



**PROPOSED FAR NORTH DISTRICT PLAN
RECOMMENDATIONS OF THE INDEPENDENT HEARINGS
PANEL**

RECOMMENDATION REPORT 4

**Hearing 4: Natural Character, Natural Features and
Landscapes, Coastal Environment and Ecosystems and
Indigenous Biodiversity**

March 2026

Recommendation Report 4

Recommendation Report 4 is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 1, 9, 10, 11, 12, 13, 15B, 15C, 16 and 17.**

Recommendation Report 4 contains the Panel's recommendations on Part 2 – District Wide Matters being Natural Environment Values including Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes; and on Part 3 – General District – District-Wide Matters, Coastal Environment.

Recommendation Report 4 also contains consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 4 contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

Appendix 2: Hearings Panel Recommended Amendments to the PDP – tracked from the notified version (provisions not subsequently renumbered) including:

Appendix 2.1 Natural Character Chapter

Appendix 2.2: APP1 - Mapping Methods and Criteria

Appendix 2.3 Natural Features and Landscapes Chapter

Appendix 2.4: Colours with Low Reflectance Values (BS5252) (New Appendix)

Appendix 2.5 Coastal Environment Chapter

Appendix 2.6 Ecosystems and Indigenous Biodiversity Chapter

Appendix 3: Hearings Panel Recommended Amendments to Planning Maps

Appendix 4: Summary table of the Hearings Panel recommended decisions on each submission point including:

Appendix 4.1 Recommended Decisions on Submissions - Natural Character

Appendix 4.2 Recommended Decisions on Submissions - Natural Features and Landscapes

Appendix 4.3 Recommended Decisions on Submissions – Coastal Environment

Appendix 4.4 Recommended Decisions on Submissions – Ecosystems and Indigenous Biodiversity

The Independent Hearings Panel for Hearing 4 comprised Robert Scott – Independent panel member and Chairperson, Alan Watson - Independent panel member, Siani Walker - Independent panel member, Peter Kensington - Independent panel member, Felicity Foy - Council member.

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RECOMMENDATION REPORT 4

1. Introduction

1.1 Report Structure

This is **Recommendation Report 4** prepared by the Independent Hearings Panel appointed to hear and make recommendations with respect to submissions on the Proposed Far North District Plan (**PDP**).

This recommendation report makes findings and recommendations relating to submissions on the objectives, policies and rules in the following chapters or sections of the PDP.

PDP Part	PDP Sub-Part	PDP Chapter or Provisions
Part 2 – District-Wide Matters	Natural Environment Values	Ecosystems and Indigenous Biodiversity
		Natural Character
		Natural Features and Landscapes
	General District-Wide Matters	Coastal Environment
Part 4	Appendices and Schedules	Appendices APP1 – Mapping methods and criteria
		SCHED4 – Schedule of significant natural areas

1.2 Section 32AA of the RMA

The requirements in clause 10 of the First Schedule of the Act and s32AA RMA are relevant to our considerations of the PDP provisions and the submissions received on those provisions. These are outlined in full in the **Preamble Report**.

We have not produced a separate evaluation report under s32AA. Where we have adopted the recommendations of the Council’s hearing report authors, we have adopted their reasoning, unless expressly stated otherwise. This includes the s32AA assessments within or attached to the relevant hearing reports, provided within evidence for Submitters, and/or within the Council’s right of reply reports. Those reports and the evidence are part of the public record and are available on the Council website.

Where our recommendation differs from the hearing report authors’ recommendations, we have incorporated our own s32AA evaluation into the body of our report as part of our reasons for recommended amendments, as opposed to including this in a separate table or appendix.

As per section 4.2 of the **Preamble Report** where we generally agree with the Council recommendations relating to the relief sought by those submitters who did not wish to speak at the hearing, we have concluded that these matters are not in contention.

In that regard, we have focussed our discussion in this recommendation report on those submitters who presented evidence to us.

2. Procedural Issues

2.1 Deferment of Evidence

Mr Chester Rendell for Bayswater Inn Limited (S29) appeared in support of his submission which related to the property at 40 Marsden Road, Paihia. It became apparent during this presentation that Mr Rendell's issues related to the PDP Heritage Area overlay proposed to apply to his property, which we advised was not the subject of this hearing (because the property is urban and has an exclusion from the Coastal Environment provisions). This may address some of his concerns, other than for the proposed coastal hazard provisions, which would still apply. We indicated to Mr Rendell that we looked forward to hearing his evidence at Hearing 12.

We also note that Mr Brian Putt for Cavalli Properties (S177) pre-circulated evidence for the coastal environment topic, relating to the rezoning of the Matauri Bay subdivision, and removal of the coastal environment overlay. Mr Putt was not available to attend Hearing 4 and his evidence in support of the submission was considered at Hearing 9 and again at Hearing 15C.

2.2 Special Purpose Zones

We received a request from Waitangi Limited (S503) seeking to defer their evidence on the Natural Values and Coastal Environment topics to the rezoning hearing (Hearing 15B), being over 12 months apart. The Panel's view was this request results in an unreasonable gap with no compelling reason given for the delay and the request was denied.

We address the request for the Special Purpose zone for the Waitangi Estate in our Recommendation Report for **Hearing 15B**.

2.3 National Planning Instruments

As discussed in section 3.2 and 3.3 in the **Preamble Report**, where any national policy or environmental standard was notified prior to the hearing these provisions have been incorporated in the Council's hearing report and addressed at the hearing and in our evaluations and recommendations. With regard to the ten national policy statements and environmental standards that came into effect on 15 January 2026 (i.e. after all hearings had been completed) we have determined (following legal advice) that the Council can only give effect to those documents through a Schedule 1 variation or plan change process. See also Minutes 40-42 which address this matter.

2.4 Consequential Amendments

This recommendation report contains consequential amendments, including to or from other plan chapters. These are discussed further in this report.

3. Topic 1 – Natural Character

3.1 Relevant Provisions

The relevant provisions we address for this topic relate to:

- Natural character: Overview
- Natural character: Objectives (NATC-01 and 02)
- Natural character: Policies (NATC-P1 – P6)
- Natural character: Rules (NATC-R1 – R3)
- Natural character: Standards (NATC-S1 – S2)
- Part 1: Interpretation – Definitions
- Subdivision: Rule SUB-R19
- Appendix 1: APP1 – Mapping methods and criteria

3.2 Overview of Submissions Received

There were 163 original submission points on the Natural Character topic, including 37 in support, 49 supporting in part, 1 with a neutral position, and 44 in opposition. There were also 1,464 further submission points received.

As set out in the Council’s hearing report the main submissions on the Natural Character topic came from:

- a. Central and local government, namely Northland Regional Council (S359), NZTA (S356) and DOC (S364).
- b. Non-governmental organisations, including Forest and Bird (S511), Kapiro Conservation Trust (S442) and Northland Fish and Game (S436).
- c. Māori organisations, such as Haititaimarangai Marae Kaitiaki Trust (S394) and Te Hiku Iwi Development Trust (S399).
- d. Infrastructure providers, including Top Energy Limited (S483), Chorus New Zealand Ltd. et al (S282) and Twin Coast Cycle Trail (S425).
- e. The primary production sector, including Federated Farmers (S421), Horticulture New Zealand (S159), and Summits Forests New Zealand (S148).
- f. A group of large landowners in the coastal environment with some common interests, being Bentzen Farm Limited (S167) P S Yates Family Trust (S333), Setar Thirty-Six Ltd (S168), The Shooting Box Ltd (S187), Mataka Station Residents Association (S230), and Matauri Trustee Limited (S243).
- g. Other interests, including John Andrew Riddell (S431).

3.3 Key Issues

The hearing report responded to submissions under 20 key issues and identified three key themes relating to the overall broad matters in contention, including:

- a) The direction of the Natural Character chapter, including the Overview, and the degree to which it gives effect to higher order documents, particularly the National Policy Statement for Freshwater Management 2020 (NPS-FM) and National Environmental Standard for Freshwater 2020 (NES-F); and general concerns that the provisions in the Natural Character chapter are overly restrictive.
- b) Requested amendments to the objectives and policies of the Natural Character chapter.
- c) Requested amendments to the rules and standards of the Natural Character chapter.

Our recommendations follow these three themes, being the key issues to be addressed. We have also addressed other specific related matters within each of these themes. Furthermore, as with the reporting officer, we have also addressed the submissions that have expressed concern over the relationship between the Natural Character chapter and the subdivision provisions – notably SUB-R19 relating to subdivision where relevant natural character considerations are required.

Having read the Council’s hearing report, the evidence submitted to us and presented at the hearing and the Council’s right of reply to evidence presented, we acknowledge that a number of matters raised in submissions were no longer in contention and therefore we have focussed our evaluation on those matters still in contention.

3.4 Key Issue 1 – Overview / Direction of the Natural Character Chapter

3.4.1 Matters Raised in Submissions and Evidence

Various submissions raised concerns about the scope of the Natural Character chapter, including some that suggested broadening the provisions to apply to the coastal environment or to areas beyond the margins of freshwater bodies. Some submitters suggested changing the name of the chapter to better reflect the content. Others suggested amending the content of the chapter to:

- relate to climate-related issues; or
- include consideration of controls on exotic carbon forestry.

Furthermore, some other submissions suggested including new policies – including Transpower (S454.088) relating to the recognition of the significance of the National Grid, consistent with the National Policy Statement on Electricity Transmission (**NPS-ET**).

Submissions also sought changes to clarify the relationship between the Natural Character chapter rules and the NES-F; and to better give effect to the NPS-FM.

Matauri Trustee Limited (S243) sought amendments to various policies and rules to exclude the application of these provisions to lakes less than 5ha in area and exclude

any body of freshwater impounded by a dam. Te Hiku Iwi Development Trust (S399) and Federated Farmers (S421) suggested various amendments to the Overview of this chapter.

Some submitters, including Forest and Bird (S511), suggested that new objectives be added to the Natural Character chapter to require mapping of natural character areas, along with buffer zones, around wetland, lake and river margins.

Finally, under this key issue, we note that submissions from Top Energy (S483) and Twin Coast Cycle Trail (S425) suggest the inclusion of new objectives and policies in the Natural Character chapter relating to enabling regionally significant infrastructure.

3.4.2 Hearings Panel Evaluation

Having reviewed the hearing report on these submission points, noting that no evidence contested the report's recommendations on these matters, we agree with the Council's reporting officer that the overall approach to, and the naming of, the Natural Character chapter is to remain unchanged. We also agree with the reporting officer that it is not necessary to include any new policies to address the specific issues suggested by the submitters.

We agree with the reporting officer that there is a clear differentiation between the functions of a District Plan and a Regional Plan when considering the natural character of freshwater bodies, with the District Plan only required to include provisions relating to the margins of freshwater bodies. We also agree with the reporting officer that the name of the chapter cannot be changed because it has been prescribed by the National Planning Standards, as has the structure. This includes a requirement that consideration of the natural character of the coastal environment, which gives effect to the NZCPS, be included as a separate chapter. Having said this, the reporting officer has suggested that further explanation of these matters be provided in the chapter Overview. We agree with this suggestion and the wording the officer has suggested as it would assist plan users with an improved understanding of how the Plan has been structured in relation to this consideration.

We adopt the analysis provided by the reporting officer, which was not challenged in evidence from submitters, examining whether there is any conflict or duplication between the proposed Natural Character chapter provisions and the relevant requirements of the NES-F. Out of that analysis, the reporting officer has highlighted a conflict where the proposed Natural Character chapter rules are more lenient than the NES-F relating to the control of earthworks and indigenous vegetation clearance within 10m of a natural inland wetland. The reporting officer recommends that a broad note be added to the Natural Character chapter which explains this conflict. We agree.

We also agree with the reporting officer that the Natural Character chapter does give effect to the NPS-FM, noting that we received no additional evidence to the contrary.

We have noted the reporting officer's recommendation to amend the threshold for lakes in the definition of 'Wetland, Lake and River Margins', such that the Natural Character provisions do not apply to:

lakes less than 1ha in size; artificial lakes where the primary purpose is for managing stormwater; or wastewater treatment ponds.

No evidence was presented to us with a contrary view. However, Mr Hall suggested that the reporting officer's proposed wording should read "*a constructed farm water supply pond or dam*" to be clearer. The reporting officer's reply agreed with this alternative wording and we adopt this revised recommendation in full, with the corresponding recommendation to amend the definition, as set out in full below in section 3.4.3.

We also received no evidence to support the submissions which sought amendments to the Overview section of the Natural Character chapter, other than from Ms Cook-Munro for Federated Farmers, which suggested including a sentence that recognises some activities have a 'functional need' to be located within an area containing natural character. In response to this and other submissions, the reporting officer has suggested various amendments, which we agree will strengthen the description and we have adopted these recommendations.

We also agree with the reporting officer that it would be inappropriate to include additional objectives requiring mapping of high value natural character of freshwater margin areas, along with buffer zones, around wetland, lake and river margins. In that regard, we are satisfied that the recommended provisions will appropriately manage the known issues regarding the management of natural character of freshwater margins.

On the topic of regionally significant infrastructure, we agree with the reporting officer that the Natural Character chapter does not require additional objectives or policies to address these matters. Rather, we note that there is broad agreement that the Infrastructure chapter should contain provisions specific to infrastructure and that these do not need to be replicated in each chapter that relates infrastructure (see **Recommendation Report 11**). While infrastructure provisions are included in other PDP chapters, where this is considered necessary/appropriate for the particular topic, we do not consider these need to be restated as objectives and policies. For example, rules for buildings and structures in the Outstanding Natural Character overlay which apply to infrastructure, such as the height of permitted poles for example – as discussed further below.

Finally, in response to various submissions on NATC-P2 (discussed below), from Forest and Bird and others, the reporting officer has recommended an amendment to the Overview section of the Natural Character chapter to better reference the mapping methods and criteria set out at APP1 (Appendix 1- Mapping methods and criteria in Part 4 – Appendices and Schedules of the PDP), which we note have not been challenged. We agree with these suggestions, as per the wording set out below in section 3.4.3.

3.4.3 Hearings Panel Recommendations

With regard to general submissions on the Natural Character chapter, for the reasons set out in the evaluation above, we recommend the following:

1. That a new paragraph be added to the start of the Overview in the Natural Character chapter as follows:

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

2. That the following sentence at the end of the Overview in the Natural Character chapter be deleted (as a consequence of the new paragraph in (1) above):

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

3. That the following additional note (Note 3) be added to the 'Notes' section immediately preceding the rules:

Earthworks and indigenous vegetation clearance in the margins of wetlands are controlled by the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). Rule NATC-R3 does not apply to earthworks and indigenous vegetation clearance regulated by the NES-F.

4. That the following sentence be added after the first sentence in the third paragraph of the Overview in the Natural Character chapter:

Some activities have a functional need to be located within wetland, lake and river margins.

And the following sentence be deleted from the second paragraph:

~~*While the NRC is responsible for the waterbodies themselves, the District Plan manages their margins and the activities that can occur in these areas.*~~

5. That the definition for 'Wetland, Lake and River Margins' be amended as follows:

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

- Wetland;
- *Lake greater than 1ha, and are is not:*
 - *an artificial lakes where the primary purpose is for managing stormwater, and*
 - *a constructed farm water supply pond or dam, or*
 - *a farm or municipal wastewater treatment ponds (municipal and farms); or*
- *river greater than 3m average width*

In the General Residential, Russell Township, Quail Ridge or Mixed Use zones means the area of land within 26 metres of a:

- wetland;
- ~~lake greater than 1ha, and are is not:~~
 - ~~an artificial lakes where the primary purpose is for managing stormwater, and~~
 - ~~a constructed farm water supply pond or dam, or~~
 - ~~a farm or municipal wastewater treatment ponds (municipal and farms); or~~
- river greater than 3m average width

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

- wetland;
- ~~lake greater than 1ha, and is are not:~~
 - ~~an artificial lakes where the primary purpose is for managing stormwater, and~~
 - ~~a constructed farm water supply pond or dam; or~~
 - ~~a farm or municipal wastewater treatment ponds (municipal and farms); or~~
- river greater than 3m average width

Where a river is smaller than 3m average width means 10m of a river.

Note: The width is measured in relation to the bed of the waterbody

We note that this definition is included in the Definitions in **Recommendation Report 17, Appendix 2.1**. We also note that this definition has been further amended as a result of our recommendations on other hearings.

6. That the final paragraph of the Overview in the Natural Character chapter be amended as follows:

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

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

7. That the submissions and further submissions be accepted, accepted in part or rejected, as indicated in **Appendix 4.1** to this recommendation report.

8. We also note that the reporting officer recommended various amendments to the Overview in the Natural Character chapter, made under clause 16 of Schedule 1 of the RMA. We agree that these amendments are appropriate and assist with understanding the provisions.

3.5 Key Issue 2 – Objectives and Policies of the Natural Character Chapter

3.5.1 Matters Raised in Submissions and Evidence

Various submissions, including from Carbon Neutral NZ Trust (S529) and Vision Kerikeri (521), supported one or both of the objectives in the notified PDP. However, other submissions, including from Federated Farmers (S421) and Waiaua Bay Farm Limited (463), sought significant changes to both objectives. Haititaimarangai Marae Kaitiaki Trust (S394) and Transpower (S454) also sought to amend the objectives of the Natural Character chapter.

The reasons for these submissions included competing priorities seeking either greater protection of natural character, or to provide more scope for appropriate subdivision, use and development within areas identified as having natural character values.

Likewise, as set out by the reporting officer, submissions sought various amendments to the six policies in the Natural Character chapter of the notified PDP. Submissions on NATC-P1 sought to restrict the scope of the policy and to ensure consistency with other statutory provisions, including the NPS-FM.

3.5.2 Hearings Panel Evaluation

The reporting officer's analysis of the submissions is comprehensive and well-considered, with clear recommended amendments to the provisions. Reference to s6(a) of the RMA and to relevant provisions of the New Zealand Coastal Policy Statement (**NZCPS**) and the Regional Policy Statement (**RPS**) is helpful in grounding and providing context to the reasoning behind the recommendations when considering the overarching objectives and the related policy wording. We agree with the reporting officer's recommendation to combine the two originally proposed objectives into a new single objective and this better achieves the purpose of the RMA.

We also agree with the reporting officer's suggestion to amend NATC-P1 to specifically reference 'characteristics, qualities and values' when considering natural character. We note that this approach has also been consistently adopted in the other topics that follow. In addition, we agree with the reporting officer's recommendation to amend NATC-P2 to specifically reference 'wetland, lake and river margins' and for the consequential amendments to the wording within APP1 to provide for better understanding of how the provisions are to be administered, including the assessment and management of effects on the natural character of freshwater margins.

Submitters expressed concern that the word 'enable' within NATC-P3 and NATC-P4 was overly permissive or enabling. The submission from John Andrew Riddell (S431) suggested that this word be replaced with 'provide for' and Mr Riddell spoke to this point at the hearing. As did the reporting officer in the Council's right of reply recommendations. We agree with Mr Riddell's suggestion, along with the other amendments recommended to NATC-P3 under clause 16 of Schedule 1 to the RMA,

including Mr Riddell's suggestion to include the words 'the minimum necessary'. It is our recommendation that the words 'provide for' better recognise that certain activities may have already established, whereas 'enable' references a future activity. We note that the submission and evidence to us from Paul Quinlan, for Tane's Tree Trust and the Northland Tōtara Working Group, suggested the addition of a clause (f) to NATC-P3. While the reporting officer's right of reply does not include this suggested amendment, we agree with the intent of the submission and recommend this should be included, so as to give better alignment with the proposed changes to NATC-R1 PER-2 discussed below. We also agree with the reporting officer's suggested amendment to clause (c) of NATC-P4 in response to the submission from Waiaua Bay Farm Limited.

We note that there were no submissions seeking any amendment to NATC-P5.

While some submitters sought the retention of NATC-P6, various amendments were suggested by others, with one (Waiaua Bay Farm) suggesting deletion of the policy. The reporting officer's original recommendation to us was to amend the 'chapeau' of the policy, which we agree with, alongside the various clause 16 to Schedule 1 of the RMA amendments. In the reporting officer's reply, further consideration to the suggestions from Mr Riddell on this policy were made and recommended. We agree with all of these suggestions.

3.5.3 Hearings Panel Recommendations

With regard to submissions on the objectives and policies of the Natural Character chapter, for the reasons set out in the evaluation above, the Hearings Panel recommend the following:

1. That the objectives of the Natural Character chapter be amended as set out below:

NATC-O1

~~*The natural character of wetland, lake and river margins are managed to ensure their long-term preservation and protection for future generations.*~~

The natural character of wetland, lake and river margins is preserved and protected from inappropriate land use and subdivision.

NATC-O2

~~*Land use and subdivision is consistent with and does not compromise the characteristics and qualities of the natural character of wetland, lake and river margins.*~~

2. That the policies of the chapter be amended as set out below:

NATC-P1

Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, qualities and values of the natural character of wetland, lake and river margins.

NATC-P2

Identify or assess the natural character of wetland, lake and river margins in accordance with the natural character of wetland, lake and river margins assessment criteria in APP1- Mapping methods and criteria.

NATC-P3

~~Enable~~ Provide for indigenous vegetation removal and/or earthworks within wetland, lake and river margins where it is the minimum necessary for:

- a. ~~it is for~~ the repair or maintenance of lawfully established activities; ~~or~~*
- b. ~~it is for~~ safe and reasonable clearance for existing overhead powerlines; ~~or~~*
- c. ~~it is for~~ health and safety of the public; ~~or~~*
- d. ~~it is for~~ biosecurity reasons; ~~and~~*
- e. ~~it is for~~ the sustainable non-commercial harvest for rongoā Māori; ~~or~~*
- f. the harvesting of indigenous timber approved under the Forests Act 1949 via either a registered sustainable forest management plan, a registered sustainable forest management permit or a personal use approval for the harvesting and milling of indigenous timber from the Ministry of Primary Industries.*

NATC-P4

Provide for ~~Enable~~ buildings or structures, and extensions to existing buildings or structures on wetland, lake and river margins where:

- a. there is a functional or operational need for a building or structures location; ~~and~~*
- b. public access, customary access and recreational use can be protected or enhanced; ~~and~~*
- c. the effects on natural character are in accordance with policy NATC-P1~~the protection of natural character is preserved~~; ~~and~~*
- d. natural hazard risk will not be increased, taking into account the likely long term effects of climate change.*

NATC-P6

Consider the following matters where relevant when assessing the effects of land use and subdivision on the characteristics, qualities and values of natural character:

~~Manage land use and subdivision to preserve and protect the natural character of wetland, lake and river margins, and address the effects of the~~

~~activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:~~

- a. ~~the presence or absence of buildings, structures or infrastructure;~~
- b. ~~the temporary or permanent nature of any adverse effects, including cumulative effects;~~
- c. ~~the location, scale and design of any proposed development;~~
- d. ~~any means of integrating the building, structure or activity into the wider landscape;~~
- e. ~~the ability of the environment to absorb change;~~
- f. ~~the need for and location of earthworks or indigenous vegetation clearance and proposed mitigation measures;~~
- g. ~~the operational or functional need of any regionally significant infrastructure to be sited in the particular location;~~
- h. ~~any viable alternative locations for the activity or development;~~
- i. ~~any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;~~
- j. ~~the likelihood of the activity exacerbating natural hazards;~~
- k. ~~the opportunity to enhance public access and recreation;~~
- l. ~~the ability to improve the overall water quality; and~~
- m. ~~effects on the indigenous biodiversity values of riparian areas, including linkages with other habitats and ecosystems; and~~
- n. ~~any positive contribution the development has on the characteristics, and qualities and values of natural character.~~

3. That wording of Part 4 - Appendices and Schedules - Appendix 1 (APP1) – Mapping methods and criteria be amended as set out below:

Add the following subheading to the natural character assessment criteria:

Natural character in the coastal environment

Add the following additional heading and natural character assessment criteria:

Natural character of wetland, lake and river margins:

Recognise that the natural character of wetland, lake and river margins are the biological, visual and physical characteristics valued by the community, including:

- i. its biophysical, ecological, geological, geomorphological and morphological aspects
- ii. the natural movement of water and sediment including hydrological and fluvial processes

iii. the natural location of a water body and course of a river

iv. the relative dominance of indigenous flora and fauna

v. the presence of culturally significant species

vi. the colour of the water

vii. the clarity of the water

These amendments are reflected in **Appendix 2.1** and **Appendix 2.2** to this recommendation report.

3.6 Key Issue 3 – Rules and Standards of the Natural Character Chapter

3.6.1 Matters Raised in Submissions

Rules

Forest and Bird (S511) and Kapiro Conservation Trust (S442) made suggestions that the ‘notes’ which explain the rules in the Natural Character chapter should also reference the Ecosystems and Indigenous Biodiversity chapter, in addition to the Earthworks chapter. In addition, the reporting officer suggested a minor clause 16 to Schedule 1 of the RMA amendment to these notes to be consistent with other chapters. Two new ‘notes’ were also suggested by Te Hiku Iwi Development Trust (S399) and others and Summit Forests New Zealand Limited (S148) to reference the National Environmental Standards for Freshwater (**NES-F**) and National Environmental Standards for Commercial Forestry (**NES-CF**).

Various submissions were made on NATC-R1, which relate to natural character considerations for new buildings or structures, and extensions or alterations to existing buildings or structures – with four permitted activity conditions. Submissions from the Telco Companies (Chorus New Zealand Limited et al) (S282) sought a relaxation of rules relating to infrastructure in existing road corridors where these cross waterbodies. Federated Farmers (S421) suggested that activities with a ‘functional need’ be located in areas that have at least high natural character, should also have some relaxation of the relevant rules.

Top Energy Limited (S483) requested that NATC-R1 PER-1 be deleted because ONL and ONF matters are dealt with in another chapter. The reporting officer agrees with this idea.

NZTA (S356) suggested that NATC-R1 only apply to outstanding or high natural character areas; however the reporting officer disagrees because that would be inconsistent with the Natural Character objectives and policies.

Bentzen Farm Limited (S167) and others requested that the activity status for non-compliance with the permitted activity standards of NATC-R1 should be changed from discretionary to restricted discretionary. The reporting officer agrees with this suggestion and has recommended various matters of discretion, including: effects on the characteristics, qualities and values of natural character; the matters in NATC-P6; and the positive effects of the activity.

In addition to a few clause 16 of Schedule 1 to the RMA changes, various amendments have been recommended by the reporting officer to NATC-R1 PER-2 in response to submissions, including those relating to specific infrastructural elements within the road corridor and upgrades to above ground infrastructure within certain parameters. On the topic of including an exclusion for infrastructure less than a certain height within a road corridor, we note that Ms Absolum, Council's Landscape Expert, was comfortable with Top Energy's submission for increasing this permitted height from 10.0m to 12.5m, but not for the addition of pi-poles to the list.

The inclusion of a maimai not exceeding 10m² in size has also been recommended, as has the addition of a clause permitting the harvesting of indigenous timber, in response to the evidence from Paul Quinlan, for Tane's Tree Trust and the Northland Tōtara Working Group. We note that the hearing reports did not address the suggestion from the evidence of Chris Horne for adding an additional line to NATC-R1 PER-2 stating "*lines and ducts attached to an existing river crossing structure*". The Ministry of Education also suggested an additional exclusion, as set out in their tabled 5 August 2024 letter.

There were submissions on NATC-R1, PER-3 and one submission on NATC-R1, PER-4 from Lynley Newport (S136). We note that the reporting officer recommends no changes to these provisions for the reasons set out in the hearing report and we agree.

The submissions from Bentzen Farm Limited and Matauri Trustee Limited raise concerns over NATC-R2, relating to the repair or maintenance of certain lawfully established activities. The reporting officer agrees with these concerns and concludes that the rule does not appear to achieve any of the Natural Character objectives and policies, such that it be deleted.

The reporting officer outlines how NATC-R3 gives effect to NATC-P3 and has linkages with the provisions under the Ecosystems and Indigenous Biodiversity chapter, such that these rules should be consistent. In addition, the reporting officer makes recommendations to change the activity status for non-compliance with the permitted activity rules – these being consistent with the activity status for other similar rules in the Natural Character and Ecosystems and Indigenous Biodiversity chapters (see Topic 4 below).

Standards

The reporting officer sets out the range of submitter views on NATC-S1 which relates to the maximum height of buildings or structures. Ms Absolum, Council's Landscape Expert and the reporting officer, after hearing the evidence from Bentzen Farm Limited (Mr Goodwin and Mr Hall, who suggested 5.5m building height), recommended no change to the 5m above ground level building height standard metric under NATC-S1.

The submissions on NATC-S2, including from Bentzen Farm Limited and Te Hiku Iwi Development Trust and others, relating to earthworks and vegetation clearance are also well set out by the reporting officer, with a recommendation to change the threshold for the level of permitted earthworks, while continuing to achieve the objectives and policies of the Natural Character chapter.

3.6.2 Hearings Panel Evaluation

Notes

We agree with the recommendations of the reporting officer to accept the submissions which sought changes to the 'notes' section of the Natural Character chapter rules.

NATC-R1

We agree with the recommendations of the reporting officer to accept the Telco Companies' suggestions for amendments to NATC-R1. We also agree with the reporting officer's response to the suggestion from Federated Farmers, which does not agree with the specific request, but suggests that proposed amendments are made in response to other submissions to suitably address the 'functional need' issue. We also agree that NATC-R1, PER-1 is not appropriate in this chapter and should be deleted.

We agree with the reporting officer's suggested changes (in response to the Bentzen Farm Limited and other submissions) that non-compliance with the permitted activity standards of NATC-R1 be changed to restricted discretionary, with the associated matters of discretion – as set out below – including the link to NATC-P6 and the reference to positive effects.

We also agree with the proposed amendments to NATC-R1, PER-2 recommended by the reporting officer in response to submissions and evidence, including the amendments to the 'chapeau' made under clause 16 of Schedule 1 to the RMA. We agree with the reporting officer in the Council's right of reply commentary which disagrees with Mr Riddell's suggestion that it should be a permitted activity for a building or structure up to 50m² in size to locate within 20m of wetlands, lakes or rivers. We also agree with the suggestion of Ms Absolum, for the Council, that the height of permitted poles within the road corridor can increase to 12.5m. We agree with the reporting officer in the right of reply, adopting the suggestion from the evidence from Ms Davis (for Northland Fish and Game Council (S436)) that maimai up to 10m² in area should be included in the list of permitted activities under this rule. Finally, we agree with the additional suggested text put forward by Mr Horne, as set out below. We do not agree however with the additional suggested exclusion put forward for this rule by the Ministry of Education (S331).

We agree with the reporting officer's recommendation to retain the wording of NATC-R1, PER-3 and PER-4 unchanged; and we agree with the reporting officer's suggestion, in response to the submission from Horticulture New Zealand (S159), that it is not necessary to have reduced setbacks for horticulture structures where natural character issues arise.

NATC-R2

We agree with the recommendation of the reporting officer that NATC-R2 be deleted.

NATC-R3

We agree with the recommendations of the reporting officer with regard to both the amendments to the permitted activity listing under NATC-R3, PER-1 and the proposed

amendments to the activity status (to restricted discretionary activity) for non-compliance with these rules. These changes will be consistent with other similar rules in the Natural Character and Ecosystems and Indigenous Biodiversity chapters, noting that we have made adjustments to the matters of discretion for this to occur.

NATC-S1 and NATC-S2

We agree with the reporting officer that these standards should remain relatively unchanged, other than making minor adjustments to the wording to assist with clearer understanding of the standards and to assist in confirming the various exclusions. However, we have carefully considered the evidence of Mr Goodwin (for Bentzen Farms Limited and others) and Ms Absolum (for the Council) regarding the appropriate metric for building height under NATC-S1. Upon evaluation of this evidence, we find that increasing the permitted building height to 5.5m is appropriate to allow sufficient flexibility for a dwelling while also maintaining a single storey. We also agree with Mr Hall (for Bentzen Farms Limited and others) that it is appropriate to provide exemptions (but we recommend modifying (iv) relating to the exclusion of architectural features) to the maximum height standard for certain rooftop structures consistent with other PDP chapters that are unlikely to be of a scale that would adversely affect the characteristics, qualities and values of the identified overlays. Our recommended exemptions to the maximum height standards (using the wording from other PDP chapters are as follows):

This standard does not apply to:

- a. Solar and water heating components not exceeding 0.5m in height on any elevation; or
- b. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or
- c. Satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; or
- d. Architectural features (e.g. finials, spires) not exceeding 0.5 in height on any elevation.

As we have agreed to increase building height to 5.5m, the additional height for architectural features needs to be reduced by 0.5m accordingly.

3.6.3 Hearings Panel Recommendations

With regard to submissions on the rules and standards of the Natural Character chapter, for the reasons set out in the evaluation above, the Hearings Panel recommend the following:

1. That the 'notes' which explain the rules be amended as set out below:

Notes:

1. *There may be rules in other District-Wide Matters and the underlying zone in Part 3- Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying*

zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the how the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.

2. ~~The Earthworks and Ecosystems and Indigenous Biodiversity chapter rules apply 'in addition' to the earthworks and indigenous vegetation clearance rules in this chapter, not instead of. In the event of a conflict between the earthworks chapter and this chapters earthworks rules, the most stringent rule will apply.~~
3. ~~Earthworks and indigenous vegetation clearance in the margins of wetlands are controlled by the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). Rule NATC-R3 does not apply to earthworks and indigenous vegetation clearance regulated by the NES-F.~~
4. ~~Earthworks and indigenous vegetation clearance associated with commercial forestry are controlled by the National Environmental Standards for Commercial Forestry 2017 (NES-CF). Rule NATC-R3 does not apply to earthworks and indigenous vegetation clearance regulated by the NES-CF.~~

2. That the permitted activity clauses of rule NATC-R1¹ be amended as follows:

NATC-R1 – New buildings or structures, and extensions or alterations to existing buildings or structures

Activity status: Permitted

Where:

PER-1

~~The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is not located within an ONL or ONF.~~

PER-2

The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins where it is required for:

1. ~~for~~ restoration and enhancement purposes; ~~or~~

¹ This rule is further amended via other amendments or consequential amendments from other Hearings topics and Hearings Panel recommendation reports.

2. ~~for natural hazard mitigation undertaken by, or on behalf of, the local authority; or~~
 3. ~~for park management activity in the Open Space or Sport and Active Recreation zones; or~~
 4. ~~a post and wire fence for the purpose of protection from farm stock; or~~
 5. ~~a river-crossings, including but not limited to, fords, bridges, stock-crossings and culverts crossings; or~~
 6. ~~activities related to the construction of a river-crossings; or~~
 7. ~~a pumphouses utilised for the drawing of water provided they cover less than 25m² in area; or~~
 8. ~~infrastructure less than 12.5m high within a road corridor provided any pole:

 - a. ~~is a single pole (monopole); and~~
 - b. ~~is not a pi-pole or a steel-lattice tower;~~~~
 9. ~~a lighting pole by, or on behalf of the local authority;~~
 10. ~~a footpath and or paving no greater than 2m wide;~~
 10. ~~lines and ducts attached to an existing river crossing structure;~~
 11. ~~an upgrade of an existing above ground network utility, provided it:

 - a. ~~it is no greater than 12.5m high or the height of the existing structure;~~
 - b. ~~if it is a building, the upgraded building is no greater than 20% of the GFA of the existing lawfully established building; and~~
 - c. ~~it does not involve replacing a pole with a pi pole;~~~~
 12. ~~a maimai not exceeding 10m²;~~
 13. ~~the harvesting of indigenous timber approved under the Forests Act 1949 via either a registered sustainable forest management plan, a registered sustainable forest management permit or a personal use approval for the harvesting and milling of indigenous timber from the Ministry of Primary Industries.~~
3. That the activity status for non-compliance with NATC-R1 PER-1 (to be deleted), PER-2, PER-3 and PER-4 be amended as follows:

~~Activity status where compliance not achieved with PER-1: Non-complying~~

~~Activity status where compliance not achieved with PER-2, PER-3 and PER-4: Restricted Discretionary~~

Matters of discretion are restricted to:

- a. effects on the characteristics, qualities and values of natural character
- b. the matters in NATC-P6
- c. the positive effects of the activity

4. That NATC-R2 be deleted in its entirety, as follows:

~~NATC-R2 – Repair or maintenance~~

~~Activity status: Permitted~~

~~Where:~~

~~PER-1~~

~~The repair or maintenance within wetland, lake and river margins of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:~~

- ~~1. roads~~
- ~~2. fences~~
- ~~3. network utilities~~
- ~~4. driveways and access~~
- ~~5. walking tracks~~
- ~~6. cycling tracks~~
- ~~7. farming tracks~~

~~**Activity status where compliance not achieved with PER-1:
Discretionary**~~

5. That the permitted activity clauses of rule NATC-R3 be amended as follows:

~~NATC-R3 – Earthworks or indigenous vegetation clearance~~

~~Activity status: Permitted~~

~~Where:~~

~~PER-1~~

~~The earthworks or indigenous vegetation clearance within wetland, lake and river margins and is the minimum necessary is:~~

- ~~1. required for the repair or maintenance permitted under NATC-R2; or for the operation, repair or maintenance of existing lawfully established such as:~~
 - ~~a. fences;~~

- b. network utilities;
 - c. tracks, driveways, roads and access ways;
 - d. formed carparks;
 - e. board walks; or
 - f. boat ramps; ~~or~~
2. required to provide for safe and reasonable clearance for existing overhead power lines; ~~or~~
 3. to address an immediate necessary to address a risk to public the health and safety of the public; ~~or~~
 4. clearance for the control pests when necessary for biosecurity reasons and to control unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993; ~~or~~
 5. for the sustainable non-commercial harvest of plant material for rongoā Māori; ~~or~~
 6. to maintain firebreaks to manage fire risk;
 7. to remove vegetation as directed by Fire and Emergency New Zealand due to fire risk; ~~or~~
 8. to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area; ~~or~~
 9. for the upgrading of existing above ground network utilities permitted by NATC-R1; or
 10. for establishing, operating, maintaining and repairing infrastructure in a road corridor.

PER-2

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

6. That the activity status for non-compliance with NATC-R3 PER-1 and PER-2 be amended as follows:

***Activity status when compliance not achieved with PER-1 and PER-2:
Restricted Discretionary***

Matters of discretion are restricted to:

- a. effects on the characteristics, qualities and values of natural character
- b. the matters in NATC-P6
- c. the positive effects of the activity

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

7. That the wording of NATC-S1 and NATC-S2 be amended as follows:

NATC-S1 – Maximum height

1. *The maximum height of a building or structure, or extension or alteration to an existing building or structure is 5.5m above ground level; or*
2. *where a building or structure is lawfully established, any extension does not exceed the height of the existing building or structure above ground level.*

This standard does not apply to:

- a. Solar and water heating components not exceeding 0.5m in height on any elevation;*
- b. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation;*
- c. Satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; or*
- d. Architectural features (e.g. finials, spires) not exceeding 0.5m in height on any elevation.*

NATC-S2 – Earthworks or indigenous vegetation clearance

- ~~1. Any earthworks or indigenous vegetation clearance on a site within a wetland, lake and river margins must:
 - ~~a. 1- not exceed a total area of 50 400m² within any calendar year for 10 years from the notification of the District Plan, unless a control in 4 5. below applies;~~
 - ~~b. 2- not exceed a cut height or fill depth of 1m; and~~
 - ~~c. 3- screen exposed faces visible from public places. and~~~~
~~comply with Ecosystems and indigenous biodiversity chapter, NFL-S3 Earthworks or indigenous vegetation clearance and GE-S3 Earthworks or indigenous vegetation clearance.~~
~~Note: The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.~~
2. Any vegetation clearance on a site within a wetland, lake and river margins must not exceed a total area of 400m² within any 10 year period.

3.7 Miscellaneous Issue – Subdivision Provisions

3.7.1 Matters Raised in Submissions and Evidence

As set out by the reporting officer, the submissions from PS Yates Family Trust (S33) and others raise concerns that the administration of subdivision rule SUB-R19, as it is currently worded, will require a more stringent activity status than would be expected. The reporting officer agrees with these submitters and has suggested an amendment be made to this rule such that the rule should only apply when a proposal is creating additional allotments within the margins of a wetland, lake or river. This issue is also relevant for the Coastal Environment and Natural Features and Landscapes chapters and of course the Subdivision chapter (see **Recommendation Report 16**).

3.7.2 Hearings Panel Evaluation

The Hearings Panel agree with the recommendation of the reporting officer in response to the submissions and recommend that SUB-R19 is amended as set out in 3.7.3 below.

3.7.3 Hearings Panel Recommendations

With regard to submissions on the Natural Character chapter which require SUB-R19 to be amended, for the reasons set out above, the Hearings Panel recommend the following:

1. That the wording of the SUB-R19 rule be amended as set out below:

Subdivision creating one or more additional allotments of a site within wetland, lake and river margins.

This amendment is reflected in the Subdivision chapter provisions in **Recommendation Report 16, Appendix 2**.

4. Topic 2 – Natural Features and Landscapes

4.1 Relevant Provisions

The relevant provisions we address for this topic relate to:

- Natural features and landscapes: Overview
- Natural features and landscapes: Objectives (NFL-O1 – O3)
- Natural features and landscapes: Policies (NFL-P1 – P8)
- Natural features and landscapes: Rules (NFL-R1 – R9)
- Natural features and landscapes: Standards (NFL-S1 – S3)
- Subdivision: Rule SUB-R18
- Appendix 1 APP1 – Mapping methods and criteria

4.2 Overview of Submissions Received

There were 381 original submission points on the Natural Features and Landscapes topic, including 45 in support, 74 supporting in part, 1 with a neutral position and 228 in opposition. There were also 1,260 further submission points received.

As set out in the Council's hearing report the main submissions on the Natural Features and Landscapes topic came from:

- a) Central and local government, namely Northland Regional Council (S359), NZTA (S356) and DOC (S364).
- b) Non-governmental organisations, including Forest and Bird (S511), Northland Fish and Game (S436), and Kapiro Conservation Trust (S442).
- c) The primary production sector, including Federated Farmers (S421), Horticulture NZ (S159), Summit Forests (S148), and Manulife Forest Management (S160).
- d) Māori organisations, such as Haititaimarangai Marae Kaitiaki Trust (S394), Te Rūnanga o Ngāti Rheia (S559), and Matauri Trustee Limited (S243).
- e) Infrastructure providers, including Top Energy (S483) and Twin Coast Cycle Trail (S425).
- f) Residential associations, such as Mataka Residents Association (S230), as well as numerous individual submitters, private landowners and businesses seeking similar outcomes. For example, Setar Thirty-Six Limited (S168) and Wendover Two Limited (S222).

4.3 Key Issues

The hearing report responded to submissions under 25 key issues and identified four key themes relating to the overall broad matters in contention, including:

- a) Concerns that the Natural Features and Landscapes chapter provisions are overly restrictive and changes to the provisions (particularly the rules) were sought to make new activities of interest to submitters a permitted activity, and to lessen the consent activity status for activities not complying with permitted activities.
- b) Requested amendments to ensure activities previously authorised by consents and/or existing activities (such as farming) are not unduly constrained.
- c) Requests to ensure the provisions appropriately give effect to higher planning documents and section 6(b) of the RMA.
- d) Various landowners requested changes to mapped ONL and ONF.

Our recommendations address these four themes under four key issues to be addressed, alongside other specific related matters within each of these themes. These four key issues include:

Key Issue 1: The direction of the Natural Features and Landscapes chapter, including the Overview, and the degree to which it gives effect to higher order documents.

Key Issue 2: Requested amendments to the objectives and policies of the Natural Features and Landscapes chapter.

Key Issue 3: Requested amendments to the rules and standards of the Natural Features and Landscapes chapter.

Key Issue 4: Requested amendments to ONF and ONL mapping extents.

As has the reporting officer, we have also addressed the submissions that have expressed concern over the relationship between the Natural Features and Landscapes chapter and the provisions in the Subdivision chapter – notably SUB-R19 relating to subdivision where relevant natural character considerations are required.

Having read the hearing report, the evidence submitted to us and presented at the hearing and the Council reply to evidence presented, we acknowledge that a number of matters raised in submissions were no longer in contention and therefore we have focussed our evaluation and recommendations on those matters still in contention.

We have addressed submissions relating to the Natural Features and Landscapes chapter overview, objectives, policies, rules and standards separately; followed by recommendations on mapping requests and other miscellaneous issues.

4.4 Discussion

This section constitutes the main body of this report for this Topic and considers and provides recommendations on the decisions requested in submissions. Due to the large number of submissions received and the repetition of issues, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under key issues. This thematic response assists in providing a concise response to, and recommended decision on, submission points.

4.5 Key Issue 1 – Overview / Direction of the Natural Features and Landscapes Chapter

4.5.1 Matters Raised in Submissions and Evidence

The hearing report sets out the range of submissions that make overall requests on the Natural Features and Landscapes chapter, including those that support the proposed provisions and those that suggest a relaxation of controls specific to certain activities. The reporting officer responds to each of these submission points and makes various recommendations for amending some of the Overview and related objectives, policies, rules and standards, while keeping the overall intent of the chapter in place within the context of the prescribed structure set out in the National Planning Standards.

Some submissions sought consideration of a Special Purpose zone for their land, as an alternative to the provisions of this chapter. However, the reporting officer suggests

that such considerations would need to be addressed as part of the Rezoning Hearing for new Special Purposes zones (see **Recommendation Report 15B**).

Submissions from Bentzen Farm (S167) and others suggested that reference to the “values” of Outstanding Natural Landscapes (**ONL**) and Outstanding Natural Features (**ONF**) should be made throughout the chapter, and the reporting officer agrees. The submission from Transpower (S454) request a better alignment between this chapter and the Infrastructure chapter, seeking that the latter would take priority. As with the similar request through the Natural Character chapter, the reporting officer suggests that this matter be addressed as part of the wider infrastructure provisions considerations (see **Recommendation Report 11**).

Specific requests for changes to the wording of the Overview text were sought through a number of submissions (including from Setar Thirty-Six (S168), The Shooting Box (S187) and Federated Farmers (S424)), while Forest and Bird (S511) and Kapiro Conservation Trust (S442) sought adjustments in the interplay between the Natural Features and Landscapes and the Coastal Environment chapters. In response, the reporting officer has recommended some amendments to the Overview.

4.5.2 Hearings Panel Evaluation

We agree with the recommendations of the reporting officer and adopt the reasoning for the recommended changes to the Overview text set out in the hearing report and right of reply.

On the topic of regionally significant infrastructure, as with the Natural Character chapter, we agree with the reporting officer that the Natural Features and Landscapes chapter does not require additional objectives or policies to address these matters. Rather, we note that there is broad agreement that the Infrastructure chapter should contain provisions specific to infrastructure. While infrastructure provisions are included in other PDP chapters, where this is considered necessary/appropriate for the particular topic, we do not consider these need to be stated as objectives and policies. For example, rules for buildings and structures in the Outstanding Natural Features and Landscapes overlays which apply to infrastructure, such as the height of permitted poles for example – as discussed further below.

We also questioned the reporting officer on whether the Natural Features and Landscapes chapter needed to include greater consideration of natural landscapes that are high but not outstanding. We note and agree with the reporting officer’s reply observation that the National Planning Standards anticipate that there may be natural landscapes, other than those that have been identified as outstanding, that require managing. However, the Standards do not require district plans to include such provisions – only that, if they are included, then they are to be in the Natural Features and Landscapes chapter. Having said this, we agree with the reporting officer’s reply which confirmed that there was no need for such provisions to be included because:

- there is no higher order policy direction requiring it; and
- the resource management issue is not identified in the RPS or PDP section 32 RMA reports, nor in any submission.

4.5.3 Hearings Panel Recommendations

With regard to submissions on the Overview of the Natural Features and Landscapes chapter, for the reasons set out in the evaluation above, the Hearings Panel recommend the following:

1. That the first paragraph of the Overview be amended as set out below:

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

2. That the second paragraph of the Overview be amended as set out below:

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

3. That a new third paragraph be added to the Overview which states:

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

4. That the submissions and further submissions be accepted, accepted in part or rejected, as indicated in **Appendix 4.2** to this recommendation report.

4.6 Key Issue 2 – Objectives and Policies of the Natural Features and Landscapes Chapter

4.6.1 Matters Raised in Submissions and Evidence

The notified PDP included three objectives under the Natural Features and Landscapes chapter. Various submissions were received on these objectives, including from Federated Farmers seeking greater alignment with section 6(b) of the RMA. In response to this submission and others, the reporting officer has suggested replacing NFL-O1 and NFL-O2 with a single objective, with consequential amendments to NFL-O3 based on recommended changes to the Overview discussed above (relating to 'values').

Eight policies were included in the notified PDP to achieve the three objectives above. A range of submissions were received seeking various amendments to these policies,

as set out in the reporting officer’s analysis. In response to these submissions, the reporting officer has recommended changes to each of the policies, some of which respond to the amendments recommended to the objectives.

The wording of policy NFL-P4 drew attention from submissions and evidence, including seeking to ensure that existing lawfully established activities (such as farming) could continue in ONF and ONL overlays. The reporting officer agreed with these suggestions and recommended changes to the wording of policy NFL-P4 and this alternative wording was not contested further in evidence at the hearing. Likewise, submitters sought to amend policy NFL-P5 and the reporting officer agreed that an adjustment was required to better reflect the intent of the policy direction for the Māori Purpose zone and Treaty Settlement Land overlay (see **Recommendation Report 10**). Similarly, the reporting officer recommended amendments to policies NFL-P6 and NFL-P7 in response to submissions, including the deletion of NFL-P7 (because it would conflict with other policies) and these were not contested.

Policy NFL-P8 was supported by the Waka Kotahi (S356) but not by several other submitters, including Bentzen Farm. The reporting officer identified various drafting issues with the notified version of the policy and recommended changes to the ‘chapeau’ and other aspects of the policy. We heard evidence from Mr Hall (on behalf of Bentzen Farm and Setar Thirty-Six) and from Mr Riddell (S431) which supported the original submission points, with alternative wording put forward for consideration. The Council’s right of reply agreed with some of these suggestions and recommended further amendments to the wording of policy NFL-P8 so that it was strengthened and made clearer.

4.6.2 Hearings Panel Evaluation

We agree with the reporting officer’s recommended changes to the objectives of the Natural Features and Landscapes chapter, as the amendments more appropriately achieve the purpose of the RMA and better give effect to the RPS than as notified.

We also agree with the reporting officer’s recommendations from the hearing report and the Council right of reply in response to submitter evidence. In particular, we agree with the reporting officer’s response, along with the expert landscape input from Ms Absolum, which recommends disregarding the suggestion of Mr Burn (S490) to add the word “*natural*” before the word “*characteristics*” in policies NFL-P2 and NFL-P3. The Council’s right of reply does however agree with the suggestion of Mr Burn to add the words “*within ONL or ONF*” which we agree would strengthen that component of the policy understanding; however, we prefer the reporting officer’s suggestion that these words should be “*that make ONL or ONF . . . outstanding*”. We do not agree with the evidence of Mr Hall which suggested adding the words “*or specified buildable area*” to the final proposed clause under policy NFL-P8, preferring to keep the reference to a more commonly understood term of “*previously approved building platform*”. We agree with much of the evidence presented by Mr Riddell on further amendments to policy NFL-P8 and with the reporting officer’s response where the addition of “*including geological processes*” and “*including cumulative effects*” are recommended. That said, we do not accept Mr Riddell’s suggestion to include text that was previously in the ODP. We also agree with the suggestion of Mr Badham that the words “*regionally significant*” be deleted from policy NFL-P8 to better reflect

objective SD-IE-O1 which recognises the benefits of all infrastructure (not just regionally significant infrastructure).

Finally, we do not agree with the Council's right of reply recommendation, made in response to the suggestion from Mr Hall, to delete the wording of policy NFL-P8(h) and rely on standard provisions from Schedule 4 of the RMA. As we have also recommended similar for the policy in the Coastal Environment chapter CE-P10 (see Topic 3 below), we prefer to keep this policy reference in place, with minor adjustments as set out below:

(h) any ~~viable~~ alternative locations or methods for the activity or development where significant adverse effects may arise ~~outside the landscape or feature.~~

4.6.3 Hearings Panel Recommendations

With regard to submissions on the objectives and policies of the Natural Features and Landscapes chapter, for the reasons set out in the evaluation above, the Hearings Panel recommend the following:

1. That the objectives NFL-O1, NFL-O2 and NFL-O3 be amended as set out below:

NFL-O1

ONF and ONL are protected from inappropriate land use and development.

~~ONL and ONF are identified and managed to ensure their long-term protection for current and future generations.~~

NFL-O2

~~Land use and subdivision in ONL and ONF is consistent with and does not compromise the characteristics and qualities of that landscape or feature.~~

NFL-O3

The ancestral relationships Tangata Whenua has with the land is recognised and provided for as a part of the characteristics, ~~and~~ qualities, and values of ONL and ONF.

2. That the policies NFL-P1 – NFL-P8 be amended as set out below:

NFL-P1

Identify ONL and ONF through an assessment of the characteristics, ~~and~~ qualities and values using the criteria in APP1- Mapping methods and criteria.

NFL-P2

Avoid adverse effects of land use and subdivision on the characteristics, ~~and~~ qualities and values that make of ONL and ONF within the coastal environment outstanding.

NFL-P3

~~Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, and qualities and values that make of ONL and ONF outside the coastal environment outstanding.~~

NFL-P4

~~Recognise that lawfully established activities form part of ONL and ONF and allow these activities to continue without undue restriction.~~

~~Provide for farming activities within ONL or ONF where:~~

- ~~a. the use forms part of the characteristics and qualities that established the landscape or feature; and~~
- ~~b. the use is consistent with, and does not compromise the characteristics and qualities of the landscape or feature.~~

NFL-P5

~~Enable land use and subdivision within Māori Purpose zoned land and Treaty Settlement land by recognising that adverse effects on ONL and ONF may be acceptable to support the social, economic and cultural wellbeing of tangata whenua.~~

~~Provide for the use of Māori Purpose zoned land and Treaty Settlement land in ONL and ONF where land use and subdivision is consistent with the ancestral use of that land and does not compromise any identified characteristics and qualities of ONL and ONF outstanding.~~

NFL-P6

~~Encourage the restoration and enhancement of ONL and ONF where it is consistent with the characteristics and qualities.~~

NFL-P7

~~Prohibit land use that would result in any loss of and/or destruction of the characteristics and qualities of ONL and ONF.~~

NFL-P8Z

~~Consider the following matters where relevant when assessing and managing the effects of land use and subdivision on the characteristics, qualities and values that make ONL and ONF outstanding:~~

~~Manage land use and subdivision to protect ONL and ONF and address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:~~

- a. *the presence or absence of buildings, structures or infrastructure;*
- b. *the temporary or permanent nature of any adverse effects, including cumulative effects;*
- c. *the location, scale and design of any proposed development;*
- d. *any means of integrating the building, structure or activity into the wider landscape;*
- e. *the ability of the environment to absorb change;*
- f. *the need for and location of earthworks or indigenous vegetation clearance and proposed mitigation measures;*
- g. *the operational or functional need of ~~any regionally significant~~ infrastructure to be sited in the particular location;*
- h. *any ~~viable~~ alternative locations or methods for the activity or development where significant adverse effects may arise outside the landscape or feature;*
- i. *any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;*
- j. *the characteristics, ~~and~~ qualities and values of the landscape or feature;*
- k. *the physical and visual integrity of the landscape or feature;*
- l. *the natural landform and processes, including geological processes, of the location;*
- m. *any positive contribution the development has on the characteristics, ~~and~~ qualities and values;*
- n. *the visibility of impacts viewed from public places; and*
- o. *the visual effect of the building, structure or activity in relation to ridgelines, headlands or peninsula within ONL or ONE; and*
- p. *whether the activity is on a previously approved building platform.*

- 3. That the submissions and further submissions be accepted, accepted in part or rejected, as indicated in **Appendix 4.2** to this recommendation report.

4.7 Key Issue 3 – Rules and Standards of the Natural Features and Landscapes Chapter

4.7.1 Matters Raised in Submissions and Evidence

Rules

A range of submissions were made on the rules in the Natural Features and Landscapes chapter, ranging from full support of the provisions, through to opposition, primarily because the rules would constrain private property rights, restrict development and add unnecessary costs to landowners. Other submitters sought exemptions to the rules to provide for certain activities, such as infrastructure – similar to the requests made by submissions to the Natural Character chapter. The reporting officer’s recommendations take a pragmatic approach to the submission points, taking on board expert landscape architectural advice from Ms Absolum, with various amendments to the notified PDP rules being proposed in the hearing report and right of reply in response to evidence.

Various amendments by Council have been suggested to the Notes section of the rules for the Natural Features and Landscapes chapter, in response to submissions and made under clause 16 of Schedule 1 to the RMA to assist with a better understanding of how the rules are to be applied.

In response to submissions, the reporting officer has recommended amendments to the activity status provisions, including the introduction of a controlled activity status for rule NFL-R1, along with associated matters for control. Amendments are also proposed to create matters of discretion where the activity status to the recommended activity status change to restricted discretionary from discretionary. A new permitted activity standard for this rule and rule NFL-R2 is also recommended by the reporting planner in response to submissions.

Rules NFL-R1 - NFL-R2 apply to new buildings or structures, extensions or alterations to existing buildings or structures and the repair or maintenance of buildings or structures. In response to submissions, the reporting planner has recommended amalgamation of these two rules, with consequential changes to the Notes and various metrics. Some of these proposed metrics were discussed further through evidence for submitters and the reporting officer, with input from Ms Absolum, who recommended some changes in the right of reply version of the proposed rules. Similarly, when considering submissions made on rule NFL-R3 relating to earthworks or indigenous vegetation clearance, the reporting officer has comprehensively assessed the various changes sought and made reasoned suggestions for changes to the rule and associated criteria (where applicable).

In response to the submission from Northland Regional Council (S359), the reporting officer has recommended changes to improve the understanding of rule NFL-R5 (afforestation for commercial forestry). Rule NFL-R6 (farming in areas outside the coastal environment) has been proposed for deletion in response to the submission from Federated Farmers.

No changes are recommended to rules NFL-R4, NFL-R7, NFL-R8 or NFL-R9 given no submissions were received on these rules and as such no determinations from us are required.

Standards

In response to submissions, the reporting planner originally recommended that the title of NFL-S1 be amended from “*Maximum height*” to “*Buildings and structures*”. However, after considering the evidence and our questions on the topic, this

recommendation has been revisited with the suggestion of keeping the original title. In doing so, the Council's right of reply recommendation is that the standard include a list of exclusions, to make it clear where the standard does not apply. Ms Absolum and the reporting officer, after hearing the evidence from Bentzen Farm Limited (Mr Goodwin and Mr Hall, who suggested 5.5m), recommended no change to the 5m above ground level building height standard metric under NFL-S1. Standard NFL-S2 relating to colours and materials of new buildings in an ONL and ONF (both within the coastal environment and outside the coastal environment), which is acknowledged did attract some opposition from submissions, has been recommended to be kept. The recommendation has included an amendment to make it clearer that it relates to new buildings only; with a consequential requirement to add Ms Absolum's recommended BS5252 standard colour palette as an appendix to the District Plan. Finally, when considering Standard NFL-S3 relating to earthworks and indigenous vegetation clearance within an ONL and ONF various amendments have been recommended by the reporting planner in response to submissions and to assist with improved plan administration.

4.7.2 Hearings Panel Evaluation

Notes

In response to the suggestion from Mr Hall's evidence that the provisions should include a non-notification clause for controlled activities within this chapter, we continue to maintain our position that the requested text from Mr Hall (confirming that applications for controlled activities should be processed on a non-notified basis, unless special circumstances apply) should not be included. It was suggested by Mr Hall that such a provision would be helpful, particularly as there is a risk that the RMA could be changed. However, we do not consider it is appropriate for us to include a notification rule in anticipation of a possible future change to resource management legislation.

Regarding the question raised as to whether the terms "building platform", "structure" and "upgrade" should have specific definitions in the PDP, we record our support for the reporting officer's recommendation that the inclusion of such definitions should be addressed at **Hearing 17** where proposed definitions will be considered in the context of how these terms will be considered across the whole plan.

NFL-R1

We agree with the reporting officer's recommendation in response to the suggestion in evidence from Mr Hall that the NFL-R1 CON-1 provisions should include reference to both residential units and minor residential units. We also agree with Mr Hall's evidence where he suggests adding the words "*or implemented*" before "*subdivision consent*" within this same provision.

We agree with the general intent of the recommendations from Ms Absolum to clause (d) of the matters of control under this provision. However, as recommended by the reporting planner, the wording of (d) can be improved with slight amendment to state:

Measures to mitigate adverse effects on the characteristics, qualities and values that make ONL and ONF outstanding.

We do not agree with Mr Burn's request to amend NFL-R1 CON-1 which sought to limit consideration of controlled activities to either having a building platform previously approved through a resource consent process, or being subject to expert landscape assessment. We agree with the reporting officer's response that both of these requirements must be met in order to gain the benefit of the controlled activity rule.

We agree with Mr Palmer's concerns (on behalf of Zejia Hu (S424)) regarding rules NFL-R1 and NFL-R3 because these rules are an appropriate response to managing the adverse effects of development and subdivision in ONL and ONF. This is particularly relevant in the coastal environment, in order to meet the relevant objectives and policies of the PDP as a whole and the direction of the RPS and NZCPS.

In terms of the recommended changes to the activity status for applications for proposals in ONF and ONL overlays, when compliance with permitted activity standards is not met; we are of the view that if the non-compliance is for an "extension, alteration or upgrade of an existing building or structure" (as opposed to a new building or structure), then a non-complying activity is likely to be too onerous. This is because:

- a) We accept that it is less likely the relevant adverse effects 'bottom line' would be exceeded (given the presence of the existing building or structure) compared to a new building or structure; and
- b) A non-complying activity status implies that the activity is generally inappropriate, which does not apply to existing activities and structures in the same way (e.g. routine upgrades of existing infrastructure).

Accordingly, we recommend any such non-compliance is a restricted discretionary activity, for NFL-R1 with the same matters of discretion already recommended within the rules proposed by the reporting officer in the right of reply version of the provisions.

We agree with the reporting officer's recommendations, based on the expert evidence from Ms Absolum, that the exclusion metrics for the upgrading of network utilities under rule NFL-R1 PER-3 should provide for poles up to 12.5m in a road corridor (but not as a pi-pole design); and that extending this exclusion to pi-poles would not be appropriate. However, we agree that consistent reference to "*above ground network utilities*" is required, so as not to result in an unintended consequence for underground works.

We also agree with the reporting officer's recommendations regarding changes to the exclusion wording for the upgrade of buildings being limited to 20% of existing buildings.

Regarding the matter of the definition of "*upgrade*" as it applies to infrastructure, we note that this matter will be addressed during Hearing 11 (Infrastructure) and that we have directed that the experts for infrastructure to conference in advance.

NFL-R2

We agree with the reporting officer's consideration of the submissions and evidence from KiwiRail and Top Energy to delete NFL-R2 because, the absence of such a rule would mean that there would be no constraint on repair and maintenance.

NFL-R3

We agree with the reporting officer's response to the evidence of Mr Burn, on behalf of various submitters and associated sites/locations, that there is insufficient evidence before us to agree with the suggestions being made – such that we do not agree with the requests for changes to rules NFL-R3 and NFL-R5 being sought by Mr Burn. For example, in relation to NFL-R3 PER-1 relating to vegetation clearance and earthworks on existing approved building platforms, where Mr Burn sought to add an additional exception being “*where it is undertaken within a consented building platform*”. While we potentially see some merit with this approach, we were not presented with sufficient analysis on the number or location of building sites that were approved before the PDP was notified. We therefore adopt the robust assessment that has been undertaken by the reporting officer.

We agree with the reporting officer's recommendation to include an additional item in the exclusion list of the NFL-R3 PER-1 provisions, relating to the harvesting of timber approved under the Forest Act 1949, in response to the evidence of Mr Quinlan.

In terms of earthworks and vegetation clearance for maintenance of domestic gardens, we agree with the reporting officer's recommendation for the addition of the following wording to capture this activity:

13. for the maintenance of planted indigenous vegetation within domestic gardens, including the removal and replacement of plants.

This is because the evidence and examples presented at the hearing, including from Mr Hall, confirm to us that such works should be permitted activities in an ONF and ONL.

In terms of the formation of walking tracks less than 1.2m wide, we also agree with the Council's right of reply version recommendations. While the Council's hearing report and right of reply did not support the request for this exemption (which we considered was too broad), in our opinion the formation of 1.2m wide walking tracks is unlikely to result in adverse effects that would exceed the “avoid adverse effects” / “avoid significant adverse effects” bottom lines in the relevant policies for such work in an ONF or ONL.

Regarding the removal of regenerating manuka or kanuka for maintenance of pasture (with additional conditions), we also agree with Ms Absolum's expert evidence and the reporting officer's recommendation and reasoning. While it is not clear to us why Mr Hall proposed limiting the rule to farms established prior to 27 July 2022 (being the notification date of the PDP), given that we agree in principle with the approach, in our view it should not be limited in this way. The following is our recommended wording to be included in NFL-R3 PER-1 (outside the coastal environment):

15. outside the coastal environment, and is for maintenance or reinstatement of pasture through the removal of regenerating manuka (*Leptospermum scoparium* var. *scoparium*) or kanuka (*Kunzea robusta*) tree ferns or scattered rushes in pasture on a farm and the vegetation to be cleared is less than 5 years old and less than 3m in height.

We do not agree with the reporting officer's recommendation, based on the advice from Ms Absolum, that there should be a statement that requires earthworks and vegetation clearance to be "*the minimum necessary*" at the start of NFL-R3 PER-1. Rather, we agree with Mr Badham that permitted activities need to be subject to clear and measurable standards and parameters. Bringing in a subjective term such as "*the minimum necessary*" would create too much uncertainty with regard to compliance and this approach would be difficult to monitor or enforce without seeking the prior approval of a Council officer. This is not the intention of a permitted activity. That said, we agree with the submitters that the term can be used as an effective assessment criterion or within a policy context (e.g. NATC-P3) but not as a rule.

We agree with the reporting officer's recommendation that the relevant clause of NFL-R3 PER-1 be expanded to better reflect earthworks and vegetation clearance for biodiversity purposes – with such wording to be:

6. clearance to control pests for biosecurity reasons or to control unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993.

We consider that this will address the relief sought by Horticulture New Zealand (S159) and other related submissions and it also makes it clear that any indigenous clearance undertaken to control unwanted organisms must be a response to the directions of an authorised person under the Biosecurity Act 1993.

We disagree with one of Mr Badham's suggestions to delete the cross-reference in NFL-R3 to the corresponding R1 rule when permitting earthworks and vegetation clearance associated with the upgrading of above ground network utilities. We agree with the reporting officer's discussion on this matter, which outlines that such a suggestion would then mean any earthworks and vegetation clearance associated with any upgrading of above ground network utilities (regardless of scale) is permitted without restriction. Our reading of rule is that the intention is to permit earthworks and vegetation clearance where it is associated with the upgrading of network utilities of a scale that is permitted under the relevant R1 rules for buildings and structure. If the upgrading is of a scale that requires resource consent, then we consider that the associated earthworks and vegetation clearance should also require resource consent (if it does not otherwise comply with the relevant area thresholds specified in each rule).

NFL-S1

We agree with the reporting officer's recommendation to agree with the suggestion of Mr Burn that the word "and" be amended to "or" at the end of NFL-S1(1).

We have carefully considered the evidence of Mr Goodwin and Ms Absolum regarding the appropriate metric for building height under standard NFL-S1. Upon evaluation of this evidence, we find that increasing the permitted building height to 5.5m is appropriate to allow sufficient flexibility for a dwelling while also maintaining a single storey. We also agree with Mr Hall that it is appropriate to provide exemptions (but we recommend modifying (d) relating to the exclusion of architectural features) to the maximum height standard for certain rooftop structures consistent with other PDP chapters that are unlikely to be of a scale that would adversely affect the

characteristics, qualities and values of the identified overlays. Our recommended exemptions to the maximum height standards (using the wording from other PDP chapters are as follows):

This standard does not apply to:

- a. *Solar and water heating components not exceeding 0.5m in height on any elevation; or*
- b. *Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or*
- c. *Satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; or*
- d. *Architectural features (e.g. finials, spires) not exceeding 0.5 in height on any elevation.*

As we have agreed to increase building height to 5.5m and the additional height for architectural features needs to be reduced by 0.5m accordingly.

NFL-S2

We agree with the reporting officer's recommended amendments to standard NFL-S2 relating to colours and materials, including the inclusion of the words "or equivalent" in response to the submission from Waitangi Limited. We note that the amended colour chart (BS2525 Colour Chart – colours with low reflectance values) will need to be included as new Appendix under Part 4, Appendices and Schedules to the PDP. The Colour Chart is included as **Appendix 2.4** to this recommendation report.

4.7.3 Hearings Panel Recommendations

With regard to submissions on the rules and standards of the Natural Features and Landscapes chapter, for the reasons set out in the evaluation above and noting some consequential changes arising from other topics (not all captured in the changes outlined below), including in relation to the Waitangi Estate Special Purpose Zone (refer **Recommendation Report 15B**), the Hearings Panel recommend the following:

1. That the 'notes' which explain the rules be amended as set out below:

Notes:

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

2. ~~The National Environmental Standards for Plantation Forestry Commercial Forestry 2017 (NES-PCF) regulates plantation commercial forestry and Regulation 6 of the NES- PCF allows plan rules to be more stringent to protect ONF, ONL and give effect to Policy 15 of the NZCPS. Rule NFL-R5 Plantation forestry and plantation forestry activities in This chapter contains more stringent rules for commercial plantation forestry related earthworks, indigenous vegetation and afforestation activities in to ONL and ONF ~~and prevails over the NES-PF regulations.~~~~
3. ~~The Earthworks and Ecosystems and Indigenous Biodiversity chapter rules apply ‘in addition’ to the earthworks and indigenous vegetation clearance rules in this chapter, not instead of. ~~In the event of a conflict between the earthworks chapter and this chapters earthworks rules, the most stringent rule will apply.~~~~
4. ~~Earthworks and indigenous vegetation clearance in the margins of wetlands are controlled by the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). Rule NFL-R3 does not apply to earthworks and indigenous vegetation clearance regulated by the NES-F.~~
5. ~~The rules refer to ONF categories (for example category ‘A’ ONF). To determine the ONF category, refer to APP1, Outstanding Natural Features identification and assessment criteria and the referenced ONF mapping methodology report (Hayward, B. (2016). Outstanding Natural Features: Identifying and Mapping sites in Far North District Council- Methodology Report).~~

2. That the permitted activity clauses of rule NFL-R1 be amended as set out below:

NFL-R1 – New buildings or structures, relocated buildings and extensions or alterations to existing buildings or structures (within ONL and ONF)

Activity status: Permitted

PER-1

~~Any ~~#~~a new building or structure, or relocated building, if it is:~~

1. ~~is not used for a residential activity;~~
2. ~~complies with NFL-S1 and NFL-S2; and~~
3. ~~is no greater than:~~
 - a. ~~50m² in ONL in the coastal environment; and~~
 - b. ~~100110m² in ONL outside the coastal environment; and~~
 - c. ~~50m² in category ‘A’ ONF in the coastal environment; and~~

d. 100m² in category 'A' ONF outside the coastal environment;
and

e. 25m² in ONF (excluding category 'A' ONF).

~~is located outside the coastal environment it is:~~

~~1. ancillary farming (excluding a residential unit);~~

~~2. no greater than 25m²~~

PER-2

~~If a building or structure is located within the coastal environment it is:~~

~~1. ancillary farming (excluding a residential unit);~~

~~2. no greater than 25m²~~

PER-23

Any extension or alteration to a lawfully established building or structure:

1. if it is an extension or alteration of a building, it is no greater than 20% of the GFA of the existing lawfully established building or structure;
and

2. complies with NFL-S1.

PER-3

Any new building or structure, relocated building and extension or alteration to an existing building or structure not provided for by PER-1 or PER-2 and is:

1. a stock fence; or

2. infrastructure no greater than 12.5m high within a road corridor provided any pole:

a. is a single pole (monopole); and

b. is not a pi-pole or a steel-lattice tower; or

3. an upgrade of existing above ground electricity network utilities:

a. outside the coastal environment;

b. in a ONL or category 'A' ONF;

c. no greater than 12.5m high or the height of the existing structure;

d. if it is a building, the upgraded building is no greater than 20% of the GFA of the existing lawfully established building; and

e. not replacing a pole with a pi pole.

PER-4

~~The building or structure, or extension or alteration to an existing building or structure, complies with standards: NFL- S1 Maximum height~~

~~NFL-S2 Colours and materials.~~

3. That the activity status for non-compliance with the NFL-R1 rules be amended as set out below:

Activity status when compliance not achieved with PER-1:

Controlled

CON-1

The building is a residential unit or a minor residential unit on a defined building platform, where the defined building platform has been identified through an expert landscape assessment and approved as part of an existing or implemented subdivision consent.

The matters of control are:

- a. the location, scale and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;
- b. the means of integrating the building, structure or activity into the landscape, including through planting;
- c. the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and
- d. Measures to mitigate adverse effects on the characteristics, qualities and values that make ONL and ONF outstanding.

~~a. effects on the characteristics, qualities and values of ONL and ONF~~

~~b. the matters in NFL-P8.~~

RD-1

Activity status when compliance not achieved with CON-1 PER-1, PER-2 and PER-3 outside the coastal environment:

~~Restricted discretionary~~ Discretionary

The matters of discretion are:

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

RD-2

Activity status for any extension or alteration to an existing building or structure within the coastal environment when compliance not achieved with CON-1, PER-2 or PER- 3:

Restricted discretionary

The matters of discretion are:

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

Activity status when compliance not achieved with CON-1 or, PER-2, PER-3 or RD-2 within the coastal environment PER-2:

Non-complying

4. That rules NFL-R2 and NFL-R6 be deleted in their entirety as set out below:

NFL-R2 – Repair or maintenance (within ONL and ONF)

Activity status: Permitted Where:

PER-1

The repair or maintenance of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:

1. ~~roads~~
2. ~~fences~~
3. ~~network utilities~~
4. ~~driveways and access~~
5. ~~walking tracks~~
6. ~~cycling tracks~~
7. ~~farming tracks~~

Activity status when compliance not achieved with PER-1: Discretionary

NFL-R6 – Farming (within ONL and ONF)

Activity status: Discretionary Where:

DIS-1

The farming activity and is located outside the coastal environment.

Activity status where compliance not achieved with DIS-1: Non-complying

5. That the permitted activity clauses of rule NFL-R3 be amended as set out below:

NFL-R32 – Earthworks or indigenous vegetation clearance (within ONL and ONF)

Activity status: Permitted

Where:

PER-1

The earthworks or indigenous vegetation clearance is:

1. compliant with standard NFL-S3;~~or~~
2. for the operation, repair and maintenance of existing lawfully established:
 - fences;
 - network utilities;
 - tracks, driveways, roads and access ways;
 - formed carparks;
 - board walks; or
 - boat ramps;
3. ~~required for the repair or maintenance permitted under NFL-R2 Repair or maintenance.~~
4. required to provide for safe and reasonable clearance for existing overhead power lines;~~or~~
5. to address an immediate necessary to address a risk to public the health and safety of the public;~~or~~
6. clearance for the to control pests for biosecurity reasons or to control unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993;~~or~~;
7. for the sustainable non-commercial harvest of plant material for rongoā Māori; ~~or~~
8. to maintain firebreaks to manage fire risk;
9. to remove vegetation as directed by Fire and Emergency New Zealand due to fire risk;
10. to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area;
11. for the construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m;

12. for any upgrade of existing electricity network utilities permitted by rule NFL-R1;
13. for the maintenance of planted indigenous vegetation within domestic gardens, including the removal and replacement of plants;
14. the formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth;
15. outside the coastal environment, and is for maintenance or reinstatement of pasture through the removal of regenerating manuka (*Leptospermum scoparium* var. *scoparium*) or kanuka (*Kunzea robusta*) tree ferns or scattered rushes in pasture on a farm and the vegetation to be cleared is less than 5 years old and less than 3m in height;
16. the harvesting of indigenous timber approved under the Forests Act 1949 via either a registered sustainable forest management plan, a registered sustainable forest management permit or a personal use approval for the harvesting and milling of indigenous timber from the Ministry of Primary Industries.

PER-2

~~The earthworks or indigenous vegetation clearance outside the coastal environment is not provided for within NFL-R3 PER-1 but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearance.~~

PER-3

~~The earthworks or indigenous vegetation clearance inside the coastal environment is not provided for within NFL-R3 PER-1 but it complies with standard NFL-S3 Earthworks or indigenous vegetation clearance.~~

6. That the activity status for non-compliance with the NFL-R3 rules be amended as set out below:

Activity status when compliance not achieved with PER-1 or PER-2 outside the coastal environment:

Restricted discretionary

The matters of discretion are:

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

Activity status when compliance not achieved with PER-1 within the coastal environment PER-3:

Non-complying

7. Note: No changes are proposed to rules NFL-R4 and NFL-R7-NFL-R8, other than consequential numbering changes as a result of deleting proposed NFL-R2.
8. That the name of rule NFL-R5 and the associated discretionary activity status description of this rule be amended as set out below:

NFL-R54 – Afforestation for commercial forestry – new plantation forestry and plantation forestry activity (within ONL and ONF)

Activity status: Discretionary

Where:

DIS-1

The ~~afforestation~~ plantation forestry or plantation forestry activity is located outside the coastal environment.

Activity status where compliance not achieved with DIS-1: Non-complying

9. That the wording of NFL-S1 – NFL-S3 be amended as set out below:

NFL-S1 – Maximum height (within ONL and ONF)

1. *The maximum height of any new building or structure above ground level is 5.5m and must not exceed the height of the nearest ~~ridgeline, headland or peninsula~~; or*
2. *Any extension to a building or structure must not exceed the height of the existing building above ground level ~~or exceed the height of the nearest ridgeline, headland or peninsula~~.*

This standard does not apply to:

- a. *Solar and water heating components not exceeding 0.5m in height on any elevation;*
- b. *Chimney structures not exceeding 1.2m in width and 1m in height on any elevation;*
- c. *Satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; or*
- d. *Architectural features (e.g. finials, spires) not exceeding 0.5m in height on any elevation.*

NFL-S2 – Colours and materials (within ONL and ONF)

The exterior surfaces of ~~new buildings or structures~~ shall:

- i. *be constructed of natural materials; or*
- ii. *~~and/or be~~ finished to achieve a reflectance value no greater than 30%; and*

- iii. if the exterior surface is painted, have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in Appendix 6 or equivalent.

NFL-S3 – Earthworks or indigenous vegetation clearance (within ONL and ONF)

1. ~~Any earthworks or indigenous vegetation clearance must (where relevant) not exceed:~~

~~1. not exceed a total area of 50m² over the life of the District Plan;~~

~~a. in a ONL, exceed a total area of:~~

~~i. 50m² in the coastal environment within any calendar year, and~~

~~ii. 100m² outside the coastal environment within any calendar year;~~

~~b. in a category 'A' ONF outside the coastal environment, exceed a total area of 50m² within any calendar year;~~

~~c. in a ONF (excluding category 'A' ONF outside the coastal environment), exceed 50m² within any 10 year period;~~

~~d. not exceed a cut height or fill depth of 1m:~~

~~i. 1m in ONL within the coastal environment;~~

~~ii. 1.5m in ONL outside the coastal environment;~~

~~iii. 1m in ONF unless it is a category 'A' ONF outside the coastal environment; and~~

~~iv. 1.5m in category 'A' ONF outside the coastal environment; and 1.5m in a ONL~~

~~e. screen any exposed faces visible from a public place.~~

~~4. be for the purpose of access, and/or a building platform.~~

~~2. Any indigenous vegetation clearance must not exceed a total area of:~~

~~i. 50m² in ONL within any 10 year period, and~~

~~ii. 100m² in ONF within any calendar year.~~

Note: ~~The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.~~

10. That the submissions and further submissions be accepted, accepted in part or rejected, as indicated in **Appendix 4.2** to this recommendation report.

4.8 Key Issue 4 – Requested Amendments to ONL and ONF Mapping Extents

4.8.1 Matters Raised in Submissions and Evidence

Firstly, in response to submitter's requests to adjust the mapped extent of ONL in relation to thirteen properties, it was the reporting officer's original recommendation, based on the expert advice of Ms Absolum, that certain areas could be excluded because they appeared to have a plantation forestry land use, which detracted from ONL values. Following the hearing and in response to questions from the hearings panel, Ms Absolum revisited these areas and, in the right of reply, has recommended that nine areas of currently mapped ONL be removed from four identified ONL.

Secondly, in response to the submission from submitter Alec Jack (S277) regarding ONF-91 mapping in the vicinity of Jacks Lake, we received further expert geological evidence from Mr Bruce Hayward, summarised by Mr Lee. Mr Hayward undertook the original ONF mapping work for the PDP. Mr Hayward recommends that Jacks Lake be excluded from ONF-91 and minor changes to the boundary of ONF-91 around Lake Owhareiti.

4.8.2 Hearings Panel Evaluation

We agree with the expert advice of Ms Absolum and Mr Hayward.

4.8.3 Hearings Panel Recommendations

With regard to submissions on requested amendments to the mapped extent of ONL and ONF on the PDP Planning Maps, relating to the Natural Features and Landscapes chapter, for the reasons set out in the evaluation above and with reference to the details within **Appendix 3** to this recommendation report, the Hearings Panel recommend the following:

1. The mapping extent of the following ONL be amended as follows and in accordance with the detail in **Appendix 3**:
 - a) Amendments to ONF-91 to exclude Jacks Lake; and minor amendments to the boundary of ONL-91 around Lake Owhareiti, as agreed by Mr Hayward and the reporting officer in the Council's right of reply.
 - b) Remove part of ONL-45 from Lot 4 DP 59324, Lot 5 DP 59324 and Lot 4 DP 70986 (the property owned by Goodfellow).
 - c) No change to the ONL mapping on the Whooley property.
 - d) The following amendments to the mapped ONC and HNC overlays on the Whooley property:
 - i. Moving the edge of the ONC-109 area to avoid two consented building platforms on Lot 3 DP 383150.
 - ii. Remove an extent of the mapped HNC-452 overlay from part of the property at Lot 1 DP 477335.
 - e) No amendments to the following ONL overlay areas (with reference to Appendix A of the specialist report from Melean Absolum supporting the hearing report):

- i. Mahinepua area coast (Areas 1 and 2);
 - ii. Mangonui Forest Range and Pekapeka Bay (Area 3); and
 - iii. Herekino bush-clad hills (Area 13).
- f) The removal of plantation forest from the following ONL overlay areas (with reference to Appendix A of the specialist report from Melean Absolum supporting the hearing report) and as identified in **Appendix 3**:
- i. ONL-8 at Great Exhibition Bay and Parengarenga Spit (Area 4) being on the property described as Part Parengarenga B3C Block;
 - ii. ONL-63 at Waima Mataurau bush-clad hills (Area 5) being on the property described as Lot 1 DP 107503;
 - iii. ONL-37 at Omahuta Puketi Bushlands (Area 6) being on the property described as Part Section 38 Block III Mangamuka SD; and
 - iv. ONL-33 at Maungataniwha Range (Areas 7-12) being on the properties described as:
 - Okakewai B2 B2 B Block & OKAKEWAI B2 B2 A Block
 - Part Okakewai E Block
 - Lot 3 DP 358178
 - Lot 1 DP 105492
 - Section 38 Block I Mangamuka SD
 - Part Lot 1 DP 78625.
2. As part of the process to finalise the PDP mapping following decisions on submissions, that Schedules 7 and 8 and the PDP overlay maps for locations near MHWS are reviewed to ensure that the “unique IDs” and the maps are accurate. The Hearings Panel record that this recommendation is a district wide mapping exercise and can be undertaken pursuant to Clause 16 to Schedule 1 of the RMA.
3. That the submissions and further submissions be accepted, accepted in part or rejected, as indicated in **Appendices 4.1 - 4.4** to this recommendation report.

4.9 Miscellaneous Issue – Subdivision Provisions

4.9.1 Matters Raised in Submissions and Evidence

As set out by the reporting officer, the submission from DOC (S364) supports SUB-R18 in so far as it relates to the Natural Features and Landscapes chapter; however, the submissions from Bentzen Farm, Wendover Two (S222) and others request amendments to make administration of the rule clearer when subdividing a property which has an ONF or ONL overlay located over only a part of a property. As discussed in our consideration of a similar issue within the Natural Character chapter above, the concerns are that the administration of subdivision rule SUB-R18, as it is currently

worded, will require a more stringent activity status than should be expected. The reporting officer agrees with these submitters and has suggested an amendment be made to rule SUB-R18 such that the rule should only apply when a proposal is creating additional allotments within the margins of a wetland, lake, or river. This issue is also relevant for the Coastal Environment chapters and of course the Subdivision chapter (see **Recommendation Report 16**).

4.9.2 Hearings Panel Evaluation

The Hearings Panel agree with the recommendation of the reporting officer in response to the submissions and recommend that SUB-R18 is amended as set out in 4.9.3 below.

4.9.3 Hearings Panel Recommendations

With regard to submissions on the Natural Features and Landscapes chapter which require SUB-R18 to be amended, for the reasons set out above, we recommend the following:

1. That the wording of the rule SUB-R18 be amended as set out below:

Subdivision ~~creating one or more additional allotments of a site~~ within wetland, lake and river margins.

This amendment is reflected in the Subdivision chapter provisions in **Recommendation Report 16, Appendix 2**.

5. Topic 3 – Coastal Environment

5.1 Relevant Provisions

The submissions cover the full range of the Coastal Environment provisions in the PDP and in particular, the Coastal Environment chapter in Part 2 - General District-Wide Matters of the PDP.

5.2 Overview of Submissions Received

There were 643 original submission points on the Coastal Environment topic, including 66 submissions in support, 176 supporting in part, three with a neutral position and 319 in opposition. There were also 1,237 further submission points on those original submissions. The submissions cover a wide range of issues. The majority of submissions request a range of amendments to the Coastal Environment chapter. Some submissions seek that certain provisions are deleted while others seek to amend or delete the mapping of the Coastal Environment, High Natural Character (**HNC**) and Outstanding Natural Character (**ONC**) overlays. While there appears to be a general level of support for managing the coastal environment in a different manner to the balance of the Far North District, we agree with this approach as it is necessary to account for its special values and character. Submitters often differ on how this should best be achieved.

The main submissions on the Coastal Environment chapter were from:

- Central and local government, namely Northland Regional Council (S359) and DOC (S364).
- Non-governmental organisations, such as Forest and Bird (S511), Kapiro Conservation Trust (S442), Northland Fish and Game (S436) and Our Kerikeri Community Charitable Trust (S338).
- Iwi groups, such as Haititaimarangai Marae Kaitiaki Trust (S394) and Matauri X Incorporation (S396).
- Infrastructure providers such as Top Energy Limited (S483) and Twin Coast Cycle Trail (S425).
- The primary production sector, such as Federated Farmers (S421), HortNZ (S159), and Summit Forests New Zealand Limited (S148).
- A group of large landowners in the coastal environment with some common interests, being Bentzen Farm Limited (S167) P S Yates Family Trust (S333), Setar Thirty-Six Ltd (S168), The Shooting Box Ltd (S187), Mataka Station Residents Association (S230), and Matauri Trustee Limited (S243).
- Other individual submitters, such as John Andrew Riddell (S431) and Sarah Ballentyne and Dean Agnew (S386).

5.3 Key Issues

Having read the hearing report, the evidence submitted to us and presented at the hearing and the Council reply to evidence presented, we acknowledge that a number of matters raised in submissions were no longer in contention and therefore we have focussed our evaluation on those matters still in contention and these are set out in the key issues below.

- Key Issue 1 – General submissions on the Coastal Environment chapter
- Key Issue 2 – Characteristics and qualities of the coastal environment
- Key Issue 3 - Overview
- Key Issue 4 – Coastal Environment Objectives
- Key Issue 5 – Coastal Environment Policies – General
- Key Issue 6 – Coastal Environment Policies – CE-P1
- Key Issue 7 – Coastal Environment Policies – CE-P2 and CE-P3
- Key Issue 8 - Coastal Environment Policies – CE-P4 to CE-P10
- Key Issue 9 – Coastal Environment – Rules
- Key Issue 10 – Coastal Environment – Standards
- Key Issue 11 – Miscellaneous
- Key Issue 12 – Additional Questions from the Hearings Panel

5.4 Key Issue 1: General Submissions on the Coastal Environment Chapter

5.4.1 Matters Raised in Submissions and Evidence

The submissions largely accepted the need for a Coastal Environment chapter and the provisions included in it. However, the submissions addressed specific provisions, seeking changes to accommodate concerns the submitters had regarding their properties and also how the provisions could work against their future plans. Our recommendations regarding these are addressed in the following parts of this report.

Discussion regarding the common issues the Coastal Environment topic has with the Natural Character and with the Natural Features and Landscapes topics is included above in those sections of our recommendations report.

5.4.2 Hearings Panel Evaluation

We find there is little need for specific amendments to the Coastal Environment provisions based on the general submissions received, noting that the specific issues raised by submitters are addressed in our other recommendations below.

One specific amendment as a result of the general submissions is to amend rule CE-R6 to apply to “*afforestation*” of “*commercial forestry*” which is not intended to be harvested, that is, carbon forestry. We have recommended new definitions in the PDP to align with the relevant definitions in the National Environmental standard for Commercial forestry (NES-CF) (this is discussed in more detail in **Recommendation Report 17**).

5.4.3 Hearings Panel Recommendations

With regard to general submissions on the Coastal Environment chapter, for the reasons set out in the evaluation above, we recommend that CE-R6 be amended to apply to “*afforestation*” of “*commercial forestry*” with new definitions included in the PDP to align with the relevant definitions in the NES-CF. The specific wording is set out in our findings on rules below.

5.5 Key Issue 2: Characteristics and Qualities of the Coastal Environment

5.5.1 Matters Raised in Submissions and Evidence

Submissions sought amendments to reference “*values*” in policies CE-P2 and CE-P3, in addition to “*characteristics and qualities*” of the coastal environment. The submitters in this respect include Wendover Two Limited, Bentzen Farm Limited and Setar Thirty-Six Limited. On the other hand, DOC seeks the words “*characteristics and qualities*” are deleted to recognise the coastal environment has intrinsic value. Forest and Bird and Kapiro Conservation Trust request amendments to clarify the relationship between all the elements of APP-1 and policies CE-P2 and CE-P3 to make sure the applicable values, characteristics and qualities are protected and preserved as required.

5.5.2 Hearings Panel Evaluation

Peter Hall addressed the matter of “*values*” in planning evidence, supported by the legal submissions of Joanna Beresford for Bentzen Farm Limited and others. The inclusion of the word “*values*” was recognised as important by them and by the

Council reporting officer for reasons including, it serves to provide certainty as to what needs to be assessed and reduces the opportunity for further debate in the future. Its inclusion will serve to remove some of the variation in wording that is used across the relevant planning documents and be consistent with the approach adopted in the Proposed Northland Regional Plan. This wording makes it clear that the full range of specific characteristics, qualities and values in APP1, SCHED7 and SCHED8 need to be considered when assessing effects on the coastal environment.

We agree with the submitter and the supporting evidence.

5.5.3 Hearings Panel Recommendations

That the submissions relating to the references to “*characteristics and qualities*” of the coastal environment are accepted and rejected as set out in **Appendix 4.3**.

That the relevant provisions in the Coastal Environment chapter are amended to refer to “*characteristics, qualities and values*” of the coastal environment.

CE-P2 is amended as follows:

Avoid adverse effects of land use and subdivision on the characteristics, ~~and~~ qualities and values that make an area an outstanding natural character area ~~in of~~ the coastal environment. ...

For the reason that these amendments provide more certainty and clarity on the adverse effects that need to be avoided, consistent with the direction in the NZCPS and the RPS. The amendments will mean the provisions will be more effective and efficient than the notified wording.

5.6 Key Issue 3: Overview

5.6.1 Matters Raised in Submissions and Evidence

Forest and Bird and Kapiro Conservation Trust support the Coastal Environment Overview in part but raise concerns that the scope of the chapter is unclear in terms of whether it covers ONL and ONF. They request amendments to clarify that the Coastal Environment chapter covers the characteristics and values of the coastal environment and that the rules for ONL and ONF are located in the Natural Features and Landscapes chapter. FNDC (S368.035) requests minor amendments to the Coastal Environment Overview to correct grammar by referring to “*District’s*” coastline and “*community’s*” health, safety and well-being.

5.6.2 Hearings Panel Evaluation

The reporting officer agrees with the submitters regarding the need for clarity with respect to the scope of the Coastal Environment chapter and stated that it is most efficient and clear for all the provisions relating to ONL and ONF to be located in the Natural Features and Landscapes chapter. The reporting officer recommends amendments to policy CE-P2 and to the Overview section accordingly. We accept the advice of the reporting officer in making our Recommendations below.

We also find agreement with the submission of the Far North District Council and the reporting officer regarding minor word amendments to correct grammar in the Overview. Those amendments are included in our Recommendations below.

5.6.3 Hearings Panel Recommendations

The Hearings Panel recommend that:

1. CE-P2 be amended to remove references to ONL and ONF and outstanding natural character, as follows:

CE-P2

Avoid adverse effects of land use and subdivision on the characteristics, ~~and~~ qualities and values that make an area an outstanding natural character area in of the coastal environment identified as:

a. ~~outstanding natural character;~~

b. ~~ONL;~~

c. ~~ONF.~~

2. The Overview section be amended to include the following sentence at the end of the third paragraph:

...

The Natural Features and Landscapes chapter includes objectives, policies and rules relating to ONL and ONF in the coastal environment and this chapter manages adverse effects on other natural features and landscapes in the coastal environment.

3. The Overview section also be amended, in the first sentence of the second paragraph, to refer to capitalise “District’s” and the last sentence of the second paragraph being amended to refer to:

while ensuring the ~~community’s~~ health, safety and wellbeing of communities.

Accordingly, the Hearings Panel recommends that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 4.3**.

5.7 Key Issue 4: Objectives

5.7.1 Matters Raised in Submissions and Evidence

There is a range of supporting submissions to the Coastal Environment objectives from those being fully in support to those seeking additional objectives or amendments. The former includes the Russell Protection Society (S179) and the latter the Kapiro Conservation Trust (S442), Pacific Eco-Logic (S451), Haititaimarangai Marae Kaitiaki Trust (S394), John Andrew Riddell (S431), Transpower (S454) and the Paihia Property Owners Group (S565).

The other group of submitters seek amendments to objectives CE-O1, CE-O2 and CE-O3 with the submitters including Setar Thirty-Six Limited (S168) and Bentzen Farm Limited (S167), Federated Farmers (S421), Waiaua Farm Limited (S463) and John Andrew Riddell (S431).

5.7.2 Hearings Panel Evaluation

We largely find agreement with the reporting officer in respect of these submissions. In terms of the general submissions in the first group of submitters, we consider what is requested is covered and the amendments are not necessary. We agree with Transpower that provisions that relate to electricity transmission are best placed in the Infrastructure chapter of the PDP (see **Recommendation Report 11**).

We find that Mr Riddell's concern is appropriately addressed by an amendment to objective CE-O2 to also refer to land use and subdivision being undertaken "... *in an integrated and coordinated manner*". This would provide objective level support for the more specific policy direction in policy CE-P10 to manage effects in the coastal environment in an integrated manner that considers the effects of land use and development on the Coastal Marine Area.

We agree with the intent of the submission from the Haititaimarangai Marae Trust to better give effect to s6(e) of the RMA but consider it best achieved through an amendment to objective CE-O2(e) as follows:

- e. *Recognises and provides for the relationship of tangata whenua ~~needs for~~ with their ancestral lands in the coastal environment ~~use of whenua Māori~~.*

Matauri X Incorporation (S396) is concerned that CE-O2(e) is not supported by specific provisions, but we note it is supported by policy CE-P7 which is specific to the use of land in the Maori Purpose zone and the Treaty Settlement Land overlay. We accept this submission in part, to the extent that we make amendments to policy CE-P7 that address the relief sought.

In relation to the second group of submitters, we note the detailed amendments sought by Setar Thirty-Six Limited and Bentzen Farm Limited, but prefer the approach of the reporting officer in recommending some amendments to CE-O1 and CE-O2 which address the relief sought, to some extent.

We find agreement with Federated Farmers and Waiaua Bay Farm Limited that wording can be improved to make it clearer on the outcome sought and these submissions are accepted in part and objective CE-O1 is amended as follows:

- The natural character of the coastal environment is ~~identified and managed to ensure its long-term preservation and protection from inappropriate land use and subdivision for current and future generations~~*

We find that it is not necessary or appropriate to reference "*intrinsic and natural values*" as requested by Mr Riddell as that would detract from the primary focus of the objective which is to give effect to s6(a) of the RMA and Policy 13 of the NZCPS as those provisions apply to preserving natural character. Mr Riddell subsequently agreed.

We agree with Waiaua Bay Farm Limited that the term “consistent” be replaced with the term “compatible” as an appropriate solution to address the risk of CE-O2(b) being overly restrictive, which is not the intent. As part of this consideration, we find that clause (a) of objective CE-O2 essentially duplicates objective CE-O1 and we accordingly delete it.

As part of considering amendments to the coastal provisions, we also make some amendments to objective CE-O3 to better align it with the NZCPS which anticipates change and development in the coastal environment and similar direction in the RPS. CE-O3 is accordingly amended as follows:

Land use and subdivision in the coastal environment within urban ~~zones~~ areas is consolidated and provides for social, economic and cultural well-being of people and communities without compromising other coastal environment values. ~~is of a scale that is consistent with existing built development.~~

5.7.3 Hearings Panel Recommendations

In accordance with our evaluation above, the Hearings Panel recommends the following amendments to the Coastal Environment chapter objectives to provide greater clarity, and closer alignment with the NZCPS and the RMA; and to recognise that changes in land use in the coastal environment are to be “compatible” with rather than the more stringent test of being “consistent” with that environment.

CE-O1: The natural character of the coastal environment is ~~identified and managed to ensure its long-term preserved preservation and protected preservation from inappropriate land use and subdivision for current and future generations~~.

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

- ~~a. preserves the characteristics and qualities of the natural character of the coastal environment;~~
- ~~a. is undertaken in an integrated and coordinated manner;~~
- b. is ~~consistent~~ compatible with the surrounding land use;
- c. does not result in urban sprawl occurring outside of existing urban areas ~~zones~~;
- d. promotes restoration and enhancement of the natural character of the coastal environment; and
- e. recognises and provides for the relationship of tangata whenua needs for with their ancestral lands in the coastal environment use of whenua Māori.

CE-O3: Land use and subdivision in the coastal environment within urban ~~zones~~ areas is consolidated and provides for the social, economic and cultural well-being of people and communities without ~~compromising other coastal environment values. is of a scale that is consistent with existing built development.~~

Accordingly, the Hearings Panel recommends that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 4.3**.

5.8 Key Issue 5: Policies – General

5.8.1 Matters Raised in Submissions and Evidence

The submissions range from support to the Coastal Environment policies (by submitters such as Russell Protection Society (S179)) to opposition (such as by the Haititaimarangai Marae Kaitiaki Trust (S394) with the latter seeking a new policy regarding avoiding adverse effects on cultural values. John Andrew Riddell seeks a new policy consistent with the RPS and other policies consistent with the ODP. Kapiro Conservation Trust and Pacific Eco-Logic seek the policies be expanded to cover all aspects of natural character and to give better effect to policies in the NZCPS.

Northland Regional Council (S359) points out there are often difficulties in ensuring marine activities have the required supporting land-based facilities and to address this, seek policies that enable subdivision, land use and development that is compatible with, and where practicable complements, use and activities in the CMA. The Paihia Property Owners Group (S565) support the policies but have concerns that the provisions are overly restrictive in urban zones such as at Paihia. While Transpower seeks a new policy to give effect to the NPS-ET.

Following the provision of the hearing report there was support to the amendments recommended in it from Ms Cook-Munro on behalf of Federated Farmers, Mr Riddell, Vance Hodgson for Horticulture New Zealand (S159) and Mr Sanson for the Tapuaetahi Incorporation (S407).

5.8.2 Hearings Panel Evaluation

We find agreement with the reporting officer that the Coastal Environment chapter policies give effect to the relevant NZCPS policies and to the RPS and that the additional policies sought by the submitters are not necessary. We see benefits in keeping the provisions focussed and succinct.

The issue raised by the Northland Regional Council is acknowledged regarding the need for land-based activities to support activities in the CMA. It does not however, in our view, warrant an additional policy where it can otherwise be effectively and efficiently achieved by including this as a matter to consider where relevant under CE-P10. Appropriate wording is:

CE-P10...

- o. the extent to which the land use and subdivision complements activities in the coastal marine area.*

Transpower accepts that its primary relief is intended to be addressed through specific National Grid policies in the Infrastructure chapter of the PDP.

We acknowledge the concerns of the Paihia Property Owners Group regarding the application of the Coastal Environment provisions in urban areas and adopt the recommended amendments from the reporting officer.

The submission of the Haititaimarangai Marae Kaitiaki Trust seeks a specific policy relating to avoiding adverse effects on cultural values. However, we agree with the reporting officer that it is important to look at the relevant provisions in the PDP as a whole when considering effects on cultural values. The PDP includes a specific Tangata Whenua chapter which sets out a range of objectives and policies relating to tangata whenua interests and values. The intent of the PDP is to consolidate the direction relating to tangata whenua values to help avoid unnecessary duplication of these provisions across every chapter of the PDP, and to ensure a consistent approach is taken to recognise and provide for tangata whenua interests and values. For this reason, TW-P6 is referenced in district-wide and areas specific chapters. This includes CE-P10(i) in the coastal environment. This requires consideration of the following when assessing resource consent applications:

CE-P10 ...

- i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.*

The relief sought by Haititaimarangai Marae Kaitiaki Trust is addressed to a large extent by this policy and by the tangata whenua related interests and values being consolidated into one chapter of the PDP. While we agree with the thrust of their submission, we see these as assisting tangata whenua and do not therefore include an additional policy as sought by the submission.

5.8.3 Hearings Panel Recommendations

The Hearings Panel recommend that the submissions are accepted, accepted in part or rejected as set out in **Appendix 4.3**; with the following amendment to CE-P10 to acknowledge the submission point from Northland Regional Council:

CE-P10 _____ ...

- o. the extent to which the land use and subdivision complements activities in the coastal marine area.

5.9 Key Issue 6: Policy CE-P1

5.9.1 Matters Raised in Submissions and Evidence

NZTA (S356), Sarah Ballantyne and Dean Agnew (S386) and Willowridge Developments Limited (S250) support CE-P1 and request that it is retained. Federated Farmers (S421) opposes CE-P1 in relation to the mapping of HNC.

5.9.2 Hearings Panel Evaluation

We note that CE-P1 provides direction to identify the extent of the coastal environment and areas of ONC and HNC using the assessment criteria in APP1 – Mapping methods and criteria. The submissions on CE-P1 are in support with the only opposing submission being Federated Farmers with a concern regarding HNC.

We find that it is appropriate for the PDP to identify HNC areas in the coastal environment to meet obligations in section 6(a) of the RMA and to give effect to the

clear direction in the NZCPS and RPS. Accordingly, this submission point from Federated Farmers is rejected.

5.9.3 Hearings Panel Recommendations

The Hearings Panel recommends that the submission points from NZTA (S356.096), Sarah Ballantyne and Dean Agnew (S386.010) and from Willowridge Developments Limited (S250.014) be accepted as they support policy CE-P1 being retained. The submission point from Federated Farmers (S421.182) is rejected as it is appropriate for the PDP to identify HNC areas in the coastal environment to meet obligations in s6(a) of the RMA and to give effect to the NZCPS and RPS.

5.10 Key Issue 7: Policies CE-P2 and CE-P3

5.10.1 Matters Raised in Submissions and Evidence

NZTA and Federated Farmers are either in support of Policy CE-P2 or request amendments to it and to CP-P3 to be more consistent with sections 6(a) and 6(b) of the RMA and with the NZCPS. Transpower seeks the provisions are amended so that the PDP gives effect to the NPS-ET while the Department of Conservation requests that Policy CE-P3 is amended to be consistent with Policies 13 and 15 of the NZCPS. Waiaua Bay Farm Limited opposes CE-P3 on the basis it is inappropriate to require all significant adverse effects to be avoided in the coastal environment outside of ONC areas.

5.10.2 Hearings Panel Evaluation

CE-P2 and CE-P3 direct that certain adverse effects on areas in the coastal environment that are identified as ONC, ONL and ONF are avoided. These are key policies in the Coastal Environment chapter to give effect to the clear direction in the NZCPS (Policies 13 and 15) and the RPS (Policy 4.6.1). As notified, CE-P2 requires adverse effects to be avoided on ONC, ONL and ONF areas in the coastal environment. CE-P3 applies to the coastal environment outside these overlays and requires significant adverse effects to be avoided and all other adverse effects to be avoided, remedied or mitigated. The wording in these two policies largely mirrors the higher order policies referred to above. For those reasons we agree with the submission from NZTA that no changes need to be made, and we do not amend as sought by Federated Farmers.

CE-P2 does directly duplicate the policy direction in NFL-P2 to avoid adverse effects on ONL and ONF in the coastal environment. It is the most efficient and clearer option for plan users that all provisions relating to ONL and ONF are located in the Natural Features and Landscapes chapter. We agree and also agree with the recommended amendments to these policies to make it clear that the direction to avoid adverse effects is focussed on the characteristics, qualities and values that qualify an area as having outstanding natural character, not any other characteristics, qualities and values that may also be present. CE-P2 is accordingly amended as follows:

CE-P2 *Avoid adverse effects of land use and subdivision on the characteristics, ~~and qualities and values that make an area an outstanding natural character area in~~ of the coastal environment identified as:*

- a. ~~outstanding natural character;~~
- b. ~~ONL;~~
- c. ~~ONF.~~

These amendments to CE-P2 also have implications for the wording of policy CE-P3. Although the policy direction relating to ONL and ONF is recommended to be moved to the Natural Features and Landscapes chapter, it is important that CE-P3 retains the focus on managing adverse effects on natural character and natural landscapes and features not identified as outstanding to give effect to Policies 13(1)(b) and 15(b) of the NZCPS and Policy 4.6.1(1)(b) of the RPS. We agree with the reporting officer and with the Department of Conservation and NZTA that the drafting of CE-P3 can be improved to clarify this direction, to confirm where the policy applies and to improve alignment with the NZCPS. CE-P3 is accordingly amended as follows:

CE-P3 *Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, ~~and~~ qualities and values of natural character areas and natural features and landscapes in of the coastal environment not identified as an:*

- a. *outstanding natural character area;*
- b. *ONL; or*
- c. *ONF.*

We make no amendment in response to the submission from Federated Farmers to refer to avoiding adverse effects from “inappropriate” activities. The NZCPS has already identified inappropriate activities in Policy 13(1)(a) and (b) as being those activities that have adverse effects on ONC and significant adverse effects on natural character in all other areas of the coastal environment. Adding an additional qualifier to refer to avoiding adverse effects from “*inappropriate land use and subdivision*” in CE-P2 and CE-P3 is inconsistent with the clear direction in the NZCPS and RPS and would weaken the interpretation of these key policies. This submission point is accordingly rejected.

We understand the intent of the relief sought by Transpower to ensure that the Infrastructure chapter provides a “*one-stop-shop*” policy framework for the National Grid, including policy direction on how to manage the effects of this infrastructure in the coastal environment. However, we consider that it is more appropriate to address the relationship between the Coastal Environment policies (and other overlay policies) and the Infrastructure chapter within the Infrastructure chapter itself rather than adding the words to CE-P2 and CE-P3 and numerous other provisions in the PDP. We see this approach as more efficient and effective and note that the more substantive relief sought by Transpower will be considered as part of the Infrastructure chapter.

In terms of the submission from Waiaua Bay Farm Limited, the recommended amendment to CE-P3 above clarifies that the direction is to “*avoid significant adverse effects on natural character in all other areas of the coastal environment*”, consistent with the direction in Policy 13(1)(b) of the NZCPS. This makes it clear the policy direction relates to avoiding significant adverse effects on natural character of the

coastal environment outside ONC areas, not avoiding all activities per se. The recommended amendments are more appropriate to give effect to higher order documents compared to the “*manage adverse effects*” wording sought by Waiaua Bay Farm Limited. Accordingly, this submission point is rejected.

5.10.3 Hearings Panel Recommendations

For the reasons above, the Hearings Panel recommends that submissions on CE-P2 and CE-P3 are accepted, accepted in part and rejected as set out in **Appendix 4.3**; and the policies are amended as follows:

CE-P2 *Avoid adverse effects of land use and subdivision on the characteristics, and qualities and values that make an area an outstanding natural character area in ~~of~~ the coastal environment identified as outstanding natural character.; ONL, ONF.*

CE-P3 *Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, and qualities and values of natural character areas and natural features and landscapes in ~~of~~ the coastal environment not identified as an:*

- a. *Outstanding natural character area;*
- b. *ONL; or*
- c. *ONF.*

5.11 Key Issue 8: Policies - CE-P4 to CE-P10

5.11.1 Matters Raised in Submissions and Evidence

Submissions were received on all the policies CE-P4 to CE-P10. We address these below on a policy-by-policy basis as that being an effective manner in which to provide our analysis and our recommendations.

5.11.2 Hearings Panel Evaluation

CE-P4

Policy CE-P4 received both support (including DOC, Kapiro Residents Association, Our Kerikeri Community Charitable Trust and Carbon Neutral NZ Trust) and opposition (Waiaua Farm Limited) and also a request for amendments (John Andrew Riddell).

For policy CE-P4 we note that the supporting submissions acknowledge the broad direction to consolidate development around existing urban areas and settlements to avoid sprawl and sporadic development to also avoid adverse visual effects to be consistent with Policy 6(c) of the NZCPS. We agree with those submissions.

We find agreement with Mr Riddell that clause (b) in the policy is focussed on the rural environment and that it would be beneficial to plan users to make this clear with a minor amendment of that clause for it to read “... in the rural environment”. The reporting officer subsequently agreed.

We note that the concern of Waiaua Bay Farm Limited regarding the special purpose zones, but those zones are provided in locations where there is a level of development that is anticipated by these provisions. Such development is not inconsistent with policy CE-P4 and no amendments are necessary following our consideration of the submission.

CE-P5

John Andrew Riddell seeks amendments to policy CE-P5 to replace “enable” with “provide for” and to identify what characteristics and qualities cannot be compromised by land use and subdivision.

We find agreement with Mr Riddell in respect of preferring to use “provide for” rather than “enable” as we also refer to in other parts of these recommendations. However, just what the characteristics and qualities of the coastal environment are that cannot be compromised by land use and subdivision cannot be identified because these will vary depending on location, context and need to be assessed on a case-by-case basis. Therefore, we see no amendment being needed to the policy as a consequence of the submission. However, the policy does require some revision to be clearer on the outcomes sought for land use and subdivision in urban areas to be better aligned with the direction in the NZCPS, as we discuss above in relation to policy CE-03.

We accordingly recommend that policy CE-P5 be amended to reflect the need to recognise that development in the coastal environment can occur in appropriate locations and forms; and to recognise that a change in natural character is acceptable in some urban areas. That is consistent with the NZCPS, Objective 6 and Policy 6(f). CE-P5 is recommended to be amended as follows:

- CE-P5 Enable land use and subdivision in urban ~~areas~~ zones within the coastal ~~environment by recognising that a change in character may be acceptable in some existing urban areas to provide for the social, economic and cultural well-being of people and communities.~~
~~where:~~
- ~~a. there is adequacy and capacity of available or programmed development infrastructure; and~~
 - ~~b. the use is consistent with, and does not compromise the characteristics and qualities.~~

CE-P6

Submitters sought amendments ranging from policy CE-P6 being retained as notified, removing the qualifiers as being unnecessary, clarifying the definition of farming to recognise that it can have adverse effects on the natural character of the coastal environment and, to provide for other primary production activities.

The reporting officer provided helpful commentary in stating his understanding of the intent of policy CE-P6. That is, to recognise that farming activities form part of the natural character of the coastal environment and allowing for these to continue; recognising that new farming activities may be appropriate; and distinguishing

between farming and other primary production activities which are generally not appropriate in the coastal environment.

The more specific submissions on CE-P6 broadly support the intent but raise concerns about the application and interpretation of clauses a) and b) and the policy being limited to farming rather than primary production more generally.

We find the policy requires amendment for clarity regarding its intent and how it is to be implemented and how it relates to the corresponding PDP rules. In these respects, it needs to acknowledge, as submitters pointed out, that farming activities form part of the existing natural character of the coastal environment and to allow for these existing activities to continue. Also to align the policy with rule CE-R4 which permits farming activity when it is located outside areas of HNC and ONC.

As stated in the hearing report, the general intent of the controls on farming activities is discussed in section 4.1 of the Council's landscape expert's report (MAL report) where it is acknowledged that farming forms a large part of the coastal environment outside ONC, HNC and urban areas, and that a distinction between farming and other "primary production activities" that can include plantation forestry activity and mineral extraction activity and potential adverse effects, is appropriate within the coastal environment overlays. We agree with that distinction being made and we find that while CE-P6 has value it requires amendments to address these issues and to better achieve the policy intent. We note that the Council's right of reply also recommended that "enable" be changed to "provide for" (as requested by Mr Riddell), which we also agree to.

We therefore recommend that CE-P6 is amended as follows:

CE-P6 ~~Enable~~ Provide for farming activities within the coastal environment ~~where~~ by:

- a. recognising that existing farming activities form part of the coastal environment and allowing for these activities to continue without undue restriction; and
 - b. only allowing new farming outside outstanding and high natural character areas where appropriate.
- ~~a. the use forms part of the values that established the natural character of the coastal environment; or~~
- ~~b. the use is consistent with, and does not compromise the characteristics and qualities.~~

We further note that the inclusion of "where appropriate" in clause b) recognises that farming activities will need to comply with other rules in the PDP to be considered "appropriate". We accordingly find that we do not agree with Mr Hall in this respect.

CE-P7

John Andrew Riddell sought amendments to policy CE-P7 to identify what the characteristics and qualities of the coastal environment are that are not to be compromised.

We agree with Mr Riddell and we find similarly, as with policies CE-P5 and CE-P6, that there is a lack of precisely what those characteristics and qualities are and that they are best identified as part of a particular proposal in a specific part of the coastal environment. We recommend the deletion of clause b) accordingly.

We acknowledge the reporting officer's view that there are also issues with clause a) in CE-P7 that need to be addressed, and that there is scope within the more general submissions from Haititaimarangai Marae Kaitiaki Trust and Matauri X Incorporation to do so. Specifically, the direction in CE-P7 is too restrictive in terms of only enabling the use of Māori Purpose zone and Treaty Settlement Land overlay land where "*this is consistent with the ancestral use of that land*". This direction is inconsistent with the policy direction in Māori Purpose zone and Treaty Settlement Land overlay, which endeavours to enable a broader range of activities with the zone and overlay where adverse effects can be avoided, remedied or mitigated. We accordingly recommend that policy CE-P7 be amended as follows:

CE-P7 *Enable Provide for the use and development of Māori Purpose zoned land and Treaty Settlement land in the coastal environment by recognising that adverse effects on natural character may be acceptable to support the social, economic and cultural wellbeing of tangata whenua., where:*

a.—the use is consistent with the ancestral use of that land

b.—the use does not compromise any identified characteristics and qualities.

The amended wording above is consistent with the intent of notified policy CE-P7 and will help to improve alignment with the general policy direction in the Māori Purpose zone and Treaty Settlement Land overlay chapters.

CE-P8

The submissions on policy CE-P8 support the policy in full or in part, with DOC being the only submitter requesting an amendment to refer to "*rehabilitation*" rather than "*enhancement*".

We note the policy includes "*restoration and enhancement*" such that the intent is to refer also to the "*enhancement*" of existing natural character rather than limiting the policy to either "*restoration*" or "*rehabilitation*" of natural character that has been degraded. The submitter refers to Policy 14 of the NZCPS to support their submission, but we find that does not add much support to the submission. Whilst it does not refer to "*enhancement*", that is an important part of the PDP policy which we retain. Therefore, we recommend that the submission is rejected.

CE-P9

Policy CE-P9 seeks to prohibit land use and development that would result in any loss and/or destruction of the characteristics and qualities in ONC areas. Some submitters support the policy, but the majority oppose it as not being necessary and it also conflicts with CE-P2 that seeks to avoid adverse effects.

We find agreement with the submissions from Bentzen Farm Limited, Matauri Trustee Limited and others that CE-P9 is not necessary, and it overlaps/conflicts with CE-P2, which better gives effect to the NZCPS. It also introduces new unnecessary and debatable terms (i.e. “destruction” of characteristics and qualities). We therefore recommend that policy CE-P9 is deleted.

CE-P10

Policy CE-P10 lists the matters to be considered (but not limited to) when considering proposals that may affect the natural character of the coastal environment. Submitters both support and oppose CE-P10.

The reporting officer advised that CE-P10 functions as a “consideration” policy, which is an approach that has been adopted consistently at the end of the policies across the PDP chapters to provide a consistent way of ensuring all relevant matters can be assessed when resource consent is required under the relevant chapter. We agree that this is an appropriate drafting approach to achieve consistency across the PDP and accordingly we recommend that policy CE-P10 be retained.

We also find agreement with the reporting officer regarding duplication and policy CE-P10 being a lengthy provision that can be resolved with amendment to the opening stanza to read as follows:

CE-P10 ~~*Manage land use and subdivision to preserve and protect the natural character of the coastal environment, and to address the effects of the activity requiring resource consent, including (but not limited to) consideration of*~~ *Consider the following matters where relevant when assessing and managing the effects of land use and subdivision on the coastal environment.....*

In relation to the submission of Sarah Ballantyne and Dean Agnew, we agree with the addition of the words *into the wider landscape*” as part of clause d) but not with the additional words *“and maintenance of any significant ridgelines”* which we find are not necessary or appropriate as this strays into the outcome sought and we would expect that effects on any significant ridgelines would be considered regardless as part of the assessment of effects. We also agree that an addition to clause m) relating to ecological enhancement and/or restoration but with it being amended to refer to *“...including restoration and enhancement”*. That wording is better aligned with other provisions in the PDP and would capture all forms of restoration (i.e. ecological, natural character etc.) We acknowledge in relation to clause l) that improving the qualities of coastal waters is a regional council function but land use activities above mean high water springs (**MHWS**) can have a significant impact on coastal waters. This is recognised in Policy 4 of the NZCPS (Integration). The wording of clause l) can however be improved to capture both positive and adverse effects and we recommend that it is amended as follows:

CE-P10 ...

- l. potential effects of land use and subdivision on the coastal marine area and ~~ability to improve~~ the overall quality of coastal waters.

We find the 11 additional matters requested by Pacific Eco-Logic and Kapiro Conservation Trust to be unnecessary as these are largely already addressed in the provisions; and would make CE-P10 overly lengthy and confusing. A more explicit reference to natural character and indigenous biodiversity values as sought by the submitters would be useful in CE-P10 and we recommend the introduction of a new clause as follows:

CE-P10 ...

- n. the effects on the characteristics and qualities of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity.

Further, we agree with the submitters regarding “*cumulative effects*” and this is accordingly given more explicit consideration in CE-P10 with our recommended amendment to clause b) as follows:

CE-P10

- b. the temporary or permanent nature of any adverse effects, including any cumulative effects.

Peter Hall representing Bentzen Farm and others sought reference in clause h) to “*any viable alternative locations for the activity or development*”. The reporting officer concluded it could be deleted but we prefer to retain it modified in response to the submission to reflect Mr Hall’s concern. We recommend clause h) of policy CE-P10 should read as follows:

CE-P10

- h. any viable alternative locations or methods for the activity or development where significant adverse effects may arise.

Mr Hall also sought on behalf of Bentzen Farms and others that CE-P10 should be limited to the natural character of the coastal environment. While the preservation and protection of the natural character of the coastal environment is the key focus of the Coastal Environment chapter, to give effect to section 6(a) of the RMA and Policy 13 of the NZCPS, it has a broader focus in that it also gives effect to other NZCPS policies. This includes, for example, Policy 1, Policy 6 and Policy 15(b) of the NZCPS. The list of matters to consider as relevant under CE-P10 are clearly broader than protecting the natural character of the coastal environment.

5.11.3 Hearings Panel Recommendations

The Hearing’s Panel recommends that policies CE-P4 to CE-P10 are amended as outlined above. These amendments are shown in **Appendix 2.5**.

The Hearings Panel also recommends that submissions and further submissions are accepted, accepted in part and rejected as described above and as set out in **Appendix 4.3**.

5.12 Key Issue 9: Rules

5.12.1 Overview

A large number of submission points are addressed under this heading from a range of submitters. The submissions cover a wide range of concerns.

5.12.2 Hearings Panel Evaluation

We have given careful consideration to the submissions regarding the coastal environment and those considered to fall into the “general” category. It is not practicable to address all the submission points individually. We have however had regard to all the submission points and the supporting evidence we received and heard from submitters. We find we largely agree with the reporting officer and adopt the recommendations made in the hearing report as updated by the right of reply. Bearing in mind the reporting officer’s recommendations are a response to the submissions and what was presented at the hearing. That sees a number of amendments made to the provisions, with associated discussion in the hearing report, which we agree with. The recommended amendments to Coastal Environment chapter rules are detailed in **Appendix 2.5**.

In relation to some of the matters raised in submissions and at the hearings, the concern of Mr Sanson on behalf of Tapuaetahi Incorporation was that CE-R1 could be unnecessarily restrictive in relation to the use and development of land in the Māori Purpose zone and Treaty Settlement Land overlay as anticipated under policy CE-P7. This is because the majority of development on this land is unlikely to comply with PER-1 in CE-R1 (which only refers to Māori Purpose zone – Urban), PER-2 in CE-R1 (which does not allow for residential activities) or CON-1. We agree and accordingly support a more enabling pathway for residential buildings on Māori Purpose zone and Treaty Settlement Land overlay land where such development cannot comply with PER-1 or PER-2 in principle. As pointed out by the reporting officer, a controlled activity pathway is appropriate provided this rule only applies outside ONC and HNC areas.

Accordingly, we include a new controlled activity rule in CE-R1 that:

- Provides for a building for a residential unit or minor residential unit on Māori Purpose zone or Treaty Settlement Land overlay, land; and
- Applies within the Coastal Environment overlay but outside ONC and HNC areas.

The matters of control recommended to apply include:

CON 2(e)

in relation to CON-2, any historical, spiritual or cultural association with the land held by tangata whenua, with regard to the matters set out in Policy TW-P6.

This was as requested by Mr Sanson. It is appropriate to include it within this rule to ensure the historical and cultural relationship of tangata whenua with the land can be considered consistent with other “consideration” policies in the PDP.

We do not agree with CE-R3 being amended as sought by Mr Sanson to provide a controlled activity rule for earthworks and vegetation clearance that does not comply with PER-1 or PER-2. Non-compliance with the permitted activity conditions in CE-R3 could range from minor exceedance of the area thresholds through to significant volumes of earthworks with the potential for significant adverse effects on the natural character of the coastal environment. It can be difficult to effectively manage adverse effects through conditions under a controlled activity rule given that any conditions imposed on a consent cannot negate the purpose of that consent.

We agree with request from Waitoto Developments to exclude the Orongo Bay zone from CE-R3 and CE-S3. The Orongo Bay area has a special purpose zoning that provides for a Comprehensive Development Plan to be provided with a restricted discretionary activity application that ensures there are sufficient controls to manage the effects of earthworks and indigenous vegetation clearance on the coastal environment.

We find the amendments sought to CE-R4 by Mr Sanson on behalf of IDP Developments will serve to clarify the policy intent and we recommend amendments to rule CE-R4 to include two permitted activity conditions for:

- Lawfully established farming activities, and
- New farming activities located outside ONC and HNC areas.

In terms of the request from Mr Riddell to amend CE-P10 to include a range of matters from the ODP, we find, in agreement with the reporting officer, that these are unnecessary. CE-P10 provides a comprehensive list of matters to consider when relevant to effectively manage adverse effects on the coastal environment. Further, the matters requested by Mr Riddell are largely addressed by other clauses.

As we outlined under our policy evaluation above, we also adopt the recommendation from the reporting officer that additional clauses are added to the CE-P10, including new clause n) that “...*the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity*”. With the existing policy and this addition, we find that CE-P10 is sufficiently broad to capture all relevant effects and values when managing the effects of land use and subdivision on the coastal environment.

Mr Riddell seeks that a number of urban zones be excluded from SUB-R20 so that subdivision is no longer a discretionary activity in those zones. However, that would mean subdivision to create new lots in those zones would become a controlled activity and would therefore need to be approved whereas our view is that it is appropriate to retain greater discretion to control subdivision within the coastal environment.

We find the discussion regarding the other submissions to the Coastal Environment rules in the hearing report largely covers our consideration of the related submissions, and we accordingly adopt this discussion and the recommendations for amendments to the Coastal Environment rules.

Coastal Hazards

We note that coastal provisions considered in Hearing 4 did not include the coastal hazard rules (being CE-R10 to CE-R19) as these were considered in Hearing 13 – Natural Hazards and Risks. As such, there are a number of further amendments to the provisions of the Coastal Environment chapter. For a full discussion of the Coastal Hazard provisions see **Recommendation Report 13** and for amendments to the provisions refer to **Appendix 2.3** of **Recommendation Report 13**.

5.12.3 Hearings Panel Recommendations

For the reasons outlined above, the Hearings Panel recommends that rules CE-R1 to CE-R9 are amended as shown in **Appendix 2.5**; and that submissions and further submissions on these matters are accepted, accepted in part and rejected as set out in **Appendix 4.3**.

5.13 Key Issue 10: Standards

5.13.1 Matters Raised in Submissions and Evidence

The submissions to the Standards in the Coastal environment chapter are, like those to the Rules, quite specific with submitters often drawing on experiences with the application of the Standards or anticipating some difficulty in doing so.

5.13.2 Hearings Panel Evaluation

We agree with Mr Riddell that the Mixed Use zone within Kororareka Russell should be exempt from CE-S1 and we recommend amendment accordingly. However, we do not agree with him that the General Residential zone should be added to the exempted zones in CE-S1 because we see the 5.5m height limit in CE-S1 (recommended to be increased from 5m as a result of other submissions) generally restricting development to single storey which is appropriate in order to protect the coastal landscape values, particularly from a landscape perspective.

We have carefully considered the evidence of Messrs Hall and Goodwin and that of Council's landscape expert, Ms Absolum, regarding increasing the permitted building height in CE-S1, Mr Hall seeks that it be increased from 5m to 5.5m. Upon evaluation of that evidence, we find increasing the permitted building height to 5.5m is appropriate to allow sufficient flexibility for a dwelling while also maintaining a single storey. It is also consistent with the Natural Character provisions and with the Natural Features and Landscapes provisions. That also includes deleting words from the standard relating to not exceeding the height of the nearest ridgeline, headland or peninsula as sought in the submission from IDF Developments (s253.006) and others.

We also agree with Mr Hall that it is appropriate to provide exemptions (but we recommend modifying clause (iv) of CE-S1 (relating to the exclusion of architectural features) to the maximum height standard for certain rooftop structures consistent with other PDP chapters that are unlikely to be of a scale that would adversely affect the characteristics, qualities and values of the identified overlays. Our recommended exemptions to the maximum height standards (using the wording from other PDP chapters are as follows):

- i. *Solar and water heating components not exceeding 0.5m in height on any elevation; or*

- ii. *Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or*
- iii. *Satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; or*
- iv. *Architectural features (e.g. finials, spires) not exceeding 0.5 in height on any elevation.*

As we have agreed to increase building height to 5.5m, the additional height for architectural features needs to be reduced by 0.5m accordingly, as above.

We also find agreement with the submission from Paihia Properties (S344.014) and others, with exemptions from CE-S1 for specified areas, additional to the Orongo Bay zone, because it places unnecessary restrictions in urban areas such as Paihia where the amenity and character of the coastal environment has already been compromised. Accordingly, we recommend that the standard does not apply to:

- Telecommunication facilities; or
- the Orongo Bay zone and the Kororareka Russell Township zone; or
- the Mixed Use zone, Light Industrial zone, Maori Purpose zone – Urban, and Hospital zone within the following settlements:
 - Coopers Beach;
 - Mangonui;
 - Opuia;
 - Paihia and Waitangi; and
 - Rawene.

The Orongo Bay zone should also be exempt for CE-S2 for the same reasons we have excluded it above from CE-R3 and CE-S3. That is because the Comprehensive Development Plan rule within the Orongo Bay zone enables the effects on natural character to be assessed and managed accordingly.

In relation to CE-S3, we acknowledge that earthworks associated with the foundations of telecommunication poles are generally small-scale, localised works with limited potential to affect coastal environment values. However, the evidence from Mr Horne for the Telco Companies has provided limited justification on the need to fully exempt earthworks associated with telecommunication poles from the 1m cut and fill standard in CE-S3 other than to say these “*may require a pad foundation up to 1.5m deep, or a pile foundation exceeding 1m in depth*”. On this basis, it is more appropriate, having regard to this submission, to apply a 1.5m cut and fill standard for earthworks associated with telecommunication poles rather than a blanket exemption. We recommend that CE-S3 clause (c) is amended accordingly and with further amendment to add “telecommunication facilities” for clarity.

A range of amendments were sought to CE-R4 (Farming) to which we respond as follows:

- a. We do not agree with Mr Burn and consider that it is appropriate to apply a blanket 20m coastal protection yard within the Far North District.
- b. It is not necessary to include a new discretionary activity rule for buildings and structures within 20m of MHWS because CE-S4 allows for the impacts on future esplanade reserves or strips to be considered through the requirement for restricted discretionary consent for any building or structure within the MHWS setback. A minor amendment to this matter of discretion is made in response to Mr Riddell to also refer to “*or future potential*” reserves, esplanades etc. as these may not always be planned.
- c. We do not make, as Mr Sanson requested, an expansion of the exemption for legally formed roads to also refer to “*unformed roads, crown grant, and other forms of marginal strips / general land strips or allotments*”. This request is too broad, and it is unclear what would be captured.
- d. The general intent of this exemption for restoration and enhancement purposes is supported but we find that it needs to be more tightly defined as suggested by Ms Jacobs in her evidence. There is also an overlap with fencing associated with farm stock. These can be combined to be consistent with other exemptions. We therefore recommend the inclusion of an exemption (clause 3) to CE-S4 for “*fencing for the purposes of controlling pests and excluding stock*” and “*structures associated with pest control*”.
- e. We agree that hard protection structures (as defined in the Regional Plan) are exempt from CE-S4 provided these structures are authorised by a resource consent under the Northland Regional Plan.
- f. We agree with the exemption for post and wire fences for protection from stock control.
- g. We agree that an exemption for lighting poles by, or on behalf of local authorities is appropriate and this is consistent with NATC-R1. CE-S4 is recommended to be amended to include this exemption.
- h. We agree with the exemption for boundary fences or walls no more than 2m in height above ground level and provide for it in CE-S4, but only when the fence is setback 20m from MHWS as this will maintain the standard esplanade reserve distance.

Coastal Hazards

We note that coastal provisions considered in Hearing 4 did not include the coastal hazard standards (being CE-S4 to CE-S5) as these were considered in Hearing 13 – Natural Hazards and Risks. As such, there are a number of further amendments to the provisions of the Coastal Environment chapter. For a full discussion of the Coastal Hazard provisions see **Recommendation Report 13** and for amendments to the provisions refer to **Appendix 2.3** of **Recommendation Report 13**.

5.13.3 Hearings Panel Recommendations

For the reasons outlined above, the Hearings Panel recommends that standards CE-S1 to CE-S4 are amended as shown in **Appendix 2.5**; and that submissions and further

submissions on these matters are accepted, accepted in part and rejected as set out in **Appendix 4.3**.

5.14 Key Issue 11: Miscellaneous

5.14.1 Vehicle Control on Beaches

Matters Raised in Submissions and Evidence

Primary Evidence - Lucklaw Farms Limited

We received a submission from Lucklaw Farms Limited (S550.001) (**Lucklaw Farms**). The concern of the submitter was in relation to the damage caused by vehicles being operated on beaches, including particularly damage to the flora and fauna and to the dunes and upper foreshore at Puwheke Beach. The submitter seeks an appropriate measure or rule in the PDP to prohibit vehicles on beaches and Puwheke Beach in particular.

The submission was supported in evidence from planner Mr Steve Sanson, ecologist Dr Gareth Taylor and Mr John Sturgess a director of Lucklaw Farms Limited, and legal submissions were presented by Mr Stuart Ryan. In particular, a Vehicle Exclusion zone (**VEZ**) was sought in similar fashion to that applying to the area below MHWS in the Northland Regional Plan (**NRP**). Alternatively, the submitter sought a measure in the PDP that would serve to control the use of vehicles on Puwheke Beach.

The evidence was supported with numerous photographs of vehicles on Puwheke Beach showing how damage was occurring in the area above MHWS.

As part of Hearing 17 – Sweep-up, Lucklaw Farms requested leave to address the Council right of reply concerning this submission as it concerned vehicles on beaches generally and on Puwheke Beach specifically. The relief was granted and Lucklaw Farms presented further legal submissions and planning evidence. We have evaluated those further submissions and evidence in this recommendation report.

Further Evidence - Lucklaw Farms Limited

The further submission from Lucklaw Farms was supported in evidence from planner Mr Marcus Langman, and Mr John Sturgess a director of Lucklaw Farms, and legal submissions were presented by Mr Stuart Ryan. In particular, a Vehicle Exclusion zone (**VEZ**) was sought in similar fashion to that applying to the area below MHWS in the NRP. Alternatively, a measure in the PDP that would serve to control the use of vehicles on Puwheke Beach to enable enforcement action to be taken if needed was requested. We were informed that jurisdiction for areas around Puwheke Beach falls on the Far North District Council, NRC, the Department of Conservation and the New Zealand Police. Mr Sturgess advised us of a recent report of damage occurring on the beach from vehicle use and that none of the responsible organisations listed above would attend.

Council Response

We received a right of reply on this matter in the Council right of reply (dated 23 August 2024) and further supplementary evidence dated 26 May 2025. Following the

presentation of further legal submissions and evidence at Hearing 17 we received a further right of reply from the Council reporting officer, dated 15 December 2025.

In the first right of reply, the reporting officer advised against introducing district-wide vehicle restriction provisions into the PDP at this stage of the plan review process as it would be a major district-wide change which would affect the use of beaches by communities throughout the Far North District and have significant public interest. The reporting officer also advised that there is not currently the information available to determine the potential extent and detail of any such district-wide vehicle restrictions. In the reporting officer's view, a change of this nature should be via a plan variation or plan change so that affected members of the community have a proper and fair opportunity to comment on these changes.

With regard to Puwheke Beach, the reporting officer acknowledged that the Lucklaw Farms evidence shows that:

- a. there are significant ecological values; and
- b. the values that are at risk from vehicles.

The reporting officer added that this is reinforced by the fact that the Proposed Regional Plan for Northland has restricted vehicles on Puwheke Beach below MHWS. In that regard, the reporting officer agreed that there is an existing resource management issue associated with vehicles on Puwheke Beach that requires managing. The question is whether the PDP is the most appropriate method to address this issue.

The reporting officer, in supplementary evidence dated 26 May 2025, noted that the Council has an existing Road Use Bylaw under sections 145 and 146 of the Local Government Act and section 22AB of the Land Transport Act, and that Bylaw has the scope to manage the effects of vehicles on the environment, including effects on ecological values and dune systems. Further, that the Council is undertaking a process of engaging with communities at identified priority beaches, including Puwheke Beach, in order to identify issues and appropriate responses. The reporting officer did highlight that, to date, the approach of using the Bylaw has however only been adopted at Coopers Beach.

The second right of reply expanded on this issue with the reporting officer outlining details of previous hearings where the issue had been discussed and considered. This was covered in detail in paragraphs 55 to 91 of the right of reply. After careful analysis, the reporting officer's opinion was that the decision on whether to include a "vehicle exclusion zone" above MHWS at Puwheke Beach and an associated policy and rule framework in the PDP was finely balanced. On the one hand, the reporting officer agreed with Mr Langman and Mr Ryan that a potential amendment and expansion of the Road Use Bylaw 2022 to restrict vehicles on Puwheke Beach was not adequate to demonstrate that Policy 20 of the NZCPS was being given effect to. This requires controls on the use of vehicles on beaches where certain adverse effects "might result". This includes damage to dune systems, harm to ecological systems, and damage to historic heritage, which are all relevant adverse effects from vehicles in the context of Puwheke Beach. On the other hand, the reporting officer had concerns

regarding the introduction of a new vehicle exclusion zone and associated policy and rule framework into the PDP at this point of the process as it:

- a) Does not align, and potentially undermines, the chosen approach by the Far North District Council to address this issue through the Road Use Bylaw 2022, which the reporting officer understood has identified Puwheke Beach as a priority beach to consider.
- b) Is likely to be uncertain and difficult to enforce in practice given that the location of MHWS (and the Department of Conservation marginal strip) varies across Puwheke Beach spatially and over time (in response to erosion, accretion, weather events etc).
- c) Creates a more complex regulatory framework to manage vehicles on beaches (acknowledging there are mechanisms outside the PDP process to help mitigate this, such as transfers of powers under section 33 of the RMA).
- d) Has not been tested with the community and tangata whenua (whereas the Far North District Council is undertaking a process of targeted community engagement through the process to update the Road Use Bylaw 2022 process).
- e) Is likely to be ineffective and inefficient in practice due to the implementation issues he had identified and because it is likely to be superseded by the Road Use Bylaw 2022 process.

Overall, the reporting officer did not recommend a new “vehicle exclusion zone” above MHWS at Puwheke Beach and did not recommend an associated policy and rule framework be included in the PDP at this point of the process. However, the reporting officer was of the view, that the evidence from Lucklaw Farm Limited had highlighted a need to better manage vehicles on Puwheke Beach and the associated adverse effects, and the reporting officer commented that he hoped that this results in some clear commitment by the Council to prioritise identifying the best option to manage vehicles at Puwheke Beach as part of the process to update and expand the Road Use Bylaw 2022, including through further engagement with the community.

5.14.2 Hearings Panel Evaluation

We acknowledge the concerns of the submitter and the significant ecological values at Puwheke Beach and commend Lucklaw Farms on their commitment to protect these values. There is broad agreement between the submitter and the Council that vehicles on beaches (and Puwheke in particular) are a risk to natural and significant ecological values and that there needs to be some measure of control to ensure that adverse environmental effects on these values are avoided. The question that the Panel needs to address is what is the most appropriate method to implement this.

During our further questioning of Mr Sturgess and Mr Langman it was evident that the local iwi/community had not been consulted, and we see the need for engagement with the local iwi/community around Puwheke Beach as part of any Vehicle Exclusion Zone in order to be fully informed of the options that may be implemented. While we are also concerned about the use of vehicles on beach with sensitive ecological values, we are of the view that there are a range of ways that vehicles on beaches can

be managed including by bylaws and non-regulatory actions, but just which is the most effective and efficient needs to be determined.

We agree that the approach of using the existing Bylaw to manage the effects of vehicles on Pūwheke Beach is an appropriate approach, but we consider it best that the Council continue to progress its consultation with the beach communities to determine the most suitable solution, which could include an amendment to the Bylaw. The Council's reporting officer advised that consultation had been temporarily paused at that time due to the other Council priorities before the Local Government elections in October 2025.

We are also conscious that the submission by Lucklaw Farms cannot be used to implement changes that would apply beyond Pūwheke Beach and across the District.

In all the circumstances we find agreement with the reporting officer and with his conclusion that the PDP does not include rules regulating vehicle use on Pūwheke Beach, in response to the submission S550.001 from Lucklaw Farms Limited. We find agreement for the reasons that:

- a) The Road Use Bylaw is the tool that has been chosen by Council for regulating vehicle use on beaches. The use of that Bylaw is being further considered by Council, along with other alternative measures, as a means of effectively managing the use of vehicles on Pūwheke Beach and other beaches.
- b) The regulatory situation for vehicles on beaches is relatively complex and if a further measure or regulation was added without effective community engagement then it would be confusing for the public.
- c) Alternative options, including non-regulatory options, for managing vehicle use on Pūwheke Beach need to be considered in conjunction with the wider community that use the beach.

5.14.3 Hearings Panel Recommendations

For the reasons set out in 5.14.2 above, the submission by Lucklaw Farms on the issue of the use of vehicles on beaches in the Coastal Environment and the associated adverse effects of such use, are rejected. But with advice that this is an issue that is currently able to be managed through use of the Council's existing Road Use Bylaw; and that this is a matter that is being further considered by the Council, which intends undertaking a process of engaging with communities at identified priority beaches, including Pūwheke Beach, with a view to determining the most appropriate way to address this issue.

5.14.4 Zoning of the Māturi Bay Subdivision

Matters Raised in Submissions and Evidence

Cavalli Properties Limited (**Cavalli**) sought the removal of the coastal environment overlay as it applied to the approved and established Māturi Bay subdivision. This relief was sought in conjunction with a rezoning request for an urban zoning as it applied to the subdivision.

We address the Cavalli issue in our rezoning hearing for **Hearing 15C**.

5.14.5 Hearings Panel Evaluation

Regardless of the outcome of the rezoning request by Cavalli, we find it inappropriate to remove the Coastal Environment overlay and to only rely on the ONC, HNC and ONF overlays for protection for reasons that include the Coastal Environment overlay giving effect to the mapping of the coastal environment in the RPS which, in turn, gives effect to Policy 1 in the NZCPS.

5.14.6 Hearings Panel Recommendations

The Hearings Panel recommend that the coastal environment overlay remain over the Cavalli subdivision land at Matauri Bay, noting that we address the rezoning issue as it applies to Cavalli in **Hearing 15C**.

5.14.7 Haititaimarangi Marae Kaitiaki Trust

Matters Raised in Submissions and Evidence

The Haititaimarangi Marae Kaitiaki Trust seeks more specific policy direction to avoid adverse effects on cultural values.

5.14.8 Hearings Panel Evaluation

We acknowledge the close relationship of the submitter with the coastal environment and their request for more specific policy direction to avoid adverse effects on cultural values. However, without wanting to diminish the relief sought and the evidence presented, we agree with the reporting officer that the relief sought by the submitter is otherwise addressed by our recommendations in other chapters of the PDP. That is, there are specific provisions relating to cultural values in the ‘Tangata Whenua’ and ‘Sites of Significance to Maori’ chapters. The intent of the PDP is to consolidate the direction relating to tangata whenua values in these chapters to help to avoid unnecessary duplication of these provisions across all the chapters in the PDP and to ensure consistency in how cultural values are considered and provided for. We consider that provides a better way of providing for tangata whenua.

We also note that the overlay chapters all include the following matter in the consideration policies *“any historical, spiritual or cultural association held by tangata whenua, set out in Policy TW-P6”*. For these reasons we do not recommend an additional policy on avoiding cultural effects as sought by the submitter.

5.14.9 Hearings Panel Recommendations

The Hearings Panel recommend that the submission by Haititaimarangi Marae Kaitiaki Trust is accepted in part, to the extent that what is sought is provided for in other chapters of the PDP via consolidating the provisions relating to the protection of tangata whenua values.

5.14.10 Properties at Long Bay

Matters Raised in Submissions and Evidence

There was a request in the submissions to exempt certain properties at Long Bay from coastal environment standard CE-S1, being the maximum height of buildings in the Coastal Environment. This concern of submitters John Andrew Riddell and Robert

Adams related to the Rural Lifestyle zoned properties that are positioned above and behind the row of dwellings that run along the waterfront at Long Bay. The waterfront properties are zoned Kororāreka Russell Township zone, a Special Purpose zone.

5.14.11 Hearings Panel Evaluation

The Rural Lifestyle properties at this location occupy steeply sloping land above those properties along the waterfront, from which they enjoy sea views. Given their elevation and contour, development on these rear sites has a greater potential to create adverse landscape, visual and natural character effects than those properties along the waterfront. Accordingly, we do not consider it appropriate to relax the building controls applying to the Rural Lifestyle zoned properties in the manner sought by the submitters. There is always the opportunity for a proposal to be the subject of a resource consent application.

5.14.12 Hearings Panel Recommendations

For the reasons outlined above, the Hearings Panel recommend that the submission is rejected.

5.14.13 Ground Truthing of ONC, HNC and ONF Areas and Amendments Sought by Submissions to the Coastal Environment, ONC and HNC areas

Matters Raised in Submissions and Evidence

Lucklaw Farms Limited seeks “ground truthing” of all ONC and HNC areas.

Amendments to the extent of the Coastal Environment, ONCs and HNCs are sought by Muriwhenua Incorporated (S240.006); Summit Forests NZ (S148.054); Matauri Trustee Limited (S243.128); John Riddell (S431.047); PS Yates Family Trust (S333.110); Ecochic Properties (S574.001); Victoria Yorke and Andre Galvin (S530.002); Denis and Jennifer Whooley (S75.002 and S75.003); The Shooting Box (S187.097); Amenda Kennedy Julia Kennedy Till and Simon Till (S353.001).

Amendments are also sought to the extent of the ONCs and HNCs by Mark Wyborn (S497.001); Paihia Properties (S344.017); Waihua Bay Farm (S463.056); Ricky Kloet (S495.001); John Bayley (S490.001); Jan Jepson (S494.002); Ironwood Investments Ltd (S491.001); Dandy Developments (S142.002); Eric Kloet (S491.001); William Goodfellow (S493.002); Margaret Ridge (S258.001); Setar Thirty Six (S168.152).

5.14.14 Hearings Panel Evaluation

Our finding is that it is not necessary to carry out “ground truthing” as requested by Lucklaw Farms Limited. We note too that this is not requested through the RPS, but rather the intent is to allow for more site-specific assessments to be carried out in accordance with the RPS assessment criteria when appropriate on a case-by-case basis.

We acknowledge there are inaccuracies in the mapping of the ONC, HNC and ONF areas in the PDP including how these extend into the Coastal Environment overlay/MHWS at Puwheke Beach and at other parts of the Coastal Environment. However, such ground truthing is not anticipated or requested by the RPS and the accuracy of the mapping of these areas can be reviewed as part of future resource

consent applications with any identified minor corrections able to be made as part of finalising the decisions on the PDP. In this latter respect, the submitter Living Waters has helpfully brought attention to a number of errors that can be corrected under clause 16 of Schedule 1 to the RMA.

In relation to the two groups of submitters above that seek removal of parts of the Coastal Environment, ONCs and HNCs on their properties, Ms Melean Absolum was engaged by the Council to give close consideration to the extent of these notations and to report on them. We find agreement with Ms Absolum's consideration of these submissions as we discuss below.

Muriwhenua Incorporated (S420.006)

Muriwhenua Incorporated sought removal of the coastal environment overlay from their land other than that within 500m of MHWS, as well as the removal of HNC, ONC, ONF and ONL. Ms Absolum and the reporting officer did not agree with the removal of the coastal environment overlay as it was carefully identified as part of the Northland Regional Mapping Project. We agree. It is noted that the remainder of the submission is considered in other hearings.

Summit Forests NZ (S148.054)

There are areas of plantation forestry on the sites identified by Summit Forests NZ that do not display natural character values worthy of protection. Accordingly, we recommend the removal of five areas from the ONC and HNC overlays.

Matauri Trustee Limited (S243.128)

Matauri Trustee Limited sought the removal of the coastal environment overlay from their land. Ms Absolum did not support all of the removal, and considered that only a small triangular area to the west of the entry drive could be removed given its location on the other side of the ridge crest. Therefore, this submission is recommended to be accepted in part, and only the small triangular area identified in Ms Absolum's Appendix maps be removed from the coastal environment overlay.

John Riddell (S431.047)

Mr Riddell sought that the PDP coastal environment overlay reflect the extent of the coastal environment in the Environment Court decision which accepted that the coastal environment boundary for the Kaimaumuau wetland extended further inland over all of the wetland. This is not identified on the notified PDP maps. Upon review, Ms Absolum and the reporting officer agreed with this submission point and recommended that the whole of the Conservation Area and Scientific Reserve Areas should be included in the coastal environment overlay. We also agree and recommend this amendment.

PS Yates Family Trust (S333.110)

There are grassed areas at 1 and 23 Kokinga Point Road that have natural vegetation patterns that do not warrant them being included in the ONC and HNC overlays. Accordingly, we recommend amending ONC99 and HNC339 to remove those grassed areas from the land.

Ecochic Properties (S574.001)

The extent of the HNC overlay at the rear of the property at 48 Taupo Bay Road extends beyond the line of vegetation and should be trimmed back to the boundary. We accordingly recommend aligning the HNC overlay with the rear boundary of the property.

Victoria Yorke and Andre Galvin (S530.002)

There is some justification for removing part of HNC422 at the southern end of the property but not for the other areas on the property. We accordingly recommend amending HNC422 but not to the extent sought by the submitters. We acknowledge the opportunity we had at the hearing to discuss matters with these submitters.

The Shooting Box (S187.097)

There are some small areas of grass within HNC339 on the site at the intersection of Rawhiti Road and Kokinga Point Road that can be removed from the overlay. We recommend that the identified areas be removed from HNC339 accordingly.

Amenda Kennedy, Julia Kennedy Till and Simon Till (S353.001)

These submitters did not present evidence to support the submission that we could consider in a manner that we would need to be able to support a recommendation to amend the extent of the overlay on the site. Therefore, we recommend that this submission point is rejected and the maps are not amended.

The second group of submitters were Mark Wyborn; Paihia Properties (S344.017); Waiaua Bay Farm (S463.056); Ricky Kloet (S495.001); John Bayley (S490.001); Jan Jepson (S494.002); Ironwood Investments Ltd (S491.001); Dandy Developments (S142.002); Eric Kloet (S491.001); William Goodfellow (S493.002); Margaret Ridge (S258.001); Setar Thirty Six (S168.152).

We find agreement with Ms Absolum, for Council, in her reporting on these submissions and recommend only one change as a consequence of our considerations. That is for Setar Thirty Six (S168.152) where we recommend in relation to HNC324 to exclude the grassed and garden areas from the property at Lot 1 DP 36233.

In relation to submission points S497.001, S142.002 and S491.001, we note these properties are not affected by overlays. For submission points S344.017, S463.056, S495.001, S490.001, S494.002, S491.001, S493.002 we do not recommend any amendments because the vegetation on the sites warrant the protection afforded by the overlays. In relation to submission point S258.001 we support the removal of lawfully established areas of grazing in principle, but it is not clear from the submission which property is being referred to by the submitter.

5.14.15 Hearings Panel Recommendations

The Hearings Panel recommends that the mapping of ONC, HNC and ONF areas is accepted, accepted in part or rejected as outlined in section 5.14.14 above; and as identified in **Appendix 3** to this recommendation report. More specifically:

- a) The Lucklaw Farms Limited and Muriwhenua Incorporated (S420.006) submissions are rejected for the reasons above. Although an amendment to ONC44 to align with the boundary of the coastal environment overlay is recommended.
- b) Submission points S243.128, S148.054, S333.110, S574.001, S530.002, S75.002, S75.003, and S187.097 are accepted in part; and S353.001 is rejected, all for the reasons above.
- c) Submission points S497.001, S142.002, S491.001 are rejected for the reasons above.
- d) Submission points S344.017; S463.056: S495.001; S490.001; S494.002; S491.001; S142.002; S491.001; S493.002; S258.001 are rejected for the reasons above.
- e) Submission points S168.152, S431.047 are accepted.
- f) All other submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 4.3**.

5.15 Key Issue 12: Additional Questions from the Hearings Panel

5.15.1 Farm Dams

The question from the Panel was regarding the impact of the recommended earthworks rules on the construction of farm dams.

5.15.2 Hearings Panel Evaluation

We note that farm dams are typically constructed by creating an embankment using earth from the upslope side of the area being created as a dam. The dams are usually for drinking water for stock but can also be for farm-related activities such as for irrigation, dairy shed washdown and firefighting purposes. These dams are regulated by the Proposed Regional Plan in order to manage the effects of damming and diverting water and the effects on water quality.

We note in addition to this then being a matter for the Regional Council, that there were no submitters (including Federated Farmers) that raised concern regarding the earthworks provisions in the overlay chapters, where there may have been a request for exemptions, in respect of farm dams.

5.15.3 Buildings in the Coastal Environment (outside ONC and HNC) and ONL (outside the Coastal Environment)

The question from the Panel was whether a 110m² floor area threshold is more appropriate for farm buildings than the 100m² standard as notified in the PDP. More particularly, whether the floor area could be increased from 100m² to 110m² to match the threshold under which building consent is not required for farm buildings under the Building Act 2004. The Building Act includes single-storey pole sheds and hay barns in rural zones not exceeding 110m² in floor area as building work for which building consent is not needed.

5.15.4 Hearings Panel Evaluation

We received advice on this matter from Council’s landscape expert, Ms Absolum during the proceedings. Ms Absolum noted that the provisions as proposed would apply to all non-residential buildings that are either in an ONL outside the Coastal Environment, or in the Coastal Environment outside either ONC or HNC areas, as well as outside coastal settlement urban zones. This could mean that buildings for all sorts of purposes, other than dwellings, could be sought in these areas. Ms Absolum recommended no change.

We came to the view that a change was appropriate to provide flexibility, to recognise some of the examples that were provided to us, and to limit the applications that would otherwise be necessary. Accordingly, we recommend a 110m² floor area threshold be applied this to rules NFL-R1.3.b and CE-R1 PER-2(b)(c) as set out in the recommendations below.

5.15.5 Hearings Panel Recommendations

The Hearings Panel recommend the following changes to Rules CE-R1 and NFL-R1 as follows:

- a) Rule CE-R1-PER-2(b)(c) is amended as follows:

CE-R1

PER-2

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

a. ancillary to farming activities (excluding a is not used for a residential activity unit);

b. is no greater than:

a. 25m² within an outstanding natural character area;

b. 50m² within a high natural character area; and

c. ~~400~~110m² in all other areas of the coastal environment; and

...

- b) Rule NFL-R1 – PER 1(3)(b) is amended as follows:

NFL-R1

PER1

~~Any~~ ~~if~~ a new building or structure if it is:

1. not used for a residential activity, and

2. complies with NFL-S1 and NFL-S2, and

3. no greater than:

a. 50m² in ONL in the coastal environment, and

- b. 100m² in ONL outside the coastal environment, and
- c. 50m² in category 'A' ONF in the coastal environment, and
- d. 100110m² in category 'A' ONF outside the coastal environment, and
- e. 25m² in ONF (excluding category 'A' ONF).

6. Topic 4 – preamble report and Indigenous Biodiversity

6.1 Relevant Provisions

The relevant provisions we address in this topic relate to the Ecosystems and Indigenous Biodiversity chapter in Part 2 – District Wide Matters - Natural Environment Values section of the PDP. The Ecosystems and Indigenous Biodiversity chapter comprises the following sections:

- Overview;
- Objectives (IB-O1 to IB-O5);;
- Policies (IB-P1 to IB-P10) and
- Rules (IB-R1 to IB-R5).

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

6.2 Overview of Submissions Received

There was significant public interest in this topic with 700 original submission points and 1,428 further submission points received on the Ecosystems and Indigenous Biodiversity chapter. Of those submissions, 78 original submission points indicate general support for the provisions to be retained as notified, 180 submission points indicate support in part, with changes requested, four submission points are neutral while the majority of submission points (356) oppose the provisions in one way or another.

As set out in the hearing report, the submissions received came from a wide sector of the Far North community including:

- Government Departments (Department of Conservation (**DOC**) (S364) and Waka Kotahi (S356));

- Environmental and community interest groups such as Forest and Bird (S511), Carbon Neutral NZ Trust (S529), Manulife Forest Management (NZ) Ltd (S160), Kapiro Conservation Trust (S448) and the Kapiro Residents Association (S429).
- The primary production sector, such as HortNZ (S159), NZ Kiwifruit Growers Inc (S518), Federated Farmers (S421) and Summit Forests New Zealand Limited (S148).
- Iwi groups including Te Rūnanga o Whaingaroa (S486), Te Runanga o Ngai Takoto Trust (S390), Te Hiku Iwi Development Trust (S399), and the collective of Te Kawariki me Te Wānanga o Te Rangi Aniwaniwa (S573).
- Infrastructure providers, such as Transpower (S454), NZTA (S356), the Twin Coast Cycle Trail (S425) and Top Energy (S483).
- A group of large landowners in the coastal environment with some common interests;
- Groups of individual submitters with issues relating to Significant Natural Areas (**SNA**) mapping and other matters relating to the wording of provisions and pest/pet control and management.

6.3 Key Issues

Key issues were identified in the Council’s hearing report. These essentially followed the structure of the provisions (Overview, Objectives, Policies and Rules) with additional key issues associated with SNAs schedules, mapping and relevant definitions.

As a number of the matters assessed in the hearing report were not contested in evidence or at the hearing, this recommendation report has consolidated those Key Issues to the following:

- Key Issue 1 – National Policy Statement – Indigenous Biodiversity (**NPS-IB**) and SNA mapping and General
- Key Issue 2 – Objectives (IB-O1 to IB-O5)
- Key Issue 3 – Policies (IB-P1 to IB P10)
- Key Issue 4 – Rules (IB R1 to R 5)
- Key Issue 5 – Questions from the Panel.

6.4 Key Issue 1 –NPS-IB and SNA Mapping

6.4.1 Matters Raised in Submissions and Evidence

Giving Effect to the NPS-IB

It is stated in the hearing report that this issue has significant implications on the provisions of this chapter as notified and that the recommendations that flow from this issue have a strong influence on subsequent recommendations that relate to provisions in this chapter.

We agree and have focussed on this key issue in detail.

The PDP was notified in July 2022 and the NPS-IB was notified and took effect after submissions on the PDP closed². That said, we were advised by the Council that an early “exposure draft” of NPS-IB was available prior to notification and was taken into account with the intention to align the Ecosystems and Indigenous Biodiversity chapter (**IB Chapter**) with the anticipated direction in the NPS-IB while also giving effect to the relevant provisions in the RPS.

The NPS-IB requires a range of detailed implementation requirements that must be given effect to “as soon as reasonably practicable” or within the timeframes specified in Part 4 of the NPS-IB³. The objective of the NPS-IB is to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity from the commencement date. The IB chapter replicates these directions including a direction to identify significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) (**SNA**) and protect them for current and future generations.

There are a range of submissions that relate to how the IB Chapter should give effect to the NPS-IB ranging from submitters seeking closer alignment with NPS-IB and others expressing strong opposition to the mapping of SNA and the degree of protection to be given to them.

We have considered the potential issue of scope and agree with the reporting officer that there is scope to consider amendments to the IB Chapter to better give effect to the NPS-IB. In that regard, since the hearing (held in August 2024) the Government has updated the NPS-IB to make it consistent with The Resource Management (Freshwater and Other Matters) Amendment Act 2024 which came into force in October 2024. This Act amends the Resource Management Act 1991, and several pieces of national direction, including the NPS-IB. With specific reference to the matters relevant to this hearing, it does the following:

- a) Suspends (for three years) Councils’ requirements to identify and notify new SNA using the NPS-IB assessment criteria and principles until October 2027; and
- b) Amends the NPS-IB implementation timelines to facilitate the three-year suspension.⁴

² The NPS-IB came into effect on 4 August 2023

³ The original 2023 version of the NPS-IB can be found here

<https://environment.govt.nz/publications/national-policy-statement-for-indigenous-biodiversity/>

The updated version (amended October 2024) can be found here:

<https://environment.govt.nz/publications/national-policy-statement-for-indigenous-biodiversity-2023-amended-october-2024/>

⁴ <https://environment.govt.nz/acts-and-regulations/national-policy-statements/national-policy-statement-for-indigenous-biodiversity/>

These changes were helpfully foreshadowed in the hearing report, and it was prepared on the assumption that these changes would occur promptly, which they did. It is stated in the hearing report that:

The Government has proposed amendments to the RMA to delay the NPS-IB requirements relating to SNA mapping through the Resource Management (Freshwater and Other Matters) Amendment Bill (the RMA Amendment Bill). Clause 21 in this amendment bill would essentially disapply the provisions in the NPS-IB relating to SNA mapping for a three-year period⁷. It also proposes to disapply the requirement to give effect to the SNA provisions “as soon as reasonably practicable”. The requirement to implement the SNA provisions within five years after 4 August 2023 is amended to require implementation by 31 December 2030. While these amendments are not yet in force, they are progressing through the Parliamentary process and the Hearings Panel must apply the law as it stands at the time of its decisions. It is therefore appropriate to be cognisant of the potential effect of this RMA Amendment Bill when considering the recommendations in this report.

The RMA Amendment Bill provides that Clause 4.1 of the NPS-IB (which requires local authorities to give effect to the NPS-IB “as soon as reasonably practicable”) continues to apply in relation to the other provisions of the NPS-IB. The RMA Amendment Bill also states that it does not affect any function or requirement under the RMA relating to indigenous biological diversity, including in relation to areas of significant indigenous vegetation or significant habitats of indigenous fauna.

Clause 21 of the Amendment Bill proposes that an area of significant indigenous vegetation or significant habitat of indigenous fauna that, after commencement, is included in a proposed plan is not to be treated as an SNA regardless of how it is described in that document (proposed section 78(5)). This provision is proposed to apply for the 3-year period that commences on the date of commencement of the RMA Amendment Act.

Under the law as it stands, prior to the passing of the RMA Amendment Bill, it is simply not practicable to give effect to the NPS-IB in full through the PDP process given the range of implementation requirements that must be met. This includes undertaking district-wide SNA mapping following a transparent, accurate and collaborative process (including physical inspection where practicable and engagement with both landowners and tangata whenua) and undertaking further technical work for a number of provisions (e.g. assessment of indigenous vegetation cover by NRC, recording information on highly mobile fauna).

There is further complexity due to the interrelated nature of the NPS-IB provisions. This includes, for example, the detailed direction to map SNAs in Clause 3.8 and Appendix 1, the direction to avoid certain

adverse effects on SNAs in Clause 3.10, the exemptions for specific activities in Clause 3.11, and the effects management hierarchy and principles for biodiversity offsetting and biodiversity compensation in Appendix 3 and Appendix 4. This means there are risks and likely implementation issues if the PDP gives effect to parts of the NPS-IB but not others where these provisions are interrelated.

The definition of SNA in the NPS-IB makes it clear that these areas need to be mapped in district plans for any of the SNA related provisions in the NPS-IB to apply. In my opinion, this means none of the NPS-IB provisions relating to the protection of SNAs can be given effect to through the PDP until these areas are mapped following the process prescribed in the NPS-IB. This is appropriate in my opinion, as I consider that it is most effective to undertake SNA mapping and the development of provisions to protect those areas together through a process that involves collaboration with tangata whenua and affected landowners.⁵

The reporting officer's recommended approach is to delay giving full effect to the NPS-IB so that it can be included in a future plan change (or variation). The rationale being that it will allow for collaboration and ongoing engagement with tangata whenua and landowners on the mapping of SNA and development of provisions to protect those areas. We acknowledge that a more collaborative approach to identify and protect SNA may help to increase "buy-in" from the community and reduce the risk of the significant opposition that occurred through the draft district plan process.

We note that, despite the updated changes to the NPS-IB with regard SNA mapping, section 4.1 of the NPS-IB still requires every local authority to give effect to it as soon as reasonably practicable.

In anticipation of the above changes the reporting officer recommended that the Council only give effect to those provisions that are more general in nature and can be given effect to through specific policies in the IB Chapter. We have deliberated on these matters carefully and agree with the recommended approach to adopt an interim implementation of the NPS-IB.

SNA Mapping

Policy Background

The issue of SNA mapping has been contentious since the draft PDP was released for comment in 2021. The draft included a proposed SNA layer, based on a desktop analysis and it was estimated that SNA potentially covered up to 42% of the Far North District. We understand that this approach created significant levels of opposition from landowners and tangata whenua on the basis that the assessment was too broad, inaccurate and that the process lacked any meaningful consultation.

⁵ Hearing 4 – Hearing Report Paragraphs 54-59

The section 32 report for the IB Chapter acknowledged these issues which are summarised as follows:

- Issues with the methodology used to map SNA. This was largely because the project had been a desktop exercise with the intention of further refinement and ground-truthing of the SNA mapping through landowner engagement and site visits. However, due to the significant level of public concern around the SNA maps process, this refinement did not occur.
- Concern about legislation overreach in terms of identifying SNA and enforcing land use rules for these areas.
- Concerns about restrictive vegetation clearance rules being applied to SNA.
- Issues with how subdivision in SNA areas may be treated.
- Through engagement with Iwi Authorities (who are a significant landowner in the District), they raised the following issues:
 - Māori have been disadvantaged in their ability to utilise their land. Tangata whenua should have different rules on what can be done in areas with high biodiversity values. The District should look at incentives rather than restrictive rules. Incentivising landowners to protect biodiversity utilising options that are not costly to the landowners is more likely to lead to more acceptance.
 - Māori land and settlement land should be excluded from the district plan provisions as Māori have not had the same opportunities to develop these lands in the same manner general landowners have had.
 - The provisions should be enabling for Māori.

Based on this consultation and responses received, it was concluded in the section 32 assessment that:

Based on the overwhelming negative public feedback on the extent of SNA mapping, the process for identifying SNA, no ground truthing of potential SNA sites, uncertainty about proposed NPSIB timeframes and mapping requirements, and the potential implications for private and Māori landowners, it was decided not to include the SNA maps in the PDP. Instead, the agreed approach was to develop a framework for the protection and management of SNAs and indigenous biodiversity that does not include district-wide mapping but instead provides a process where SNAs can be identified, assessed and managed using indigenous vegetation clearance thresholds and resource consent processes. This framework is also to provide a process for landowners to voluntarily add SNAs to the PDP and to provide incentives (e.g.

*subdivision rights) and assistance (e.g. ecological assessments) to landowners to encourage this.*⁶

The approach taken in the notified PDP was therefore changed from a mandatory District-wide mapping to voluntary mapping, encouraging (but not requiring) landowners on a case-by-case basis to include their SNA in a schedule in the PDP and by assessing the ecological significance of indigenous vegetation and habitats.

Submissions

As summarised above, the issue of mapping SNA is a contentious matter in the District notwithstanding the Government's suspension of mapping under the revised NPS-IB. There was a significant number of submissions that relate to the mapping of SNA. The submissions fell into two broad camps:

- Those who oppose the removal of the SNA layer from the PDP and seek its inclusion (including with a more robust assessment methodology); and
- Submitters who oppose the notified PDP approach of relying on landowners to undertake assessments of SNA on a case-by-case basis and then add any identified SNA into SCHED-4 of the PDP in an ad-hoc manner.

In the hearing report, the Council evaluation of this key issue was that the partial, "voluntary" approach to SNA mapping, as notified in the PDP, was not the most appropriate, effective or efficient option to meet obligations in section 6(c) of the RMA or to give effect to the NPS-IB or RPS. Consequently, it was recommended in the hearing report that this approach be deferred as part of the PDP process and pursued later by way of a plan change (or variation). The changes recommended by the Council officers were three-fold:

- to remove all references to SNA and instead replace this phrase with wording aligned with section 6(c) of the RMA;
- Replace the PDP definition of *Significant Natural Area* with a definition based on section 6(c) of the RMA and the criteria in Appendix 5 in the RPS; and
- Delete the Schedule of SNA in Part 4, Schedule 4 (**SCHED-4**).

6.4.2 Hearings Panel Evaluation

We spent considerable time carefully considering the submissions, evidence and assessment by the Council reporting officer (in both the hearing report and the Council right of reply) to the evidence presented.

We heard evidence from a number of submitters⁷ that broadly supported the approach taken in the hearing report to the NPS-IB and SNA mapping. This included

⁶ Section-32 Assessment: ecosystems and indigenous-biodiversity
https://www.fndc.govt.nz/_data/assets/pdf_file/0020/18029/section-32-ecosystems-and-indigenous-biodiversity.pdf

⁷ Federated Farmers, Forest and Bird, J L Hays and Son Ltd, John Riddell, HortNZ, KiwiRail, Pacific Ecology, Te Aupouri, Top Energy, Transpower, Waiaua Bay Farms Limited, Vision Kerikeri and others.

evidence from Ms Butler of behalf of KiwiRail, Ms Cook Munro on behalf of Federated Farmers, Mr Hodgson on behalf of Horticulture New Zealand, Mr Tuck on behalf of Waiau Bay Farms Limited and Ms Dalton on behalf Te Aupouri.

There was also provisional support from infrastructure providers such as Top Energy and Transpower, albeit from an infrastructure perspective.

We also heard evidence in favour of retaining SNA mapping from Forest and Bird and Pacific Eco-logic. While Forest and Bird acknowledged that there are substantial practical and resourcing obstacles to achieving accurate SNA mapping through the PDP it maintains that it is still important for the PDP to retain some policy direction on the work that needs to be done by Council to map SNA.

Firstly, we are of the view that accurate mapping of SNA areas is the best way to identify those areas within the Far North that have significant indigenous vegetation and significant habitats of indigenous fauna (section 6(c) of the RMA). Bearing this in mind, we acknowledge that the costs of accurately mapping SNA requires significant physical and financial resources and that these are likely to be substantial for the ratepayer to shoulder. In saying this, we are cognisant that the Far North is the second largest district by land area, has a significantly high proportion of indigenous vegetation and a relatively small ratepayer base.

All things considered, while we agree that accurate mapping of SNAs would be the best way to achieve the purpose of the RMA with regard section 6(c), the above circumstances place a significant resourcing and financial burden on the Council to achieve accurate mapping of all SNA areas within the District. While it is outside our remit as commissioners to determine how and when this process should be resourced, we are of the view that there is justification for at least some Government assistance towards the resourcing costs that accurate mapping would require.

Secondly, we accept those submissions from landowners (including iwi landowners) that the voluntary approach, as notified, places an unacceptable burden on landowners to demonstrate that indigenous biodiversity on their land is not a SNA given that an expert ecological assessment would likely be needed to provide this.

Thirdly, we consider that a voluntary approach to SNA mapping and scheduling has the potential to create a counter-intuitive disincentive for landowners as this process would involve significant costs and more restrictive rules that would apply to their land.

Finally, we are of the view that the notified approach would create too much unintended uncertainty with regard to how the vegetation rules would be implemented with regard to those areas with potential SNA values but not mapped.

6.4.3 Hearings Panel Recommendations

We find that the approach to implementing the NPS-IB as recommended in the hearing report is appropriate and that the hearing report has correctly anticipated the direction by the Government with regard to the suspension of SNA mapping for a three year period.

The Hearings Panel therefore recommend that the implementation of the NPS-IB be given effect through a future plan change (or variation).

We agree with and adopt the recommended approach to replace all references of SNA and to replace them with wording aligned with section 6(c) of the RMA.

We recommend that the deletion of the definition of Significant Natural Area and the replacement with the following:

<p>SIGNIFICANT NATURAL AREA SIGNIFICANT INDIGENOUS VEGETATION OR SIGNIFICANT HABITAT OF INDIGENOUS FAUNA</p>	<p>means an area:-</p> <p>a. identified in Schedule 4 of the District Plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna; or</p> <p>b. assessed by a suitably qualified and experienced ecologist as meeting one of the criteria for ecological significance in Appendix 5 of the Regional Policy Statement for Northland 2016 or within any more recently gazetted National Policy Statement on indigenous biodiversity.</p> <p>means an area identified as significant indigenous vegetation or significant habitat of indigenous fauna in accordance with Appendix 5 of the Regional Policy Statement for Northland 2016.</p>
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This amended definition is included in the Definitions in **Appendix 2.1 of Recommendation Report 17.**

We recommend that Schedule 4, Schedule of Significant Natural Areas (**SCHED-4**) be deleted from the PDP. We note that this will require the renumbering of schedules.

6.5 Key Issue 2 – Objectives (IB-O1 to IB-O5)

6.5.1 Matters Raised in Submissions and Evidence

A number of submissions sought new objectives to address perceived omissions in the policy framework. These included new objectives to recognise “operational and functional need” for infrastructure in areas containing indigenous biosecurity, a new objective encouraging and supporting the role of landowners and kaitiaki and to recognise the benefits of ecosystem services, and a new objective to recognise policy 4.4 of the RPS.

For reasons already discussed above, a large number of submissions opposed IB-O1 and its focus of identifying and protecting SNAs and there were a number of submissions supporting the objectives in the IB Chapter.

The requested changes to the objectives were all intended to improve their clarity and intent.

6.5.2 Hearings Panel Evaluation

We have reviewed the hearing report in which there are no recommended changes to the objectives (or any new objectives) and we generally agree with this analysis and

recommendation. We note from our earlier recommendations on other topics in this recommendation report, that we do not support the inclusion of infrastructure related objectives and policies in each chapter to be an effective approach and that the outcomes sought by infrastructure providers can be better recognised within the infrastructure chapter provisions (see **Recommendation Report 11**).

We find that no new objectives are justified as the matters sought are already addressed in other provisions in the IB chapter. That said, some amendments to IB chapter objective IB-O4 to recognise the role of tangata whenua as kaitiaki in relation to indigenous biodiversity have been recommended by the reporting officer and we support these amendments. Some further changes to the policies to specifically address the important role of ecosystem services are also recommended and these are discussed in the Key Issue 3 below.

6.5.3 Hearings Panel Recommendations

The Hearings Panel recommend the following:

1. That no new objectives are added to the IB Chapter.
2. That objective IB-O1 is amended as follows:

IB-O1 Areas of significant indigenous vegetation and significant habitats of indigenous fauna (~~Significant Natural Areas~~) are ~~identified and~~ protected for current and future generations.

3. That objective IB-O4 is amended as follows:

IB-O4 The role of tangata whenua as kaitiaki and landowners as stewards in protecting, maintaining and restoring areas of significant indigenous vegetation and significant habitats of indigenous fauna ~~natural areas~~ and indigenous biodiversity is provided for.

These amendments are set out in **Appendix 2.6**.

6.6 Key Issue 3 – Policies (IB-P1 to IB P10)

6.6.1 Matters Raised in Submissions and Evidence

Submissions were received that generally followed the themes discussed above relating to the alignment with higher order documents and infrastructure, with a number of submissions suggesting new policies to address the following:

- A specific policy direction for long-tailed bat protection when an application occurs in an area used by these bats;
- A new policy that enables existing farming activities to continue;
- A new policy relating to identifying areas of significant indigenous biodiversity that are likely to be particularly vulnerable and/or change their location and extent due to the effects of climate change.

As discussed in Key Issue 1, there were many submissions received relating to the identification and mapping of SNA and we have set out our findings on that matter above.

We received submissions relating to Policies IB-P2, IB-P3 and IB-P4 seeking better integration with the NZCPS and RPS Policy 4.4 as discussed above. We heard evidence from Forest and Bird specifically on the issue of integration with the RPS in order to make these policies more effective. In response to these submissions, it was recommended in the hearing report that references to “Threatened” and “At-Risk” species be included in IB-P2 and IB-P3. Also, that corresponding definitions of “biodiversity offsetting” and “biodiversity compensation” be included to address the issues raised in these submissions.

We acknowledge the broad support for Policies IB-P5 and IB-P6 and the need to amend the references to SNA as discussed in Key Issue 1. The amendments recommended by the reporting officer were generally accepted in the evidence put to us.

Policies IB-P7 – IB-10 are generally supported although some amendments were sought which were supported in the hearing report. This included some changes to recognise the issues raised by Mr Hodgson on behalf of Horticulture NZ relating to biosecurity matters.

Controls of Pests and Biosecurity Responses

There were over 40 original submission points on the issue of pests, especially relating to Policy IB-P9. These submissions differed on the significance of the issue, who was responsible for responding to pests and what that management response should be.

In his evidence Mr Hodgson for Horticulture NZ requested amendments to IB-P7 to be clear that the policy includes pests under the Regional Pest Management Plan and unwanted organisms under the Biosecurity Act 1993. He also sought to strengthen the wording to “provide for the active management of pest plants...” rather than “encourage and support”. He recommended changes to the policies (IB-P7 and IB-P9).

Control of Pets

We received a wide range of submissions on the subject of pets and the potential risk they pose to areas where kiwi are present or identified high-density kiwi areas (Policy IB-P9). At the hearing we heard from Ms Excel on behalf of BOI Watchdogs. She raised a number of concerns that the PDP and Council are unnecessarily banning and controlling dogs across the District in a blanket and inappropriate way.

We received evidence from Vision Kerikeri and others that raised the issues of dogs and cats posing a risk to indigenous fauna (including Brown Kiwi) with specific examples to illustrate this a particular issue in the Far North District. We heard evidence from Kerikeri Vision and others who referenced DOC reports on how to protect kiwi from dogs and provided examples of kiwi killed by dogs in Northland to demonstrate why such controls are appropriate.

6.6.2 Hearings Panel Evaluation

Control of Pests and Biosecurity Responses

The matter of pest management was a contentious issue to emerge from this Key Issue. With regard to biosecurity and the need to act swiftly to a threat when identified, we were persuaded by the evidence of Mr Hodgson for Horticulture NZ that the best method to deal with biosecurity risks from unwanted organisms should depend on the circumstances and be determined by a suitably qualified person and this may involve clearance, burning or burial. To achieve this, we agree with Mr Hodgson that the PDP should allow flexibility in this regard. We accept that in these circumstances the best environmental outcome would be to immediately act to address the threat rather than wait for a resource consent application for earthworks or vegetation clearance which could create compliance issues between obligations under the RMA and the Biosecurity Act 1993.

The reporting officer also agreed with Mr Hodgson's evidence and has recommended amendments to Policy IB-P7 and clause 4 in Rule IB-R1 with the following words added to the policy:

...and enable a timely and efficient response to biosecurity incursions of unwanted organisms.

and the following words added to clause 4) in Rule IB-R1:

clearance for the control of pests when necessary for biosecurity reasons and to control unwanted organisms as a response to directions of a person authorised under the Biosecurity Act 1993.

We are satisfied that this will address the relief sought by Horticulture NZ. It also makes it clear that any indigenous clearance undertaken to control unwanted organisms must be a response to the directions of an authorised person under the Biosecurity Act 1993.

Control of Pets

The control of pets, especially when kiwi are present, was also a contentious matter. We found the evidence presented to us on this issue to be helpful, in particular with regard to the risk cats and dogs presented to indigenous fauna. We are in agreement with the submitters and the reporting officer that it is appropriate to place restrictions on cats and dogs in some circumstances when new development is proposed near known habitats of Threatened and At-Risk indigenous fauna.

That said, we acknowledge the evidence of Ms Excel and her preference for these matters to be addressed primarily through the Dog Control Act 1996. However, we are mindful that when dealing with risks to indigenous fauna (some of which are Part 2 matters of national importance) that we must recognise and provide for their protection. In that regard, we are of the view that a further layer under the RMA via the PDP to manage cats and dogs in terms of the risks to significant indigenous fauna (especially kiwi) is warranted.

We have reviewed the suggested amendments to Policy IB-P9 (renumbered as IB-10) and we are in general agreement with the changes recommended by the reporting

officer with one further change based on where the recommended wording of “where appropriate” is placed in the clause. We prefer the wording of the policy to clearly state that “where appropriate” is applied to High density kiwi areas” as follows:

IB-P910 Require landowners to manage pets and pests ~~species within their property through consent conditions, including dogs, cats, possums, rats and mustelids, where necessary to avoid risks to Threatened and At-Risk indigenous fauna indigenous species, and where appropriate,~~ including avoiding the introduction of pets and pests species into kiwi present or high-density kiwi areas ~~where appropriate.~~

We do not recommend any further changes to IB-P9 and we are satisfied that those amendments recommended in the hearing report appropriately clarify that restrictions on pet ownership through consent conditions should only be imposed when necessary to avoid risks to Threatened and At-Risk indigenous fauna. That would not result in a “blanket ban on dogs” (or cats for that matter), as raised by Ms Excel.

New Policy

A group of submitters support IB-P6 in part, but request amendments to remove references to SNA and to encourage “both regulatory and non-regulatory methods” to protect, maintain and restore indigenous biodiversity.⁸ The reporting officer agreed to the approach in principle and recommended the following wording:

Enable subdivision and associated land use where this results in the legal protection and/or restoration of areas of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with SUB-R6.

We heard evidence from Mr Hall on behalf of this group of submitters that the approach is supported but sought wording that reflected the outcomes in Policy 4.4.1 of the RPS. He proposed wording as follows:

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

In response (in the right of reply) the reporting officer acknowledged that the policy wording initially drafted was too narrow and proposed further wording that also recognised the Subdivision chapter rule SUB-R7 (Management Plan Subdivision). In the right of reply, the reporting officer stated:

“I therefore recommend that new policy IB-PX is amended to incorporate the relief sought by Benzten Farm and others. However, I consider that it is important to retain the links to the above rules in the Subdivision Chapter and the legal protection of indigenous biodiversity to ensure the policy is

⁸ These submitters include P S Yates Family Trust (S333.018), Setar Thirty-Six Limited (S168.026), The Shooting Box Limited (S187.019), Wendover Two Limited (S222.026), Matauri Trustee Limited (S243.028) and Bentzen Farm Limited (S167.019).

not applied too widely. In this respect, I consider that the policy direction should recognise both the incentive opportunities through these subdivision rules and incentives for other restoration and enhancement activities that where these achieve long-term benefits for indigenous biodiversity. I also consider that the policy direction needs to provide more flexibility/discretion as to when it is appropriate to enable subdivision and land use rather than imply it should apply whenever some form of indigenous biodiversity protection or restoration is proposed.”

We agree with this approach and adopt the proposed wording in the right of reply but with a few typo and sense corrections. Our recommendation for Policy IB-PX is as follows:

IB-PX Subdivision and associated land use is:

- a. enabled where this results in the restoration, enhancement and legal protection of indigenous biodiversity vegetation in accordance with SUB-R6 or SUB-R7; or
- b. considered where this will achieve positive, secure and long-term benefits for indigenous biodiversity through active and ongoing restoration and enhancement activities.

We consider that there is merit to renumbering the policies so that this new policy follows IB-P6 and the other policies renumbered accordingly. We have also considered the wording of this policy alongside Subdivision chapter rules SUB-R6 and SUB-R7 so that the corresponding rule framework is consistent with this new policy. See **Recommendation Report 16 – Subdivision**.

6.6.3 Hearings Panel Recommendations

The Hearings Panel recommends:

1. The amendments as set out in Appendix 1.1. of the Council right of reply for Ecosystems and Indigenous Biodiversity, except for the following amendments recommended by the hearings panel:

- a) New Policy IB-PX (to become new IB-07)

Subdivision and associated land use is:

- a. enabled where this results in the restoration, enhancement and legal protection of indigenous biodiversity vegetation in accordance with SUB-R6 or SUB-R7; or
 - b. considered where this will achieve positive, secure and long-term benefits for indigenous biodiversity through active and ongoing restoration and enhancement activities.
- b) Amend Policy IB-09 (to become IB-10) as follows:

Require landowners to manage pets and pests ~~species~~ within their property through consent conditions, including ~~dogs, cats, possums, rats and mustelids,~~ where necessary to avoid risks to Threatened and At-Risk indigenous fauna ~~threatened indigenous species,~~ and where appropriate, including avoiding the introduction of pets and pests ~~species~~ into kiwi present or high-density kiwi areas.

2. The Hearings Panel also recommend that submissions and further submissions relating to IB chapter objectives be accepted, accepted in part or rejected as set out in **Appendix 4.4**.

6.7 Key Issue 4 – Rules (IB-R1 to IB-R5)

6.7.1 Matters Raised in Submissions and Evidence

There are five rules in the IB Chapter. They relate to activity status (PER-R1), Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area for papakāinga (PER-R2), Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area (PER-R3), Indigenous vegetation clearance and any associated land disturbance outside a Significant Natural Area (PER-R4), and Plantation forestry and plantation forestry activities within a Significant Natural Area (IB-R5).

The rules section of the IB chapter attracted numerous submissions which followed a number of themes that applied to other parts of the chapter, namely the rules and mapping applied to SNA, the need to align with the RPS and NZCPS, and the need to provide for significant infrastructure. These chapter-wide matters have been addressed in the sections above.

Other matters raised in the submissions sought to increase the maximum vegetation clearance thresholds that to apply to indigenous vegetation and the need for an ecological assessment to be undertaken.

Multiple submissions sought new rules in the IB Chapter generally aimed at strengthening the protection of indigenous vegetation and biodiversity.

We received evidence seeking a number of amendments to the rules or indicating general support for them. Forest and Bird and Mariana Fern presented evidence seeking stricter control over Indigenous vegetation clearance.

6.7.2 Hearings Panel Evaluation

Rule IB-R1

Rule IB-R1 relates to Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area. This rule is an enabling provision that allows certain types of indigenous vegetation clearance as a permitted activity. There were submissions seeking more lenient and more stringent provisions and a number of submissions in support.

With regard to IB-R1 Forest and Bird stated that for permitted activities, clear thresholds (i.e. numerical thresholds) are more appropriate and less likely to result in disputes between landowners and Council, and/or a lack of appropriate enforcement.

However, we were not presented with any numeric thresholds to consider. We asked the reporting officer to consider this and the response was that:

“... there is limited scope or supporting evidence from submitters to assign numeric thresholds for indigenous vegetation clearance to the range of activities listed under IB-R1, much of which are based on a similar rule in ODP (as discussed in the section 42A report). In my view, it is also very problematic to assign numeric thresholds to some of the activities listed in IB-R1 (e.g. clearance to address an immediate risk to health and safety of the public, clearance to maintain existing farming tracks).”⁹

We heard evidence that Clause (7) of IB-R1 that allows 1,000m² of permitted indigenous clearance for residential dwellings was both too large and too small. After considering this we have concluded that 1,000m² provides an appropriate threshold as a permitted activity status and that a resource consent process is the most appropriate method above this threshold to enable larger areas to be cleared while also helping to minimise the area of indigenous vegetation clearance and associated adverse effects.

We heard evidence from Forest and Bird that clearance of indigenous vegetation for fence lines of 3.5m either side of the fence line was excessive (i.e. 7m in total). In considering this issue we have had regard to the reasonable need for accessibility along fence lines and the need for small farm machinery to move along at least one side of a fence line. On that basis we agree with Forest and Bird (and the reporting officer) that indigenous vegetation clearance along a fencing line should be 3.5m in width in total and this can be provided either side of the fence or along a single side.

With regard to Clause 13 we acknowledge the evidence of Forest and Bird which sought limits to the permitted indigenous vegetation clearance to allow for the upgrade of existing infrastructure but we agree with the reporting officer that any permitted limits should be included in the Infrastructure Chapter and that Clause 7 include the words: “...where this is permitted under the relevant rule in Infrastructure chapter”.

The reporting officer has recommended a number of other minor amendments to address the removal of references to SNA’s as discussed in Key Issue 1 and we have adopted these.

Rule IB-R2

Rule IB-R2 relates to Indigenous vegetation clearance and any associated land disturbance within a SNA for papakāinga. Submissions were generally in favour of this rule but we received a submission Adams-Te Whata Whanau Trust (S473.004) seeking that the rule be amended to enable clearance of 1,000m² for the first residential unit and 500m² for subsequent units. The basis for this submission was that Māori tend to have bigger families and require bigger houses and therefore the thresholds in notified

⁹ Paragraph 103 - Hearing 4, Right of Reply.

IB-R2 are overly restrictive. The reporting officer recommended this amendment and we agree.

We also acknowledge and accept the evidence of Ms Dalton that reference to “complex” in the context of “marae” was not needed and should be deleted.

Rule IB-R3

Rule IB-R3 relates to indigenous vegetation clearance and any associated land disturbance within a SNA. While there were many submissions seeking higher and lower threshold for this activity, these were somewhat overtaken by our recommendation and finding with regard to Key Issue 1 and the removal of SNA mapping from the PDP. In that regard we agree with the reporting officer that this rule serves no useful purpose and should be deleted.

Rule IB-R4

Rule IB-R4 relates to indigenous vegetation clearance and any associated land disturbance outside a SNA. We received numerous submissions on this rule, mostly in opposition, although some submitters sought to increase the permitted thresholds for clearance.

One matter in contention was the requirement for an ecological assessment to be provided to determine that indigenous vegetation does not meet the criteria for SNA. In accordance with our findings for Key Issue 1 we recommend that this rule be amended to remove the reference to SNA, but we also have concerns about requiring an expert report to confirm a permitted activity and how this would be administered in the real world.

We note that the reporting officer has recommended the removal of the requirement for a specialist report and we support this approach. The reporting officer also recommends a more enabling approach be applied to Māori Purpose zone and Treaty Settlement Land overlay land in IB-R4. The recommended wording is thus:

Activity status: Permitted

Where:

PER-1

1. ~~*A report has been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and it is submitted to Council 14 days in advance of the clearance being undertaken; and It does not occur in a remnant forest; and*~~
2. ~~*It does not exceed the following amounts per site over a calendar year 5-year period:*~~
 - i. ~~*Māori Purpose zone and Treaty Settlement Land Overlay – 1,500m²;*~~

- ii. ~~Rural Production zone; and Horticulture zone, Māori Purpose zone and Treaty Settlement Land Overlay — 5,000m² if not in a remnant forest, otherwise 500m² in a remnant forest;~~
- iii. ~~Rural Lifestyle zone – 250m²; or~~
- iv. ~~All other zones — 5100m²~~

We agree with this recommended approach but have concerns that it does not recognise the need for limited indigenous vegetation clearance within the Māori Purpose zone and Treaty Settlement Land overlay of up to 1,500m² outside areas of remnant forest. On that basis we recommend that the rule be further amended to enable this, as follows:

Activity status: Permitted

Where:

PER-1

1. ~~A report has been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and it is submitted to Council 14 days in advance of the clearance being undertaken; and It does not occur in a remnant forest except that for within the Māori Purpose zone or Treaty Settlement Land Overlay – 1,500m² over a calendar year; and~~
2. ~~For areas outside of remnant forest it does not exceed the following amounts per site over a calendar year 5-year period:~~
 - i. ~~Māori Purpose zone and Treaty Settlement Land Overlay – 1,500m²;~~
 - ii. ~~Rural Production zone; and Horticulture zone, Māori Purpose zone and Treaty Settlement Land Overlay — 5,000m² if not in a remnant forest, otherwise 500m² in a remnant forest;~~
 - iii. ~~Rural Lifestyle zone – 250m²; or~~
 - iv. ~~All other zones — 5100m².~~

6.7.3 Hearings Panel Recommendations

The Hearings Panel recommends:

1. The amendments as set out in the Council right of reply for Ecosystems and Indigenous Biodiversity, with the addition of the following amendment to IB-R5 by the Hearings Panel:

Activity status: Permitted

Where:

PER-1

3. ~~*A report has been obtained from a suitably qualified and experienced ecologist confirming that the indigenous vegetation does not meet the criteria for a Significant Natural Area and it is submitted to Council 14 days in advance of the clearance being undertaken; and It does not occur in a remnant forest except that for within the Māori Purpose zone or Treaty Settlement Land Overlay – 1,500m² over a calendar year; and*~~
4. ~~*For areas outside of remnant forest it # does not exceed the following amounts per site over a calendar year 5-year period:*~~
 - v. ~~*Māori Purpose zone and Treaty Settlement Land Overlay – 1,500m²;*~~
 - vi. ~~*Rural Production zone; and Horticulture zone; Māori Purpose zone and Treaty Settlement Land Overlay — 5,000m² if not in a remnant forest, otherwise 500m² in a remnant forest;*~~
 - vii. ~~*Rural Lifestyle zone – 250m²; or*~~
 - viii. ~~*All other zones — 5100m².*~~

2. The Hearings Panel also recommend that submissions and further submissions relating to IB chapter rules be accepted, accepted in part or rejected as set out in **Appendix 4.4**.

6.7.4 Key Issue 5 - Questions from the Panel

At the conclusion of the Hearing 4, we put a number of questions to the reporting officer relating to the IB Chapter:

- What is required in practical terms for indigenous vegetation clearance in terms of managing the risk from fire hazards?
- Can you advise on the practicality of the 1,000m² threshold for the establishment of a new dwelling and associated infrastructure and access?
- Are there other incentives in addition to subdivision rules that can be used to incentivise the protection of indigenous biodiversity, such as additional development rights for residential or commercial activities?

Responses to these questions were provided in paragraphs 150-162 of the Council's right of reply.

With regard to the proposed fire clearance rule, we are satisfied with the response from the reporting officer and agree that the recommended 20m setback is appropriate.

With regard to the 1,000m² permitted clearance area for a dwelling, we are in agreement with the reporting officer that 1,000m² is an appropriate permitted threshold to apply district wide. In saying that we recognise the evidence of Ms Newport that this may not be enough in some of the more remote areas within the District, but acknowledge that there is a pathway for larger areas to be considered as a restricted discretionary activity.

With regard to incentives for subdivision, the Panel is interested in this approach as it would enable opportunities for an economic return while achieving increased biodiversity outcomes. In response the reporting officer has recommended a number of changes to the new policy IB-PX and these were outlined in section 6.6 above.

As in that section, we agree with these recommended amendments that and consider they will offer a level of encouragement to incentivise the restoration and enhancement of indigenous biodiversity by allowing for consideration of opportunities to enable subdivision and land use when this occurs. That said, developing a supporting rule framework to incentivise the protection and restoration of indigenous biodiversity through greater land use development rights at this point of the PDP process will also need to be developed. We consider this issue further in the subdivision provisions which are set out in our **Recommendation Report 16**.

6.7.5 Hearings Panel Recommendations

The Ecosystems and Indigenous Biodiversity chapter is an important component of the PDP given that the Far North is home to a wide range of indigenous species, habitats and ecosystems, and a high number of regionally endemic species, including a number that are of cultural significance to tangata whenua. As set out the in the Overview to the chapter the protection, maintenance and enhancement of indigenous biodiversity contributes to the district's unique scenery, its natural character, its amenity values, and its economic opportunities, such as tourism and recreation. We also acknowledge that approximately 42% of the district has indigenous vegetation and habitat with significant ecological values within many of them.

As outlined in section 6.7.4 we have accepted some further minor amendments resulting from replies to our questions at the hearing.

6.8 Conclusion

We have received large number of submissions and heard significant evidence seeking to reject, support or amend the provisions on the topics of Natural Character, Natural Features and Landscapes, Coastal Environment and Ecosystems and Indigenous Biodiversity.

For the reasons set out in this recommendation report, we are largely in agreement with recommendations made by the Council officers in response to the submissions and evidence received. Our additional recommendations and amendments have been discrete and focussed on further developing themes and amendments acknowledged by all submitters and the Council's reporting officer's, or minor corrections.

The Hearing Panel's recommended amendments to the:

- Natural Character chapter and APP1 are shown in **Appendix 2.1 and Appendix 2.2**;
- Natural Features and Landscapes chapter are shown in **Appendix 2.3 and Appendix 2.4**;
- Coastal Environment chapter are shown in **Appendix 2.5**; and the
- Ecosystems and Biodiversity chapter are shown in **Appendix 2.6**.

The Hearings Panel recommended amendments to mapping of overlays within this topic are identified in **Appendix 3**.

While, the Hearings Panel recommended amendments to Definitions related to the topics in Hearing 4 are identified in the definition in **Recommendation Report 17, Appendix 2.1**. These include amendments to the following definitions:

- Afforestation;
- At-risk Indigenous Taxxa;
- Biodiversity Offset;
- Biodiversity Compensation;
- Commercial Forestry;
- Effects Management Hierarchy;
- Exotic Continuous Cover Forestry;
- Pests;
- Threatened Indigenous Taxxa;
- Significant Indigenous Vegetation or Significant Habitat of Indigenous Fauna;
- Wetland, Lake and River Margins.

Our recommendations also include recommendations for consequential amendments to or from other recommendation reports. In this case, primarily **Recommendation Report 16** relating to Subdivision and **Recommendation Report 17**.

We have had regard to the submissions and further submissions received, the evidence tabled and presented to us and to the council's hearing reports (including the rights of reply). We have also incorporated our own s32AA evaluation when needed into the body of our recommendation report as part of our reasons for any recommended amendments.

Accordingly, we recommend that the submissions and further submissions should be accepted, accepted in part or rejected, as set out in this recommendation report and in the table of Recommended Decisions on Submissions in **Appendices 4.1 – 4.4**.

Overall, we consider that our recommendations will ensure the PDP achieves the statutory requirements, national and regional policy directions, and provide for the PDP being easier to implement and understand for users of it.