construction Limited	EW-S1	Oppose	A better outcome in these circumstances is to utilise the land more efficiently for rural residential use, adding much needed housing to Kerikeri in a way that does not impose any burden on the community in terms of providing or funding infrastructure.	amend to increase area and volume thresholds for permitted earthworks		Accept in part
FS62.053	Kapiro Conservation Trust 1		Oppose	A better outcome in these circumstances is to utilise the land more efficiently for rural residential use, adding much needed housing to Kerikeri in a way that does not impose any burden on the community in terms of providing or funding infrastructure.	Disallow	Re-zoning of Lot 1001 DP 532487 (tubbs farmland) in Rural Production or Horticulture zone etc	Accept in part
FS333.040	Maree Hart		Oppose	<p>These submissions seek inappropriate changes, such as re-zoning Lot 1001 DP 532487 (tubbs farmland), Blue Penguin Drive, Fernbird Grove, Spoonbill Drive and Kingfisher Drive from Rural Lifestyle to Rural Residential. Some points seek to weaken the policies and rules/standards for Subdivision, Management plans, Rural Lifestyle zone and Rural Residential zone, e.g. S349 seeks to delete references to 'rural character' and 'amenity' for the Rural Residential zone.</p> <p>The scale and intensity of urban/residential development sought by these submissions would create a new township in the rural areas at the northern end of Landing Road; this scale and density of development is not anticipated in the Operative and Proposed District Plans.</p> <p>It would generate urban sprawl in a rural area that lacks relevant infrastructure, and would fail to provide a compact urban footprint for Kerikeri town in future.</p> <p>Their proposed changes would generate a large number of cumulative adverse effects, such as a large increase in traffic on Landing Road, one-lane bridge</p>	Disallow	Re-zoning of Lot 1001 DP 532487 (tubbs farmland) in Rural Production or Horticulture zone etc	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				and other adverse effects noted under my Further Submission 1 above.			
S148.039	Summit Forests New Zealand Limited	EW-S1	Not Stated	The earthworks Matters of Discretion appear to exceed the scope of the District Council's functions under section 31 of the Resource Management Act and, contrary to its section 32 analysis, stray into the functions of the Regional Council.	Delete any Matters of Discretion that exceed the Council's functions under the RMA.		Accept in part
FS346.545	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment values and the values of outstanding landscapes could also result.	Disallow	Disallow the original submission	Reject
FS566.151	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S167.085	Bentzen Farm Limited	EW-S1	Support	The thresholds, per calendar year measurements method and activity status are supported.	Retain rule EW-S1		Accept in part
FS566.447	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S172.014	Terra Group	EW-S2	Support in part	Support this standard in principal, however the wording of the EW-S2 (ii) restricts the potential for retaining structures to be addressed at land use consent stage, which often precedes building consent stage	Amend Standard EW-S2(ii) to read: 3m subject to it being retained by a engineered retaining wall, which has had building consent issued approved during building consent or land use consent stage.		Accept
S335.023	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	EW-S2	Support in part	EW-S2 does not provide for the type of temporary earthworks activities which may be involved in upgrading of drainage systems. The rationale for seeking to control these earthworks is unclear and is likely to capture a range of works with limited potential for adverse effects. As a minimum seek that temporary cuts and fills are excluded from EW-S2.	Amend Standard EW-S2 The maximum depth of any cut or height of any fill shall not exceed: i. 1.5m, i.e. maximum permitted cut and fill height may be 3m; or ii. 3m subject to it being retained by an engineered retaining wall, which has had a building consent issued. Note:		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
					This standard does not apply to temporary cuts and fills.		
S333.076	P S Yates Family Trust	EW-S2	Support	The maximum depth of any cut or height of any fill thresholds and activity status are supported	Retain rule EW-S2		Accept in part
S168.084	Setar Thirty Six Limited	EW-S2	Support	The maximum depth of any cut or height of any fill thresholds and activity status are supported	Retain Rule EW-S2		Accept in part
S187.075	The Shooting Box Limited	EW-S2	Oppose	The maximum depth of any cut or height of any fill thresholds and activity status are supported.	Retain rule EW-S2.		Accept in part
S222.078	Wendover Two Limited	EW-S2	Support	The maximum depth of any cut or height of any fill thresholds and activity status are supported.	Retain rule EW-S2		Accept in part
S243.104	Matauri Trustee Limited	EW-S2	Support	The maximum depth of any cut or height of any fill thresholds and activity status are supported	Retain standard EW-S2		Accept in part
FS570.662	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS566.676	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS569.698	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S148.058	Summit Forests New Zealand Limited	EW-S2	Not Stated	The earthworks Matters of Discretion appear to exceed the scope of the District Council's functions under section 31 of the Resource Management Act and, contrary to its section 32 analysis, stray into the functions of the Regional Council.	Delete any Matters of Discretion that exceed the Council's functions under the RMA.		Accept in part
FS346.564	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment	Disallow	Disallow the original submission	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				values and the values of outstanding landscapes could also result.			
FS566.170	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S167.086	Bentzen Farm Limited	EW-S2	Support	The maximum depth of any cut or height of any fill thresholds and activity status are supported.	Retain rule EW-S2		Accept in part
FS566.448	Kapiro Conservation Trust 2		Oppose		Disallow		Accept in part
S421.197	Northland Federated Farmers of New Zealand	EW-S3	Support	Federated Farmers supports the inclusion of standard EW-S3 which deals with an accidental discovery protocol.	Retain Standard EW-S3 or ensure that amendments include similar wording that achieves the same intent		Accept
FS570.1429	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS346.431	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS.	Disallow	Disallow the original submission	Reject
FS566.1443	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
FS569.1465	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Reject
S368.041	Far North District Council	EW-S4	Support in part	Spelling error 'established' Relief sought	Amend EW-S4 As soon as practicable, but no later than six months from the commencement of works: i. the earthworks area shall be		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
					<p>established, filled and/or recontoured in a manner consistent with the surrounding land.</p> <p>ii. replanted with vegetation which is the same as, or of similar species, to that which existed on the site prior to the earthworks taking place (if any), except that where the site was vegetation with any plant pest, the site may be replanted with indigenous vegetation, from locally sourced genetic stocks or</p> <p>iii. sealed, paved, metaled or built over.</p>		
S148.059	Summit Forests New Zealand Limited	EW-S4	Not Stated	The earthworks Matters of Discretion appear to exceed the scope of the District Council's functions under section 31 of the Resource Management Act and, contrary to its section 32 analysis, stray into the functions of the Regional Council.	Delete any Matters of Discretion that exceed the Council's functions under the RMA.		Accept in part
FS346.565	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment values and the values of outstanding landscapes could also result.	Disallow	Disallow the original submission	Accept in part
FS566.171	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S215.049	Haigh Workman Limited	EW-S5	Support in part	We support the requirement for erosion and sediment control to be implemented on all earthworks in accordance with Auckland Council GD05. Note these are guidelines only and may note provide the precision and certainty required for a permitted activity rule.	Amend EW-S5 matters of discretion to erosion and sediment control issues only		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				However, the guidelines are comprehensive and should be implemented. Rule EW-R13 / EW-S5 is in addition to other earthworks rules in the Plan. As such, the matters of discretion where the standard is not met should be confined to erosion and sediment control issues.			
FS354.167	Horticulture New Zealand		Support	The submitter seeks that the matters of discretion are limited to consideration of erosion and sediment control standard, rather than the broad matter of discretion in the proposed rule. HortNZ supports the more specific matter of discretion.	Allow	Allow S215.049	Accept in part
FS570.538	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS566.552	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
FS569.574	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S148.060	Summit Forests New Zealand Limited	EW-S5	Not Stated	The earthworks Matters of Discretion appear to exceed the scope of the District Council's functions under section 31 of the Resource Management Act and, contrary to its section 32 analysis, stray into the functions of the Regional Council.	Delete any Matters of Discretion that exceed the Council's functions under the RMA.		Accept in part
FS346.566	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment values and the values of outstanding landscapes could also result.	Disallow	Disallow the original submission	Accept in part
FS566.172	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
						inconsistent with our original submission	
S172.015	Terra Group	EW-S6	Support	Support this standard, as it will achieve positive outcomes for the proposed zone.	Retain as notified (inferred)		Accept in part
S335.024	BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited	EW-S6	Oppose	EW-S6 could result in resource consent being required for minor earthworks undertaken as part of the normal maintenance, upgrade and operation of a range of activities. The balance of standards provide adequate controls for these activities.	Delete Standard EW-S6		Accept in part
S368.084	Far North District Council	EW-S6	Support in part	This standard does not exclude the forming of an approved driveway or crossing from a legal road or the installation and upgrading of utility connections and infrastructure. It is not the intention of this standard to require consent for these activities.	Amend EW-S6 to include This standard does not apply to a legal road boundary where: i. The earthworks are for the formation of an approved driveway or crossing. ii. The earthworks are for the installation and upgrading of utility connections and infrastructure.		Accept in part
FS44.34	Northland Planning & Development 2020 Ltd		Support in part	Also should include exclusions for any excavation works associated with fence lines, posts, piles, trenching of drains or cables, dam maintenance, normal rural practices, such as maintenance of farm drains, service connections, excavations for building foundations, septic tanks and associated drainage fields.	Allow		Accept in part
FS25.121	Kiwi Fresh Orange Company Limited		Support	Supports the amendment, which appropriately clarifies the intent of standard EW-S6.	Allow	Allow the original submission.	Accept in part
FS23.108	Des and Lorraine Morrison		Support	It is appropriate to exclude earthworks relating to infrastructure and driveway formation from this rule as these matters are incidental to development occurring on a site, are generally small in scale, and are necessary to provide access to and/or service that development.	Allow	Allow the relief sought.	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				Effects arising from these types of activities can be appropriately controlled by permitted activity standards.			
FS325.082	Turnstone Trust Limited		Support	TT supports the amendment, which appropriately clarifies the intent of standard EW-S6.	Allow	Allow the original submission.	Accept in part
S178.015	Reuben Wright	EW-S6	Oppose	Rule EW-S6 Setback is ambiguous and unenforceable where earthworks as defined could include very minor works (including such things as forming a vehicular access) that generate no adverse effects but still require consent. The rule should be removed.	Delete Standard EW-S6 Setback.		Accept in part
FS44.35	Northland Planning & Development 2020 Ltd		Support in part	Should be deleted or amended to include such exclusions	Allow in part		Accept in part
FS113.1	Martin OBrien		Support in part	<p>Earthworks must be setback by the following minimum distances:</p> <ul style="list-style-type: none"> i. earthworks supported by engineered retaining walls - 1.5m from a site boundary; ii. earthworks not supported by engineered retaining walls - 3m from a site boundary; iii. earthworks must be setback by a minimum distance of 10m from coastal marine area. <p>Note: setbacks from waterbodies is managed by the Natural Character chapter.</p> <p>A geotechnical report should be able to address this without the requirement for engineered retaining structures. For example a batter with 1:3 slope is typically used to stop slips etc.</p>	Allow in part		Accept in part
S409.050	Heritage New Zealand Pouhere Taonga	EW-S6	Support in part	Standard EW-S6 should have a 20m setback from an archaeological site to be consistent with the submission's proposed wording of Rules HH-RS, HA-RS PER1, PER-2 and PER-3. Standards HA-S3 and EW-S3 already reference a 20m setback for works to cease from upon the discovery of any suspected sensitive material.	<p>Amend Standard EW-S6 Setback as follows (or words to that effect):</p> <p>Earthworks must be setback by the following minimum distances:</p> <ol style="list-style-type: none"> 1. earthworks supported by engineered retaining walls - 1.5m from a site boundary; 2. earthworks not supported by engineered retaining walls - 3m from a site boundary; 		Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
					<p>3. earthworks must be setback by a minimum distance of 10m from coastal marine area.</p> <p>4. earthworks must be setback by a minimum distance of 20m from the extent of an archaeological site</p> <p>Note: setbacks from waterbodies is managed by the Natural Character chapter. In addition to the requirements of the District Plan, it should be noted that the Heritage New Zealand Pouhere Taonga Act 2014 ('HNZPTA') requires all applicants to obtain an authority from the HNZPTA before any archaeological site is modified or destroyed. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District Plan or a resource or building consent has been granted.</p>		
FS44.47	Northland Planning & Development 2020 Ltd		Oppose	As per previous FS, the earthworks 20m setback from an archaeological site should be reworded to 'mapped' archaeological site.	Disallow		Accept
FS143.40	Mataka Residents' Association Inc		Oppose	The proposed requirement for earthworks to be set back 20m from an archaeological site is unnecessary duplication of authorisation processes provided for under Heritage New Zealand Pouhere Taonga Act 2014	Disallow		Accept
FS67.109	The Shooting Box Limited		Oppose	The proposed requirement for earthworks to be set back 20m from an archaeological site is unnecessary duplication of authorisation processes provided for	Disallow		Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				under Heritage New Zealand Pouhere Taonga Act 2014			
FS68.107	P S Yates Family Trust		Oppose	The proposed requirement for earthworks to be set back 20m from an archaeological site is unnecessary duplication of authorisation processes provided for under Heritage New Zealand Pouhere Taonga Act 2014	Disallow		Accept
FS69.104	Setar Thirty Six Limited		Oppose	The proposed requirement for earthworks to be set back 20m from an archaeological site is unnecessary duplication of authorisation processes provided for under Heritage New Zealand Pouhere Taonga Act 2014	Disallow		Accept
FS66.191	Bentzen Farm Limited		Oppose	The proposed requirement for earthworks to be set back 20m from an archaeological site is unnecessary duplication of authorisation processes provided for under Heritage New Zealand Pouhere Taonga Act 2014	Disallow		Accept
FS570.1225	Vision Kerikeri 3		Support	Support to the extent the submission is consistent with our original submissions.	Allow	Allow to the extent that the submission is consistent with our original submission	Reject
FS400.080	The Paihia Property Owners Group		Oppose	The submission seeks additional sites / areas to be within the Heritage Overlay. The Further Submitter's original submission sought amendments to the overlay and reversion back to the Paihia Mission Heritage Area and associated provisions	Disallow	disallow the original submission	Accept
FS566.1239	Kapiro Conservation Trust 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Reject
FS569.1261	Vision Kerikeri 2		Support	Support to the extent that the submission is consistent with our original submission	Allow	Allow to the extent that the submission is consistent with our original submission	Reject
S153.001	Robert Adams	EW-S6	Support in part	The setback is very arbitrary especially for engineered walls. Engineers are extremely well qualified to design retaining walls on or very close to boundaries to meet the needs of the designer and the client. The land is private property and should be able to be developed according to the wishes of the owner right up to their	Delete Standard EW-S6. If necessary, replace it with a rule that gives no setback to the boundary, and no limit on heights of retaining walls when designed by an Engineer.		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				<p>legal boundary. Engineers have been designing up to boundaries for many decades so it is not necessary for planners to interfere with the rights of property owners to develop their property as they wish. The yards already control the location of buildings relative to boundaries. This rule needs to be removed as it restricts good design and creates narrow 1.5m alleys up against houses which will be damp, useless spaces. This 3m limit is too restrictive and unnecessary as it doesn't take into account the reality of building in the Far North when sites are often steep and narrow.</p>			
FS332.249	Russell Protection Society		Oppose	<p>Earthworks setbacks are important to protect adjoining property owner's rights.</p>	Disallow	Disallow the original submission.	Accept in part
S502.026	Northland Planning and Development 2020 Limited	EW-S6	Support in part	<p>It is considered that the intention of this rule is to provide additional controls on major cut/fill faces near boundaries. The activities to be excluded from this rule are minor in nature and generally will not require engineered retaining walls, such that the setback provisions will be 3 metres. This is not considered practical when maintaining a farm drain that is near a boundary, or constructing an area for a septic tank, which is only required to be 1.5 metres from the boundary.</p> <p>Provision is also sought to exclude excavations which are less than 500mm depth and under an area of 50m² or 50m³ volume in the zone, as well as provision for any excavations beyond 3 metres from the site boundaries that are less than 1.5 metres in height, so that these can occur within 3 metres of the boundary. These works are considered to be minor and with other provisions of this section being applied to these earthworks, controls are in place to ensure any such works do not create any adverse effects</p>	<p>Amend EW-S6 Earthworks must be setback by the following minimum distances:</p> <ul style="list-style-type: none"> i. earthworks supported by engineered retaining walls - 1.5m from a site boundary ii. earthworks not supported by engineered retaining walls - 3m from a site boundary with the exception of any cut/fill faces less than 500mm in height/depth over an area of less than 50m² and a volume of less than 50m³ in any zone and with a cut/fill face of 1.5 metres in depth/height in the Rural Production Zone, which can be located within 3 metres from the boundary. iii. earthworks must be setback by a minimum distance of 10m from coastal marine area. This rule does not include any excavation works associated with fence lines, posts, piles, trenching of drains or cables, dam maintenance, normal rural practices, such as 		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
					maintenance of farm drains, service connections, excavations for building foundations, septic tanks and associated drainage fields.		
FS354.168	Horticulture New Zealand		Support	There should be an exemption from the standard for ancillary rural earthworks, much as sought by the submitter.	Allow	Allow S502.026 to include an exemption for ancillary rural earthworks.	Accept in part
S148.061	Summit Forests New Zealand Limited	EW-S6	Not Stated	The earthworks Matters of Discretion appear to exceed the scope of the District Council's functions under section 31 of the Resource Management Act and, contrary to its section 32 analysis, stray into the functions of the Regional Council.	Delete any Matters of Discretion that exceed the Council's functions under the RMA.		Accept in part
FS346.567	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment values and the values of outstanding landscapes could also result.	Disallow	Disallow the original submission	Accept in part
FS566.173	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S215.050	Haigh Workman Limited	EW-S7	Oppose	Standard EW-S7 is open to wide interpretation. The risk of instability of land at or beyond the property boundary is addressed by standard EW-S6. Standard EW-S7 is redundant and should be removed. The standard may have been intended to address the more general risk of earthworks being carried out on land subject to instability. To address this issue, the Earthworks rules could include a note similar to that in New Plymouth District Plan Standard EW-S1 but refer to 'Land Susceptible to Instability' as defined in the	Delete Standard EW-S7.		Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
				Proposed Far North District Plan.			
FS570.539	Vision Kerikeri 3		Oppose	Oppose to the extent that the submission is inconsistent with our original submissions.	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
FS566.553	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
FS569.575	Vision Kerikeri 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept
S148.062	Summit Forests New Zealand Limited	EW-S7	Not Stated	The earthworks Matters of Discretion appear to exceed the scope of the District Council's functions under section 31 of the Resource Management Act and, contrary to its section 32 analysis, stray into the functions of the Regional Council.	Delete any Matters of Discretion that exceed the Council's functions under the RMA.		Accept in part
FS346.568	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment values and the values of outstanding landscapes could also result.	Disallow	Disallow the original submission	Accept in part
FS566.174	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S148.063	Summit Forests New Zealand Limited	EW-S8	Not Stated	The earthworks Matters of Discretion appear to exceed the scope of the District Council's functions under section 31 of the Resource Management Act and, contrary to its section 32 analysis, stray into the functions of the Regional Council.	Delete any Matters of Discretion that exceed the Council's functions under the RMA.		Accept in part
FS85.33	PF Olsen Ltd		Support	PF Olsen supports the deletion of the EW-S8 standard or this should be clearly identified that does not apply to forestry activities as this is provided by NES-PF.	Allow		Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
FS346.569	Royal Forest and Bird Protection Society of New Zealand Inc.		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment values and the values of outstanding landscapes could also result.	Disallow	Disallow the original submission	Accept in part
FS566.175	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part
S178.016	Reuben Wright	EW-S9	Oppose	Rule EW-S7 Land Stability is ambiguous and unenforceable where the definition of land instability is very detailed and onerous and relies on information that will not be contained in the District Plan (ie. NZ Geology WebMap). In addition, it is not clear how earthworks could be determined as resulting in any instability of land at or beyond any boundary and therefore infringe the rule. The common law of 'the right of support for the land in its natural state' should apply rather than attempting regulate land stability through the District Plan. The rule should be removed.	Delete Standard EW-S7.		Reject
S178.017	Reuben Wright	EW-S9	Oppose	Rule EW-S9 Flood and coastal hazards is specifically addressed in the Proposed Regional Plan for Northland under Rule C.8.3.1. Inclusion of these rules in the District Plan duplicates controls already in place and administered by the Regional Council. The rule should be removed.	Delete Standard EW-S9.		Reject
S148.064	Summit Forests New Zealand Limited	EW-S9	Not Stated	The earthworks Matters of Discretion appear to exceed the scope of the District Council's functions under section 31 of the Resource Management Act and, contrary to its section 32 analysis, stray into the functions of the Regional Council.	Delete any Matters of Discretion that exceed the Council's functions under the RMA.		Accept in part
FS85.34	PF Olsen Ltd		Support	PF Olsen supports the deletion of the EW-S9 standard, or it should be clearly identified that it does not apply to forestry activities as this is provided by NES-PF.	Allow		Accept in part
FS346.570	Royal Forest and Bird Protection		Oppose	The amendments sought will result in a loss of indigenous biodiversity values which is inconsistent with council's functions and responsibilities under	Disallow	Disallow the original submission	Accept in part

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Reasons	Summary of Decision Requested		Hearings Panel Recommendation
	Society of New Zealand Inc.			section 31(1)(b)(iii) and Section 6 the RMA and do not give effect to the RPS, NPSFM, NPSIB and the NZCPS. Loss of natural character, coastal environment values and the values of outstanding landscapes could also result.			
FS566.176	Kapiro Conservation Trust 2		Oppose	Oppose to the extent that the submission is inconsistent with our original submission	Disallow	Disallow to the extent that the submission is inconsistent with our original submission	Accept in part