

## Appendix 1.2 – Officers Recommended Amendments to Overlay Chapters

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text). Recommendations made through the Reporting Officer's right of reply are show in red underline for new text and red ~~strikethrough~~ for deleted text.

NFL-R1	New buildings or structures, and extensions or alterations to existing buildings or structures	
Within ONL and ONF	<p><b>Activity status: Permitted</b></p> <p><b>PER-1</b>  <del>Any If a</del> new building or structure if it is:</p> <ol style="list-style-type: none"> <li>1. <u>Not used for a residential activity</u>.<sup>1</sup></li> <li>2. <u>Complies with NFL-S2, and</u></li> <li>3. <u>No greater than:</u> <ol style="list-style-type: none"> <li>a. <u>50m<sup>2</sup> in ONL in the coastal environment,</u></li> <li>b. <u>100m<sup>2</sup> in ONL outside the coastal environment,</u></li> <li>c. <u>50m<sup>2</sup> in category 'A' ONF in the coastal environment,</u></li> <li>d. <u>100m<sup>2</sup> in category 'A' ONF outside the coastal environment, and</u></li> <li>e. <u>25m<sup>2</sup> in ONF (excluding category 'A' ONF)</u><sup>2</sup></li> </ol> </li> </ol> <p><del>is located outside the coastal environment it is:</del></p> <ol style="list-style-type: none"> <li>1. <del>Ancillary farming (excluding a residential unit);</del></li> <li>2. <del>No greater than 25m<sup>2</sup></del></li> </ol> <p><b>PER-2</b>  <del>If a building or structure is located within the coastal environment it is:</del></p> <ol style="list-style-type: none"> <li>1. <del>Ancillary farming (excluding a residential unit);</del></li> <li>2. <del>No greater than 25m<sup>2</sup></del></li> </ol> <p><b>PER-23</b>  Any extension or alteration<sup>3</sup> to a lawfully established building or structure:</p> <ol style="list-style-type: none"> <li>1. <u>If it is an extension or alteration of a building, it is no greater than 20% of the GFA of the existing lawfully established</u></li> </ol>	<p><b><u>Activity status where compliance not achieved with PER-1: Controlled</u></b></p> <p><b><u>CON-1</u></b>  The building is a residential unit or a minor residential unit on a defined building platform <u>or buildable area</u>, where the defined building platform <u>or buildable area</u><sup>7</sup> has been identified through an expert landscape assessment and approved as part of an existing or implemented subdivision consent.</p> <p>The matters of control are:</p> <ol style="list-style-type: none"> <li>a. <u>The location, scale and design of buildings, and associated accessways and infrastructure, having regard to their visual performance;</u></li> <li>b. <u>The means of integrating the building, structure or activity into the landscape, including through planting;</u></li> <li>c. <u>The height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and</u></li> <li>d. <u>Measures to mitigate adverse effects on the characteristics, qualities and values that make ONL and ONF outstanding.</u></li> </ol> <p><del>a. Effects on the characteristics, qualities and values on ONL and</del></p>

<sup>1</sup> Bentzen Farm (S167.040) and others.

<sup>2</sup> Bentzen Farm (S167.040) and others

<sup>3</sup> Clause 16, Schedule 1, RMA.

<sup>7</sup> Bentzen Farm Limited, Setar Thirty Six Limited and Matauri Trustee Limited

	<p>building <del>or structure</del>, and</p> <p>2. <u>Complies with NFL-S1.</u></p> <p><b>PER-3</b>  <u>Any new building or structure, and extension or alteration to an existing building or structure not provided for by PER-1 or PER-2 and is:</u></p> <ol style="list-style-type: none"> <li>1. <u>A stock fence, or <sup>4</sup></u></li> <li>2. <u>Infrastructure no greater <del>less</del> than 40m 12.5m high with a road corridor provided any pole:</u> <ol style="list-style-type: none"> <li>a. <u>Is a single pole (monopole), and</u></li> <li>b. <u>Is not a pi-pole or a steel-lattice tower, or<sup>5</sup></u></li> </ol> </li> <li>3. <u>An upgrade of existing above ground electricity network utilities:</u> <ol style="list-style-type: none"> <li>a. <u>Outside the coastal environment,</u></li> <li>b. <u>In a ONL or category 'A' ONF,</u></li> <li>c. <u>No greater than 40m 12.5m high or the height of the existing structure,</u></li> <li>d. <u>If it is a building, the upgraded building is no greater than 20% of the GFA of the existing lawfully established building <del>or structure</del>, and</u></li> <li>e. <u>Not replacing a pole with a pi pole.<sup>6</sup></u></li> </ol> </li> </ol> <p><b>PER-4</b>  <u>The building or structure, or extension or alteration to an existing building or structure, complies with standards: NFL S1 Maximum height</u>  <u>NFL S2 Colours and materials</u></p>	<p>ONF</p> <p><del>b. The matters in NFL-P8<sup>8</sup></del></p> <p><b>RD-1</b>  <b>Activity status when compliance not achieved with <u>CON-1 PER-1, PER-2 and PER-3 outside the coastal environment: Restricted discretionary</u></b>  <b>Discretionary.</b></p> <p>The matters of discretion are:</p> <ol style="list-style-type: none"> <li>a. <u>Effects on the characteristics, qualities and values that make ONL and ONF outstanding</u></li> <li>b. <u>The matters in NFL-P8</u></li> <li>c. <u>The positive effects of the activity<sup>9</sup></u></li> </ol> <p><b>RD-2</b>  <b>Activity status for any extension or alteration to an existing building or structure within the coastal environment when compliance not achieved with <u>CON-1, PER-2 or PER-3: Restricted discretionary</u></b></p> <p>The matters of discretion are:</p> <ol style="list-style-type: none"> <li>a. <u>Effects on the characteristics, qualities and values that make ONL and ONF outstanding</u></li> <li>b. <u>The matters in NFL-P8 and<sup>10</sup></u></li> <li>c. <u>Positive effects</u></li> </ol> <p><b>Activity status when compliance not achieved with <u>CON-1 or PER-2, PER-3 or RD-2 within the coastal environment PER-2:</u></b>  <b>Non-complying</b></p>
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<b>CE-R1</b>	<b>New buildings or structures, and extensions or alterations to existing buildings or structures</b>	
<b>Coastal Environment</b>	<b>Activity status: Permitted</b>  <b>Where:</b> <b>Per-1</b>	<b>Activity status where compliance not achieved with PER-1 and PER-2: <u>Controlled</u></b> <b>Discretionary (inside a high natural</b>

<sup>4</sup> NRC (S359.032).<sup>5</sup> Chorus New Zealand Limited et al. (S282.027).<sup>6</sup> Top Energy (S483.160).<sup>8</sup> Wendover Two (S222.044) and others.<sup>9</sup> Bentzen Farm (S167.040) and others.<sup>10</sup> Bentzen Farm Limited (S167.074) and others.

	<p>If a new building or structure is located in the <u>General Residential Zone, Mixed Use Zone, Light Industrial Zone, Russell / Kororareka Special Purpose Zone, Māori Purpose Zone – Urban, Oronga Bay Zone, Hospital Zone, or Kauri Cliff SPZ – Golf Living Sub-Zone</u>,<sup>11</sup> <del>an urban zone</del> it is:</p> <ol style="list-style-type: none"> <li>1. <u>Is no greater than 300m<sup>2</sup>; and</u></li> <li>2. <u>Is located outside high or outstanding natural character areas; and</u></li> <li>3. <u>Complies with:</u> <ol style="list-style-type: none"> <li>a. <u>CE-S1 Maximum height;</u></li> <li>b. <u>CE-S2 Colour and materials; and</u></li> <li>c. <u>CE-S4 Setbacks from MHWS</u></li> </ol> </li> </ol> <p><b>PER-1(1) does not apply to:</b> the Mixed Use Zone, Light Industrial Zone, Māori Purpose Zone – Urban and Hospital Zone within the following settlements: Coopers Beach, Mangonui, Opuā, Paihia and Waitangi, Rawene, and Russell / Kororareka.<sup>12</sup></p> <p><b>PER-2</b></p> <p>If a new building or structure <u>is not located within any of the zones referred to in PER-1</u> <del>an urban zone</del> it is:</p> <ol style="list-style-type: none"> <li>a. <del>Ancillary to farming activities (Excluding a is not used for a residential activity unit);</del><sup>13</sup></li> <li>b. <u>Is no greater than:</u> <ol style="list-style-type: none"> <li>a. <u>25m<sup>2</sup> without an outstanding natural character area;</u></li> <li>b. <u>50m<sup>2</sup> within a high natural character area; and</u></li> <li>c. <u>100m<sup>2</sup> in all other areas of the coastal environment; and</u><sup>14</sup></li> </ol> </li> <li>c. <del>Located outside outstanding natural character areas; and</del></li> <li>d. <u>Complies with:</u> <ol style="list-style-type: none"> <li>a. <u>CE-S1 Maximum height;</u></li> <li>b. <u>CE-S2 Colour and materials; and</u></li> <li>c. <u>CE-S4 Setbacks from MHWS</u></li> </ol> </li> </ol> <p><b>PER-3</b></p> <p>Any extension or alternation to a lawfully established building or structure is:</p> <ol style="list-style-type: none"> <li>1. <u>No greater than 20% of the GFA of the existing lawfully established building or structure; and</u></li> <li>2. <u>Complies with CE-S1 Maximum height</u></li> </ol>	<p><b>character area)</b> <b>Non-complying (inside an outstanding natural character area)</b></p> <p><b>CON-1</b></p> <p>The building is a residential unit on a defined building platform <u>or buildable area</u>, where the defined building platform <u>or buildable area</u><sup>16</sup> has been identified through a professional landscape assessment and approved as part of an existing subdivision consent.</p> <p>The matters of control are:</p> <ol style="list-style-type: none"> <li>a. <u>The matters in CE-P10</u><sup>17</sup></li> </ol> <p><b>Activity status where compliance not achieved with CON-1, PER-3 and PER-4 PER-2:</b> <b>Discretionary (outside an outstanding natural character area)</b> <b>Non-complying (inside an and outstanding a high natural character area): Restricted Discretionary</b></p> <p>The matters of discretion are:</p> <ol style="list-style-type: none"> <li>a. <u>The matters in CE-P10; and</u><sup>18</sup></li> <li>b. <u>Positive effects</u></li> </ol> <p><b>Activity status where compliance not achieved with CON-1, PER-3 or PER-4:</b></p> <ol style="list-style-type: none"> <li>a. <u>Discretionary (in a high natural character area); or</u></li> <li>b. <u>Non-complying (in an outstanding natural character area).</u></li> </ol>
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<sup>11</sup> Paihia Properties Holdings Corporate Trustee Limited and UP Management Limited (S344.013) and others.

<sup>12</sup> Foodstuffs North Island Limited (S363.014) and others.

<sup>13</sup> Bentzen Farm Limited (S167.074) and others.

<sup>14</sup> New Zealand Maritime Parks Ltd (S251.007) and others.

	<p><b>PER-4<sup>15</sup></b>  <u>Any new building or structure or an extension or alteration to an existing building or structure not provided for by PER-1, PER-2 or PER-3, where it is:</u></p> <ol style="list-style-type: none"> <li>a. <u>Fencing for the purposes of stock exclusion;</u></li> <li>b. <u>An upgrade of an existing network utility where this is:</u> <ol style="list-style-type: none"> <li>i. <u>Outside high or outstanding natural character areas;</u></li> <li>ii. <u>Permitted by I-R3</u></li> <li>iii. <u>No greater than 10m high or the height of the existing structure (whichever is the greatest);</u></li> <li>iv. <u>No greater than 20% of the GFA of the existing lawfully established building or structure; and</u></li> <li>v. <u>Not replacing a pole with a pole.</u></li> </ol> </li> </ol> <p><b>PER-4</b>  <del>The building or structure, or extension or addition to an existing building or structure, complies with standards:</del>  <del>CE-S1 Maximum height</del>  <del>CE-S2 Colours and materials</del></p>	
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<sup>16</sup> Bentzen Farm Limited, Setar Thirty Six Limited and Matauri Trustee Limited

<sup>17</sup> P S Yates Family Trust (S33.066) and others.

<sup>18</sup> Bentzen Farm Limited (S167.074) and others.

<sup>15</sup> Top Energy (S483.174)