

**Before the Environment Court
At Auckland**

**I Mua I Te Kōti Taiao
Tāmaki Makaurau Rohe**

ENV-2026-AKL-

Under The Resource Management Act 1991 ("RMA")

In the matter of an appeal under clause 14(1) of Schedule 1 of the RMA

And in the matter of the Proposed Far North District Plan

Between **Bentzen Farm Limited**
Appellant

And **Far North District Council**
Respondent

Notice of Appeal

Dated: 12 August 2026

Presented for filing by:

Joanna Beresford



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Notice of Appeal

TO: The Registrar
Environment Court
Auckland

Introduction

1. Bentzen Farm Limited (**Appellant**) appeals against part of the decision (**Decision**) of the Far North District Council (**Respondent**) in respect of the Proposed Far North District Plan (**PDP**).
2. The Appellant made a submission (No. S167), further submission (No. FS66), and a second further submission (No. FS376) on the PDP.
3. The Appellant is not a trade competitor for the purposes of section 308D of the RMA.
4. The Respondent notified the Decision, and the Decision was received by the Appellant, on 30 June 2026.
5. The final day for filing appeals is 12 August 2026.

Appeal

6. The Appellant appeals the parts of the Decision that relate to the following parts of the PDP:
 - (a) Part 2 – District Wide Matters – Strategic Direction.
 - (b) Part 2 – District Wide Matters – Natural Environmental Values – Natural Features and Landscapes.
 - (c) Part 2 – District Wide Matters – Subdivision.
 - (d) Part 2 – District Wide Matters – Coastal Environment.
 - (e) Part 3 – Area Specific Matters – Zones – Rural Production Zone.

Reasons

7. The reasons for the appeal are that:
 - (a) The Appellant owns Bentzen Farm, a 561 ha farm at Parekura Bay on Manawaora Road in the eastern Bay of Islands. The valley floors are in pasture, while the steeper slopes and ridges are

covered in regenerating indigenous forest. Land Use Capability (**LUC**) mapping classifies most of Bentzen Farm as LUC 6 or LUC 7, with narrow valley-floor flats adjacent to streams classified as LUC 4. The Appellant has undertaken an extensive programme of riparian planting and waterway fencing at Bentzen Farm.

- (b) The Appellant also has an interest in Ōmarino, formerly part of Bentzen Farm, which comprises a further 141 ha along the property's coastal edge. The Appellant undertook the Ōmarino management plan subdivision, comprising 17 residential lots and extensive coastal revegetation. The subdivision was approved by an Environment Court consent order in 2006 and progressively implemented. Each separate title at Ōmarino is subject to land covenants requiring compliance with the Ōmarino Management Plan Design Guidelines and approval by an internal Design Approval Committee.
- (c) Under the PDP, Bentzen Farm and Ōmarino are in the Rural Production Zone (**RPROZ**) and the Coastal Environment (**CE**) overlay extends up the interior high ridges. The bush clad interior ridges are subject to High Natural Character (**HNC**) overlays as are pockets of older growth vegetation on the Ōmarino side (excluding vegetation planted on establishment of the subdivision). The north facing bays and headlands of Ōmarino itself are identified as an Outstanding Natural Landscape (**ONL**), as are the higher bush clad interior slopes of Bentzen Farm.
- (d) Ōmarino is substantially smaller than the land area that would ordinarily constitute a productive farming unit. Its limited accessibility and existing indigenous vegetation cover also mean that conversion to forestry, for example, would be neither economically nor environmentally sustainable.
- (e) The Decision focuses on the use of the rural environment for primary production and highly productive land. In doing so it fails to properly recognise:
 - (i) The full range of activities that occur in and potentially may occur in the rural environment including rural-residential subdivision and conservation activities.

- (ii) That there is a diversity of land cover, accessibility, productive potential and lot sizes, that exist across the district, where primary production activity is not viable and protection of highly productive land not at issue.
 - (iii) That subdivision activities are an important mechanism for achieving the wider conservation and economic prosperity objectives of the PDP.
 - (iv) That subdivision activities need to be supported by a PDP rules framework that provides sufficient flexibility to undertake such development without being subject to a disproportionate consenting and cost burden.
 - (v) Without sufficiently enabling PDP provisions to facilitate the continued development of Ōmarino and Bentzen Farm, the positive social and economic effects of coastal conservation development will not be realised.
- (f) The 40ha minimum lot size for subdivision in the RPROZ introduced under the PDP is overly restrictive when applied to properties such as Ōmarino / Bentzen Farm that are not highly productive land or economic primary production units. Subdivision opportunities provide for land uses that are compatible with the rural environment, while enabling alternative sustainable land use outcomes on such properties.
- (g) In existing management plan subdivisions such as Ōmarino, the effects of building-platform locations on ONL values have already been assessed and approved, and new dwellings on approved building platforms are controlled activities. In that context, it is inconsistent and unnecessarily restrictive to classify earthworks and vegetation clearance within an ONL as non-complying activities rather than restricted discretionary activities.
- (h) Outside approved building platforms, the effects of subdivision on ONLs can be managed through the PDP provisions. In that context, it is inconsistent and unnecessarily restrictive to classify earthworks and vegetation clearance within an ONL as non-complying activities rather than restricted discretionary or discretionary activities.

- (i) In the absence of the relief sought by the Appellant to address the concerns in this appeal, the PDP will:
 - (i) Be inconsistent with the purpose and principles of the Resource Management Act 1991 (**RMA**).
 - (ii) Fail to give effect to the relevant provisions of the applicable national and regional planning instruments, including the New Zealand Coastal Policy Statement, the National Policy Statement on Indigenous Biodiversity, and the Northland Regional Policy Statement.
 - (iii) Will be contrary to the statutory tests for district plan making including s 32 of the RMA.
 - (iv) Will enable the generation of significant adverse effects on the environment and on the Appellant including the ability to continue to implement the form of coastal conservation rural-residential management plan subdivision approved at Ōmarino.
- (j) Such further reasons as are set out in **Annexure D** in respect of each specific amendment sought to the PDP provisions.

Relief sought

8. The Appellant seeks the following relief:

- (a) That the PDP be amended as set out in **Annexure D** to this appeal to:
 - (i) Amend the minimum lot size and minimum residential density requirement from 40ha to 20ha in in the RPROZ.
 - (ii) Remove the balance land area requirement for Environmental Benefit Subdivision.
 - (iii) Provide for buildings or structures as a discretionary activity rather than as a noncomplying activity in the ONL when in the coastal environment.
 - (iv) Provide for earthworks and vegetation clearance in an ONL as a restricted discretionary activity rather than as a noncomplying activity, including on approved building

platforms to align with the controlled activity allowance for new dwellings on approved platforms.

- (v) Provide for earthworks and vegetation clearance in an ONL to otherwise be a restricted discretionary activity rather than non-complying activity, make proper exclusion for maintenance and reinstatement of pasture where that has recently been colonised by indigenous vegetation and remove the 10-year period limits on indigenous vegetation clearance.
- (b) In the alternative, that the PDP be otherwise amended to address the concerns set out in this notice of appeal.
- (c) Such other orders, relief or other consequential amendments as considered appropriate and necessary by the Court to address the concerns set out in this appeal.
- (d) Costs of and incidental to the appeal.

Documents

9. The Appellant attaches the following documents to this notice of appeal:
- (a) A copy of the Appellant's original submission, further submission, and further (late) submission on the PDP (**Annexure A**).
 - (b) A copy of the Decision (**Annexure B**).
 - (c) A list of names and addresses of persons to be served with a copy of this notice of appeal (**Annexure C**).
 - (d) A table of examples of specific amendments sought to the provisions of the PDP (**Annexure D**).

Dated: 12 August 2026

BENTZEN FARM LIMITED by its solicitors
and duly authorised agents Beresford Law



JL Beresford

Address for service

This document is filed by Joanna Louise Beresford, solicitor for the appellant, of the firm Beresford Law. The address for service of the appellant is Level 6, 20 Waterloo Quadrant, Auckland, 1010. Attention Joanna Beresford, Telephone: +64 9 307 1277, Mobile: +64 21 114 1277.

Documents for service on the appellant may be left at that address for service or may be:

- (a) posted to the solicitor at PO Box 1088 Shortland Street Auckland 1140; or
- (b) emailed to the solicitor at joanna@beresfordlaw.co.nz.

Advice to recipients of copy of notice of appeal

How to become party to proceedings

1. You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.
2. To become a party to the appeal, you must:
 - (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
 - (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.
3. Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.
4. You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

5. The copy of this notice served on you does not have attached a copy of the appellant's submission and the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

Advice

6. If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

ANNEXURE A

Copies of the Appellant's original submission and further submissions on the PDP



Proposed District Plan submission form

Clause 6 of Schedule 1, Resource Management Act 1991

Feel free to add more pages to your submission to provide a fuller response.

Form 5: Submission on Proposed Far North District Plan

TO: Far North District Council

This is a submission on the Proposed District Plan for the Far North District.

1. Submitter details:

Full Name:	Bentzen Farm Limited		
Company / Organisation Name: (if applicable)			
Contact person (if different):	Peter Hall Peter Hall Planning Limited		
Full Postal Address:	Level 3, 43 High Street Auckland 1010		
Phone contact:	Mobile: 0274222118	Home:	Work:
Email (please print):	peter@phplanning.co.nz		

2. (Please select one of the two options below)

- ☒ I **could not** gain an advantage in trade competition through this submission
☐ I **could** gain an advantage in trade competition through this submission
If you could gain an advantage in trade competition through this submission, please complete point 3 below

3. ☐ I **am** directly affected by an effect of the subject matter of the submission that:
 (A) Adversely affects the environment; and
 (B) Does not relate to trade competition or the effect of trade competition

☐ I **am not** directly affected by an effect of the subject matter of the submission that:
 (A) Adversely affects the environment; and
 (B) Does not relate to trade competition or the effect of trade competition

Note: if you are a person who could gain advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991

Bentzen Farm Limited owns 561 ha of land in the Eastern Bay of Islands at Parekura Bay on Manawaora Road. The property comprises some 561ha, with farm pasture on the valley floors with the balance in regenerating native forest. The property comprises separate titles legally described as: Lot 1 Deposited Plan 87944; Lot 3 Deposited Plan 479155; and Lot 4 Deposited Plan 479155 and Part Lot 4 Deposited Plan 38894 and Lot 5 Deposited Plan 38894 and Section 27-28 Block III Russell Survey District.

Bentzen Farm Limited also has an interest in Ōmarino, which was formerly part of the farm and comprises an additional 141ha on the coastal edge of the property. Ōmarino was a Management Plan subdivision which was approved by Environment Court Consent Order in 2006. It comprises 17 separate titles, each with an identified house site area. Significant restoration and conservation measures have been undertaken and are on-going, including the



planting of over 1 million native plants and pest and predator control. Several houses have been constructed on approved house sites in accordance with the Management Plan. Each separate title is subject to instruments on the title which require adherence to the Ōmarino Management Plan. This includes controls on the location, height and design of houses to ensure they are appropriate to the coastal environment and landscape values.

Ōmarino comprises separate titles legally described as set out in **Attachment 1** in the relief seeking rezoning.

A copy of the resource consent for Ōmarino is included at **Attachment 2**. This includes for example at condition 32: prohibitions on further subdivision, maximum height limits for each lot, design in accordance with design guidelines and revegetation requirements.

Bentzen Farm Limited played an active role in the previous review of the Far North District Plan, including seeking the inclusion of the Management Plan subdivision provisions which were ultimately endorsed by the Environment Court.

The properties are in the Rural Production Zone and, in large part, in the Coastal Environment. They are subject to a number of overlays including High Natural Character and Outstanding Natural Landscape.

The Proposed Plan puts at risk the ability to build on the consented house sites at Ōmarino, where due to both the coastal and outstanding landscape overlays applying, resource consent for a non-complying activity is required, with no recognition of the existing building platforms consented by subdivision, for which titles have issued. Changes are sought to the Proposed Plan to provide for use and development of sites in such circumstances.

The Proposed Plan will also impose significant consenting risk and cost implications on the farming operation on the Bentzen Farm inland blocks due to the impact of the coastal environment and other overlays. In this respect, the objectives, policies and rules relating to the overlays make only very limited provision for farming, despite farming being a key part of the economy of the Far North, and despite farming activities defining in many instances the coastal and landscape character. Various changes are sought to the Proposed Plan in this submission seeking more workable provisions for farming.

In addition, there is little recognition in the objectives, policies and rules of the Rural Production Zone and overlays for other non-farming land uses in rural areas, despite farming not occupying all of the zone. Various amendments are sought to address this disconnect between the Rural Production Zone and the full range of activities, and subdivision opportunities, that do and should occur within the zone.

The submission also seeks that the properties at Ōmarino be re-zoned either to Rural Lifestyle or Special Purpose Zone: Ōmarino. The existing restrictive instruments on the titles will protect against further re-subdivision of the property; however these zones better suit the nature and scale of land uses at Ōmarino (comprising 17 rural-residential allotments set in regenerating coastal forest) and the particular circumstances of the consented development. The rationale for this re-zoning is set out in **Attachment 1**.

The submitter opposes and seeks amendments to the provisions as specified in **Attachment 1** for the specific reasons set out therein and including:

- a) That they do not represent the most appropriate way of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions, and in particular the assessment of the benefits and costs of the environmental, economic and social effects that are anticipated from the implementation of the provisions; and
- b) That they will not promote the sustainable management of natural and physical resources and are not the most appropriate way to achieve the purpose of the Resource Management Act 1991.

Confirm your position: ✓ Support ✓ Support In-part ✓ Oppose
(please tick relevant box)

The position of the submitter on the specific provisions of the Plan that this submission relates to are as set out in **Attachment 1**.

My submission is:
(Include details and reasons for your position)



The submission points and reasons are as set out in Attachment 1 .
I seek the following decision from the Council: (Give precise details. If seeking amendments, how would you like to see the provision amended?) The decision from Council sought in respect of each of the submission points is as set out in Attachment 1 and includes in each case any consequential amendments or alternative relief to address the matters raised in this submission.
☒ I wish to be heard in support of my submission ☐ I do not wish to be heard in support of my submission (Please tick relevant box)
If others make a similar submission, I will consider presenting a joint case with them at a hearing ☒ Yes ☐ No
Do you wish to present your submission via Microsoft Teams? ☒ Yes ☐ No
Signature of submitter: (or person authorised to sign on behalf of submitter)  Date: 18/10/22 (A signature is not required if you are making your submission by electronic means)

Important information:

1. The Council must receive this submission before the closing date and time for submissions (5pm 21 October 2022)
2. Please note that submissions, including your name and contact details are treated as public documents and will be made available on council's website. Your submission will only be used for the purpose of the District Plan Review.
3. Submitters who indicate they wish to speak at the hearing will be emailed a copy of the planning officers report (please ensure you include an email address on this submission form).

Send your submission to:

Post to: Proposed District Plan
Strategic Planning and Policy, Far North District Council
Far North District Council,
Private Bag 752
KAIKOHE 0400

Email to: pdp@fndc.govt.nz

Or you can also deliver this submission form to any Far North District Council service centre or library, from 8am – 5pm Monday to Friday.

Submissions close 5pm, 21 October 2022

Please refer to pdp.fndc.govt.nz for further information and updates.

Please note that original documents will not be returned. Please retain copies for your file.

Note to person making submission



Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious
- It discloses no reasonable or relevant case
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- It contains offensive language
- It is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION NUMBER

Attachment 1

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
PART 1 – INTRODUCTION AND GENERAL PROVISIONS HOW THE PLAN WORKS General approach			
General Approach Section titled “Applications Subject to Multiple Provisions”	Support subject to amendments	As described in the National Planning Standard 2019, an overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions. It follows that the provisions relating to the overlay only apply to that part of a site so mapped. While this may be the intent of the overlays, in some instances in the Proposed Plan for overlay provisions, reference is made to ‘the site’; the potential implication being that the overlay provisions apply to the site as a whole. In many instances, overlays apply to part of but not the whole of the site. Applying the provisions to the site as a whole in these situation would not serve the resource management purpose of the overlay. In addition to the above, the following part of the explanation is necessary to specify that overlay chapters do not contain all the provisions relating to an activity. For example, residential activity may not be provided for in the overlay, but is provided for in the underlying zoning: <i>“Some of the Overlay chapters only include rules for certain types of activities (e.g. natural character, natural features and landscapes or coastal</i>	Add a new clause specifying that if an overlay is shown on the Planning Maps, the overlay provisions only apply to the portion of the property covered by the overlay.

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in striketrough)
		<i>environment). If your proposed activity is within one of these overlays, but there are no overlay rules that are applicable to your activity, then your activity can be treated as a permitted activity under the Overlay Chapter unless stated otherwise. Resource consent may still be required under other Part 2: District-wide Matters chapters and/or Part 3: Area-Specific chapters (including the underlying zone)".</i>	
PART 1 – INTRODUCTION AND GENERAL PROVISIONS			
INTERPRETATION			
Definitions			
Definitions New Definition: "Helicopter landing areas".	Oppose	See submission point in this submission on rule NOISE-S4 Helicopter landing areas	Add the following new definition: <u>"Helicopter landing areas means an identified landing area for helicopter landing, loading and take-off but does not include refuelling, servicing, a hangar, or a freight handling facility".</u>
Definitions Highly Productive Land	Oppose	Clause 3.4 of the National Policy Statement for Highly Productive Land 2022 requires regional councils to map as highly productive land any land in its region that: (a) is in a general rural zone or rural production zone; and (b) is predominantly LUC 1, 2, or 3 land; and (c) forms a large and geographically cohesive area.	Amend the definition of Highly Productive Land as follows: <i>means land that is, or has the potential to be, highly productive for farming activities <u>land-based primary production</u>. It includes versatile soils and Land Use Capability Class 4 <u>1, 2 and 3</u> land and other Land Use Capability classes <u>Land Use Capability</u>, or has the potential to be, highly productive having regard to:</i> <i>a. Soil type;</i> <i>b. Physical characteristics;</i>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strike through)
		The proposed definition of Highly Productive Land refers to Land Use Capability Class 4 land which is generally not highly productive land. The definition should apply only to LUC 1, 2, and 3 consistent with the National Policy Statement for Highly Productive Land 2022. The Section 32 Report on the Rural provisions assesses versatile soils as LUC 1, 2, or 3. The definition should similarly be revised to refer only to LUC 1, 2, or 3, in order to most efficiently and effectively achieve related objectives in the plan on protecting “highly productive land” from sterilisation and to enable it to be used for more productive forms of primary production (for example objective RPROZ-O3. In addition, as drafted the definition is confusing with a stray reference to “Land Use Capability”. Furthermore, reference to “land-based primary production” in this definition rather than “farming activities” better gives effect to the National Policy Statement for Highly Productive Land 2022.	<i>c. <u>Climate conditions; and</u></i> <i>d. <u>Water availability.</u></i>
PART 2 – DISTRICT-WIDE MATTERS STRATEGIC DIRECTION Economic and social wellbeing			
Strategic direction: Economic and social wellbeing Objectives SD-SP-O1 - SD-EP-O5	Support	These strategic objectives are supported, in particular the encouragement of opportunities for fulfilment of the community's cultural, social, environmental, and economic wellbeing.	Retain Strategic Objectives SD-SP-O1 - SD-EP-O5

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
Strategic direction Rural environment	Support subject to amendments	The Far North is predominantly a rural environment. This environment incorporates a diverse range of activities, supported by a range of zones, including rural lifestyle, rural residential and settlement. Significant areas of the rural environment are not defined by rural production activities, nor are they suitable for this purpose (including lifestyle areas, unsuitable soils, some coastal land and bush blocks). Without detracting from the strategic importance expressed in Strategic objectives SD-RE-O1 and SD-RE-O2, it is appropriate that the strategic objectives also recognise and enable the broader range of activities which occur in rural zones. This strategic objective is necessary to provide a strategic policy basis for the various rural environment zone objectives and policies which follow in the Plan	Add the following new Strategic Objective. <i><u>SD-RE-O2 The importance of non-primary production activities in the rural environment to the social, economic and cultural well-being of the district is recognised and provided for.</u></i>
Strategic direction Environmental prosperity Objective SD-EP-O5	Support subject to amendments	The long term protection of the values set out in this strategic objective may not necessary mean their restoration. The natural character of the coastal environment is in most cases degraded, and opportunities for its restoration or rehabilitation should be promoted as required by policy 14 of the NZCPS 2010.	Amend Strategic Objective SD-EP-O5 as follows: <i>The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations, <u>including their restoration.</u></i>
Strategic direction Environmental prosperity Objective SD-EP-O6	Support subject to amendments	The objective follows the section 6(c) matter of national importance, though is realised in limited terms in the Proposed Plan as notified, with some methods included to implement it. Nevertheless, there are methods included in for example the Ecosystems and indigenous biodiversity section of the Plan. Subject to the deletion of Significant Natural Areas as sought in this submission (for the reasons set out below), the objective is supported with the typo amendment as noted.	Amend Strategic Objective SD-EP-O6 as follows: <i>Areas of significant indigenous vegetation and significant habitats of indigenous fauna and <u>are</u> protected for current and future generations.</i>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in striketrough)
PART 2 – DISTRICT-WIDE MATTERS			
HAZARDS AND RISKS			
Natural hazards			
Natural Hazards Wildfire Policy NH-P9	Oppose	The policy on wildfire protection should be targeted towards vulnerable activities only, consistent with the methods that implement the policy (ie rules NH-R5 and NH-R6).	Amend Policy NH-P9 as follows: <i>Manage land use and subdivision that may be susceptible to wildfire risk by requiring <u>the following for vulnerable activities</u>:</i> <i>a. setbacks from any contiguous scrub or shrubland, woodlot or forestry;</i> <i>b. access for emergency vehicles; and</i> <i>c. sufficient accessible water supply for firefighting purposes</i>
Natural Hazards Rules Notes	Oppose	Note 2 to the rule applies the requirement for a report prepared by a suitably qualified and experienced engineer/instability assessment to activities and subdivision on the site as a whole, rather than just that part impacted by the identified natural hazard, imposing unnecessary cost. The amendments sought target the requirements just to the mapped hazard area.	Amend note 2 as follows 2. <i>Any application for a land use resource consent in relation to a site <u>location</u> that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion. Any application for a subdivision consent must additionally include an assessment of whether the site <u>any new site to be created</u> includes an area of land susceptible to instability.</i>
Natural Hazards Rules NH-R5: Wild fire - Buildings used for a vulnerable activity (excluding accessory buildings)	Oppose	Non-conformity with the rule should be a restricted discretionary activity, rather than full discretionary, as the matters managed by the rule are confined to the single issue of fire risk. There are circumstances where the rule can not be met, and indeed such an outcome would be a compromise compared to wider landscape and biodiversity outcomes. For example, new dwellings where landscape mitigation close to the house is	Amend the activity status in Rule NH-R5 where compliance is not achieved with PER-1 or PER-1 from Discretionary to <u>Restricted Discretionary Activity</u> . Add the following matters of discretion: <i><u>a. The availability of water for fire-fighting;</u></i> <i><u>b. The scale of the extension or alteration;</u></i> <i><u>c. Alternative options for the location of the extension or alteration;</u></i> <i><u>d. The use of building materials to reduce fire</u></i>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		desirable or required as an existing condition of subdivision consent. In these circumstances, the matters of discretion sought to be added by this submission will appropriately direct decision making. These include the ability to consider the suitability of some plant species as fire risk mitigation adjoining the house as described in the following reference: https://fireandemergency.nz/home-and-community-fire-safety/flammability-of-plant-species/	<u>risk;</u> <u>e. The extent and type of vegetation present and</u> <u>f. The nature and density of any planting to reduce fire risk, including use of low flammability species.</u>
Natural Hazards Rules NH-R6: Wild fire - extensions and alterations to buildings used for a vulnerable activity (excluding accessory buildings) that increase the GFA	Support subject to amendments	Reasons as above.	Add the following matter of discretion to rule NH-R6: <u>f. The nature and density of any planting to reduce fire risk, including use of low flammability species.</u>
Natural Hazards Standards NH-S1 All Natural Hazards	Oppose	The information requirement applies the need for a report prepared by a suitably qualified and experienced engineer/instability to activities and subdivision on the site as a whole, rather than just that part impacted by the identified natural hazard, imposing unnecessary cost. The amendments sought target the requirements just to the mapped hazard area location.	Amend Information Requirement NH-S1 as follows: <i>Any application for a resource consent in relation to a <u>site location</u> that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion.</i>
PART 2 – DISTRICT-WIDE MATTERS NATURAL ENVIRONMENT VALUES Ecosystems and indigenous biodiversity			
Ecosystems and indigenous biodiversity	Oppose	Amendments to the overview section, and the objectives, policies and rules are sought to:	Amend the Overview as follows:

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in striketrough)
Overview		1. Recognise that the Council has not identified Significant Natural Areas in the Proposed Plan; and 2. Clarify that the role of identifying SNAs cannot be passed onto landowners; however areas of significant indigenous vegetation and significant habitats of indigenous fauna may be desirably protected through the consent process. Without the SNA areas being mapped, the section 32 analysis cannot properly conclude that the associated objectives, policies and rules are most appropriate or efficient or effective methods to protect such areas. Without mapping the SNAs, the associated rules lack precision, and in relying on case-by-case assessment by landowners as proposed, risk not being consistently applied.	<i>Council has responsibilities under the RMA, the NZCPS and the RPS to identify and protect areas of significant indigenous biodiversity (Significant Natural Areas) and maintain indigenous biodiversity. Where Significant Natural Areas <u>areas of significant indigenous vegetation and significant habitats of indigenous fauna</u> are identified in the District Plan or through ecological assessments in accordance with the significance criteria in Appendix 5 of the RPS or any more recent National Policy Statement on indigenous biodiversity there will be greater control over land use and subdivision <u>conditions may be placed on consents</u> to ensure that the ecological significance of these areas are protected. There may be tension between the public and ecological benefits in protecting, maintaining or enhancing indigenous biodiversity and the associated costs or restrictions to private and public (including Māori) landowners</i>
Ecosystems and indigenous biodiversity Objectives IB-O1	Oppose	As above.	Amend Objective IB-O1 as follows: <i>Areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) are identified and protected for current and future generations</i>
Ecosystems and indigenous biodiversity Policies IB-P1	Oppose	Policy IB-P1 seeks to “<i>encouraging landowners to include identified Significant Natural Areas in Schedule 4 of the District Plan at the time of subdivision and development;...</i>” This policy cannot be achieved unless by way of 4th schedule process private plan change which is an unreasonable burden to place on landowners.	Delete Policy IB-P1

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Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in striketrough)
Ecosystems and indigenous biodiversity Policies IB-P2	Oppose	Because areas of Significant Natural Area are not mapped, avoidance can only be achieved in relation to areas of significant indigenous vegetation and significant habitats of indigenous fauna. The change proposed by this submission gives effect to the requirements of the NZCPS 2010.	Amend Policy IB-P2 as follows: Within the coastal environment: <i>a. avoid adverse effects of land use and subdivision on Significant Natural Areas <u>areas of significant indigenous vegetation and significant habitats of indigenous fauna</u> ; and</i> <i>b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems.</i>
Ecosystems and indigenous biodiversity Policies IB-P3	Oppose	As above.	Amend Policy IB-P3 as follows: <i>Outside the coastal environment:</i> <i>a. avoid, remedy or mitigate adverse effects of land use and subdivision on Significant Natural Areas <u>areas of significant indigenous vegetation and significant habitats of indigenous fauna</u> to ensure adverse effects are no more than minor; and</i> <i>b. avoid, remedy or mitigate adverse effects of land use and subdivision on areas of important and vulnerable indigenous vegetation, habitats and ecosystems to ensure there are no significant adverse effects.</i>
Ecosystems and indigenous biodiversity Policies IB-P5	Oppose	As above in the reasons for the changes to the Overview section.	Amend Policy IB-P5 as follows: <i>Ensure that the management of land use and subdivision to protect Significant Natural Areas <u>areas of significant indigenous vegetation and significant habitats of indigenous fauna</u> and maintain indigenous biodiversity is done in a way that:</i> <i>a. does not impose unreasonable restrictions on existing primary production activities, particularly on highly versatile soils;</i>

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			<i>b. recognises the operational need and functional need of some activities, including regionally significant infrastructure, to be located within Significant Natural Areas <u>areas of significant indigenous vegetation and significant habitats of indigenous fauna</u> in some circumstances;</i> <i>c. allows for maintenance, use and operation of existing structures, including infrastructure; and</i> <i>d. enables Māori land to be used and developed to support the social, economic and cultural well-being of tangata whenua, including the provision of papakāinga, marae and associated residential units and infrastructure.</i>
Ecosystems and indigenous biodiversity Policies IB-P6	Support subject to amendments	As above in the reasons for the changes to the Overview section. In addition, an amendment is sought to provide a policy basis for rule SUB-R6 Environmental benefit subdivision and SUB-R7 Management plan subdivision. This outcome gives effect to objective 3.4 and policy 4.4.2 of the Regional Policy Statement for Northland. The RPS recognises at 4.4.3 that “<i>ecologically beneficial use and development and voluntary efforts can be actively encouraged by including appropriate rules and incentives in regional and district plans</i>”. Subdivision is one such incentive – providing the necessary capital injection to enact the land use change required and establishing a community of care, and on-going obligations in respect to biodiversity.	Amend Policy IB-P6 as follows: <i>Encourage the protection, maintenance and restoration of indigenous biodiversity, with priority given to Significant Natural Areas, through <u>both regulatory and non-regulatory</u> methods including consideration of:</i> <i>a. assisting landowners with physical assessments by suitably qualified ecologists to determine whether an area is a Significant Natural Area;</i> <i><u>a. 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.</u></i> <i>b. reducing or waiving resource consent application fees;</i> <i>c. providing, or assisting in obtaining funding from other agencies and trusts;</i> <i>d. sharing and helping to improve information on indigenous biodiversity; and</i> <i>e. working directly with iwi and hapū, landowners and community groups on ecological protection and enhancement projects.</i>

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Ecosystems and indigenous biodiversity Policies IB-P10	Support subject to amendments	As above in the reasons for the changes to the Overview section.	Amend Policy IB-P10 as follows: <i>Manage land use and subdivision to address the effects of the activity requiring resource consent for indigenous vegetation clearance and associated land disturbance, including (but not limited to) consideration of the following matters where relevant to the application:</i> ... h. where the area has been mapped or assessed as a Significant Natural Areas: i. the extent to which the proposal will adversely affect the ecological significance, values and function of that area; ii. whether it is appropriate or practicable to use biodiversity offsets or environmental biodiversity compensation to address more than minor residual adverse effects; "
Ecosystems and indigenous biodiversity Rules IB-R1 Indigenous vegetation pruning, trimming and clearance and any associated land disturbance	Support subject to amendments	As above in the reasons for the changes to the Overview section. In addition, the use of building platform (ie single residential unit) should not matter in assessing its effects relative to Indigenous vegetation. The provision for the use should be conferred from the underlying zoning. A more effective and efficient way to achieve the objective is to simply refer to 'building platforms'.	Amend rule IB-R1 as follows: <i>Indigenous vegetation pruning, trimming and clearance and any associated land disturbance for specified activities within and outside a Significant Natural Area</i> ... <i>7. To allow for the construction of a single residential unit on a title <u>building platform</u> and essential associated onsite infrastructure and access and it does not exceed 1,000m ;</i>

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for specified activities within and outside a Significant Natural Area		Furthermore, the rule confuses density rules applying to residential units which are specified elsewhere in the Plan. It is appropriate to add further exclusions for 'existing domestic gardens' in recognition that many existing gardens include indigenous vegetation. In addition, ecosystem protection, rehabilitation or restoration works should be excluded in recognition that Indigenous vegetation may need to be modified for such purposes, including for access tracks for planting and pest control and to release new plants.	<u>14. For existing domestic gardens</u> <u>15. It is for ecosystem protection, rehabilitation or restoration works</u>
Ecosystems and indigenous biodiversity Rules IB-R2 Indigenous vegetation clearance and any associated land disturbance within a Significant Natural Area for papakāinga	Oppose	As above in the reasons for the changes to the Overview section.	Delete Rule IB-R2
Ecosystems and indigenous biodiversity Rules IB-R3 Indigenous vegetation clearance and any associated land disturbance within a Significant	Oppose	As above in the reasons for the changes to the Overview section.	Delete Rule IB-R3

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Natural Area			
Ecosystems and indigenous biodiversity Rules IB-R4 Indigenous vegetation clearance and any associated land disturbance outside a Significant Natural Area	Oppose	As above in the reasons for the changes to the Overview section. In addition, the rule includes the requirement that <i>“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”</i> . This requirement lacks precision necessary for a permitted activity, and imposes an unfair cost and burden on landowners to identify SNA areas. The rule is unfairly structured such that the areas are assumed SNA unless proven otherwise by landowners and, as such, does not satisfy the requirements of section 32 of the RMA 1991.	Delete Rule IB-R4
IB-R5 Plantation forestry and plantation forestry activities within a Significant Natural Area	Oppose	As above in the reasons for the changes to the Overview section.	Delete Rule IB-R5
PART 2 – DISTRICT-WIDE MATTERS			
NATURAL ENVIRONMENT VALUES			
Natural character			
Natural Character Rules NATC-R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Oppose	The provision is targeted only to effects on natural character and such potential effects can be properly anticipated when considering this activity class. As such the rule is more efficient and effective if restricted discretionary activity, rather than a full discretionary activity. The assessment matters set out in the relief sought are taken from policy NATC-P6, and provide a complete basis to assess likely and potential effects on natural character.	Amend rule NATC-R1 to change the activity status where compliance is not achieved with PER-2, PER-3 and PER-4 from discretionary to <u>restricted discretionary</u> , with discretion limited to the effects on natural character values as follows: a. the presence or absence of buildings, structures or infrastructure; b. the temporary or permanent nature of any adverse effects;

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			c. the location, scale and design of any proposed development; d. any means of integrating the building, structure or activity; e. the ability of the environment to absorb change; f. the need for and location of earthworks or vegetation clearance; 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. any positive contribution the development has on the characteristics and qualities.
Natural Character Rules NATC-R2 Repair or maintenance	Oppose	The provision is targeted only to effects on natural character and such potential effects can be properly anticipated when considering this activity class. As such the rule is more efficient and effective if restricted discretionary activity, rather than a full discretionary activity. The assessment matters set out in the relief sought are taken from policy NATC-P6, and provide a complete basis to assess likely and potential effects on natural character.	Amend rule NATC-R2 to change the activity status where compliance is not achieved with PER-1 from discretionary to <u>restricted discretionary</u>, with discretion limited to the effects on natural character values as follows: a. the presence or absence of buildings, structures or infrastructure; b. the temporary or permanent nature of any adverse effects; c. the location, scale and design of any proposed development;

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			d. any means of integrating the building, structure or activity; e. the ability of the environment to absorb change; f. the need for and location of earthworks or vegetation clearance; 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. any positive contribution the development has on the characteristics and qualities.
Natural Character Rules NATC-R3 Earthworks or indigenous vegetation clearance	Oppose	The provision is targeted only to effects on natural character and such potential effects can be properly anticipated when considering this activity class. As such the rule is more efficient and effective if restricted discretionary activity, rather than a full discretionary activity. The assessment matters set out in the relief sought are taken from policy NATC-P6, and provide a complete basis to assess likely and potential effects on natural character.	Amend rule NATC-R3 to change the activity status where compliance is not achieved with PER-1 and PER-1 from discretionary/non-complying to <u>restricted discretionary</u>, with discretion limited to the effects on natural character values as follows: a. the presence or absence of buildings, structures or infrastructure; b. the temporary or permanent nature of any adverse effects; c. the location, scale and design of any proposed development; d. any means of integrating the building, structure or activity; e. the ability of the environment to absorb change;

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			f. the need for and location of earthworks or vegetation clearance; 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. any positive contribution the development has on the characteristics and qualities.
Natural Character Standards Earthworks or indigenous vegetation clearance	Oppose	The limitation on earthworks for 400m² for 10 years from the notification of the Proposed Plan is unduly restrictive and does not recognise that the effects of earthworks (complying with the other standards proposed in the rule) can effectively 'heal' over a calendar year through re-grassing, establishment of vegetation or the construction of the building or accessway for which the earthworks were required. To impose area limitations for the 10-year time frame will trigger resource consent applications for subsequent earthworks which need only be assessed against this new established environment, rather than against earthworks occurring some time over the preceding 10 year period. Clause 3 of the rule implies visual screening, and that being the case, it should state where screening is to be	Amend NATC-S2 as follows: <i>Any earthworks or indigenous vegetation on a site within wetland, lake <u>(where the lake bed has an area of 5ha or more or is a body of freshwater impounded by a dam)</u> and river margins clearance must:</i> <i>1. not exceed a total area of 400m² for 10 years from the notification of the District Plan <u>per calendar year</u>, unless a control in 5. below applies;</i> <i>2. not exceed a cut height or fill depth of 1m;</i> <i>3. screen exposed faces <u>visible from a public place</u>; and</i> <i>4. comply with Ecosystems and indigenous biodiversity chapter, NFL-S3 Earthworks or indigenous vegetation clearance and CE-S3 Earthworks or indigenous vegetation clearance.</i> <i>Note: The NESF requires a 10m setback from any</i>

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		from. This should be a public place given that is where natural character values will be seen from. The Standard references 'control in 5 below', however there is no number 5 in the standard. On the basis that this was intended to reference sediment control methods as follows (taken from EW-S5 Erosion and sediment control), then this is an appropriate addition to the rule as an effective method to control : <i>Earthworks</i> i. <i>must for their duration be controlled in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005);</i> ii. <i>shall be implemented to prevent silt or sediment from entering water bodies, coastal marine area, any stormwater system, overland flow paths, or roads.</i>	<i>natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.</i> Add the following as '5'. <u>Earthworks</u> i. <u>must for their duration be controlled in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016 (Auckland Council Guideline Document GD2016/005);</u> ii. <u>shall be implemented to prevent silt or sediment from entering water bodies, coastal marine area, any stormwater system, overland flow paths, or roads.</u>
PART 2 – DISTRICT-WIDE MATTERS NATURAL ENVIRONMENT VALUES Natural features and landscapes			
Natural Features and Landscapes Overview	Oppose	Outstanding natural landscapes (ONL) account for approximately 22% of the Far North District's land area. Of this, a significant portion has been highly modified in the past. The Overview incorrectly identifies that modification of ONLs has been minimal. Large tracts of ONLs are highly modified from their natural state by land uses including historical settlement, burn-offs, logging,	Amend the Overview as follows: <i>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</i>

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		forestry and farming practices. In many instances the characteristics of the ONL are in fact defined by these previous or current land uses. The Overview as written sets up an incorrect expectation that ONLs as mapped are in a natural state. The objective is also internally inconsistent with policy NFL-P4 which correctly recognises that farming is part of ONLs.	heritage and in some cases challenging topography and geomorphology.
Natural Features and Landscapes Objectives NFL-O2	Oppose	By its nature, land use and subdivision cannot be 'consistent with' the characteristics and qualities of an ONL or ONF: those being defined by a current state. It can however not compromise their characteristics and values as have been identified by the higher order planning documents. The NRC Landscape Assessment Work Sheets refer to "values" not qualities. In order for this objective to be the most appropriate way to achieve the requirements of the RMA and give effect to the NPS (ie allow a measurable assessment), it should use the same language as the Landscape Assessment methodology. "Identified" characteristics has been correctly used in policy NFL-P5, allowing a more measurable test of compliance with the policy. This should be consistently used thoroughly this objectives ad policy set.	Amend Objective NFL-O2 as follows: Land use and subdivision in ONL and ONF is consistent with and does not compromise the <u>identified characteristics and qualities values</u> of that landscape or feature. Or alternatively <u>The identified characteristics and values of ONLs and ONFs are protected from inappropriate subdivision, use and development..</u>
Natural Features and Landscapes Policies NFL-P2	Oppose	As per submission point on NFL-O2	Amend Policy NFL-P2 as follows: Avoid adverse effects of land use and subdivision on the <u>identified characteristics and qualities values</u> of ONL and ONF within the coastal environment.

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Natural Features and Landscapes Policies NFL-P3	Oppose	As per submission point on NFL-O2	Amend Policy NFL-P3 as follows: <i>Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the <u>identified</u> characteristics and <u>qualities values</u> of ONL and ONF outside the coastal environment.</i>
Natural Features and Landscapes Policies NFL-P4	Support subject to amendments	The policy provides appropriate recognition that farming should be provided for in ONLs and ONFs and that the use can form part of the characteristics and values that established the landscape or feature. Changes are sought in line with reasons for submission point on NFL-O2	Amend Policy NFL-P4 as follows: <i>Provide for farming activities within ONL and on ONF where: a. the use forms part of the <u>identified</u> characteristics and <u>qualities values</u> 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.</i>
Natural Features and Landscapes Policies NFL-P5	Support subject to amendments	Support the use of 'identified' as has been used in this policy, but should be used elsewhere to allow a measurable method to determine compliance with the policy.	Amend Policy NFL-P5 as follows: <i>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 <u>identified characteristics and qualities values</u>.</i>
Natural Features and Landscapes Policies NFL-P6	Support subject to amendments	The restoration and enhancement of ONLs and ONF should always be encouraged and to do otherwise may hold such areas in a degraded state.	Amend Policy NFL-P6 as follows: <i>Encourage the restoration and enhancement of ONL and ONF <u>areas</u> where it is consistent with the characteristics and qualities.</i>
Natural Features and Landscapes Policies NFL-P7	Oppose	Prohibit land use that would result in any loss of and/or destruction of the characteristics and qualities of ONL and ONF. Some loss of 'characteristics and qualities' should be able to be sustained before those values are gone. The classification system used by the NRC uses a	Delete Policy NFL-P7

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		ranking within which the value should be able to move along before it is lost. In this context prohibiting 'any loss' is an unreasonable test.	
Natural Features and Landscapes Policies NFL-P8	Oppose	Policy NFL-P6 seeks to 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 a range of matters where relevant to the application: This is not a policy but a method of assessment, and therefore more appropriately an assessment criterion. Non complying and discretionary activity applications should be assessed against objectives and policies which should be a clear expression of a desired outcome – not a way to achieve an unspecified outcome as is this policy.	Delete Policy NFL-P6
Natural Features and Landscapes Policies New Policy	Oppose	As drafted, the Proposed Plan does not provide appropriate recognition of existing and/or authorised subdivision, use and development in ONLs and ONFs. Many values and characteristics of ONLs have been enhanced through development and subdivision through for example native planting regeneration and its ongoing protection. Such activities have been deemed to be appropriate in the past and in the more recent past, typically subject to legally binding ongoing obligations to protect and enhance the values which comprise the ONL or ONF. A new policy is required to recognise the positive benefits that can accrue from such activities and enable their continuation.	Add a new policy as follows: <u>Recognise that identified ONLs and ONFs may contain existing and/or authorised subdivision, use and development and provide for these activities.</u>
Natural Features and Landscapes	Oppose	The building per -se, rather than the use of the building, is the matter that should be controlled in this instance, having regard to the purpose of the rule. As	Amend Rule NFL-R1 as follows: <i>Activity status: Permitted</i>

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Rules NFL-R1 New buildings or structures, and extensions or alterations to existing buildings or structures		such the requirement for the building to be ancillary to farming should be deleted. Reliance is still able to be placed on the other controls and standards referred to in the rule to manage effects on natural features and landscapes. Residential Units should be provided for in the overlay, in accordance with the underlying zone. They otherwise default to non-complying in the coastal environment as this rule is drafted in the Proposed Plan. This fails to recognise the existence of residential units in ONLs and the benefits that subdivision, use and development associated with residential units can bring to ONFs and ONLs. Should the concern be the proliferation of residential dwellings in the coastal environment, then this can be managed by the inclusion of a rule limiting as a per the drafting proposed at PER-5. As drafted, the rule ignores that there are titles, including titles with approved building platforms, which have occurred through a subdivision process which has confirmed the suitability of a residential unit, but are as yet unbuilt on. That should be recognised as a matter of discretion, or in the preferred alternative added as a controlled activity as also sought by this submission. 50m2, rather than 25m2, better provides for small farm sheds that are typical in rural environments. Non-conformity with the rule is more effectively and efficiently dealt with as a restricted discretionary	<i>Where:</i> <i>PER-1</i> <i>If a new building or structure is located outside the coastal environment it is:</i> 1. ancillary to farming (excluding a residential unit); <u>1. 2. no greater than 25 50m2 .</u> <i>PER-2</i> <i>If a new building or structure is located within the coastal environment it is:</i> 1. ancillary to farming (excluding a residential unit); <u>1 2. no greater than 25 50m2.</u> <i>PER-3</i> <i>Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.</i> <i>PER-4</i> <i>The building or structure, or extension or alteration to an existing building or structure, complies with standards:</i> <i>NFL-S1 Maximum height</i> <i>NFL-S2 Colours and materials</i> Add the following rule: <u><i>PER-5</i></u> <u><i>Where the new building is for a residential unit, there is only one residential unit within the ONL and ONF area on the lot.</i></u> Amend the activity status where compliance is not achieved with rules PER-1, PER-2, PER-3 and PER-4 from discretionary /non complying to <u>restricted discretionary</u> in the case of each rule. Add a new activity status where compliance is not

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		activity. This is because the matters of discretion are capable of being confined to effects on the identified characteristics and values of the feature. Except for more than one dwelling per lot, notification should not be a consideration, as the restricted discretionary matters are limited in their scope and need not involve third party input. .	achieved with rule PER-5 as a <u>non-complying activity</u>. Add a matter of discretion as follows: 1. <u>The effects on the identified characteristics and values that established the landscape or feature, having regard to:</u> a. <u>the temporary or permanent nature of any adverse effects;</u> b. <u>the location, scale and design of any proposed development;</u> c. <u>any means of Integrating the building, structure or activity;</u> d. <u>the ability of the environment to absorb change;</u> e. <u>the need for and location of earthworks or vegetation clearance;</u> f. <u>the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</u> g. <u>Except as provided for under m and n below, any viable alternative locations for the activity or development outside the landscape or feature;</u> h. <u>the characteristics and qualities of the landscape or feature;</u> i. <u>the physical and visual integrity of the landscape or feature;</u> j. <u>the natural landform and processes of the location; and</u> k. <u>any positive contribution the development has on the characteristics and qualities.</u>

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			l. <u>Whether locating the activity within the ONF or ONL area is required to enable reasonable residential or farming use of the lot.</u> m. <u>Whether the location is on a previously approved building platform.</u> Add new clause as follows: <u>Building/s which do not comply with PER1, PER2, PER3 or PER4 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).</u>
Natural Features and Landscapes Rules New Rule	Oppose	There are subdivisions in the district, including in coastal environments, where resource consents have been granted and/or titles issued specifying controls on the location and size of building platforms, and controlling these through legally binding instruments. Such forms of subdivision were encouraged under the Management Plan rule of the Operative Plan. This form of rule is proposed to be carried over into the Proposed Plan, and so may result in more such forms of subdivision. As drafted in rule NFL-R1, where these occur in the coastal areas, the activity status of dwellings defaults to non-complying, regardless of prior entitlements provided by subdivision. In many cases, the subdivisions have been carefully designed and have detailed controls imposed by way of consent condition and consent notices on the titles	Add new rule as follows: <u>"New buildings or structures, and extensions or alterations to existing buildings or structures within an approved building platform or buildable area on a site for which a subdivision consent was granted after 1 January 2000"</u> Specify the activity status as <u>controlled activity</u> Include the following matter of control: 1. <u>Compliance with location, height, design and mitigation conditions which apply to the site or building platform by way of resource consent condition or consent notice.</u> Include the following clause: <u>Building/s which are a controlled activity under this rule shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management</u>

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		to manage the effects of buildings. Owners have purchased lots on the understanding that their entitlement to build on them is protected. The default to non-complying activity would require a wholesale reassessment of the appropriateness to build on an approved building platform. It imposes considerable unnecessary cost and risk to current owners. Controlled activity is an appropriate activity class because the Council will have already assessed appropriations in such circumstance and all that may be required will be an evaluation against the conditions of the subdivision consent/consent notices. Typically, such subdivisions have occurred in more recent times and so a cut-off date as proposed in the relief may also be appropriate. Non-notification is also appropriate as the substantive consideration as to whether a building is acceptable on the approved building platform will have occurred already at subdivision stage. A similar provision is in the Operative Whangarei District Plan 2022	<u>Act unless special circumstances exist or notification is required under section 95B(2) and (3).</u>
Natural Features and Landscapes Rules NFL-R2 Repair or maintenance	Oppose	There is no need not be a rule for an activity class of repair and maintenance. Repairs and maintenance should be otherwise be permitted under the respective rules relating to the buildings, earthworks and indigenous vegetation clearance activity classes within the overlay. Those	Delete Rule NFL-R2

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		rules (as sought to be amended by this submission) most effectively and efficiently manage the effects of relevant activities on the resources managed by the overlay. Unforeseen consequences will result with the rule as drafted where classes of repairs and maintenance not listed will fall to discretionary activity, triggering costly and unnecessary consent processes. An example is existing houses in the ONF and ONL, whereby their repair and maintenance (including any normal domestic maintenance) would trigger a full discretionary activity resource consent because they are not specified in the repair or maintenance rule.	
Natural Features and Landscapes Rules NFL-R3 Earthworks or indigenous vegetation clearance	Oppose	Given the nature of the PER-1 repair and maintenance activities (ie lawfully established and like for like works), there should be no limit in the volume of earthworks associated with these. For the reasons set out above in this submission, the repair and maintenance activities are better placed as a permitted activity clause within this rule itself, rather than a separate activity class. More exceptions for normal farming and rural practices should be provided for. In this regard, farming activities are often a feature of the overlay area and not providing for such activities would impose significant consent cost and risks on land owners. Where ONLs and ONFs are not farmed, then the vegetation controls provide protection. In particular, exceptions are required for:	Amend Rule NFL-R3 as follows: <i>Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i> <i>The earthworks or indigenous vegetation clearance is:</i> 1. required for the repair or maintenance permitted under NFL-R2 Repair or maintenance. <u>1. Required for 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:</u> <u>1. roads.</u> <u>2. fences</u> <u>3. network utilities</u> <u>4. driveways and access</u> <u>5. walking tracks</u> <u>6. cycling tracks</u> <u>7. farming tracks.</u> <i>2. required to provide for safe and reasonable</i>

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		- Maintenance of fire breaks (for ecosystem protection and providing for the health and safety of people) - Cultivation and domestic gardens (continuation of domestic and rural activities). - Ecosystem protection and enhancement (where vegetation may need to be thinned to release new plantings) - Maintenance of driveways and roads. The need for such exemptions is heightened by the very broad definition of “earthworks” under the National Planning Standard 2019 that has been adopted in the plan. Almost all ground disturbance is captured by this definition. In each instance non conformity should be a restricted discretionary activity. The scope of assessment is limited and the potential effects well-understood and able to be categorised as assessment matters. The policy NFL-P8, provides the necessary matters of assessment and are sought to be repeated in the rule, with the addition of new matters: - Whether locating the activity within the ONF or ONL area is required to enable reasonable residential or farming use of the lot. - Whether the location is on a previously approved building platform.	clearance for existing overhead power lines. <u>3. necessary to address a risk to public health and safety.</u> <u>4. for biosecurity reasons.</u> <u>5. for the sustainable non-commercial harvest of plant material for rongoā Māori.</u> <u>6. for vegetation clearance required to establish or maintain a firebreak within 20m of a dwelling.</u> <u>7. for cultivation (for earthworks only) or domestic gardens.</u> <u>8. for ecosystem protection, rehabilitation or restoration works.</u> <u>9. required to maintain an operational farm (including the maintenance or reinstatement of pasture where the vegetation to be cleared is less than 15 years old and less than 6m in height) or operate a plantation forestry activity.</u> <u>10. required for vegetation clearance to maintain an existing driveway to a dwelling, within 5m of that driveway.</u> <u>11. required for vegetation clearance as a strip of no more than 3.5m wide to construct new fences for the purpose of stock control or boundary delineation.</u> <u>12. required for vegetation clearance within the legal width of an existing formed road.</u> PER-2 <u>Except as permitted under PER-1, the earthworks or indigenous vegetation clearance</u> <u>outside the coastal environment is not provided for within NFL R3 PER 1 but it complies with standard</u> <u>NFL-S3 Earthworks or indigenous vegetation clearance</u> PER-3

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		The importance of providing for development on previously approved building platforms is discussed earlier in this submission. As essentially a technical assessment against a defined set of matters, a non-notification rule is appropriate as it will avoid unnecessary consent cost and risk burden on landowners.	Except as permitted under PER-1 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 Amend the activity status where compliance is not achieved with rules PER-1, PER-2 and PER-3 from discretionary /non complying to <u>restricted discretionary</u> in the case of each rule. Add a matter of discretion as follows: 1. <u>The effects on the identified characteristics and qualities values that established the landscape or feature, having regard to:</u> a. <u>the temporary or permanent nature of any adverse effects;</u> b. <u>the ability of the environment to absorb change;</u> c. <u>the need for and location of earthworks or vegetation clearance;</u> d. <u>the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</u> e. <u>Except as provided for under k and l below, any viable alternative locations for the activity or development outside the landscape or feature;</u> f. <u>any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</u> g. <u>the characteristics and qualities of the landscape or feature;</u>

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			h. <u>the physical and visual integrity of the landscape or feature;</u> i. <u>the natural landform and processes of the location; and</u> j. <u>any positive contribution the development has on the characteristics and qualities.</u> k. <u>Whether locating the activity within the ONF or ONL area is required to enable reasonable residential or farming use of the lot.</u> l. <u>Whether the location is on a previously approved building platform.</u> Add new clause as follows: <u>Earthworks or indigenous vegetation clearance which do not comply with PER1, PER2 or PER3 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).</u>
Natural Features and Landscapes Rules NFL-R3 Farming	Oppose	Under this rule, farming becomes a non-complying activity in the coastal environment and discretionary elsewhere. . This does not implement policy NFL-P4 of the Proposed Plan which recognises that that farming should be provided for in ONLs and ONFs and that the use can form part of the characteristics and values that established the landscape or feature; While existing farms may be protected by existing use rights, new farming methods or practices may not be, and may trigger the need for a resource consent with the rule as proposed. This ignores that in large	Delete rule NFL-R3 (assuming reliance can then be placed on the activity status for farming in the underlying zoning as per “Applications Subject to Multiple Provisions” section of the Proposed Plan) <u>Or</u>, in the alternative, Amend rule NFL-R3 so that Farming is a permitted activity in the overlay.

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		sections of the district, ONF and ONLs apply over working farms. Furthermore, the values sought to be protected in these overlays often refer to pastoral and open characteristics of landscapes. The rule will impose significant compliance costs on existing farms where resource consents may be required for every new aspect of their operation. The rule as proposed is not effective nor efficient as the effects on the values and characterises of the overlays are better managed through controls on earthworks, vegetation clearance and buildings, rather than the activity of farming. As per the overview explanation of overlays in the Proposed Plan, where there is no specific rule relevant to the activity, then it reverts to its underlying zoning (for example, if Rural Production then farming is a permitted activity). If this is the case, the then the rule can and should be deleted for the reasons above. If that is not the case, then an alternative relief is sought that farming is a permitted activity in the overlay.	
Natural Features and Landscapes Standards NFL-S1 Maximum Height	Oppose	The maximum height specified of 5m may or may not be appropriate in the circumstances, and is best assessed and determined at resource consent stage for the building under NFL-R1. The height limit of the zone would otherwise apply to smaller (less than 50m structures).	Delete Standard NFL-S1

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		The requirement to not exceed the height of the nearest ridgeline, headland or peninsula as a height limit lacks precision and measurability, with these factors better taken into account at resource consent stage.	
Natural Features and Landscapes Standards NFL-S2 Colours and materials	Support subject to amendments	The rule should allow for natural materials also.	Amend Standard NFL-S2 as follows: <i>The exterior surfaces of buildings or structures shall:</i> 1. <i>be constructed of materials and/or finished to achieve a reflectance value no greater than 30%.</i> 2. <i>have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette <u>or are a natural finish stone or timber.</u></i>
Natural Features and Landscapes Standards NFL-S3 Earthworks or indigenous vegetation clearance	Support subject to amendments	Amendments are sought to the rule so that earthworks or indigenous vegetation clearance associated with access and/or a building platform are not subject to the preceding subclause 1-3s. Otherwise, such works would trigger the need for consent in almost every instance (building platforms generally being greater than 50m2). Also, as drafted, it could be interpreted that only earthworks and vegetation clearance for the purpose of access and/or a building platform are permitted (eg not farming earthworks and vegetation clearance). These changes are appropriate because earthworks or indigenous vegetation clearance associated with the building is assessed as a restricted discretionary activity matter with the building resource consent application. Life of District Plan as a compliance measure is unnecessarily limited and does not recognise the	Amend rule NFL-S2 as follows: <i>Any earthworks or indigenous vegetation clearance must (where relevant):</i> 1. <i>not exceed a total area of 50m2 over the life of the District Plan, <u>per calendar year;</u> and</i> 2. <i>not exceed a cut height or fill depth of 1m <u>1.5m;</u> and</i> 3. <i>screen any exposed faces <u>visible from a public place;</u> or</i> 4. <i>be for the purpose of access and/or a building platform.</i> <i>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.</i>

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		ability for the land to heal each season (ie calendar year) after earthworks. Screening should only be from public places (which includes the CMA) for the rule to efficiently apply.	
PART 2 – DISTRICT-WIDE MATTERS NATURAL ENVIRONMENT VALUES Public access			
Public access Policies PA-P2	Oppose	Policy PA-P2 sets out a number of circumstances at a.g. where public access is required to be provided at subdivision. These do not align with the subdivision rules which implement this policy, where such circumstances are limited. The policy should integrate with the equivalent policy in the subdivision section (SUB- P7) so that the specific method for achieving the policy is specified in the rule rather than in the policy. For example, the obligation of policy PA-P2 to require the creation of esplanade reserves where it ‘c. <i>protects, maintains or enhances public access</i>’ goes beyond the limited circumstances specified in rule SUB-S8.	Delete policy PA-P2 and replace with: <u>“Require esplanade reserves or strips when subdividing to specified lot sizes land adjoining the coast and other qualifying water-bodies”.</u>
PART 2 – DISTRICT-WIDE MATTERS SUBDIVISION Subdivision			
Subdivision Policies SUB-P1	Support subject to amendments	Policy SUB-P1 enables boundary adjustments where they are in accordance with the minimum lot sizes of the zone. Many existing lots do not comply with the minimum lot size standards and subdivisions (and more so, should that be increased to 40ha in the rural production zone). Boundary adjustments in such circumstances should also be enabled where they do not increase the number of lots created. The effect of the non-confirming lot already exists and therefore	Amend policy SUB-P1 as follows: <i>Enable boundary adjustments that:</i> <i>a. do not alter:</i> <i>i. the degree of non compliance with District Plan rules and standards;</i> <i>ii. the number and location of any access; and</i> <i>iii. the number of certificates of title; and</i>

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		allowing boundary adjustments will not increase density not give rise to further effects on the environment that already exist (subject to meeting the controlled activity matters).	b. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.
Subdivision Policies SUB-P3	Support	The provision of subdivision in the circumstances listed is supported as an efficient use of the land resource of the district.	Retain Policy SUB-P3
Subdivision Policies SUB-P7	Support	The policy that requires the vesting of esplanade reserves when subdividing land adjoining the coast or other qualifying waterbodies. Although a more accurate expression of policy intent than policy PA-P2, it should limit its application to specified lots sizes to align with its associated rules.	Amend Policy SUB-P7 as follows <i>Require the vesting of esplanade reserves when subdividing <u>to specified lots sizes</u> land adjoining the coast or other qualifying waterbodies.</i>
Subdivision Policies SUB-P8	Oppose	Policy SUB-P7 which seeks to avoid rural lifestyle subdivision in rural zones, does not set out all of the circumstances where limited rural lifestyle subdivision in the Rural Production Zone may be appropriate, and can provide economic and environmental benefit. The policy should recognise that limited rural lifestyle subdivision may be a sustainable use of land resources, particularly where they are degraded and unsuited to productive use and significant environmental gains can be made. In these circumstances, subdivision, through an injection of capital and introduction of a 'community of care', allows for restoration and enhancement opportunities to be implemented and maintained through legal protection and ongoing obligations. The policy as drafted does not support subdivision rules SUB-R6 "Environmental benefit subdivision" nor SUB-R7 "Management plan subdivision" and should be redrafted to actively 'provide for' such opportunities.	Delete Policy SUB-P7 and replace with the following: <u>SUB-P8</u> <u>Provide limited opportunities for rural lifestyle subdivision in rural areas while ensuring that:</u> (a) <u>there will be significant environmental protection of indigenous vegetation including restoration, or wetlands;</u> (b) <u>subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;</u> (c) <u>subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;</u> (d) <u>adverse effects on rural and coastal character are avoided, remedied or mitigated;</u> (e) <u>sites are of sufficient size to absorb and manage adverse effects within the site; and</u>

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			(f) <u>reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production; and</u> (g) <u>loss of versatile soils for primary production activities is avoided.</u>
Subdivision Policies SUB-P9	Oppose	Policy SUB-P9 seeks to avoid subdivision rural lifestyle subdivision in the Rural Production zone and Rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule. This policy is not needed with the new policy SUB-P8 sought by this submission.	Delete Policy SUB-P9
Subdivision Policies SUB-P11	Oppose	The matters set out in Policy SUB-P11 are information requirements for assessment of applications and do not prescribe policy as such. They are better placed as assessment matters/criteria against which applications are to be assessed.	Delete Policy SUB-P11
Subdivision Rules SUB-R1 Boundary adjustments	Support subject to amendments	Many existing lots do not comply with the minimum lot size standards and subdivisions should also be enabled where boundary adjustments to such lots do not increase the number of lots created. The effect of the non-confirming lot already exists and therefore allowing boundary adjustments will not give rise to further effects on the environment.	Amend Rule SUB-R1 as follows: <i>CON-1</i> <i>The boundary adjustment complies with standards:</i> SUB-1 Minimum allotment sizes for controlled activities, except where an existing allotment size is already non-compliant, the degree of non-compliance shall not be increased; SUB-S2 Requirements for building platforms for each allotment; SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 Telecommunications and power supply; and SUB-S7 Easements for any purpose;

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Subdivision Rules SUB-R3 Subdivision of land to create a new allotment	Support	The rule provides an appropriate range of standards and controlled activity matters for subdivision.	Retain Rule SUB-R3
Subdivision Rules SUB-R6 Environmental benefit subdivision	Support subject to amendments	The rule appropriately recognises that that limited rural lifestyle subdivision may be a sustainable use of land resources, particularly where they are degraded and unsuited to productive use and significant environmental gains can be made. In these circumstances, subdivision, through an injection of capital and introduction of a 'community of care' and legal protection/going obligations, allows for restoration and enhancement opportunities to be implemented and maintained in perpetuity. RDIS-3 which requires the protected area to be added to the list of scheduled Significant Natural Areas in the District Plan cannot be met as a standard, unless by private plan change: the burden of which is significant and would negate the effectiveness of the rule. The council is able to capture such areas in its own plan changes, without risk of interim adverse impacts on such areas due to the obligation under the rule that they be legally protected. The balance lot requirement of 40ha is unnecessary and will negate the effectiveness of the rule on smaller sites which may have equal or better ecological values worthy of protection.	Amend Rule SUB-R6 by: 1. Deleting RDIS-3; and 2. Amending RDIS-6 as follows: <i>All proposed new environmental allotments are to be a minimum size of 2ha in area and the balance lot must be greater than 40ha.</i>
Subdivision Rules SUB-R7 Management Plan subdivision	Support	The rule appropriately recognises that that limited rural lifestyle subdivision may be a sustainable use of land resources, particularly where they are degraded and unsuited to productive use and significant environmental gains can be made. In these	Retain Rule SUB-R7

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		circumstances, subdivision allows for restoration and enhancement opportunities to be implemented and maintained in perpetuity.	
Subdivision Rules SUB-R17 Subdivision of a site containing a scheduled SNA	Oppose	There are no scheduled SNAs in the Proposed Plan. In any event the existence of an SNA on a site should not alter the activity status to full discretionary / non-complying activity.	Delete Rule SUB-R17
Subdivision Rules SUB-R18 Subdivision of a site within an Outstanding Natural Landscape and Outstanding Natural Feature	Support subject to amendments	On many sites the overlay or margin is a small component of a larger site. Subdivision of the balance of the site not covered by the overlay or margin should be able to occur in accordance with the standard subdivision provisions. Only where the new lot to be created (or boundary) is within the overlay should assessment be required under this rule. That may have been the intent of the drafting; however, as drafted, it may capture sites where only a part of them is within an overlay or margin yet applies the rule and activity status to subdivisions of the site as a whole. The rule should also only be restricted to the creation of new lots within these overlays/margins and should not apply to the other classes of subdivision provided for (for example, boundary adjustments). The revisions sought in this submission seeks to limit the application of the rule <u>only to the creation of new lots.</u>	Amend Rule SUB-R18 as follows: <i>SUB-R18 Subdivision of a site within an Outstanding Natural Landscape and Outstanding Natural Feature <u>(where any boundary of a new lot to be created (excluding boundary adjustments) is within that part of the existing site covered by the overlay)</u></i>
Subdivision Rules SUB-R19 Subdivision of a site within wetland, lake and river margins	Support subject to amendments	As above in this submission.	Amend Rule SUB-R19 as follows: <i>SUB-R18 SUB-R19 Subdivision of a site within wetland, lake and river margins <u>(where any boundary of a new lot to be created (excluding boundary adjustments) is within the margin)</u></i>

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Subdivision Rules SUB-R20 Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)	Support subject to amendments	As above in this submission.	Amend Rule SUB-R20 as follows: <i>SUB-R20 Subdivision of a site within the Coastal Environment (excluding Outstanding Natural Character Areas) <u>(where any boundary of a new lot to be created (excluding boundary adjustments) is within that part of the existing site covered by the overlay)</u></i>
Subdivision Rules SUB-R21 Subdivision of a site within Outstanding Natural Character Areas in the Coastal Environment	Support subject to amendments	As above in this submission.	Amend Rule SUB-R21 as follows: <i>SUB-R21 Subdivision of a site within Outstanding Natural Character Areas in the Coastal Environment <u>(where any boundary of a new lot to be created (excluding boundary adjustments) is within that part of the existing site covered by the overlay)</u></i>
Subdivision Standards SUB-S1 Minimum allotment sizes	Oppose	The Proposed 40ha minimum allotment size in the Rural Production Zone is opposed and a 20ha <i>average</i> lot size is sought for the following reasons: 1. The 40ha minimum follows a productive use of land imperative for the zone which in many instances cannot be achieved and is unsuitable to many steep, coastal and/or bush-clad parts of the district. A smaller 20ha lot size is more able to be managed by owners with non-productive land units such as bush blocks and regenerating land. 2. The district has a long-established subdivision pattern through a minimum lot size of 20ha. 3. 20ha can be a productive lot. 4. An average lot size reduces the risk of arbitrary lot design, enabling the landowner to design a subdivision in a manner that takes the characteristics of the land and its resources into account.	Amend SUB-S1 Minimum allotment sizes to a 20ha minimum <u>average</u> allotment size as a controlled activity in the Rural Production Zone. Amend SUB-S1 Minimum allotment sizes to a 8ha minimum <u>average</u> allotment size as a discretionary activity in the Rural Production Zone.

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Subdivision Standards SUB-S8 Esplanades	Support	The rule appropriately aligns with the esplanade reserve requirements of the RMA 1991. A lake of 8ha is suitably defined in the rule, with esplanades around smaller lakes likely of no or of limited public benefit and a significant imposition on landowners.	Retain Rule SUB-S8
PART 2 – DISTRICT-WIDE MATTERS GENERAL DISTRICT-WIDE MATTERS Coastal environment			
Coastal Environment Objectives CE-01 and CE-02	Oppose	Objective CE-01 seeks that the natural character of the coastal environment is identified and managed to ensure its long-term preservation and protection for current and future generations. This objective lacks specificity as to the outcome sought for the coastal environment and, together with Objective CE-02, fails to take into account the full scope of resources in the coastal environment and the range of existing and potential new sustainable land uses able to be supported in the coastal environment (including opportunities for restoration or rehabilitation of modified or degraded areas of natural character through land use and subdivision). This submission seeks both objectives both be deleted and replaced with a consolidated single objective which sets out a clear and specific outcome for resources in the coastal environment, and which gives effects to the NZCPS.	Delete Objectives CE-01 and CE-02 and replace with the following: <u>Objective CE-01 Subdivision, use and development in the Coastal Environment:</u> a. <u>Enables people and their communities to provide for the social, economic, and cultural well-being and their health and safety;</u> b. <u>Maintains or restores the integrity, form, functioning and resilience of the Coastal Environment; and</u> c. <u>Protects the indigenous biodiversity values of the Coastal Environment in relation to the biodiversity values present; and</u> d. <u>Preserves the natural character of the Coastal Environment in relation to the level of natural character present; and</u> e. <u>Protects natural features and landscapes values of the Coastal Environment in relation to the level of natural feature and landscape values present; and</u> f. <u>Recognises and provides for the relationship of tāngata whenua with the Coastal Environment; and</u>

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			g. <u>Maintains and enhances public open space and recreation opportunities in the Coastal Environment; and</u> h. <u>Manages coastal hazard risks, including the long-term projected effects of climate change; and</u> i. <u>Protects and enhances historic heritage values; and</u> j. <u>Avoids sprawling or sporadic patterns of development and enabling consolidation of existing settlements.</u> k. <u>Where appropriate, promotes opportunities for restoration or rehabilitation of modified or degraded areas of natural character.</u>
Coastal Environment Policies CE-P2	Support subject to amendments	An amendment is sought to the policy to recognise that some of the overlays referenced identify “values” in APP-1.	Amend Policy CE-P2 as follows: <i>Avoid adverse effects of land use and subdivision on the characteristics, <u>values</u> and qualities of the coastal environment identified as:</i> a. <i>outstanding natural character;</i> b. <i>ONL;</i> c. <i>ONF.</i>
Coastal Environment Policies CE-P3	Support subject to amendments	An amendment is sought to the policy to recognise that some of the overlays referenced identify “values” in APP-1.	Amend Policy CE-P3 as follows: <i>Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, <u>values</u> and qualities of the coastal environment not identified as:</i> a. <i>outstanding natural character;</i> b. <i>ONL;</i> c. <i>ONF.</i>
Coastal Environment Policies	Support subject to amendments	The policy seeks to enable farming activities in the coastal environment and that part of the policy is	Amend Policy CE-P6 as follows:

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CE-P6		supported. The qualifications that farming is only supported where <i>"its use forms part of the values that established natural character of the coastal environment; or the use is consistent with, and does not compromise the characteristics and qualities"</i> , are unnecessary. Farming is a typical activity in the coastal environment in the Far North, and as recognised by the Proposed Plan, in many instances it defines its character. The qualifications proposed in the policy are better managed by other overlays that are targeted to the management of specific resources (for example indigenous vegetation clearance in the High and Outstanding Natural Character overlay).	<i>Enable farming activities within the coastal environment where: a. the use forms part of the values that established natural character of the coastal environment; or b. the use is consistent with, and does not compromise the characteristics and qualities.</i>
Coastal Environment Policies CE-P8	Support	The natural character of the coastal environment is in many instances significantly modified or degraded and it is appropriate that the Proposed Plan encourages its restoration and enhancement to give effect to the NZCPS.	Retain Policy CE-P8
Coastal Environment Policies CE-P9	Oppose	Policy CE-P9 seeks to prohibit land use and subdivision that would result in any loss and/or destruction of the characteristics and qualities in outstanding natural character areas. This policy is not implemented by any rules and, moreover, is inconsistent with Policy CE-P2 which better gives effect to the NZCPS.	Delete Policy CE-P9
Coastal Environment Policies CE-P10	Oppose	Policy CE-P10 seeks to 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,	Delete Policy CE-P10

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		including (but not limited to) consideration of a range of matters "where relevant to the application". This is not a policy but a method of assessment, and therefore more appropriately an assessment criterion. Noncomplying and discretionary activity applications should be assessed against objectives and policies which should be a clear expression of a desired outcome – not a way to achieve an unspecified outcome as is this policy.	
Coastal Environment Rules CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures	Oppose	The rule as proposed fails to recognise the existence of residential units in the coastal environment and the benefits that subdivision, use and development associated with residential units can bring in the coastal environment. Provision should be made for buildings not ancillary farming activities (including residential units). 50m2, rather than 25m2, better provides for small farm sheds that are typical in rural environments. Non-conformity with the rule is more effectively and efficiently dealt with as a restricted discretionary activity. This is because the matters of discretion are capable of being confined to effects on the identified characteristics and values of the coastal environment. As drafted, the rule ignores that there are titles, including titles with approved building platforms, which have occurred through a subdivision process which has confirmed the suitability of a residential unit, but are as yet unbuilt on. That should be recognised as a matter of discretion, or in the	Amend rule CE-R1 as follows: <i>Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i> <i>If a new building or structure is located in an urban zone it is:</i> <i>1. no greater than 300m2.</i> <i>2. located outside high or outstanding natural character areas.</i> <i>PER-2</i> <i>If a new building or structure is not located within an urban zone it is:</i> <i>1. ancillary to farming activities (excluding a residential unit).</i> <i>2. <u>If not ancillary farming activities (including a residential unit) no greater than 25m2 50m2.</u></i> <i>3. located outside outstanding natural character areas.</i> <i>PER-3</i>

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		preferred alternative, added as a controlled activity as also sought by this submission. Except for more than one dwelling per lot, notification should not be a consideration, as the restricted discretionary matters are limited in their scope and need not involve third party input. .	<i>Any extension to a lawfully established building or structure is no greater than 20% of the GFA of the existing lawfully established building or structure.</i> <i>PER-4</i> <i>The building or structure, or extension or addition to an existing building or structure, complies with standards:</i> <i>CE-S1 Maximum height.</i> <i>CE-S2 Colours and materials.</i> Amend the activity status for non compliance with PER-1, PER-2 and PER-3 from discretionary and non-complying to <u>restricted discretionary activity</u> in each case. Add the following restricted discretionary activity assessment matter: <u><i>The effects on the characteristics, values and qualities of the coastal environment, including (but not limited to) consideration of the following matters where relevant to the application:</i></u> a. <u><i>the presence or absence of buildings, structures or infrastructure;</i></u> b. <u><i>the temporary or permanent nature of any adverse effects;</i></u> c. <u><i>the location, scale and design of any proposed development;</i></u> d. <u><i>any means of integrating the building, structure or activity;</i></u> e. <u><i>the ability of the environment to absorb change;</i></u>

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			f. <u>the need for and location of earthworks or vegetation clearance;</u> g. <u>the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</u> h. <u>Except as provided for under n and o below, any viable alternative locations for the activity or development;</u> i. <u>any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</u> j. <u>the likelihood of the activity exacerbating natural hazards;</u> k. <u>the opportunity to enhance public access and recreation;</u> l. <u>the ability to improve the overall quality of coastal waters; and</u> m. <u>any positive contribution the development has on the characteristics and qualities.</u> n. <u>Whether locating the activity within the coastal environment is required to enable reasonable residential or farming use.</u> o. <u>Whether the location is on a previously approved building platform.</u> Add the following clause: <u>New buildings or structures, and extensions or alterations to existing buildings or structures which do not comply with PER1, PER2, PER3 or PER4 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).</u>

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Coastal Environment Rules New Rule	Oppose	There is no need not be a rule for an activity class of repair and maintenance. Repairs and maintenance should be otherwise be permitted under the respective rules relating to the buildings, earthworks and indigenous vegetation clearance activity classes within the overlay. Those rules (as sought to be amended by this submission) most effectively and efficiently manage the effects of relevant activities on the resources managed by the overlay. Unforeseen consequences will result with the rule as drafted where classes of repairs and maintenance not listed will fall to discretionary activity, triggering costly and unnecessary consent processes. An example is existing houses in the ONF and ONL, whereby their repair and maintenance (including any normal domestic maintenance) would trigger a full discretionary activity resource consent because they are not specified in the repair or maintenance rule. This form of rule is proposed to be carried over into the Proposed Plan, and so may result in more such forms of subdivision. As drafted in rule CE-R1, where these occur in the coastal areas and are within an ONL/ONF, the activity status of dwellings defaults to non-complying, regardless of prior entitlements provided by subdivision. In many cases, the subdivisions have been carefully designed and have detailed controls imposed by way of consent condition and consent notices on the titles	Add new rule as follows: <u>"New buildings or structures, and extensions or alterations to existing buildings or structures within an approved building platform or buildable area on a site for which a subdivision consent was granted after 1 January 2000"</u> Specify the activity status as <u>controlled activity</u> Include the following matter of control: 2. <u>Compliance with location, height, design and mitigation conditions which apply to the site or building platform by way of resource consent condition or consent notice.</u> Include the following clause: <u>Building/s which are a controlled activity under this rule shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).</u>

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		to manage the effects of buildings. Owners have purchased lots on the understanding that their entitlement to build on them is protected. The default to non-complying activity would require a wholesale reassessment of the appropriateness to build on an approved building platform. It imposes considerable unnecessary cost and risk to current owners. Controlled activity is an appropriate activity class because the Council will have already assessed appropriations in such circumstance and all that may be required will be an evaluation against the conditions of the subdivision consent/consent notices. Typically, such subdivisions have occurred in more recent times and so a cut-off date as proposed in the relief may also be appropriate. Non-notification is also appropriate as the substantive consideration as to whether a building is acceptable on the approved building platform will have occurred already at subdivision stage. A similar provision is in the Operative Whangarei District Plan 2022	
Coastal Environment Rules CE-R2 Repair or maintenance	Oppose	There is no need not be a rule for an activity class of repair and maintenance. Repairs and maintenance should be otherwise be permitted under the respective rules relating to the buildings, earthworks and indigenous vegetation clearance activity classes within the overlay. Those	Delete Rule CE-R2

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		rules (as sought to be amended by this submission) most effectively and efficiently manage the effects of relevant activities on the resources managed by the overlay. Unforeseen consequences will result with the rule as drafted where classes of repairs and maintenance not listed will fall to discretionary activity, triggering costly and unnecessary consent processes. An example is existing houses in the coastal environment, whereby their repair and maintenance (including any normal domestic maintenance) would trigger a full discretionary activity resource consent because they are not specified in the repair or maintenance rule.	
Coastal Environment Rules CE-R3 Earthworks or indigenous vegetation clearance	Oppose	More exceptions for normal farming and rural practices should be provided for. In this regard, farming activities are typically part of the coastal environment and not providing for such activities would impose significant consent cost and risks on landowners. Where such areas are not farmed, then the vegetation controls provide protection from inappropriate use and development. In particular, exceptions are required for: • Maintenance of fire breaks (for ecosystem protection and providing for the health and safety of people) • Cultivation and domestic gardens (continuation of domestic and rural activities). • Ecosystem protection and enhancement (where vegetation may need to be thinned to release new plantings) • Maintenance of driveways and roads.	Amend Rule CE-R3 as follows: <i>Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i> <i>The earthworks or indigenous vegetation clearance is:</i> 1. required for the repair or maintenance permitted under CE R2 Repair or maintenance. <u>1. Required for 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:</u> <u>1. roads.</u> <u>2. fences</u> <u>3. network utilities</u> <u>4. driveways and access</u> <u>5. walking tracks</u> <u>6. cycling tracks</u> <u>7. farming tracks.</u> <i>2. required to provide for safe and reasonable</i>

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		The need for such exemptions is heightened by the very broad definition of “earthworks” under the National Planning Standard 2019 that has been adopted in the plan. Almost all ground disturbance is captured by the control. In each instance non conformity should be a restricted discretionary activity. The scope of assessment is limited and the potential effects well-understood and able to be categorised as assessment matters. The policy CE-P10, provides the necessary matters of assessment and are sought to be repeated in the rule, with the addition of new matters: • Whether locating the activity within the ONF or ONL area is required to enable reasonable residential or farming use of the lot. • Whether the location is on a previously approved building platform. The importance of providing for development on previously approved building platforms is discussed earlier in this submission. As essentially a technical assessment against a defined set of matters, a non-notification rule is appropriate as it will avoid unnecessary consent cost and risk burden on landowners.	clearance for existing overhead power lines. <u>3. necessary to address a risk to public health and safety.</u> <u>4. for biosecurity reasons.</u> <u>5. for the sustainable non-commercial harvest of plant material for rongoā Māori.</u> <u>6. for vegetation clearance required to establish or maintain a firebreak within 20m of a dwelling.</u> <u>7. for cultivation (for earthworks only) or domestic gardens.</u> <u>8. for ecosystem protection, rehabilitation or restoration works.</u> <u>9. required to maintain an operational farm (including the maintenance or reinstatement of pasture where the vegetation to be cleared is less than 15 years old and less than 6m in height) or operate a plantation forestry activity.</u> <u>10. required for vegetation clearance to maintain an existing driveway to a dwelling, within 5m of that driveway.</u> <u>11. required for vegetation clearance as a strip of no more than 3.5m wide to construct new fences for the purpose of stock control or boundary delineation.</u> <u>12. required for vegetation clearance within the legal width of an existing formed road.</u> PER-2 <u>Except as permitted under PER-1, the earthworks or indigenous vegetation clearance is not provided for within CE-R3 PER-1 but it complies with standard CE-S3 Earthworks or indigenous vegetation clearance</u> Amend the activity status where compliance is not

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			achieved with rules PER-1 and PER-2 from discretionary /non complying to <u>restricted discretionary</u> in the case of each rule. Add a matter of discretion as follows: 1. <u>The effects characteristics, values and qualities of the coastal environment, having regard to:</u> a. <u>the temporary or permanent nature of any adverse effects;</u> b. <u>the ability of the environment to absorb change;</u> c. <u>the need for and location of earthworks or vegetation clearance;</u> d. <u>the operational or functional need of any regionally significant infrastructure to be sited in the particular location;</u> e. <u>Except as provided for under k and l below, any viable alternative locations for the activity or development outside the coastal environment;</u> f. <u>any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6;</u> g. <u>the likelihood of the activity exacerbating natural hazards;</u> h. <u>the ability to improve the overall quality of coastal waters; and</u> i. <u>any positive contribution the development has on the characteristics and qualities.</u> j. <u>Whether locating the activity within the coastal environment is required to enable reasonable residential or farming use.</u>

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			k. <u>Whether the location is on a previously approved building platform or access drive.</u> Add new clause as follows: <u>Earthworks or indigenous vegetation clearance which do not comply with PER1, PER2 or PER3 shall be assessed without public or limited notification under sections 95A and 95B of the Resource Management Act unless special circumstances exist or notification is required under section 95B(2) and (3).</u>
Coastal Environment Rules CE-R4 Farming	Oppose	Under this rule, farming becomes a non-complying activity in the coastal environment when combined with the ONL or ONF overlay. This does not implement policy CE-P6 of the Proposed Plan which recognises that that farming should be provided for in the coastal environment. While existing farms may be protected by existing use rights, new farming methods or practices may not be, and may trigger the need for a resource consent with the rule as proposed. This ignores that in large sections of the district, working farms are in the coastal environment. The rule will impose significant compliance costs on existing farms where resource consents may be required for every new aspect of their operation. The rule as proposed is not effective nor efficient as the effects on the coastal environment are better managed through controls on earthworks, vegetation	Delete rule CE-R4 (assuming reliance can then be placed on the activity status for farming in the underlying zoning as per “Applications Subject to Multiple Provisions” section of the Proposed Plan) <u>Or</u>, in the alternative, Amend rule CE-R4 so that Farming is a permitted activity in the overlay. Amend rule CE-R4 as follows: <i>Activity status: Permitted</i> Where: PER 1 The farming activity is located outside high or outstanding natural character areas. Activity status where compliance is not achieved with PER-1:

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		clearance and buildings, rather than the activity of farming. As per the overview explanation of overlays in the Proposed Plan, where there is no specific rule relevant to the activity, then it reverts to its underlying zoning (for example, if Rural Production then farming is a permitted activity). If this is the case, the then the rule can and should be deleted for the reasons above. If that is not the case, then an alternative relief is sought that farming is a permitted activity in the overlay.	Discretionary (outside an outstanding natural character area) Non-complying (inside an outstanding natural character area) <u>Activity status where compliance not achieved: Not applicable</u>
Coastal Environment Standards CE-S1 Maximum height	Oppose	The maximum height specified of 5m may or may not be appropriate in the circumstances, and is best assessed and determined at resource consent stage for the building. The height limit of the zone would otherwise apply to smaller (less than 50m2 structures). The requirement to not exceed the height of the nearest ridgeline, headland or peninsula as a height limit lacks precision and measurability, with these factors better taken into account at resource consent stage.	Delete Standard CE-S1
Coastal Environment Standards CE-S2 Colours and materials	Support subject to amendments	The rule should allow for natural materials also which typically sit well in the coastal environment.	Amend Standard CE-S2 as follows: <i>The exterior surfaces of buildings or structures shall:</i> <i>be constructed of materials and/or finished to achieve a reflectance value no greater than 30%.</i>

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			2. <i>have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette or are a natural finish stone or timber.</i>
Coastal Environment Standards CE-S3 Earthworks or indigenous vegetation clearance	Oppose	Amendments are sought to the rule so that earthworks or indigenous vegetation clearance associated with access and/or a building platform are not subject to the preceding subclause 1-3s. Otherwise, such works would trigger the need for consent in almost every instance (building platforms generally being greater than 50m²). Also, as drafted, it could be interpreted that only earthworks and vegetation clearance for the purpose of access and/or a building platform are permitted (eg not farming earthworks and vegetation clearance). These changes are appropriate because earthworks or indigenous vegetation clearance associated with the building is assessed as a restricted discretionary activity matter with the building resource consent application. Life of District Plan as a compliance measure is unnecessarily limited and does not recognise the ability for the land to heal each season (ie calendar year) after earthworks. Screening should only be from public places (which includes the CMA) for the rule to efficiently apply.	Amend Standard CE-S2 as follows: <i>Any earthworks or indigenous vegetation clearance must (where relevant):</i> <i>not occur in outstanding natural character areas.</i> <i>not exceed a total area of 50m² for 10 years from the notification of the District Plan <u>per calendar year</u> in an area of high natural character.</i> <i>not exceed a total area of 400m² for 10 years from the notification of the District Plan <u>per calendar year</u> in an area outside high or outstanding natural character areas.</i> <i>not exceed a cut height or fill depth of 1m <u>1.5m</u>.</i> <i>screen any exposed faces <u>visible from a public place.</u>; or</i> <i><u>be for the purpose of access and/or a building platform.</u></i> <i>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.</i>
Coastal Environment Standards in coastal hazard areas CE-S5	Oppose	As drafted, the standard may trigger the need for an engineering report for a resource consent for an activity <i>anywhere</i> on a site subject to a coastal hazard overlay. In most instances, the coastal hazard overlays are limited in area on a property The related rules in	Amend standard CE-S5 as follows: <i>Any application for a resource consent in relation to a <u>site location</u> that is potentially affected by a coastal hazard must be accompanied by a report prepared by a suitably</i>

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Information requirements		this section consistently refer to 'location' which limits the assessment to the location of the activity sought, relative to the overlay. The standard should also refer to location to avoid this potential interpretation.	<i>qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion.</i>
PART 2 – DISTRICT-WIDE MATTERS GENERAL DISTRICT-WIDE MATTERS Earthworks			
Earthworks Objectives EW-O1	Support subject to amendments	The definition of earthworks is broadly cast as means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excludes gardening, cultivation, and disturbance of land for the installation of fence posts. As such it captures many rural activities, which should be exempt from the rules (ie they can occur subject to standards, without the need for resource consent). The objective as drafted seeks to enable earthworks associated with subdivision and development, however neglects to enable earthworks associated with rural activities which are otherwise provided for under policy EW-P1.	Amend Objective EW-01 as follows: <i>Earthworks are enabled where they are required <u>for rural land uses and development and</u> to facilitate the efficient subdivision and development of land, while managing adverse effects on waterbodies, coastal marine area, public safety, surrounding land and infrastructure.</i>
Earthworks Rules EW-R14 Activities not otherwise listed in this chapter	Oppose	The effects of earthworks are mostly the same irrespective of the purpose of the earthworks and can be anticipated and managed by standards. Subject to compliance with the full suite of standards, such earthworks should also be a permitted activity. The construction of the earthworks rule as drafted runs the risk of requiring earthworks for many activities not anticipated in EW-R1 – EWR13, yet provided for in the various underlying zones.	Delete Rule EW-R14 and replace with the following: <u>EW-R14 General earthworks not provided for by EW-R1 – EWR13</u> <u>All zones</u> <u>Activity status: Permitted</u> <u>Where:</u> <u>PER-1</u>

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			<i><u>The earthworks complies with standards:</u></i> <i><u>EW-S1 Maximum earthworks thresholds;</u></i> <i><u>EW-S2 Maximum depth and slope;</u></i> <i><u>EW-S4 Site reinstatement;</u></i> <i><u>EW-S6 Setbacks;</u></i> <i><u>EW-S7 Land stability;</u></i> <i><u>EW-S8 Nature of filling material; and</u></i> <i><u>EW-S9 Flood and coastal hazards.</u></i> <i><u>EW-S1 does not apply to Motoura Island or Orongo Bay zones”.</u></i>
Earthworks Standards EW-S1 Maximum earthworks thresholds	Support	The thresholds, per calendar year measurements method and activity status are supported.	Retain rule EW-S1
Earthworks Standards EW-S2 Maximum depth and slope	Support	The maximum depth of any cut or height of any fill thresholds and activity status are supported	Retain rule EW-S2
PART 2 – DISTRICT-WIDE MATTERS GENERAL DISTRICT-WIDE MATTERS Noise			
Noise Rule Noise-R7 Helicopter landing areas	Oppose	As drafted, Rule Noise-R7 only permits Helicopter landing areas where flight movements are for emergency purposes such as medical emergencies, search and rescue or firefighting purposes <u>and</u> the helicopter landing site complies with standard: NOISE-S4 Helicopter landing areas. In other words, both PER-1 and PER-2 need to be met in order to comply with	Amend Rule Noise-R7 as follows (adding “<u>Or</u>”): <i>Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i>

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		the rule (consistent with the structure of other rules in the Plan). Given the nature of the activity, it would serve a better resource management purpose, if flight movements for emergency purposes such as medical emergencies, search and rescue or firefighting purposes are exempt from the standard NOISE-S4 Helicopter landing areas. That would also be consistent with note 10 in this section that the noise rules and standards do not apply to helicopters used for an emergency and as an air ambulance. As drafted there would appear to be no provision for helicopters other than flight movements for emergency purposes such as medical emergencies, search and rescue or firefighting purposes. The intent of the rule might be better served by allowing helicopter landing site complying with standard: NOISE-S4 Helicopter landing areas, irrespective of the use of the helicopter. Redrafting of the rule to make PER-1 and PER-2 separately applicable would meet the above issues (ie the addition of an 'or') In addition, the rule lacks specificity as to what comprises a helicopter landing area, although there is a disconnect between the title of the rule which applies to "helicopter landing areas" (presumably dedicated areas for this purpose) and the content of the rule which applies to the movements and landing of helicopters. If the intent is to apply to dedicated helicopter landing areas, then a definition of that land	<i>Flight movements are for emergency purposes such as medical emergencies, search and rescue or firefighting purposes;</i> <u>Or</u> <i>PER-2</i> <i>The helicopter landing site complies with standard: NOISE-S4 Helicopter landing areas.</i> <i>This standard does not apply to:</i> <i>i. Emergency or rescue helicopter operation occurring to or from Bay of Islands, Rawene or Kaitaia Hospital (excludes established helicopter bases on hospital land).</i> <i>ii. Emergency or rescue helicopter landings, departures, overflights or activity during operations that occur away from the permanently established helicopter base.</i> <i>iii. Cropping, top dressing, and spraying for the purpose of farming or conservation carried out in the Rural Production, Horticulture zones, or within Significant Natural Area on a seasonal, temporary, or intermittent basis for a period up to 30 days in any 12 month period.</i>

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		use is warranted to give the rule specificity. The following definition is proposed to be included by this submission: <u>“Helicopter landing areas means an identified landing area for helicopter landing, loading and take-off but does not include refuelling, servicing, a hangar, or a freight handling facility”.</u>	
Noise Standards NOISE-S4 Helicopter landing areas	Oppose	The rule NOISE-S4 rule does not specify the noise standard to be complied with: referring to ‘the following noise limits’, without specifying what that is (with only reference to being ‘assessed’ in accordance with NZS 6807:1994: Noise Management and Land Use Planning for Helicopter Landing Areas, rather than any noise limit contained therein or otherwise expressing a noise limit). That lacks measurability as a rule. In addition, the rule ostensibly applies to ‘helicopter landing areas’ which presumably is the land use as proposed to be defined by this submission (ie dedicated landing areas), rather than simply the landing and take off of helicopter areas per se. If this is the case, then this would appropriately link with NZS 6807:1994: Noise Management and Land Use Planning for Helicopter Landing Areas.	Delete NOISE-S4 Helicopter landing areas and replace with a rule that: 1. Applies the rule to helicopter landing areas only as sought to be defined by this submission. 2. References an appropriate noise limit to be complied with (for example 50 dB Ldn at the notional boundary of a vulnerable activity).
PART 3 – AREA-SPECIFIC MATTERS ZONES Rural zones Rural production			
PART 3 – AREA-SPECIFIC MATTERS ZONES	Oppose	The zoned is inappropriately named “Rural Production”. Large parts of the district that is zoned this is not suitable for rural production and certainly is	Replace “Rural Production” zone in every instance in the Proposed District Plan with <u>“General Rural”</u> zone.

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Rural zones Rural production Zone General		not retained for rural production purposes. The zone should be renamed to “General Rural” which more accurately reflects the wider range of activities that occur in the rural environments of the Far North. These activities are provided for in the zone as drafted (at least by the rules), but not recognised in the zone name. This is not to diminish the importance of rural production activities and these should be enabled and protected by the objectives and policies of the zone. The zone name however should recognise the broader range of land uses which occur in rural parts of the district; including bush blocks, smaller titles, residential activity and land holding which are unsuitable for rural production uses. It is important to strengthen the District's economy by providing for a range of land use activities in the rural area; however, accepting the priority is to sustain the productive capacity of the soil and the rural character and amenity values that are key elements. The National Planning Standards “Zone Framework Standard” refers to the “General rural zone” which is a better fit. There is more to it than the name, with the stated primary objective of the zone being that it “is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment”. That puts undue emphasis on farming	

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		activities and does not recognise the broad applicability of the zone in many unproductive areas. This point is taken up further in this submission.	
Rural zones Rural production Zone Overview	Oppose	For the reasons set out above in this submission.	Add the following to the Overview: <i>"The purpose of the zone is also to contribute to the social, economic and cultural well-being of the district by providing for a range of other land use activities".</i>
Rural zones Rural production Zone Objectives RPROZ-O2	Support subject to amendments	Reference to "functional need" in this objective potentially negates the ability for other activities to establish which may be a sustainable use of land and also contribute to the economic and social development of the district. Functional need is tightly defined in the Proposed Plan as <i>"the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment"</i>. There is a disconnect here with the subdivision opportunities provided for in the Rural Production Zone (eg environmental enhancement and management plan opportunities). Also with the range of uses permitted in the zone that perhaps also have no 'functional need' to locate within the tight constraint of the definition ie the activity can only occur in that environment (such as Residential activities, Visitor accommodation, Educational facilities, Conservation activities, Recreational activities, Cemeteries / Urupā and Minor residential units). These subdivision opportunities where they result in environmental benefit are recognised by policy RPROZ-P6.	Amend Objective RPROZ-O2 <i>"The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment".</i>

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Rural zones Rural production Zone Objectives RPROZ-O3	Support	The support for this objective is conditional on the amendments to the definition of highly productive land also sought by this submission. Reference to “other compatible activities” is supported because it recognises the broader range of land uses which occur in rural parts of the district.	Retain Objective RPROZ-O3
Rural zones Rural production Zone Objectives RPROZ-O4	Oppose	The proposed objective that “<i>the rural character and amenity associated with a rural working environment is maintained</i>”, fails to recognise that character and amenity of the zone is not only defined by a working rural environment for the reasons discussed above in this submission, and that such character and amenity can be very location specific. The proposed alternative objective allows a more nuanced assessment of character and amenity. In contrast, this diverse range of rural environments, rural character and amenity values throughout the District is recognised by policy RPROZ-P4.	Delete Objective RPROZ-O4 and replace with the following: <u>Subdivision, use and development in the Rural Area maintain the rural character and amenity of the zone.</u>
Rural zones Rural production Policies RPROZ-P4	Support	The policy is supported because it recognises that the rural character and amenity of the zone includes “a diverse range of rural environments, rural character and amenity values throughout the District”.	Retain Policy RPROZ-P4
Rural zones Rural production Zone Policies RPROZ-P5	Oppose	Reference to “functional need” in this policy potentially negates the ability for other activities to establish which may be a sustainable use of land and also contribute to the economic and social development of the district, or bring environmental benefit such as residential activities, Visitor accommodation, Educational facilities, Conservation activities, Recreational activities, Cemeteries / Urupā and Minor residential units.	Delete Policy RPROZ-P5 <u>Or alternatively</u> Amend Policy RPROZ-P5 as follows: <i>Avoid land use that:</i> <i>a. is incompatible with the purpose, character and amenity of the Rural Production zone;</i>

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Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
		The zone purpose presumably is from the overview. Sub clause a. is only supported with the amendment to that overview sought in this submission. Similarly, reference to Highly Productive Land in subclause c. is only supported with the amendments to the definition of Highly Productive Land also sought in this submission.	b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone; c. would result in the loss of productive capacity of highly productive land; d. would exacerbate natural hazards; and e. cannot provide appropriate on-site infrastructure.
Rural zones Rural production Zone Policies RPROZ-P6	Oppose	Policy RPROZ-P6 seeks to avoid subdivision except in the limited circumstances specified. This fails to recognise the forms and subdivision otherwise enabled by the Proposed Plan in rural environment (Management Plan and Environmental benefit subdivisions). The zone should recognise and provide for these opportunities on the basis that they may represent the only viable pathway to achieve sustainable land use change on a rural block and that they actively promote the biodiversity/natural character enhancement policies of the Proposed Plan, the RPS and the NZCPS. Other features of the rural environment can be appropriately managed in the manner sought in the relief.	Delete Policy RPROZ-P6 and replace with the following: <u>Provide limited opportunities for subdivision in the general rural zone while ensuring that:</u> a. <u>there will be significant environmental protection of indigenous vegetation including restoration, or wetlands;</u> b. <u>subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;</u> c. <u>subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;</u> d. <u>adverse effects on rural and coastal character are avoided, remedied or mitigated;</u> e. <u>sites are of sufficient size to absorb and manage adverse effects within the site; and</u> f. <u>reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.</u> g. <u>The fragmentation of highly productive land is avoided.</u>

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strike through)
Rural zones Rural production Zone Policies RPROZ-P7	Oppose	Policy RPROZ-P7 seeks to manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of matters listed. This is not a policy but a method of assessment, and therefore more appropriately an assessment criterion. Noncomplying and discretionary activity applications should be assessed against objectives and policies which should be a clear expression of a desired outcome – not a way to achieve an unspecified outcome as is this policy.	Delete Policy RPROZ-P7
Rural zones Rural production Zone Rules RPROZ-R3 Residential activity	Oppose	Amend the rule to align with the minimum lot size of 20ha sought in this submission, with a consequent pro-rata amendment to PER-2. The provision that PER-1 does not apply to: a single residential unit located on a site less than 20ha (as sought) is supported because it recognises existing and potential new sites provided for in the zone with smaller lot sizes .	Amend Rule RPROZ-R3 as follows: <i>Activity status: Permitted</i> <i>Where:</i> <i>PER-1</i> <i>The site area per residential unit is at least 40ha <u>20ha</u>.</i> <i>PER-2</i> <i>The number of residential units on a site does not exceed six <u>three</u>.</i> <i>PER-1 does not apply to: a single residential unit located on a site less than 40 <u>20</u>ha.</i>
Rural production Zone Rules RPROZ-R7 Farming activity	Support	Rule RPROZ-R7 is supported because it effectively and efficiently enables farming activities in the zone giving direct effect to the zone's objectives.	Retain Rule RPROZ-R7
Rural production Zone Rules	Support	Rule RPROZ-R8 is supported because it enables conservation activities, thereby giving effect to wider	Retain Rule RPROZ-R8

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
RPROZ-R8 Conservation activity		District Plan objectives and policies such as <i>“CE-P8 Encourage the restoration and enhancement of the natural character of the coastal environment”</i> .	
Rural production Zone Rules RPROZ-R19 Minor residential unit	Oppose	This rule should be a permitted activity and it is unclear from the drafting whether that was in fact the intent. The matters sought to be managed by the rules (density, access, separation distance and size) are easily controlled by the standards at CON-1 to CON-5. Council is able to ascertain compliance with these matters at building consent stage, with the requirement for a controlled activity resource consent unnecessary. The requirement that the separation distance between the minor residential unit and the principal residential unit does not exceed 15m should be deleted. There are many site-specific characterises which may necessitate a greater separation distance, including availability o a suitable building platform and the desirability of screening the minor unit. The size limit of 65m2 as proposed effectively controls the risk of the proliferation of minor units as de-facto gull dwellings.	Amend the activity status for Minor residential units RPROZ-R19 from controlled to <u>permitted</u>, where the standards are complied with. Replace CON to PER in the rule. Delete the requirement that the separation distance between the minor residential unit and the principal residential unit does not exceed 15m (CON-4).
Rural production Zone Standards RPROZ-S1 - RPROZ-S7	Support	The standards, exclusions and matters of discretion are appropriate for buildings in the rural zone.	Retain RPROZ-S1- RPROZ-S7

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strike through)
PART 3 – AREA-SPECIFIC MATTERS			
ZONES			
Rural zones			
Rural lifestyle			
PART 3 – AREA-SPECIFIC MATTERS ZONES Rural zones Rural lifestyle Overview	Support subject to amendments	Land zoned Rural lifestyle is not necessarily close to urban areas and settlements as expressed in the overview. There are, for example, pockets of Rural lifestyle zoned land in the eastern Bay of Islands which are not close to urban areas and settlements, including at Parekura Bay.	Amend the Overview as follows: <i>Given the proximity of <u>most of</u> this zone to urban areas and settlements, there is the potential for activities that are more typically associated with urban areas to seek to establish in this zone.</i>
Rural zones Rural lifestyle Objectives RLZ-O1 - RLZ-O4	Support	The objectives are the most appropriate to achieve the purpose of the RMA 1991 and give effect to higher order planning documents as required.	Retain Objectives RLZ-O1 - RLZ-O4
Rural zones Rural lifestyle Policies RLZ-P1- RLZ-P4	Support	The policies RLZ-P1- RLZ-P4 are the most appropriate way to achieve the objectives	Retain Policies RLZ-P1- RLZ-P3
Rural zones Rural lifestyle Rules RLZ-R1 - RLZ-R28	Support	The rules are the most appropriate way to achieve the objectives	Retain Rules RLZ-R1 - RLZ-R28
Rural zones Rural lifestyle Standards RLZ-S1- RLZ-S6	Support	The standards are the most appropriate way to achieve the objectives	Retain Standards RLZ-S1- RLZ-S6
PART 4 – APPENDICES AND SCHEDULES			
APPENDICES			
APP3 – Subdivision management plan criteria			
PART 4 – APPENDICES AND SCHEDULES APPENDICES APP3 – Subdivision management plan criteria	Support	The Management Plan Subdivision matters set out an appropriate set of provisions to secure environmental benefits from the once off management plan subdivision opportunity.	Retain Management Plan Subdivision

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in striketrough)
MAPPING			
Zone Maps and Part 3 Specific Matters	Oppose	The Proposed Plan describes the Rural Lifestyle Zone as being characterised by open space and vegetated landscapes, interspersed by farm buildings, structures and residential units. It states that areas suitable for rural lifestyle living have been identified because they are already fragmented with residential land uses, are on low value soils or where consent has already been granted to undertake more dense living than anticipated in the Rural Production Zone. These circumstances equally apply to the properties at Ōmarino where subdivision consent was granted in 2006 (by way of an Environment Court Consent Order) for the creation of 17 rural residential titles, supported by a Management Plan, Design Guidelines and a significant programme of ecological restoration. The property was subsequently subdivided to lots no smaller than 4ha, with restrictive covenants on the titles prohibiting further subdivision and requiring adherence to the Management Plan and Design Guidelines, including controls on the design, location and scale of dwellings. Native Planting is now well established and several of the house sites have been built on. The specific objectives of the Rural Lifestyle Zone are the most appropriate way to achieve the purpose of the RMA in respect of Ōmarino and are more appropriate to the property because (with reference to these objectives and policies): <i>Objective RLZ-O1 The Rural Lifestyle Zone is used predominantly for low density residential activities</i>	Rezone from Rural Production to either <u>Rural Lifestyle</u> or <u>Special Purpose Zone: Ōmarino</u> all the properties at Ōmarino, Manawaora Road, legally described as: Lot 1 Deposited Plan 391213 Lot 2 Deposited Plan 391213 Lot 3 Deposited Plan 391213 Lot 4 Deposited Plan 391213 Lot 5 Deposited Plan 391213 Lot 6, 21 Deposited Plan 391213 Lot 7 Deposited Plan 391213 Lot 8, 20 Deposited Plan 391213 Lot 9 Deposited Plan 391213 Lot 10 Deposited Plan 391213 Lot 11 Deposited Plan 391213 Lot 12 Deposited Plan 391213 Lot 14 Deposited Plan 391213 Lot 15 Deposited Plan 391213 Lot 17, 19 Deposited Plan 391213 Lot 18 Deposited Plan 391213 Lot 16 Deposited Plan 512589 Lot 25 Deposited Plan 512589 <u>And</u> as shown on the map below. If Special Purpose Zone: Ōmarino, <u>then amend</u> Part 3 – <u>Area Specific Matters</u> to include appropriate objectives, policies and rules to enable residential activity and associated buildings as a controlled activity where they are in accordance with resource consents granted for Ōmarino and consent notices applying on the titles and located on a consented house site, and to enable conservation, recreation and common facilities.

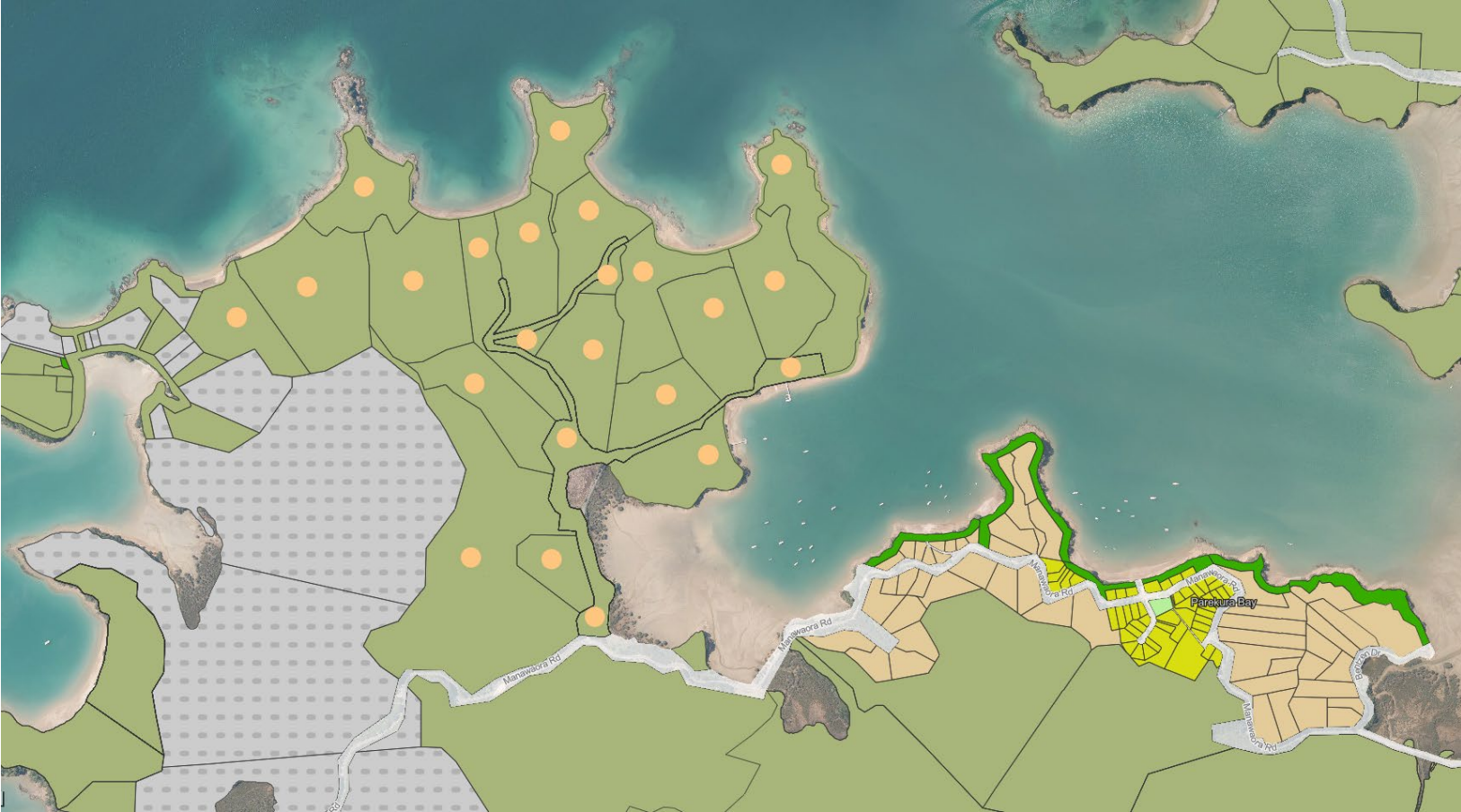
Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in striketrough)
		<i>and small scale farming activities that are compatible with the rural character and amenity of the zone.</i> The density at Ōmarino is low scale (no smaller than 4ha lots, and dispersed across five bays). Development is not visible from the road and the extensive planting ensures it sits well with the existing rural coastal character of the local environment. <i>Objective RLZ-O2 The predominant character and amenity of the Rural Lifestyle Zone is characterised by:</i> <i>a. low density residential activities;</i> <i>b. small scale farming activities with limited buildings and structures;</i> <i>c. smaller lot sizes than anticipated in the Rural Production Zone;</i> <i>d. a general absence of urban infrastructure;</i> <i>e. rural roads with low traffic volumes;</i> <i>f. areas of vegetation, natural features and open space.</i> Ōmarino aligns with each of these features. <i>Objective RLZ-O3 The role, function and predominant character and amenity of the Rural Lifestyle Zone is not compromised by incompatible activities.</i> Ōmarino is a master planned subdivision, with strict controls on land use through a Resident's Association. There is no risk of incompatible activities within the property, or externally (noting in particular that rural production activities are distant from the property).	

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in striketrough)
		<i>Objective RLZ-O4 Land use and subdivision in the Rural Lifestyle Zone does not compromise the effective and efficient operation of primary production activities in the adjacent Rural Production Zones.</i> As noted above, there are no rural production activities in close proximity to the property. Furthermore, residential sections are buffered by extensive areas of vegetation. In contrast, for the reasons set out in this submission, the Rural Production Zone (as currently drafted in the Proposed Plan) fails to recognise existing and potentially future rural residential opportunities, where this does not compromise rural production activities. In the alternative, a new Special Purpose Zone: Ōmarino could an equally appropriate way to achieve the purpose of the RMA 1991, provided it appropriately recognises the particular circumstances of Ōmarino, including providing for residential dwellings and associated buildings in accordance with the conditions of the resource consent, the Management Plans, consent notices and Design Guidelines which apply to the property.	

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in strikethrough)
<u>Properties sought to be rezoned to either Rural Lifestyle or Special Purpose Zone: Ōmarino (shown with a dot: "●")</u>			
			

Submission by Bentzen Farm Limited on the Proposed Far North District Plan

Proposed Plan Provision	Support/Oppose	Reason for Submission	Decision Requested (additions shown <u>underlined</u> , deletions shown in striketrough)
Coastal Environment Overlay	Oppose	The objectives, policies and rules in the Coastal Overlay in combination fail to recognise and provide for farming (including enabling people and communities to provide for their social, economic, and cultural well-being) , and where the overlay applies to those parts of the property actively farmed, it therefore fails to achieve the purpose of the RMA 1991.	<u>In the alternative</u> to the relief sought in this submission to the coastal objectives, policies and rules relating to farming activities: delete the Coastal Overlay from the Bentzen Farms property legally described as Lot 1 Deposited Plan 87944; Lot 3 Deposited Plan 479155; and Lot 4 Deposited Plan 479155 and Part Lot 4 Deposited Plan 38894 and Lot 5 Deposited Plan 38894 and Section 27-28 Block III Russell Survey District.

Attachment 2: Bentzen Farm Limited Resource Consent

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of an appeal under section
120 of the Act

BETWEEN BENTZEN FARM
LIMITED

ENV-2006-AKL-000194
(formerly ENV A 205/05)

Appellant

AND

FAR NORTH DISTRICT
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Court Judge L.J. Newhook sitting alone under Section 279 of the Act

In Chambers at Auckland on the 30th day of August 2006

CONSENT ORDER



Having considered the appeal lodged in this matter, the reply filed by the Respondent and the consent memorandum submitted on behalf of the parties this Court hereby orders that the conditions of consent attaching to the grants of consent by the Respondent authorising the Appellant to:

- Subdivide Pt Rawhiti No. 2 Block CT 35A/947, Pareanui Block ML 8418, Russell SD CT 35D/223, and Pt Rawhiti No. 2 Block CT 35A/592, into 17 house site allotments and an access utility lot.
- Establish two separate boatshed buildings each containing storage for 8 boats both on lot 18, construct and operate a recreation facility and one 4 bedroom accommodation building and a utility building all to be on lot 18.
- Retrospective consent for earthworks at logging platform and retaining wall already completed.
- Conduct earthworks to construct access and to reinstate logging platform subject to the following conditions.

be amended to read in the manner set out in the Schedule attached.

The appeal is otherwise dismissed.

There is no order for costs.



L J Newhook

Environment Judge



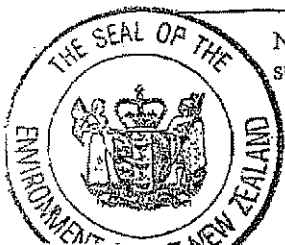
MODIFICATION CONDITIONS

Explanation: Conditions 1 - 5 record amendments to the proposal arising from evidence or modification the Applicant has proposed during the course of the hearing, and conditions 6 and 7 are required by the Council to mitigate adverse effects:

1. That two boatshed buildings contain 8 sheds in each building be located in the two positions on lot 18 as shown on Pete Bossley Architects Plan 0-01~3-03 Revision A (Dated for issue 05/05), and 0-01~0-02 Revision B (dated for issue 23/09/04) as submitted at the hearing on 3rd June 2005¹.
2. That the woolshed roof be replaced with an iron roof in a colour that is in keeping with the existing buildings on that foreshore location,
3. That the proposed accommodation on Lot 18 be modified to a one unit 4 bedroom accommodation as detailed in the closing submission of Mr Cavanagh on 3rd June 2005.
4. That all building platforms on Lot 7 be located below the dominant ridgeline and that no building consent can be granted for this lot until such time as a backdrop of native vegetation reaches 4 m above ground height.
5. That a small area of foreshore on Lot 11, as proposed, be a public access easement as shown on the Development Plan contained in the Draft Management Plan Ref: W04044 Revision 20/05/05 as Attachment 1 as presented at the hearing.
6. That all buildings on Lots 1- 16 and any new buildings on Lots 17 & 18 erected after (the date of this resource consent) be located at least 30 m landward of MHWS.
7. No construction of buildings or construction activity shall be located within 10 m of the outer edge of any archaeological site protected by the NZ Historic Places Act 1993 in the absence of an authority to modify or destroy that site protected by the NZ Historic Places Act 1993.

GENERAL CONDITIONS

8. That the proposal proceeds in general accordance with the details and plans submitted with this application including the Assessment of Environmental Effects (AEE), evidence presented at the hearing and the Draft Management Plan submitted at the hearing on 30th May 2005.
9. In accordance with Section 128 of the Resource Management Act 1991, the Far North District Council may serve notice on the Consent Holder of its intention to



Note this is not the same drawing as that which was attached to Mr Bossley's evidence as submitted to the hearing on 30th May 2005.

review the conditions of this consent annually during the month of May. The review may be initiated for any one or more of the following purposes:

- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Far North District Council monitoring of the state of the environment in the area.
- (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
- (c) To provide for compliance with rules in any district plan that has been made operative since the commencement of the consent.
- (d) To deal with any inadequacies or inconsistencies the Far North District Council considers there to be, in the conditions of the consent, following the establishment of the activity the subject of this consent.
- (e) To deal with any material inaccuracies that may in future be found in the information made available with the application. (Notice may be served at any time for this reason)
- (f) The Consent Holder shall meet all reasonable costs of any such review.

EARTHWORKS & ARCHAEOLOGY CONDITIONS

- 10. All earthworks to be undertaken on the site are to be supervised by a Chartered Professional Engineer to be engaged by the Consent Holder. Council is to be advised in writing of the appointment of the engineer, and notified when work is to commence, and when it has been completed.
- 11. The Consent Holder, or subsequent owners of Lots 1-17 and the Resident's Association in the context of Lot 18, should notify the New Zealand Historic Places Trust one week prior to commencing any work involving building, ground disturbance or tree planting, with regard to the historic (archaeological) sites registered on each lot, and should comply with the requirements and provisions of the Historic Places Act 1993.
- 12. All earthworks shall be undertaken such that the camber or gradient of accessways does not result in stormwater ponding or scouring.
- 13. That any earthworks or vegetation clearance be undertaken in strict compliance with the recommendations of the Clough & Associates Archaeological Assessment dated 2004 as submitted with the application.
- 14. Prior to the commencement of any earthworks in the immediate vicinity of any registered archaeological sites, such archaeological sites are to be temporarily fenced off to protect them.
- 15. All earthworks within a 10 m radius of any archaeological site shall be monitored by an appropriately qualified archaeologist.



16. That if subsurface archaeological remains (eg intact shell midden, hangi, storage pits relating to Maori occupation, or building foundations and rubbish pits relating to 19th century occupation) are unearthed during construction or landscaping, work shall cease in the immediate vicinity of the remains and a representative of the local Iwi, a suitably qualified archaeologist and the New Zealand Historic Places Trust shall be advised.
17. Where the modification or destruction of recorded archaeological sites cannot be avoided an application under Section 11 of the Historic Places Act 1993 shall be lodged with the NZ Historic Places Trust seeking the appropriate approvals.
18. If, during earthworks any kiwi or human remains are uncovered, work shall cease, the area shall be temporarily fenced off and the NZ Police, Iwi and the New Zealand Historic Places Trust shall be advised immediately.



BOATSHED CONDITIONS

19. The location, and external cladding of the two boatshed buildings to be in accordance with the details submitted by Pete Bossley in evidence at the hearing and the modifications presented on 3rd June 2005 being Plans: 0-01~3-03 Revision A, 0-01~0-02 Revision B, 3-01~3-04 Revision B.
20. The boatsheds shall remain as non-residential ancillary buildings and shall not to be used as a separate residential unit without prior written consent from the Council. No cooking or food preparation facility is to be installed in these buildings.

RESTORATION OF LOGGING HEAD CONDITIONS

21. That the area be re-contoured with properly compacted hard fill material.
22. That the area be covered with a layer of topsoil and re grassed.
23. That stormwater control measures be implemented to control stormwater runoff and remove silt and debris from the runoff.
24. That all measures be implemented in accordance with the ARC publication TP10 and maintained until the vegetation cover has completely re-established.

RETAINING WALL CONDITION

25. That the Consent Holder obtains a building consent for each of the proposed walls. A building consent is required where the retained height exceeds 1.5m or for any wall subject to a surcharge loading.

CONSTRUCTION MANAGEMENT CONDITION

26. Ten working days before the commencement of any physical work on the site, provide a construction management plan from a suitably qualified project manager for approval by the Council. The plan is to contain information on, and site management procedures for, the following matters:



- a. The timing of civil engineering, building construction and any demolition works, including hours of operation and key project and site management personnel and their contact details;
- b. The transportation of demolition, construction and waste materials to and from the site, the loading and unloading of materials and the associated controls on vehicles through sign-posted site entrances and exits;
- c. The excavation and filling works, including any retaining structures and any necessary de-watering requirements/methods, to be prepared by a Chartered Professional Engineer with suitable geotechnical qualifications and expertise;
- d. Control of dust and on-site noise (including compliance with construction noise standards) and any appropriate avoidance or remedial measures;
- e. Prevention of earth, mud, gravel or other material being deposited on adjoining roads by vehicles exiting the site, and proposing remedial measures should that occur;
- f. Identification measures, including signage, to inform adjacent landowners, occupiers, pedestrians and other users of Manawaora Road.

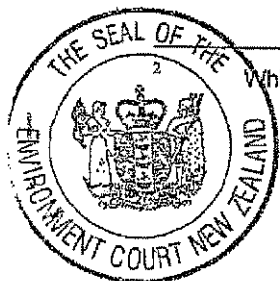
CONDITIONS RELATING TO ALL STAGES OF SUBDIVISION

Utilities

27. All electricity, telecommunications and other utility services shall be underground except where a building site is adjacent to an existing overhead supply.
28. All effluent disposal fields shall be located at least 30 m landward of MHWS.

Private Land Covenants

29. Further subdivision of Lots 1 - 18 is prohibited *(at the invitation of the Appellant)*.
30. The agreement for sale and purchase for the individual house lots, shall include the following covenants:
 - a. The imposition of Development Covenants that require adherence to Design Guidelines outlined in the AEE with the application and the Draft Management Plan submitted on 30th May 2005 at the hearing² and the final approved Management Plan as required in Conditions 41 and 52 below.



Which will include conditions that reflectivity will not exceed a maximum of 30%

b. Notification of the archaeological records affecting the lot purchased by each owner. A prohibition on the destruction of any archaeological site in contravention of the Historic Places Act 1993. A requirement to carry out an archaeological assessment prior to undertaking any earthworks near a recorded site.

c. A prohibition on future subdivision *(at the invitation of the Appellant)*.

d. A prohibition on the keeping or bringing of cats and mustelids to the lots.

e. Unless authorised by a resource consent or by the District Plan as a permitted activity, buildings on each lot in this subdivision (RC 2050363) be restricted to:

- i) One residential unit.
- ii) One caretaker's residential unit not more than 125m² in gross floor area.
- iii) One non-residential building, and
- iv) Water storage facilities

With the combined size of any caretaker's unit and non-residential building not exceeding 50% of the residential unit's gross floor area.

- f. The external appearance of all buildings on Lots 1-16 shall be in accordance with the design details contained in the approved Management Plan and shall be traditional cladding and colours for buildings on Lots 17 & 18.
- g. All electricity, telecommunication and other utility services shall be underground.
- h. Any earthworks including those required to construct accessways to building sites shall be so designed to cause minimal impacts on the landscape and any exposed cuts shall be re-grassed or planted in native vegetation.
- i. The keeping of dogs is limited to a maximum of 2 per lot. All dogs must be:
 - (i) Confined to the registered proprietors curtilage area when in the company of that registered proprietor or their invitees or otherwise enclosed in an escape proof enclosure; or
 - (ii) If outside the registered proprietors curtilage area then secured by way of a handheld leash.



VEGETATION AND ENHANCEMENT CONDITIONS

31. Revegetation plans shall be submitted first within 6 months of the consent being granted for Stage 1 of the subdivision and secondly within 6 months of the pines being removed for Stage 2 of the subdivision for all of the areas of each lot outside of the curtilage area (including the first 20m landward of MHWS) where proposed planting is to occur within each lot to the satisfaction of the Environmental Services Manager of Far North District Council. The Revegetation Plan shall be consistent with the information submitted in the AEE, evidence and draft Management Plan presented at the hearing and any approved Management Plan under Conditions 41 and 52. The Revegetation Plan shall provide for:

- a. The ongoing re-planting and maintenance programme.
- b. The ongoing pest and weed management programme.
- c. The maintenance and enhancement of vegetated areas and understorey planting

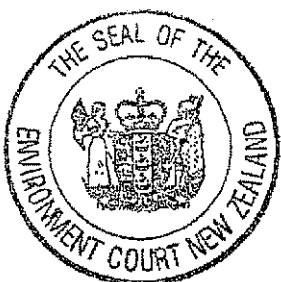
CONTINUING CONDITIONS:

32. The following are conditions that must be complied with on a continuing basis by the consent holder and its successors in title, and a consent notice pursuant to Section 221 of the Act shall be entered into by the consent holder. Such consent notices shall be prepared at the Consent Holder's expense and be to the satisfaction of Council's solicitor:

- a. Condition 29 a prohibition on the subdivision of Lots 1 - 18 *(at the invitation of the appellant)*.
- b. Condition 30.c a prohibition on the subdivision of Lots 1-18 *(at the invitation of the appellant)*.
- c. The maximum rolling height above ground level (as defined in the District Plan as at 30th May 2005) of each building on Lots 7, 11 & 12 shall be no more than 4 m above ground level.
- d. No buildings on lot 7 shall be erected until such time as the native screen planting backdrop has reached a height of 4 m when viewed from a position no closer than 500 m offshore. This backdrop planting shall be maintained at a height of no less than the building thereafter.
- e. The maximum rolling height above ground level (as defined in the District Plan as at 30th May 2005) of any building on lots 1, 2, 4, 6, 8, 9, 10, 13, 14, 15 and 16 shall be no more than 5 m.



- f. The maximum rolling height above ground level (as defined in the district plan as at 30 May 2005) of any building on lot 3 shall be:
 - (i) No more than 6 metres if the structure or any part thereof is located above a topographical line that is 16 metres or more above mean high water springs; or
 - (ii) No more than 8 metres if the structure or any part thereof is located below a topographical line that is 16 metres or more above mean high water springs.
- g. The external cladding of all buildings shall be in accordance with the approved Management Plan that is required as part of Conditions 41 and 52.
- h. Heritage Covenants for those areas on Lots 3 & 10 as identified on Plan "Tai Awhi Awhi" Job No W04044 revised 05/05/2005 in favour of the NZ Historic Places Trust.
- i. Revegetation Covenant that covers all land on Lots 1-17 that are outside of the curtilage areas of each allotment in favour of the Tai Awhi Awhi Resident's Association and the Far North District Council.
- j. A consent notice, in accordance with Section 221 of the Resource Management Act, shall be registered against Lots 1-18, including the heritage covenant areas on Lots 3 & 10 and all archaeological sites and other waahi tapu, which is identified in the Assessment of Environmental Effects and Archaeological Assessment, of national historic and inter-generational heritage significance.
 - a. Such consent notice shall require that all the archaeological sites located within the proposed Lots 1-18 remain undisturbed, and that access to the archaeological sites, other waahi tapu and heritage covenant areas be provided to members of Patukeha Hapu, Ngati Kuta Hapu, and other Tangata whenua for the purposes of enabling Tangata whenua to conduct their kaitiaki responsibilities. Such access is to be on 48 hours notice to the Lot owner (or agent) and for such period and frequency to be agreed upon by the Lot owner (or agent) and Tangata whenua, and that access to the archaeological sites be provided to Tangata whenua on such terms as may be agreed between the Lot owner and Tangata whenua following them having given 48 hours notice to the Lot owner.



- b. Access shall be limited to the hours of daylight and the frequency of visits and the number of visitors (being Tangata whenua) shall be such that they do not cause a nuisance or disturbance to the archaeological sites, other waahi tapu and heritage covenant areas or to the vegetation or improvements on the lots, or other activities. The Tangata whenua that visit the archaeological sites, other waahi tapu and heritage covenant areas shall ensure that the sites are protected and remain undisturbed. Other members of the public being those that have not sought, or been provided with permission from the Lot owner are trespassers in the context of this condition of consent.
 - c. Lot owner consent shall not be unreasonably withheld or declined. If there is any dispute as to the interpretation of this condition or as to the exercise by the Lot owner or Tangata whenua of their respective entitlements or obligations under this condition then before the Lot owner may deny access to the sites or before members of the public visit the sites pursuant to this condition, the dispute shall be referred to the President of the Auckland District Law Society whose decision shall be binding on all parties.
 - k. Conditions 50 and 61 a requirement to maintain and replant vegetation in landscaping planting.
 - l. Conditions 41 and 52 requiring adherence to an approved Management Plan.
 - m. The maximum rolling height above ground level (as defined in the district plan as at 30 May 2005) of any building on lot 5 shall be no more than 6 metres.
33. The development of each buildable area is to proceed in accordance with the recommendations contained within the Geotechnical Report prepared by Tonkin & Taylor and submitted with the application. Specifically, that a site-specific geotechnical investigation be carried out for all of the proposed building platforms, accessways and effluent fields prior to the building consent application and earthworks commencing.
34. None of the non-residential ancillary buildings and water storage facilities on lots 1-17 shall be used for residential purposes without the prior written consent of Council. No cooking or food preparation facilities are to be installed in these non residential buildings or water storage facilities.



35. No part of the recreation facility on Lot 18 is to be used as a licensed restaurant / hotel / bar without further written consent from Council.
36. That effluent disposal on each lot shall be located in accordance with the recommendations contained in the Richardson Stevens report dated 28 September 2004 as submitted in the AEE. Each effluent disposal field on Lots 1-18 shall be located at least 30 m from MHWS. The ongoing operation and maintenance of the system is to be covered by a maintenance agreement undertaken by the system supplier or its authorized agent.

ROADING CONDITIONS:

37. Prior to being approved under Section 223 of the Act the survey plan shall:
- a. Submit plans and details of all works on public land and all work on private land for the approval of Council prior to commencing construction. Such works are to be designed in accordance with Council's Engineering Standards and Guidelines: 2004 and NZS 4404 2004.

In particular these plans shall show:

- i) The intersection of the internal access road and Manawaora Road
- ii) The widened section sealed with a 2 coat chip seal.
- iii) Road markings, and signage at the intersection.
- iv) The main internal road on Lot 18 upgraded and sealed or concreted to 5.5m carriageway width with all corners designed to accommodate a heavy rigid vehicle provided that the spur to Lot 17 and the jetty be a 3.5m carriageway width with all corners and passing bays designed to the satisfaction of the Environmental Services Engineer.
- v) The secondary access road on Lot 18 to serve lots 13, 14, 15, and 16 formed and sealed to provide a 3.5m carriageway width with all corners designed to accommodate a heavy rigid vehicle and passing bays complying with rule 14.1.6.1.2 of the Revised Proposed District Plan.
- vi) Access on ROW A, B, D, E and F formed and sealed or concreted to 3m finished carriageway width with passing bays.
- vii) Access on ROW C & G formed and sealed to 3m finished metallised carriageway width
- viii) Stormwater collection and disposal from the roading access network.
- ix) The gated entrance to the property set back at least 25m and

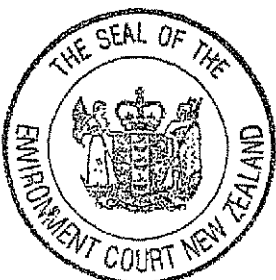


complying with the Council Standard FNDC/S/6D.

- b. Following approval of the plans and selection of the contractor provide to Council;
 - i) Details of the successful contractor
 - ii) Details of the planned date and duration of contract
 - iii) Details of the supervising engineer
 - iv) A traffic management plan.

STAGE 1 (LOTS 1-13, 17 & 18)

38. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Lands and Survey Ref: 7271 dated May 2005 and as submitted in evidence at the hearing on 30th May 2005, (as attached to this consent with Council's APPROVED stamp affixed).
39. Pursuant to section 220 (1)(b)(iii) the following amalgamation conditions will apply [DLR ref: 465028]:
 - a) Lots 6 and Lot 6A shall be amalgamated and be held together and one certificate of title be issued to include both parcels.
 - b) Lots 8 and Lot 8A shall be amalgamated and be held together and one certificate of title be issued to include both parcels.
 - c) Lots 17 and Lot 17A shall be amalgamated and be held together and one certificate of title be issued to include both parcels.
40. The endorsement of the following conditional amalgamation, pursuant to Section 220 (1)(b)(iv) of the Resource Management Act 1991; That Lot 18 [legal access] be held as to seventeen undivided one- 17 shares by the owners of Lots 1 - 17 thereon as Tenants in Common in the said shares and that individual certificates of title be issued in accordance therewith.
41. By the time of the lodgement of the Survey Plan under section 223 of the Resource Management Act, there shall at all times be an approved Management Plan for Lots 1-13, 17 & 18 in accordance with Rule 12.9.2 of the Proposed District Plan for the approval of the Council's Resource Consents Manager. The Management Plan is to:
 - a. Clearly specify the responsibilities of the Residents' Association (management entity termed the Tai Awhi Awhi Residents Association) and of the individual lot owners particularly in relation to the on-going



management of the revegetation, archaeological, heritage utility and recreational areas,

- b. Contain mechanisms for compliance with the design guidelines for buildings,
- c. Detail the covenants for the heritage and revegetation,
- d. Incorporate both the Northland Regional Council conditions and those conditions of the landuse and subdivision consents that are relevant to the Management Plan in these conditions of consent.

42. This Management Plan may be reviewed on an annual basis by the Resident's Association, and any necessary changes to the Management Plan are to be sought in writing for the approval of and to the satisfaction of Council's Resource Consents Manager.

43A To ensure the performance of Condition 10 - (Earthworks) the consent holder shall pay a bond to the sum of - \$150,000.00 to Council, to be held under the following conditions:

- (a) *This bond shall be paid prior to the commencement of construction work on the site and shall be either cash or guaranteed in accordance with Council's Bonds and Undertakings Policy # 3102.*
- (b) *The bond shall be held for a minimum period of 6 months for the earthworks under Condition 10 from the date of receipt, and shall be released when in the opinion of Council's Monitoring Officer the said conditions have been satisfied.*
- (c) *Any costs incurred in the preparing, checking, monitoring and release of the bond are to be met by the consent holder.*

43B To ensure the performance of Condition 49 (Stage 1 of the subdivision) and Condition 60 (Stage 2 of the subdivision) the consent holder shall pay a bond to the sum of \$225,000.00 inclusive of GST to Council, to be held under the following conditions:

- (a) *This bond shall be paid prior to approval of both the landscape plan and any building consents or any allotment and shall be either cash or guaranteed in accordance with Council's Bonds and Undertakings Policy # 3102.*
- (b) *The bond shall be held for a minimum period of 36 months for the landscaping under Condition 49 from the date of receipt, and shall be released when in the opinion of Councils Monitoring Officer the said conditions have been satisfied. The landscaping bond shall be*



reviewed on an annual basis and if satisfactory progress has been made the bond will be refunded on the following basis:

- *50% after planting*
- *25% after plants have been planted for 1 year*
- *25% after plants have been planted for 3 years.*

(c) Any costs incurred in the preparing, checking, monitoring and release of the bond are to be met by the consent holder.

44. Prior to being approved under Section 223 of the Act the survey plan shall:

- a. Show all easements to be duly granted or reserved.
- b. Show the Public Access Easement Boundary on Lot 11
- c. Show all land below MHWS that is contained within any of the Certificates of Title involved in the overall subdivision, to be vested in the Crown pursuant to section 237(1)(b)(ii).

45. That before a certificate is issued pursuant to Section 224(c) of the Act, the Consent Holder shall:

- a. Provide access to all lots created under Stage 1 and upon completion of the work provide certification of the work from a Chartered Professional Engineer that all work has been completed in accordance with the approved plan.
- b. Provide three copies of as-builts for all work located within the legal road. Plans of which are to include the following information:
 - i) *Drawings showing the location of all underground services, valves and manhole lids and levels of manhole inverts and lids to DOSDLI datum. This information is also to be provided in a digital format to enable it to be added to Council's GIS data base.*
 - ii) *Information for RAMM database;*
 - *Subgrade depth, aggregate Type and source*
 - *Base course depth, aggregate type and source*
 - *Lime or cement stabilisation details*
 - *Seal coat details including binder type/grade and residual*



application rate.

46. Provide evidence that the private land covenants and the public access easements required by Condition 5 will be registered against the appropriate lots by providing a letter of undertaking from a solicitor. The details of the proposed covenants are to be to the satisfaction of Council.
47. Provide evidence to the Council that all underground power and telephone services have been reticulated to the boundary of each Lot.
- 48A Revegetation plans shall be submitted first within 6 months of the consent being granted for stage 1 of the subdivision and secondly within 6 months of the pines being removed for Stage 2 of the subdivision for all of the areas of each lot outside of the curtilage area (including the first 20m landward of MHWS) where proposed planting is to occur within each lot to the satisfaction of the Environmental Services Manager of Far North District Council. The Revegetation Plan shall be consistent with the information submitted in the AEE, evidence and draft Management Plan presented at the hearing and any approved Management Plan under Conditions 41 and 52. The Revegetation Plan shall provide for:
 - a. The ongoing re-planting and maintenance programme.
 - b. The ongoing pest and weed management programme.
 - c. The maintenance and enhancement of vegetated areas and understorey planting.
- 48B Implement and continue to maintain and replant vegetation in terms of the relevant revegetation plan approved pursuant to Condition 48A of this consent.
49. Ensure that the approved landscape planting is commenced within 12 months of the landscape plan being approved, and is maintained for the duration of the consent. Any plants that are removed or damaged are to be replaced as soon as possible, or within the next planting season (1st May to 30th September each calendar year).
50. Implement and continue to maintain and replant revegetation landscape planting as provided for in the approved Management Plan under Condition 41 of all covenanted areas and maintain or repair any stock exclusion structures

Stage 2 Lots 14 – 16

51. The subdivision shall be carried out in accordance with the approved plan of subdivision prepared by Lands and Survey Ref: 7271 dated May 2005 and as submitted in evidence at the hearing on 30th May 2005, (as attached to this consent with Council's APPROVED stamp affixed).
52. By the time of lodgement of the Survey Plan under section 223 of the Resource Management Act, there shall at all times be an approved Management Plan for Lots 14 -16 in accordance with Rule 12.9.2 of the Proposed District Plan for the



approval of the Council's Resource Consents Manager. The Management Plan is to:

- a. Clearly specify the responsibilities of the Residents' Association (management entity termed the Tai Awhi Awhi Residents Association) and of the individual lot owners particularly in relation to the on-going management of the revegetation, archaeological, heritage utility and recreational areas,
 - b. Contain mechanisms for compliance with the design guidelines for buildings,
 - c. Detail the covenants for the heritage and revegetation,
 - d. Incorporate both the Northland Regional Council conditions and those conditions of the landuse and subdivision consents that are relevant to the Management Plan in these conditions of consent.
 - e. This Management Plan may be incorporated with the Management Plan required under Condition 41.
53. This Management Plan may be reviewed on an annual basis by the Resident's Association, and any necessary changes to the Management Plan are to be sought in writing for the approval of and to the satisfaction of Council's Resource Consents Manager.
54. To ensure the performance of Condition 60 (landscaping) the consent holder shall pay a bond to the sum of \$225,000.00 inclusive of GST to Council, to be held under the following conditions:
- (a) *This bond shall be paid prior to the commencement of construction work on the site and prior to the approval of both the landscape plan and any building consent for any allotment and shall be either cash or guaranteed in accordance with Council's Bonds and Undertakings Policy # 3102.*
 - (b) *The bond shall be held for a minimum period of 36 months for the landscaping under Condition 60 from the date of receipt, and shall be released when in the opinion of Council's Monitoring Officer the said conditions have been satisfied. The landscaping bond shall be reviewed on an annual basis and if satisfactory progress has been made the bond will be refunded on the following basis:*
 - 50% after planting
 - 25% after plants have been planted for 1 year
 - 25% after plants have been planted for 3 years.



(c) *Any costs incurred in the preparing, checking, monitoring and release of the bond are to be met by the consent holder.*

55. Prior to being approved under Section 223 of the Act the survey plan shall:

- a. Show all easements to be duly granted or reserved.
- b. Show any land below MHWS that is contained within any of the Certificates of Title involved in the overall subdivision, to be vested in the Crown pursuant to Section 237(1)(b)(ii).

56. That before a certificate is issued pursuant to Section 224(c) of the Act, the Consent Holder shall:

- a. Complete all work required to provide access to lots created by Stage 2 of the proposed subdivision and provide certification from a Chartered Professional Engineer that all work has been completed in accordance with the plans approved under Condition 37 of this consent.

57. Provide evidence that the private land covenants will be registered against the appropriate lots by providing a letter of undertaking from a solicitor. The details of the proposed covenants are to be to the satisfaction of Council.

58. Provide evidence to the Council that all underground power and telephone services have been reticulated to the boundary of each Lot.

59. Provide a landscape and revegetation plan for all lots within this stage of the subdivision for all the areas of each lot outside of the curtilage area to the satisfaction of the Resource Consents Manager of Council. The plan has been prepared by a suitably qualified professional, which details the species proposed to be planted in all of the native revegetation areas, including the means of reducing the visual impact of the buildings, associated structures and earthworks, by way of suitable plantings. The plan is to identify the species of plants to be used, their numbers and locations on the site, and the means of maintaining these plants for a minimum of 10 further years, until they have become established. The plants proposed to be used shall be:

- a. Appropriate to the landscape and ecological area and the coastal environment that they are proposed to be planted in, and
- b. Native species, and where practical be derived or sourced from local stock as specified in the Management Plan.

60. Ensure that the approved landscape planting is commenced within 12 months of the landscape plan being approved, and is maintained for the duration of the consent. Any plants that are removed or damaged are to be replaced as soon as



possible, or within the next planting season (1st May to 30th September each calendar year).

61. Implement and continue to maintain and replant revegetation landscape planting as provided for in the approved Management Plan under Conditions 41 & 52 of all covenanted areas and maintain or repair any stock exclusion structures.

Record of
FURTHER RESOLUTION

HAS
THAT THE FAR NORTH DISTRICT COUNCIL, APPROVED PURSUANT TO SECTION 348 OF THE LOCAL GOVERNMENT ACT 1974, THE ACCESS LOT 18 AND RIGHTS-OF-WAY "A" TO "G" SHOWN ON PLAN REF 7271 BY LANDS & SURVEY DATED MAY 2005, BEING GRANTED AS FOLLOWS FOR ACCESS OVER LAND CONTAINED IN LOT. PT RAWHITI NO.2 BLOCK CT 35A/947, PAREANUI BLOCK ML 8418, RUSSELL SD CT 35D/223, AND PT RAWHITI NO.2 BLOCK CT 35A/592

Proposed Rights-of-Way		
Shown	Servient tenement	Dominant Tenement
A	Lot 5	Lots 1 – 4
B	Lot 4	Lots 1 – 3
C	Lot 2	Lot 1
D	Lot 9	Lots 8A, 10 – 12
E	Lot 9	Lots 10 – 12
F	Lot 10	Lots 11 & 12
G	Lot 8	Lot 7

Advice Notes:

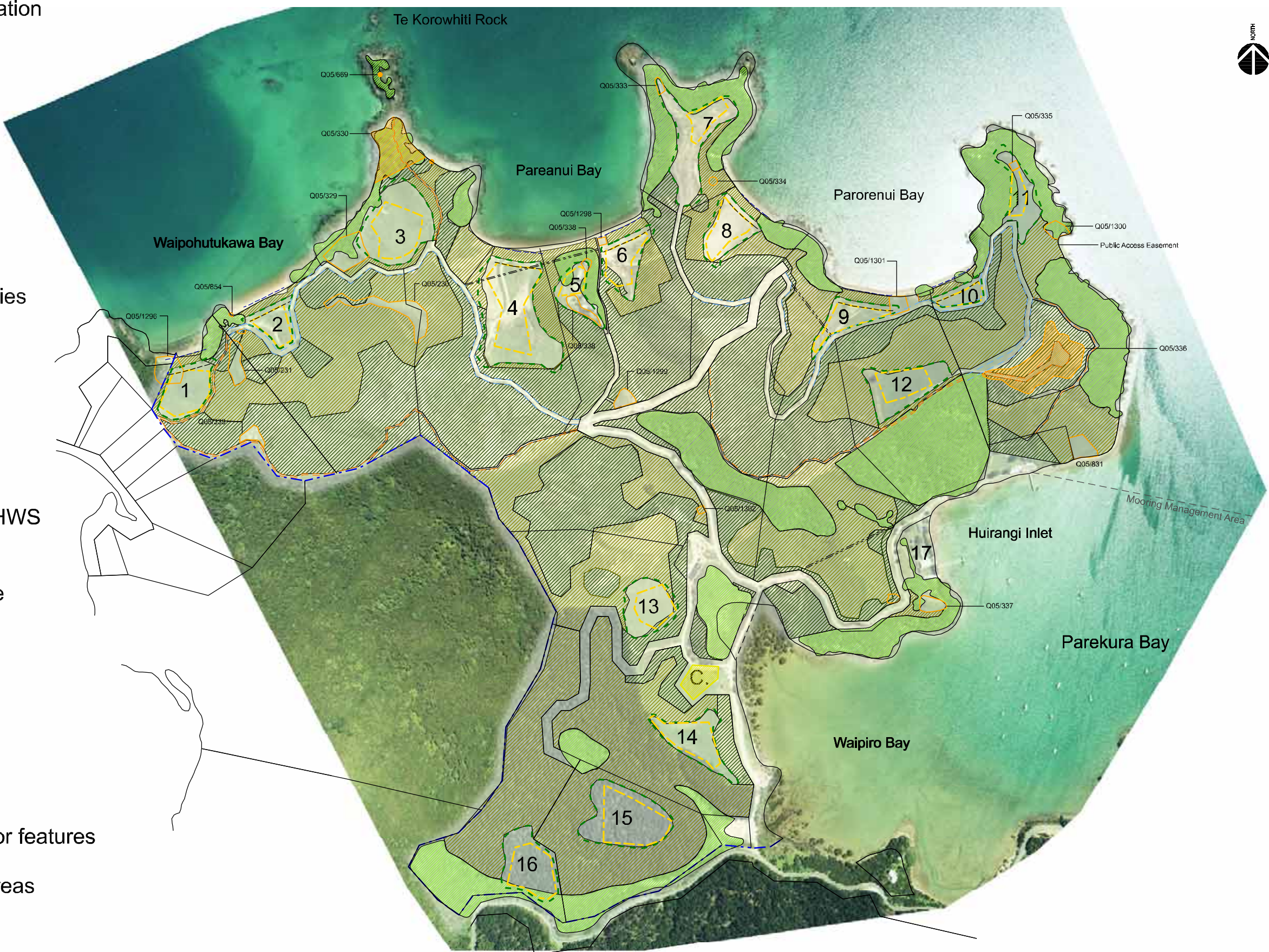
1. That the Consent Holder be advised that an invoice will follow this decision being additional to the costs incurred in the processing of this consent.
2. Development contributions may be payable for this proposal. This will be advised under separate cover.
3. Buildings over 50 m² require a resource consent of the Far North District Council.
4. That effluent disposal over 5 m³/ day will require a resource consent of the Northland Regional Council.
5. Consent of the Northland Regional Council is required for the existing ROW causeway that is located within the coastal marine area.
6. Redevelopment of the existing woolshed and shearer's quarters may require strengthening and fire alarms under the provisions of the Building Act 2002.
7. Any spill or washdown that drains to the coastal marine area requires a resource consent from the Northland Regional Council.
8. Compliance with the provisions of the Historic Places Act 1993 is required.



9. That a landscape planting plan for planting within the curtilage areas (that area of land between the external perimeter of the curtilage area and the buildable area) of each lot shall be lodged for approval prior to the issuing of any building consent for the lot. The Planting Plan shall be consistent with the information submitted in the AEE, evidence and draft Management Plan presented at the hearing and any approved Management Plan under Conditions 41 and 52. The Planting Plan shall provide for:
- a. The ongoing re-planting and maintenance programme.
 - b. The on-going pest and weed management programme.
 - c. The maintenance and enhancement of vegetated areas and understorey planting.



- Existing native vegetation
- Recently completed native revegetation
- Proposed native revegetation
- Lot Boundaries
- Right of way boundaries
- Walkway and service access
- Site boundary
- 30m setback from MHWS
- Caretaker's residence
- Buildable areas
- Curtilage areas/ exclusive use areas
- Maximum extent of Archaeological sites or features
- Heritage Covenant areas



NOTE: Archaeological and Heritage Covenant areas not to be planted.

Tai Awhi Awhi Vegetation Framework

Further submissions on the Proposed Far North District Plan

Further Submitter Details

Further Submitters Name	Bentzen Farm Limited
Further Submitter Number	FS66
Wish to be heard	Yes
FS qualifier	a person who has an interest in the proposal that is greater than the interest the general public has (e.g. land owner, resource user)
FS qualifier reason	Bentzen Farm Limited is primary submitter and a landowner directly affected by the relief sought in submissions to the Proposed Far North District Plan.
Joint presentation	Yes
Attention:	Peter Hall
Contact organisation	Peter Hall Planning Limited
Address for service	PO Box 226 Shortland Street Auckland CBD, Auckland 1140
Telephone	0274222118
Mobile	0274222118
Email	peter@phplanning.co.nz 28/08/2023
Date lodged	12:07pm

Updated and resubmitted 04/09/2023

Further submissions

Point #	Original submitter 	Related Submission Point	Plan section	Provision	SupportOppose	FS Decision requested	FS Reasons
FS66.5	Carbon Neutral NZ Trust	S529.042	Planning maps	General / Miscellaneous	Oppose	Disallow	Identification of SNAs is required to follow the methodology set out in the NPS: Indigenous Biodiversity and not be based on previous assessments and processes which apply different criteria.
FS66.6	Carbon Neutral NZ Trust	S529.065	Planning maps	General / Miscellaneous	Oppose	Disallow	The relief sought on additional esplanade priority areas lacks specificity, and appears to seek the addition of additional esplanade priority areas outside a Schedule 1 RMA process and without proper s32 assessment.
FS66.7	Carbon Neutral NZ Trust	S529.084	Planning maps	General / Miscellaneous	Oppose	Disallow	The relief sought on additional esplanade priority areas lacks specificity, and appears to seek the addition of additional esplanade priority areas outside a Schedule 1 RMA process and without proper s32 assessment.
FS66.25	Carbon Neutral NZ Trust	S529.001	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought in this submission could have wide reaching implications (such as 'using the word 'avoid' more often') however lacks the specificity required of a submission to allow a proper understanding of its effect ie which objectives and policies are sought to be amended and exactly how. For this reason the submission should be disallowed.

FS66.26	Carbon Neutral NZ Trust	S529.022		General	General / Plan Content / Miscellaneous	Oppose	Disallow	Appropriate residential development outside of existing urban areas can be a catalyst for positive land use change with environmental benefits and should not be outright 'avoided' as sought by this submission.
FS66.27	Carbon Neutral NZ Trust	S529.152		General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought by the submitter to delete the term 'highly productive land' throughout the PDP, and refer to as 'priority productive land' or 'significant productive capacity' is contrary to the NPS: Highly Productive Land and does not enable the Plan to give effect to that NPS.
FS66.51	Carbon Neutral NZ Trust	S529.041		General approach	District Plan Framework	Oppose	Disallow	The relief sought to redefine the extent of the coastal environment does not give effect to the NZCPS or the Northland Regional Policy Statement.
FS66.55	Carbon Neutral NZ Trust	S529.115		Ecosystems and indigenous biodiversity	Objectives	Oppose	Disallow	With the the release of the the National Policy Statement on Indigenous Biodiversity, that specifies how indigenous biodiversity should be maintained, and gives effect to the RMA. In turn, the Proposed Plan should give effect to the NPS by way of a Variation to the Plan, rather than through submissions, for the sake of partnership, transparency and consistency.
FS66.66	Carbon Neutral NZ Trust	S529.116		Ecosystems and indigenous biodiversity	Policies	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.67	Carbon Neutral NZ Trust	S529.132		Ecosystems and indigenous biodiversity	Policies	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.83	Carbon Neutral NZ Trust	S529.174		General	General / Plan Content / Miscellaneous	Oppose	Disallow	The submission lacks specificity of outcome in its relief.
FS66.113	Carbon Neutral NZ Trust	S529.186		Public access	Policies	Oppose	Disallow	The relief sought by the submitter does not appropriately balance the costs of the provision of esplanade reserve to the land owner, applying as it does the requirement for esplanade reserves to apparently all forms and scale of land use and development and will be neither effective nor efficient with respect to the objectives, requiring a non-targeted provision of esplanade reserves.
FS66.114	Carbon Neutral NZ Trust	S529.187		Public access	Policies	Oppose	Disallow	The relief sought by the submitter does not appropriately balance the costs of the provision of esplanade reserve to the land owner, applying as it does the requirement for esplanade reserves to apparently all forms and scale of land use and development and will be neither effective nor efficient with respect to the objectives, requiring a non-targeted provision of esplanade reserves.
FS66.126	Carbon Neutral NZ Trust	S529.185		Subdivision	Policies	Oppose	Disallow	The policy proposed unnecessarily re-casts existing proposed policies and does not give effect to the objectives of the Proposed Plan.
FS66.127	Carbon Neutral NZ Trust	S529.185		Subdivision	Policies	Oppose	Disallow	The policy proposed unnecessarily re-casts existing proposed policies and does not give effect to the objectives of the Proposed Plan.

FS66.137	Carbon Neutral NZ Trust	S529.184	Subdivision	Rules	Oppose	Disallow	The proposed rule does not implement the objectives of the Plan.
FS66.140	Carbon Neutral NZ Trust	S529.199	Subdivision	Rules	Oppose	Disallow	The proposed rule does not implement the objectives of the Plan.
FS66.162	Carbon Neutral NZ Trust	S529.161	Rural production	Rules	Oppose	Disallow	The relief sought does not properly give effect to the NPS: Highly Productive Land
FS66.172	Carbon Neutral NZ Trust	S529.043	SCHED4 - Schedule of significant natural areas	SCHED4 - Schedule of significant natural areas	Oppose	Disallow	The insertion of SNAs in the Plan does not accord with the requirements of the NPS:IB, and if undertaken, should be done by way of a Variation to the Proposed Plan.
FS66.13	Director-General of Conservation (Department of Conservation)	S364.004	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought in the submission by DOC to amend all restricted discretionary activity and controlled activity rules to insert matters of discretion/control for indigenous biodiversity does not give proper effect to the NPS: Indigenous Biodiversity, nor does it properly consider the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions or the risk of acting or not acting as required by s32 of the RMA 1991. The method proposed is a blunt instrument, which lacks the nuance required for proper environmental assessment, including a robust process for identifying the extent and values of the indigenous biodiversity. While it is acknowledged that the Council is required to give effect to the NPS: Indigenous Biodiversity, this is required to be done in accordance with the principles and methodology set out in the NPS, which should be by way of a Schedule 1 Variation to the Proposed Plan.
FS66.14	Director-General of Conservation (Department of Conservation)	S364.005	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought in the submission by DOC to amend the Plan to be consistent with the NPS: Indigenous Biodiversity exposure draft is out of date (that draft now being replaced by the NPS: Indigenous Biodiversity) and should be disallowed. Should the relief be inferred to mean the NPS: Indigenous Biodiversity, then this should be given effect to by a Schedule 1 Variation to the Proposed Plan by the FNDC, not by way of a submission, to ensure its clauses are properly implemented, including its principles of partnership, transparency, access and consistency.
FS66.61	Director-General of Conservation (Department of Conservation)	S364.035	Ecosystems and indigenous biodiversity	Policies	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.62	Director-General of Conservation (Department of Conservation)	S364.036	Ecosystems and indigenous biodiversity	Policies	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.70	Director-General of Conservation (Department of Conservation)	S364.034	Ecosystems and indigenous biodiversity	IB-P1	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.

FS66.76	Director-General of Conservation (Department of Conservation)	S364.038	Ecosystems and indigenous biodiversity	IB-P3	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.78	Director-General of Conservation (Department of Conservation)	S364.039	Ecosystems and indigenous biodiversity	IB-P4	Oppose	Disallow	The changes sought do not give effect to the NPS:IB which supersedes the exposure draft referred to in this submission.
FS66.120	Director-General of Conservation (Department of Conservation)	S364.053	Subdivision	SUB-O2	Oppose	Disallow	The relief sought unnecessarily removes the recognition of highly productive land, which should be included, and should accurately follow the obligations of the NPS Highly Productive Land
FS66.132	Director-General of Conservation (Department of Conservation)	S364.003	Subdivision	Rules	Oppose	Disallow	Scheduling of SNAs can only be done by way of a Plan Change, not through a rule in the subdivision chapter, and in accordance with the requirements of the NPS:IB.
FS66.167	Director-General of Conservation (Department of Conservation)	S364.002	SCHED4 - Schedule of significant natural areas	SCHED4 - Schedule of significant natural areas	Oppose	Disallow	The insertion of SNAs in the Plan does not accord with the requirements of the NPS:IB, and if undertaken, should be done by way of a Variation to the Proposed Plan.
FS66.185	Director-General of Conservation (Department of Conservation)	S364.053	Subdivision	SUB-O2	Oppose	Disallow	The change sought by the submitter fails to give effect to the NPS: Highly Productive Land.
FS66.9	Far North District Council	S368.005	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought in the submission by FNDC to give effect to the NPS: Indigenous Biodiversity should be sought by a Schedule 1 Variation to the Proposed Plan, not by way of a submission. The relief sought in this submission is not specific, so as to allow landowners and the community to understand its effect, yet by introducing SNAs and associated provisions across the district, it will have significant effect. Lacking specificity as it does, the submission should be disallowed There is no section 32 RMA assessment to support the relief sought. While it is acknowledged that the Council is required to give effect to the NPS: Indigenous Biodiversity, this is required to be done in accordance with the principles and methodology set out in the NPS, including at section 3.8 the principles of partnership, transparency, access and consistency. Giving effect to the NPS by way of a submission to the Proposed Plan falls well short of this.
FS66.33	Foodstuffs North Island Limited	S363.002	General approach	Applications Subject to Multiple Provisions	Support in part	Allow in part	The outcome sought in the submission for greater clarity in the application of the overlays is generally supported, however that outcome may be achieved more efficiently and with less risk of unforeseen consequences by mostly retaining the District Plan text referred to in the submission and simply changing the reference to 'permitted activity' to '..then reference need only be need to be made to the provisions in Part 2: District-wide Matters chapters and/or Part 3: Area-Specific chapters' or similar.

FS66.183	Haititaimarangai Marae Kaitiaki Trust	S394.039		Natural features and landscapes	Policies	Oppose	Disallow	Under Appendix 1 of the RPS which has directed the identification of ONLs "Spiritual, cultural and historical associations" should have been taken into account already and described as a value for each ONL. Subject to the changes sought by the further submitter in its submission point on NFL-O2, the obligation will be that these values are not compromised, and then managed in a way consistent with the policies which follow. For this reason, the additional policy sought by the submitter is not necessary.
FS66.4	Heritage New Zealand Pouhere Taonga	S409.049		Planning maps	Heritage Area	Oppose	Disallow	The submission seeks wholesale changes to the District Plan with the addition of significantly more heritage areas, yet only very generally identifies these, including for example seeking that "all islands within the Bay of Islands", "Early European explorers Cook, Du Fresne" and "Early contact sites" be identified as heritage areas. That lacks the specificity of relief required of submissions to a proposed plan. There is no RMA 1991 justification for the inclusion of these areas and no specific identification of the properties affected or the values sought to be protected, and no evidential basis to support the inclusion of the additional heritage areas. The further submitter is an owner of coastal land in the Bay of Islands whose property may be affected by the relief sought in this submission, however the submission is so broadly cast as to not enable a proper understanding of the impact of the relief sought or the reasons for inclusion of the additional areas. For these reasons, the submission should be disallowed by the Council. The identification of the additional areas as historic heritage through this submission is poor planning practice, introducing as it does potentially significantly more extensive scheduled heritage areas through a submission only, without prior consultation with affected landowners and the sharing of evidence in support as is normally the case. There is no section 32 RMA analysis to support the additional scheduling sought, including the benefits and costs and the extent which economic growth will be provided or reduced. The scheduling lacks identification of criteria and values used to identify these areas, including any physical evidence or other values that is intended to be protected. For these reasons the relief sought is opposed.
FS66.46	Heritage New Zealand Pouhere Taonga	S409.032		Heritage area overlays	HA-R5	Oppose	Disallow	The addition to the rule requiring resource consent for earthworks within 20m of an archaeological site is unnecessary duplication of approvals required under the Heritage New Zealand Pouhere Taonga Act, and neither an effective nor efficient way to achieve relevant objectives of the Plan.
FS66.47	Heritage New Zealand Pouhere Taonga	S409.028		Historic heritage	HH-R5	Oppose	Disallow	The addition to the rule requiring resource consent for earthworks within 20m of an archaeological site is unnecessary duplication of approvals required under the Heritage New Zealand Pouhere Taonga Act, and neither an effective nor efficient way to achieve relevant objectives of the Plan.
FS66.88	Horticulture New Zealand	S159.051		Ecosystems and indigenous biodiversity	IB-P5	Support	Allow	Better gives effect to the NPS: Highly Productive Land

FS66.28	Ian Diarmid Palmer	S556.002	General	General / Plan Content / Miscellaneous	Support in part	Allow in part	The relief to amend the word ‘allotment’ as used in SUB-S1 to ‘site’ and/or otherwise clarify that the areas listed in SUB-S1 are intended to be measures of ‘site’ areas is supported to allow for clear application of the rule.
FS66.158	Ironwood Trust Limited	S337.001	Noise	NOISE-R7	Support	Allow	The proposed RDA activity class sought where the standards are not met appropriately targets the matters under consideration, which should relate to noise effects.
FS66.63	John Andrew Riddell	S431.094	Ecosystems and indigenous biodiversity	Policies	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.64	John Andrew Riddell	S431.095	Ecosystems and indigenous biodiversity	Policies	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.65	John Andrew Riddell	S431.096	Ecosystems and indigenous biodiversity	Policies	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.72	John Andrew Riddell	S431.090	Ecosystems and indigenous biodiversity	IB-P1	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.75	John Andrew Riddell	S431.091	Ecosystems and indigenous biodiversity	IB-P2	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.77	John Andrew Riddell	S431.092	Ecosystems and indigenous biodiversity	IB-P3	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.101	John Andrew Riddell	S431.161	Natural features and landscapes	Policies	Oppose	Disallow	The policy sought on consideration of cumulative effects is at best a matter of discretion, not a policy.
FS66.102	John Andrew Riddell	S431.162	Natural features and landscapes	Policies	Oppose	Disallow	The policy sought on consideration public views is at best a matter of discretion or simply a matter of good landscape assessment practice, not a policy.
FS66.103	John Andrew Riddell	S431.163	Natural features and landscapes	Policies	Oppose	Disallow	Does not give effect to the RPS or the NZCPS, which do not specify the requirement sought in this submission.

FS66.104	John Andrew Riddell	S431.164	Natural features and landscapes	Policies	Oppose	Disallow	The change sought is at best a matter of discretion or good landscape assessment practice, not a policy.
FS66.105	John Andrew Riddell	S431.165	Natural features and landscapes	Policies	Support in part	Allow in part	The part of the relief sought that recognises that landscape values may be protected by encouraging development of a certain type is supported.
FS66.121	John Andrew Riddell	S431.064	Subdivision	Policies	Support in part	Allow in part	The intent of the new policy sought by the submitter is supported, subject to refinement to ensure the exact outcomes of management plan subdivisions are properly reflected.
FS66.122	John Andrew Riddell	S431.065	Subdivision	Policies	Oppose	Disallow	The policy unnecessarily re-casts other District Plan policies, with the matters set out better placed as assessment criteria for subdivisions.
FS66.123	John Andrew Riddell	S431.066	Subdivision	Policies	Oppose	Disallow	The matter set out are assessment criteria rather than policy.
FS66.143	John Andrew Riddell	S431.077	Subdivision	SUB-R6	Oppose	Disallow in part	The submission point requiring "consistency with the scale, density, design and character of the environment and purpose of the zone" will be by its nature impossible to achieve, given this form of subdivision will introduce some degree of change to the existing environment.
FS66.144	John Andrew Riddell	S431.086	Subdivision	SUB-R6	Oppose	Disallow	The matters sought by the submitter are in most part matters discretion rather than standards. The 20m setback sought does not appear to serve any resource management purpose.
FS66.145	John Andrew Riddell	S431.078	Subdivision	SUB-R8	Oppose	Disallow	The outcome sought that subdivision retains consistency with the scale, density, design and character of the environment and purpose of the zone will by its nature be unachievable, given subdivision is a change to that.
FS66.148	John Andrew Riddell	S431.027	Coastal environment	Objectives	Oppose	Disallow	The submission seeks a policy which does not properly give effect to the NZCPS.
FS66.150	John Andrew Riddell	S431.033	Coastal environment	Policies	Oppose	Disallow	These outcomes are implemented by the proposed policies (as sought to be amended by the the further submitters primary submission)
FS66.151	John Andrew Riddell	S431.034	Coastal environment	Policies	Support in part	Disallow in part	The submission point is generally agreed with, however the specific wording has not been provided and the outcome may be better realised by the submission points on CE-01 and CE-02 sought in the further submitter's primary submission.
FS66.152	John Andrew Riddell	S431.035	Coastal environment	Policies	Oppose	Disallow	The submission does not give effect to the NZCPS with the outcomes sought better realised by the submission points on CE-01 and CE-02 sought in the further submitter's primary submission.
FS66.153	John Andrew Riddell	S431.037	Coastal environment	Policies	Oppose	Disallow	The relief sought incorrectly seeks to 'minimise' adverse effects on natural character and amenity of the coastal environment which does not give effect to the NZCPS.
FS66.154	John Andrew Riddell	S431.038	Coastal	Policies	Oppose	Disallow	The proposed policy does not give effect to the NZCPS.

environment

FS66.180	John Andrew Riddell	S431.161	Natural features and landscapes	Policies	Oppose	Disallow	The policy sought does not direct the provisions, does not specify what sort of activities need to be managed in this manner and does not specify an outcome to be achieved from the assessment of cumulative effects. It is a matter of good effects assessment rather than policy.
FS66.181	John Andrew Riddell	S431.162	Natural features and landscapes	Policies	Oppose	Disallow	The policy sought does not direct the provisions, does not specify what sort of activities need to be managed in this manner and does not specify an outcome to be achieved from the assessment of visibility from public places. It is a matter of good effects assessment rather than policy.
FS66.182	John Andrew Riddell	S431.164	Natural features and landscapes	Policies	Oppose	Disallow	The proposed policy assumes that indigenous vegetation is a value of ONLs, which is not necessarily the case.
FS66.82	Kāinga Ora Homes and Communities	S561.003	General	General / Plan Content / Miscellaneous	Support	Allow	Restricted discretionary activity applications should be limited as to scope which does not require third party input through submissions.
FS66.2	Kapiro Conservation Trust	S448.002	Planning maps	General / Miscellaneous	Oppose	Disallow	Mapping of SNAs should follow the methodology set out in the NPS: Indigenous Biodiversity, not as determined by a previous consenting process.
FS66.3	Kapiro Conservation Trust	S448.003	Planning maps	General / Process	Oppose	Disallow	Mapping of SNAs should follow the methodology set out in the NPS: Indigenous Biodiversity, not as determined by a previous consenting process.
FS66.8	Kapiro Conservation Trust	S449.043	Planning maps	General / Miscellaneous	Oppose	Disallow	The identification of SNAs should follow the methodology in the NPS: Indigenous Biodiversity and not be based on previous processes.
FS66.29	Kapiro Conservation Trust	S442.004	General	General / Plan Content / Miscellaneous	Oppose	Disallow	These provisions should be introduced bay way of a Variation to the Proposed Plan and only in accordance with the NPS: Indigenous Biodiversity.
FS66.31	Kapiro Conservation Trust	S449.023	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought fails to recognise that positive benefits can result from appropriate residential development outside of existing urban areas, including biodiversity benefits.
FS66.39	Kapiro Conservation Trust	S442.029	Definitions	NO NET LOSS	Oppose	Disallow	Only amendments consistent with the NPS: Indigenous Biodiversity should be allowed to this definition and introduced by way of a Variation to the Proposed Plan.
FS66.41	Kapiro Conservation Trust	S442.041	Economic and Social Wellbeing	Overview	Oppose	Disallow	The purpose of the strategic objectives is to provide strategic direction and as such they should direct the outcomes in lower order objectives and policies in the Plan.
FS66.44	Kapiro Conservation Trust	S442.044	Rural Environment	Overview	Oppose	Disallow	The purpose of the strategic objectives is to provide strategic direction and as such they should direct the outcomes in lower order objectives and policies in the Plan - here and in all equivalent chapters of the Plan.

FS66.45	Kapiro Conservation Trust	S442.044	Rural Environment	Overview	Oppose	Disallow	The purpose of the strategic objectives is to provide strategic direction and as such they should direct the outcomes in lower order objectives and policies in the Plan - here and in all equivalent chapters of the Plan.
FS66.53	Kapiro Conservation Trust	S442.038	General approach	Format of chapters in Part 2 and Part 3	Support in part	Disallow in part	The clarification sought by the submitter is agreed with, apart from the reference to where there is conflict then the district-wide provisions prevail. That is not the structure of the Plan which requires the more restrictive or particular provision to apply where there is conflict between the provisions.
FS66.57	Kapiro Conservation Trust	S442.073	Ecosystems and indigenous biodiversity	IB-O2	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.58	Kapiro Conservation Trust	S442.171	Ecosystems and indigenous biodiversity	IB-O2	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.68	Kapiro Conservation Trust	S442.174	Ecosystems and indigenous biodiversity	Policies	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.73	Kapiro Conservation Trust	S442.076	Ecosystems and indigenous biodiversity	IB-P1	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.74	Kapiro Conservation Trust	S442.175	Ecosystems and indigenous biodiversity	IB-P1	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.79	Kapiro Conservation Trust	S442.176	Ecosystems and indigenous biodiversity	IB-P4	Oppose	Disallow	The changes sought do not give effect to the NPS:IB
FS66.86	Kapiro Conservation Trust	S442.012	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The submission lacks specificity in its relief sought.
FS66.91	Kapiro Conservation Trust	S442.090	Natural character	Objectives	Oppose	Disallow	The relief sought lacks specificity of outcome and should be addressed by way of a Variation.
FS66.94	Kapiro Conservation Trust	S442.091	Natural character	NATC-P2	Oppose	Disallow	The relief sought does not give proper effect to the RPS
FS66.95	Kapiro Conservation Trust	S442.188	Natural	NATC-P2	Oppose	Disallow	The relief sought does not give proper effect to the RPS

character

FS66.100	Kapiro Conservation Trust	S442.092	Natural character	NATC-P3	Support in part	Allow in part	'Limited' may better direct the rules below rather than 'restricted' amounts of vegetation clearance as sought by the submitter as the rules specify vegetation clearance amounts according to certain limited specified activities.
FS66.124	Kapiro Conservation Trust	S442.149	Subdivision	Policies	Support in part	Allow in part	The subdivision is supported to the extent that subdivision protects areas of significant indigenous vegetation and significant habitats of indigenous fauna, but not SNAs which are not yet identified in the Proposed Plan.
FS66.133	Kapiro Conservation Trust	S445.014	Subdivision	Rules	Oppose	Disallow	The proposed rules does not implement the relevant Plan objectives.
FS66.134	Kapiro Conservation Trust	S442.151	Subdivision	Rules	Oppose	Disallow	The relief sought are not rules and may not be generally applicable., They are at best assessment criteria.
FS66.141	Kapiro Conservation Trust	S449.069	Subdivision	Rules	Oppose	Disallow	The proposed rule does not implement the objectives of the Plan.
FS66.149	Kapiro Conservation Trust	S442.156	Coastal environment	Objectives	Oppose	Disallow	The matter sought in the submission has been taken into account already in determining natural character values.
FS66.155	Kapiro Conservation Trust	S442.157	Coastal environment	Policies	Oppose	Disallow	The natural character values of the environments referred to in the submission have already been identified by natural character mapping.
FS66.157	Kapiro Conservation Trust	S442.162	Coastal environment	Rules	Oppose	Disallow	The proposed rule lacks precision, is uncertain as to applicability (referring to 'mature trees') and will not effectively nor efficiently implement any objectives of the Plan.
FS66.166	Kapiro Conservation Trust	S442.163	SCHED1 - Schedule of notable trees	SCHED1 - Schedule of notable trees	Oppose	Disallow	The submission lacks specificity of outcome and additions of trees to the list of scheduled trees sought should be specifically identified.
FS66.168	Kapiro Conservation Trust	S448.001	SCHED4 - Schedule of significant natural areas	SCHED4 - Schedule of significant natural areas	Oppose	Disallow	The insertion of SNAs in the Plan does not accord with the requirements of the NPS:IB, and if undertaken, should be done by way of a Variation to the Proposed Plan.
FS66.175	Kapiro Conservation Trust	S442.073	Ecosystems and indigenous biodiversity	IB-O2	Oppose	Disallow	Providing for the social, economic, and cultural wellbeing of people and communities now and in the future, while maintaining indigenous biodiversity, is part of the objective of the NPS: IB at its clause 2.1.
FS66.176	Kapiro Conservation Trust	S442.171	Ecosystems and indigenous biodiversity	IB-O2	Oppose	Disallow	Providing for the social, economic, and cultural wellbeing of people and communities now and in the future, while maintaining indigenous biodiversity, is part of the objective of the NPS: IB at its clause 2.1.
FS66.178	Kapiro Conservation Trust	S442.090	Natural character	Objectives	Oppose	Disallow	The proposed objective is in fact a method, and the existing proposed objectives and provisions of the District Plan in respect to natural character (subject to any changes sought or supported by the further submitter) better achieve the purpose of the RMa 1991.

FS66.179	Kapiro Conservation Trust	S442.187	Natural character	Objectives	Oppose	Disallow	The proposed objective is in fact a method, and the existing proposed objectives and provisions of the District Plan in respect to natural character (subject to any changes sought or supported by the further submitter) better achieve the purpose of the RMa 1991.
FS66.186	Kapiro Conservation Trust	S442.156	Coastal environment	Objectives	Oppose	Disallow	The proposed form of policy is very general and does not give effect to Policy 11 from from the NZCPS which has very precise prescription on the type of Indigenous vegetation and how it is to be managed in the coastal environment.
FS66.188	Kapiro Conservation Trust	S442.039	Directions Overview	Directions Overview	Oppose	Disallow	The purpose of the strategic objectives is to provide strategic direction and as such they should direct the outcomes in lower order objectives and policies in the Plan.
FS66.190	Kapiro Conservation Trust	S442.056	Rural Environment	Objectives	Support in part	Allow in part	Support subject to the new strategic direction being consistent with the NPS: Highly Productive Land.
FS66.15	Kapiro Residents Association	S429.001	General	General / Plan Content / Miscellaneous	Oppose	Disallow	In general terms the indigenous vegetation clearance provisions in the Proposed Plan do not properly provide for normal and beneficial practices, and exemptions should be widened to include in all instances at least the following: • Maintenance of fire breaks (for ecosystem protection and providing for the health and safety of people) • Cultivation and domestic gardens (continuation of domestic and rural activities). • Ecosystem protection and enhancement (where vegetation may need to be thinned to release new plantings) • Maintenance of driveways and roads.
FS66.16	Kapiro Residents Association	S429.002	General	General / Plan Content / Miscellaneous	Oppose	Disallow	In general terms the indigenous vegetation clearance provisions in the Proposed Plan do not properly provide for normal and beneficial practices, and exemptions should be widened to include in all instances at least the following: • Maintenance of fire breaks (for ecosystem protection and providing for the health and safety of people) • Cultivation and domestic gardens (continuation of domestic and rural activities). • Ecosystem protection and enhancement (where vegetation may need to be thinned to release new plantings) • Maintenance of driveways and roads.
FS66.17	Kapiro Residents Association	S429.003	General	General / Plan Content / Miscellaneous	Oppose	Disallow	In general terms the indigenous vegetation clearance provisions in the Proposed Plan do not properly provide for normal and beneficial practices, and exemptions should be widened to include in all instances at least the following: • Maintenance of fire breaks (for ecosystem protection and providing for the health and safety of people) • Cultivation and domestic gardens (continuation of domestic and rural activities). • Ecosystem protection and enhancement (where vegetation may need to be thinned to release new plantings) • Maintenance of driveways and roads.

FS66.18	Kapiro Residents Association	S429.004	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought in the submission lacks specificity, such that the exact nature of effect of the changes sought can not be understood. That said, the Proposed Plan generally gives appropriate effect to the provisions of the NPS Freshwater Management, acknowledging that the functions under this NPS primarily fall to the Regional Council.
FS66.19	Kapiro Residents Association	S429.005	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought in the submission lacks specificity, such that the exact nature of effect of the changes sought can not be understood. That said, the Proposed Plan generally gives appropriate effect to the provisions of the NPS Freshwater Management, acknowledging that the functions under this NPS primarily fall to the Regional Council.
FS66.20	Kapiro Residents Association	S429.006	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought in the submission lacks specificity, such that the exact nature of effect of the changes sought can not be understood. That said, the Proposed Plan generally gives appropriate effect to the provisions of the NPS Freshwater Management, acknowledging that the functions under this NPS primarily fall to the Regional Council.
FS66.21	Kapiro Residents Association	S429.007	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought in the submission lacks specificity, such that the exact nature of effect of the changes sought can not be understood. That said, the Proposed Plan generally gives appropriate effect to the provisions of the NPS Freshwater Management, acknowledging that the functions under this NPS primarily fall to the regional Council.
FS66.22	Kapiro Residents Association	S429.008	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought in the submission lacks specificity, such that the exact nature of effect of the changes sought can not be understood. That said, the Proposed Plan generally gives appropriate effect to the provisions of the NPS Freshwater Management, acknowledging that the functions under this NPS primarily fall to the regional Council.
FS66.23	Kapiro Residents Association	S429.010	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought in the submission lacks specificity, such that the exact nature of effect of the changes sought can not be understood. That said, the Proposed Plan generally gives appropriate effect to the provisions of the NPS Freshwater Management, acknowledging that the functions under this NPS primarily fall to the regional Council.
FS66.24	Kapiro Residents Association	S429.011	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought in the submission lacks specificity, such that the exact nature of effect of the changes sought can not be understood. That said, the Proposed Plan generally gives appropriate effect to the provisions of the NPS Freshwater Management, acknowledging that the functions under this NPS primarily fall to the regional Council.
FS66.80	Kapiro Residents Association	S429.001	General	General / Plan Content / Miscellaneous	Oppose	Disallow	Does not give effect to the NPS:IB
FS66.81	Kapiro Residents Association	S429.004	General	General / Plan Content / Miscellaneous	Oppose	Disallow	Lacks specify of relief required for a submission and does not give effect to the NPS: FM or NPS: IB

FS66.131	Kapiro Residents Association	S427.010	Subdivision	Rules	Oppose	Disallow	The general rule sought for subdivisions to have walking and cycling connectivity is not targeted, and unlikely to be applicable to most rural locations (other than potentially on the edge of urban areas). It is therefore neither an effective nor efficient way to achieve the objectives of the Plan.
FS66.135	Kapiro Residents Association	S427.040	Subdivision	Rules	Oppose	Disallow	Inappropriate for subdivision in rural areas.
FS66.163	Kapiro Residents Association	S427.033	Rural production	Rules	Oppose	Disallow	The relief sought does not properly give effect to the NPS: Highly Productive Land
FS66.171	Kapiro Residents Association	S430.001	SCHED4 - Schedule of significant natural areas	SCHED4 - Schedule of significant natural areas	Oppose	Disallow	The insertion of SNAs in the Plan does not accord with the requirements of the NPS:IB, and if undertaken, should be done by way of a Variation to the Proposed Plan.
FS66.85	Kiwi Fresh Orange Company Limited	S554.005	General	General / Plan Content / Miscellaneous	Support	Allow	The relief gives better effect to the NPS Highly Productive Land
FS66.37	Lynley Newport	S121.003	Definitions	NO NET LOSS	Oppose	Disallow	Only amendments consistent with the NPS: Indigenous Biodiversity should be allowed to this definition and introduced by way of a Variation to the Proposed Plan.
FS66.116	Lynley Newport	S98.001	Public access	PA-P1	Oppose	Disallow	The relief sought by the submitter does not appropriately balance the costs of the provision of esplanade reserve to the land owner, applying as it does the requirement for esplanade reserves to apparently all forms and scale of subdivision and will be neither effective nor efficient with respect to the objectives, requiring a non-targeted provision of esplanade reserves.
FS66.146	Neil Construction Limited	S349.017	Subdivision	SUB-S1	Support	Allow	To provide for a more efficient use of a scarce land resource
FS66.108	Northland Federated Farmers of New Zealand	S421.159	Natural features and landscapes	NFL-R6	Support	Allow	The rule does not implement policy NFL-P4 of the Proposed Plan which recognises that that farming should be provided for in ONLs and ONFs and that the use can form part of the characteristics and values that established the landscape or feature
FS66.111	Northland Federated Farmers of New Zealand	S421.161	Public access	PA-O1	Support	Allow	The objectives generally balance public access benefits against private property rights, subject to the amendments as sought by the submitter.
FS66.117	Northland Federated Farmers of New Zealand	S421.166	Public access	PA-P3	Support	Allow	The policy as drafted is appropriate having regard to the objectives it implements.
FS66.159	Northland Federated Farmers of New Zealand	S421.209	Rural production	RPROZ-O1	Support	Allow	The District Plan is required to give effect to the NPS: Highly Productive Land
FS66.160	Northland Federated Farmers of New Zealand	S421.210	Rural production	RPROZ-O3	Support	Allow	The District Plan is required to give effect to the NPS: Highly Productive Land

FS66.173	Northland Federated Farmers of New Zealand	S421.134	Ecosystems and indigenous biodiversity	IB-O2	Support	Allow	Providing for the social, economic, and cultural wellbeing of people and communities now and in the future, while maintaining indigenous biodiversity, is part of the objective of the NPS: IB at its clause 2.1.
FS66.30	Northland Fish and Game Council	S436.032	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought by the submitter, including that development occurs away from areas valued for their amenity characteristics which are important for culture and recreation, is not sufficiently specific. Such areas should be identified in the submission so that the implications of the relief sought can be properly understood.
FS66.109	Northland Planning and Development 2020 Limited	S502.040	Natural features and landscapes	NFL-R6	Support	Allow	The rule does not implement policy NFL-P4 of the Proposed Plan which recognises that that farming should be provided for in ONLs and ONFs and that the use can form part of the characteristics and values that established the landscape or feature
FS66.10	Northland Regional Council	S359.004	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The relief sought in the submission by NRC to have regard to the NPS: Indigenous Biodiversity should be sought by a Schedule 1 Variation to the Proposed Plan by the FNDC, not by way of a submission. The relief sought in this submission is not specific, so as to allow landowners and the community to understand its effect, yet by introducing SNAs and associated provisions across the district, it will have significant effect. Lacking specificity as it does, the submission should be disallowed. There is no section 32 RMA assessment to support the relief sought. While it is acknowledged that the Council is required to give effect to the NPS: Indigenous Biodiversity, this is required to be done in accordance with the principles and methodology set out in the NPS, including at section 3.8 the principles of partnership, transparency, access and consistency. Giving effect to the NPS by way of a submission to the Proposed Plan falls well short of this.
FS66.11	Northland Regional Council	S359.009	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The submission by the NRC seeks to introduce new Hazards Mapping without showing the specific effect of that relief on properties, or providing proper justification, including under section 32 of the RMA.
FS66.12	Northland Regional Council	S359.027	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The submitter's property includes some LUC4 land on the valley flat of the farm. The responsibility to identify Highly Productive Land is the Regional Council's under the NPS: Highly Productive Land, following the process set out in the NPS. The interim provisions at 3.5(7) of the NPS only require LUC 1, 2 and 3 land to be classed as highly productive. The relief sought by the NRC to incorporate provisions in the District Plan ahead of itself giving effect to the NPS is premature. More particularly, the request to map some LUC4 land as highly productive does not give effect to the interim provisions of the NPS: Highly Productive Land.
FS66.118	Northland Regional Council	S359.029	Subdivision	Objectives	Oppose	Disallow	The relief sought by the submitter does not give effect to the RPS which does not 'strongly discourage the fragmentation of rural land' neither does it give effect to the NPS: Highly Productive Land which manages subdivision, use and development on Highly Productive Land, not all rural land. The relief also fails to recognise the varied characteristics of rural land in the Far North, and the large percentage which does not have productive value, and the opportunities to enhance biodiversity and cultural outcomes through subdivision.

FS66.50	Our Kerikeri Community Charitable Trust	S338.042		General approach	District Plan Framework	Oppose	Disallow	The relief sought to redefine the extent of the coastal environment does not give effect to the NZCPS or the Northland Regional Policy Statement.
FS66.112	Our Kerikeri Community Charitable Trust	S272.016		Public access	Policies	Oppose	Disallow	The relief sought by the submitter does not appropriately balance the costs of the provision of esplanade reserve to the land owner, applying as it does the requirement for esplanade reserves to apparently all forms and scale of land use and development and will be neither effective nor efficient with respect to the objectives, requiring a non-targeted provision of esplanade reserves.
FS66.125	Our Kerikeri Community Charitable Trust	S272.019		Subdivision	Policies	Oppose	Disallow	The policy proposed unnecessarily re-casts existing proposed policies and does not give effect to the Plan objectives.
FS66.136	Our Kerikeri Community Charitable Trust	S272.013		Subdivision	Rules	Oppose	Disallow	The proposed rule does not implement the objectives of the Plan.
FS66.142	Our Kerikeri Community Charitable Trust	S338.072		Subdivision	Rules	Oppose	Disallow	The proposed rule does not implement the objectives of the Plan.
FS66.169	Our Kerikeri Community Charitable Trust	S338.044		SCHED4 - Schedule of significant natural areas	SCHED4 - Schedule of significant natural areas	Oppose	Disallow	The insertion of SNAs in the Plan does not accord with the requirements of the NPS:IB, and if undertaken, should be done by way of a Variation to the Proposed Plan.
FS66.184	Pacific Eco-Logic	S451.004		Subdivision	SUB-O2	Support	Allow	As noted by the submitter, the Proposed Plan does not include SNAs so reference to them should be deleted.
FS66.34	PF Olsen Limited	S91.003		Definitions	HIGHLY PRODUCTIVE LAND	Support	Allow	The definition of Highly Productive Land should be amended to give effect to the National Policy Statement for Highly Productive Land so as to not inadvertently capture land not defined by the NPS.
FS66.38	Royal Forest and Bird Protection Society of New Zealand	S511.009		Definitions	NO NET LOSS	Oppose	Disallow	Only amendments consistent with the NPS: Indigenous Biodiversity should be allowed to this definition and introduced by way of a Variation to the Proposed Plan.
FS66.40	Royal Forest and Bird Protection Society of New Zealand	S511.021		Economic and Social Wellbeing	Overview	Oppose	Disallow	The purpose of the strategic objectives is to provide strategic direction and as such they should direct the outcomes in lower order objectives and policies in the Plan.
FS66.42	Royal Forest and Bird Protection Society of New Zealand	S511.024		Rural Environment	Overview	Oppose	Disallow	The purpose of the strategic objectives is to provide strategic direction and as such they should direct the outcomes in lower order objectives and policies in the Plan - here and in all equivalent chapters of the Plan.
FS66.43	Royal Forest and Bird Protection Society of New Zealand	S511.024		Rural Environment	Overview	Oppose	Disallow	The purpose of the strategic objectives is to provide strategic direction and as such they should direct the outcomes in lower order objectives and policies in the Plan - here and in all equivalent chapters of the Plan.
FS66.52	Royal Forest and Bird Protection Society of New Zealand	S511.018		General approach	Format of chapters in Part 2 and Part 3	Support in part	Disallow in part	The clarification sought by the submitter is agreed with, apart from the reference to where there is conflict then the district-wide provisions prevail. That is not the structure of the Plan which requires the more restrictive provision or particular to apply where there is conflict between the provisions.

FS66.56	Royal Forest and Bird Protection Society of New Zealand	S511.054	Ecosystems and indigenous biodiversity	IB-O2	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.71	Royal Forest and Bird Protection Society of New Zealand	S511.057	Ecosystems and indigenous biodiversity	IB-P1	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.90	Royal Forest and Bird Protection Society of New Zealand	S511.071	Natural character	Objectives	Oppose	Disallow	The relief sought lacks specificity of outcome and should be addressed by way of a Variation.
FS66.93	Royal Forest and Bird Protection Society of New Zealand	S511.072	Natural character	NATC-P2	Oppose	Disallow	The relief sought does not give proper effect to the RPS.
FS66.99	Royal Forest and Bird Protection Society of New Zealand	S511.073	Natural character	NATC-P3	Support in part	Allow in part	'Limited' may better direct the rules below rather than 'restricted' amounts of vegetation clearance as sought by the submitter as the rules specify vegetation clearance amounts according to certain limited specified activities.
FS66.147	Royal Forest and Bird Protection Society of New Zealand	S511.088	Coastal environment	Overview	Support in part	Allow in part	The type of clarification sought is agreed with, however because the relief lacks specificity, it can not be supported in full.
FS66.174	Royal Forest and Bird Protection Society of New Zealand	S511.054	Ecosystems and indigenous biodiversity	IB-O2	Oppose	Disallow	Providing for the social, economic, and cultural wellbeing of people and communities now and in the future, while maintaining indigenous biodiversity, is part of the objective of the NPS: IB at its clause 2.1.
FS66.177	Royal Forest and Bird Protection Society of New Zealand	S511.071	Natural character	Objectives	Oppose	Disallow	The proposed objective is in fact a method, and the existing proposed objectives and provisions of the District Plan in respect to natural character (subject to any changes sought or supported by the further submitter) better achieve the purpose of the RMa 1991.
FS66.187	Royal Forest and Bird Protection Society of New Zealand	S511.019	Directions Overview	Directions Overview	Oppose	Disallow	The purpose of the strategic objectives is to provide strategic direction and as such they should direct the outcomes in lower order objectives and policies in the Plan.
FS66.189	Royal Forest and Bird Protection Society of New Zealand	S511.036	Rural Environment	Objectives	Support in part	Allow in part	Support subject to the new strategic direction being consistent with the NPS: Highly Productive Land.
FS66.59	Russell Landcare Trust	S276.004	Ecosystems and indigenous biodiversity	Policies	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.60	Russell Landcare Trust	S276.005	Ecosystems and	Policies	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.

			indigenous biodiversity				
FS66.35	Summit Forests New Zealand Limited	S148.004	Definitions	HIGHLY PRODUCTIVE LAND	Support	Allow	The definition of Highly Productive Land should be amended to give effect to the National Policy Statement for Highly Productive Land so as to not inadvertently capture land not defined by the NPS.
FS66.69	Summit Forests New Zealand Limited	S148.016	Ecosystems and indigenous biodiversity	IB-P1	Oppose	Disallow	The changes sought do not give effect to the NPS:IB.
FS66.48	Te Hiku Iwi Development Trust	S399.056	Sites and areas of significance to Māori	Policies	Oppose	Disallow	The submission seeks that Areas of Interest in iwi/hapū management plans be identified on planning maps, also requiring that resource consent applications within or adjacent to the sites identified as significant within the relevant iwi/hapū management plan demonstrate that they have had regard to that Management Plan. This relief lacks the specificity required on a submission as it does not allow other potentially affected parties to understand the implications of the relief sought, including the spatial extent of the Areas of Interest. The Areas should be identified through the District Plan preparation process already, and if not, then introduced by way of a Variation to the Proposed Plan, rather than by way of submission. In any event, the relief sought fails to have proper regard to the costs and benefits of the approach proposed as required by s32 of the RMA (lacking as it does the specificity required to undertake that) and should be disallowed.
FS66.87	Te Rūnanga o Whaingaroa	S486.074	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The change sought is neither effective nor efficient. The matters set out in the policy may not be relevant to all classes of applications such as controlled activities and restricted discretionary activities, or relevant to all types as proposals. As a policy of the District Plan, regard is required to be had in any event to the matters in the policy, to the extent that they are relevant, under section 104 of the RMA without the need for further prescription in the District Plan.
FS66.1	Thomson Survey Ltd	S192.003	Planning maps	General / Miscellaneous	Oppose	Disallow	Mapping of SNA will need to follow the methodology set out in the NPS: Indigenous Biodiversity before being inserted in the District Plan in any form.
FS66.106	Thomson Survey Ltd	S198.002	Natural features and landscapes	NFL-R6	Support	Allow	This does not implement policy NFL-P4 of the Proposed Plan which recognises that that farming should be provided for in ONLs and ONFs and that the use can form part of the characteristics and values that established the landscape or feature
FS66.107	Thomson Survey Ltd	S198.002	Natural features and landscapes	NFL-R6	Support	Allow	The Rule does not implement policy NFL-P4 of the Proposed Plan which recognises that that farming should be provided for in ONLs and ONFs and that the use can form part of the characteristics and values that established the landscape or feature
FS66.54	Top Energy Limited	S483.023	General approach	Applications Subject to Multiple Provisions	Support	Allow	Amending to provide for better clarity is supported, as it it clear from submissions that there are several interpretation as to how the chapters interact.

FS66.49	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	S522.028	General approach	District Plan Framework	Oppose	Disallow	The relief sought to redefine the extent of the coastal environment does not give effect to the NZCPS or the Northland Regional Policy Statement.
FS66.84	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	S527.003	General	General / Plan Content / Miscellaneous	Oppose	Disallow	The submission lacks specificity in its relief.
FS66.115	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	S523.020	Public access	Policies	Oppose	Disallow	The relief sought by the submitter does not appropriately balance the costs of the provision of esplanade reserve to the land owner, applying as it does the requirement for esplanade reserves to apparently all forms and scale of land use and development and will be neither effective nor efficient with respect to the objectives, requiring a non-targeted provision of esplanade reserves.
FS66.128	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	S523.015	Subdivision	Policies	Oppose	Disallow	The policy proposed unnecessarily re-casts existing proposed policies and does not give effect to the objectives of the Proposed Plan.
FS66.138	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	S523.016	Subdivision	Rules	Oppose	Disallow	The proposed rule does not implement the objectives of the Plan.
FS66.139	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	S522.055	Subdivision	Rules	Oppose	Disallow	The proposed rule does not implement the objectives of the Plan.
FS66.164	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	S522.048	Rural production	Rules	Oppose	Disallow	The relief sought does not properly give effect to the NPS: Highly Productive Land
FS66.170	Vision Kerikeri (Vision for Kerikeri and Environs, VKK)	S522.045	SCHED4 - Schedule of significant natural areas	SCHED4 - Schedule of significant natural areas	Oppose	Disallow	The insertion of SNAs in the Plan does not accord with the requirements of the NPS:IB, and if undertaken, should be done by way of a Variation to the Proposed Plan.
FS66.36	Waiaua Bay Farm Limited	S463.001	Definitions	HIGHLY PRODUCTIVE LAND	Support	Allow	The definition of Highly Productive Land should be amended to give effect to the National Policy Statement for Highly Productive Land so as to not inadvertently capture land not defined by the NPS.
FS66.89	Waiaua Bay Farm Limited	S463.034	Natural character	NATC-O1	Support	Allow	As noted by the submitter, the objective appears to envisage outright “preservation and protection” without recognition that some activities and the associated effects, may not necessarily be inappropriate.
FS66.92	Waiaua Bay Farm Limited	S463.035	Natural character	NATC-O2	Support	Allow	The relief sought by the submitter gives better effect to the RPS and the RMA 1991.
FS66.96	Waiaua Bay Farm Limited	S463.036	Natural character	NATC-P3	Support	Allow	The policy correctly enables an appropriate amount of vegetation removal and earthworks as determined by the rules
FS66.97	Waiaua Bay Farm Limited	S463.037	Natural	NATC-P4	Support	Allow	A requirement of this type as in sub clause c) does not accurately reflect the obligations imposed by RMA s6.

character

FS66.98	Waiaua Bay Farm Limited	S463.038	Natural character	NATC-P6	Support	Allow	Sub-clauses (a) to (m) are a list of assessment matters that are inappropriate to be included in a policy and if anything are matters of discretion.
FS66.119	Waiaua Bay Farm Limited	S463.041	Subdivision	SUB-O1	Support	Allow	The submitter correctly notes that It is incongruous to require all forms of subdivision subdivision to maintain the status quo character and sense of place.
FS66.129	Waiaua Bay Farm Limited	S463.042	Subdivision	SUB-P2	Support	Allow	The policy appropriately supports the enablement of subdivision for the purposes set out.
FS66.130	Waiaua Bay Farm Limited	S463.044	Subdivision	SUB-P4	Support	Allow	The submitter correctly notes that the content is set out in Note 1 (before the rule table) and therefore this policy is redundant.
FS66.156	Waiaua Bay Farm Limited	S463.054	Coastal environment	CE-P4	Support	Allow	The relief sought add better precision.
FS66.161	Waiaua Bay Farm Limited	S463.091	Rural production	RPROZ-P1	Support	Allow	The policy provides appropriate recognition of typical farming activities.
FS66.165	Waiaua Bay Farm Limited	S463.094	Rural production	RPROZ-R1	Support	Allow	The rule supported as appropriate permitted activity performance standards for development in the RPROZ
FS66.110	Waitangi Limited	S503.022	Natural features and landscapes	NFL-R6	Support	Allow	The rule does not implement policy NFL-P4 of the Proposed Plan which recognises that that farming should be provided for in ONLs and ONFs and that the use can form part of the characteristics and values that established the landscape or feature

Further submissions on the Proposed Far North District Plan

Further Submitter Details

Further Submitters Name	Bentzen Farm Limited
Further Submitter Number	FS376
Wish to be heard	Yes
FS qualifier	a person who has an interest in the proposal that is greater than the interest the general public has (e.g. land owner, resource user)
FS qualifier reason	Bentzen Farm Limited is a landowner affected by the provisions and is a primary submitter to the Proposed District Plan
Joint presentation	Yes
Attention:	Peter Hall
Contact organisation	Peter Hall Planning Limited
Address for service	PO Box 226 Shortland Street Auckland, 1140
Telephone	
Mobile	0274222118
Email	peter@phplanning.co.nz
Date lodged	25/09/2023 11:19am

Further submissions

Point #	Original submitter	Related Submission Point	Plan section	Provision	SupportOppose	FS Decision requested	FS Reasons
FS376.2	Philip Thornton	S496.006	Coastal environment	CE-R1	Support	Allow	The submission is supported noting that, subject to appropriate standards on colour and reflectivity, new buildings, including residential units, should be able to occur as a permitted activity where land is subject to the coastal environment overlay.
FS376.3	Ricky Faesen Kloet	S495.009	Coastal environment	CE-R1	Support	Allow	The submission is supported noting that, subject to appropriate standards on colour and reflectivity, new buildings, including residential units, should be able to occur as a permitted activity where land is subject to the coastal environment overlay.
FS376.4	Ian Jepson	S494.008	Coastal environment	CE-R1	Support	Allow	The submission is supported noting that, subject to appropriate standards on colour and reflectivity, new buildings, including residential units, should be able to occur as a permitted activity where land is subject to the coastal environment overlay.
FS376.4	Mark John Wyborn	S497.006	Coastal environment	CE-R1	Support	Allow	The submission is supported noting that, subject to appropriate standards on colour and reflectivity, new buildings, including residential units, should be able to occur as a permitted activity where land is subject to the coastal environment overlay.

FS376.5	Kingheim Limited	S461.002	Coastal environment	CE-R1	Support	Allow	The further submitter agrees that subject to appropriate standards on materials and colours, buildings, including residential units, can appropriately be located in the coastal environment outside of the outstanding natural character overlay as a permitted activity.
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ANNEXURE B

Copy of the relevant parts of the Decision



PROPOSED FAR NORTH DISTRICT PLAN

RECOMMENDATIONS OF THE INDEPENDENT HEARINGS

PANEL

RECOMMENDATION REPORT 1

Hearing 1: Introduction, General Provisions, Tangata Whenua
and Miscellaneous

March 2026

Recommendation Report 1

Recommendation Report 1 is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 4, 9, 11, 12, 13, 14, 15A and 17**.

Recommendation Report 1 contains the Panel's recommendations on: Part 1 – Introduction and General Provisions, Tangata Whenua, and Part 2 - Strategic Direction. It also contains the Panel's recommendations on a number of other general and miscellaneous matters.

Recommendation Report 1 also contains consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 1 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 Part 1 – Introduction and General Provisions

Appendix 2.2 Part 2 – Strategic Direction

Appendix 2.3 Part 1 – Tangata Whenua

Appendix 2.4 Contaminated Land (New chapter)

Appendix 3: Summary table of the Hearings Panel recommended decisions on each submission point including:

Appendix 3.1 Recommended Decisions on Submissions – Part 1 – Introduction and General Provisions

Appendix 3.2 Recommended Decisions on Submissions – Strategic Direction

Appendix 3.3 Recommended Decisions on Submissions – Tangata Whenua

The Independent Hearings Panel for Hearing 1 comprised Robert Scott – Independent panel member and Chairperson; Steve McNally - Council panel member (Day 1); Hilda Halkyard-Harawira – Council panel member (Day 2 and 3); and Felicity Foy - Council panel member; Alan Watson - Independent panel member; Siani Walker - Independent panel member.

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RECOMMENDATION REPORT 1

1. Introduction

1.1 Report Structure

This is **Recommendation Report 1** prepared by the Independent Hearings Panel appointed to hear and make recommendations with respect to submissions and further submissions lodged on the Proposed Far North District Plan (**PDP**).

This recommendation report makes findings and recommendations relating to submissions on the provisions in the following parts, sub-parts, chapters and sections of the PDP; and on a number of other general or miscellaneous matters.

PDP Part	PDP Sub-Part	PDP Chapter or Provisions
Part 1 – Introduction and General Provisions	Introduction	
		Foreword or Mihi
		Contents
		Purpose
		Description of the district
	How the Plan Works	
		Statutory context
		General approach
		Cross boundary matters
		Relationships between spatial layers
	National Direction Instruments	
		National Policy Statements and New Zealand Coastal Policy Statement
		National Environmental Standards
		Regulations
	Tangata Whenua	
Part 2 – District Wide Matters	Strategic Direction	Directions Overview
		Historic and cultural wellbeing
		Economic and social wellbeing
		Urban form and development
		Infrastructure and electricity
		Rural environment
		Natural environment

1.2 Section 32AA of the RMA

The requirements in clause 10 of the First Schedule of the RMA and particularly 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 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 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 recommendation 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.

1.3 Consequential Amendments

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

2. Procedural Issues

2.1 Late Submissions

PS Yates Family Trust (FS384) further submission was received on 29th September 2023, three and a half weeks after the closing time/date for further submissions (which was 5.00pm, Monday 4th September).

The Hearings Panel has the ability to extend a time limit for Schedule 1 processes under section 37 and 37A of the RMA, taking into account:

- The interests of any person who, in its opinion, may be directly affected by the extension or waiver; and
- The interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and
- Its duty under section 21 to avoid unreasonable delay.

Taking into account the matters set out in section 37A of the RMA, we have accepted PS Yates Family Trust (FS384) late further submission, allowing the matters raised to be addressed through the hearing process because:

- The further submitter raises matters that are within the scope of the original submission.

- There is no prejudice to any person directly affected by the Hearings Panel accepting the late further submission.

2.2 Further Submissions Rejected

After the notification of the summary of decisions requested, and call for further submissions, Council became aware of some errors and omissions. An addendum was prepared to correct those matters. Through this process Council received some further submissions that were not in relation to points notified in the Addendum.

The following list of further submissions are rejected as they are not related to the Summary of Submissions Addendum:

- Robert John McKibbin
- Peter Selwyn Yerkovich.

3. Topic 1 - Part 1: Introduction and General Provisions

3.1 Relevant Provisions

The relevant provisions we address in the Recommendation Report for this topic relate to:

- Introduction
- How the Plan Works
- National Direction Instruments
- General/Miscellaneous matters.

3.2 Overview of Submissions Received

A total of 89 original submissions and 206 further submissions were received on the Part 1 and General/Miscellaneous topic.

As set out in the Council's hearing report the issues raised in submissions on the Part 1 and General/Miscellaneous came from:

- Local community and conservation groups
- Government agencies
- Iwi and hapū
- Local property owners and businesses.¹

3.3 Key Issues

The key issues identified in the hearing report and in evidence are set out below:

¹ Section 5 of hearing report, Part 1 and General / Miscellaneous

- Key Issue 1: Whole of plan submissions
- Key Issue 2: Introduction
- Key Issue 3: How the plan works
- Key Issue 4: National Direction Instruments
- Key Issue 5: Plan Wide submissions
- Key Issue 6: New chapter submissions
- Key Issue 7: Submissions seeking general clarifications
- Key Issue 8: Submissions that sit outside the scope of the District Plan Review.

The hearing report provided a detailed summary of the matters raised in submissions and evidence relative to each key issue. We have reviewed these submissions, and the analysis and recommendations in the hearing report.

A copy of the hearing reports, rights of reply (including attachments) and all written evidence for this topic can be found here:

[Hearing 1 - Introduction, General Provisions, Tangata Whenua, Strategic Direction.](#)

3.4 Key Issue 1 - Whole of Plan Submissions

3.4.1 Matters Raised in Submissions and Evidence

The submissions received that related to the PDP as a whole raised the following matters:

- Support and retain the PDP as notified²;
- Delete the PDP and replace it with a plan that has been drafted in true consultation with the citizens and rate payers of the area³;
- Pause the PDP process until the failings of the RMA are addressed and there is clarity around the National Policy Statement for Indigenous Biodiversity and the RMA replacement⁴;
- that the PDP is amended to implement and strengthen the key environmental principles and obligations of the RMA⁵;
- Exclude the Hokianga from the PDP⁶.

² Simon Coe (S31.001) and Ian Ray (Joe) Carr (S397.001)

³ Mauri – Crown-Tane (S539.001), Robyn Josephine Baker (S69.005)

⁴ Groundswell NZ (S465.001)

⁵ Carbon Neutral NZ Trust (S529.112 and 113) and Vision Kerikeri (527.002)

⁶ Wai Claimant groups (S60.001)

3.4.2 Hearings Panel Evaluation

While we acknowledge the matters raised in these submissions, we are of the view that the plan has followed the required processes in the RMA regarding consultation undertaken and engagement with residents and organisations within the Far North District. We are also of the view that the plan has had sufficient regard to the relevant national and regional policy instruments in its preparation, public engagement and notification noting that several changes to national policy instruments occurred during the period the plan was notified and the release of these recommendation reports.

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 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.

The district plan review process began in 2015 and since that time multiple technical reports, issues and options papers, and a draft plan have been prepared which were open for consultation. The section 32A reports supporting the PDP, detail how the provisions are intended to achieve the purpose of the RMA.

We appreciate that the hearings for the PDP are being undertaken during a time when there is dynamic change in the resource management space including changes to national policy statements, national environmental standards and the future of the RMA and resource management legislation itself. We are conscious that our tasks of hearing submissions and making recommendations to the Council need to reflect this dynamic situation.

In that regard, we find that there is insufficient basis to withdraw or delete the PDP as a whole and we recommend that these submissions be rejected. That said, a number of the matters raised in the 'whole of plan' submissions make suggestions that relate to other sections of the PDP, in particular Carbon Neutral NZ Trust and Vision Kerikeri submissions, and we discuss these in more detail in **Recommendation Report 4** and other area specific chapters.

With regard to the Wai Claimant groups' submission (S60.001) seeking the exclusion of the Hokianga from the PDP, we find that we have no standing to do this and that the requirements of section 73 of the RMA require that there be a district plan in place at all time and that it apply to the entire District.

3.4.3 Hearings Panel Recommendations

1. Having considered the submission points, we do not recommend any particular changes to the PDP on the basis that the plan has been competently prepared in accordance with all relevant statutory requirements under the RMA. This has included an appropriate level of engagement with the community and organisations. As a result, we recommend that the submissions and further

submissions should be accepted, accepted in part or rejected, as set out in the table of Recommended Decisions on Submissions in Appendix 2.1.

3.5 Key Issue 2 – Part 1 - Introduction

3.5.1 Matters Raised in Submissions and Evidence

There are 16 original submission points from 10 different submitters (being Far North District Council (S368); Te Rūnanga o Whaingaroa (S486); Te Runanga o Ngai Takoto Trust (S390); Te Rūnanga Ā Iwi O Ngapuhi (S498); Te Kawariki me Te Wānanga o Te Rangi Aniwaniwa (S573); Neil Construction Limited (S349); Te Rūnanga o Ngāti Rēhia (S559); Northland Federated Farmers of New Zealand (S421); Te Waka Pupuri Putea Trust (S477); Merata Kawharu Taituha, Renata Tane, Albie Apiata, Billie Taituha and Hirini Tane (S389)) received on the Introduction Chapter of the PDP. The issues raised in these submissions relate to the following matters:

- Retain the Description of the District;
- Support the Significant Resource Management Issues listed in the Description of the District section and request they be retained as notified;
- Amend or delete the Significant Resource Management Issues listed in the Description of the District section;
- Replace reference to “Partnerships” with the “Relationships” in Significant Resource Management Issue 1;
- Amendments to Issue 2 – Rural Sustainability;
- Amend the PDP to include key values to underpin the plan, including Kotahitanga, Mana and Manaakitanga and the roles and responsibilities of Council and Tangata whenua as dynamics within the realms of Papatūānuku and Ranginui.

3.5.2 Hearings Panel Evaluation

Northland Federated Farmers (S421.002) oppose Significant Resource Management Issue 2 and request to amend it as follows:

The Rural Environment contains a number of ~~There are~~ competing demands for a range of land use activities ~~in the Rural Environment~~. A ~~The~~ previous permissive planning framework has resulted ~~ed, in some areas,~~ to ~~in~~ incompatible land uses, land fragmentation and significant adverse effects on rural character, amenity and indigenous biodiversity. ~~In some cases,~~ highly productive land (~~which includes including~~ versatile soils) have been used in ~~such~~ a way that ~~compromises~~ the future viability of primary production activities, such as horticulture and agriculture ~~has been compromised.~~ ~~and~~ These uses have also inappropriately ~~used~~ existing infrastructure and services. The current Rural Production zone ~~has applied~~ a single set of provisions to the majority of the District, ~~which~~ This approach ~~does~~ has not addressed the specific issues faced by ~~in~~ the different rural areas and ~~their~~ communities. It is also important that the District Plan ~~clearly~~ reflects that rural settlements differ in their ability to access the infrastructure and services available in urban centres.

The Council planner supports the general thrust of the changes sought by Northland Federated Farmers but with the deletion of the word “clearly” in the final sentence such that it reads:

It is ~~also~~ important that the District Plan reflects that rural settlements differ in their ability to access the infrastructure and services available in urban centres.

At the hearing we heard from Jo-Anne Cook-Munro on behalf of Northland Federated Farmers and she stated that they were supportive of the recommendation that has been made along with the proposed wording. We agree and recommend that the amended wording of Issue 2 be reworded as set out above.

Te Rūnanga o Ngāti Rēhia ((S559.054) request a specific issue relating to water resilience and reliable water supply. However, while we support this as an important issue, we are satisfied that Issue 6 - Affordable Infrastructure discusses the implications of servicing the District and we find that this addresses the issue of water resilience and reliable water supply. This submission is therefore accepted in part.

Neil Construction Limited (S349.002) sought the deletion of all Significant Resource Management Issues or the inclusion of provision for increased rural residential capacity. We adopt the hearing report recommendation⁷ that this submission point be rejected on the basis that the Significant Resource Management Issues need to be retained for other important resource management outcomes to be achieved. We also find that while the PDP enables some residential subdivision and development in rural areas, we find that this outcome does not give rise to the level of a Significant Resource Management Issue.

Te Waka Pupuri Putea Trust (S477.004) seeks the expansion of the significant resource management issues to be more forward thinking of climate change issues related to their rohe. We agree with the Council planner that at a high level Strategic Resource Management Issue 3 – Hazard Resilience and Climate Change addresses this submission. This submission is therefore accepted in part.

Far North District Council (**FNDC**) (S368.046) lodged a submission seeking the deletion of the reference to ‘Contaminated Land’ as part of the ‘Hazards and Risks’ District Wide Matter in the contents chapter of the PDP. However, other submissions for the Fuel Companies (S335.006) sought that there be a new Contaminated Land chapter inserted into the PDP. We support this approach and discuss wording of the new chapter further in this recommendation report. As a result, we recommend that the reference to a contaminated land chapter be retained, but relocated, in the contents section.

3.5.3 Hearings Panel Recommendations

We recommend the following changes:

1. Retention of, and reference to, a ‘Contaminated Land’ chapter in the Contents section of Part 1 and in ‘Hazards and risks’ in Part 2 – District Wide Matters.

⁷ Paragraph 72 of hearing report – Part 1 and General / Miscellaneous

2. Amend Significant Resource Management Issue 2 - Rural sustainability as follows:

The Rural Environment contains a number of ~~There are~~ competing demands for a range of land use activities ~~in the Rural Environment~~. ~~A~~ ~~The previous~~ permissive planning framework has ~~resulted~~ ~~ed, in some areas,~~ ~~to in~~ incompatible land uses, land fragmentation and significant adverse effects on rural character, amenity and indigenous biodiversity. ~~In some cases,~~ highly productive land (~~which includes including~~ versatile soils) have been used in ~~such~~ a way that ~~compromises~~ the future viability of primary production activities, such as horticulture and agriculture ~~has been compromised~~. ~~and~~ ~~These uses have also~~ inappropriately ~~used~~ existing infrastructure and services. The current Rural Production zone ~~has applied~~ a single set of provisions to the majority of the District, ~~which~~ ~~This approach does~~ ~~has~~ not addressed the specific issues faced ~~by in~~ the different rural areas and ~~their~~ communities. It is also important that the District Plan reflects that rural settlements differ in their ability to access the infrastructure and services available in urban centres.

3.6 Key Issue 3: How the Plan Works

Statutory Context

Haititaimarangai Marae Kaitiaki Trust (S394.001) opposes the ‘Statutory Context’ section in the ‘How the Plan Works’ chapter and requests that the second sentence of the third paragraph is amended as follows:

Far North District Council along with its recognised eleven iwi authorities and some ~~those~~ hapū groups it has memorandums of understanding with have worked in partnership to develop the Far North District Plan ~~in accordance with the principles of the Treaty of Waitangi~~.

This submission point seeks to clarify that those iwi authorities recognised by Council do not represent all hapū. We agree with the reporting planner that the sentence, as notified, is unclear and accept the wording proposed in the hearing report as follows:

Far North District Council along with ~~its~~ the eleven ~~iwi~~ authorities for the purposes of the Resource Management Act 1991 (RMA) and those groups it has memorandums of understanding with have worked in partnership to develop the Far North District Plan. ~~in accordance with the principles of the Treaty of Waitangi~~.

General Approach

There were a number of submissions⁸ relating to the ‘General Approach’ section of ‘How the Plan Works’ and these issues can be summarised as follows:

- Changes for clarity and readability;
- Use of and consistency of Advice Notes throughout the PDP;

⁸ Paragraphs 84 – 89 of hearing report – Part 1 and General / Miscellaneous

- Request a new clause specifying that if an overlay is shown on the Planning Maps, the overlay provisions only apply to the portion of the property covered by the overlay;
- Clarification of provisions relating to split-zoning;
- Clarification of how the Treaty Settlement Overlay operates in the plan⁹.

The hearing report recommended a number of changes to Part 1 – Introduction and General Provisions and Part 3 - Area Specific Matters but did not support any further changes sought in these submissions.

We note that these recommendations were not contested in evidence at the hearing. We accept the recommendations in the hearing report.

Cross Boundary Matters

Northland Regional Council (NRC) (S359.003) supports in part the ‘Cross Boundary Matters’ section in the ‘How the Plan Works’ chapter and requests that the PDP is amended to align the more generic district plan rules with those of adjoining councils. Te Runanga o Ngai Takoto Trust (S390.004) seeks that provisions are inserted in relation to how Māori land parcels are treated across Council boundaries.

The reporting planner noted that no specific provisions have been provided by NRC regarding cross-boundary issues and that there are less than 10 Māori land blocks that straddle the boundaries of both the Far North and Whangarei or Kaipara Districts. We heard no evidence on this issue at the hearing. Having considered the submission from NRC we accept the recommendation in the hearing report that this submission be rejected.

3.6.1 Hearings Panel Recommendations

We recommend the following changes:

1. That the submission from Haititaimarangai Marae Kaitiaki Trust (S394.001) be accepted in part and the Statutory Context section be amended as follows:

.....Far North District Council along with its the eleven ~~iwi~~ authorities for the purposes of the Resource Management Act 1991 (RMA) and those ~~hapū~~ groups it has memorandums of understanding with have worked in partnership to develop the Far North District Plan. ~~in accordance with the principles of the Treaty of Waitangi.~~

2. That the submissions seeking changes to Part 3 - Area specific matters, under the ‘zone’ heading; and ‘Applications Subject to Multiple Provisions’ are accepted in part with the following amendments to the plan:

Part 3 – Area Specific Matters

...

Zones

~~.....Area specific zone matters chapters do not contain rules and standards that apply generally across the district specifically to the area or zone. There are additional rules and standards which may apply generally across the district in the District Wide Matters chapters.~~

Applications Subject to Multiple Provisions

*The overall activity status of a proposal will be determined on the basis of **all rules which apply to the proposal**. This includes rules in the District Wide Matters and Area-Specific Matters. When a proposal involves several activities that are subject to multiple rules with different activity statuses, and/or involves an activity/activities across multiple zones, precincts, areas, overlays or features, and it is appropriate to "bundle" the activities, the proposal will be assessed on the basis of the most restrictive activity status (unless otherwise stated). If a proposal is subject to one or more provisions, that have a permitted activity status the proposal will need to comply with all the provisions and their standards.*

3.7 Key Issue 4: National Direction Instruments

Te Waka Pupuri Putea Trust (S477.001) seeks that the PDP is amended to have regard to the pending reforms and statutory documents as required.

The hearing report recommended that the National Policy Statements and New Zealand Coastal Policy Statement chapter be amended to reflect the introduction of the NPS-IB and the NPS-HPL. We note that the status of these statements has been subject to change throughout the hearings process, and we have endeavoured to update the plan provisions as these changes have occurred. (Also refer to the **Preamble Report** for comment on NPS and NES amendments). Therefore, the submission of Te Waka Pupuri Putea Trust (S477.001) is accepted in part.

3.7.1 Hearings Panel Recommendations

1. The following additions to Part 1 National Policy Statements and New Zealand Coastal Policy Statement are recommended:

National Policy Statement	Details of the Policy Statement and/or Plan review or a relevant change to give effect (fully or partially) to each National Policy Statement.
National Policy Statement for Freshwater Management 2020	The national policy statement has been reviewed in September 2020.
National Policy Statement on Urban Development 2020	The policy statement has been reviewed in August 2020.
National Policy Statement on Renewable Electricity Generation 2011	The policy statement has been reviewed in August 2020.

New Zealand Coastal Policy Statement 2010	The policy statement has been reviewed in August 2020.
National Policy Statement on Electricity Transmission 2008	The policy statement has been reviewed in August 2020.
<u>National Policy Statement for Indigenous Biodiversity 2023</u>	<u>The policy statement has not been reviewed</u>
<u>National Policy Statement on Highly Productive Land 2023</u>	<u>The policy statement has not been reviewed</u>

3.8 Key Issue 5: Plan Wide Submissions

There were numerous submissions¹⁰ that related to plan wide matters and in particular the changes that should apply across all parts of the PDP. Where submissions sought changes that are related to specific plan chapters or issues we addressed those as part of that recommendation report. We also note that we did not receive specific evidence on these matters at this hearing.

The hearing report recommended that these submissions relating to this Key Issue be rejected or deferred and we agree with and adopt this recommendation.

3.8.1 Hearings Panel Recommendations

1. We recommend no changes to the PDP related to this issue based on the analysis provided in the hearing report¹¹.

3.9 Key Issue 6: New Chapters

Submissions seeking new chapters be included in the PDP generally fell into three groups:

- A separate Inclusionary housing chapter - Kairos Connection Trust & Habitat for Humanity Northern Region Ltd (S138.022 and S138.023)
- A new Contaminated Land Chapter - Fuel Companies (S335.006)
- A new chapter to the General District Wide Matters addressing Stormwater Management - Haigh Workman Limited (S215.052)

3.9.1 Inclusionary Housing Chapter

Kairos Connection Trust & Habitat for Humanity Northern Region Ltd (**Kairos**) submission requests a separate Inclusionary Housing chapter, or integration throughout the proposed subdivision, residential and mixed use zone chapters, for inclusionary housing.

¹⁰ Paragraphs 115 – 116 of hearing report – Part 1 and General / Miscellaneous.

¹¹ Paragraphs 117- 118 of hearing report – Part 1 and General / Miscellaneous.

The submission sought a 5% share of the estimated value of the sale of subdivided lots (or as appropriate to the Far North context) to a nominated community housing provider to ensure the establishment of affordable housing within its high growth urban environments.

We received verbal evidence from Shirley Ayers (General Manager for Kairos) and Conrad La Pointe (Habitat for Humanity) and planning evidence from Deanne Rogers. Ms Rogers planning evidence focussed on the need to introduce a type of financial contribution requirement to enable land or money to be taken for the purpose of increasing the supply of affordable housing accommodation in the Far North.¹²

The evidence of Ms Rogers acknowledges that the PDP currently does not include a financial contributions chapter (as enabled under the RMA) and neither does it have a Development Contributions policy (as enabled under the Local Government Act 2002) but we are advised by Council officers that either option is currently being investigated and that a financial contributions chapter and/or a development contribution policy would follow the district plan hearing process. As a panel we had an open mind to including a financial contributions chapter and/or a development contribution policy into the PDP hearing process but were informed that there was insufficient time to schedule it into the hearings process and still meet Schedule 1 statutory deadlines.

Ms Rogers also referred to a variation to the Queenstown Lakes District Council (QLDC) Proposed Plan for Inclusionary Housing and suggested that the Council could use this approach as a possible method for a similar policy to be included in the PDP. However, following the conclusion of Hearing 1 we have been advised that the QLDC variation has now been withdrawn following a recommendation from an independent panel of commissioners that the variation did not demonstrate that it was the most efficient and effective way of achieving its objectives under section 32 of the RMA.

Since the hearing we have been provided with the Council Housing and Business Development Capacity Assessment (**HBA**) dated July 2024. This assessment indicated that affordability was an issue in the Far North despite high demand for new housing and particularly in those areas outside of Kerikeri.

The hearing report points out that an “Inclusionary Housing chapter” is not listed in the National Planning Standards district plan structure (i.e. it is not a “requirement” of a district plan) but concedes that there could be merit in providing for inclusionary housing within proposed zones or a special purpose zone.¹³

The Hearing Panel recognises that housing affordability is an important issue in the Far North and that the district plan has a broad role in addressing this in its regulatory approach. One example of how this can be achieved is through ensuring the plan provisions are as uncomplicated and enabling as possible. We have endeavoured to achieve this throughout the hearing process.

However, with regard to an Inclusionary Housing chapter or targeted provisions, we are of the view that any policy to achieve this must form part of an overall financial

¹² Paragraph 6.1 of Evidence of Deanne Rogers, Hearing 1

¹³ Paragraph 178 of 42A Report - Part 1 and General / Miscellaneous.

contribution or development contributions policy framework to establish the financial model for collecting any contributions and the allocation method for it to be used within the District. Accordingly, we are not in a position to recommend any new provisions until such time as the Council has established its financial contributions/development contributions framework. That said, while that process is planned to follow this hearing process, we recommend that due regard should be had to the need to address housing affordability and the potential for an inclusionary housing policy or chapter be developed as part of the financial contributions/development contributions policy. Therefore, we recommended that the submissions on this matter are rejected.

3.9.2 Contaminated Land Chapter

Submitter S335.006 (representing a group of fuel companies - BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited and referred to in the hearing report as **Fuel Companies**) seeks the inclusion of a land contamination chapter which sets out objectives and policies for the management of contaminated land.

The Hearings Panel were advised that the Council did not include a contaminated land chapter in the PDP as it considered that an appropriate rule framework was provided in the National Environmental Standard for Assessing and Managing Contaminants in Soil and to Protect Human Health (**NES-CS**). On that matter, the hearing report stated that the inclusion of a contaminated land chapter would result in a duplication of the process already provided by the NES-CS.

However, as identified in the Fuel Companies' submission and the expert evidence presented at the hearing, the NES-CS (as with all national environmental standards) provides a rule framework only and does not include any policy to assist with the consideration of proposals that require consent under the NES-CS rules. The Fuel Companies submission states:

The Fuel Companies are concerned that no objectives and policies relating to contaminated land are included in the PDP. A contaminated land policy framework is particularly important for consideration of NES-CS consents, noting that the NES-CS does not contain objectives and policies.

In terms of rules, the Fuel Companies consider that the NES-CS provides appropriate land use controls in relation to both land disturbance and changes of use in relation to contaminated soils and therefore supports the PDP having no rules in relation to contaminated land.¹⁴

Expert planning evidence for the Fuel Companies was provided from Thomas Trevilla and he advised that:

In the case of the Fuel Companies' activities, a discretionary activity under the NES-CS usually arises for service station retanking work as the permitted soil disturbance volume under reg 8(1) is usually exceeded. While there is a controlled or restricted discretionary activity pathway

¹⁴ Submission S336.006 - BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited.

*under regs 9 or 10 respectively, both require the existence of a detailed site investigation.*¹⁵

On this basis Mr Trevilla opined that a policy framework in the PDP was needed to guide the assessment for the resource consent applications required under the NES-CS.

The evidence of Mr Trevilla helpfully provided some wording for a contaminated land chapter and this is set out in paragraph 7.2 of his evidence.

In the written reply from the Council, Sarah Trinder agreed with the evidence of Mr Trevilla subject to some amendments. The amended wording was not provided to us in the right of reply. Instead, Ms Trinder advised:

While I recommend that the abovementioned requested changes are accepted in part, I have not made amendments to the PDP. I consider the best approach from here would be to organise a meeting with The Fuel Companies to discuss the specific wording where there is scope to do so.

The Hearings Panel directed expert conferencing between the two parties in Minute 11 (14 October 2024) and as a result of this, the following wording has been agreed.

PART 2 – DISTRICT WIDE MATTERS / Hazards and Risks / CL – Contaminated Land

Overview

Contaminated land in the district can have adverse effects on human health if it is not appropriately managed. The subdivision, change of use, or development of contaminated land can expose people to increased levels of contamination.

Council has responsibilities under the RMA in relation to contaminated land. This includes observing and enforcing the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS) which provides a national environmental standard for activities on pieces of land where soil may be contaminated in such a way that they pose a risk to human health. The NES-CS seeks to ensure that land affected by contaminants in soil is appropriately identified and assessed when soil disturbance and/or land development activities take place and, if necessary, remediated or the contaminants contained to make the land safe for human health and its intended use.

The rules framework of the NES-CS directs the requirement for resource consent or otherwise for activities on contaminated land. There are no independent or additional contaminated land rules in the District Plan. However, as there are no objectives or policies in the NES-CS, this chapter provides a policy framework for assessing applications which require resource consent under the NES-CS.

¹⁵ Paragraph 6.18 of Evidence of Thomas Trevilla in Hearing 1.

Northland Regional Council (NRC) has other responsibilities under the RMA in relation to contaminated land. This includes identifying and monitoring contaminated land through the Selected Land-use Register (SLUR), a regional database of sites that have been, or may have been, used for activities and industries included in the Hazardous Activities and Industries List (HAIL).

Objectives

CL-O1 Contaminated land is identified and managed so that it remains acceptable and safe for human health and its intended use.

Policies

CL-P1 Identify contaminated land prior to subdivision, change of use or development by:

- a. working with NRC to maintain the SLUR; and*
- b. requiring the investigation of contaminant risks for land with a history of HAIL activity.*

CL-P2 Minimise the risk to human health from the subdivision, change of use or development of contaminated land by:

- a. requiring at least a good practice approach to site management of contaminated land; and*
- b. ensuring the land is safe for its intended use.*

Rules

- 1. The NES-CS provides a complete rules framework that deals with assessing and managing contaminated land. The District Plan does not contain any independent or additional set of rules.*

We agree with the wording proposed.

3.9.3 Hearings Panel Recommendations

1. We recommend the addition of a Contaminated Land Chapter in accordance with the wording above in 3.9.2 and as set in Appendix 2.4 Contaminated Land Chapter.

We note that the New Contaminated Land Chapter will be included in Part 2 – District Wide – Hazards and Risks section of the PDP.

3.9.4 Stormwater Management

Haigh Workman Limited (S215.052) with further submissions in support and opposition, request a new chapter to the General District Wide Matters addressing Stormwater Management (or Impermeable Surfaces generally) including overview, objectives, policies and rules in a similar way to the section on Earthworks management.

The hearing report noted that this submission did not provide any proposed wording for such a chapter, and we received no evidence on this relief sought from the submitter at the hearing.

The hearing report concludes that this submission be rejected for the following reasons:

- The National Planning Standards District Plan Structure standard does not include a stormwater chapter.
- Impermeable surfaces rules are proposed within each of the zone chapters. This is the best place for these rules to sit as other bulk and location controls sit within the zone chapters.¹⁶

The Hearings Panel agrees with the recommendation in the hearing report on this matter and submission.

3.9.5 Hearings Panel Recommendation

1. The Hearings Panel recommends that the submission by Haigh Workman Limited (S215.052) be rejected.

3.9.6 Other New PDP Chapters

At the conclusion of the following topics:

- Hearing 8 – Mineral Extraction
- Hearing 9 – Rural Zones
- Hearing 14 – Urban Zones
- Hearing 15A – Rezoning Requests General
- Hearing 15B - Rezoning - New Special Purpose Zones and Precincts
- Hearing 15C - Rezoning Requests - Urban and Rural Zones
- Hearing 17 - General / Miscellaneous / Sweep Up

The Panel has recommended the following new PDP chapters:

New Precincts

- Bay of Islands Marina Precinct
- Horticulture Precinct
- Matakā Station Precinct
- Motukiekie Island Precinct
- Tapuaetahi Precinct
- The Landing Precinct
- Tupou Precinct
- Wiroa Station Precinct

¹⁶ Paragraph 180 of hearing report for Hearing 1 - Part 1 and General / Miscellaneous

New Special Purpose Zones

- Corrections zone
- Mineral Extraction zone
- Waitangi Estate zone

New Development Area

- Haruru Development Area

New Zones

- Medium Density Residential zone
- Town Centre zone

The detail of these new chapters are discussed in the relevant recommendation reports. However, of relevance to this topic we recommend that these be added to Part 1 – Contents as set out in **Appendix 2.1**.

We also note that the introduction of Precincts and the removal of the Horticulture zone and its replacement as a Precinct, results in the need for consequential amendments to the ‘General approach’ and ‘Format of chapters’ contained in Part 1. We recommend:

- Adding wording under the heading Part 3 – Area Specific Matters to include reference to “Precincts”;
- Adding a paragraph explaining what a Precinct is, based on wording contained in the National Planning Standards; and
- Removal of reference to there being no development areas, given that we have accepted the Council’s recommendation for the inclusion of the Haruru Development Area.
- Removal of reference to the Horticultural Zone and the use of the ‘HZ’ acronym in the examples listed under the ‘Format of chapters in Part 2 and Part 3’ contained in Part 1.

3.9.7 Recommendation and Reasons

1. We recommend that Part 1 – Contents be amended to include the new chapters as listed in 3.9.6 above.
2. We recommend amendments to Part 1, General Approach to add reference to the inclusion of Precincts and Development Areas.
3. We recommend amendments to the ‘Format of chapters in Part 2 and Part 3’ contained in Part 1 to remove reference to a ‘Horticulture Zone’ and its corresponding acronym.

3.10 Key Issue 7: General Clarifications

The submissions received on this Key Issue relate to general plan amendments including macrons, spelling, plan hyperlinks, duplications, numbering.

The hearing report¹⁷ accepts most of the changes sought and recommends that they can be achieved using clause 16(2) of Schedule 1 to the RMA.

3.10.1 Hearings Panel Recommendation

1. The Hearings Panel recommends that the recommendations in the hearing report seeking minor amendments to the PDP for macrons, spelling and linkages are accepted and addressed under clause 16(2) of Schedule 1 to the RMA.

3.11 Key Issue 8: Submissions that sit outside the scope of the district plan review

The submissions¹⁸ which raise issues that are considered outside the scope of the District Plan Review fall into four main categories:

- Pests and pet ownership
- Development contributions
- Resource consent system
- Supporting documents.

We note that the issue of pests and pet ownership is addressed in our **Recommendation Report 4** for Hearing 4.

We have acknowledged that the Council has not included a financial contributions or development contributions policy as part of the PDP process but is in the process of preparing a policy. The Council has advised that a variation to the PDP to include a financial contributions policy (under the RMA) or a development contributions policy (under the Local Government Act 2004) would follow this district plan hearing process. On that basis we cannot make any determinations other than to advise that we support the development of a financial contributions policy (under the RMA) or a development contributions policy (under the Local Government Act 2004).

Several submitters sought a “two-queue” resource consent system comprising one queue for applications for small, simple minor works by the general public, and a separate queue for other larger or more complex applications.

The hearing report advised that Council has an internal process for simple resource consent applications for activities with a controlled activity status which already affords a streamlined process.

A number of submissions sought the inclusion of other documents into the PDP including a monitoring and compliance strategy and a climate change mitigation management plan. We received no expert evidence on these matters, and we accept the recommendation in the hearing report that these be rejected.

¹⁷ Paragraphs 197 – 200 of hearing report - Part 1 and General / Miscellaneous.

¹⁸ Paragraphs 204 - 230 of hearing report – Part 1 and General / Miscellaneous.

3.11.1 Hearings Panel Recommendations

1. We agree with the hearing report that these matters are either outside the scope of the PDP hearing process or will be addressed in further hearings.

4. Topic 2 - Part 1: Tangata Whenua

4.1 Relevant Provisions

The relevant provisions we address in **Recommendation Report 1** for the Part 1 - Tangata Whenua topic relate to:

- Overview of Tangata Whenua Chapter
- Policies
- Iwi Authorities
- Iwi and Hapū planning documents
- Treaty Settlements
- Statutory Acknowledgements and Relationship Agreements

The hearing report provided a detailed summary of the matters raised in submissions relative to each Key Issue for Part 1 – Tangata Whenua. We have reviewed these submissions and the analysis and recommendations in the hearing report. We generally agree with those recommendations relating to the relief sought by those submitters who did not wish to speak at the hearing and 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.

A copy of the hearing reports, rights of reply (including attachments) and all written evidence for this topic can be found here:

https://www.fndc.govt.nz/_data/assets/pdf_file/0029/29873/S42A-Report-Writers-Right-of-Reply-Tangata-Whenua-V2.pdf

4.2 Overview of Submissions Received

A total of 22 original submissions and 168 further submissions were received on the Tangata Whenua Chapter.

As set out in the hearing report the issues raised in submissions on the Tangata Whenua Chapter came from:

- Iwi Authorities, Post Settlement Governance Entities (PSGE), Trusts, and Māori Land Trusts;
- Iwi Authorities and PSGE Commercial Entities;
- Hapū;
- Marae;
- Whānau and Individuals;

- Central Government agencies, State Owned Enterprises, and Local Government agencies;
- Community groups and Non-Governmental agencies;
- Business and Commercial entities.

4.3 Key Issues

The key issues identified in the hearing report and in evidence are set out below:

- Key Issue 1: Overview of Tangata Whenua Chapter
- Key Issue 2: Objectives in the Tangata Whenua Chapter
- Key Issue 3: Policies in the Tangata Whenua Chapter
- Key Issue 4: Iwi Authorities / Iwi and Hapū Planning Documents / Treaty Settlements / Relationship Agreements
- Key issue 5: General Issues related to the Tangata Whenua Chapter (General / Process, General / Plan Content / Miscellaneous, Purpose, Significant Resource Management Issue 1 (SRMI), Definitions and Glossary).

4.4 Key Issue 1 - Overview of Tangata Whenua Chapter

4.4.1 Matters Raised in Submissions and Evidence

No submissions were received that opposed the 'Overview' section of the Tangata Whenua Chapter but several submissions sought amendments to it.

The submissions¹⁹ raise matters in the Overview section relating to the 'first sentence' of the Overview, and a request for an additional paragraph to be inserted into the Overview.

The 'first sentence' of the Overview reads:

The Far North District is socially and culturally unique.

Three submissions received from iwi rūnanga (S486.055, S390.042, S498.043) support retaining the first sentence of the Overview section, and three further submissions were in support of these submissions.

The Council planner acknowledges the submitters support to retain the first sentence in the Overview.

Two submissions (Te Hiku Iwi Development Trust (S399.008) and Te Runanga o Te Rarawa (S571.006)) both requested an additional paragraph be inserted into the Overview as follows:

The Council acknowledges that for Māori, whenua is a key part of their identity, and the health of the land and natural environment is strongly connected to the mental health and overall wellbeing of tangata whenua.

¹⁹ Paragraphs 44 – 45 of hearing report – Tangata Whenua

The Council planner accepts in part with minor changes the additional paragraph wording for clarity and consistency as follows:

The Council also acknowledges that for Māori, whenua is a key part of their identity, and the health of the land and natural environment is strongly connected to the ~~mental~~ health and overall wellbeing of tangata whenua.

4.4.2 Hearings Panel Evaluation

The three iwi rūnanga submissions from Te Rūnanga o Whaingaroa (S399.008), Te Runanga o Ngai Takoto Trust (S390.042) and Te Rūnanga Ā Iwi O Ngāpuhi (S498.043) agree with Council that Te Tai Tokerau is a culturally unique District and support retaining the first sentence in the Overview. These submissions are accepted in whole.

Te Hiku Iwi Development Trust (S399.008) and Te Rūnanga o Te Rarawa (S571.006) raise the issue that the notified Overview section does not fully encapsulate the special connection between the whenua (land) and Tangata Whenua and this should be reflected in the District Plan.

We acknowledge this is an important issue to set context and an explanation for the Tangata Whenua Chapter. The additional paragraph wording provided by the iwi entities is a response to clarify and integrate into the Overview section. However, we also agree with the Council planner that minor amendments in the additional paragraph sought provides greater clarity and consistency of district plan interpretation. The submissions from Te Hiku Iwi Development Trust and Te Rūnanga o Te Rarawa, are therefore accepted in part.

4.4.3 Hearings Panel Recommendations

1. We agree with the two iwi entities who sought that the additional paragraph be inserted into the Overview section, and these submissions are recommended to be accepted in part. However, we also agree with the minor changes identified by the Council planner and recommend these minor changes to the additional paragraph also be included in the Overview section of the Tangata Whenua Chapter as follows:

“The Council also acknowledges that for Māori, whenua is a key part of their identity, and the health of the land and natural environment is strongly connected to the ~~mental~~ health and overall wellbeing of tangata whenua.”

4.5 Key Issue 2 - Objectives in the Tangata Whenua Chapter

4.5.1 Matters Raised in Submissions and Evidence

There are four submissions that support and request to retain all objectives TW-O1 to TW-O5 as notified (S479.003, S454.023, S561.010, S148.010)²⁰.

²⁰ S479.003 Tracy and Kenneth Dalton; S454.023 Transpower New Zealand Ltd; S561.010 Kāinga Ora Homes and Communities; and S148.010 Summit Forests New Zealand Limited.

There are also submissions²¹ received on the Tangata Whenua Objectives TW-O1 to TW-O5 of the PDP as notified. The issues raised in these submissions relate to the following matters:

- Support and retain, as notified, objectives TW-O1 to TW-O5;
- Insert a new Objective that provides for Te Ao Māori concepts and recognise and account for the principles of Te Tiriti o Waitangi / The Treaty of Waitangi.
- Amend Objective TW-O1 issue that relates to how Council intends to deliver on this objective;
- Amend Objective TW-O1 wording from ‘partnership’ to ‘relationship’ to enable hapū rangatiratanga through relationships;
- Amend Objective TW-O2 to strengthen and clarify tangata whenua involvement in resource management;
- Amend Objective TW-O3 to enable tangata whenua involvement to ensure long term protection for future generations;
- Retain Objective TW-O4 as notified in the PDP;
- Amend Objective TW-O5 to clarify triggers for tangata whenua involvement in decision making and engagement.

4.5.2 Hearings Panel Evaluation

We acknowledge the submissions to retain the Tangata Whenua objectives as notified and accept these submissions.

The issue identified in the submissions to insert a new objective to provide for Te Ao Māori concepts was received from submissions S486.011, S486.056, S390.043, S498.044²², although no wording was provided. The Council planner considers objective TW-04 supports Te Ao Māori concepts. We agree.

Objective TW-O1

At the hearing Te Aupōuri Commercial Development Limited (s339) supported using the wording “relationships and partnerships” as this would ensure balance and fairness between parties.

As we understand the issue, the difference between the terms “relationship” and “partnership” is the depth and formality of the engagement that results. ‘Partnership’ implies a commitment to shared power and decision-making, respecting the self-determination of Māori as outlined in the principles of the Treaty of Waitangi (*Te Tiriti o Waitangi*), while ‘relationship’ is more flexible, focusing on respectful engagement and consultation with tangata whenua such as iwi, hapū, whānau or marae, but not necessarily on equal power-sharing. As a result of the submitters points, the Council

²¹ Paragraphs 52 - 69 of hearing report - Tangata Whenua.

²² S486.11 and S486.056 Te Rūnanga o Whaingaroa; S390.0543 Te Runanga o Ngāi Takoto Trust; S498.044 Te Rūnanga Ā Iwi O Ngāpuhi.

planner recommended in the hearing report that the word ‘Partnership’ in objective TW-01 be deleted and the word “Relationship” be retained. However, following the evidence of Te Aupōuri Commercial Development Limited, the Council planner has changed the recommended wording to refer to “partnership and relationship”. We agree that reference to both “partnership” AND “relationship” would be the best wording for this objective.

Objective TW-O6 (new Objective)

The issue identified in the submission received from Haititaimarangai Marae Kaitiaki Trust (S394.002) relates to “take into account Te Tiriti o Waitangi” and requested wording for a new objective as follows:

The principles of Te Tiriti o Waitangi are recognised and accounted for in all resource management processes.

In the hearing report the Council planner has acknowledged merit in principle for this wording but suggests alternative wording:

The principles of Te Tiriti o Waitangi are taken into account in all resource management processes.

We agree with the Council planner’s alternative wording and find that it is consistent with section 8 of the RMA, as “take into account” is suitable when flexibility is allowed, and where other considerations may also play a role.

4.5.3 Hearings Panel Recommendations

1. We recommend that the submissions supporting the objectives be accepted, and submissions accepted in part where amendments to these objectives are proposed.
2. We recommended the following new and amended objectives:

- (a) That a new objective (TW-O6) be added as follows:

TW-O6 The principles of Te Tiriti o Waitangi / The Treaty of Waitangi are taken into account in all resource management processes.

- (b) That TW-O1 is amended as follows:

TW-O1 Tangata whenua and Council have a strong, high trust and enduring partnership and relationship based on the principles of Te Tiriti o Waitangi / The Treaty of Waitangi.

- (c) That TW-O3 is amended as follows:

TW-O3 Historic heritage, which includes sites and areas of significance to Māori and cultural resources, is well managed to ensure its long-term protection for future generations.

4.6 Key Issue 3 - Policies in the Tangata Whenua Chapter

4.6.1 Matters Raised in Submissions and Evidence

There were a number of submissions that support all policies as notified with several other submissions supporting specific policies.

A number of submissions sought amendments relating to the following matters:

- insertion of additional policies relating to climate change, Te Ao Māori concepts, requiring cultural impact assessments and embedding cultural competence and Te Reo in Council staff.
- amendment to Policy TW-P1 to include appropriate resourcing through the Long-Term Plan process.
- amendments to Policy TW-P2 to include funding to build the capacity of Iwi and Hapū.
- Several submissions seeking a number of amendments to policies TW-P3-P6.
- A new policy relating to cultural impact assessment of land use and subdivision proposals.
- A “Method Of Implementation” note regarding cultural competence.²³

4.6.2 Hearings Panel Evaluation

As with the Objectives for this chapter the submissions relating to the policies were addressed in detail in the hearing report and we did not receive evidence on these matters. We have therefore concluded that these matters are no longer in contention and having reviewed the hearing report we agree with its recommendations including several amendments to the policies.

We note that further amendments to the Tangata Whenua policies result from Hearing 12. These further amendments are discussed in **Recommendation Report 12** but included in the Tangata Whenua chapter included as Appendix 2.3 to **Recommendation Report 1**.

4.6.3 Hearings Panel Recommendations

1. We recommend that the submissions supporting the policies be accepted, and accepted in part where amendments to these policies are proposed.
2. We also recommend the following amendments to the policies:
 - (a) The TW-P1 be amended as follows:

*TW-P1 Work proactively with Iwi and Hapū to identify, and ~~where~~
~~agreed to,~~ implement:*

²³ Paragraphs 89 – 106 of hearing report – Tangata Whenua.

- a. *Mana Whakahono a Rohe / Iwi participation arrangements;*
- b. *joint management agreements under section 36B of the RMA; and*
- c. *other arrangements as agreed.*

(b) That Policy TW-P2 be amended as follows²⁴:

TW-P2 Ensure that tangata whenua are provided with opportunities to actively participate in resource management processes which involve ancestral lands, water, sites, wāhi tapu and other taonga, including through:

- a. *recognition of the holistic nature of the Māori worldview;*
- b. *the exercise of kaitiakitanga;*
- c. *the acknowledgement of mātauranga Māori;*
- d. *regard to Iwi/Hapū environmental management plans; ~~and~~*
- e. *Mana Whakahono ā Rohe arrangements;*
- f. *The transfer of powers to iwi, hapū and whānau; and*
- g. *any other agreements.*

(c) That Policy TW-P3 be amended as follows:

TP-P3 Protect the values of Māori historic heritage, cultural resources, wāhi tapu and other taonga by:

- a. *collaborating with Iwi and Hapū to identify significant sites and cultural resources where appropriate;*
- b. *scheduling significant sites and areas of significance to Māori where appropriate; and*
- c. *recognising that sites and areas of significance to Māori are often associated with a wider cultural landscape which holds significance to tangata whenua.*

(d) Amend Part 1 – Introduction and General Provisions / Introduction / Description of the District as follows:

²⁴ Refer also to **Recommendation Report 12** for further amendments to this policy.

Issue 1 –Partnerships and Relationships with tangata whenua - Historically it has been difficult to build strong partnerships and relationships between Council and tangata whenua due to lack of resources, awareness and capacity within both parties. Through the legislative process (RMA), there is limited use of tikanga, mātauranga māori, and māori values to express kaitiakitanga in the management of resources. Development of Māori freehold and Treaty Settlement land can be complex because of multiple ownership, no governance structure, financing and involvement of multiple government agencies. The District Plan is focussed on improving planning tools (zoning, overlays etc.) to enable tangata whenua to use land in a manner which exercises their kāwanatanga and rangatiratanga.

4.7 Key Issue 4: Iwi Authorities / Iwi and Hapū Planning Documents / Treaty Settlements / Relationship Agreements

4.7.1 Matters Raised in Submissions and Evidence

Submission S394.009 from Haititaimarangai Marae Kaitiaki Trust, requests an amendment to the introduction sentence of the Iwi Authorities section to make it clear to plan users that Iwi Authorities do not necessarily represent all hapū / traditional marae. The intent of this section is to provide information to identify Iwi Authorities for the purposes of the RMA.

Submissions S304.003, S515.003, S515.008, S304.004 and S515.009, from Ngati Rangī ki Ngawha Hapū and Ngati Rangī ki Ngawha, request the inclusion of an updated Ngāti Rangī Hapū Environmental plan.

Submission S399.004 from Te Hiku Iwi Development Trust requests the insertion of links to all the Iwi / Hapū environmental management plans in this section of the PDP; the insertion of a definition for Iwi / Hapū Environmental Plan and to outline the role and relevance in RMA decision making (S399.005).

Treaty Settlements and Sites and areas of significance to Māori were raised by Te Aupōuri Commercial Developments Ltd (S339.005) and Haititaimarangai Marae Kaitiaki Trust (S394.008) respectively. During the hearing, each iwi and hapū respectively raised examples related to these topics to the Hearings Panel. The Council planner has acknowledged these topics are more appropriate to be addressed in future Hearings specifically Hearing 10 Treaty Settlement Overlay; and for Sites of Significance to Māori - Hearing 12 Historic and Cultural Values.

4.7.2 Hearings Panel Evaluation

With regard to an amendment sought to make it clear to plan users that Iwi Authorities do not necessarily represent all hapū / traditional marae we agree with the Council planner that this distinction does not need to be made for this chapter of the PDP.

Regarding the submission requesting the inclusion of an updated Ngāti Rangī Hapū Environmental plan. The Council planner acknowledged that once an updated hapū environmental management plan is lodged with Council by Ngāti Rangī, it will be

considered in all RMA processes. On that basis we agree that specific reference does not need to be made in this chapter of the PDP.

Regarding the insertion of links to each Iwi / Hapū environmental management plans we accept that this can only be achieved in combination with the agreement of all plan holders and that this can be achieved outside of the plan review process.

Regarding a definition for Iwi / Hapū Environmental Plan, we acknowledge that this has some merit but we were not provided with any specific wording for a definition and as such cannot make a recommendation to accept this request.

We concur with the Council planner that Treaty Settlements and Sites of Significance to Māori are better addressed in future Hearing 10 and Hearing 12 respectively.

4.7.3 Hearings Panel Recommendations

1. For the reasons outline above, we do not recommend any changes to the Tangata Whenua Chapter regarding the matters raised in Key Issue 4.

5. Topic 3 - Part 2: Strategic Direction

5.1 Relevant Provisions

The relevant provisions we address in this Recommendation Report for Topic 3 – Part 2: Strategic Direction relate to Part 2 – District Wide Matters - Strategic Direction

The Strategic Direction Chapter of the PDP sets out the overarching direction for the District Plan. The Overview section states that the genesis of the strategy comes from the Council and Community Vision document: 'He Whenua Rangatira – a district of sustainable prosperity and wellbeing' and the [Far North 2100](#) strategy. The Strategic Directions have been devised to reflect those factors which are considered to be key to achieving the overall vision for the pattern and integration of land use within the Far North District.

As stated in the Overview section, the Strategic Direction Chapter is intended to demonstrate:

- Commitment to, and articulation of Council's partnership with tangata whenua;
- Alignment with Council's aspirations for the development and environmental quality of the district as expressed through Far North 2100 - an 80 year strategy for the district;
- Integrated management through the grouping of environmental considerations which combine to achieve strategic outcomes; and avoiding strategic objectives becoming isolated within various chapters of the District Plan;
- Achievement of particular aspects of the use, development, or protection of natural and physical resources that have been elevated to matters of national importance by the Resource Management Act and those matters of national and regional significance by National and Regional Policy Statements;
- A prosperous economy through enabling a wide range of rural and urban business activities in the right locations; and

- The management of urban growth integrating existing and future infrastructure, providing sufficient land, or opportunity to meet growth demands for housing and business.

5.2 Overview of Submissions Received

A total of 321 original submissions and 825 further submissions were received on the Strategic Direction Chapter.

As set out in the hearing report the issues raised in submissions on the Strategic Direction chapter came from:

- Iwi and Hapū groups – who have interests in climate change, growth and the environment;
- Kāinga Ora Homes and Communities (**Kāinga Ora**) - who largely seek higher density provisions;
- Northland Federated Farmers of New Zealand (**Federated Farmers**) – who predominantly seek changes to enable and protect primary production;
- Horticulture New Zealand (**Horticulture NZ**) – who seek recognition of highly productive land;
- Community interest groups - who primarily have an interest in climate change, open space and urban design;
- Network utility providers – who seek provisions around regionally significant infrastructure;
- Forestry Groups – who seek to promote forestry as a key Far North industry;
- Private Landowners – who request clear direction for growth;
- Retirement villages – who seek provisions to recognise and enable housing and care for the ageing population;
- Government agencies / departments – who have a key interest in infrastructure, wellbeing and health and safety; and
- Royal Forest and Bird Protection Society of New Zealand (**Forest & Bird**) – who have a key interest in indigenous biodiversity.²⁵

5.3 Key Issues

The key issues identified in the hearing report and in evidence are set out as follows:

- Key Issue 1: Overview;
- Key Issue 2: Historic and Cultural Wellbeing;
- Key Issue 3: Economic and Social Wellbeing – Social Prosperity;

²⁵ Paragraph 36 of hearing report – Strategic Direction

- Key Issue 4: Economic and Social Wellbeing – Economic Prosperity;
- Key Issue 5: Urban Form and Development;
- Key Issue 6: Infrastructure and Electricity;
- Key Issue 7: Rural Environment;
- Key Issue 8: Natural Environment;
- Key Issue 9: Other Submissions.

The hearing report provided a detailed summary of the matters raised in the submissions relative to each Key Issue. We have reviewed these submissions and the analysis and recommendations in hearing report. We agree with those recommendations relating to the relief sought by those submitters who did not wish to speak at the hearing and 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.

A copy of the hearing reports, rights of reply (including attachments) for this topic can be found here:

[Hearing 1 - Introduction, General Provisions, Tangata Whenua, Strategic Direction.](#)

5.4 Key Issue 1 – Overview and General Matters

5.4.1 Matters Raised in Submissions and Evidence

The matters raised in this section relate to a number of submissions that were opposed to the purpose or make-up of the Strategic Direction Chapter concerning the following matters:

- That Kerikeri (and Waipapa) is an urban environment.
- Strategic Direction as the “Engine Room” for the PDP and the need for Strategic Direction policies.
- The need for and recognition of a hierarchy of business zones in addition to a single Mixed Use zone.

Is Kerikeri an Urban Environment?

Kiwi Fresh Orange Company Limited (**KFO**) (S554) oppose the Directions Overview and seek to amend the assessment against the National Policy Statement for Urban Development (**NPS-UD**) and confirm that Kerikeri is an "urban environment" given the existing urban character, existing population and projected population in the medium term. Also, to classify FNDC as a Tier 3 local authority.

While this submission is not seeking any specific wording changes or additions to the Strategic Direction Chapter, we are cognisant that it does have implications for Urban Form and Development Strategic Direction as set out in Objectives SD-UFD-01 to SD-UFD-04.

We received planning evidence from Ms Burnette O'Connor who opined that Kerikeri and the adjoining area of Waipapa (**Kerikeri/Waipapa**), being the largest population settlement in the Far North, is an "urban environment" as defined in the NPS-UD. She referred to the definition in the NPS-UD which is:

urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- (a) is, or is intended to be, predominantly urban in character; and
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.

To support her opinion, Ms O'Connor relies on the expert economic evidence of Adam Thompson for KFO which has assessed the housing and work force population for Kerikeri-Waipapa as of 2023 and concludes that Kerikeri-Waipapa currently has a housing and labour market of at least 10,000 people.²⁶

Ms O'Connor added that if Kerikeri-Waipapa is defined under the NPS-UD as an urban environment, then the entire Far North District should be regarded as being a Tier 3 Local Authority under the NPS-UD which is defined as follows:

tier 3 local authority means a local authority that has all or part of an urban environment within its region or district, but is not a tier 1 or 2 local authority....(our underline emphasis).

This approach differs from that taken in the PDP which has been prepared on the assumption that Kerikeri (and by implication the entire Far North District) is not an 'urban environment' as defined by the NPS-UD.

The hearing report addresses this matter and states:

*... Council at the time of notification considered that Kerikeri/ Waipapa will not reach the required thresholds to be considered an 'urban environment' as defined in the NPS-UD in the short, medium or long term. This is the case under both a medium and high growth scenario. Regardless, guidance has been taken from the NPS-UD to develop the PDP....*²⁷

The hearing report goes on to state that:

... Council is currently awaiting the finalisation of an updated Housing and Business Assessment (HBA), which is being undertaken by Market Economics. Additionally, Council is currently developing a spatial plan for Kerikeri / Waipapa which will look at growth options, which is scheduled to be adopted by Council in early 2025. This work and the HBA may demonstrate that Kerikeri/ Waipapa is or has the potential in the future to reach the required threshold of "a housing and labour market of at least

²⁶ Paragraph 11 of Evidence of Adam Thompson

²⁷ Paragraph 52 of hearing report – Strategic Direction

10,000 people", to be considered an 'urban environment' as defined in the NPS-UD. Council intends that the updated HBA projections and the spatial will be incorporated into the PDP consideration at a later date, to be able to inform the Council's recommendations with regard to rezoning / urban growth-related submissions through upcoming s42A reports (e.g. in relation to the Rezoning / Urban Zones hearing topics)". This submission point is recommended to be rejected for the reasons above.

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The Hearings Panel takes the view that this matter potentially has significant implications for the urban sections of the PDP. The most relevant being that if Kerikeri-Waipapa is an urban environment, the entire Far North District then becomes subject to the NPS-UD as a Tier 3 local authority.

Accordingly, we issued Minute 7 which sought a peer review of the economic evidence of Mr Thompson and a Council response to the evidence of Ms O'Connor.

While we initially set no time limit, the Council officers sought that the response be delayed until the information from the Housing and Business Assessment (**HBA**) and spatial plan were completed. We clarified in our Minute 9 that this information was to be made available two weeks prior to Hearing 15D - Urban Rezoning Requests for land within Kerikeri-Waipapa Spatial Plan Study Area.

As part of Hearing 14 – Urban Zones, Council officers advised that Kerikeri-Waipapa met the definition of “urban environment” under the NPS-UD and advised that the entire Far North District was now a Tier 3 Local Authority under the NPS-UD. Refer to **Recommendation Report 14** for further detail on this issue.

Strategic Direction as the “Engine Room” for the PDP and the Need for Strategic Policies

A number of submitters provided expert planning evidence that referred to the Strategic Direction Chapter as the “engine room” for the PDP²⁹ for which all policy and resource consents are evaluated against. These statements of evidence express concern that the Strategic Direction Chapter lacked a policy framework to give effect to the objectives of the Strategic Direction.

We recognise the importance of the Strategic Direction Chapter and its role in identifying those factors which are key to achieving the overall vision for Far North District. However, rather than seeing these directions as the place where resource consent decisions are evaluated, we view these as providing strategic guidance for the zone and area specific chapters and their objectives, policies and rules. In that sense, we do not see the Strategic Direction objectives as being elevated or more important than other objectives in the PDP. Rather, the specific zone and area specific objectives and policies need to be read and achieved in a manner consistent with the strategic objectives.

²⁸ Paragraph 52 of hearing report – Strategic Direction

²⁹ Evidence of Melissa McGrath (Audrey Campbell-Frear (S209)), David Badham (Foodstuffs (S363) and McDonald's Restaurants (S385))

We have also considered whether the Strategic Direction Chapter requires additional policies to assist with its implementation. As stated in the Council right of reply report, we note that there is no mandatory direction in clause 7(1) of the National Planning Standards with regard to Strategic Direction and agree with the reporting planner that an additional framework of strategic policies is not needed to provide the strategic direction and appropriate guidance to assist with the implementation of the plan provisions. In our view, where there are competing or conflicting priorities and directives, these can be addressed at the zone or area specific levels of the PDP with the ability to refer to the Strategic Direction where necessary to assist in any evaluation.

Need for a Business Zone Hierarchy

The legal submissions and the evidence presented for Audrey Campbell-Frear (S209), Foodstuffs (S363) and McDonalds (S385) also sought the consideration of a business centre hierarchy and for this to be reflected in the Strategic Direction. These submitters opposed the inclusion of a single business zone (Business - Mixed Use zone) and sought a centres hierarchy and inclusion of zones that acknowledge and provide for the diversity of land use and expectations within the various areas across the District.

We asked planner, Mr David Badham, to clarify the concerns that Foodstuffs had with a Mixed Use zone and he responded that supermarkets tend to be of a larger scale and have needs relating to loading and servicing, hours of operation (and associated noise and traffic movements) and scale that might conflict with the objectives and policies of a mixed use zone and its need to balance small scale business and residential outcomes as well as larger commercial activities. In that regard he opined that a more business specific zone may also be appropriate, to avoid reverse sensitivity issues of larger business operations.

We asked planner, Ms Melissa McGrath, (for Ms Campbell-Frear) and Mr Badham what mix of business zones would be appropriate in the Far North given that its urban centres are comprised of smaller sized rural and/or coastal settlements. Both witnesses expressed a preference for the inclusion of a local and/or neighbourhood centre-style business zone and referred to the adjoining Whangarei and Kaipara Districts as examples of where this type of zoning has been provided.

At the conclusion of evidence, we asked the Council officers to respond to this evidence and provide further comment on the merits, or otherwise, of providing one or more business zones in addition to the Mixed Use zone. In response Council officers, in the right of reply report stated:

I acknowledge the direction from the Panel to Council regarding the consideration of additional business zones. While it is clear that the Panel does not wish to receive detailed information through Officers Right of Reply, I wish to confirm that the matters are being considered and will be reported back to the Panel in due course through the Business land stream and /or the rezoning stream of hearings.

We further note the directions regarding the management of reverse sensitivity for non-commercial activities in additional zones and also the

*consideration of the application of additional business zones district wide.*³⁰

We also address this matter in further detail in our **Recommendation Report 14** for Hearing 14 -Urban Zones where the Council recommended two new urban zones being:

- Medium Density Residential zone (MDRZ); and
- Town Centre zone (TCZ).

The proposed new zones are only recommended to be established within Kerikeri / Waipapa. However, we note that we are satisfied there is no need for any specific reference to a business zone hierarchy as part of the Strategic Direction Chapter.

5.4.2 Hearings Panel Recommendations

1. With regard to the need for Strategic Direction policies and additions to the objectives already drafted, we recommend that the Strategic Direction objectives are sufficient to provide the guidance necessary to implement the zone and area specific plan provisions. We therefore do not recommend the formulation of any Strategic Direction policies.
2. With regard to the need for, and provision of, a business zone hierarchy, we have agreed to address that matter as part of the urban zone provisions in **Hearing 14 and Hearing 15C and 15D**. Nevertheless, we find that there is no need for additional business objectives as part of the Strategic Direction Chapter.

5.5 Key Issue 2 - Historic and Cultural Wellbeing

5.5.1 Matters Raised in Submissions and Evidence

The Strategic Direction provisions for this chapter set out the overarching direction for the District's historic and cultural wellbeing, including cultural prosperity.

The objectives are:

SD-CP-O1 Te Tiriti o Waitangi partnerships support iwi and hapū to deliver on the social, economic, environmental and cultural wellbeing outcomes for tangata whenua.

SD-CP-O2 Te ao māori, tikanga māori and tangata whenua as kaitiaki, embedded in and integral to decision making.

SD-CP-O3 The district's diverse cultures and communities are celebrated and cultural heritage recognised.

SD-CP-O4 The district's historic heritage is identified and managed to ensure its long-term protection for current and future generations.

³⁰ Paragraphs 20 and 21 of Right of Reply Report – Strategic Direction

SD-CP-05 A district wide approach to the impacts of climate change and natural hazards, which includes a te ao māori decision making framework, developed with iwi and hapū.

The matters raised in this Key Issue are summarised as follows:

- Support for the vision and strategic direction relating to cultural prosperity;
- Specific reference to te ao māori decision making framework; and a
- New objective that focuses on the relationship of tangata whenua to their ancestral waterways.

5.5.2 Hearings Panel Evaluation

We note that the majority of submissions received on this Strategic Direction and objectives were in support of retaining them with some minor amendments requested. We received no specific evidence on these strategic objectives at the hearing and we generally adopt the Council officers' recommendations to retain these objectives as notified.³¹

A number of submitters also sought specific reference or a new strategic objective that focuses on the relationship of tangata whenua to their ancestral waterways and the maintenance of that relationship and to clarify the te ao māori decision making framework and to develop it with iwi and hapū. We note the hearing report's commentary on these matters and that this aspect is addressed as part of the Tangata Whenua Chapter of the PDP and in our findings above.

5.5.3 Hearings Panel Recommendations

1. We recommend that those submission points that seek to retain the Historic and Cultural Wellbeing objectives are accepted in part, and that SD-CP-01 is amended as follows:

SD-CO-01 Te Tiriti o Waitangi partnerships and relationships support iwi and hapū to deliver on the social, economic, environmental and cultural wellbeing outcomes for tangata whenua.

2. We recommend that submission points that seek other amendments to the Historic and Cultural Wellbeing objectives or new objectives are rejected and no changes are made to the PDP.

5.6 Key Issue 3 - Economic and Social Wellbeing – Social Prosperity

5.6.1 Matters Raised in Submissions and Evidence

The Strategic Direction provisions for this chapter set out the overarching direction for the District's economic and social wellbeing, including social wellbeing and prosperity.

The social wellbeing objectives are:

³¹ Also refer to Hearings Panel recommendations in Key Topic 9.

SD-SP-O1 Community wellbeing is heightened by a sense of place.

SD-SP-O2 Development of initiatives that will support the wellbeing of Tangata Whenua, in partnership with Iwi and hapū.

SD-SP-O3 Encourage opportunities for fulfilment of the community's cultural, social, environmental, and economic wellbeing.

SD-CP-O4 Promotion of communities and places that will meet the needs for not only the present population but future generations which are adaptive to climate change.

There were a number of submissions in support of these strategic direction objectives and seeking their retention. Other submissions seek minor amendments for clarity.

Several submissions sought additional objectives:

- Waka Kotahi (S356.003) seeks the inclusion of new objectives on accessibility to social and economic opportunities through the provision of walking, cycling and public transport infrastructure;
- Ngā Tai Ora – Public Health Northland (S516.028 and S516.021) seeks to include two new objectives: “A range of quality open space for the social and cultural wellbeing of a growing population” and to “Minimise the risks, impacts and costs of natural hazard events on people, communities and the natural and built environment in Far North District”

The matters raised in the submissions on this Key Issue were essentially not in contention following the receipt of the hearing report and we did not receive any expert evidence from these submitters. The hearing report recommended that the submissions seeking the retention of these strategic direction objectives be retained or be accepted in part, subject to one minor amendment to SD-SP-O1 as follows:

*SD-SP-O1 Community wellbeing is heightened by a sense of ~~place~~
belonging, connection to the environment, and inclusiveness.*

5.6.2 Hearings Panel Evaluation

We agree with the recommendations of the hearing report and the proposed amendments to SD-SP-O1.

5.6.3 Hearings Panel Recommendations

1. We recommend that those submission points that seek to retain the Economic and Social Wellbeing – Social Prosperity objectives are accepted.
2. We recommend that submission points that seek amendments to the Economic and Social Wellbeing – Social Prosperity objectives be accepted in part and rejected as set out in the hearing report³².

³² Paragraph 100 – 104 of hearing report – Strategic Direction

3. We recommend that submissions seeking new objectives in the Economic and Social Wellbeing – Social Prosperity objectives are rejected.

5.7 Key Issue 4 - Economic and Social Wellbeing – Economic Prosperity

5.7.1 Matters Raised in Submissions and Evidence

The Strategic Direction provisions for this chapter set out the overarching direction for the District's economic and social wellbeing, including economic wellbeing and prosperity.

The economic prosperity objectives are:

- SD-EP-O1 A high-earning diverse local economy which is sustainable and resilient to economic downturns, with the district's Māori economy making a significant contribution.*
- SD-EP-O2 Existing industries and enterprises are supported and continue to prosper under volatile and changing economic conditions.*
- SD-EP-O3 Development and retention of highly motivated, educated and skilled people in the district.*
- SD-EP-O4 People, businesses and places are connected digitally and through integrated transport networks.*
- SD-EP-O5 A district economy that is responsive, resilient and adaptive to the financial costs of a changing climate.*

Federated Farmers (S421) and Taituha, Tane & Apiata (S389) sought additions and deletions to Objective SD-EP-O1 but were ultimately content with the hearing report assessment of their submissions.

Objective SD-EP-O2 received wide support from several submitters with Horticulture NZ (S159) seeking additional wording to recognise new industries as well as existing industries.

Waka Kotahi (S356) sought amendments to SD-EP-O4 to include reference to “safe, efficient and sustainable” transportation networks.

Federated Farmers, Ngā Tai Ora (S516) and Twin Coast Cycle Trail (S425) sought new objectives be added to this strategic direction.

5.7.2 Hearings Panel Evaluation

The recommendations contained in the hearing report were not contested in evidence presented at the hearing and we have agreed with the minor amendments recommended in the hearing report³³ and set out in Appendix 2 to that.

5.7.3 Hearings Panel Recommendations

1. We recommend the following:

³³ Paragraphs 131 – 136 of hearing report – Strategic Direction.

(a) That SD-EP-O1, SD-EP-O3 and SD-EP-O5 be retained as notified and that the submissions received on SD-EP-O1 to retain the objective are accepted and those that requested amendments are rejected.

(b) The submissions on objective SD-EP-O2 are accepted in part and the objective is to be amended as follows:

SD-EP-O2 Existing and new industries, ~~and~~ enterprises and initiatives are supported and continue to prosper under volatile and changing economic conditions.

(c) That the submissions on objective SD-EP-O4 are accepted in part and the objective is amended as follows:

SD-EP-O4 People, businesses and places are connected digitally and through an integrated transport networks that is safe, efficient, and sustainable.

5.8 Key Issue 5 - Urban Form and Development

5.8.1 Matters Raised in Submissions and Evidence

The Strategic Direction provisions for this Chapter set out the overarching direction for the District's urban form and development and aim to improve efficiency and affordability for communities, seek to contribute to the vibrancy and viability of town centres, and to solidify the investment Council makes in development infrastructure.

The strategic objectives for urban form and development are:

SD-UFD-O1 The wellbeing of people who live in and visit towns in the Far North is considered first when it comes to planning places and spaces.

SD-UFD-O2 Urban growth and development consolidated around existing reticulated networks within town centres, supporting a more compact urban form, affordability and providing for a mix of housing typologies.

SD-UFD-O3 Adequate development infrastructure in place or planned to meet the anticipated demands for housing and business activities.

SD-UFD-O4 Urban growth and development is resilient and adaptive to the impacts from natural hazards or climate change.

The submissions received included broad support for the retention of the urban form and development strategic objectives as notified.

A number of submitters sought the deletion of specific objectives and Neil Construction Limited (S349) sought deletion of all objectives in favour of new objectives that reinforce the importance of additional rural residential development. Several submitters sought amendments to SD-UFD-O2, SD-UFD-O3 and SD-UFD-O4 to reinforce the importance of resilient infrastructure and to "pre-empt" the adverse effects of climate change.

Andrew McPhee, planner for Carrington Estate addressed us in support of the further submission FS401 seeking a new strategic objective that seeks to protect special purpose zones from adjoining land uses.

5.8.2 Hearings Panel Evaluation

We note from the hearing report that that the direction for these objectives have been adopted from the NPS-UD. We find that this appropriate. Furthermore, as we have set out in **Recommendation Report 14**, we have found that Kerikeri-Waipapa is an urban environment as defined in the NPS-UD and as such, the Far North is classified as a Tier 3 local authority.

We agree with the Council planner that the proposed amendments to provide for pre-emption of impacts from natural hazards are unnecessary. We note also that the Natural Hazards Chapter contains the specific objectives, policies, and rules and we have more to say about this matter in our **Recommendation Report 13** for Hearing 13 Natural Hazards.

We do not agree with Mr McPhee that an objective is needed to protect special purpose zones from adjoining land uses. We note that it is sought that it apply to discretionary activities and to non-complying activities as a matter to be taken into account. However, we find that regard to adjoining land uses would reasonably be done as part of decision-making and when also, the matter of potential reverse sensitivity effects would be a consideration.

There were a number of submitters that sought new objectives be added to this Strategic Direction regarding a range of specific issues including: residential intensification, residential growth, housing for the elderly, protection of biodiversity, avoiding new housing in areas not serviced by existing healthcare services and reverse sensitivity (adjoining Special Purpose zones). While we find that the issues raised are of relevance to district planning, we find that additional objectives are not needed in the Strategic Directions Chapter to address these issues and that these are better addressed within the specific zone of the area based chapters of the PDP.

5.8.3 Hearings Panel Recommendations

1. We accept and adopt the recommendations set out in the hearing report and the amendments to Urban Form and Development Chapter set out in Appendix 2 as follows:
 - (a) That the submissions to retain SD-UFD-O1 and SD-UFD-O2 are accepted; those that oppose or seek amendments are rejected; and SD-UFD-O1 is retained as notified.
 - (b) That SD-UFD-O3 is amended as follows

SD-UFD-O3 Adequate development infrastructure and additional infrastructure is in place or planned to meet the anticipated demands for housing and business activities.

and that those submissions that seek the retention of the objective are accepted in part, and those that seek amendments are accepted in part.

- (c) That those submissions seeking to retain SD-UFD-O4 be accepted, and those that seek deletion and amendments be rejected.
- (d) That those submissions that seek additional objectives be rejected.

5.9 Key Issue 6 - Infrastructure and Electricity

5.9.1 Matters Raised in Submissions and Evidence

The Strategic Direction provisions for this Chapter set out the overarching direction for the District's infrastructure and electricity resources.

The strategic objectives for Infrastructure and Electricity are:

SD-IE-O1 The benefits of infrastructure and renewable electricity generation activities across the district are recognised and provided for, while ensuring their adverse effects are well managed.

SD-IE-O2 Infrastructure and renewable electricity generation activities are protected from incompatible land use, subdivision and development that may compromise their effective operation, maintenance and upgrading.

5.9.2 Hearings Panel Evaluation

This Strategic Direction is broadly supported by the two electricity providers in the Far North being Top Energy and Transpower. We received written evidence from both providers at the hearing and those witnesses helpfully set out how each provider operates in the Far North and the distribution of the electricity network throughout the District.

Top Energy (S483) advised us that it owns and operates the electricity lines network within the Far North District Council area servicing an area of 6,822km² and serving over 34,000 customers. Top Energy's current electricity network has a total system length of 4,228km and includes seventeen substations that are subject to designations. Top Energy's network exists both above and below ground and traverses a number of zones and sensitive areas.³⁴

Transpower New Zealand Limited (**Transpower**) (S454) advised us that it owns and operates the National Grid, which transmits electricity throughout New Zealand from energy generation sources to distribution networks and direct-connect customers. Transpower owns and operates one National Grid asset in the Far North District, which is the Kaikohe- Maungatepere A 110 kilovolt ("kV") double circuit transmission line on steel towers.³⁵

We were made aware of the fragility of the National Grid and its potential effect on the Far North economy shortly after the hearing when a pylon holding Transpower's two 220-

³⁴ Paragraph 3.2 of Evidence of Paul Doherty (Top Energy) – Hearing 1

³⁵ Para 1.1 of Evidence of Rebecca Eng (Transpower) – Hearing 1

kilovolt (kV) transmission lines into Northland toppled over on a farm near Glorit, south of Wellsford, on 20 June 2024.

Several submitters sought changes to the notified objectives including the reference to additional infrastructure in the strategic direction (Ministry of Education (S331)), reference to reverse sensitivity effects (RNZ (S489), Horticulture NZ (S159) and Federated Farmers (S421)). KiwiRail (S416) sought a minor amendment seeking reference to SD-IE-O2 to include ‘repair’.

New objectives for “regionally significant infrastructure” were sought from three submitters:

- Twin Coast Cycle Trail (S425);
- Top Energy Limited (S483); and
- Ngā Tai Ora (S516).

We agree with the assessment in the hearing report that specific reference to regional infrastructure is not necessary and consider that term “infrastructure” sufficiently captures any distinction between infrastructure at the regional or local level. With regard to reverse sensitivity, we are of the view that, while being an important matter at the zone or site specific chapters of the PDP, it is not necessary to include reference to reverse sensitivity within the strategic objectives.

With regard to new objectives and associated policies we have already recommended that no policies are needed to support the Strategic Objectives.

5.9.3 Hearings Panel Recommendations

1. We accept and adopt the recommendations set out in the hearing report and the amendments to Urban Form and Development Chapter set out in Appendix 2 as follows:

- (a) That submissions seeking to retain SD-IE-O1 be accepted and that the submissions seeking amendments are rejected.
- (b) That submissions that seek to retain SD-IE-O2 be accepted in part, with RNZ, Federated Farmers and Horticulture NZ submissions rejected, and KiwiRail’s submission seeking a minor amendment be accepted as follows:

SD-IE-O2 Infrastructure and renewable electricity generation activities are protected from incompatible land use, subdivision and development that may compromise their effective, operation maintenance, repair and upgrading.

- (c) That the remaining submissions and further submissions for this key issue be accepted, accepted in part or rejected as indicated in Appendix 3.2.

5.10 Key Issue 7 - Rural Environment

5.10.1 Matters Raised in Submissions and Evidence

The Strategic Direction provisions set out the overarching direction for the District's rural environment.

As set out in 'Issue 2 – Rural Sustainability' of the 'Description of the District' contained in the PDP, there are competing demands for a range of land use activities in the Rural Environment Chapter. It recognises that a permissive planning framework has led, in some areas, to incompatible land uses, land fragmentation and significant adverse effects on rural character, amenity and indigenous biodiversity. This includes land uses that have been used in a way that compromises the future viability of primary production activities, such as horticulture and agriculture, and inappropriate uses of existing infrastructure and services.

The Strategic Objectives for the rural environment are:

SD-RE-O1 Primary production activities are able to operate efficiently and effectively and the contribution they make to the economic and social well-being and prosperity of the district is recognised.

SD-RE-O2 Protection of highly productive land from inappropriate development to ensure its production potential for generations to come.

There were seven submissions that supported the retention of SD-RE-O1 as notified and five that supported the retention of SD-RE-O2.

Amendments to SD-RE-O2 were sought by Transpower seeking an exclusion for infrastructure that has a functional or operational need.

A number of submitters³⁶ sought a new objective to be included as follows:

The importance of non-primary production activities in the rural environment to the social, economic and cultural well-being of the district is recognised and provided for.

Forest & Bird (S511) and Kapiro Conservation Trust (S442) both seek an additional objective:

Ensure that within rural areas the establishment and operation of primary production activities are not limited by new incompatible sensitive activities and limit those other activities in the rural areas.

5.10.2 Hearings Panel Evaluation

In our view, the amendments sought by Transpower are not necessary for this strategic direction and can be addressed through the provisions of the infrastructure chapter. This

³⁶ Wendover Two Limited (S222), Setar Thirty Six Limited (S168), Matauri Trustee Limited (S243), Bentzen Farm Limited (S167), P S Yates Family Trust (S333) and The Shooting Box Limited (S187)

is discussed in greater detail in **Recommendation Report 11** (Energy, Infrastructure and Transport). We also note that with the inclusion of the NPS-HPL (gazetted after the PDP was notified)³⁷ includes Clause 3.9(2)(j)(i) which provides an exemption for the functional or operational need for the maintenance, operation, upgrade, or expansion of specified infrastructure.

New Objectives

Regarding the new objective sought to recognise the importance of non-primary production activities, we received planning evidence from Peter Hall for a number of submitters³⁸. In his evidence, Mr Hall opined that recognition of certain non-rural activities appropriately recognises the diversity of existing and potential new land uses in Rural Environments and is particularly necessary given the scope of activities, zones, lot sizes, productive potential and land cover within the Rural Environment (including the Rural Production, Rural Lifestyle, Rural Residential and Settlement zones). Mr Hall also opined that recognition of ‘restoration’ as well as ‘protection’ of natural character values in the natural environment should be included in the strategic direction objective SD-EP-O5.

The wording sought by the submitters represented by Mr Hall is:

The importance of non-primary production activities in the rural environment to the social, economic and cultural well-being of the district is recognised and provided for.

Mr Hall stated that the contribution that primary production activities make to the wellbeing of the district is clear, as is the importance of protecting highly productive land. However, it was his view that a strategic direction for the Rural Environment needed to have a focus that was broader than just rural production activities. He was of the view that the current objectives fail to recognise the strategic role other activities play in the rural environment including rural lifestyle and living activities and the associated role that restoration of native vegetation plays in association with these activities.

The hearing reports responded to Mr Hall’s relief sought by suggesting that allowing for non-rural activities may weaken the other strategic objectives for the rural environment. Mr Hall countered by stating that his proposed objective in relation to non-primary production activities and the other objectives for the rural environment in relation to primary production and highly productive land, can comfortably sit side by side in the Strategic Directions chapter.

We asked Mr Hall if the proposed use of the wording “non-primary production activities” was potentially too broad and could potentially promote a range of non-rural activities, including activities more suited to a commercial or urban zone. Mr Hall responded by suggesting that the non-primary productions activities needed to also be “compatible” with rural character and amenity and with primary production activities. We asked Mr Hall

³⁷ Refer to Section 3.2 of **Preamble Report**

³⁸ Paragraph 1.1 of Evidence of Peter Hall – Hearing 1

to submit some refined wording for us to consider and following the hearing of evidence we received some amended wording from him for a new objective as follows:

*The importance of non-primary production activities in the rural environment to the social, economic and cultural well-being of the district is recognised and provided for, **where those non-primary production activities are compatible with rural character and amenity and with primary production activities.***

In the Council right of reply report the reporting planner retained concerns that even with the additional wording, the range of activities potentially enabled would still be too broad and could lead to a range of inappropriate activities seeking to locate in the rural environment.

We have considered the relief sought by these submitters carefully. We are of the view that there are a range of potentially compatible non-primary production based activities that would be compatible in a rural production setting. These could include a limited number of rural services or rural support industries, limited forms of visitor accommodation or activities with a focus on rural education and training. However, recognition of these activities is not viewed by us as being a strategic objective of the rural environment. In that regard, we see the zone objectives, policies and provisions as the place to recognise these non-production based activities. In our view, the Strategic Direction for the Rural Environment should have a rural production focus as the rural environment is the only place where these activities can be feasibly undertaken, whereas those non-production based activities can also be undertaken in other zones or localities. We have more to say about the provision for non-production based activities that are compatible with rural character and amenity values in our recommendation report for the rural chapters in **Recommendation Report 9**. However, our finding is that, while it is important to provide for a limited range of non-production based activities within the rural environment, it does not need to be recognised at the strategic level.

5.10.3 Hearings Panel Recommendations

1. We recommend the following:
 - (a) That all those submissions seeking to retain the strategic direction objectives for the Natural Environment, being for SD-EP-O1 and SD-EP-O2, be accepted.
 - (c) That submissions seeking new objectives be added to the Strategic Direction Chapter for the Rural Environment be rejected.
 - (d) That submissions and further submissions be accepted, accepted in part or rejected as indicated in the hearing reports.

5.11 Key Issue 8 - Natural Environment

5.11.1 Matters Raised in Submissions and Evidence

The strategic objectives for the Natural Environment set out the overarching direction for the District's natural environment, including environmental prosperity.

There are five strategic objectives for the Natural Environment and these are:

- SD-EP-O1 A culture of stewardship in the community that increases the district's biodiversity and environmental sustainability.*
- SD-EP-O2 Collaborative relationships with iwi and hapū in order to support tangata whenua to carry out their obligation and responsibility as kaitiaki.*
- SD-EP-O3 Active management of ecosystems to protect, maintain and increase indigenous biodiversity for future generations.*
- SD-EP-O4 Land use practices reverse climate change by enabling carbon storage and reducing carbon emissions.*
- SD-EP-O5 The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations.*
- SD-EP-O6 Areas of significant indigenous vegetation and significant habitats of indigenous fauna and protected for current and future generations.*

There is broad support in the submissions received to retain the objectives as notified, as well as a number of submissions that supported the objectives but with some amendments.

The Council officers have identified a typo in the naming of these objectives and have recommended a change from SD-EP-O# to SD-NE-O# to reflect the coding of these objectives as being “Natural Environment” rather than “Environmental Prosperity”. We accept and adopt these corrections.

5.11.2 Hearings Panel Evaluation

Regarding objectives SD-EP-O1 to SD-EP-O3, the hearing report discusses the suggested amendments and recommends no further changes. We note that these conclusions were not contested in evidence. Having reviewed the hearing report on these submission points we agree with the reporting planner that no further amendments to these objectives are necessary.

Regarding objective SD-EP-O4, Horticulture NZ (S159) supports objective SD-EP-O4 in part but requests it be amended as follows:

Land use practices ~~reverse~~ mitigate climate change by enabling carbon storage and reducing carbon emissions.

Federated Farmers sought the wording of SD-EP-O4 to be amended thus:

~~Land use practices reverse climate change by enabling carbon storage and reducing carbon emissions.~~ Council supports landowners to adopt climate change mitigation measures through sequestration, new technologies, land use and science.

The Council planner supports the amendment by Horticulture NZ on the basis that climate change is a global issue, and it is unrealistic that the Far North District can reverse

climate change. We agree and consider that use of the term “reversing” suggests actions that can only be achieved on a global scale but can be mitigated at a local scale.³⁹

The suggested wording by Federated Farmers, is supported in principle but we agree with the assessment in the hearing report that this wording reads more as a specific policy approach than as a strategic direction. Therefore, we find it is not appropriate in this context.

We received expert evidence from Mr Hall regarding objective SD-EP-O5⁴⁰. The submissions he supported sought that SD-EP-O5 be amended to include reference to “restoration” as follows:

SD-EP-O5 The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations, including their restoration.

In his evidence, Mr Hall stated:

I support the recognition of ‘restoration’ as well as ‘protection’ of natural character in natural environment strategic direction SD-EP-O5. This is because this better gives effect to the New Zealand Coastal Policy Statement 2010 (NZCPS), in particular policies 13 and 14. I also note in my evidence, that this addition better recognises the key importance of restoration of natural character of the coastal to the Far North as a strategic issue.⁴¹

We agree with Mr Hall, and we find that there is merit to this approach; and that recognition of restoration of the natural character of the coastal environment and ONF’s, and ONL’s should be recognised at the strategic direction level and we support the suggested amendment to SD-EP-O5.

We note that a number of submissions sought the correction of a possible typo in SD-EP-O6 where the use of the word “and” is used instead of “are” and that it be amended as follows:

Areas of significant indigenous vegetation and significant habitats of indigenous fauna ~~and~~ are protected for current and future generations.

Along with the reporting planner, we support this correction.

5.11.3 Hearings Panel Recommendations

1. With regard to the Strategic Direction for the Natural Environment, we recommend the following:

³⁹ Also refer to Hearings Panel Recommendations in Key Issue 9.

⁴⁰ P S Yates Family Trust (S333), The Shooting Box Limited (S187), Wendover Two Limited (S222), Setar Thirty Six Limited (S168), Bentzen Farm Limited (S167) and Matauri Trustee Limited (S243).

⁴¹ Paragraph 1.4.2 of Evidence of Peter Hall – Hearing 1.

- (a) That the coding of the Strategic Direction for the Natural Environment be changed from SD-EP-O1-O5 to SD-NE-O1-O5.
- (b) That the submissions seeking to retain SD-EP-O1 to SD-EP-O3 are accepted, those that seek amendments are rejected and these are retained as notified.
- (c) That the submissions seeking to retain SD-EP-O4 as notified are rejected; the submission from Federated Farmers is rejected; and the submission seeking the amendment from Horticulture NZ is accepted. The provision is renamed, SD-NE-O4 and is amended as follows⁴².

***SD-EPNE-O4** Land use practices ~~reverse~~ mitigate climate change by enabling carbon storage and reducing carbon emissions.*

- (d) That the submissions seeking to retain SD-EP-O5 as notified are rejected; and, that those submissions seeking amendments are accepted as follows:

***SD-NE-O5** The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations, including their restoration.*

- (e) That the submissions to retain SD-EP-O6 are accepted in part, and those that seek a minor typing amendment are accepted by amending SD-EP-O6 as follows:

***SD-EPNE-O6** Areas of significant indigenous vegetation and significant habitats of indigenous fauna ~~and~~ are protected for current and future generations.*

- (f) That submissions and further submissions be accepted, accepted in part or rejected as indicated in the hearing reports.

5.12 Key Issue 9 - Other Submissions

5.12.1 Matters Raised in Submissions and Evidence

There are a range of other matters raised in the submissions on Strategic Direction and these are extensively summarised in the hearing report under the following sub-topics:

- Climate Change
- Urban Design
- Zoning framework
- Strategic Direction Policies.

Many of these submissions seek new strategic objectives and in some cases, strategic policies.

⁴² Also refer to Hearings Panel recommendations in Key Issue 9.

5.12.2 Hearings Panel Evaluation

These matters were largely uncontested at the hearing, and we support the recommendations in the hearing report with regard to these submissions points.

We did receive evidence from Kapiro Residents Association (S428), Carbon Neutral NZ Trust (S529), VKK (S521) and Kapiro Conservation Trust (S443) requesting amendments to the PDP provisions that will reduce greenhouse gas emissions related to the activities covered by the district plan.

We note that the hearing report initially supported the approach taken by these submitters but noted that there was no specific wording proposed and concluded that any specific reference could be made in specific chapters of the PDP where climate change was a relevant factor.

Following the hearing and our questions to the submitters and Council officers, the right of reply report from the Council has recommended a minor amendment to give effect to this relief with a proposed amendment to SD-NE-04 as follows:

SD-NEEP-04 Land use practices ~~reverse~~ mitigate climate change by enabling carbon storage and reducing ~~carbon~~ greenhouse gas emissions.

We support the above amendment but are otherwise in agreement with the analysis in the hearing report recommending new objectives as added to the Strategic Direction be rejected. As already stated in this recommendation report we do not see a need to include a policy framework to support the strategic objectives as notified (or recommended to be amended by us.

5.12.3 Hearings Panel Recommendations

1. We recommend the following:
 - (a) That the submission points relating to urban design, strategic direction policies and other matters be rejected.
 - (b) That the submission points relating to climate change be accepted in part with the following amendments to SD-NEEP-04 as follows:

SD-NEEP-04 Land use practices ~~reverse~~ mitigate climate change by enabling carbon storage and reducing ~~carbon~~ greenhouse gas emissions.

- (c) That the submissions and further submission points be accepted, accepted in part or rejected as per the hearing reports.

6. Conclusion

For the reasons set out in this recommendation report, we recommend the adoption of a set of changes to the PDP provisions relating to Part 1 – Introduction and General Provisions, Tangata Whenua and Part 2 - Strategic Directions.

Our recommendations also include recommendations for consequential amendments to or from other recommendation reports.

The Hearings Panel recommended amendments are shown in **Appendices 2.1 - 2.4**.

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 3.1 – 3.3**.

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.

PART 2 – DISTRICT-WIDE MATTERS / STRATEGIC DIRECTION / Overview

Overview

This chapter sets out the overarching direction for the District Plan as expressed through Strategic Direction chapters.

In responding to the district's significant resource management issues, the District Plan also helps Council achieve the community outcomes set out in the District's Strategy titled **Far North 2100**. This strategy is based on the Council and Community vision 'He Whenua Rangatira — a district of sustainable prosperity and wellbeing'.

The Strategic Directions reflect those factors which are considered to be key to achieving the overall vision for the pattern and integration of land use within the Far North District.

The Strategic Directions are intended to demonstrate:

1. Commitment to, and articulation of Council's partnership with tangata whenua;
2. Alignment with Council's aspirations for the development and environmental quality of the district as expressed through Far North 2100 - an 80 year strategy for the district;
3. Integrated management through the grouping of environmental considerations which combine to achieve strategic outcomes; and avoiding strategic objectives becoming isolated within various chapters of the District Plan;
4. Achievement of particular aspects of the use, development, or protection of natural and physical resources that have been elevated to matters of national importance by the Resource Management Act and those matters of national and regional significance by National and Regional Policy Statements;
5. A prosperous economy through enabling a wide range of rural and urban business activities in the right locations; and
6. The management of urban growth integrating existing and future infrastructure, providing sufficient land, or opportunity to meet growth demands for housing and business.

For the purposes of preparing, changing, interpreting, and implementing the District Plan, all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these Strategic Directions.

There is no hierarchy between the stated Objectives (i.e. no one Strategic Objective has primacy over another Strategic Objective, and the Strategic Objectives should be read as a whole).

Activity and location specific objectives and policies are located in the relevant chapter of the District Plan.

PART 2 – DISTRICT-WIDE MATTERS / STRATEGIC DIRECTION / Historic and cultural wellbeing

Historic And Cultural Wellbeing

Overview

This Chapter sets out the overarching direction for the district's historic and cultural wellbeing, including cultural prosperity.

~~For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives.~~

Cultural prosperity

Objectives	
SD-CP- O1	Te Tiriti o Waitangi partnerships <u>and relationships</u> support iwi and hapū to deliver on the social, economic, environmental and cultural wellbeing outcomes for tangata whenua.
SD-CP- O2	Te ao māori, tikanga māori and tangata whenua as kaitiaki, embedded in and integral to decision making.
SD-CP- O3	The district's diverse cultures and communities are celebrated and cultural heritage recognised.
SD-CP- O4	The district's historic heritage is identified and managed to ensure its long-term protection for current and future generations.
SD-CP- O5	A district wide approach to the impacts of climate change and natural hazards, which includes a te ao māori decision making framework, developed with iwi and hapū.

PART 2 – DISTRICT-WIDE MATTERS / STRATEGIC DIRECTION / Economic and social wellbeing

Economic And Social Wellbeing

Overview

This Chapter sets out the overarching direction for the district's economic and social wellbeing, including social and economic prosperity.

~~For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives.~~

Social prosperity

Objectives	
SD-SP- O1	Community wellbeing is heightened by a sense of place <u>belonging, connection to the environment, and inclusiveness.</u>
SD-SP- O2	Development of initiatives that will support the wellbeing of Tangata Whenua, in partnership with Iwi and hapū.
SD-SP- O3	Encourage opportunities for fulfilment of the community's cultural, social, environmental, and economic wellbeing.
SD-SCP- O4	Promotion of communities and places <u>which are adaptive to climate change</u> that will meet the needs for not only the present population but future generations. which are adaptive to climate change

Economic prosperity

Objectives	
SD-EP- O1	A high-earning diverse local economy which is sustainable and resilient to economic downturns, with the district's Māori economy making a significant contribution.
SD-EP- O2	Existing <u>and new</u> industries, <u>and enterprises and initiatives</u> are supported and continue to prosper under volatile and changing economic conditions.
SD-EP- O3	Development and retention of highly motivated, educated and skilled people in the district.
SD-EP- O4	People, businesses and places are connected digitally and through <u>an integrated transport networks that is safe, efficient and sustainable</u>
SD-EP- O5	A district economy that is responsive, resilient and adaptive to the financial costs of a changing climate.

PART 2 – DISTRICT-WIDE MATTERS / STRATEGIC DIRECTION / Urban form and development

Urban form and development

Overview

This Chapter sets out the overarching direction for the district's urban form and development and aims to improve efficiency and affordability for communities, seeks to contribute to the vibrancy and viability of town centres and solidifying the investment Council makes in development infrastructure.

~~For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives.~~

Objectives	
SD-UFD- O1	The wellbeing of people who live in and visit towns in the Far North is considered first when it comes to planning places and spaces.
SD-UFD- O2	Urban growth and development consolidated around existing reticulated networks within town centres, supporting a more compact urban form, affordability and providing for a mix of housing typologies.
SD-UFD- O3	Adequate development infrastructure <u>and additional infrastructure is</u> in place or planned to meet the anticipated demands for housing and business activities.
SD-UFD- O4	Urban growth and development is resilient and adaptive to the impacts from natural hazards or climate change.

PART 2 – DISTRICT-WIDE MATTERS / STRATEGIC DIRECTION / Infrastructure and electricity**Infrastructure and electricity****Overview**

This Chapter sets out the overarching direction for the district's infrastructure and electricity resources.

~~For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives.~~

Objectives	
SD-IE-O1	The benefits of infrastructure and renewable electricity generation activities across the district are recognised and provided for, while ensuring their adverse effects are well managed.
SD-IE-O2	Infrastructure and renewable electricity generation activities are protected from incompatible land use, subdivision and development that may compromise their effective operation, maintenance, <u>repair</u> and upgrading.

PART 2 – DISTRICT-WIDE MATTERS / STRATEGIC DIRECTION / Rural environment**Rural environment****Overview**

This Chapter sets out the overarching direction for the district's rural environment.

~~For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives.~~

Objectives	
SD-RE- O1	Primary production activities are able to operate efficiently and effectively and the contribution they make to the economic and social well-being and prosperity of the district is recognised.
SD-RE- O2	Protection of highly productive land from inappropriate development to ensure its production potential for generations to come.

PART 2 – DISTRICT-WIDE MATTERS / STRATEGIC DIRECTION / Natural environment

Natural environment

Overview

This Chapter sets out the overarching direction for the district's natural environment, including environmental prosperity.

~~For the purposes of preparing, changing, interpreting and implementing the District Plan all other objectives and policies in all other chapters of this District Plan are to be read and achieved in a manner consistent with these strategic objectives.~~

Natural Environment (Environmental prosperity)

Objectives	
SD-NEEP- O1	A culture of stewardship in the community that increases the district's biodiversity and environmental sustainability.
SD-NEEP- O2	Collaborative relationships with iwi and hapū in order to support tangata whenua to carry out their obligation and responsibility as kaitiaki.
SD-NEEP- O3	Active management of ecosystems to protect, maintain and increase indigenous biodiversity for future generations.
SD-NEEP- O4	Land use practices reverse <u>mitigate</u> climate change by enabling carbon storage and reducing carbon <u>greenhouse gas</u> emissions.
SD-NEEP- O5	The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations, <u>including their restoration</u> .
SD-NEEP- O6	Areas of significant indigenous vegetation and significant habitats of indigenous fauna <u>are</u> and protected for current and future generations.



**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;*
- 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-P8

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 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. 2. 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. 3. 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 aerals 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 Puwheke 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 Puwheke 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 Puwheke 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 Puwheke 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 Puwheke 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 Puwheke Beach, with a view to determining the most appropriate way to address this issue.

5.14.4 Zoning of the Matauri 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 Maturi 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 Haititaimarangai Marae Kaitiaki Trust

Matters Raised in Submissions and Evidence

The Haititaimarangai 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 Haititaimarangai 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); 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).

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 Kaimaumau 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. ~~100~~110m² 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 Eco-logic, 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:

SIGNIFICANT NATURAL AREA SIGNIFICANT INDIGENOUS VEGETATION OR SIGNIFICANT HABITAT OF INDIGENOUS FAUNA	means an area:- a. identified in Schedule 4 of the District Plan as an area of significant indigenous vegetation or significant habitat of indigenous fauna; or 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. 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.
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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.

PART 2 – DISTRICT-WIDE MATTERS / NATURAL ENVIRONMENT VALUES / Natural character

Natural Character

Overview

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.

The Far North District has ~~a number of~~ many wetlands, lakes and rivers, ~~some many~~ of which are located within and on the periphery of urban centres. ~~While the NRC is responsible for the waterbodies themselves, the District Plan manages their margins and the activities that can occur in these areas.~~ The margins of these waterbodies are areas of important and valued natural character and support public and customary access, recreation and hazard management. ~~When managed well the margins also promote ecological benefits including on receiving water bodies.~~

A range of land use activities can have adverse effects on the natural character of wetlands, lakes and rivers, including the construction and alteration of buildings or structures, earthworks, vegetation clearance and farming within their margins. ~~Some activities have a functional need to be located within wetland, lake and river margins.~~ This chapter seeks to manage ~~these activities~~ to ensure that the characteristics ~~and~~ qualities, and values that contribute to the natural character values are preserved. Further, these provisions encourage land use activities that look to enhance natural character, such as ~~the~~ restoration planting.

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.

~~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 NZCPS. While the NZCPS 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.~~

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

Objectives	
NATC-O1	The natural character of wetland, lake and river margins are managed to ensure their long-term preservation and protection for future generations. <u>The natural character of wetland, lake and river margins is preserved and protected from inappropriate land use and subdivision.</u>
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.
Policies	
NATC-P1	Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the <u>characteristics, qualities and values of the</u> 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 <u>of wetland, lake and river margins</u> assessment criteria in APP1- Mapping methods and criteria.
NATC-P3	Enable <u>Provide for</u> indigenous vegetation removal and/or earthworks within wetland, lake and river margins where <u>it is the minimum necessary for</u>: 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 or e. it is for the sustainable non-commercial harvest for rongoā Māori. f. <u>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.</u>

NATC-P4	Provide for Enable Provide for 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. <u>the effects on natural character are in accordance with policy NATC-P1, the protection of natural character is preserved;</u> and d. natural hazard risk will not be increased, taking into account the likely long term effects of climate change.
NATC-P5	Encourage the restoration and enhancement of wetland, lake and river margins where it will achieve improvement in natural character values.
NATC-P6	<u>Consider the following matters where relevant when assessing the effects of land use and subdivision on the characteristics, qualities and values of natural character:</u> 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, <u>including cumulative effects;</u> c. the location, scale and design of any proposed development; d. any means of integrating the building, structure or activity <u>into the wider landscape;</u> e. the ability of the environment to absorb change; f. the need for and location of earthworks or <u>indigenous</u> vegetation clearance and <u>proposed mitigation measures;</u> 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. <u>effects on the indigenous biodiversity values of riparian areas, including linkages with other habitats and ecosystems; and</u> n. any positive contribution the development has on the characteristics, and qualities and values <u>of natural character.</u>

Rules

Notes:

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

NATC-R1	New buildings or structures <u>and relocated buildings or extensions or alterations to existing buildings or structures</u>
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Natural character	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-21 The building or structure, <u>and relocated buildings</u> or extension or alteration to an existing building or structure on wetland, lake and river margins <u>where it is required for:</u> 1. <u>for restoration and enhancement purposes; or</u> 2. <u>for natural hazard mitigation undertaken by, or on behalf of, the local authority; or</u> 3. <u>for park management activity in the Open Space or Sport and Active Recreation zones or in the Waitangi Estate zone – Te Pitowhenua (treaty grounds) or Papa Rehia (Recreations) subzones; or</u> 4. <u>a post and wire fence for the purpose of protection from farm stock; or</u> 5. <u>a river crossings, including but not limited to, fords, bridges, stock crossings and culverts crossings; or</u> 6. <u>activities related to the construction of a river crossings; or</u> 7. <u>a pumphouses utilised for the drawing of water provided they cover less than 25m² in area, or</u> 8. <u>infrastructure less than 10m high within a road corridor provided any pole:</u> a. <u>is a single pole (monopole); and</u> b. <u>is not a pi-pole or a steel-lattice tower; or</u> 9. <u>a lighting pole by, or on behalf of the local authority, or</u> 10. <u>a footpath and or paving no greater than 2m wide, or</u> 11. <u>an upgrade of an existing above ground network utility, provided it:</u> a. <u>it is no greater than 40m 12.5m high or the height of the existing structure; and</u> b. <u>if it is a building, is no the upgraded building is no greater than 20% of the GFA of the existing lawfully established building or structure; and</u> c. <u>it does not involve replacing a pole with a pi pole;</u> 12. <u>a maimai not exceeding 10m²; or</u> 13. <u>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.</u> PER-32 The building or structure and relocated building on wetland, lake and river margins is no greater than 300m². PER-43 The building or structure and relocated building or extension or alteration to an existing building or structure on wetland, lake and river margins complies with standard NATC-S1 Maximum height.	Activity status where compliance not achieved with PER-1: Non-complying Activity status where compliance not achieved with PER-21, PER-32 and PER-43: <u>Restricted Discretionary</u> Matters of discretion are restricted to: a. <u>effects on the characteristics, qualities and values of natural character</u> b. <u>the matters in NATC-P6</u> c. <u>the positive effects of the activity</u>
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NATC-R2	Repair or maintenance	
Natural character	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 when compliance not achieved with PER-1: Discretionary

NATC-R3	Earthworks or indigenous vegetation clearance	
Natural character	Activity status: Permitted Where: PER-1 The earthworks or indigenous vegetation clearance within wetland, lake and river margins <u>and is the minimum necessary</u> is: 1. <u>required for the repair or maintenance permitted under NATC-R2; or for the operation, repair or maintenance of existing lawfully established:</u> a. <u>fences</u> b. <u>network utilities</u> c. <u>tracks, driveways, roads and access ways,</u> d. <u>formed car parks,</u> e. <u>board walks,</u> f. <u>boat ramps, or</u> 2. <u>required to provide for safe and reasonable clearance for existing overhead power lines; or</u> 3. <u>to address an immediate necessary to address a risk to public the health and safety of the public, or</u> 4. <u>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</u> 5. <u>for the sustainable non-commercial harvest of plant material for rongoā Māori, or</u> 6. <u>to maintain firebreaks to manage fire risk; or</u> 7. <u>to remove vegetation as directed by Fire and Emergency New Zealand due to fire risk, or</u> 8. <u>to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area, or</u> 9. <u>for the upgrading of existing above ground network utilities permitted by NATC-R1, or</u> 10. <u>for establishing, operating, maintaining and repairing infrastructure in a road corridor.</u> 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	Activity status when compliance not achieved with PER-1 and PER-2: Restricted Discretionary Matters of discretion are restricted to: a. <u>effects on the characteristics and quality of natural character</u> b. <u>the matters in NATC-P36</u> c. <u>the positive effects of the activity</u> Activity status when compliance not achieved with PER-2: Non-complying

	clearance.	
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Standards		
NATC-S1	Maximum height	
Natural character	1. The maximum height of a building or structure, or extension or alteration to an existing building or structure is 5m <u>5.5m</u> 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. <u>Solar and water heating components not exceeding 0.5m in height on any elevation;</u> b. <u>Chimney structures not exceeding 1.2m in width and 1m in height on any elevation;</u> c. <u>Satellite dishes and aerals not exceeding 1m in height and/or diameter on any elevation; or</u> d. <u>Architectural features (e.g. finials, spires) not exceeding 0.5m in height on any elevation.</u>	Where the standard is not met, matters of discretion are restricted to: Not applicable
NATC-S2	Earthworks or indigenous vegetation clearance	
Natural character	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, NPL S3 Earthworks or indigenous vegetation clearance and CE 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.	Where the standard is not met, matters of discretion are restricted to: Not applicable

PART 2 – DISTRICT-WIDE MATTERS / NATURAL ENVIRONMENT VALUES / Natural features and landscapes

Natural Features and Landscapes

Overview

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

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.

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).

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

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

Objectives	
NFL-O1	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 2	The ancestral relationships Tangata Whenua has with the land is recognised and provided for as a part of the characteristics, and qualities, <u>and values</u> of ONL and ONF.

Policies	
NFL-P1	Identify ONL and ONF through an assessment of the characteristics, and qualities <u>and values</u> using the criteria in APP1- Mapping methods and criteria.
NFL-P2	Avoid adverse effects of land use and subdivision on the characteristics, and qualities <u>and values that make</u> of ONL and ONF within the coastal environment <u>outstanding</u> .
NFL-P3	Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, and qualities <u>and values that make</u> of ONL and ONF outside the coastal environment <u>outstanding</u> .
NFL-P4	<u>Recognise that lawfully established activities form part of ONL and ONF and allow these activities to continue without undue restriction.</u> 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	<u>Enable land use and subdivision within Māori Purpose zoned land and Treaty Settlement land by recognising that adverse effects on ONL and ONF may be acceptable to support the social, economic and cultural wellbeing of tangata whenua.</u>

	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-P87	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 on in relation to nearby ridgelines, headlands or peninsula within ONL or ONF; and p. whether the activity is on a previously approved building platform.

Rules

Notes:

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

NFL-R1	New buildings or structures, and relocated buildings and extensions or alterations to existing buildings or structures	
Within ONL and ONF	Activity status: Permitted PER-1 <u>Any new building or structure, and relocated building, if it is:</u> 1. <u>not used for a residential activity, and</u> 2. <u>complies with NFL-S1 and NFL-S2, and</u> 3. <u>no greater than:</u> a. <u>50m² in ONL in the coastal environment, including in ONL – South located within the Waitangi Estate zone, and</u> b. <u>400110m² in ONL outside the coastal environment, and</u> c. <u>50m² in category 'A' ONF in the coastal environment, and</u> d. <u>100m² in category 'A' ONF outside the coastal environment, and</u> e. <u>25m² in ONF (excluding category 'A' ONF), and</u> f. <u>10m² in ONL – North located within the Waitangi Estate zone.</u> <u>Note: Refer to Appendix A in the Waitangi Estate zone chapter for the extent of the ONL-North and ONL-South.</u> <u>is located outside the coastal environment it is:</u> 1. <u>ancillary farming (excluding a residential unit);</u> 2. <u>no greater than 25m²</u> PER-2 <u>If a building or structure is located within the coastal environment it is:</u> 1. <u>ancillary farming (excluding a residential unit);</u> 2. <u>no greater than 25m²</u> PER-23 <u>Any extension or alteration to a lawfully established building or structure;</u> 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 building or structure, and</u> 2. <u>complies with NFL-S1.</u> PER-3 <u>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:</u> 1. <u>a stock fence, or</u> 2. <u>infrastructure no greater less than 40m 12.5m high within a road corridor provided any pole:</u> a. <u>is a single pole (monopole), and</u> b. <u>is not a pi-pole or a steel-lattice tower, or,</u> 3. <u>an upgrade of existing above ground electricity network utilities:</u> a. <u>outside the coastal environment,</u> b. <u>in a ONL or category 'A' ONF,</u> c. <u>no greater than 40m 12.5m high or the height of the existing structure,</u> d. <u>if it is a building, the upgraded building is no greater than 20% of the GFA of the existing lawfully established building or structure, and</u> e. <u>not replacing a pole with a pi pole.</u> PER-4 <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>	Activity status when compliance not achieved with PER-1: Controlled CON-1 <u>The building is a residential unit or a minor residential unit on a defined building platform or buildable area, where the defined building platform or buildable area has been identified through an expert landscape assessment and approved as part of an existing or implemented subdivision consent.</u> <u>The matters of control are:</u> a. <u>the location, scale and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;</u> b. <u>the means of integrating the building, structure or activity into the landscape, including through planting;</u> c. <u>the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects;</u> <u>and</u> d. <u>Measures to mitigate adverse effects on the characteristics, qualities and values that make ONL and ONF outstanding.</u> <u>a. effects on the characteristics, qualities and values of ONL and ONF</u> <u>b. the matters in NFL P8.</u> RD-1 Activity status when compliance not achieved with CON-1, PER-4, PER-2, and PER-3 outside the coastal environment: Restricted discretionary Discretionary <u>The matters of discretion are:</u>

		a. <u>effects on the characteristics, qualities and values that make ONL and ONF outstanding</u> b. <u>the matters in NFL-P8.</u> c. <u>the positive effects of the activity.</u>
		RD-2 <u>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:</u> <u>Restricted discretionary</u> The matters of discretion are: a. <u>effects on the characteristics, qualities and values that make ONL and ONF outstanding</u> b. <u>the matters in NFL-P8; and</u> c. <u>positive effects.</u>
		Activity status when compliance not achieved with CON-1 or, PER-2, PER-3 or RD-2 within the coastal environment: <u>PER-2</u> <u>ONL – North and ONL – South located within the Waitangi Estate zone: Discretionary</u>
		<u>All other zones: Non-complying</u>
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-R32	Earthworks or indigenous vegetation clearance	
Within ONL and ONF	Activity status: Permitted Where: PER-1 The earthworks or indigenous vegetation clearance is <u>the minimum necessary and is:</u> 1. <u>compliant with standard NFL-S3, or</u>	Activity status when compliance not achieved with PER-1 or PER-2 outside the coastal environment: <u>Restricted discretionary</u> The matters of discretion are: a. <u>effects on the characteristics,</u>

	2. <u>for the operation, repair and maintenance of existing lawfully established:</u> • <u>fences;</u> • <u>network utilities;</u> • <u>tracks, driveways, roads and access ways;</u> • <u>formed carparks;</u> • <u>board walks; or</u> • <u>boat ramps;</u> 3. <u>required for the repair or maintenance permitted under NFL-R2 Repair or maintenance.</u> 4. <u>required to provide for safe and reasonable clearance for existing overhead power lines, or</u> 5. <u>to address an immediate necessary to address a risk to public the health and safety of the public, or</u> 6. <u>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;</u> 7. <u>for the sustainable non-commercial harvest of plant material for rongoā Māori, or</u> 8. <u>to maintain firebreaks to manage fire risk; or</u> 9. <u>to remove vegetation as directed by Fire and Emergency New Zealand due to fire risk, or</u> 10. <u>to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area, or</u> 11. <u>for the construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m, or</u> 12. <u>for any upgrade of existing electricity network utilities permitted by rule NFL-R1;</u> 13. <u>for the maintenance of planted indigenous vegetation within domestic gardens, including the removal and replacement of plants;</u> 14. <u>the formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth;</u> 15. <u>outside the coastal environment, and is for maintenance or reinstatement of pasture through the removal of regenerating manuka (<i>Leptospermum scoparium</i> var. <i>scoparium</i>) or kanuka (<i>Kunzea robusta</i>) tree ferns or scattered rushes in pasture on a farm and the vegetation to be cleared is less than 5 years old and less than 3m in height; or</u> 16. <u>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.</u> 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	<u>qualities and values that make ONL and ONF outstanding</u> b. <u>the matters in NFL-P8.</u> d. <u>the positive effects of the activity.</u> Activity status when compliance not achieved with PER-1 within the coastal environment PER-3: Non-complying
NFL-R43	Demolition of buildings or structures	
Within ONL and ONF	Activity status: Permitted	Activity status when compliance not achieved: Not applicable

NFL-R64	Afforestation for commercial forestry 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
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
NFL-R75	Extension to existing mineral extraction activity	
Within ONL and ONF	Activity status: Discretionary Where: DIS-1 The extension is to an existing lawfully established mineral extraction activity and is located outside the coastal environment.	Activity status where compliance not achieved with DIS-1: Non-complying
NFL-R86	New mineral extraction activity	
Within ONL and ONF	Activity status: Prohibited	Activity status where compliance not achieved: Not applicable
NFL-R97	Land fill, managed fill or clean fill	
Within ONL and ONF	Activity status: Prohibited	Activity status where compliance not achieved: Not applicable

Standards		
NFL-S1	Maximum height Buildings and structures Maximum height	
Within ONL and ONF	1. The maximum height of any new building or structure and relocated buildings above ground level is 5m <u>5.5m</u> 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. <u>This standard does not apply to:</u> a. <u>Solar and water heating components not exceeding 0.5m in height on any elevation;</u> b. <u>Chimney structures not exceeding 1.2m in width and 1m in height on any elevation;</u> c. <u>Satellite dishes and aerals not exceeding 1m in height and/or diameter on any elevation; or</u> d. <u>Architectural features (e.g. finials, spires) not exceeding 0.5m in height on any elevation.</u>	Where the standard is not met, matters of discretion are restricted to: Not applicable

NFL-S2	Colours and materials	
Within ONL and ONF	The exterior surfaces of <u>new buildings or structures</u> shall: - be constructed of <u>natural materials</u>; or and/or be finished to achieve a reflectance value no greater than 30%; and <u>if the exterior surface is painted</u>, have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in <u>Appendix 6 or equivalent</u>.	Where the standard is not met, matters of discretion are restricted to: Not applicable
NFL-S3	Earthworks or indigenous vegetation clearance	
Within ONL and ONF	- Any earthworks or indigenous vegetation clearance must (where relevant) <u>not exceed</u>: not exceed a total area of 50m² over the life of the District Plan; <u>in a ONL, exceed a total area of:</u> <u>50m² in the coastal environment within any calendar year, and</u> <u>100m² outside the coastal environment within any calendar year,</u> <u>in a category 'A' ONF outside the coastal environment, exceed a total area of 50m² within any calendar year,</u> <u>in a ONF (excluding category 'A' ONF outside the coastal environment), exceed 50m² within any 10 year period, and</u> 2. not exceed a cut height or fill depth of 4m: <u>1m in ONL within the coastal environment,</u> <u>1.5m in ONL outside the coastal environment,</u> <u>1m in ONF unless it is a category 'A' ONF outside the coastal environment, and</u> <u>1.5m in category 'A' ONF outside the coastal environment, and</u> 1.5m in a ONL <u>3. screen any exposed faces visible from a public place.</u> be for the purpose of access, and/or a building platform. <u>Any indigenous vegetation clearance must not exceed a total area of:</u> <u>50m² in ONL within any 10 year period, and</u> <u>100m² in ONF within any calendar year</u> 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.	Where the standard is not met, matters of discretion are restricted to: Not applicable

PART 2 – DISTRICT-WIDE MATTERS / GENERAL DISTRICT-WIDE MATTERS / Coastal environment

Coastal Environment

Overview

The Far North District has a vast and complex coastal environment with dynamic natural processes, unique natural and physical attributes and high cultural values. The District Plan has mapped the coastal environment and identifies areas within it that contain high or outstanding natural character. These areas were originally identified through the regional mapping project undertaken by the Regional Council for the RPS. The methodology for identifying them can be found in APP1- Mapping methods and criteria and the schedules of high and outstanding natural character can be found in SCHED7 and SCHED8 of the District Plan. The mapped coastal environment accounts for approximately 12% of the district's total land area.

Much of the district's coastline is relatively undeveloped in the sense that there is limited built development and supporting infrastructure. The past few decades have seen an increasing pressure for development in coastal areas, particularly along the east coast where there is a continued pattern of settlement which has placed additional pressure on coastal resources and character. Consideration needs to be given to both the preservation of the natural character of the coastal environment and the level of intervention to manage consider land use and subdivision, while ensuring the community's health, safety and wellbeing of communities.

The coastal hazard rules are located in this chapter in accordance with the Planning Standards, while other natural hazards such as flooding are controlled in the Natural Hazards chapter. The Natural Hazards chapter consolidates all of the objectives and policies related to natural hazards including rules that must be considered when assessing proposals within a Coastal Hazard Area. The Natural Features and Landscape chapter includes objectives, policies and rules relating to ONL and ONF in the coastal environment and this chapter manages adverse effects on other natural features and landscapes in the coastal environment.

Council has a responsibility under the RMA, the NZCPS and the RPS to preserve and protect the natural character of the coastal environment from inappropriate land use and subdivision.

Objectives	
CE-O1	The natural character of the coastal environment is <u>identified and managed to ensure its long-term preservation and protection from inappropriate land use and subdivision for current and future generations.</u>
CE-O2	Land use and subdivision in the coastal environment: a. <u>preserves the characteristics and qualities of the natural character of the coastal environment; is undertaken in an integrated and coordinated manner;</u> b. <u>is consistent compatible</u> with the surrounding land use; c. does not result in urban sprawl occurring outside of <u>existing urban areas zones;</u> d. promotes restoration and enhancement of the natural character of the coastal environment; and e. <u>recognises and provides for the relationship of tangata whenua needs for with their ancestral lands in the coastal environment use of whenua Māori.</u>
CE-O3	Land use and subdivision in the coastal environment within urban <u>zones areas</u> is consolidated and provides for the social, economic and cultural well-being of people and communities without compromising other <u>coastal environment values is of a scale that is consistent with existing built development.</u>

Policies	
CE-P1	Identify the extent of the coastal environment as well as areas of high and outstanding natural character using the assessment criteria in APP1- Mapping methods and criteria.
CE-P2	Avoid adverse effects of land use and subdivision on the characteristics, <u>and</u> qualities and <u>values that make an area an outstanding natural character area in of the coastal environment identified as:</u> a. <u>outstanding natural character;</u> b. <u>ONL;</u> c. <u>ONF.</u>
CE-P3	Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the characteristics, <u>and</u> qualities <u>and values of natural character areas and natural features and landscapes in of the coastal environment not identified as an:</u> a. <u>Outstanding natural character area;</u> b. <u>ONL; or</u> c. <u>ONF.</u>

CE-P4	Preserve the visual qualities, character and integrity of the coastal environment by: a. consolidating land use and subdivision around existing urban centres and rural settlements; and b. avoiding sprawl or sporadic patterns of development <u>in the rural environment</u> .
CE-P5	Enable land use and subdivision in urban areas zones within the coastal environment <u>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:</u> a. there is adequacy and capacity of available or programmed development infrastructure; and b. the use is consistent with, and does not compromise the characteristics and qualities.
CE-P6	Enable Provide for farming activities within the coastal environment <u>by where:</u> a. <u>recognising that existing farming activities form part of the coastal environment and allowing for these activities to continue without undue restriction; and</u> b. <u>only allowing new farming activities outside outstanding and high natural character areas where appropriate.</u> c. the use forms part of the values that established the natural character of the coastal environment; or d. the use is consistent with, and does not compromise the characteristics and qualities.
CE-P7	Enable Provide for the use <u>and development</u> of Māori Purpose zoned land and Treaty Settlement land in the coastal environment <u>by recognising that adverse effects on natural character may be acceptable to support the social, economic and cultural wellbeing of tangata whenua where:</u> a. the use is consistent with the ancestral use of that land; and b. the use does not compromise any identified characteristics and qualities.
CE-P8	Encourage the restoration and enhancement of the natural character of the coastal environment.
CE-P9	Prohibit land use and subdivision that would result in any loss and/or destruction of the characteristics and qualities in outstanding natural character areas.
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 <u>when assessing and managing the effects of land use and subdivision on the coastal environment: to the application</u> a. the presence or absence of buildings, structures or infrastructure; b. the temporary or permanent nature of any adverse effects, <u>including any cumulative effects;</u> c. the location, scale and design of any proposed development; d. any means of integrating the building, structure or activity <u>into the wider landscape;</u> e. the ability of the environment to absorb change; f. the need for and location of earthworks or <u>indigenous</u> vegetation clearance <u>and proposed mitigation measures;</u> g. the operational or functional need of any regionally significant infrastructure to be sited in the particular location; h. any viable alternative locations <u>or methods</u> for the activity or development <u>where significant adverse effects may arise;</u> i. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6; j. the likelihood of the activity exacerbating natural hazards; k. the opportunity to enhance public access and recreation; l. <u>potential effects of land use and subdivision on the coastal marine area and the ability to improve the overall quality of coastal waters; and</u> m. any positive contribution the development has on the characteristics and qualities, <u>including restoration and enhancement;</u> n. <u>the effects on the characteristics, qualities and values of the coastal environment, including natural character and natural landscape values and the quality and extent of indigenous biodiversity;</u> o. <u>the extent to which the land use and subdivision complements activities in the coastal marine area; and</u> p. <u>whether the activity is on a previously approved building platform.</u>
Rules	

Notes:

1. There may be rules in other District-Wide Matters and the underlying zone in Part 3- Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. The National Environmental Standards for ~~Plantation Forestry~~ Commercial Forestry 2017 (NES-PCF) regulates ~~plantation~~ commercial forestry and Regulation 6 of the NES-PF allows plan rules to be more stringent to give effect to Policy 13 of the NZCPS and to manage afforestation. ~~Rule CE-R6 Plantation~~

~~forestry and plantation forestry activities in~~ This chapter contains more stringent rules for ~~plantation forestry activities~~ afforestation, earthworks and indigenous vegetation clearance to protect natural character of coastal environment and ~~prevails over the NES-PF regulations.~~

3. The Earthworks chapter and Ecosystem and Indigenous Biodiversity rules apply 'in addition' to the earthworks and indigenous vegetation clearance rules in this overlay chapter, not instead of. ~~In the event of a conflict between the earthworks chapter and this chapters earthworks rules, the most stringent rule will apply.~~

CE-R1	New buildings or structures <u>and</u> relocated buildings and extensions or alterations to existing buildings or structures	
Coastal environment	Activity status: Permitted Where: PER-1 If a new building or structure <u>and</u> relocated building is located in the General Residential zone, Mixed Use zone, Light Industrial zone, Russell / Kororāreka Special Purpose zone, Māori Purpose zone – Urban, Orongo Bay zone, Hospital zone, or Kauri Cliff zone SPZ - Golf Living Sub-zone, or Waitangi Estate zone – Whakanga (Tourism) Sub-zone and Matauri Bay subdivision approved by RC206090an <u>urban zone</u> it is: 1. <u>is no greater than 300m²; and</u> 2. <u>is located outside high or outstanding natural character areas; and</u> 3. <u>complies with:</u> a. <u>CE-S1 Maximum height;</u> b. <u>CE-S2 Colour and materials; and</u> c. <u>CE-S4 Setbacks from MHWS.</u> PER-1(1) does not apply to: the Mixed-Use zone, Light Industrial zone, Māori Purpose zone – Urban and Hospital zone and Waitangi Estate zone – Whakanga (Tourism) Sub zone within the following settlements: <u>Coopers Beach, Mangonui, Opua, Paihia and Waitangi, Rawene, and Russell / Kororāreka.</u> PER-2 If a new building or structure <u>and</u> relocated building is <u>not</u> located within any of the zones referred to in PER-1 <u>an</u> urban zone it is: a. <u>ancillary to farming activities (excluding a is not used for a residential activity unit);</u> b. <u>is no greater than:</u> a. <u>25m² within an outstanding natural character area;</u> b. <u>50m² within a high natural character area; and</u> c. <u>100110m² in all other areas of the coastal environment; and</u> c. <u>located outside outstanding natural character areas; and</u> d. <u>complies with:</u> a. <u>CE-S1 Maximum height;</u> b. <u>CE-S2 Colour and materials; and</u> c. <u>CE-S4 Setbacks from MHWS.</u> PER-3 Any extension <u>or</u> alternation to a lawfully established building or structure is: 1. <u>no greater than 20% of the GFA of the existing lawfully established building or structure; and</u> 2. <u>complies with CE-S1 Maximum height.</u> PER-4 <u>Any new building or structure and relocated building</u>	Activity status where compliance not achieved with PER-1 and PER-2: Controlled Discretionary (inside a high natural character area) Non-complying (inside an outstanding natural character area) CON-1 The building is a residential unit or a minor residential unit on a defined building platform or buildable area, where the defined building platform or buildable area has been identified through a professional landscape assessment and approved as part of an existing or implemented subdivision consent. CON-2 a. <u>The building is for a residential unit or a minor residential unit within the Māori Purpose zone or Treaty Settlement Overlay; and</u> b. <u>It is located outside an outstanding natural character area or a high natural character area.</u> <u>The matters of control are:</u> a. <u>the matters in CE-P10: the location, scale and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;</u> b. <u>the means of integrating the building, structure or activity into the landscape, including through planting;</u> c. <u>the height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects;</u> d. <u>measures to mitigate adverse effects on the characteristics, qualities and values of the coastal environment; and</u> e. <u>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</u>

	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: - fencing for the purposes of stock exclusion; - an upgrade of an existing above ground network utility where this is: - outside high or outstanding natural character areas; - permitted by I-R3; - no greater than 12.50m high or the height of the existing structure (whichever is the greatest); - if it is a building, the upgraded building is no greater than 20% of the GFA of the existing lawfully established building or structure; and - not replacing a pole with a pi pole. PER-4 The building or structure, or extension or addition to an existing building or structure, complies with standards: CE-S1 Maximum height. CE-S2 Colours and materials.	<u>TW-P6.</u> RD-1 Activity status where compliance not achieved with CON-1, PER-3 and PER-4 PER-2: Discretionary (outside an outstanding natural character area) Non-complying (inside an and outstanding a high natural character area): Restricted Discretionary The matters of discretion are: - the matters in CE-P10; and - positive effects. RD-2 Activity status for any extension or alteration to an existing building or structure when compliance not achieved with CON-1, CON-2, PER-4 or PER-4 (within an outstanding natural character area or a high natural character area): Restricted discretionary The matters of discretion are: - the matters in CE-P10; and - positive effects. Activity status where compliance not achieved with CON-1, CON-2, PER-3 or PER-4, RD-1 or RD-2: - Discretionary (in a high natural character area); or - Non-complying (in an outstanding natural character area).
CE-R2	Repair or maintenance	
Coastal environment	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: - roads; - fences; - network utilities; - driveways and access; - walking tracks; - cycling tracks; or - farming tracks.	Activity status where compliance is not achieved with PER-4: Discretionary
CE-R3	Earthworks or indigenous vegetation clearance	
Coastal environment	Activity status: Permitted Where: PER-1 The earthworks or indigenous vegetation clearance is the <u>minimum necessary</u>:	Activity status where compliance not achieved with PER-1 and PER-2 (outside an outstanding natural character area): Restricted Discretionary The matters of discretion are: - the matters in CE-P10; and - positive effects.

	1. required for the operation, repair or maintenance of existing lawfully established permitted under CE-R2 <u>Repair or Maintenance;</u> <u>fences;</u> <u>network utilities;</u> <u>tracks, driveways, roads and access ways;</u> <u>formed carparks;</u> <u>board walks;</u> <u>boat ramps;</u> 2. required to provide for safe and reasonable clearance for existing overhead power lines; or 3. to address an immediate risk to the health and safety of the public or damage to property necessary to ensure the health and safety of the public; or 4. clearance to control pests when necessary for biosecurity reasons or 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; 6. to create or maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area; 7. for the construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation provided that the clearance does not exceed 3.5m in width; or 8. for any upgrade of existing above ground network utilities; outside high natural character and outstanding natural character areas; and permitted by rule CE-R1 PER-4;- 9. for the maintenance of planted indigenous vegetation within domestic gardens, including the removal and replacement of plants; 10. for the formation of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth; 11. for maintenance or reinstatement of pasture through the removal of regenerating manuka (<i>Leptospermum scoparium</i> var. <i>scoparium</i>) or kanuka (<i>Kunzea robusta</i>) tree ferns or scattered rushes in pasture on a farm and the vegetation to be cleared is less than 5 years old and less than 3m in height; or 12. for 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 where this is located outside of an outstanding natural character areas or a high natural character area. PER-2 The earthworks or indigenous vegetation clearance is not provided for within CE-R3 PER-1 but it complies with standard CE-S3 Earthworks or indigenous vegetation clearance. <u>This rule does not apply to: The Orongo Bay Special Purpose zone.</u>	Activity status where compliance not achieved with PER-1 and PER-2 (inside an outstanding natural character area): Non-complying
CE-R4	Farming	

Coastal environment	Activity status: Permitted Where: PER-1 The farming activity is <u>a lawfully established activity</u> . PER-2 The new farming activity located outside high or outstanding natural character areas.	Activity status where compliance is not achieved with PER-1 or PER-2: Discretionary (outside <u>inside</u> an outstanding <u>high</u> natural character area) Non-complying (inside an outstanding natural character area)
CE-R5	Demolition of buildings or structures	
Coastal environment	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
CE-R6	Plantation forestry and plantation forestry activity Afforestation for commercial forestry	
Coastal environment	Activity status: Discretionary Where: DIS-1 The plantation forestry or plantation forestry activity <u>afforestation</u> is located outside outstanding natural character areas.	Activity status where compliance not achieved with DIS-1: Non-complying
CE-R7	Extension to existing mineral extraction activity	
Coastal environment	Activity status: Discretionary Where: DIS-1 The extension is to an existing lawfully established mineral extraction activity and is located outside outstanding natural character areas.	Activity status where compliance not achieved with DIS-1: Non-complying
CE-R8	New mineral extraction activity	
Coastal environment	Activity status: Prohibited	Activity status where compliance not achieved: Not applicable
CE-R9	Land fill, managed fill or clean fill	
Coastal environment	Activity status: Prohibited	Activity status where compliance not achieved: Not applicable
Standards		
CE-S1	Maximum height	
Coastal environment	1. The maximum height of any new building or structure above ground level is 5-5.5m and must not exceed the height of the nearest ridgeline, headland or peninsula; and 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: i. Telecommunication facilities; ii. The Orongo Bay zone, and the Kororāreka Russell Township zone and the Waitangi Estate zone- Whakanga (Tourism) Sub-zone. iii. The Mixed-Use zone, Light Industrial zone, Māori Purpose zone – Urban, and Hospital zone within the following settlements: a. <u>Coopers Beach;</u> b. <u>Mangonui;</u> c. <u>Opuā;</u> d. <u>Paihia & Waitangi; and</u>	Where the standard is not met, matters of discretion are restricted to: Not applicable

	e. <u>Rawene.</u> iv. <u>the following structures:</u> a. <u>Solar and water heating components not exceeding 0.5m in height on any elevation;</u> b. <u>Chimney structures not exceeding 1.2m in width and 1m in height on any elevation;</u> c. <u>Satellite dishes and aerials not exceeding 1m in height and/or diameter on any elevation; or</u> d. <u>Architectural features (e.g. finials, spires) not exceeding 0.5m in height on any elevation.</u>	
CE-S2	Colours and materials	
Coastal environment	The exterior surfaces of <u>new buildings or structures</u> shall: 1. be constructed of <u>natural materials</u>; and/or 2. be finished to achieve a reflectance value no greater than 30%; and 3. <u>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.</u> <u>This standard does not apply to:</u> 1. <u>The Orongo Bay Special Purpose zone; and</u> 2. <u>the: Kohukohu, Mangonui, Paihia, Rawene and Russell / Kororāreka Heritage Area Overlays.</u>	Where the standard is not met, matters of discretion are restricted to: Not applicable
CE-S3	Earthworks or indigenous vegetation clearance	
Coastal environment	1. Any earthworks or indigenous vegetation clearance must (where relevant): a. not occur in outstanding natural character areas; and b. not exceed a total area of: i. 50m² within a calendar year for 10 years from the notification of the District Plan in an area of high natural character; or ii. 4100m² within a calendar year for 10 years from the notification of the District Plan in an area outside high or outstanding natural character areas; and c. <u>not exceed a cut height or fill depth of 1m, or 1.5 where this relates to telecommunication facilities; and</u> d. <u>screen any exposed faces visible from a public place.</u> 2. Any indigenous vegetation clearance must: a. <u>not occur in outstanding natural character areas;</u> b. <u>not exceed a total area of:</u> i. <u>50m² within any 10-year period in an area of high natural character;</u> ii. <u>400m² within any 10-year period outside high or outstanding natural character areas.</u> <u>Note:</u> 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.	Where the standard is not met, matters of discretion are restricted to: Not applicable
CE-S4	Setbacks from MHWS	
Coastal environment	New buildings and structure and relocated buildings or an extension or alteration to an existing building or structure must be setback at least: a. <u>30m from MHWS in the Rural Production, Rural Lifestyle, Rural Residential, and Horticulture Processing Facilities zones; and</u> b. <u>Waitangi Estate sub zones – Te Pitowhenua (Treaty Grounds), Papa Rehia (Recreation) and Ahuwhenua (General Activities) Sub-zone; or</u> c. <u>26m in all other zones.</u>	Where the standard is not met, matters of discretion are restricted to: a. <u>the natural character of the coastal environment;</u> b. <u>screening, planting and landscaping on the site;</u> c. <u>the design and siting of the building or structure with respect to dominance on adjoining public space;</u>

	This standard does not apply: 1. <u>where there is a legally formed and maintained road between the property and MHWS;</u> 2. <u>To buildings and structures within Tapueatahi Precinct Area A where a 10 metre setback from MHWS is provided.</u> 3. <u>to fencing for the purposes of controlling pests and excluding stock;</u> 4. <u>to structures associated with pest control;</u> 5. <u>to hard protection structures that are approved by a resource consent under the Northland Regional Plan; and</u> 6. <u>to lighting poles that are established by, or on behalf of, Far North District Council; and</u> 7. <u>to boundary fences less than 2m high that are setback at least 20m from MHWS.</u> 8. <u>to buildings and structures within Tapueatahi Precinct Area A where a 10 metre setback from MHWS is provided.</u>	d. <u>natural hazard mitigation and site constraints;</u> e. <u>the effectiveness of the proposed method for controlling stormwater; and</u> f. <u>the impacts on existing, and planned and potential roads, public walkways, reserves and esplanades.</u>
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PROPOSED FAR NORTH DISTRICT PLAN

RECOMMENDATIONS OF THE INDEPENDENT HEARINGS

PANEL

RECOMMENDATION REPORT 9

Hearing 9: Rural Zones; Horticulture Zone and Horticulture

Processing Facilities Zone

March 2026

RECOMMENDATION REPORT 9

Recommendation Report 9 is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 1, 15C, 15D, 16 and 17**.

Recommendation Report 9 contains the Panel's recommendation on: Part 3 – Area Specific Matters – Rural Zones (Rural Production Zone, Rural Lifestyle Zone, Rural Residential Zone, Settlement Zone); and Part 3 – Area Specific Matters - Special Purpose Zones (Horticulture Processing Facilities Zone and Horticulture Zone). It also contains the Panel's recommendations on a number of consequential rural matters related to the Subdivision chapter.

Recommendation Report 9 also 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 Rural Production Zone Chapter

Appendix 2.2 New Horticulture Precinct Provisions

Appendix 2.3 Rural Lifestyle Zone

Appendix 2.4 Rural Residential Zone

Appendix 2.5 Settlement Zone

Appendix 2.6 Horticulture Processing Facilities Zone

Appendix 3: Summary table of the Hearings Panel recommended decisions on each submission point including:

Appendix 3.1 Recommended Decisions on Submissions - Rural – Wide Issues and Rural Production Zone

Appendix 3.2 Recommended Decisions on Submissions - Rural Lifestyle Zone

Appendix 3.3 Recommended Decisions on Submissions - Rural Residential Zone

Appendix 3.4 Recommended Decisions on Submissions - Settlement Zone

Appendix 3.5 Recommended Decisions on Submissions - Horticulture Processing Facilities Zone

Appendix 3.6 Recommended Decisions on Submissions - Horticulture Zone

The Independent Hearings Panel for this hearing comprised Robert Scott – Independent panel member, Steve McNally - Council member, Alan Watson - Independent panel member; and Peter Kensington - Independent panel member.

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RECOMMENDATION REPORT 9

1. Introduction

1.1 Report Structure

This is **Recommendation Report 9** prepared by the Independent Hearings Panel appointed to hear and make recommendations with respect to submissions and further submissions lodged on the Proposed Far North District Plan (**PDP**).

This recommendation report makes findings and recommendations relating to submissions on the provisions in the following parts, sub-parts, chapters and sections of the PDP; and on a number of other general or miscellaneous matters.

PDP Part	PDP Sub-Part	PDP Chapter or Provisions
Part 3 – Area Specific Matters	Zones	
	Rural Zones	Rural Production Zone
		Rural Lifestyle Zone
		Rural Residential Zone
		Settlement Zone
Part 3 – Area Specific Matters	Special Purpose Zones	
		Horticulture zone
		Horticulture Processing Facilities Zone

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 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 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 recommendation 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.

1.3 Consequential Amendments

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

2. Procedural Issues

2.1 Defer Hearing 9 and 15A

The Panel received a request from a submitter¹ seeking a deferment of Hearing 9 - Rural, Horticulture and Horticulture Processing (to 2 - 5 December 2024) and Hearing 15A Rezoning General and Kauri Cliffs (to October 2025) on the basis that the Government has committed to a reform of the National Policy Statement on Highly Productive Land (**NPS-HPL**) including (but not necessarily limited to the definition of highly productive land in the NPS-HPL) as part of its Resource Management Act (**RMA**) reforms.

While the Panel had sympathy for the uncertainty raised by this submitter we are of the view that the delivery timeframes for RMA reform are still uncertain and may be subject to change as is often the case with government timetables and competing government reforms. Furthermore, the Council has undertaken considerable effort to align with the NPS-HPL as part of the rural group of chapters in the PDP. Accordingly, as set out in our Minute 12 we have determined that we would hear the Rural chapters in Hearing 9 as scheduled but would review the situation as the reform process progresses and as timelines become more certain.

2.2 Pre-Hearing Meeting

As set out in the hearing report we were advised that the Council officers met with officers from Northland Regional Council (**NRC**) on 7 October 2024 to discuss how NRC is progressing alignment of the Regional Policy Statement (**RPS**) with the NPS-HPL to help inform recommendations relating to the NPS-HPL in the hearing report. We were advised that NRC had confirmed that the regional council passed a resolution in February 2024 that work relating to the identification of highly productive land (**HPL**) and the inclusion of HPL maps in the RPS was to be put on hold for 12 months due to the uncertainty about future changes to the NPS-HPL. The position of the NRC with respect to the NPS-HPL implementation has been reflected in the hearing report and the NRC evidence presented at this hearing.

2.3 Interim Guidance

Following the hearing of evidence and the receipt of the Council right of reply the Panel issued Interim Guidance (Minute 23) relating to the Horticulture zone. That guidance states:

As set out in paragraph 47 of our Minute 1 – Hearing Procedures, the Panel may issue interim guidance on any particular topic if it has implications for the hearing of other topics. We have held interim deliberations on this topic and we consider that there is merit for the Horticulture Zone to be amended to a precinct within the rural chapters sections of the PDP, given

¹ Audrey Campbell-Frear (S209 and FS172)

that the special purpose zone fails to meet the criteria in Section 8.3 of the National Planning Standards.

We wish to inform all parties who are preparing further evidence that relates to land currently zoned Horticulture Zone in the PDP, that they should proceed on the basis that Panel is likely to recommend that this zone be redrafted as a precinct in accordance with the National Planning Standards provisions.

In the interests of efficiency our deliberations, findings and recommendations have been based on the Horticulture zone (as notified) being redrafted as a Horticulture Precinct. We note that we received submissions and evidence on the notified Horticulture zone provisions and we have endeavoured to take these into account in our findings and recommendations as they relate to the new Horticulture Precinct. We have also confirmed with the Council reporting officer that the final recommendations relating to the new Horticulture Precinct have also incorporated the recommendations made in response to submissions and evidence in relation to the Horticulture zone.

In the interests of efficiency and clarity, we refer to the notified Horticulture zone and the proposed Horticulture Precinct as the “Horticulture zone/precinct” throughout this recommendation report.

2.4 Late Submissions

There were no late submissions to be determined.

2.5 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 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.

3. Topic 1 – Rural Production Zone

3.1 Relevant Provisions

The relevant provisions we address in the Recommendation Report for this topic relate to:

- Overview
- Objectives RPROZ O1-O4
- Policies RPROZ P1-P7
- Rules RPROZ R1-R37
- Standards RPROZ S1-S7

As set out in the section 32 report and Overview statement, the Rural Production zone is the largest zone in the District and accounts for approximately 65% of all land. The stated purpose of this zone is to provide for primary production activities, including farming (which covers both horticulture and apiculture as well as pastoral farming), intensive indoor primary production, non-commercial farm quarrying and plantation forestry activities. It also provides for rural industry activities that support primary production and have a functional need to be in the rural environment. Additionally, it also supports other activities such as rural tourism, subject to the activity being complementary to the function, character, and amenity values of the rural environment.

3.2 Overview of Submissions Received

There were 572 original submission points on the Rural Production zone (**RPROZ**) chapter and associated subdivision minimum lot sizes, including 148 submission points in support, 110 supporting in part, none with a neutral position and 218 submissions in opposition. There were 825 further submission points received on the RPROZ chapter and associated subdivision minimum lot sizes (as set out the Subdivision Chapter (SUB-S1).

As set out in the hearing report the main submissions on the Rural Production zone topic came from:

- Central and local government, namely FNDC (S359), NRC (S359) and MoE (S331).
- Non-governmental organisations, such as Forest and Bird (S511), Kapiro Conservation Trust (S442) and Carbon Neutral NZ Trust (S529).
- Iwi groups, such as Wai 2003 and Wai 250 Claimant Groups Te Wahapu and Hokianga (S60) and Te Waka Pupuri Putea Trust (S477).
- Infrastructure providers such as Transpower (S454), Twin Coast Cycle Trail (S425) and RNZ (S489).
- The primary production sector, such as Federated Farmers (S421), Horticulture NZ (S159) and Summit Forests (S148).
- A group of large landowners in the RPROZ 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), Wendover Two Limited (S222) and Matauri Trustee Limited (S243).
- Other individual submitters, such as Trent Simpkin (S24), John Andrew Riddell (S431) and Sarah Ballantyne and Dean Agnew (S386).

The hearing report set out 30 Key Issues based primarily on each objective, policy, rule and standard and the submissions associated with these key issues have been extensively covered in the hearing report. As a result, many of the issues addressed in the hearing report were not contested in evidence put to us at the hearing.

As we are focussed on those matters in contention we have condensed the key issues into the following:

3.3 Key Issues

The key issues identified in the hearing report and in evidence are set out below:

- Key Issue 1: Naming of the RPROZ
- Key Issue 2: Lot Size/Density within the RPROZ
- Key Issue 3 Giving effect to the NPS-HPL
- Key Issue 4 RPROZ Objectives
- Key Issue 5: RPROZ Policies
- Key Issue 6: RPROZ Rules
- Key Issue 7: RPROZ Standards
- Key Issue 8: RPROZ Panel Questions
- Key Issue 9 Definitions.

3.4 Key Issue 1 - Naming of the RPROZ

3.4.1 Matters Raised in Submissions and Evidence

There were a number of submissions that questioned the name chosen for this rural zone. The naming of zones in the PDP has generally followed the Zone Framework Standard as set out in Part 8 of the National Planning Standards 2019. The question arose as to whether this zone should be a “General Rural zone ” or a “Rural Production zone ”.

The descriptions of each zone in the National Planning Standards are as follows:

General rural zone

Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.

Rural production zone

*Areas used predominantly for primary production activities that rely on the productive nature of the land and intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.*²

Mr Peter Hall on behalf of Bentzen Farm Limited (S167.089), Setar Thirty Six Limited (S168.087) and others presented evidence in favour of having the zone name changed from a Rural Production zone to a General Rural zone. The thrust of Mr Hall’s evidence was that much of the Rural Production zone in the Far North District is not as productive

² National Planning Standards (2019) – Table 13

in nature as land defined as ‘highly productive land’ under the NPS-HPL nor is it currently used for primary production activities. Mr Hall still supported a General Rural zone name on the basis that this zone provided for a wide range of activities appropriate for a rural environment but not based on rural production.

In the end, Mr Hall, while still retaining his view that the name of this rural zone should reflect the types of land uses that might be anticipated in that rural zone, considered that the actual name of the zone was less important provided the objectives, policies and rules enabled and provided for the range of activities in addition to rural production.

In response, the Council reporting officer, Ms Pearson, acknowledged that the zone descriptions are almost identical, except for the focus on “*relying on the productive nature of the land*” in the Rural Production zone description. She also acknowledged that the rural land in the Far North caters for a range of other activities appropriate for a rural environment that are not strictly production based. However, she considered that the naming of the zone should reference “rural production” for the following reasons:

- a) The Rural Production zone description in the Standards refers to ‘*areas used predominantly*’ for primary production – it does not require that all land in the zone be used for primary production.
- b) The term ‘*relying on the productive nature of the land*’ does not equate to the definition of ‘highly productive land’ in the NPS-HPL. Accordingly, there is no requirement that all land in the RPROZ be HPL and HPL can be located in either Rural Production or General Rural zone s.
- c) Both the Rural Production and General Rural zone descriptions provide for a range of other activities that either support primary production or require a rural location and the wording is identical in this respect. Changing the zone name from one name to the other will not necessarily better reflect the range of activities that occur in the rural environment.
- d) The key changes to the RPROZ between the ODP and PDP were focussed on providing stronger protection for primary production activities compared to the ODP, which aligns well with the Rural Production zone description that focuses more on the productive aspect of the zone.
- e) The ODP name of the zone (that pre-dates the introduction of the Standards) is the “Rural Production zone”. The benefits of retaining the same name for the largest zone in the Far North District were discussed internally with Council staff prior to notification of the PDP, including that the zone name will be familiar to landowners and the general public.
- f) There were multiple other changes made to ODP zone names within the rural environment for the PDP (e.g. inclusion of General Coastal and Waimate North into the RPROZ; Coastal Living, Point Veronica and South Kerikeri Inlet into Rural Lifestyle etc). Having one consistent zone name for the majority of the rural environment provides continuity and better understanding for landowners, compared to being allocated a ‘new zoning’ under the PDP.³

³ Council hearing report Paragraph 65

3.4.2 Hearings Panel Evaluation

We agree with the Council officer on this matter and while this became a rather moot point in the end, we still consider that specific reference to rural production is important for this zone due to the importance of rural production to the Far North economy and in particular the recognition that rural production offers the Far North a competitive advantage to other rural production areas in New Zealand. We have more to say about this in our discussion below, in particular with regard to horticulture production.

3.4.3 Hearings Panel Recommendations

We recommend that the Rural Production zone (**RPROZ**) retain its current name and that those submissions from Bentzen Farm Limited (S167.089), Setar Thirty Six Limited (S168.087) seeking it be renamed to General Rural zone be rejected for the reasons above as set out in **Appendix 3.1**

3.5 Key Issue 2 - Lot Size/Density within the RPROZ

3.5.1 Matters Raised in Submissions and Evidence

While this hearing topic is focussed on the rural zones and their respective objectives, policies, rules and standards in the PDP, the Council received many submissions relating to minimum lot sizes in rural zones. While this standard is strictly part of the subdivision chapter (heard as part of Hearing 16), the Council reporting team considered it relevant to include submissions relating to lot size (being Rule SUB-S1 in the Subdivision Chapter) as part of this topic. In this case, we agree with the reporting officers that a departure from the otherwise sequential/ chapter by chapter approach to the hearing structure is appropriate. In that regard this recommendation report should also be read in conjunction with **Recommendation Report 16-Subdivision**.

We received evidence seeking that the RPROZ allow more flexibility on lot sizes so that more lifestyle subdivision could be undertaken within the zone. To summarise, the relevant minimum lots sizes under Rule SUB-S1 provides for the following in the RPROZ:

- Controlled activity 40ha
- Discretionary activity 8ha.

The policy framework for the RPROZ (Policy RPROZ-P7) provides criteria for the assessment of a discretionary activity under SUB-S1 including consideration of the effect on production potential, the extent the activity relies on the productive nature of the soil, the potential loss of highly productive land and reverse sensitivity.

Mr Peter Malcolm (S414) presented evidence seeking the ability to undertake rural lifestyle subdivision within the RPROZ as an important component of rural business. He stated that this would:

- a) Allow older farmers and their families, wider family working on farms and rural workers to live and work near the farms that they are involved with;
- b) Provide people with financial security and independence (not able to be provided without subdivision, simply providing a house does not achieve this) and supporting work flexibility and connection to an area;

- c) Help to reverse depopulation trends in the rural environment and address rural labour shortages;
- d) Support greater investment in rural areas; and
- e) Enhance rural productivity (if lots are able to be rearranged to provide for larger balance lots).

Mr Malcolm sought additional subdivision provisions to allow for a 2ha lot around an existing family home and a cluster of up to two 1ha lots provided that a balance lot of at least 40ha was maintained.

Mr Malcolm also sought more flexibility for boundary adjustments and in particular that the minimum lot size be decreased from 8ha to 1ha.

Mr Malcolm reasoned that this was necessary to allow older farmers to remain in the rural environment, provide housing for rural workers and to assist in the trend of rural depopulation being experienced.

Ms Fiona King (on behalf of LJ King Limited (S543 and S547)) also presented evidence in support for smaller minimum lots sizes. She stated that the Far North has many diverse townships, communities and housing in rural locations and that there is a need to allow flexibility to meet financial needs. She referred to the higher cost of building in the Far North and in rural areas in particular. In her view, smaller lots were needed to support the viability of rural communities and sought a minimum lots size down to 2,000m² - 4,000m² as per the ODP rule framework. Ms King also sought a new provision to allow multiple houses on existing lots at a ratio of one dwelling for every 4ha.

Ms King gave us numerous examples of rural production activities that would benefit from allowing smaller minimum lots sizes and/or additional dwellings and she described some of the financial pressures facing productive farming activities in the Far North. This included rising building and compliance costs, costs of running farms (maintenance, farm plans, weed control etc). In her view, a 40ha farm was not viable as a farming activity without a supplementary income stream due to the expenses and compliance costs associated with maintaining a block that size.

In a similar vein to the evidence of Mr Malcolm, Ms King stated that rural lifestyle blocks support rural communities and the social and cultural wellbeing of the rural people. She stated that *“there is a need to encourage people to come and support these communities, not scare them away with large sized lots that are difficult to maintain”*.

Mr Peter Hall, on behalf of Bentzen Farm Ltd (and others), sought a minimum lot size of 20ha subject to resource consent for a restricted discretionary activity on the basis that this lot size would still be large enough to retain the rural productivity and rural character of land in the RPROZ. He also opined that the ability to subdivide to 20ha would provide for retirement income, enable people to continue to live on the land and in doing so support populations in rural communities. Finally, Mr Hall also supported a minimum lot size based on average lot size rather than an absolute minimum for each lot. In Mr Hall’s view, that would allow for a range of lots sizes to follow natural boundaries, topography or other constraints or features.

Ms Lynley Newport (S112.001) presented evidence seeking a minimum lot size of 12ha with the ability to create smaller lots ranging in size from 4,000m² to 8,000m² with a 12ha balance lot provided. She also sought the lot size enabled through a discretionary activity consent be reduced from 8ha to 4ha on the basis that 4ha lots were still productive.

She stated that the proposed rules relating to lot sizes were too rigid and that farming needed provisions that were more responsive to the range of productive activities that occur in rural areas from dry stock farming to dairy farming and horticulture.

Mr Denis Thomson on behalf of Thomson Survey (S197.001) presented evidence seeking the ODP minimum lot sizes which provided a pathway for a 4,000m² lot to be subdivided from titles issued prior to 28 April 2000 or a return to the district plan prior to the ODP that allowed for a retirement lot to be subdivided from a title more than 5 years old.

His reasoning mirrored the reasoning of other submitters seeking more subdivision flexibility including encouraging people to remain in rural environments and the positive benefits this would bring to rural communities and businesses.

Ms Cook Munro (S421.177) presented evidence on behalf of Northland Federated Farmers and stated that Northland Federated Farmers supported a reduction of the minimum lot size from 40ha to 20ha as a controlled activity.

Northland Regional Council (S359) lodged submissions and presented evidence in support of the notified 40ha controlled activity minimum lot size and 8ha discretionary lot size and indicated support for the reporting officer's proposed amendments to give effect to the requirements of the NPS-HPL. The evidence confirmed that NRC has not completed the mapping process as the current government has signalled significant changes to the NPS-HPL. This includes the potential to remove Land Use Capability (LUC) 3 from the definition which would have a significant impact on the mapping for Northland. In February 2024, NRC passed a resolution that work would be paused for 12 months to allow for clarity on the amendments to the NPS. These proposed amendments were released in late December 2025 and became operative in early 2026 (see Section 2.5 Procedural. In that regard we note that the NPS-HPL has been amended to exclude consideration of Clauses 3.6(1), 3.6(2), 3.6(3) and 3.6(4) when evaluating any urban rezoning of LUC 3 land. We have factored this recent change into our evaluation.

The evidence expressed support for the use of a horticulture zone as the primary method of zoning for protecting highly productive land.

We also received other submissions from a number of submitters supporting the minimum lot size of 40ha and discretionary activity status to allow for a 8ha lot.

3.5.2 Hearings Panel Evaluation

The section 32 report for rural areas (Report No. 3)⁴ sets out the zoning strategy for the rural zones. It states that the purpose of the RPROZ is to provide for primary production activities, including farming (which covers both horticulture and apiculture as well as pastoral farming), intensive indoor primary production, non-commercial farm quarrying and plantation forestry activities. It also recognises that the RPROZ needs to provide for

⁴ <https://www.fndc.govt.nz/Your-council/district-plan/proposed-district-plan/related-documents/section-32-reports>

rural industry activities that support primary production and have a functional need to be in the rural environment. Additionally, it recognises that other activities such as rural tourism, subject to the activity being complementary to the function, character, and amenity values of the rural environment are an important component of rural character and the rural economy.

The importance of rural production is highlighted in the section 32 analysis reports, stating that primary production activities made up 21% of total businesses in the District and accounted for 13% of employment. It acknowledges that these figures could now be higher, due to the important role the primary production sector has had since the global Covid19 pandemic, as the primary production sector was able to continue to operate while other sectors were heavily impacted, such as tourism.⁵

The section 32 report recognises that those provisions in the ODP that have enabled further subdivision have resulted in fragmentation of rural land and recommends that further fragmentation is prevented to ensure it is available for primary production activities for current and future generations. The section 32 report highlights that there has been a noticeable change in some parts of the district due to population growth in the eastern coastal areas and in urban centres such as Kerikeri/Waipapa and that there has also been high demand for rural residential and rural lifestyle development in these areas.

The section 32 report refers to the Rural Environment Economic Analysis Report (updated August 2020)⁶. This report highlighted a growing demand for further rural subdivision, which has resulted in the creation of rural residential and rural lifestyle properties, in areas potentially better suited for use by primary production activities, particularly horticulture. The report concludes that better management of where and how rural residential and rural lifestyle development occurs in the future is needed to avoid a situation where growth of housing in the rural environment is at the expense of the productive capacity of the rural land resource.

The section 32 report considers that:

The policy and rule framework of the ODP that manages the rural environment does not recognise the value of protecting highly productive land or versatile soils for primary production activities, does not allow for consideration of whether an activity needs to be established in the Rural Production zone or whether an activity would be more appropriate in a settlement or urban centre.

(...)

The Rural Environment Economic Analysis Report has identified the importance of the primary production sector to the District and illustrates how highly productive land (with access to water) provides for the highest economic return as a range of primary production activities can be supported. The primary production activity with the highest economic

⁵ Rural section 32 report page 18

⁶ https://www.fndc.govt.nz/_data/assets/pdf_file/0018/18072/Section-32-Rural-Environment-Appendix-2.pdf

*return is horticulture. Horticulture also generates the highest levels of employment compared to other farming activities such as beef farming where few or no staff may be required.*⁷

In a broad context across all rural zones the section 32 report set out the following key principles for determining the minimum lot sizes (as notified in the PDP) as follows:

- a) The need to prevent further fragmentation of land in the Rural Production zone unless it is to support a primary production activity. This being the only zone in the district where pastoral farming can be undertaken and typically farming activities (other than horticulture) need larger land parcels to be economically viable.
- b) The need to direct the demand for rural lifestyle and rural residential development away from the most productive land in the district, towards locations that are close to urban centres/settlements and have good access to transport routes.
- c) Smaller lot sizes in the Horticulture zone to recognise that smaller land parcels with good access to water can be more productive if they are in horticultural use.
- d) Only consider allowing rural lifestyle sized lots in the Rural Production zone where there is an identified biodiversity benefit.

The rationale in the section 32 report for the minimum lot sizes for the RPROZ is set out below:

*Rural Production zone: 40ha was adopted as the minimum controlled lot size in the Rural Production zone as per the Rural report. However, it was considered important to put a lower cap on the minimum lot size that could be applied for as a discretionary activity. 8ha was adopted as the discretionary minimum lot size to recognise that sites with good access to water can still be productive at this scale. The full discretionary activity status will allow Council to consider things like access to water when considering if the subdivision should be granted. It also means that subdivision of lots down to 8ha in the Rural Production zone will still be possible through the resource consent process should more irrigation and water storage schemes be developed over the life of the PDP.*⁸

The hearing report acknowledges the submissions seeking the retention of the more enabling ODP provisions and the genuine desire to provide an income stream to those engaged in rural production via the subdivision process and the benefits that this has for the rural population and the rural community wellbeing generally. The hearing report also recognises the obligations that Council has under section 31(aa) of the RMA to provide sufficient development capacity in respect of housing and business land to meet the expected demands of the district. This also needs to be balanced against the need to protect highly productive land (as required by the NPS-HPL) and the need for supporting infrastructure to support residential growth.

The hearing report relies on the general thrust of the section 32 report and states that:

⁷ Section 32 report page 18.

⁸ Rural section 32 report page 19

... the ODP approach to managing rural subdivision in the Rural Production zone is fairly enabling and prioritises shorter term landowner choice over the long-term viability and protection of the productive rural environment. As set out in the Rural section 32 evaluation report, allowing ad-hoc rural lifestyle sized lots anywhere in the Rural Production Zone has resulted in pressures on transport infrastructure and, in some places, pressure for other services, increased instances of reverse sensitivity effects, sterilisation of productive land by non-productive activities and increasing fragmentation of land.⁹

The hearing report goes on to recommend that the RPROZ retain its rural production focus with limited options for residential living and focus these opportunities into specific rural zones (e.g. Residential Lifestyle zone , Rural Residential zone and Rural Settlement zone) and also the additional range of residential typologies provided for in the General Residential zone , as opposed to enabling rural lifestyle subdivision opportunities across the RPROZ.

Another reason set out in the hearing report for the minimum lot size provisions is to ensure that lots remain large enough to support at least one form of primary production activity. If there was a need for a smaller lot size (to accommodate a horticultural activity on a smaller piece of highly productive land for example), the ability of that lot to support that proposed land use would be assessed through a discretionary activity consent process if the lot was between 8ha and 40ha. Support for this change from the ODP regime comes from the gazetting of the NPS-HPL which requires that subdivision of HPL is avoided unless the applicant can demonstrate that the proposed lots containing HPL will retain the overall productive capacity of the subject land over the long-term. The NPS-HPL sets a strict requirement for territorial authorities to ensure that any subdivision of HPL:

- a) avoids if possible, or otherwise mitigates, any potential cumulative loss of the availability and productive capacity of highly productive land in their district; and
- b) avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on surrounding land-based primary production activities.¹⁰

The hearing report concludes that the need to protect the productive capacity of rural areas coupled with the direction of the NPS-HPL necessitates a different approach to the subdivision of lots than that adopted by the ODP.

The Council right of reply acknowledged all the evidence presented to us and the general thrust of seeking more enabling rural subdivision provisions or least retaining the current approach under the ODP. In response to questions from the Panel, the right of reply acknowledged that there is a nationwide trend toward increasing minimum lot sizes in rural areas and Ms Pearson cited the examples of minimum lot size increases in Auckland (40ha to 100ha), Western Bay of Plenty (40ha), Timaru (40ha) and Waipa (40ha) with the majority of these district plans only having provisions to reduce the minimum lots size via

⁹ Rural Production Zone Hearing Report – paragraph 754

¹⁰ Clause 3.8(2) of the NPS-HPL.

a restricted discretionary consent process and some being a non-complying activity (e.g. New Plymouth District and Waikato District).

We have considered the submissions, evidence and the Council hearing reports very carefully, and we acknowledge that the matters raised resulted in some robust debate regarding the issue of minimum lot sizes in the RPROZ. We want to acknowledge the quality of evidence and reporting put to us and that all parties are genuinely motivated by a sincere desire to achieve the best outcomes in the rural environment and the RPROZ in particular, being the largest rural zone by area in the Far North. We wish to acknowledge that all the evidence and reporting put before us was well thought-out, reasoned and articulated, whether it be from recognised experts or members of the rural community giving up their time to present evidence before us.

We understand that there are very real pressures on farmers and others engaged in rural production and that these range from economic pressures and regulatory pressures to the uncertainty and anxiety resulting from a changing climate. We also understand the social pressures faced by rural communities including a declining rural population, declining number of young people living or working in the rural environment as well as the cost of living and levels of community support in rural areas. These are real effects on those who live and work in rural areas and while some of these effects stem from national or international drivers, we accept that they are experienced at the local level.

We understand that allowing smaller minimum lots to establish rural-residential living in the RPROZ provides a much needed source of revenue for those engaged in rural production and that this can be used for necessary investment in rural production. We also understand that additional rural-residential lots provide positive social outcomes including the ability for farmers to retire within the rural environment and opportunities for workers and their families to live within the rural environment.

We also understand that the rural environment has changed since the ODP was made operative and that these changes are principally driven by the national direction to protect highly productive land through the NPS-HPL and the effects that previous fragmentation of rural land has had on the viability and continuity of rural land holdings. This analysis is supported by the Rural Environmental Economic Analysis Report which has assessed the impact of rural residential subdivisions in the Rural Production zone and considered the viability of various lot sizes and recommended the minimum lots sizes as notified in the current provisions.

With regard to supporting the rural environment and encouraging people to work and live in rural environments we are satisfied that the emphasis should be on those rural zones where residential activity is specifically provided for and enabled being: the Rural Residential zone , Rural Lifestyle zone and the Rural Settlement zone . Each of these zones clearly enable residential subdivision and development and a range of densities which, in our view offer genuine choice and flexibility to potential residents. We also acknowledge that limited subdivision potential still exists in the RPROZ under an environmental benefit subdivision under SUB-R6 or a management plan subdivision under SUB-R7.

We agree with the Council's section 32 report (including the underlying assessment and conclusions of the Rural Environmental Economic Analysis Report) and the evaluation in

the hearing report and right of reply that the primary purpose of the RPROZ must be to maintain its viability for rural production and to direct most rural residential subdivision and development to the other rural zones that have a more enabling residential focus.

In making this finding, we acknowledge the lost opportunity cost of not allowing rural residential subdivision and development as an alternative financial source for those engaged in rural production. In that regard we are of the view that while this may provide a short-term financial benefit, it results in the long-term alienation of land from future production potential and the fragmentation of rural land. Coupled with this is also the cumulative effect of reverse sensitivity conflicts and expectations of levels of residential amenity that are often at odds with the effects of rural production. In taking this longer term view, we are of the view that this is consistent with the purpose of the RMA and in particular section 5(a) which, in achieving the sustainable management purpose requires:

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;*

Further, we are conscious that we must be focussed on the productive potential of the rural land resource and not just the economic viability of that resource at any one time. We are mindful that the rural economy is cyclical and is subject to a range of demand and supply influences ranging from international, national and regional factors and other factors such as weather and climate. While these factors may favour a planning approach that allows more rural residential subdivision and development under current economic circumstances, we are also conscious that these circumstances may change and land that was once productive may be lost indefinitely due to it being developed for a residential activity. In making this conclusion, we accept that re-amalgamation of rural residential sites into rural production sites is also a possibility but given the disparities in economic values in favour of rural residential sites, we consider that this is unlikely to occur.

Finally, we acknowledge that the Council's rationale for the proposed minimum lot sizes in the RPROZ is supported by a comprehensive rural environmental economic analysis by 4Sight Consulting (now SLR Consulting) in conjunction with M.E. Consulting (Market Economics) using available economic, population cadastral and spatial data. While we received evidence in support of more liberal minimum lot sizes, these were not supported by any expert evidence that challenged the rural environmental economic analysis. While we are not bound by expert evidence, we are obliged to have regard to the detailed rigour and methodology followed in this assessment.

3.5.3 Hearings Panel Recommendations

The Hearings Panel recommend that there are no amendments to the minimum lot sizes as set out in SUB-S1 and that all submissions seeking amendments are rejected and all submissions seeking the provisions be retained are accepted as set out in **Appendix 3.1**.

Our reasons for this recommendation are set out above but are summarised as follows:

- a) The notified minimum lot sizes are necessary to maintain the viability of a range of rural production activities.

- b) The current minimum lots sizes in the ODP while enabling a short-term financial benefit to assist in rural production activity have resulted in the fragmentation of the rural land resource and the long-term rural production potential of that land.
- c) The PDP provides for sufficient opportunities for residents to live in the rural environment, at a range of densities in the Rural Residential zone, Rural Lifestyle zone and the Rural Settlement zone.
- d) Limited opportunities still exist for rural residential subdivision and development via the environmental benefit subdivision rule (Rule SUB-R6) and the management plan subdivision rule (Rule SUB-R7).

3.6 Key Issue 3 - Giving Effect to the NPS-HPL

3.6.1 Matters Raised in Submissions and Evidence

Overview

We received evidence that related to the NPS-HPL and how much this national policy statement should be given effect to in the PDP. We acknowledge that this has had to be a retrospective approach as the NPS-HPL was not in force at the time the PDP was notified and it was only gazetted part of the way through the PDP submission period on 19 September 2022. The NPS-HPL came into force on 17 October 2022 noting that submissions on the PDP closed on 21 October 2022. The hearing report states that the provisions of the six rural zones as notified were intended to align with what was known about the anticipated NPS-HPL at the time, while also giving effect to the relevant provisions relating to protection of “versatile soils” in the RPS.

Prior to the hearing for the rural chapters’ topic (held in November 2024) the most recent version was gazetted on 16 August 2024 and took effect on 14 September 2024. This version includes the recent amendments with respect to enabling specified infrastructure, intensive indoor primary production and greenhouses on highly productive land.

As with the NPS-IB, the change of government in 2023 also signalled changes to a number of national policy instruments and during the course of these hearings the Government has signalled significant changes to the NPS-HPL. Perhaps most notable is the proposed removal of Land Use Classification (**LUC**) Class 3 soils from the definition of “highly productive land”.

These changes came into effect on 16 January 2026 and involved the following:

- exemptions for urban development and urban rezoning on Land Use Capability (LUC) 3 land from NPS-HPL restrictions.
- improvements to the New Zealand Land Resource Inventory undertaken after 2022 to be used to assess what land the NPS-HPL.
- suspension of the requirement to map highly productive land in regional policy statements until 31 December 2027, aligning with the “Plan Stop” timeframe.
- amendments to quarrying and mining provisions to align definitions and consenting processes.

The hearing report responded to the submissions seeking better alignment between the NPS-HPL and the rural chapters of the PDP at a strategic level, including submissions on NPS-HPL related definitions. Specific amendments to provisions to give effect to the NPS-HPL have focussed on NPS-HPL definitions. Changes to other provisions to give effect to the NPS-HPL have been addressed both in the hearing report with respect to RPROZ provisions and in the other five rural zone hearing reports. However, it is noted that the NPS-HPL provisions are particularly relevant to the two rural production zones being the RPROZ and the new Horticulture Precinct (**PREC1**).

Matters Raised in Submissions and Evidence

The Northland Regional Council (S359) submissions requesting that areas containing highly productive land be zoned for rural production and that other less productive rural land/poorer soils be mainly used for rural lifestyle uses. We heard evidence from NRC (Ms Ingrid Kuindersma) generally supporting the approach taken by the reporting officer in the hearing report.

The evidence of Northland Federated Farmers (S421.006) (Jo-Anne Cook-Munro) sought the recognition of the NPS-HPL in the PDP definitions and also recognition of private property rights and sought amendments to the RPROZ Policies to achieve this.

Kapiro Residents Association (S427.011), Carbon Neutral NZ Trust (S529.019, S529.151), Vision Kerikeri (S522.011) and Kapiro Conservation Trust (S449.020) consider that the PDP should have 'firm' policies to protect productive land indefinitely. The submitters request that relevant PDP policies and rules are amended to prevent fragmentation and loss of productive land, especially LUC 1-3 land and productive soils suitable for horticulture. Carbon Neutral NZ Trust does not consider it necessary to wait for the NRC to implement the NPS-HPL before amending the PDP to give effect to this higher order direction. These submitters also expressed general support for the PDP in relation to the protection of highly productive land. We note that we did not receive any evidence relating to highly productive land, further to their submissions, from these submitters (also noting that these submitters have presented evidence at a number of hearings which we have taken into account in all our considerations) and we have assumed that the recommendations made in the hearing report regarding highly productive land are not in contention.

Ms McGrath presented planning evidence on behalf of Audrey Campbell-Frear (S209.001) recommending a number of further changes to the objectives, policies and rules of the RPROZ to better align with the NPS-HP. Ms McGrath does not support any reference to LUC 4 as being highly productive land, at least in advance of the NRC completing their mapping for the NPS-HPL.

3.6.2 Hearings Panel Evaluation

The hearing report discusses the submissions received and has recommended some changes to the RPROZ objectives and policies to make them more directive. These are set out in the hearing report and in the right of reply report. We note that where these changes were not contested in evidence before us, we have no further amendments.

Regarding the NRC's request to have highly productive land (LUC 1-3) restricted to the RPROZ and Horticulture zone with other soil classes allocated to rural lifestyle zones, we

agree with the approach as a general principle but note that this approach also needs to be cognisant that there are already existing urban areas and other non-productive zones (e.g. open space) that cover LUC 1-3 land. The hearing report states:

For example, approximately 14.17 % of LUC 1-3 land (9217.11 ha) are located outside of a rural zone and have already been used or set aside for urban development or open space/conservation purposes, which makes it impractical to ensure all LUC 1-3 soils are located in a productive rural zone.¹¹

With regard to existing rural lifestyle/rural residential development on LUC 1, 2 and 3 land there is approximately 33% of all land notified as Rural Residential zone as LUC 2 or 3 land, most of which has already been subdivided into rural residential scale lot sizes. That said, the hearing report confirms that the Rural Lifestyle zone has largely been directed away from LUC 1-3 land, as only 9% of the zone consists of land classified as LUC 2 or 3 (and no LUC-1 land).¹²

The hearing report confirms that the highest portion of productive LUC 2 and 3 land in the Far North district is in the Horticulture zone /Precinct, as 65% of the zone is LUC 2 or 3 land. The hearing report adds that across the entire Far North District, 77.48% of all LUC 1-3 land (50,413.98 ha) is located in either the Rural Production zone, Horticulture zone/precinct or Horticulture Processing zone. We agree that this demonstrates that the majority of LUC 1-3 land that is available for productive use and that has not already been developed for an urban or rural lifestyle/rural residential purpose is located in either the RPROZ, Horticulture zone /Precinct or Horticulture Processing zone . We therefore find that this approach is broadly consistent with the relief sought by NRC to ensure LUC 1-3 land is located in productive rural zones.

Regarding the inclusion of LUC 4 in the definition of highly productive land, the hearing report recommends that all references in the RPROZ chapter to LUC 4 are deleted and that the definition of “highly productive land” in the PDP be replaced with the definition from the NPS-HPL. The rationale for this is set out the Council right of reply which states:

With respect to the RPROZ, I accept the arguments put forward by submitters and associated planning and soil experts that there is no clear rationale for all LUC 4 land to be protected in the same way as the RPROZ protects LUC 1-3 land. Although I maintain that some LUC 4 land has the potential to be highly productive, I appreciate that the sub-classification of LUC 4 land heavily influences whether there are options for improving its productive potential. As the current central government signals that the NPS-HPL is likely to become more permissive in the future as opposed to more restrictive (plus no certainty as to whether regional councils will retain their discretion to map LUC 4 land as HPL), I consider that the argument for specifically referring to LUC 4 land in the RPROZ provisions has weakened since I prepared my section 42A report. As such, I

¹¹ Paragraph 107 of the Hearing Report

¹² Paragraph 108 of the RPROZ Rural Hearing Report

*recommend that all references in the RPROZ chapter to LUC 4 are deleted.*¹³

3.6.3 Hearings Panel Recommendations

For the reasons set out above, we agree with the hearing report and recommend that the definition of “highly productive land” in the notified PDP is deleted and replaced with the following wording:

Highly productive land – means:

- a. If there are no highly productive land maps included in the operative Northland Regional Policy Statement, land that is treated as highly productive land under clause 3.5(7) of the National Policy Statement for Highly Productive Land; or*
- b. If highly productive land maps have been included in the operative Northland Regional Policy Statement, land shown as highly productive land on those maps, or any consistent maps in this plan, excluding land that has ceased to be highly productive land under clause 3.5(6) of the National Policy Statement for Highly Productive Land.*

We recommend deletion of the “versatile soils” definition and its replacement with the term “highly productive land” where it is used across the rural chapters in the PDP.

We recommend that all references to LUC 4 in the RPROZ chapter and the redrafted Horticulture zone/precinct chapter are deleted.

The recommended changes to the RPROZ chapter are set out in **Appendix 2.1** and the recommended changes to the definitions chapter are set out in **Appendix 2.1 of Recommendation Report 17**.

We recommend that all submissions on this topic are accepted, accepted in part or rejected as set out in **Appendix 3.1**

3.7 Key Issue 4 – RPROZ Objectives and Policies

3.7.1 Matters Raised in Submissions and Evidence

While there were numerous submissions concerning the RPROZ objectives and policies and equally numerous recommended amendments in the RPROZ hearing report, the evidence presented at the hearing demonstrated that many of these issues had largely been resolved.

We received evidence from Northland Federated Farmers (S421.215) supporting the objectives and policies in principle but seeking specific reference and acknowledgement of private property rights.

Mr Hall, on behalf of Bentzen Farm Limited and others Bentzen Farm Limited (S167) presented evidence that RPROZ-O2 and RPROZ-P5 should not impose a “functional

¹³ Rural Zones hearing report paragraph 34

need” test on non-productive activities seeking to locate in the RPROZ. His reasons included that:

- a) “Functional need” is the wrong test for activities that either support productive activities or are at least compatible with them. It was not a suitable test for rural environments.
- b) A number of activities enabled in the RPROZ would not meet the “functional need” test (including rural lifestyle subdivision with environmental benefits) and not providing for these activities would have adverse social costs on the rural environment.

Mr Hall’s recommended amendments to address this issue were to delete references to the functional need test from both RPROZ-O2 and RPROZ-P4.

Mr Hall also provided evidence concerning the use of the terms “amenity” and “rural character” in RPROZ-O4 and how it relates to RPROZ-P4. Mr Hall opined that in terms of RPROZ-O4: *“it is amenity associated with a rural working environment that is maintained (ie there cannot be a higher expectation of amenity), with rural character in general otherwise maintained, and not being limited to a rural working environment.”* He recommended changes that in his view would recognise that *“there are a diverse range of rural environments, rural character and amenity values throughout the district, albeit with a predominance of primary production activities.”*

His recommended amendments are:

RPROZ-O4 ~~The~~ Rural character and ~~the~~ amenity associated with a rural working environment is maintained.

Mr Vance Hodgson on behalf of both Horticulture NZ and NZ Pork does not agree that referring to visitor accommodation and small-scale educational facilities in a list of ‘compatible activities that support primary production activities’ is appropriate in RPROZ-P2(b).

We received evidence from Mr Hall on RPROZ policies 6 and 7 opposing any reference to LUC 4 land including its ability to be upgraded to LUC 3 (via irrigation). Mr Hall also suggested some drafting amendments to achieve his stated relief.

Ms Newport submitted that the RPROZ chapter should not contain any policies relating to subdivision and that the appropriate location for subdivision policies is the subdivision chapter to avoid unnecessary duplication and repetition.

3.7.2 Hearings Panel Evaluation

Functional Need (RPROZ P2)

The questions of functional need as an RMA test is a contentious matter. The Panel is aware that the term originated as a test for the appropriateness of activities within the coastal marine area (**CMA**) and has since been adopted as an appropriateness test for infrastructure and activities within freshwater environments. We are aware that this principle was adopted in the New Zealand Coastal Policy Statement (2010) (**NZCPS**), and it has since been used in national policy direction on freshwater and biodiversity.

Regional and district councils have also picked up the concepts in their planning documents.

We also note that “functional need” is defined in the National Planning Standards and that this definition has been adopted in the PDP and:

means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

In this regard the functionality test has been employed as an RMA test in areas where the qualities of that environment require protection from a range of activities that desire to be located there and could undermine those qualities if permitted to do so. In this case the qualities in question are the maintenance of the rural environment within the RPROZ for rural production activities.

In his evidence, Mr Hall sets out a number of non-productive activities that might fail a functional need test being: Residential Activity, Visitor Accommodation, Home Business, Educational facility, Recreational activity, Catteries and dog boarding kennels, Cemeteries / Urupā (all permitted), Papakāinga Housing (RDA), and Community facilities (DA).¹⁴ Mr Hall opined that the application of a functional need test to the rural environment would be problematic as the evaluation of functional need would become a “case-by-case” process. He cited the hypothetical example of rural lifestyle subdivision with environmental benefit as is provided for in the Rural Production zone in the subdivision chapter, and opined that this clearly enabled activity may fail a functional need test as it does not need to be in a rural environment when there is land in the Rural Lifestyle zone and the Rural Residential zone.

In his view, a better test would be whether an activity would be “complementary” to the function, character and amenity values of the surrounding environment. Mr Hall stated that the functional need tests should be removed so that the activities listed above can be established as necessary and complementary activities in the rural environment. He stated:

*Not providing for these activities would come at significant cost to rural communities (travel time to towns, costs to community life without social infrastructure in rural areas, income through the provision of visitor accommodation) and would potentially forgo the benefits of environmental enhancements were rural lifestyle subdivisions with environmental benefits not provided for in the rural environment because they did not have a functional need.*¹⁵

In response to this, Ms Pearson (in the hearing report and the right of reply report) maintains her view that a functional need test is appropriate for the rural environment. In her view, the activities cited by Mr Hall would all pass a functional need evaluation as they would be assessed as ancillary activities (in the case of residential activity), functional (in the case of rural based accommodation), support based (in the case of childcare, education, home business), or otherwise appropriate within a rural zone (in the case of

¹⁴ Peter Hall evidence paragraph 9.6

¹⁵ Peter Hall evidence paragraph 9.17

catteries and dog boarding, recreational activities, papakainga and other community or social based infrastructure.

As set out in the hearing report, the case for a functional need test in the RPROZ provisions is based on the risk that if there is no functional need test for non-productive activities (just a ‘compatibility’ test), meaning then that conceivably any non-productive rural activity could establish in the RPROZ, provided it could internalise effects, be serviced and meet relevant standards. In Ms Pearson’s opinion, it is important that activities that are better suited to urban zones are directed away from the RPROZ. In her view, this is essential for the future viability of the RPROZ as a suitable location for primary production activities and a core strategy for achieving RPROZ-O1, i.e. the long-term protection of the productive land resource.¹⁶

We have carefully evaluated these matters and acknowledge that both expert planning opinions have been well formulated, reasoned and articulated. We recognise that there are genuine concerns with implementing a functional need test or evaluation in the real world and that this poses a challenge to planners interpreting and implementing this approach at the resource consent/plan implementation level. We have also had regard to how a “compatibility” test/evaluation might be implemented and the potential challenges that it would face at the resource consent/plan implementation phase.

In our view, there needs to be some form of test or evaluation to ensure that the purpose of the zone is maintained and that primary production activities are the focus and that a proliferation of non-rural activities outside of urban zones is avoided.

Having considered both approaches we prefer the Council’s position to retain references to “functional need” in RPROZ-O2 and RPROZ-P5(b). Given the importance of maintaining the productive potential for rural production activities enshrined in the purpose of the zone and supported by the section 32 analysis (referred to above in Key Issue 3) we find that a functional need test or evaluation should be retained. We also find that while there are some challenges with the implementation this of a functional need approach, an evaluation based on “compatibility” is more problematic and could pose more risk to undermining the purpose of the RPROZ and its focus on primary production.

We have also had regard to Ms Newport’s suggestions that RPROZ-O2 include the word “primarily” to read “*The Rural Production zone is primarily used for...*”. We do not agree with this approach as it would weaken the focus of the zone and introduce an unacceptable level of subjectivity that would make implementation more difficult.

Accommodation and Educational Facilities (RPROZ P2)

The evidence of Horticulture NZ (S159.099) NZ Pork (S55.027) delivered by Mr Hodgson contended that visitor accommodation and educational facilities are not compatible with, and do not support, primary production activities. We note that the provisions, as notified, provide for these activities with scale limits (10 guests per visitor accommodation activity and 4 students per educational facility) and require that they be accommodated within a residential unit, accessory building or minor residential unit. In his evidence Mr Hodgson opined that:

¹⁶ RROZ hearing report paragraph 405

*The control applying a maximum guest occupancy is a useful method but still brings a gathering of people into an area that might be adjacent an existing farm and create new or compound existing conflict and complaints.*¹⁷

Mr Hodgson recommended the removal of references to visitor accommodation and small-scale educational facilities in RPROZ-P2(b). Having considered this evidence, we prefer the retention of activities in the policy on the basis that these activities are provided for at an appropriate small scale and are also required to be accommodated within a residential unit, accessory building or minor residential unit. We are also cognisant that these small-scale activities also allow farmers the opportunity for supplementary sources of income and in that regard, we find these activities (at the scale enabled) both compatible with primary production activities and also a potential supporting activity. Accordingly, we find that the reference to visitor accommodation and small-scale educational facilities in RPROZ-P2(b) be retained .

Rural character and amenity (RPROZ O4 and RPROZ-P4)

The evidence of Mr Hall for Bentzen Farm Limited and Others raised issues with regard to use of the terms “rural character and amenity” as far as it relates to a working rural environment. The notified wording of RPROZ-O4 and RPROZ-P4 is:

RPROZ-O4 The rural character and amenity associated with a rural working environment is maintained.

AND

*RPROZ-P4 Land use and subdivision activities are undertaken in a manner that maintains or enhances the **rural character and amenity** of the Rural Production zone, which includes:*

- a. a predominance of primary production activities;*
- b. low density development with generally low site coverage of buildings or structures;*
- c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and*
- d. a diverse range of rural environments, rural character and amenity values throughout the district ...*

Mr Hall opined that this policy, and in conjunction with RPROZ-O4, is that “amenity” associated with rural working environment is maintained (i.e. there cannot be a higher expectation of amenity), with rural character in general otherwise maintained, and not being limited to a rural working environment. His suggested wording is to make an amendment to RPROZ-O4 as follows:

RPROZ-O4 ~~The r~~Rural character and the amenity associated with a rural working environment is maintained ...

¹⁷ Evidence of Vance Hodgson for NZ Pork Paragraph 31

The Panel has considered this approach and we take a slightly different viewpoint. We are of the view that rural character and amenity are two different components of the rural environment. In our view, “rural character” embraces all elements that make up rural character and in productive rural environments that would include a range of elements including pleasant elements (e.g. open space, grassed areas, a lack of built form) as well as some negative elements associated with rural production (e.g. noise, dust, odours, large utilitarian structures and use of agri-chemicals etc). With regard to amenity, we consider this term to be all those characteristics that make a particular rural environment a pleasant place, this being linked to the definition of amenity values in the RMA which is:

means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes

In that regard, we favour the objective and policy recognising both elements of rural character and its amenity values. We note that the reporting officer agrees with this approach in the right of reply and we recommend that both the objective and policy be amended by referring to “amenity values” in both as follows:

RPROZ-O4 The rural character and amenity values associated with a rural working environment are ~~is~~ maintained.

RPROZ-P4 Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity values of the Rural Production zone ...

LUC 4 land

Numerous submitters sought the deletion of any reference to LUC 4 to be protected in the same way as LUC 1-3 (being highly productive land under the NPS-HPL). In the hearing report it was recognised that the notified version of the PDP (being prior to the gazetting of the NPS-HPL) sought recognition of LUC 4 land as having the potential to become highly productive subject to being connected to a reliable source of irrigation.

In the context of the RPROZ, LUC 4 land is referred to in RPROZ-P6(c)(ii) and RPROZ-P7(e)(iii).

As we have discussed above, the Government has excluded LUC 3 from consideration when rezoning land to an urban zoning but it otherwise is retained in the definition of “highly productive land” in the NPS-HPL. That said, it is our view that the case for including LUC Class 4 land is dubious, at best. Accordingly, we agree with the reporting officer to remove these references and recommend the amendments as set out in **Appendix 2.1**.

3.7.3 Hearings Panel Recommendations

We recommend that the RPROZ objectives and policies be amended as set out in **Appendix 2.1**. As set out in our reasoning above, having considered the detailed evidence we have received on these provisions, we are in agreement with the amendments as set out in the reporting officer’s right of reply, which in many aspects has adopted a number of recommended amendments from the evidence presented by and for submitters, and in response to our questions.

Having considered all the relevant submissions, the hearing report, evidence presented and the Council right of reply, we are satisfied that the final RPROZ objectives and policies set out in **Appendix 2.1** are appropriate and the best way to achieve the purpose of the RMA.

We recommend that all submissions on this topic are accepted, accepted in part or rejected as set out in **Appendix 3.1**.

3.8 Key Issue 5 – RPROZ Rules

3.8.1 Matters Raised in Submissions and Evidence

We note that there was a significant degree of support for the rules and standards in the RPROZ as amended in the hearing report. We acknowledge this support and consider these matters raised in submissions to be no longer in contention. A number of matters still remain in contention and were presented to us in evidence.

A number of these submissions referred to RPROZ-R3 – being the provisions that sets the minimum lot sizes for controlled and discretionary activity subdivision. We heard evidence from Ms King, Mr Hall (Bentzen Farms Limited and Others) and Ms Newport on these matters, all seeking a reduction in the minimum lot size thresholds.

As we have discussed, in Key Issue 2 we have found that the minimum lot sizes should remain as set out in the hearing report.

Mr Hodgson on behalf of both Horticulture NZ and NZ Pork considers that the visitor accommodation rule in the RPROZ needs to be more stringent to ensure reverse sensitivity effects are managed. His recommended approach is a “sensitive activity” setback to the RPROZ-R4 visitor accommodation rule (as opposed to within the RPROZ setback standard) so that any visitor accommodation activity is required to be set back at least 20m from a site under separate ownership.

RPROZ-R19 Minor residential unit

There were numerous submissions seeking that the activity status for a minor residential unit be changed from a controlled activity to a permitted activity and that relief was recommended in the hearing report and not contested in evidence.

We heard evidence from Mr Hall regarding the requirement for a minor residential unit to have a separation from the primary residential unit of no more than 15m (PER 4). Ms Newport shared the same concern and requested the separation distance to be increased to 30m whereas Mr Hall sought the 15m separation rule to be deleted in its entirety.

Ms Newport also gave evidence concerning PER-2 which requires a minimum site area for a minor residential unit to be at least 1ha and sought this to be reduced to 5,000m².

Mr Nathan (S36.001) issued a late statement (following the hearing of evidence) seeking the minimum floor area for a minor household unit (minor residential unit) be increased to 75m² (and garage areas to be increased from 18m² to 24m² to provide for people with mobility issues (i.e. wheelchairs).

The matter of provision for retirement lots was also raised in submissions and we provide our recommendation on the matter as part of our discussion below regarding minor household units.

RPROZ-R22 – Rural Tourism Activity

We heard planning evidence from Ms Ashley Jacobs on behalf of Waitangi Limited (S503.033) on the matter of rural tourism in the context of RPROZ R22 – Rural Tourism Activity. Ms Jacobs advised us that the scope of what constitutes a “rural tourism activity” as described in RPROZ-R22 is too narrow and excludes activities that may not relate to the rural setting of a site but are required to locate on a site in the rural environment because of some other feature such as natural or historic site features. In the Waitangi Estate context, Ms Jacobs was concerned that activities related to the historic features of the site or eco-tourism type activities would not be included as they do not have a focus on, or a link to, the rural environment. She advised if those activities were not captured by RPROZ-R22 the activity status would change from being a restricted discretionary activity to a discretionary activity.

RPROZ-R23 and RPROZ-SX – Intensive indoor and outdoor primary production

Mr Hodgson (for Horticulture NZ and NZ Pork) presented planning evidence regarding these rules stating that there is a disconnect in activity status for infringing setbacks designed to manage reverse sensitivity effects under RPROZ-R23 (intensive indoor and outdoor primary production) and the new reciprocal standard recommended in the hearing report for sensitive activities (RPROZ-SX). As set out in the hearing report a new rule was proposed for setbacks for sensitive activities from intensive indoor and outdoor primary production activities:

<i>RPROZ-SX</i>	<i>Sensitive activities setback from intensive indoor and outdoor primary production activities¹⁸</i>	
<i>Rural Production zone</i>	<i>All buildings and structures used for new sensitive activities will be setback 300m from any hardstand areas, treatment systems, buildings housing animals and any other structures associated with an intensive indoor or outdoor primary production activity located on an adjoining site under separate ownership.</i>	<i>Where the standard is not met, matters of discretion are restricted to:</i> <i>Potential reverse sensitivity effects and measures taken to mitigate these effects, such as landscaping or screening</i> <i>Whether there are alternative options for the location of the sensitive activity</i>

Mr Hodgson’s concern was that it would be a non-complying activity under RPROZ-R23 for an intensive indoor and outdoor primary production to be located within 300m of a sensitive activity. However, a sensitive activity failing to comply with the same 300m setback under RPROZ-SX would be a restricted discretionary activity. Mr Hodgson opined that both activities’ status should be the same.

RPROZ-RX– Artificial crop protection structures and crop support structures

¹⁸ NZ Pork (S55.031)

A new rule RPROZ-RX - Artificial crop protection structures and crop support structures was recommended in the hearing report to provide for these structures to better provide for horticultural activities, while also placing some limits of the scale and intensity of those structures in the interests of maintaining an acceptable level of rural amenity.

At the hearing Mr Hodgson presented evidence requesting further amendments to be more enabling of artificial crop protection structures and crop support structures, particularly in terms of being exempt from any height in relation to boundary (**HIRB**) standards and creating a more targeted approach to managing potential conflicts with adjacent residential dwellings on properties in a different ownership. He opined that while RPROZ-RX is a drafting improvement on the PDP, it would still result in unnecessary and inefficient sterilisation of productive rural land in favour of the amenity expectations of residential activities as opposed to maintaining the productive rural character of the rural environment.

Mr Hodgson suggested that the recently agreed Waikato District Council PDP model is an appropriate starting point for an amended RPROZ-RX, which includes an increased setback where there is an existing residential unit within 12m of an internal boundary.

We also heard from Vision Keriikeri and others who sought a more restrictive approach in order to maintain the rural visual amenity values within the rural environment. They sought restrictions on the colour of shade cloth (stating it must be black or a very dark colour, not white or green) and a non-complying activity status if this was not achieved. Vision Keriikeri and others also sought restrictions on the height of structures within 30m of a road (reduced from 6m to 5m) and a requirement for tall hedging or other vegetation to be planted between the structures and the road boundary.

We heard evidence from Mr Hodgson on this matter. He opined that varying colours of shade cloth (including white cloth) were required for different horticultural plants, conditions and location and that this was appropriate for a rural environment that focussed on rural production.

RPROZ-RY – Seasonal worker accommodation

Mr Hodgson presented evidence regarding proposed new rule RPROZ-RY relating to seasonal worker accommodation. The proposed rule establishes a permitted activity for seasonal worker accommodation provided it meets the following conditions:

1. The accommodation is associated with a farming or forestry activity and is located on the same land used for that operation;
2. The accommodation comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities; and
3. The accommodation provides for no more than 10 workers.; and
4. The accommodation is not located on highly productive land.

Mr Hodgson stated that Condition 1 should refer to “landholding” rather than “land” so that it is clear that the rule refers to an entire farming operation that could entail numerous parcels of land. He also objected to Condition 4 stating that the NPS-HPL allowed a pathway for seasonal worker accommodation on highly productive land under clause 3.9(a).

Request for a new setback standard – Waipapa Pine

Mr Andrew McPhee presented tabled planning evidence on behalf of Waipapa Pine Ltd (FS374) relating to a request for a new 100m setback for sensitive activities from the boundary of a Heavy Industrial zone. Mr McPhee confirmed that Waipapa Pine Ltd only seeks this relief in relation to the RPROZ (as opposed to the full suite of rural zones).

Mr McPhee's recommended relief is for the insertion of a new standard into the RPROZ chapter, drafted in a similar manner to RPROZ-S7, and that the new standard be referenced in RPROZ-R1 in the same way as other equivalent setback standards.

RPROZ-R2 and HZ-R2 Impermeable surface coverage

Messrs John Papesch for Haigh Workman (215.054 and 215.055) and Michael Winch (67.010 and 67.012) presented evidence in which they supported submissions seeking a reduction in the existing permitted impermeable surfaces rule, it being 15% in the rural zones. Mr Papesch pointed out that the thresholds should be set at a level that allows for reasonable use while avoiding or minimising off-site effects. The 15% permitted impermeable surfaces threshold in the Rural Production and Horticultural zones may result in significant adverse effects on a cumulative basis if there is no provision for low impact design/water sensitive design. Mr Winch had similar views stating the 15% was too permissive, will result in significant adverse effects and does not provide for any mitigation of increased stormwater up to the permitted threshold.

3.8.2 Hearings Panel Evaluation

Visitor accommodation

As discussed above Mr Hodgson on behalf of Horticulture NZ and NZ Pork recommended a 20m setback to apply within a site containing visitor activity as a reverse sensitivity measure against the adverse permitted or enabled effects of rural production. This relief was subsequently modified to apply only to visitor accommodation activity. He stated:

The expectations of those undertaking or enjoying residential visitor accommodation that might have looked to leverage from a perception of rural character and amenity, might be quite different from the reality of the RPROZ, which has a purpose set out in the chapter overview that aligns with the zone name and description prescribed in the Zone Framework Standards of the National Planning Standards.¹⁹

Mr Hodgson referred to a number of similar rules that have been included in other district plans.

In response to these submissions the hearing report recommended reciprocal setback for primary production activities that involve intensive outdoor primary production or buildings to hold stock (i.e. milk sheds) but not for horticulture, which we noted may include the use of agri-chemical sprays.

¹⁹ Evidence of Vance Hodgson for NZ Pork paragraph 28

In the right of reply, Ms Pearson concedes that there is a “gap” in the provisions and requiring a visitor accommodation activity to be setback 20m from a site under separate ownership will provide additional protection for all types of primary production, not just those involving intensive farming of animals. We consider this to be an appropriate and targeted approach that focuses on the activity of concern (visitor accommodation) and is more appropriate than the original relief requesting an increase in all boundary setbacks from 10m to 20m. We therefore support the Council officer’s recommendation to include a new PER-4 as follows:

PER-4

The visitor accommodation is set back 20m from the boundary of a site under different ownership.

Activity status where compliance not achieved with PER-1, PER-2, or PER-3 or PER-4:

Discretionary

Minor Residential Unit

With regard to the 15m separation distance, Mr Hall submitted that having any maximum separation distance requirement would run contrary to the benefit created by the rule and the provisions for minor residential units should be flexible to allow the wide variety of reasons why these dwellings are created which, in his view providing for family or retired family members or for homestay/farm stay reasons, where separation and privacy may be justifiable. He also opined that locating these units closer to the entranceway has benefits in this regard as well.

The Council right of reply conceded that a 30m separation distance would still achieve the purpose of the rule while allowing for greater flexibility but disagreed with Mr Hall that there be no minimum separation distance.

As we understand it, the primary reasons for having a minimum separation distance are to make it more difficult to subdivide from the principal unit and to have the two forms of residential accommodation clustered in the same location within the site, leaving the remainder for rural production activity. We agree with these reasons and consider that having a minimum separation distance is important to achieving the overall purpose and function of the RPROZ and its primary production focus. In the right of reply report Ms Pearson maintained that a minimum 15m distance should be applied as a method to ensure that subdivision around a minor residential unit is not enabled. Ms Pearson added that she could support an increase to 30m if provisions relating to the subdivision around a minor residential unit discouraged or prevented this to occur.

We agree with Ms Newport that a 30m distance is a more appropriate separation distance while still maintaining the purpose of the rule. We are also able to signal that we are not minded to enable subdivision around minor dwellings on the basis that this would undermine the purpose of the RPROZ and would likely lead to further unwarranted fragmentation of rural land holdings. However, in order to further discourage separation distances being sought we consider that any non-compliance with PER-4 should be elevated from a discretionary activity to a non-complying activity.

We therefore recommend that the minimum distance be increased from 15m to 30m on the basis that we do not consider that this would lead to an increase in subdivisions around principal residential units. We therefore recommend that Rule RPROZ-R19 PER-4 be amended thus:

~~CONPER-4~~

The separation distance between the minor residential unit and the principal residential unit does not exceed ~~15-30m~~.

We also recommend that the Activity Status for RPROZ-R19 be amended thus:

Activity status where compliance not achieved with ~~CONPER-3 or PER-4~~:

Discretionary

Activity status where compliance not achieved with ~~CONPER-1, CONPER-2, CONPER-4 or CONPER-5~~:

Non complying

Turning to Ms Newport's request to have the minimum lot size for a minor residential unit to be established be decreased from 1ha to 5,000m², we agree with Ms Pearson's initial assessment in the hearing report that a principal residential unit and a minor residential unit on a 5,000m² section would result in an over-domestication of a rural site and result in a reduction in the rural character expected in the RPROZ. On this basis we recommend that this submission relief be rejected.

We have considered the evidence of Mr Nathan. As set out in the Council's right of reply, we see some merit in what Mr Nathan seeks and we, in no way, want to set a minor residential unit standard which ends up being discriminatory. That said, the obvious concern with his approach is that any person can seek a larger dwelling for the purpose of housing a person with accessibility or mobility issues and the unit not being used for this purpose. This could also set up difficult and impractical enforcement processes. Ultimately, we are concerned that allowing for this exception to the maximum floor area rule could end up being a default new standard.

We acknowledge that the Council has researched this issue in the right of reply report and confirmed that 65m² has been tested as being fit for purpose for accessibility and mobility users and that there is still a pathway for a larger minor residential unit (albeit subject to resource consent) should a genuine exception be justified. Accordingly, while acknowledging the need for minor residential units to be accessible, we are satisfied that the maximum floor area of 65m² (or the associated garage area) does not need to be increased to accommodate this.

We find that retirement lots can be accommodated through the minor residential unit provision, or as a second dwelling or an extension to existing dwellings without the need for a specific provision. We find that specific provision would add to land being fragmented in a manner that is not consistent with maintaining rural zoned land for rural purposes.

RPROZ-R22 Rural tourism activity

Ms Jacobs' evidence was that the rural tourism activity provisions needed amendment so that they do not exclude activities that may not relate to the rural setting of a site but are required to locate on a site in the rural environment. She drafted amendment to RPROZ- R22(b) and a new rule (m) to address this.

We note that Ms Pearson acknowledged the issue at the hearing and in the right of reply report she suggested a resolution of the issue by further amending the definition "rural tourism activity" as follows:

Rural tourism activity means the use of land or buildings for tourism activities that enable for people to visit and experience ~~tourism activities~~ within the rural environment.

We agree that the approach taken by Ms Pearson goes some way to clarifying the definition of Rural tourism activity but in the specific context of the Waitangi Estate it is unlikely to resolve their concerns. Ms Jacobs stated in evidence that the problem for tourist activities at Waitangi *"is the fact that the existing activities and potential future activities are located on the site because of its historic features, rather than its rural setting"*. That is to say, the tourism activities at Waitangi are not of a rural nature and are likely to then be considered as discretionary activities, as opposed to being restricted discretionary activities.

We find we cannot entirely address the submitter's specific concerns with amendments to a definition that applies district-wide. Ms Pearson's approach does assist but otherwise, the submitter has proposed their own Special zone for the Waitangi Estate that has been addressed in Hearing 15B and that may well be where their site-specific concerns are better addressed.

RPROZ-R23 and RPROZ-SX – Intensive indoor and outdoor primary production

In the right of reply report Ms Pearson agreed with Mr Hodgson that there was a disconnect in activity status for infringing setbacks designed to manage reverse sensitivity effects under RPROZ-R23 (intensive indoor and outdoor primary production) and the reciprocal standard recommended in the hearing report for sensitive activities (RPROZ-SX). She advised us that the setbacks in RPROZ-R23 and RPROZ-SX were intended to be reciprocal, therefore the activity status of infringing these provisions should be the same. Ms Pearson recommended a discretionary activity status is appropriate and we agree.

RPROZ-RX – Artificial crop protection structures and crop support structures

On this matter we heard two differing points of view with regard to managing the rural environment. The views of Mr Hodgson for Horticulture NZ and NZ Pork were geared toward maintaining the productive capacity of the rural environment and allowing a wide range of crop protection structures to achieve this outcome. The other point of view expressed by Vision Keriikeri and others was more focussed on maintaining the positive visual amenity values of the rural environment.

Both are valid views as rural environments need to efficiently provide for rural production activities (being an element of rural character) while also maintaining the amenity values associated with rural environments. However, in this context we have already found that the focus of the RPROZ must be on enabling and supporting primary production activities

and that for this zone at least, this outcome should outweigh any adverse visual amenity and shading effects resulting from the erection of these types of structures, particularly where they adjoin boundaries where they can be viewed by the public or from residential properties.

While the right of reply report has agreed with the suggested relief of Vision Kerikeri and others of requiring shade cloth within 30m of a road boundary to be dark green or black coloured, we are of the view that this goes too far within a zone where rural production is the focus. We prefer the evidence of Mr Hodgson that a variety of shade cloth colour should be enabled as a permitted activity. To verify this the Panel undertook a site visit of various horticultural sites in and around Kerikeri and observed the full range of shade cloth colours (black, dark green, light green and white) and were of the view that all were appropriate in a productive rural environment and that any adverse visual effects were acceptable and at least minor. Accordingly, we accept the recommended drafting by the Council officer but with the deletion of Condition (3) in PER-1 of RPROZ-RX as follows:

Activity Status: Permitted

Where:

PER-1

The establishment of a new, or expansion of an existing, artificial crop protection structure or crop support structure, where:

1. The height of the structure does not exceed 6m above ground level;
2. The structure is set back at least 3m from all site boundaries;
3. ~~Dark green or black material is used on any vertical faces within 30m of a site boundary or a boundary with a site under different ownership except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council.~~

RPROZ-RY – Seasonal worker accommodation

We have considered the evidence of Mr Hodgson and consider that the suggestions he has made are reasonable and would make the new rule more workable. We note that the Council officer also supported Mr Hodgson's suggested amendments in the right of reply report and we recommend the amendments for RPROZ-RY as set out in Appendix 2.1.

Request for a new setback standard – Waipapa Pine

While Mr McPhee did not attend the hearing, we asked the Council officer to advise on the merits of the relief sought as we considered it to have merit.

Ms Pearson advised that further investigation into those parts of the District where the RPROZ adjoining the Heavy Industry zone (**HIZ**) revealed that a total of 14 properties involving a land area of approximately 28ha would be affected by the proposed setback rule.

We agree with Mr McPhee that the potential for reverse sensitivity effects resulting from activities establishing in the RPROZ to impact existing activities in the HIZ is similar to the potential for issues at the interface between the RPROZ and the Mineral Extraction zone . We also agree that the scale of this interface (and therefore the number of impacted properties) is relatively limited when considered in the context of the area of land zoned RPROZ across the Far North district. Ms Pearson also acknowledged this in her right of reply and accordingly has proposed a new rule RPROZ – SZ - Sensitive activities set back from the boundaries of the Heavy Industrial zone as follows:

<u>RPROZ-SZ</u>	<u>Sensitive activities set back from the boundaries of the Heavy Industrial zone</u>	
<u>Rural Production zone</u>	<u>Sensitive activities (excluding non habitable accessory buildings) must be setback at least 100m from the boundary of a Heavy Industrial zone .</u>	<u>Where the standard is not met, matters of discretion are restricted to:</u> <u>a. Potential reverse sensitivity effects and measures taken to mitigate these effects, such as landscaping or screening</u> <u>b. Whether there are alternative options for the location of the sensitive activity</u>

RPROZ-R2 and HZ-R2 - Impermeable surface coverage

The reporting officer recommended no change to the permitted threshold and whilst we agree it may be unlikely that a typical farming activity would ever breach the 15% threshold and there is the ability for RPROZ and HZ sites to naturally absorb stormwater runoff, we acknowledge the evidence of the submitters regarding the potential for adverse effects based on the current threshold and without the consideration of suitable mitigation measures. We acknowledge in this respect, the expertise and experience of the two witnesses.

We note that a 15% impermeable surface rule could amount to a significant impermeable area on a rural landholding. For example, a 10ha site could allow 15,000m² (or 1.5ha) of impermeable surface as a permitted activity. We find from the evidence that the permitted impermeable surface area on a site should be reduced to better provide for consideration of potential effects. We find a reduction to 10% to be an appropriate response to the submissions and to the advice from our reporting officer.

3.8.3 Hearings Panel Recommendations

The Panel are satisfied that the right of reply version of RPROZ provisions on these submissions address all concerns raised in evidence and in response to our questions at the hearing. Accordingly, we recommend these submissions are accepted, accepted in

part or rejected as set out in our recommended decisions in **Appendix 3.1** with the recommended amendment to the RPROZ provisions set out in **Appendix 2.1**.

3.9 Key Issue 6 – Panel Questions

We asked a number of questions of the Council officer during the hearing and, in most part, these have been addressed either directly at the hearing or in the responses in the right of reply report. There is one specific question that warrants specific consideration as part of this key issue.

Need for a Height in Relation to Boundary rule

In Mr Hodgson's evidence he stated that imposing a height in relation to boundary (**HIRB**) control in addition to maximum height and setback controls to RPROZ-RX - Artificial crop protection structures and crop support structures, is overly onerous and is likely to result in the sterilisation of land along boundaries that could otherwise be used productively. The Council right of reply report agreed with Mr Hodgson and has recommended removed this requirement from the proposed rule. We also agree.

We asked the Council to also respond to the justification for a HIRB standard in rural zones at all, in a similar vein to our concerns with an impermeable surface rule.

Again, we have been advised that there is general support (or at least no opposition) to a HIRB rule in either the RPROZ or Horticulture zone /Precinct. For the same reasons as above however, we accept (albeit reluctantly) that there is no scope for us to remove the HIRB rule in the RPROZ or any other rural zone.

3.9.1 Hearings Panel Recommendations

We are generally supportive of the final version of the RPROZ provisions recommended to us by the reporting officer in the right of reply. We acknowledge that in getting to this point the Council officers have diligently considered all relevant submissions and responded to them in the hearing report and recommended significant changes in response to the relief sought in those submissions.

At the hearing we heard evidence that supported the Council assessment and some sought further changes to the RPROZ provisions. In addition, we asked a number of questions to the witnesses and the Council officers and these were all evaluated in the Council right of reply report where a number of further changes were recommended.

We have adopted the further recommended changes in the right of reply report version of the RPROZ provisions with the additional changes set out below:

1. Recommended amendments to RPROZ – O4

RPROZ-O4

The rural character and amenity values associated with a rural working environment are ~~is~~ maintained.

RPROZ-P4

Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity values of the Rural Production zone ...

2. Recommended amendments to RPROZ – R19 PER-4

~~CONPER-4~~

The separation distance between the minor residential unit and the principal residential unit does not exceed ~~15~~ 30m.

3. Recommended amendments to RPROZ – R19

Activity status where compliance not achieved with ~~CONPER-3~~ or ~~PER-4~~:

Discretionary

Activity status where compliance not achieved with ~~CONPER-1~~, ~~CONPER-2~~, ~~CONPER-4~~ or ~~CONPER-5~~:

Non complying

4. Recommended amendments to RPROZ-RX PER-1 Condition (3)

Activity Status: Permitted

Where:

PER-1

The establishment of a new, or expansion of an existing, artificial crop protection structure or crop support structure, where:

1. The height of the structure does not exceed 6m above ground level;

2. The structure is set back at least 3m from all site boundaries;

3. ~~Dark green or black material is used on any vertical faces within 30m of a site boundary or a boundary with a site under different ownership except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council.~~

3.10 Key Issue 7 – Definitions

3.10.1 Matters Raised in Submissions and Evidence

There were 62 original submissions and 176 further submissions on definitions that have been allocated to the rural zones noting that that submissions on the definitions of ‘highly productive land’, ‘versatile soils’ and ‘land-based primary production’ have been evaluated above in in Key Issue 3.

The submissions seeking changes to definitions are discussed in detail under Key Issue 5 of the hearing report for the Rural Production chapter (noting that this evaluation was

covered all rural zones). The hearing report recommended a number of new definitions including the following activities:

- “crop support structure”
- “greenhouses”
- “intensive outdoor primary production”
- “rural airstrip”
- “seasonal worker accommodation”

The hearing report also recommended amendments to the following definitions:

- “rural tourism activity”
- “rural produce retail”
- “farming”
- “farm quarry” and
- “artificial crop protection”.

We acknowledge that most of the recommended new and amended definitions were supported or not challenged at the hearing. However, we did receive some evidence on a number of definitions as summarised below:

Ms Sarah Cameron on behalf of Horticulture NZ requests that the National Planning Standards definition of ‘primary production’ be used in place of the term ‘farming’ in the PDP (as farming is not defined in the National Planning Standards).

Ms Ritchie on behalf of NZ Pork requests further amendment to the definition of ‘intensive outdoor primary production’ to remove the reference to ‘permanent vegetation’ cover, replace that reference with ‘ground’ cover and insert a reference to that ground cover being maintained ‘in accordance with any relevant industry code of practice’.

3.10.2 Hearings Panel Evaluation

Farming v primary production

We heard evidence from Ms Sarah Cameron who is a Senior Policy Advisor for Horticulture NZ. As stated above, Ms Cameron’s concern is that “farming” is not defined in the National Planning Standards, Horticulture NZ sought the “Primary Production” definition in the National Planning Standards be used for the definition of Farming activity. In her view, this definition provides for processing as an ancillary activity whereas the definition proposed in the hearing report specifically excludes processing.

We asked Ms Pearson to provide further comment on this matter in the Council right of reply report. In response Ms Pearson stated that the PDP intentionally makes a distinction between producing a commodity from the land (i.e. the ‘farming’ component) and initial processing (which would be covered by the broader term ‘primary production’). Ms Pearson states:

*The PDP rural chapters have been drafted to recognise that, while farming might be an appropriate activity in a wide range of locations across the Far North district, the initial processing of products may not be appropriate in the same locations. This is particularly important for zones such as the RLZ where farming is still anticipated but the presence of a greater number of dwellings compared to the RPROZ means that initial processing of goods is less appropriate.*²⁰

In Ms Pearson's view the term 'farming' has a narrower application than 'primary production' and is intended to be used in situations where only the 'farming' components of the 'primary production' definition are enabled or controlled.

Having considered this matter, we recognise the desire to follow the definitions in the NZ Standards as a general principle but accept the approach recommended by the reporting officer that some flexibility needs to be applied in this situation so that a definition of farming as an activity can be applied across all rural zones. We also note that the existing definition of farming includes "*the use of land for the purpose of agricultural, pastoral, horticultural or apiculture activities, including accessory buildings ...*". On that basis we are confident that this definition includes the matters of concern to Horticulture NZ and we find that no further changes need to be made to the definition of "farming" or that this definition needs to be amended to the definition of "primary production" as in the National Planning Standards.

Intensive outdoor primary production

We received evidence from Hannah Ritchie who is the Environment and Planning Manager at NZ Pork. As discussed above her concern was with the use of the term "*permanent vegetation cover*" in the definition of "*intensive outdoor primary production*". In her view the ability to maintain permanent groundcover, as currently written in the proposed definition, is unrealistic in many instances on any working farm and, depending on how this clause is interpreted, may mean that no farm can meet this definition. Ms Ritchie referred to the NZ Pork Good Management Practices for Outdoor Pigs and advised that it defines levels of groundcover that are appropriate for different types of outdoor pig farming operations to minimise environmental effects.

To resolve this Ms Ritchie sought amendment to part (e) of the definition as follows:

means primary production activities involving the keeping or rearing of livestock, or commercial aquaculture, where the regular feed source for the production of goods is substantially provided other than from the site concerned. The activity may be undertaken entirely outdoors or in a combination of indoors and outdoors, including within an outdoor enclosure. It includes free-range poultry or game bird farming and aquaculture. It excludes the following:

a. woolsheds;

²⁰ Hearing 9 Right of reply report paragraph 71

- b. *dairy sheds;*
- c. *calf pens or wintering accommodation for stock;*
- d. *pig production for domestic use which involves no more than 25 weaned pigs or six sows; and*
- e. *extensive pig farming where ~~permanent~~ vegetation cover is maintained in accordance with any relevant industry code of practice.*

Ms Ritchie helpfully provided us with a copy of the Good Management Practices for Outdoor Pigs which included the following definition of “ground cover”

Groundcover

Ground cover is maintained in accordance with the following guidelines:

For all dedicated outdoor pig units, or those in a pastoral rotation, the minimum ground

cover is:

- *For dry sows and free-range growers: 40% cover on 75% of land (< 40 % cover permissible of 25% land).*
- *Each paddock to have on average >10% cover*
- *At least 70% cover for farrowing sows.*

For all outdoor pig units that form part of an arable operation, the minimum ground cover is:

- *For dry sows and free-range growers: 25% cover on average (a gradual decline from 100% to 0% is permissible over the length of the pig phase)*
- *At least 70% for farrowing sows.*

We have considered this matter and it is our view that, as a general principle, definitions should not refer to any industry code of practice as these codes change over time and are not subject to the same rigour as a plan change process. That said we have sympathy with the need for some flexibility with regard to how ground or vegetation cover is reflected in the definition of Intensive outdoor primary production. We note that Ms Pearson has reached a similar conclusion and has recommended that word “permanent” be removed from clause (e) of the definition such that it reads as follows:

- e. *extensive pig farming where ~~permanent~~ vegetation cover is maintained in accordance with any relevant industry code of practice.*

We agree with this approach and recommend that the definition be amended as per Ms Pearson’s wording and to accept the submission in part.

3.10.3 Hearings Panel Recommendations

We recommend that the new and amended definitions be accepted as set out in Appendix 1.2 of the hearing report and further modified and set out in Appendix 6 to the right of reply report. These recommended changes are included in **Appendix 2.1**, Definitions to **Recommendation Report 17**.

4. Topic 2 – Horticulture Zone

4.1 Relevant Provisions

The relevant provisions we address in the Recommendation Report for this topic relate to:

- Overview
- Objectives HZ O1–O4
- Policies HZ P1-P7
- Rules HZ R1 – R26
- Standards HZ S1-S6.

4.2 Key Issues

The key issues identified in the hearing report and in evidence are set out below:

- Key Issue 1: Whether a Horticulture zone/precinct is consistent with the National Planning Standards?
- Key Issue 2: If a special zone is not appropriate, how should horticulture be provided for in the Rural chapters?
- Key Issue 3: Minimum lots sizes within the Horticulture Precinct
- Key Issue 4: Horticulture Precinct Objectives
- Key issue 5: Horticulture Precinct Policies
- Key Issue 6: Horticulture Precinct Rules and Standards

4.3 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, as noted above, 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.

Key Issues 1 and 2 address the PDP zoning framework for the Horticulture chapter. These issues discuss the appropriateness of the Horticulture zone being a form of a Special zone under the National Planning Standards framework and other options for horticulture

provisions that are more consistent with that framework. As is revealed in our discussions and findings below, we have agreed with submitters that a Horticulture Special zone is not consistent with the National Planning Standards framework. We have considered a number of options put forward by submitters and Council officers and we have agreed with the officers that the overall essence of the horticulture special zone provisions could be reconstituted as a Horticulture Precinct. In order to give submitters certainty for future hearings we took the step of issuing interim guidance (Minute 23) stating that we consider there is merit for the Horticulture zone to be amended to a precinct within the rural chapters sections of the PDP, given that the special purpose zone fails to meet the criteria in Section 8.3 of the National Planning Standards.²¹

While we had issued this interim guidance in Minute 23 we set out the reasons for making this determination in this recommendation report as well as discussion of the other zoning options identified and presented to us.

Key Issue 3 picks up on the findings on minimum lots sizes for the RPROZ in Topic 1 above and specifically addresses those submissions that sought different (usually smaller) lot sizes within the Horticulture Precinct.

Key Issues 4 – 6 follow our findings for the other provisions in the new Horticulture Precinct while also picking up on similar themes that were relevant to the notified provisions.

4.4 Key Issue 1 – Horticulture Zone

4.4.1 Matters Raised in Submissions and Evidence

The legal submissions for Audrey Campbell-Frear (S209) presented by Sarah Shaw address two primary issues: that highly productive land “must and should” be protected and that creation of the proposed Horticulture zone (as a special zone) is not an appropriate planning mechanism to protect highly productive land – whereas the Rural Production zone is.

Ms Shaw specifically directed us to the National Planning Standards and the criteria within it relating the use of special zones as a zone for activities that are predominantly for primary production activities. Ms Shaw quoted the Standards and submitted:

The Standards direct that a special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:

- a. are significant to the district, region or country;*
- b. are impractical to be managed through another zone;*
- c. are impractical to be managed through a combination of spatial layers.²²*

²¹ https://www.fndc.govt.nz/_data/assets/pdf_file/0013/40414/Minute-23-Interim-Guidance-of-the-Independent-Hearings-Panel-Horticulture-Zone.pdf

²² Legal submissions of Sarah Shaw – paragraph 1.18

Ms Shaw also referred to the NPS-HPL and the “interim” definition of highly productive land which refers to land zoned General Rural or Rural Production and LUC, 1, 2 and 3. In her submission, any zone based on primary productions must be zoned either “general rural” or “rural production”. She submitted that:

Arguably, if LUC 1, 2 or 3 land is not in the Rural Production Zone, it will be ineligible to be treated as highly productive land under the interim definition and ineligible to be mapped by NRC as highly productive land in regional mapping. The NPS HPL is the highly directive national instrument specifically cast to protect highly productive land for land-based primary production – including horticulture – and it does not anticipate a special purpose zone for horticulture.²³

Her legal submissions also asserted that the proposed Horticulture zone provisions were inefficient and ineffective as they:

- *duplicate the RPROZ provisions;*
- *restrict the zone to the Kerikeri / Waipapa area by a policy, which does not implement the objectives (even of the proposed zone);*
- *apply a Horticulture Zone to a spatial area where 90% of uses are not horticulture;*
- *apply a zone purporting to manage land fragmentation to an area where 93-94% of lots are already of a size below what the s32 and s42A reports say is required to enable horticulture.*

In support of her legal submissions Ms Shaw called three expert witnesses:

Derek Foy – Economics. This evidence opined that the Horticulture zone, from a rural economics perspective, was not materially different from the RPROZ and was unlikely to achieve greater promotion or enhancement of horticulture activity in the than the notified RPROZ.

Ian Hanmore – Soils. This evidence focussed on the potential for LUC 4 land to become highly productive land (LUC 1, 2, or 3) through irrigation. In Mr Hanmore’s view, adding irrigation to the majority of the LUC 4 around Kerikeri - Waipapa would not overcome existing major limitations with that soil type and in many instances would further exacerbate them.

Melissa McGrath – Planning. This evidence focussed on the planning arguments for the provisions for the Horticulture zone to be incorporated within the RPROZ on the basis that it would avoid unnecessary duplication. Ms McGrath also produced supplementary evidence setting out how the Horticulture zone provisions could be incorporated into the RPROZ and achieve the same or similar outcome.

4.4.2 Hearings Panel Evaluation

We spent some time at the hearing and in deliberations considering Ms Shaw’s legal submissions and the expert evidence presented. In particular, we were concerned

²³ Legal submissions of Sarah Shaw – paragraph 1.23

whether the proposed Horticulture zone as a special zone would meet the criteria in the National Planning Standards as set out by Ms Shaw and supported in planning evidence and other witnesses.

We note that the Council has already conceded (via its written right of reply report) that land classified LUC 4 should not be included within any land identified for productive horticultural use as it falls outside the definition of highly productive land in the NPS-HPL.

At the hearing we were taken through the National Planning Standards as it relates to special zones and under section 8 – zone Framework Standard, we were advised that the National Planning Standards set out eight types of special purpose zone, none of which identified horticulture or primary production as being in that list. We were directed to Clause 3 of Section 8 that set out the criteria for additional special zones (other than those listed) and it states:

3. *An additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:*
 - a. *are significant to the district, region or country*
 - b. *are impractical to be managed through another zone*
 - c. *are impractical to be managed through a combination of spatial layers.*

We accepted that these criteria were mandatory and narrow and that all must be met in order to justify the use of a special zone outside of the identified list of Special zones. On that basis we agree with Ms Shaw that the case for the Horticulture zone as a special zone appears to not meet the strict criteria in Clause 3.

We asked both Ms Shaw and Ms McGrath whether incorporation of the horticulture provisions within the RPROZ was the only alternative or whether there were other options including the conversion of the Horticulture zone to a precinct under the National Planning Standards.

We record that the National Planning Standards provides for Precincts as a Spatial Layer for district plans as follows:

Precincts - *A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).*²⁴

As we understand this standard, a precinct providing for specific-place-based provisions for horticulture within the RPROZ is, in principle, consistent with the National Planning Standards. We put this question directly to Ms McGrath and she responded that it was also an option to consider in addition to her suggested amendments to incorporate the Horticulture provisions within the RPROZ.

²⁴ National Planning Standards 2019 – Table 18

We asked Ms Pearson to consider this issue in the right of reply report and in particular the following matters:

1. Is the notified Horticulture zone consistent with the National Planning Standards as a Special Purpose zone ?
2. Is a Horticulture Precinct within the RPROZ an appropriate alternative or is its deletion and incorporation within RPROZ the most appropriate method?
3. Is there scope within the submissions of Ms Campbell-Frear to redraft the Horticulture zone as a precinct?

We received that response in paragraph's 25-32 of the right of reply report (dated 3 March 2025). We also note that the Council sought legal advice on these matters which was summarised in the right of reply:

1. As notified, the Horticulture zone would likely not meet the Special Purpose zone tests;
2. There is scope within the submission of Audrey Campbell-Frear to redraft the Horticulture zone as a precinct or similar spatial layer, with the RPROZ as the underlying zone; and
3. It is uncertain whether the notified Horticulture zone is excluded from the transitional definition of HPL under clause 3.5(7) of the NPS-HPL and that, as the Horticulture zone was notified prior to the NPS-HPL being gazetted, the NPS-HPL does not apply to the Horticulture zone .

Ms Pearson set out three options for us to consider, and her recommendation having considered the evidence, our questions to the submitter, and the legal advice received. Ms Pearson advised that:

Option 1: Retain the Horticulture zone with some amendments to provisions to address specific issues with provisions that were raised in evidence.

Response - Given the legal issues raised with meeting the tests for a SPZ and the potential for a spatial layer to achieve a similar outcome, she no longer supported Option 1.

Option 2: Redraft the HZ provisions so that, instead of this area being protected by a special purpose zone, it is managed by a precinct (or some other type of spatial layer).

Response: She agreed with the option identified by the Panel that one of the spatial layers in Table 18 of the National Planning Standards is a possible alternative to the Horticulture zone.

Option 3: Delete the Horticulture zone and instead rezone the land RPROZ, with some amendments to provisions to strengthen the protection for land defined as Highly Productive Land under clause 3.5(7) of the NPS-HPL.

Response: Ms Pearson remained of the opinion that, rezoning the Horticulture zone to RPROZ and strengthening the RPROZ provisions relating to HPL will not achieve the same level of protection for the horticultural industry as a specific spatial layer with bespoke provisions for managing land use and subdivision in that location.

In support of this conclusion, Ms Pearson offered three reasons why a Horticulture Precinct was her preferred option as follows:

- i. Zoning the HZ land to RPROZ does not resolve the timing issue of the land being zoned a special purpose zone at the time the NPS-HPL was gazetted. As such, simply relying on HPL provisions in the RPROZ to protect land in the HZ is not sufficient, particularly if the HPL status of land in the HZ is being continually challenged through the resource consent process.*
- ii. The spatial extent of the HZ is not entirely LUC 1-3 land (refer to Figure 1 of the Rural Wide Issues and RPROZ section 42A report that confirms around 35% of the HZ is either LUC 4 land or above). As such, relying on provisions in the RPROZ that protect HPL do not achieve the same spatial protection of land as the HZ.*
- iii. The intention behind introducing the HZ was not just to protect soils, it was also to protect the significant investment in horticultural infrastructure in the Kerikeri/Waipapa area. The NPS-HPL provisions in the RPROZ do not recognise or protect this infrastructure investment.*

We agree with Ms Pearson that a precinct (within the RPROZ) is the preferred alternative for the reasons set out above. We also find that this approach, in our view would also resolve the conflict between the National Planning Standards and its strict criteria for a bespoke special zone and the need to recognise highly productive land in the context of a primary rural zone. In that regard, we find that a horticulture precinct would spatially identify areas within a wider RPROZ primary production zone, where additional place-based provisions are necessary to recognise a different (but not contrary) response is appropriate. This alternative approach would allow for many of the RPROZ provisions to still apply (where relevant and to avoid unnecessary duplication) but with specific provisions related to horticulture activity and its specific needs within identified areas around Kerikeri and Waipapa.

In making this finding we are also acknowledging the evidence of Horticulture NZ where it was stated that the Far North and Kerikeri/Waipapa enjoyed a competitive advantage in horticulture over the rest of New Zealand on the basis that a combination of good soils and a warmer climate, horticulture in these areas is able to:

- Provide the market with new seasonal produce (at a time when the best prices were achieved) earlier than most other horticultural areas;
- Provide a broad base of horticultural products to the market during the production season; and
- Provide products to the market for longer seasonal periods of time.

We agree with Horticulture NZ that this is a significant competitive advantage and worthy of being maintained and further enhanced through provisions that supported horticulture production. In our view, this outcome further supports our conclusion that a horticulture

precinct is the most appropriate way to provide for horticultural production at Kerikeri/Waipapa and achieve the purpose of the RMA.

4.4.3 Hearings Panel Recommendations

We recommend that the submissions from Audrey Campbell-Frear are accepted in part and that the Horticulture Chapter (notified as a special purpose zone) be deleted as it fails to meet the criteria for additional (non-listed) special purpose zones as set out in Part 8 Clause 3 of the National Planning Standards 2019.

We recommend that the most appropriate option to recognise and provide for horticultural activities in the Kerikeri/Waipapa area is for the notified Horticulture zone chapter to be redrafted as a precinct to provide specific place-based provisions for the horticulture industry as a primary production activity within the context of the RPROZ as the underlying zone.

It is recommended those submissions that sought the removal of the Horticulture zone on the basis that it fails to give effect to the National Planning Standards or is not supported by a section 32 analysis are accepted in part as set out in **Appendix 3.6**. Those submissions that sought that the Horticulture zone provisions be incorporated into the RPROZ are also accepted in part as we have recommended that the Horticulture zone be redrafted as a precinct to provide specific place-based provisions for the horticulture industry in the context of the RPROZ as an underlying zone.

The specific wording of the proposed Horticulture precinct is discussed in Key Issue 2 below.

We also note that the boundaries for the new Horticulture precinct are discussed in **Recommendation Report 15C**.

4.5 Key Issue 2 – Proposed Horticulture Precinct

4.5.1 Matters Raised in Submissions and Evidence

As discussed above in Key Issue 1, there were a number of submissions that sought the deletion of the Horticulture zone (as a SPZ) and sought all relevant horticulture provisions be incorporated into the RPRPZ.

Following the Council right of reply report dated 3 March 2025 we received a supplementary right of reply report dated 11 March 2025, also written by Ms Pearson. The purpose of this supplementary report was to provide a commentary on the drafting approach for converting the Horticulture zone (**HZ**) chapter into a Horticulture Precinct (**HP**) chapter.

We note that until this point there were no other precincts in the PDP and the Council has advised that the approach taken has been cognisant that other precincts may be recommended through other hearings and we acknowledge that some further refinement may be needed should other precincts be developed in response to submissions.

In that regard we acknowledge that several new precincts have been recommended as part of the re-zoning hearings for Hearing 15A – 15D.

4.5.2 Hearings Panel Evaluation

In drafting the proposed new Horticulture precinct chapter, Ms Pearson has followed the Format Standard in the National Planning Standards with precincts identified with 'PREC', followed by a sequential number, a space, an en-dash, a space, the precinct's unique name, a space, and 'precinct'. Following this format and this being the first precinct in the PDP, the HP is referenced in full as '**PREC1 – Horticulture precinct**' and all provisions in the HP begin with '**PREC1**'. As per our reasoning in Key Issue 1, the HP only applies to land zoned RPROZ.

Given that the RPROZ chapter applies to the largest area of land in the Far North District and will be used predominantly by landowners that are not located in the HP, Ms Pearson considers it appropriate for plan users for the HP provisions to remain in a separate chapter but located in the same section of the e-plan as the RPROZ chapter to make it easier for plan users to find. In her view, incorporating the HP provisions into the RPROZ chapter (as per Ms McGrath's evidence) would make it too complex and more difficult to navigate for plan users with land outside the HP. While we initially agreed with this approach, we have subsequently added a further six precincts to the PDP with most of these having an underlying zoning of RPROZ. On that basis we recommend that all precinct)including the HP be included a separate section of Part 3 of the PDP.

The proposed HP chapter prepared by the Council and endorsed by us is annexed as **Appendix 2.2**.

As with the findings and recommendations in the RPROZ topic, references to highly productive land and/or LUC 4 land in objectives and policies have been removed and instead the policy refocuses on protecting all land within the HP, regardless of its LUC status. The drafted provisions have also endeavoured to remove unnecessary duplication and provide clearer directions for reverse sensitivity effects.

The rationale for the key changes between a horticulture zone and a horticulture precinct is set out in section 6 to the Council supplementary right of reply report and we note and endorse the following:

- a) Most changes are to the HP objectives and policies, to remove duplication with the RPROZ objectives and policies, provide stronger reverse sensitivity direction and remove content relating to LUC status or NPS-HPL tests.
- b) The intention for the HP provisions is that they protect all land within the HP equally, regardless of LUC status. Whether or not land should or should not be included in the HP is a matter to be determined as part of Hearing 15C when the spatial extent of the HP was considered.
- c) The recommended drafting changes to convert the HZ rules and standards into HP rules and standards are more or less straightforward. All rules and standards that are identical to those in the RPROZ have been recommended to be deleted. All remaining HP rules and standards are either unique to the HP and apply in addition to the RPROZ provisions (e.g. rules for garden centres or plant and food research), or are more enabling or stringent than the equivalent RPROZ provision and apply in place of that provision (e.g. visitor accommodation in the HP is discretionary but it is permitted in the RPROZ, so the HP rule prevails).

4.5.3 Hearings Panel Recommendations

In our view, the proposed provisions have been carefully prepared and are consistent with the formatting standards and drafting directions in the National Planning Standards.

For the reasons set out above and in Key Issue 1 we recommend that the new HP chapter be incorporated into the PDP as PREC1 and as set out in **Appendix 2.2** to this recommendation report.

Furthermore, we recommend that all submissions on this issue be accepted, accepted in part or rejected as set out in **Appendix 3.6**.

4.6 Key Issue 3 - Minimum Lot Sizes within the Horticulture Zone/Precinct

4.6.1 Matters Raised in Submissions and Evidence

There were several submissions in support of the minimum lot size within the Horticulture zone/precinct and several submissions seeking it be more permissive. As notified, the PDP in SUB-S1 provided for a minimum lot size of 10ha as a controlled activity and 4ha as a discretionary activity.

NRC (S359) made two submissions on SUB-S1 as it relates to the HZ. The first (S359.015) requests that SUB-S1 is amended to increase minimum lot sizes and further restrict development in the Horticulture zone/precinct and the second (S359.018) specifically requests amendments to the discretionary activity pathway for subdivision down to 4ha lots. NRC consider that the close proximity of the Horticulture zone/precinct to Kerikeri and Waipapa and the strong demand for rural lifestyle sized lots in these areas means that a 4ha discretionary minimum lot size is potentially not strong enough to discourage rural lifestyle subdivision.

The hearing report, having considered the NPS-HPL came to the conclusion that a controlled activity pathway is no longer appropriate for subdivision in the Horticulture zone and, in recognition of that national direction, recommended that a discretionary activity status for subdivision of land 8ha or greater is the most appropriate way to give effect to the direction in the NPS-HPL.

We heard evidence from Vision Kerikeri and others²⁵ from Two M Investments (S317) who were in support of the hearing report recommendations to increase the minimum lots size from 4ha to 8ha. The evidence presented mirrored the reasoning set out in the hearing report that the increased minimum lot size will better protect against further land fragmentation and loss of productive land that needs to be retained for future generations.

The legal submissions and planning evidence of Audrey Campbell-Frear (S209) were opposed to the increased minimum lot sizes on the basis that the land is already severely fragmented and utilised for a range of land uses that are not land-based primary production. Ms McGrath was of the view that further restriction of subdivision in the HZ will not avoid fragmentation or afford protection from reverse sensitivity effects, both of which are already present in the proposed zone.

²⁵ Vision Kerikeri (S521), Carbon Neutral Trust (S529), and Kapiro Conservation Trust (S442), collectively referred to as "Vision Kerikeri and others"

4.6.2 Hearings Panel Evaluation

We have covered the issues relating to minimum lot size in detail in Key Issue 2 for the RPROZ topic above and much of that analysis relating to the need to protect the productive capacity of rural land applies to the Horticulture zone/precinct. With regard to highly productive land located within the Horticulture zone/precinct we are of the view that this land is a finite resource and an important element of the rural economy of the Far North (and the economy generally). We are of the view that any reduction in the availability of the land for primary/horticulture production by non-rural activities will limit food production opportunities for future generations, who may rely more on this land due to changes in climate and loss of highly productive land in other locations such as Auckland which are under intense pressure to develop housing.

In coming to this conclusion, we have had regard to the section 32 Rural Environment Report which states:

The Horticulture zone is a special zone that has been created to address specific issues affecting the Kerikeri and Waipapa area. The purpose of this zone is to protect and support the existing significant horticulture sector located in this area and to provide for its expansion. A special zone has been used for this area because:

- *The ODP enabled fragmentation of this highly productive land, which supports a significant horticulture industry for the district. To ensure this highly productive land remains in productive use, it needs to be more specifically protected from sterilisation compared to the Rural Production Zone.*
- *Horticultural activities are more susceptible to reverse sensitivity issues given the small size of the lots and the use of chemicals, which means the range of activities (particularly the level of residential activity in the zone) needs to be more limited than in other parts of the rural environment.*
- *This area is unique to the district due to the irrigation infrastructure investment, established horticulture sector and ancillary horticulture activities such as the large-scale horticulture processing facilities.*
- *This area is also being affected by high growth, with a demand for rural residential, rural lifestyle development and commercial / industrial development in the locations where the highly productive land is located.²⁶*

As discussed above, we heard evidence at the hearing from Horticulture NZ (S159) that highly productive land, especially at Kerikeri-Waipapa, allowed primary producers a competitive advantage over other horticultural areas in New Zealand in terms of the ability to:

²⁶ Section 32 Rural Environment Report Page 4

- Provide the market with new seasonal produce (when the best prices were achieved) earlier than other horticulture growing areas ;
- Provide a broad base of horticultural products to the market during the production season; and
- Provide products to the market for longer seasonal periods of time.

With regard to the extent of fragmentation already in the Horticulture zone/precinct we acknowledge that this has occurred and that it has had an impact on the quantum of land available for horticultural production. However, given the direction of the NPS-HPL and importance of the horticulture industry at Kerikeri-Waipapa to the Far North rural and wider economy we have concluded that these positive benefits far outweigh the negative effects of fragmentation.

For the reasons set out above, our finding is that the minimum lots sizes under SUB-01 within the Horticulture zone/precinct should be increased as recommended in the hearing report as follows:

SUB-S1 Minimum allotment sizes

<i>Zone</i>	<i>Controlled Activity</i>	<i>Discretionary Activity</i>
<i>Horticulture</i>	10ha <u>NA</u>	4ha <u>8ha</u>

4.6.3 Hearings Panel Recommendations

In line with our evaluation and findings for the minimum lots sizes for the RPROZ we recommend that the minimum lot size for the Horticulture zone/precinct be increased in recognition of the national direction to avoid the loss of highly productive land under the NPS-HPL and the importance of horticulture land in this location to the Far North economy. As set out above we recommend that SUB-01 be amended as follows:

SUB-S1 Minimum allotment sizes

<i>Zone</i>	<i>Controlled Activity</i>	<i>Discretionary Activity</i>
<i>Horticulture</i>	10ha <u>NA</u>	4ha <u>8ha</u>

Accordingly, we recommend that submissions on this issue are accepted, accepted in part or rejected as set out in **Appendix 3.6**.

4.7 Key Issue 4 – Horticulture Zone/Precinct Objectives and Policies

4.7.1 Matters Raised in Submissions and Evidence

We heard extensive evidence from Ms McGrath for Audrey Campbell-Frear (S209) and she addressed the objectives for the Horticulture zone/precinct. She stated that objectives (especially HZ-O1 and O3) were too focussed on horticulture as opposed to other rural production activities. She also opined that the zone objectives were not aligned with the Strategic Direction objectives in relation to the rural environment. Ms McGrath, in support of her position that the Horticulture zone (as notified) was not enabled as a special zone under the National Planning Standards, set out a number of

instances where she considered there to be unnecessary duplication of objectives and policies between the Horticulture zone and the RPROZ.

4.7.2 Hearings Panel Evaluation

As discussed in Key Issue 3 we have recommended that the Horticulture zone provisions be redrafted as a precinct (PREC1). We have evaluated the revised Horticulture Precinct provisions drafted by the Council and we are of the view that the drafted precinct provisions, being a placed-based chapter within the RPROZ have reduced the duplication of objectives and policies and are overall better integrated with the RPROZ.

Having regard to the evidence received we are satisfied that the redrafted provisions address the concerns with objectives and policies presented in evidence to us.

4.7.3 Hearings Panel Recommendations

For the reasons set out above we recommend that those submissions seeking changes to the objectives and policies of the Horticulture zone (as notified) be accepted in part on the basis that they have been addressed through the redrafting of the zone to a horticulture precinct as set out in **Appendix 3.6**. The recommended objectives and policies for the Horticulture precinct are set out in **Appendix 2.2**.

4.8 Key Issue 5 - Horticulture Zone/Precinct Rules

4.8.1 Matters Raised in Submissions and Evidence

Artificial crop protection structures and crop support structures

As discussed in Key Issue 5 for the RPROZ topic, Mr Hodgson on behalf of Horticulture NZ recommends the same amendments to the Horticulture zone/precinct Artificial crop protection structures and crop support structures (drafted in the hearing report as HZ-RX) as for RPROZ-RX. The only difference Mr Hodgson recommends in the proposed wording is that the setback from all site boundaries in PER-1(2) is reduced from 3m to 1m to reflect the primacy that should be given to horticultural activities over amenity expectations of residents in the Horticulture zone/precinct.

4.8.2 Hearings Panel Evaluation

Artificial crop protection structure

As per our findings relating to artificial cloth colour in the RPROZ-RX (i.e. no limitations on shade cloth colour) we are also of the view that in order to maximise the potential of highly productive land that the structure only needs to be set back 1m from all site boundaries. We therefore agree with Mr Hodgson's evidence for Horticulture NZ.

Extension of existing commercial and industrial activities

The evidence of Ms McGrath raised the concern regarding the discretionary activity status for existing commercial and industrial activities. Her view was that the Horticulture zone/precinct is comprised of a range of existing land uses that are primary production or horticultural activities and these proposed rules further restrict future development, increasing consenting and development cost.

We understand Ms McGrath’s concern regarding the activity status of these activities. However, as expressed throughout the assessment and evaluation of the RPROZ and this chapter we have found that the priority of these zones is to maintain the productive potential of rural land for primary productive activities. For the Horticulture zone/precinct we are of the view that the national direction to avoid the loss of highly productive land under the NPS-HPL supports enabling the extension of existing commercial and industrial activities as a discretionary activity. We note that these provisions have been drafted into the Council recommended rules in the RPROZ such that these provisions do not need to be repeated in the new Horticulture Precinct as the default RPROZ rules would apply.

4.8.3 Hearings Panel Recommendations

- a) We recommend submissions from Horticulture NZ be accepted in part and the following amendments (redrafted as precinct rule PREC1-R5):

PER-1

The establishment of a new, or expansion of an existing, artificial crop protection structure or crop support structure, where:

- a. The height of the structure does not exceed 6m above ground level;*
 - b. The structure is set back at least 13m from all site boundaries;*
 - c. ~~Dark green or black material is used on any vertical faces within 30m of a road site boundary except that a different colour may be used if written approval of the owner(s) of the immediately adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council.~~*
- b) For these reasons set out above, we do not recommend any changes to the activity status for the extension of existing commercial and industrial activities in the new Horticulture Precinct and that this submission point from Audrey Campbell-Frear is rejected.

5. Topic 3 – Rural Lifestyle Zone

5.1 Relevant Provisions

The relevant provisions we address in the Recommendation Report for this topic relate to:

- Overview
- RLZ-O1-04 Objectives
- RLZ-P1-P4 Policies
- RLZ-R1 – R28 Rules
- RLZ-S1 – S6 Standards

The Overview statement for this zone refers to the role of the Rural Lifestyle zone to provide an area specifically for rural lifestyle living. It aims to accommodate the demand for rural lifestyle living in appropriate areas of the district, close to transport routes with good access to services in urban areas and settlements. It is also intended to reduce ad-hoc or sporadic rural lifestyle development throughout the Rural Production zone that adversely impacts on primary production activities.

There are 163 original submissions points on the RLZ chapter, including 92 submissions in support, 39 supporting in part and 15 in opposition. There are also 185 further submission points received on those original submissions.

5.2 Key Issues

There were eight Key Issues set out in the hearing report which generally followed the structure of the provisions in the zone but also recognised issues associated with Subdivision rule SUB-S1 as it applies to minimum lot sizes.

The hearing report recommended a number of amendments to the objectives and policies of the Residential Lifestyle zone (**RLZ**). A number of minor amendments were recommended to the RLZ rules as well as a number of new and amended advice notes. With regard to the RLZ standards, the hearing report recommended new standards (similar to standards proposed in the RPROZ) regarding the following:

- RLZ-SX sensitive activity setback from the boundary of a Mineral Extraction zone.
- RLZ-SY Sensitive activities setback from intensive indoor and outdoor primary production activities.
- RLZ-SZ Sensitive activities setback from buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor or outdoor primary production activity).

We note that most of the matters raised in submissions were not contested in evidence at the hearing and are therefore not in contention. At the hearing we received evidence on the RLZ concerning the following issues:

Willowridge Developments Ltd

We received a tabled letter from David Badham who is the planner representing Willowridge Developments Ltd (**Willowridge**). The letter stated that Willowridge are land owners in Orongo Bay, a coastal settlement south east of Russell township in the Bay of Islands and they were currently preparing a resource consent application for development on their landholdings, and more specifically looking to apply for a “management plan subdivision” under the operative Far North District Plan provisions. In addition to this Willowridge lodged submissions on the PDP as it relates to the proposed rural provisions, and in particular the provisions relating to the Rural Lifestyle zone which is proposed for its site.

The Willowridge letter stated that it supported most of the recommended changes set out in the hearing report but sought an amendment to RLZ-R3 to allow a density of one residential unit per 5,000m² as a permitted activity, as provided in the ODP Coastal Living zone.

5.2.1 Hearings Panel Evaluation

The hearing report recommended that residential density be the same as the minimum lot size in the subdivision zone (SUB-S1). Mr Badham disagrees with the reporting officer as the Willowridge letter stated that RLZ-R3 is too restrictive and did not reflect the range of allotment sizes that are in the ODP.

Willowridge also seeks one setback standard in RLZ-S3 as opposed to the nuanced approach in the notified PDP that applied a different setback depended on lot size.

We have considered these matters and we prefer the evidence of Ms Pearson that density and minimum lot sizes should be the same and we agree with the setback standards as notified (and in addition with the other changes recommended as part of that rule).

5.2.2 Hearings Panel Recommendations

For the reasons set out in the hearing report and in the right of reply report we do not recommend any further changes to the provisions than those recommended by the Council reporting officer and as set out in **Appendix 2.3**. Our recommendations on all other submission points relating to the RLZ are set out in **Appendix 3.2**.

6. Topic 4 – Rural Residential Zone

6.1 Relevant Provisions

The relevant provisions for the Rural Residential zone (**RRZ**) we address in the Recommendation Report for this topic relate to:

- Overview
- RRZ-O1 - O4 Objectives and Policies
- RRZ-P1 – P5 Policies
- RRZ-R1 – R23 Rules
- RRZ-S1 – S5 Standards.

The Overview statement for the RRZ zone states that the role of the Rural Residential zone is to provide an opportunity for people to enjoy a spacious, peri-urban living environment located close to a settlement. The Rural Residential zone is located on the fringe of the district's settlements and provides a transition to the surrounding Rural Production and/or Rural Lifestyle zones and the Horticulture Precinct. The Rural Residential zone provides for smaller lot sizes of approximately 2,000-4,000m² that are capable of providing for on-site infrastructure servicing, as distinct from the Rural Lifestyle zone that has a larger minimum lot size and greater expectations of maintaining rural character and amenity values.

6.2 Key Issues

Eight key issues were identified in the hearing report and these generally related to the objectives, policies, rules and standards set out in the RRZ as well as specific matters relating to impermeable surface coverage, residential activity within the RRZ, home businesses and the minimum lots sizes in SUB-S1 as it relates to the RRZ.

A number of amendments were made in response to submissions and we received no evidence from submitters on the matters raised in submissions or the proposed amendments set out in the hearing report. On that basis, we have concluded that the submissions are not in contention and have accepted and recommend all those changes as set out in the hearing report.

The Right of Reply report sets out a number of consequential amendments that flow from recommended changes following the hearing and from ourselves, including the following:

- References to “character and amenity” are now “character and amenity values”;
- All references to the “Horticulture zone” are now “Horticulture precinct”;
- The changes sought by KiwiRail and approved by us have been added.

6.2.1 Hearings Panel Evaluation

As there are no additional matters in contention relating to this zone, we have concluded that the provisions recommended by the Council officer in the hearing report and updated in the right of reply report have addressed all matters in submissions are appropriate.

6.2.2 Hearings Panel Recommendations

We recommend the changes as set out in the Council right of reply report and annexed as **Attachment 2.4**. Our recommendations on all other submission points relating to the RLZ are set out in **Appendix 3.3**.

7. Topic 5 – Settlement Zone

7.1 Relevant provisions

The relevant provisions for the Settlement zone (**SZ**) we address in the Recommendation Report for this topic relate to:

- Overview
- RSZ-O1 – O4 Objectives
- RSZ-P1 – P5 Policies
- RSZ-R1 – R16 Rules
- RSZ-S1 – S7 Standards

We note that whilst the zone title is Settlement zone (**SZ**) the zone provisions are all prefaced with RSZ.

The Settlement zone Overview states that this zone caters for range of existing rural and coastal settlements which are neither supported, nor plan to be supported, by a Council reticulated wastewater and stormwater networks and only some have reticulated water supply.

It is noted that the larger settlements in the SZ provide commercial, community and industrial services for the surrounding rural community and the travelling public. These non-residential activities are usually small scale such as schools, medical centres, halls, marae, food outlets and service stations. The Overview states that they play a major role in the community such as providing a source of employment, education healthcare and as social meeting places.

7.2 Key Issues

There were five key issues addressed in the hearing report following the structure of the provisions and including Subdivision SUB-S1 as it relates to lot sizes in the Settlement zone.

As with the RRZ and SZ the hearing report recommended amendments to rules and standards to align with recommendations made in the Rural Wide Issues and Rural Production zone (RPROZ) and amendments to standards to better manage reverse sensitivity effects with adjoining RPROZ land and to achieve consistency with other zone standards.

7.2.1 Matters Raised in Submissions and Evidence

We heard evidence from Ms Cook-Munro on behalf of Federated Farmers (S421) and she expressed support for the recommended amendments to the SZ chapter, as set out in the hearing report.

We heard planning evidence from Mr Badham on behalf of Foodstuffs North Limited (S363) (**Foodstuffs**) with regard to the establishment and operation of supermarkets (primarily Four Square stores).

Mr Badham took issue with PER-1 of RSZ-R1 (New buildings or structures, relocated buildings or extensions or alterations to existing buildings or structures) and stated that the current drafting confuses effects associated with building bulk and scale with the scale and intensity of activities, being a matter that is managed (in the case of supermarkets) under RSZ-R8 – Commercial activities. He added that the structure of having one rule for buildings and structures linked to compliance with the standards combined with a second rule for the activity itself results in unnecessary complexity and duplication and recommends changes to this approach to improve the efficiency of the PDP. He also acknowledges that this structure is used consistently across all zone chapters in the PDP and if a change to the chapter structure was made in the RSZ, changes to all other zone chapters would be required for consistency.

Mr Badham stated that RSZ-R8 (Commercial Activity) does not make sufficient provision for supermarkets in settlements. He makes the point that supermarkets are an important service/activity for the economic and social wellbeing of people in the rural and coastal communities that the SZ covers. Mr Badham set out a number of reasons for this in his evidence and we summarise as follows:

- a) There are no definitions for either “retail activity” or “supermarket”, which makes the application of RSZ-R8 unclear;

- b) Supermarkets are distinguished from other types of retail activities by the diverse range of retail offerings, which necessitate a separate rule for greater clarity and certainty to plan users;
- c) The scale and intensity of supermarket activities, and their potential effects on rural and coastal character and amenity values, can be efficiently and effectively managed through a permitted activity rule framework;
- d) The costs and benefits of a 300m² GFA restriction on the footprint of supermarkets (outside of Moerewa) have not been comprehensively assessed in the Section 32 Report, including the impact that imposing a consenting barrier could have on deterring supermarkets from establishing in settlements.

To resolve Foodstuffs' concerns Mr Badham sought an increase in the maximum GFA for supermarkets from 300m² to 400m² in all settlements.

At the hearing we asked Mr Badham to provide additional information relating to:

- the typical Four Square stores in the Far North; and
- The expected operational requirements for new Four Square stores.

We received this response and he advised that the typical store was between 450m² to 1,200m² and new stores necessitated a minimum floor area of 500m². We were advised by Mr Badham that this GFA includes retail space and back of house storage areas only (and not truck turning spaces, secure external back yards to store heating ventilation and air-condition units, and mechanical plants and pallet storage). Mr Badham states:

Foodstuffs approach to the design of current Four Squares shows that they ideally need a minimum GFA of 500m² in order to provide the services and storage space expected to serve a regional community. 3.5. As a result, it is my opinion that a minimum GFA of 500m² would be more appropriate in the RSZ than 300m².²⁷

7.2.2 Hearings Panel Evaluation

In response to this evidence Ms Pearson, in the right of reply report, reiterated her planning opinion regarding any confusion RSZ-R1 as set out in the hearing report and she stated:

I reiterate my position, as set out in paragraph 65 of the Settlement section 42A report, that the relationship between the RSZ-R1 building and structure rules, and the other land use rules and the standards, has been mirrored across all of the rural zones (as well as other zones across the PDP). In my view there is a distinct difference in the purpose of the R1 rules (that manage the physical effects of buildings and structures by requiring compliance with the relevant zone standards) and the balance of the RSZ activity rules (which manage effects associated with that particular activity occurring as opposed to the building or structure it is housed in). I do not consider this to be confusing or duplicating, as suggested by Mr Badham, particularly now the Settlement section 42A report recommends

²⁷ Additional statement by David Badham on behalf of Foodstuffs North Island Ltd.

that the wording of RSZ-R1 is amended to fix a drafting error identified post notification by the Council²⁸. I also disagree that RSZ-S1 could result in an unnecessary resource consent for a discretionary activity as this would only occur if the activity status of the proposal itself was already a discretionary activity under another land use rule in the chapter.²⁹

In relation to minimum floor area for a supermarket (Four Square), Ms Pearson retained her view that any supermarket larger 300m² (as notified) would likely be out of character for the majority, if not all, of the Far North settlements in terms of the potential impact on the character and amenity values of the settlement and the impacts on neighbouring sites.

We considered this issue carefully and consider that there needs to be recognition that small supermarkets (i.e. Four Square stores or similar) play a vital role in the various settlements in the Far North. We acknowledge that establishing these stores in existing settlements is a commercial decision and we accept that some regard needs to be had to economies of scale in determining the viability of these stores.

We are assisted by the further information provided by Mr Badham and consider that supermarkets within the SZ should have a higher minimum floor area threshold than other retail activities, given the important community and economic role that these stores perform in the Far North settlements. The standard recommended by Mr Badham is as follows:

Activity status: Permitted

Where:

PER-1

Any retail activity (including supermarkets) does not exceed:

- 1. GFA of 400m² if the site is located in the settlement of Moerewa; or*
- 2. GFA of 300m² in all other settlements.*

PER-1A

Any supermarkets does not exceed a GFA of 500m² in all settlements.

Activity status where compliance not achieved with PER-1A:

Restricted Discretionary

Matters of discretion are restricted to:

²⁸ The error in the notified version of all the rural R1 rules was that buildings containing controlled or restricted discretionary activities arbitrarily defaulted to a discretionary activity. The revised drafting in the rural section 42A reports ensures that all buildings containing a permitted, controlled or restricted discretionary activity are also permitted, provided that they comply with the standards.

²⁹ Hearing 9 right of reply report paragraph 185

a. the location and design of buildings, outdoor areas, parking and loading areas and access;

b. hours of operation;

c. screening and landscaping;

d. wastewater treatment and disposal;

e. water supply for drinking and firefighting; and

f. stormwater disposal.

While we understand the caution adopted by Ms Pearson, we are of the view that the risk of adverse effects on the character and amenity created by supermarkets up to 500m² as a permitted activity are not significant and are otherwise outweighed by the positive socio-economic benefits they provide to these settlements. In that regard we recommend that RSZ-R8 be amended to provide for supermarkets up to 500m² as a permitted activity. We have therefore adopted the new RSZ-R8 (Commercial Activity) PER-1A standard as recommended by Mr Badham.

7.2.3 Hearings Panel Recommendations

For the reasons set out above we recommend that the provisions as recommended by the Council officer in the right of reply be adopted (as set out in **Appendix 2.5**) except for the amendment to RSZ-R8 as follows:

Activity status: Permitted

Where:

PER-1

Any retail activity (including supermarkets) does not exceed:

- 3. GFA of 400m² if the site is located in the settlement of Moerewa; or*
- 4. GFA of 300m² in all other settlements.*

PER-1A

Any supermarkets does not exceed a GFA of 500m² in all settlements.

Activity status where compliance not achieved with PER-1A:

Restricted Discretionary

Matters of discretion are restricted to:

a. the location and design of buildings, outdoor areas, parking and loading areas and access;

b. hours of operation;

c. screening and landscaping;

d. wastewater treatment and disposal;

e. water supply for drinking and firefighting; and

f. stormwater disposal.

Our recommendations on all other submission points relating to the SZ are set out in **Appendix 3.4**.

8. Topic 6 – Horticultural Processing Facilities Zone

8.1 Relevant Provisions

The relevant provisions for the Horticulture Processing Facilities zone (**HPFZ**) we address in this Recommendation Report topic are:

Overview

HPFZ-O1 - O4	Objectives
HPFZ-P1 – P4	Policies
HPFZ- R1 – R8	Rules
HPFZ-S1 – S6	Standards

The HPFZ is a special zone which the Overview states is to recognise and provide for the operation of large-scale horticulture processing and storage facilities within the district. These large-scale horticulture processing and storage facilities along with the horticulture growing sector have been recognised as playing an important role and making a significant contribution to the economic and social wellbeing of the Far North District.

The Horticulture Processing Facilities zone provides for existing horticulture processing and storage facilities that are of a scale that support a range of growers, are within an established network of horticulture growers and are in close proximity to strategic and significant transport infrastructure.

8.2 Key Issues

The hearing report identified four key issues associated with the Overview, objectives and policies, the rules and standards that apply to the zone. The hearing report, in response to submissions made a number of amendments to the provisions to align with the rural wide recommendations discussed above as well as changes to HPFZ-P3 so that it functions as an ‘avoid’ policy (with regard to the purpose and function of the zone) and an increase of the maximum impermeable surface limit in HPFZ-R2 from 30% to 50%. The right of reply included some minor consequential amendments that have been made across all rural zoned and discussed above.

We received no evidence at the hearing relating to the submissions made or recommended amendments set out in the hearing report.

8.2.1 Hearings Panel Evaluation

We do not recommend any changes to the HPFZ as set out in the right of reply report and set out in **Appendix 2.6** to the Recommendation Report.

8.2.2 Hearings Panel Recommendations

We do not recommend any changes to the HPFZ as set out in the right of reply report and set out in **Appendix 2.6** to the Recommendation Report.

Our recommendations on all other submission points relating to the RLZ are set out in **Appendix 3.5**.

9. Topic 7 – Rural wide Matters and Definitions

9.1 Key Issues

- Key Issue 1 – Railway line setbacks
- Key Issue 2 - Relocated buildings
- Key Issue 3 – FENZ

9.2 Key Issue 1 – Railway Line Setback

9.2.1 Matters Raised in Submissions and Evidence

We heard planning evidence from Ms Cath Heppelthwaite on behalf of KiwiRail (S416) that a 3m setback from a rail corridor was insufficient to manage the safety risks associated with activities undertaken on adjoining sites. The amendments sought a tiered approach which retained a 3m setback for buildings up to 3m in height and a 4m setback for buildings 4m and taller.

The evidence also sought the inclusion of the words “and the rail designation boundary” to all references to rules concerning activities “at the zone interface”. There are multiple policies and rules in the rural zone chapters that make reference to this.

Ms Heppelthwaite’s evidence also sought an additional matter of discretion in RPROZ-S3, RLZ-S3, RRZ-S3 and RSZ-S3 referring to: “*the outcome of consultation with KiwiRail*”.

We also heard corporate evidence from Matthew Paetz which summarised KiwiRail’s infrastructure and activities within the Far North and need for safety setbacks from the rail corridor. Mr Paetz confirmed that while a rail corridor still exists in the Far North, rail movements ceased in the 1980s. He added that KiwiRail was keeping its options open for a renewal of rail operations in the Far North and advised that there was a current Fast Track project to improve the freight rail link from Auckland to the port at Marsden Point (within the Whangarei District).

9.2.2 Hearings Panel Evaluation

With regard to the amendments to RSZ-P5, RPROZ-P7, RRZ-P5 and RLZ-P4 seeking specific reference to *the rail designation boundary* we appreciate that many plan users will not read the rail corridor designation boundary as a “zone interface” and the addition of the words, as recommended by Ms Heppelthwaite and supported by Ms Pearson, provide clearer and more specific support for the rail boundary setbacks.

With regard to the proposed tiered setback from the rail corridor, we are mindful that the rail corridor has not operated since the 1980s and also, the need for 3m or 4m tall buildings in the rural zones is limited, if any. That said, the higher density and more

residential focussed rural zones are possibly more likely to result in buildings potentially being located closer to the rail corridor.

We find that provisions of this nature are more relevant to an urban setting where there is greater pressure to create smaller lots sizes and use all available land within an allotment to locate a building. Urban settings are also more likely to have buildings over 4m in height. For that reason we do not recommend adopting a tiered setback for any rural zones.

Finally, the additional matter of discretion (being the outcome of consultation with KiwiRail) we are of the view that it is not necessary to add such a matter when the rail corridor is not in operation (since the 1980s) and there is no current plan to make it operational. We are also advised by Ms Pearson that this relief was not requested in KiwiRail's original submission and as such we do not consider that there is scope to introduce another matter of discretion relating to the outcome of consultation.

9.2.3 Hearings Panel Recommendations

We agree with the additional amendments to the rural chapters as recommended by the Council officer in the right of reply report and set out in the various rules in **Appendices 2.1 - 2.4**. We recommend that the other changes sought by KiwiRail be rejected for the reasons above.

9.3 Key Issue 2 - Relocated Buildings

9.3.1 Matters Raised in Submissions and Evidence

We heard evidence from Mr Bhana-Thompson of the Heavy Haulage Association (S482). He told us that the Association was established in 1965 as the national trade association for member companies that transport overweight or over dimension loads. He also advised us that the Association has an advocacy role with central and local government agencies.

Mr Bhana-Thompson told us that the Association's primary concern is the provision for relocated buildings as a permitted activity in the PDP. The PDP currently contains no separate activity status rule for relocated buildings (which are not heritage resources) in any zones (apart from the Carrington Estate).

Mr Bhana-Thompson stated:

The activity of "new buildings or structures, or extensions or alterations to existing buildings or structures" is a permitted activity in the Rural Production (RPROZ-R1), Rural Lifestyle (RLZ-R1), and Rural Residential zones (RRZ- R1). However, this rule does not clearly apply to relocated buildings which are not "new". Relocated buildings are defined as in the PDP as a "used building more than 2 years old [...]".¹ There is a risk that relocated buildings will fall under default rules as a discretionary activity, which would be contrary to the decision of the Environment Court in New Zealand Heavy Haulage Association Inc v The Central Otago District Council (C45/2004,Thompson EJ).

The relief sought was threefold:

- a) Modification of the definition of “building” to include relocated buildings to add clarity that relocated buildings are covered by the definition of building, particularly where there is a separate definition of relocated building indicating a distinction between building and relocated building.
- b) Modification of the definition of “relocated building” to delete the words “more than 2 years old”, as part of further relief to provisions of the district plan to give effect to the provision for relocated buildings as a permitted activity.
- c) The inclusion of permitted activity rules for relocated buildings.

9.3.2 Hearings Panel Evaluation

We have considered the proposed wording included in Mr Bhana Thompson’s evidence and while we appreciate the desire to have standardised approach to relocated buildings nationwide we do not consider the proposed provisions would add much benefit and in fact be more onerous.

As we see it, the current definition of “building” in the PDP is broad enough to include relocated buildings. We are not minded to recommend the removal of the reference to “buildings being less than 2 years old” from the definition of “relocated building”, there being insufficient reasons for doing so. However, we agree with Mr Bhana-Thomson that R1 rules (across all rural zones) could benefit from the specific reference to “relocated buildings” and find this would assist in meeting the concerns of this submitter. We note that these references were included in the recommended amendments in the hearing report and also as consequential amendments across multiple zones as a result of plan-wide amendments in **Hearing 17**.

9.3.3 Hearings Panel Recommendations

For the reasons set out above (and in the Council right of reply report) we recommend that the submission by Heavy Haulage Association Inc (S482) is accepted in part and that amendments be made to the R1 rule framework to specifically refer to “relocated buildings” as sought by the submitter and as recommended by the Council officer but reject the other relief sought by the submitter on the basis that the rural provisions, as amended, adequately provide for “related buildings” and/or do not warrant being amended.

9.4 Key Issue 3 – Fire and Emergency New Zealand (FENZ)

9.4.1 Matters Raised in Submissions and Evidence

We received a tabled hearing statement from Ms Nola Smart who is a planner for Fire and Emergency NZ (**FENZ**) (S512). The statement confirmed that FENZ supported a number of recommended amendments made in the hearing report but it disagreed with the hearing report on other matters. Specifically, FENZ stated that as developments progress in the region, FENZ maintain there is a need to construct and operate fire stations and other emergency response facilities in locations which will enable reasonable response times to fire and other emergencies. The statement added that FENZ is not anticipating a significant increase in facilities needed but new emergency service facilities may have a functional need in any zone across the district to continue to achieve emergency response time commitments. On this basis FENZ sought more permissive rules for their

facilities i.e. that emergency service facilities be permitted across all rural zones and not just the RPROZ.

The second matter raised by FENZ in their hearing statement was the inclusion of an advice note to advise that *granting of resource consent does not imply waivers of Building Code requirements* is still considered by FENZ to be an important lever to ensure coordination of agencies across project processes. The statement specifically refers to examples where this has been adopted in the Auckland Unitary Plan.

Finally, FENZ sought the inclusion of a matter of discretion for restricted discretionary activities in rural zones relating to the provision of water supply for fire-fighting purposes.

9.4.2 Hearings Panel Evaluation

Activity Status

On the matter of activity status, we asked the reporting officer to respond to this statement at the hearing and in their right of reply report. In the right of reply report Ms Pearson stated:

I maintain that a permitted activity status for these facilities in the RPROZ provides sufficient opportunities for locating close to rural settlements or communities in a zone with sufficient space to manage some of the immediate amenity issues resulting from the operation of an emergency service facility, namely noise and traffic associated with emergency vehicles being alerted to an emergency and leaving the site at high speed.

Ms Pearson advised that emergency service facilities are also a discretionary activity in the General Residential zone, which, in her view, reflects the potential conflict between the facility and amenity expectations of a residential area.

We have considered both planning arguments carefully and are of the view that the current recommended provisions are the most appropriate. That is, that emergency service facilities should be permitted in the RPROZ but subject to discretionary activity resource consent assessment in other rural zones. The reasons for this are that the RPROZ is a rural production focussed zone, as opposed to other rural zones which enable varying degrees of residential and lifestyle development. We accept that the Horticulture Precinct is also a rural production focussed zone but note that the minimum lots sizes in existence and enabled in the PDP are much smaller so we have discounted this precinct for similar reasons to the other rural zones.

Advice Note

With respect to this matter we note the assessment provided in the hearing report where it was stated:

With respect to the FENZ request for an advice note relating to the Building Code, I acknowledge that it is important for plan users to be aware of and refer to the applicable controls within the Building Code to ensure compliance can be achieved at the building consent stage. However, I am not aware of any specific examples of resource consents that have been issued for building setback infringements, that lead to non-compliance

*with building code requirements for firefighter access to buildings and egress from buildings.*³⁰

The reasons for recommending this submission point be rejected in hearing report are:

- a) There are a number of different pieces of legislation and standards outside of the PDP that apply to a range of activities and the PDP does not include advice notes for all of these different pieces of legislation. To do so would be inefficient and cumbersome.
- b) The Plan format, which complies with the National Planning Standards 2019, seeks to avoid the use of advice notes within rules or standards wherever possible.
- c) There are other, more efficient methods to advise applicants of the Building Code requirements during resource consent application preparation (for example, pre-application advice).

We agree with the reporting officer and consider that the requested advice note is not necessary.

Additional matter of discretion

With regard to this matter, again we are minded to support the reasoning set out in the hearing report where the reporting officer noted that the majority of activities referred to are either already fully discretionary or non-complying, or they are permitted at a small scale but default to discretionary or non-complying when permitted conditions are infringed. On that basis there would be no matters of discretion as they only apply to restricted discretionary activities. We also note however, that as discretionary activities Council has full discretion to consider the need for sufficient water supply for firefighting and a specific matter of discretion is therefore, not required.

9.4.3 Hearings Panel Recommendations

For the reasons set out above and set out in the hearing report we do not recommend any further amendments to the rural provisions as requested by FENZ. We therefore recommend that this submissions point from FENZ be rejected.

10. Conclusion

For the reasons set out in this recommendation report, we recommend the adoption of a set of changes to the PDP provisions relating to all rural zones. Our recommended amendments are shown in **Appendices 2.1 – 2.6**.

Our recommended decisions on all rural submissions points are shown in in **Appendices 3.1 – 3.6**.

Overall, we find that these changes will ensure the PDP better achieves the statutory requirements, national policy directions, and our recommended amendments, based on our consideration of the submissions, will serve to better meet the purpose and principles of the RMA.

³⁰ Hearing 9 hearing report paragraph 237

PART 3 – AREA-SPECIFIC MATTERS / ZONES / Rural zones / Rural production zone

Rural production zone

Overview

The Rural Production zone is the largest zone in the district and accounts for approximately 65% of all land. The Rural Production zone is a dynamic environment, influenced by changing farming and forestry practices and by a wide range of productive activities. The purpose of this zone is to provide for primary production activities including non-commercial quarrying, farming, intensive indoor and outdoor primary production, ~~plantation commercial~~ forestry activities, and horticulture. The Rural Production zone also provides for other activities that support primary production and have a functional need to be located in a rural environment, such as processing of timber, horticulture, apiculture and dairy products. There is also a need to accommodate recreational and tourism activities that may occur in the rural environment, subject to them being complementary to the function, character and amenity values of the surrounding environment. This zone includes land subject to the Coastal Environment Overlay, which has provisions to protect the natural character of the coastal environment.

Rural land is an important resource as it underpins the social, economic and cultural well-being of the Far North District. The historic fragmentation of rural land has undermined the integrity of the rural environment and its ability to function for its intended purpose. It is important to protect this finite resource from inappropriate land use and subdivision to ensure it can be used for its primary purpose, especially on land identified as highly productive land under the National Policy Statement for Highly Productive Land (NPS-HPL). In particular, primary production activities should be able to operate without experiencing reverse sensitivity effects based on complaints about noise, dust, heavy traffic and light spill (which may be temporary or seasonal in nature) that should be anticipated and tolerated in a rural environment. This is particularly relevant for rural land adjacent to the district's larger urban areas, which are subject to growth pressures and are expanding outside of urban zoned areas. Forcing primary production activities to locate further away from urban areas adds to the cost of transporting primary products, can result in primary production activities needing to move on to less suitable soils or topography, and may require people to travel further to work.

It is important to differentiate the Rural Production zone from the Rural Lifestyle zone and the Rural Residential zone. The Rural Lifestyle and Rural Residential zones seek to concentrate rural lifestyle or rural residential living in appropriate places in the district, to help avoid further fragmentation of productive land and reverse sensitivity effects on the district's primary sector. Conversely, rural lifestyle development is not provided for in the Rural Production zone unless an environmental benefit is obtained through the protection of indigenous biodiversity in perpetuity (as provided for in the Subdivision chapter). Industrial and commercial activities, including retail, are not anticipated in the Rural Production zone as these are best located in urban zones with appropriate infrastructure or in the Settlement zone. This also ensures that industrial and commercial activities are separated from potentially incompatible primary production activities.

Council has a responsibility under the RMA, NPS-HPL and the Northland Regional Policy Statement to manage the rural land resource to provide for the economic, social and cultural well-being of people and communities, protect highly productive land ~~versatile soils~~, and avoid reverse sensitivity effects on primary production activities. The Rural Production zone also contains many of our areas of indigenous biodiversity, historical and cultural values and high value landscapes and features. The protection of these resources must be managed in conjunction with the ability to undertake activities anticipated in this zone.

Objectives	
RPROZ-01	The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.
RPROZ-02	The Rural Production zone is used for primary production activities, ancillary activities that support primary production, <u>lawfully established existing activities</u> and other compatible activities that have a functional need to be in a rural environment.
RPROZ-03	Land use and subdivision in the Rural Production zone: a. protects highly productive land from sterilisation and enables <u>and prioritises</u> it to be used for <u>farming and forestry activities</u> more productive forms of primary production; b. protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation; c. does not compromise the use of land for farming <u>primary production</u> activities, particularly <u>farming and forestry activities</u> on highly productive land; d. does not exacerbate any natural hazards; and e. is able to be serviced by on-site infrastructure.
RPROZ-04	The rural character and amenity <u>values</u> associated with a rural working environment <u>are</u> is maintained.

Policies	
RPROZ-P1	Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.
RPROZ-P2	Ensure the Rural Production zone provides for activities that require a rural location by: a. enabling primary production activities as the predominant land use; b. enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation, <u>small-scale educational facilities</u> and home businesses; and- c. <u>enabling the maintenance, operation or upgrade of any lawfully established existing activities, provided any loss of highly productive land from those activities is minimised.</u>
RPROZ-P3	Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities, <u>particularly the reverse sensitivity effects of rural lifestyle development on highly productive land.</u>
RPROZ-P4	Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity <u>values</u> of the Rural Production zone, which includes: a. a predominance of primary production activities; b. low density development with generally low site coverage of buildings or structures; c. typical adverse effects such as odour, noise and dust associated with a rural working environment; and d. a diverse range of rural environments, rural character and amenity values throughout the district.
RPROZ-P5	Avoid land use that: a. is incompatible with the purpose, character and amenity <u>values</u> of the Rural Production zone; b. does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone; c. would result in the loss of <u>availability and</u> productive capacity of highly productive land, <u>including consideration of the cumulative effects of such losses;</u> d. would exacerbate natural hazards; and e. cannot provide appropriate on-site infrastructure.
RPROZ-P6	Avoid subdivision that: a. results in the <u>any potential cumulative loss of the availability or productive capacity of</u> highly productive land for use by farming <u>or forestry</u> activities; b. <u>cannot demonstrate that the proposed lots will retain the overall productive capacity of highly productive land over the long term;</u> c. fragments land into parcel sizes that are no longer able to support farming <u>or forestry</u> activities, taking into account: i. the type of farming <u>or forestry</u> proposed; ii. <u>the potential loss of LUC 4 land that is, or has the potential to be, highly productive;</u> and iii. <u>whether smaller land parcels can support more productive forms of the proposed farming or forestry activity</u> due to the presence of highly productive land. d. provides for rural lifestyle living unless there is an environmental benefit, <u>or is around an existing residential unit, in accordance with SUB-R3.</u>
RPROZ-P7	<u>Consider the following matters where relevant when assessing and managing the effects of land use and subdivision in the Rural Production Zone: Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</u> a. whether the proposal will increase production potential in the zone; b. whether the activity relies on the productive nature of the soil; c. consistency with the scale and character of the rural environment; d. location, scale and design of buildings or structures; e. for subdivision or non-primary production activities: i. scale and compatibility with rural activities; ii. potential reverse sensitivity effects on primary production activities and existing infrastructure; iii. the potential for loss of highly productive land <u>or LUC 4 land that is, or has the potential to be productive,</u> land sterilisation or fragmentation f. at zone interfaces <u>and the rail designation boundary:</u> i. any setbacks, fencing, screening or landscaping required to address potential conflicts; ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable; g. the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer; h. the adequacy of roading infrastructure to service the proposed activity; i. Any adverse effects on historic heritage and cultural values, natural features and landscapes or

	indigenous biodiversity; j. Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.
Rules	

Notes:

1. There may be other rules in Part 2- District-Wide Matters of the District Plan that apply to a proposed activity, in addition to the rules in this zone chapter. These District-Wide rules may be more stringent than the rules in this chapter. Ensure that 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. This zone chapter does not contain rules relating to setback to waterbodies and MHWS for building and structures or setbacks to waterbodies and MHWS for earthworks and indigenous vegetation clearance. The Natural Character contains rules for activities within wetland, lake and river margins and the Coastal Environment chapter contains rules for activities within the coastal environment. The Natural Character chapter and the Coastal Environment chapter should be referred to in addition to this zone chapter.
3. The objectives and policies of the Mineral Extraction Zone should be considered in addition to the objectives and policies of the Rural Production Zone for any consent application for a farm quarry, a mineral prospecting and exploration activity, expansion of a mineral extraction activity or a new mineral extraction activity.
4. None of the rules in the table below apply to activities that are regulated under the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017.

RPROZ-R1	New buildings or structures <u>and relocated buildings</u> or extensions or alterations to existing buildings or structures	
Rural Production zone	Activity status: Permitted Where: PER-1 The new building or structure <u>and relocated building</u> , or extension or alteration to an existing building or structure, will accommodate a permitted, <u>controlled or restricted discretionary</u> activity. PER-2 The new building or structure <u>and relocated building</u> or extension or alteration to an existing building or structure complies with standards: RPROZ-S1 Maximum height; RPROZ-S2 Height in relation to boundary; RPROZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); RPROZ-S4 Setback from MHWS; RPROZ-S5 Building or structure coverage}; RPROZ-S6 Buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor primary production activity)); and RPROZ-S7 Sensitive activities setback from boundaries of <u>a the Mineral Extraction Zone extraction overlay</u> . RPROZ-SX Sensitive activities setback from intensive indoor and outdoor primary production activities; and RPROZ-SY Sensitive activities setback from buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor or outdoor primary production activity). RPROZ-SZ Sensitive activities setback from the boundaries of the Heavy Industrial Zone RPROZ-SZZ Sensitive activities setback from the boundary of the Horticulture Precinct PER-3 The building or structure <u>and relocated building</u> , if located within an airport protection surface area identified on the	Activity status where compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: a. the matters of discretion of any infringed standard
		Activity status where compliance not achieved with PER-1 or PER-3: Discretionary

	planning maps, does not penetrate the airport protection surfaces shown in APP4 Airport protection surfaces. Note: RPROZ-R1 does not apply to artificial crop protection structures and crop support structures.	
RPROZ-R2	Impermeable surface coverage	
Rural Production zone	Activity status: Permitted Where: PER-1 The impermeable surface coverage of any site is no more than 15%.	Activity status where compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: - the extent to which landscaping or vegetation may reduce adverse effects of run-off; - the effectiveness of the proposed method for controlling stormwater on site; - the availability of land for disposal of effluent and stormwater on the site without adverse effects on adjoining waterbodies (including groundwater and aquifers) or on adjoining sites <u>or downstream sites</u>; - whether <u>water sensitive design impact design</u> methods and use of green spaces can be used; - any cumulative effects on total catchment impermeability; and - natural hazard mitigation and site constraints; ; <u>extent of potential adverse effects on cultural, spiritual, heritage and/or amenity values of any affected waterbodies; and</u> <u>the extent to which impermeable surfaces are able to be avoided, or otherwise minimised, on highly productive land and the potential impact on the life-supporting capacity of soils.</u>
RPROZ-R3	Residential activity	
Rural Production zone	Activity status: Permitted Where: PER-1 The site area per residential unit is at least 40ha. PER-2 The number of residential units on a site does not exceed six. PER-1 does not apply to: a single residential unit located on a site less than 40ha. <u>a minor residential unit constructed in accordance with rule RPROZ-R19.</u>	Activity status where compliance not achieved with PER-1 or PER-2: Discretionary Where: DIS-1 The site area per residential unit is at least 8ha. DIS-2 The number of residential units on a site does not exceed two. Activity status where compliance not achieved with DIS 1 or DIS 2: Non-complying

RPROZ-R4	Visitor accommodation	
Rural Production zone	Activity status: Permitted Where: PER-1 The visitor accommodation is within a residential unit, accessory building or minor residential unit. PER-2 The occupancy does not exceed 10 guests per night. PER-3 The site does not share access with another site. PER-4 <u>The visitor accommodation is set back 20m from the boundary of a site under different ownership.</u>	Activity status where compliance not achieved with PER-1, PER-2, or PER-3 or <u>PER-4</u>: Discretionary
RPROZ-R5	Home Business	
Rural Production zone	Activity status: Permitted Where: PER-1 The home business is undertaken within: 1. a residential unit; or 2. an accessory building that does not exceed 40m² GFA; or 3. a minor residential unit. PER-2 There is no more than two full-time equivalent persons engaged in the home business who reside off-site. PER-3 All manufacturing, altering, repairing, dismantling or processing of any material or articles associated with an activity is carried out within a building or screened from residential units on adjoining sites. PER-4 <u>Hours when a business can be open to the public of operation</u> are between: 1. 7am-8pm Monday to Friday. 2. 8am-8pm Weekends and public holidays.	Activity status where compliance not achieved with PER-1, PER-2, PER-3 or PER-4: Discretionary
RPROZ-R6	Educational facility	
Rural Production zone	Activity status: Permitted Where: PER-1 The educational facility is within a residential unit, accessory building or minor residential unit. PER-2 Hours of operation are between; 1. 7am-8pm Monday to Friday. 2. 8am-8pm Weekends and public holidays. PER-3 The number of students attending at one time does not exceed four, excluding those who reside onsite.	Activity status where compliance not achieved with PER-1, PER-2 or PER-3: <u>Restricted</u> Discretionary <u>Matters of discretion are restricted to:</u> <u>the character and appearance of the building(s)</u> <u>the siting of the building(s), decks and outdoor areas including parking relative to adjoining sites;</u> <u>whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;</u> <u>ability of the supporting roading network to cater for the additional vehicular and if applicable cycling and</u>

		<u>pedestrian traffic;</u> e. <u>servicing requirements and any constraints of the site;</u> f. <u>whether the location of the building(s) and educational facility activity could create reverse sensitivity effects on adjacent and surrounding primary production activities;</u> g. <u>whether the layout of the development maintains the existing rural character of the surrounding area;</u> h. <u>any lighting or noise effects</u> i. <u>the frequency of the use, hours and days of operation and the number of people it can cater for;</u> j. <u>any natural hazard affecting the site or surrounding area; and</u> k. <u>the extent to which the loss of highly productive land is minimised.</u>
RPROZ-R7	Farming activity	
Rural Production zone	Activity status: Permitted	Activity status where compliance not achieved: Non-applicable
RPROZ-R8	Conservation activity	
Rural Production zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
RPROZ-R9	Recreational activity	
Rural Production zone	Activity status: Permitted Where: PER-1 The recreational activity is not being operated as a commercial activity. PER-2 There is no motorsport activity. PER-3 <u>Any buildings or structures associated with a recreation activity are not located on highly productive land.</u>	Activity status where compliance not achieved with PER-1, or PER-2 or PER-3: Discretionary
RPROZ-R10	Rural produce retail	
Rural Production zone	Activity status: Permitted Where: PER-1 The activity does not exceed GBA of 100m² and is set back a minimum of 30m from any internal <u>site</u> boundary other than a road boundary. PER-2 The number of rural produce retail operations does not exceed one per site.	Activity status where compliance not achieved with PER-1 or PER-2: Discretionary

RPROZ-R11 Rural produce manufacturing		
Rural Production zone	Activity status: Permitted Where: PER-1 The building undertaking rural produce manufacturing does not exceed GFA of 1500m ² . PER-2 The number of rural produce manufacturing operations does not exceed one per site. PER-3 All manufacturing, altering, repairing, dismantling or processing of any materials or articles is carried out within a building or screened from residential units on adjoining properties.	Activity status where compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: <u>the character and appearance of the building(s)</u> <u>the siting of the building(s) and outdoor areas including parking relative to adjoining sites;</u> <u>whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;</u> <u>ability of the supporting roading network to cater for the additional traffic;</u> <u>servicing requirements and any constraints of the site;</u> <u>whether the location of the building(s) and the rural industry is compatible with adjacent and surrounding primary production activities;</u> <u>whether the layout of the development maintains the existing rural character of the surrounding area;</u> <u>any lighting or noise effects;</u> <u>the frequency of the use, hours and days of operation and the number of people employed;</u> <u>any natural hazard affecting the site or surrounding area.</u> <u>the extent to which the loss of highly productive land is minimised.</u>
		Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Discretionary
RPROZ-R12 Farm quarry		
Rural Production zone	Activity status: Permitted Where: PER-1 - The farm quarry is not within 30m of a site boundary; and - no more than 5,000m³ of material is extracted in a calendar year.	Activity status where compliance not achieved with PER-1: Discretionary
RPROZ-R13 Catteries and dog boarding kennels		
Rural Production zone	Activity status: Permitted Where: PER-1 Any building, compound or part of a site used for a cattery, is located a minimum of: 600m from the boundary of a site within the General Residential, Mixed Use, Kororāreka Russell Township, Rural Residential, Māori Purpose - Urban, Settlement, Medium Density Residential, Town Centre zones; or 50m from the boundary of a site for all other zones.	Activity status where compliance not achieved with PER-1, or PER-2 or PER-3: Discretionary

	PER-2 Any building, compound or part of a site used for a dog boarding kennel, is located a minimum of: 1. 600m from the boundary of a site within the General Residential, Mixed Use, Kororāreka Russell Township, Rural Residential, Māori Purpose - Urban, Settlement, Medium Density Residential, Town Centre zones; or 2. 300m from the boundary of a site for all other zones. PER-3 <u>The activity is not located on highly productive land.</u>	
RPROZ-R14	Cemeteries / Urupā	
Rural Production zone	Activity status: Permitted Where: PER-1 <u>The activity is not located on highly productive land.</u>	Activity status where compliance not achieved with PER-1: <u>Discretionary</u> Not applicable
RPROZ-R15	Plantation forestry and and plantation forestry activity <u>Forestry activity not regulated by the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017</u>	
Rural Production zone	Activity status: Permitted Where: PER-4 It is not located on versatile soils.	Activity status where compliance not achieved: <u>Not applicable</u> with PER-4: <u>Discretionary</u>
RPROZ-R16	Additions or alterations to an existing Community Facility	
Rural Production zone	Activity status: Permitted Where: PER-1 The combined GFA of all buildings on the site does not exceed 300m² or a maximum increase of 10% of combined GFA of all buildings on the site, whichever is the greater.	Activity status where compliance not achieved with PER-1: <u>Restricted Discretionary</u> Matters of discretion are restricted to: a. the character and appearance of the building(s) b. the sitting of the building(s), decks and outdoor areas including parking relative to adjoining sites; c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas; d. ability of the supporting roading network to cater for the additional vehicular and if applicable cycling and pedestrian traffic; e. servicing requirements and any constraints of the site; f. whether the location of the building(s) and community facility activity could create reverse sensitivity effects on adjacent and surrounding primary production activities; g. whether the layout of the development maintains the existing rural character of the surrounding area; h. any lighting or noise effects i. the frequency of the use, hours and days of operation and the number of people it can cater for; and

		j. any natural hazard affecting the site or surrounding area; <u>and</u> k. <u>the extent to which the loss of highly productive land is minimised.</u>
RPROZ-R17	Emergency service facility	
Rural Production zone	Activity status: Permitted Where: PER-1 The combined GFA of all buildings on the site does not exceed 150m². PER-2 <u>The activity is not located on highly productive land.</u>	Activity status where compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: - the character and appearance of the building - the siting of the building, decks and outdoor areas including parking relative to adjoining sites; - whether the building creates a loss of privacy for surrounding residential units and their associated outdoor areas; - ability of the supporting roading network to cater for the additional vehicular; - servicing requirements and any constraints of the site; - any lighting or noise effects; - the frequency of the use, hours and days of operation and the number of people it can cater for; and - any natural hazard affecting the site or surrounding area. Activity status where compliance not achieved with PER-2: Discretionary
RPROZ-R18	Mineral prospecting and exploration	
Rural Production zone	Activity status: Permitted Where: PER-1 It is undertaken using handtools.	Activity status where compliance not achieved with PER-1: Discretionary
RPROZ-RW	Rural airstrip	
Rural Production Zone	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
RPROZ-RX	Artificial crop protection structures and crop support structures	
Rural Production Zone	Activity Status: Permitted Where: PER-1 <u>The establishment of a new, or expansion of an existing, artificial crop protection structure or crop support structure, where:</u> <u>The height of the structure does not exceed 6m above ground level;</u> <u>The structure is set back at least 3m from all site boundaries;</u> Dark green or black material is used on any vertical faces within 30m of a road site boundary or a boundary with a site under different ownership except that a different colour may be used if written approval of the owner(s) of the immediately	Activity status where compliance with PER-1 not achieved: Restricted Discretionary Matters of discretion are restricted to: <u>The potential adverse visual effects (including glare) on neighbouring properties or road users;</u> <u>Visual mitigation measures such as landscaping or other screening;</u> <u>Effects on the rural character and amenity values of the surrounding area</u> Activity status where compliance with PER-2 not achieved: Restricted Discretionary Matters of discretion are restricted to:

	adjoining property or the road controlling authority (in the case of a road) is obtained and provided to the Council. PER-2 The new, or expansion of an existing, artificial crop protection structure or crop support structure complies with standards: RPROZ-S2 Height in relation to boundary	the matters of discretion of any infringed standard.
RPROZ-RY	Seasonal worker accommodation	
Rural Production Zone	Activity Status: Permitted Where: PER-1 The establishment of a new, or expansion of existing seasonal worker accommodation where: 1. The accommodation is associated with a farming or forestry activity and is located the same landholding used for that operation; 2. The accommodation comprises of a combination of communal kitchen and eating areas and sleeping and ablution facilities; and 3. The accommodation provides for no more than 10 workers; and 4. The accommodation is not located on highly productive land.	Activity status where compliance with PER-1 not achieved: Discretionary
RPROZ-RZ	Vegetation within airport protection surface area	
Rural Production zone	Activity status: Permitted Where: PER-1 Vegetation within airport protection surface area does not penetrate the airport protection surfaces shown in APP4 Airport protection surfaces.	Activity status where compliance not achieved with PER-1: Discretionary
RPROZ-R19	Minor residential unit	
Rural Production zone	Activity status: Controlled Permitted Where: CONPER-1 The number of minor residential units on a site does not exceed one. CONPER-2 The site area per minor residential unit is at least one hectare. CONPER-3 The minor residential unit shares vehicle access with the principal residential unit. CONPER-4 The separation distance between the minor residential unit and the principal residential unit does not exceed 45m. 30m.	Activity status where compliance not achieved with PER-3 or PER-4 CON-3: Discretionary Activity status where compliance not achieved with CONPER-1, CONPER-2, CON-4 or CONPER-5: Non complying

	CONPER-5 The minor residential unit: 1. does not exceed a GFA of 65m²; and with an optional attached garage or carport that does not exceed GFA of 18m², where the garage or carport is used for vehicle storage, general storage and laundry facilities.	
RPROZ-R20	Papakāinga Housing	
Rural Production zone	Activity status: Restricted Discretionary Where: RDIS-1 The number of residential units per site does not exceed 10. RDIS-2 There is a legal mechanism in place to ensure that the land will stay in communal ownership and continue to be used in accordance with ancestral cultural practices. RDIS-3 <u>The activity is not located on highly productive land.</u> Matters of discretion are restricted to: - the character and appearance of the residential unit(s) and any accessory building(s); - the siting of the building(s), decks and outdoor areas relative to adjoining sites; - whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas; - ability of the supporting roading network to cater for the additional vehicular and if applicable cycling and pedestrian traffic; - servicing requirements and any constraints of the site; - the each residential unit has sufficient outdoor open space, and there is sufficient room for any landscaping, egress and any accessory building(s) required; - whether the location of the building(s) and residential activity could create reverse sensitivity effects on adjacent and surrounding primary production activities; - whether the development will result in the site being unable to continue to undertake a primary production activity or undertake one in the future due to loss of productive land; - whether the layout of the development reduces the risk of future land fragmentation or sterilisation while maintaining the existing rural character of the surrounding area; - any natural hazard affecting the site or surrounding area.	Activity status where compliance not achieved with RDIS-1 or RDIS-3: Discretionary
		Activity status where compliance not achieved with RDIS-2: Non complying
RPROZ-R21	Expansion of existing mineral extraction activity	
Rural Production zone	Activity status: Restricted Discretionary Where: RDIS-1 A Mineral Extraction Activity Management Plan has been provided that contains the information required in ME-S1 Mineral extraction activity management plan.	Activity status where compliance not achieved with RDIS-1, RDIS-2, RDIS-3, RDIS-4 or RDIS-5: Discretionary

	RDIS-2 The hours of operation remain the same. RDIS-3 The extraction volumes do not increase by more than 10%. RDIS-4 Any expansion does not occur within 30m of the site boundary. RDIS-5 The vehicle access to the Mineral Extraction activity remains unchanged. Matters of discretion are restricted to: - measures to manage off-site effects including dust, odour, lighting, visual amenity <u>values</u>, traffic generation, noise and vibration; - landscaping and screening; - the tenure of activities including extraction, processing and sales; - any adverse effect on historic heritage or cultural values - any adverse effect on natural environment values and the coastal environment. - the proposed rehabilitation programme including provision for clean-filling, recontouring, revegetation; - monitoring; and - recommendations, proposed mitigation measures and conditions of the Mineral Extraction Activity Management Plan, including the means by which the Consent Holder will comply with the relevant rules in the Plan and the conditions of the consent; <u>and</u> <u>the extent to which the loss of highly productive land is minimised.</u>	
RPROZ-R22	Rural tourism activity	
Rural Production zone	Activity status: Restricted Discretionary Where: RDIS-1 <u>The activity is not located on highly productive land.</u> Matters of discretion are restricted to: - the character and appearance of the building(s); - the link between the tourism activity and the rural environment; - the siting of the building(s), decks and outdoor areas including parking relative to adjoining sites; - whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas; - ability of the supporting roading network to cater for the additional vehicular and if applicable cycling and pedestrian traffic; - servicing requirements and any constraints of the site; - whether the location of the building(s) and rural tourism activity could create reverse sensitivity effects on adjacent and surrounding primary production activities; - whether the development will result in the site being unable to continue to undertake a primary production activity or undertake one in the future due to loss of productive land; - whether the layout of the development maintains the existing rural character of the surrounding area;	Activity status where compliance not achieved with <u>RDIS-1</u>: <u>Discretionary Not applicable</u>

	j. any lighting or noise effects; k. the frequency of the use, hours and days of operation and the number of people it can cater for; l. any natural hazard affecting the site or surrounding area.	
RPROZ-R23	Intensive indoor and outdoor primary production	
Rural Production zone	Activity status: Restricted discretionary Where: RDIS-1 Buildings or structures Any hardstand areas, treatment systems, buildings housing animals and any other structures associated with an intensive indoor or outdoor primary production activity are setback at least 300m from any sensitive activity on a site under separate ownership. Matters of discretion are restricted to: a. odour, noise and dust effects; b. impacts on the transport network; c. the scale, character and appearance of the building(s); d. the siting of the building(s) and outdoor areas relative to adjoining sites; e. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas; f. the number and types of animals; g. method of effluent management and disposal; h. likely presence of vermin; i. the frequency and nature of management and supervision; j. landscaping or screening; and k. any natural hazard affecting the site or surrounding area.	Activity status where compliance not achieved with RDIS-1: <u>Discretionary</u> Non-complying
RPROZ-R24	Rural industry	
Rural Production zone	Activity status: Restricted Discretionary Where: RDIS-1 The rural industry activity does not exceed a GBA of 500m² per site. RDIS-2 The number of rural industry activities per site does not exceed one. Matters of discretion are restricted to: a. the character and appearance of the building(s) b. the siting of the building(s) and outdoor areas including parking relative to adjoining sites; c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas; d. ability of the supporting roading network to cater for the additional traffic; e. servicing requirements and any constraints of the site; f. whether the location of the building(s) and the rural industry is compatible with adjacent and surrounding primary production activities; g. whether the layout of the development maintains the existing rural character of the surrounding area; h. any lighting or noise effects;	Activity status where compliance not achieved with RDIS-1 or RDIS-2: Discretionary

	i. the frequency of the use, hours and days of operation and the number of people employed; j. any natural hazard affecting the site or surrounding area. Note: Rural Produce Retail is controlled by RPROZ-R10 and Rural Produce Manufacturing is controlled by RPROZ-R11.	
RPROZ-R25	Camping grounds	
Rural Production zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
RPROZ-R26	Community facility	
Rural Production zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
RPROZ-R27	Extension of existing commercial activity	
Rural Production zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
RPROZ-R28	Extension of existing industrial activity	
Rural Production zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
RPROZ-R29	Commercial composting	
Rural Production zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
RPROZ-R30	New mineral extraction activity	
Rural Production zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
RPROZ-RZ	Waste management facility	
<u>Rural Production Zone</u>	<u>Activity status: Discretionary</u>	<u>Activity status where compliance not achieved: Not applicable</u>
RPROZ-R31	Activities not otherwise listed in this chapter	
Rural Production zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
RPROZ-R32	Industrial activity	
Rural Production zone	Activity status: Non-complying Note: If the activity is a rural industry activity then that is controlled by RPROZ-R24	Activity status where compliance not achieved: Not applicable
RPROZ-R33	Commercial activities not otherwise provided for as a permitted, restricted discretionary or discretionary activity	
Rural Production zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
RPROZ-R34	Landfill, including managed fill	

Rural Production zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
RPROZ-R35	Community corrections activity	
Rural Production zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
RPROZ-R36	Retirement Village	
Rural Production zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
RPROZ-R37	Offensive trade	
Rural Production zone	Activity status: Non-complying <u>Note: This activity does not include a waste management facility controlled by RPROZ-RZ</u>	Activity status where compliance not achieved: Not applicable
Standards		
RPROZ-S1	Maximum height	
Rural Production zone	The maximum height of a building or structure, or extension or alteration to an existing building or structure is 12m above ground level, except that artificial crop protection and support structures shall not exceed a height of 6m above ground level. This standard does not apply to: - solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation; and - chimney structures not exceeding 1.2m in width and 1m in height on any elevation; and - chimney structures not exceeding 1.2m in width and 1m in height on any elevation; or - architectural features (e.g. finials, spires) that do not exceed 1m in height on any elevation. NOTE: <u>If a resource consent application is made for an infringement of RPROZ-S1 and the proposed building or structure is:</u> <u>greater than 21 metres in height and within 1,000 metres of the Waipapakauri transmitter at Spains Road, Awanui, Part Lot 4 DP 43276; or</u> <u>greater than 16 metres in height within 1,000 metres of the Ōhaeawai transmitter at State Highway 12, Ōhaeawai Part Te Riu Block XII Omapere Survey District SO 43051</u> <u>then consultation will be required with Radio New Zealand to manage potential adverse electromagnetic coupling effects.</u>	Where the standard is not met, matters of discretion are restricted to: - the character and amenity <u>values</u> of the surrounding environment; - dominance in relation to the road and adjoining sites, including potential loss relation to vacant sites; - loss of privacy to adjoining sites, including potential loss in relation to vacant sites; - shading and loss of access to sunlight to adjoining sites; - landscaping; and - natural hazard mitigation and site constraints.
RPROZ-S2	Height in relation to boundary	
Rural Production zone	The building or structure, or extension or alteration to an existing building or structure must be contained within a building envelope defined by the following recession planes measured inwards from the respective boundary: 55 degrees at 2m above ground level at the northern boundary of the site; and	Where the standard is not met, matters of discretion are restricted to: - loss of privacy to adjoining sites, including potential loss in relation to vacant sites; - shading and loss of access to sunlight to adjoining sites, including buildings and

	2. 45 degrees at 2m above ground level at the the eastern and western boundaries of the site; and 3. 35 degrees at 2m above ground level at the southern boundary of the site. This standard does not apply to: i. solar and water heating components provided these do not exceed the height by more than 0.5m 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 that do not exceed 1m in height and/or diameter on any elevation; or iv. architectural features (e.g. finials, spires) that do not exceed 1m in height on any elevation.	outdoor areas; and c. natural hazard mitigation and site constraints.
RPROZ-S3	Setback (excluding from MHWS or wetland, lake and river margins)	
Rural Production zone	The new building or structure and relocated building, or extension or alteration to an existing building or structure must be setback at least 10m from all site boundaries, except: 1. on sites less than 5,000m² accessory buildings can be setback to a minimum of 3m for boundaries that do not adjoin a road; or 2. artificial crop protection and support structures must be setback at least 3m from all site boundaries; or 3. habitable buildings must be setback at least 230m from the boundary of an unsealed road; and 4. <u>habitable buildings must be set back 30m from the boundary of a site containing a commercial forest.</u> This standard does not apply to: i. fences or walls no more than 2m in height above ground level; or ii. uncovered decks less than 1m in height above ground level; or iii. underground wastewater infrastructure; or iv. water tanks less than 2.7m in height above ground level.	Where the standard is not met, matters of discretion are restricted to: a. the character and amenity <u>values</u> of the surrounding area; b. screening, planting and landscaping on the site; c. the design and siting of the building or structure with respect to privacy and shading; d. natural hazard mitigation and site constraints; e. the effectiveness of the proposed method for controlling stormwater; f. the safety and efficiency of the current or future access, egress on site and the roading network; and g. the impacts on existing and planned public walkways, reserves and esplanades; ; h. <u>the health and amenity impacts of dust from unsealed roads on habitable buildings;</u> i. <u>The location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor; and</u> j. <u>The safe and efficient operation of the rail network.</u>
RPROZ-S4	Setbacks from MHWS	
Rural Production zone	The building or structure, or extension or alteration to an existing building or structure must be setback at least 30m from MHWS.	Where the standard is not met, matters of discretion are restricted to: - a. the natural character of the coastal environment; b. screening, planting and landscaping on the site; c. the design and siting of the building or structure with respect to dominance on adjoining public space; d. natural hazard mitigation and site constraints; e. the effectiveness of the proposed method for controlling stormwater; and f. the impacts on existing and planned roads, public walkways, reserves and esplanades.
RPROZ-S5	Building or structure coverage	
Rural	The building or structure coverage of any site is no more	Where the standard is not met, matters of

Production zone	than 12-5%.	discretion are restricted to: - the character and amenity <u>values</u> of the surrounding area; - any landscaping, planting and screening to mitigate any adverse effects; - the extent to which private open space can be provided for future uses; - the extent to which the sitting, setback and design mitigate visual dominance on adjacent sites and surrounding environment; and - natural hazard mitigation and site constraints.
RPROZ-S6	Buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor primary production activity)	
Rural Production zone	Stock holding and feeding areas, milking sheds and buildings used to house or feed stock must be set back: - From the following boundaries, at least: 30m from any boundary; or 100m from a boundary of land zoned General Residential, Mixed Use, Kororāreka Russell Township, Settlement, Māori Purpose-Urban, Rural Residential, Medium Density Residential, Town Centre; and - At least 100m from <u>sensitive activities residential units</u> on an adjoining site under separate ownership.	Where the standard is not met, matters of discretion are restricted to: - privacy of adjoining sites; - scale and bulk of buildings; - odour; - noise, disturbance and loss of privacy effects on adjoining sites; - the number and types of animals; - method of effluent management and disposal; - likely presence of vermin; - the frequency and nature of management and supervision; and - landscaping or screening.
RPROZ-S7	Sensitive activities setback from boundaries of a Mineral Extraction <u>Zone</u> overlay	
Rural Production zone	Sensitive activities (excluding non habitable accessory buildings) must be setback at least 100m from the boundary of a Mineral Extraction <u>Zone</u> Overlay	Where the standard is not met, matters of discretion are restricted to: - noise, disturbance and vibrations; - scale and type of mineral extraction activity; - the frequency and nature of any blasting or extraction method to obtain the mineral resource; - hours of operation of the mineral extraction activity - design of the building; - whether there are alternative options for the location of the building; and - temporary effects.
RPROZ-SX	Sensitive activities setback from intensive indoor and outdoor primary production activities	
Rural Production zone	All buildings and structures used for new sensitive activities will be setback 300m from any hardstand areas, treatment systems, buildings housing animals and any other structures associated with an intensive indoor or outdoor primary production activity located on an adjoining site under separate ownership.	Where the standard is not met, consent is required for a discretionary activity matters of discretion are restricted to: <u>Potential reverse sensitivity effects and measures taken to mitigate these effects, such as landscaping or screening</u> <u>Whether there are alternative options for the location of the sensitive activity</u>
RPROZ-SY	Sensitive activities setback from buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor or outdoor primary production activity)	
Rural Production zone	All buildings and structures used for new sensitive activities will be setback 100m from any buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor or	Where the standard is not met, matters of discretion are restricted to: <u>Potential reverse sensitivity effects and measures taken to mitigate these effects,</u>

	<u>outdoor primary production activity) located on an adjoining site under separate ownership.</u>	b. <u>such as landscaping or screening</u> b. <u>Whether there are alternative options for the location of the sensitive activity.</u>
<u>RPROZ-SZ</u>	<u>Sensitive activities set back from the boundaries of the Heavy Industrial Zone</u>	
<u>Rural Production Zone</u>	<u>Sensitive activities (excluding non habitable accessory buildings) must be setback at least 100m from the boundary of a Heavy Industrial Zone.</u>	<u>Where the standard is not met, matters of discretion are restricted to:</u> a. <u>Potential reverse sensitivity effects and measures taken to mitigate these effects, such as landscaping or screening</u> b. <u>Whether there are alternative options for the location of the sensitive activity.</u>
<u>RPROZ-SZZ</u>	<u>Sensitive activities setback from the boundary of the Horticulture Precinct</u>	
<u>Rural Production zone</u>	<u>Sensitive activities (excluding non habitable accessory buildings) must be setback at least 20m from the boundary of the Horticulture Precinct.</u>	<u>Where the standard is not met, matters of discretion are restricted to:</u> a. <u>Potential reverse sensitivity effects and measures taken to mitigate these effects, such as landscaping or screening</u> b. <u>Whether there are alternative options for the location of the sensitive activity.</u>



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

RECOMMENDATION REPORT 16

Hearing 16: Subdivision

March 2026

Recommendation Report 16

Recommendation Report 16 is to be read in conjunction with the **Preamble Report** and **Recommendation Reports 1, 9, 14 and 15A**.

Recommendation Report 16 contains the Panel's recommendations on the Subdivision Chapter.

Recommendation Report 16 may contain consequential amendments resulting from recommendations from other recommendation reports.

Recommendation Report 16 also contains the following appendices:

Appendix 1: Schedule of Hearing Attendances

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

Appendix 3: Recommended Decisions on Submissions - Subdivision

The Independent Hearings Panel for Hearing 16 comprised Robert Scott – Independent panel member and Chairperson; Steve McNally – Council member; and Peter Kensington – Independent panel member.

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RECOMMENDATION REPORT 16

1 Introduction

1.1 Report Structure

This is **Recommendation Report 16** prepared by the Independent Hearings Panel appointed to hear and make recommendations with respect to submissions and further submissions lodged 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.

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.

1.3 Consequential Amendments

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

2 Procedural Issues

2.1 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 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.

3 Topic 1: Subdivision

3.1 Relevant Provisions

The relevant provisions we address for this topic concern the overview, objectives, policies, rules and standards of the Subdivision chapter within the Subdivision section under Part 2 (District-wide matters) of the PDP. We have focussed our consideration on the suggested amendments to these provisions as set out at Appendix 1 to the hearing report; and at Appendix 1 to the right of reply (Addendum version). We have set out final recommended amendments in **Appendix 2** of this recommendation report.

Consequential amendments arise in relation to the Rural Production chapter¹ (as per the suggested amendments to these provisions set out at Appendix 1.1 to the Hearing Report for this topic; and at Appendix 1.1 to the Right of Reply Report). We have set out these consequential amendments in this recommendation report; however our recommended amendments to the Rural Production chapter are set out at Appendix 2.1 of Report 9.

3.2 Overview of Submissions Received

A total of 92 original submissions and 69 further submissions were received on the Subdivision topic.

As set out in the hearing report the main submissions on the Subdivision topic came from:

- Central and Local Government, such as MOE (S331) and Kāinga Ora (S561);
- Local Planning companies, such as Northland Planning and Development 2020 Limited (S502);
- Hapū and marae, such as Te Rūnanga o Ngāti Rēhia (S559);
- Key Interest Groups, such as Kapiro Residents Association (S428) and Vision Kerikeri (S521); and
- Individuals, such as Ian Diarmid Palmer (S556) and John Andrew Riddell (S431).

3.3 Key Issues

The hearing report comprehensively addressed all submission points relating to this topic. The key issues that remained in contention at the hearing and which were the subject of submissions and evidence for our consideration are those that have been identified in the Council's right of reply. For those submission points on this topic that were not in contention at the hearing, we confirm our agreement with the hearing report's recommendations. We have therefore followed the structure of the Council's right of reply for the key issues that remained in contention and that required our consideration and findings for the Subdivision topic, as set out below:

- Key Issue 1: Management plan subdivision (SUB-R7)
- Key Issue 2: Environmental benefit subdivision (SUB-R6)

¹ Relating to Policy RPROZ-P6

- Key Issue 3: Additional matters of control and discretion
- Key Issue 4: Matters addressed in other hearings
- Key Issue 5: Infrastructure (electricity and telecommunications)
- Key Issue 6: Errors
- Key Issue 7: “Site” versus “allotment”
- Key Issue 8: Significant Natural Areas (SNAs)
- Key Issue 9: Requests for new provisions or wording amendments
- Key Issue 10: Other hearing statements

Our assessment, evaluation and recommendations on each issue follows.

3.4 Key Issue 1 – Management Plan Subdivision (SUB-R7)

3.4.1 Matters Raised in Submissions

We received planning evidence from Mr Peter Hall (on behalf of Bentzen Farm Ltd (S167.053, 058 and 108), Setar Thirty Six Ltd (S168.059 and 148), Matauri Trust Ltd (S243.076 and 127) and also from Mr John Riddell (S431.064, 087 and 088) relating to the proposed Management Plan Subdivision rule (SUB-R7), as summarised in the Council’s Right of Reply Report. Mr Hall broadly supported the proposed provisions and Mr Riddell sought to strengthen the provisions with a number of suggested amendments, including in relation to what should be the appropriate lot sizes when utilising these provisions.

As set out in the Council’s right of reply, some of the suggestions within this evidence have been recommended for inclusion, while others have not. This includes consideration of whether some of the policies should be recast as “provide for” policies rather than “avoid” policies, noting that the policy provisions need to be read together.

Vision Kerikeri, Carbon Neutral Trust (S529.147 and 149) and Kapiro Conservation Trust (Community Groups) also presented lay evidence to us on the Management Plan Subdivision provisions, with a suggestion that the requirements of Appendix 3 (relating to rule SUB-R7) be strengthened. The Council’s right of reply carefully considers each of these suggestions and ultimately concluded that no changes are required in response because the relevant issues are covered in other parts of the Plan and would be engaged if necessary.

3.4.2 Hearings Panel Evaluation

We agree with the consideration of this evidence by the Council officers and in particular note the discretionary activity nature of such applications provides for a wide range of considerations to be taken into account when administering the provisions. For example, these include considering the location, form and scale of subdivision and development to achieve sustainable environmental management and the protection of natural character, landscape, amenity, heritage and cultural values, particularly in the coastal environment.

3.4.3 Hearings Panel Recommendations

The Hearings Panel agree with and adopt the recommendations and reasoning set out within the Council's right of reply and we recommend the following amendments to SUB-P8, SUB-P9 and SUB-R7 and the following consequential amendments to RPROZ-P6:

SUB-P8

Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision:

- a. will protect areas of significant indigenous vegetation, or significant habitats of indigenous fauna or natural inland wetlands a qualifying SNA in perpetuity as required in SUB-R6 and result in the SNA being added to the District Plan SNA schedule; and*
- b. achieves the environmental outcomes required in SUB-R7; Provides a management plan which results in superior environmental outcomes, including through, where relevant:*
 - i. the protection of natural character, landscape, amenity, heritage or cultural values; and/or*
 - ii. the restoration, enhancement and legal protection of indigenous biodiversity; or*
- c. is around an existing residential unit; as provided for by SUB-R3.*
- d. will not result in the loss of versatile soils for primary production activities.*

SUB-P9

~~Avoid subdivision rural lifestyle subdivision in the Rural Production zone and~~ Restrict rural residential subdivision in the Rural Lifestyle zone unless the development ~~achieves the environmental outcomes required in the management plan subdivision rule SUB-R7~~ provides a management plan which results in superior environmental outcomes, including through, where relevant:

- i. the protection of natural character, landscape, amenity, heritage, or cultural values; and/or*
- ii. the restoration, enhancement and legal protection of indigenous biodiversity.*

SUB-R7

DIS-1

- 1. the average size of all lots in the management plan subdivision, excluding lots used solely for access, utilities, roads and reserves is no less than 21ha in the Rural Production zone and 5,000m2 in the Rural Lifestyle zone;*

RPROZ-P6

(...)

- d. *provides for rural lifestyle living unless there is an environmental benefit, or is around an existing residential unit in accordance with SUB-R3.*

The Hearings Panel recommend that submissions from Bentzen Farm Ltd (S167.053, 058 and 108), Setar Thirty Six Ltd (S168.059 and 148) and Matauri Trust Ltd (S243.076 and 127), in so far as they relate to our recommended amendments to rule SUB-R7 and the related policies SUB-P8, SUB-P9 and RPROZ-P6, be accepted in part; and that the submission points from Mr John Riddell (S431.064, 087 and 088) be rejected.

3.5 Key Issue 2 – Environmental Benefit Subdivision (SUB-R6)

3.5.1 Matters Raised in Submissions

Messrs Hall (Bentzen Farm Ltd (S167.057), Setar Thirty Six Ltd (S168.058), Matauri Trust Ltd (S243.075) and Riddell (S431.074) also provided planning evidence on the environmental benefit subdivision rule SUB-R6. We also heard planning evidence from Ms Lynley Newport (S118.003 and 004).

As set out in the Council's right of reply, Mr Hall's evidence did not support the requirement for a 40ha balance lot, as required by this proposed rule, suggesting that this requirement should be reduced to 20ha. The Council's response disagreed with Mr Hall and recommended that the balance lot size should be consistent with the minimum subdivision standard for the zone, in order to prevent rural fragmentation and also to achieve the outcomes sought by the wider RPROZ provisions. In addition, it was noted that no analysis was provided by Mr Hall to clearly support the outcomes he was seeking to achieve. The Council's response did however suggest that the discretionary activity pathway for RDIS-6 would be more appropriate than a non-complying activity status.

Mr Riddell suggested additional matters of discretion were required for this rule. The Council's response agreed with some (but not all) of these suggestions, along with recommending other framing provisions to provide greater clarity for plan users.

Ms Newport recommended to us that the environmental benefit rule could apply in retrospect to enable additional subdivision rights for property owners who have previously provided legal protection to areas of significant indigenous vegetation, significant indigenous habitat, or natural wetland, but who have not received subdivision benefits from such protection. The Council's response to this request is well considered and ultimately disagrees with Ms Newport's suggestion because applying the SUB-R6 rule retrospectively raises a significant risk of 'double dipping', where the same protected area generates development benefits twice. Alongside a lack of data to confirm Ms Newport's suggestions, we note that rule SUB-R6 includes a matter of discretion to check whether "this rule has not been used previously to gain an additional subdivision entitlement" (i.e. there is no environmental benefit because the benefit is already in the environment).

3.5.2 Hearings Panel Evaluation

We agree with the Council's consideration of the evidence presented in relation to rule SUB-R6, including in response to the evidence of Ms Newport which we agree lacks any supporting substantive analysis or evidence to justify why such action is necessary.

We have however suggested that the proposed additional matter of discretion (j) under RDIS-7 should be refined as some of the additional proposed wording is superfluous.

3.5.3 Hearings Panel Recommendations

We agree with and adopt the recommendations and reasoning set out within the Council's right of reply (other than in relation to matter of discretion (j) where we recommend a minor amendment). This is set out below.

SUB-R6

RDIS-3

All of an area of indigenous vegetation, indigenous habitat or natural inland wetland assessed as significant under RDIS-2 contained within the individual Record of Title is protected.

~~The significant indigenous vegetation, significant indigenous habitat or natural wetland must be added to the list of scheduled Significant Natural Areas in the District Plan, which will be incorporated into the District Plan as part of the next plan update plan change.~~

...

RDIS-5

An ecological management plan is prepared to address the ongoing management of the covenanted area to ensure that the values are maintained and the plan includes:

1. *Fencing requirements for the covenant area;*
2. *Monitoring and reporting measures;*
3. *Ongoing pest plant and animal control; and*
4. *Any enhancement or edge planting required within the covenant area*

RDIS-6

All proposed new environmental allotments are to be:

1. *~~a~~A minimum size of 21ha in area; and*
2. *~~t~~The balance lot must be greater than 40ha-*

Matters of discretion are restricted to:

...

~~j. the extent to which any relevant objectives and policies in the Ecosystems and Indigenous Biodiversity Chapter are met.~~

Activity status where compliance not achieved with RDIS -1, RDIS-2, RDIS-3, RDIS-4 and RDIS-5 is not achieved: Discretionary

Activity status where compliance not achieved with RDIS-6, 2.: Discretionary

Where:

DIS-1

1. The balance allotment is greater than 8ha in size

Activity status where compliance not achieved with RDIS-6, 1, DIS-1 and RDIS-7 and RDIS-8 is not achieved: Non-complying

The Hearings Panel recommend that submissions from Bentzen Farm Ltd (S167), Setar Thirty Six Ltd (S168) and Matauri Trust Ltd (S243), in so far as they relate to our recommended amendments to rule SUB-R6, be accepted; and the relevant submission points from Mr Riddell (S431) and Ms Newport (S118.003) be rejected.

3.6 Key Issue 3 – Additional Matters of Control and Discretion

3.6.1 Matters Raised in Submissions

Mr Riddell (S431.065) requested the addition of three further matters of control or discretion (as relevant) to various subdivision rules, relating to measures: to mitigate and adapt to climate change; to provide for active transport; and in relation to the consideration of effects on existing or planned local character and sense of place.

The Council's right of reply carefully considers these suggestions and has agreed in part with Mr Riddell's suggestion to add an additional matter of control for rule SUB-R3; but, the Council officer recommends no further changes are required to the existing proposed provisions. In doing so, the report finds that the matters suggested by Mr Riddell are either implicit in the proposed rules as currently drafted, or can be considered when an application for a discretionary activity is being assessed by the Council.

3.6.2 Hearings Panel Evaluation

We agree with the Council's recommendations in response to Mr Riddell's requests and recommend that this submission be accepted.

3.6.3 Hearings Panel Recommendations

We agree with and adopt the recommendations and reasoning set out within the Council's right of reply and we recommend the following amendments to rule SUB-R3:

SUB-R3

Matters of control are limited to:

(...)

i. _____ where relevant, measures to provide for active transport, protected cycleways and for walking.

2. We recommend that the Council accept in part the submission of Mr Riddell (S431.065).

3.7 Key Issue 4 – Matters Addressed in Other Hearings

3.7.1 Matters Raised in Submissions

We heard planning evidence relating to proposed provisions within other parts of the Plan, including the Rural, the Coastal Environment and the Infrastructure chapters. This was evidence from Messrs Hall and Riddell; and also Mr David Badham (for Top Energy) and Mr Andrew McPhee (for Oromahoe Land Owners).

The Council's right of reply firstly considers Mr Hall's suggestion that the current recommendation for a 40ha minimum lot size in the RPROZ as a controlled activity should be amended to a 20ha minimum. Ms Lynley Newport, Mr Dennis Thompson and Mr Peter Malcolm also presented alternatives to these provisions for our consideration. The Council's right of reply considered these suggestions, including returning to matters addressed in the Rural topic, ultimately recommending to us that no changes should be made.

Secondly, the right of reply considered Mr Riddell's suggestion that some urban zones located within the coastal environment should be exempt from rule SUB-R20. The Council's right of reply does not agree with Mr Riddell and reasons that a discretionary activity status for subdivision within an urban Coastal Environment overlay is appropriate.

Thirdly, Ms Excel provided an impassioned presentation to us on behalf of Bay of Islands Watchdogs, in relation to the proposed subdivision provisions where restrictions on dogs could be considered. The right of reply report disagrees with the suggestions made by Ms Excel and considers that the proposed Indigenous Biodiversity Chapter provisions are appropriate in certain situations when considering subdivision, with this likely to occur on a case by case basis and only where such controls would be appropriate.

Fourthly, the Community Groups presented to us and reiterated their submission points in relation to the provision of esplanade reserves, consistent with their submissions at Hearing 5. The Council's right of reply provides a thorough consideration of these points and ultimately finds that the proposed provisions relating to esplanade reserves are appropriate. The addition of an explanatory note within the Public Access Chapter assists to clarify matters.

Finally, there was conflicting evidence from Mr Badham and Mr McPhee in relation to rules SUB-R9 and SUB-R10 in the context of evidence presented at the Infrastructure topic Hearing 11. The right of reply confirmed that the recommended provisions for this rule, as contained within the Council's hearing report, were consistent with those recommended at Hearing 11 and Mr McPhee agreed that these were appropriate. It was Mr Badham that continued to recommend that any breaches to the rule (with compliance being a controlled activity) should be assessed as a non-complying activity, rather than

the recommended discretionary activity status. The Council right of reply disagrees with this suggestion, for the reasons at paragraph 105, which links to the Infrastructure Reply.

3.7.2 Hearings Panel Evaluation

We agree with and adopt the Council's recommendations and reasons in relation to these submission points. However, we disagree with the Council's statement (at paragraph 87 of the right of reply) where the Council's reporting officer acknowledges Mr Hall's point of view regarding economic evidence. Mr Hall is not an economist and he did not bring expert evidence to make such statements, which are outside his area of expertise.

We found the tables provided at paragraphs 93 and 96 of the right of reply to be particularly helpful in assisting with our understanding of the proposed subdivision provisions for rural zones. It cannot be said that there is insufficient opportunity for subdivision and development in rural zones, particularly within the RPROZ and we agree with the Council reporting officer who advises that "these provisions collectively provide a reasonable and balanced range of opportunities for residential development across the rural zones".

We also agree with the Council's recommendations in relation to subdivision within the coastal environment overlays, subdivision restrictions on dogs and esplanade reserves, being topics that we canvassed during earlier hearings (including Hearings 4 and 5).

We also agree with the Council's recommended amendments to rule SUB-R9 and SUB-R10 in order to maintain consistency with our findings for Hearing 11.

We also note that the subdivision provisions contain policies SUB-P6 and SUB-P11 which require a consideration of site servicing and infrastructure at subdivision stage. These policies are appropriate. However, we also note that all of the urban zones contain a policy (i.e. GRZ-P2, MUZ-P2, LIZ-P2, HIZ-P2 and KRT-P1) requiring all subdivision to provide servicing. We are of the view that the urban zone policies are not necessary and the consideration of infrastructure and servicing is sufficiently included in policies SUB-P6 and SUB-P11. Therefore, we consider that the urban zone policies can be deleted.

3.7.3 Hearings Panel Recommendations

The Hearings Panel agree with and adopt the recommendations and reasoning set out within the Council's right of reply.

We also recommend a correction to SUB-R10, that relates to an earlier change in related provisions:

SUB-R10

...Matters of discretion control are restricted limited to:...

We recommend that the subdivision servicing policies in the urban zones such as GRZ-P2, MUZ-P2, LIZ-P2, HIZ-P2 and KRT-P1 be deleted, as they only relate to subdivision and are otherwise provided for by SUB-P6 and SUB-P11.

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 3**.

3.8 Key Issue 5 – Infrastructure (Electricity and Telecommunications)

3.8.1 Matters Raised in Submissions

In addition to evidence from Mr Badham (for Top Energy) (S483) and the Telecommunications providers (S278 and S517)², we received corporate evidence from Messrs McCarrison, Kantor and Clune and planning evidence from Mr Horne on behalf of various telecommunications providers.

The evidence from Mr Badham included suggestions for strengthening protection of existing electricity infrastructure, including in particular the mapped Critical Electricity Line Overlay, in relation to objective SUB-O2 and other suggestions relating to the proposed subdivision policy provisions. The Council’s right of reply does not agree with these suggestions given that similar objectives and policy intent is already included in the Infrastructure chapter and the Plan is to be read holistically and avoid duplication.

Mr Badham also made useful suggestions for the improvement of standard SUB-S6 in relation to telecommunications and power supply connections, with which the right of reply agrees in part – other than where the standard applies to rural zones – with the addition of the words “Telecommunications and” within CON-1 for rule SUB-R3 in relation to various zones. Mr Horne also made a number of helpful suggestions for recommended amendments to this standard and the right of reply also agrees in principle with these suggestions for certain zones, but not for rural zones (other than the Settlement zone).

The Council right of reply canvases the suggestion to add the wording “reasonably practicable” to the standard, considering this term to be too subjective – preferring more certainty through words such as infrastructure that is “available to the boundary of the site” (being consistent with other district plans).

Overall, after carefully considering the submitters’ suggestions, the Council right of reply (at paragraph 124) recommends various amendments to the proposed provisions.

3.8.2 Hearings Panel Evaluation

We agree with and adopt the Council’s recommendations and reasons in relation to these submission points, noting that this topic was well-canvassed at Hearing 11.

We also note that the subdivision provisions contain policies SUB-P6 and SUB-P11 and standard SUB-S6 which require a consideration of site servicing and infrastructure at subdivision stage. These policies and standard are appropriate. However, we also note that all of the urban zones contain a policy (i.e. GRZ-P2, MUZ-P2, LIZ-P2, HIZ-P2 and KRT-P1) requiring all subdivision to provide servicing. We are of the view that the urban zone policies are not necessary and the consideration of infrastructure and servicing is sufficiently included in policies SUB-P6 and SUB-P11. Therefore, we consider that the urban zone policies can be deleted.

² Telecommunication providers are: Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited, Connexa Limited, Fortysouth Group LP

3.8.3 Hearings Panel Recommendations

The Hearings Panel agree with and adopt the recommendations and reasoning set out within the Council's right of reply.

We also recommend the Council make the following amendments to SUB-S6:

SUB-S6	Telecommunications and power supply	
General Residential zone	<u>Every new allotment (excluding any allotments for access, roads, network utilities or reserves) shall be provided with a connection, or easements to secure connection, to:</u>	Matters of discretion are restricted to: alternative provision of <u>telecommunication and electricity supply.</u>
Medium Density Residential zone	<u>A reticulated electricity supply system at the boundary of the new allotment; and</u> <u>Telecommunications services at the boundary of the new allotment, provided by:</u> <u>An open access fibre network, where it is available to the boundary of each new lot; or</u> <u>Where connection to an open access fibre network is not available, by a mobile/wireless, which includes satellite service; and</u> <u>The applicant shall provide, with any subdivision consent application written confirmation from a telecommunication network operator confirming that a suitable connection can be made; and</u> <u>At the time of subdivision, sufficient land for telecommunications, transformers, and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, proof of consultation with the telecommunications network utility operators will be required.</u>	
Town Centre zone		
Kororāreka Russell Township zone		
Mixed Use zone		
Light Industrial zone		
Heavy Industrial zone		
Settlement zone		
Rural Residential zone	<u>Connections shall be provided at the boundary of the site area of the allotment for:</u> <u>telecommunications</u> <u>Fibre where it is available; or</u> <u>Copper where fibre is not available; and³</u> <u>Electricity supply through the local electricity distribution network.</u>	
Horticulture Processing Facility zone	Note: <u>This standard does not apply to allotments for a utility, road, reserve or for access purposes.</u>	

³ S178.005 and others

In addition, we recommend that the subdivision servicing policies in the urban zones such as GRZ-P2, MUZ-P2, LIZ-P2, HIZ-P2 and KRT-P1 be deleted, as they only relate to subdivision and are otherwise provided for by SUB-P6, SUB-P11 and SUB-S6.

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 3**.

3.9 Key Issue 6 – Errors

3.9.1 Matters Raised in Submissions

Mr Tuck, on behalf of Waiaua Bay Farm Limited (S463), identified a drafting error in the proposed subdivision provisions that is not consistent with the considerations at Hearing 15A. The Council’s right of reply acknowledged the drafting error and recommended the exclusion for the Kauri Cliffs Golf Living Sub-zone should be amended to only relate to rule SUB-R20, rather than rule SUB-RXX.

3.9.2 Hearings Panel Evaluation

We agree with the Council’s right of reply and note that this is not a matter in contention following consideration of the issue during Hearing 15A and our related recommendations, which are set out in **Recommendation Report 15A**.

3.9.3 Hearings Panel Recommendations

We agree with and adopt the recommendations and reasoning set out within the Council’s right of reply.

We also recommend that the Council should accept the relevant submission point from Waiaua Bay Farm Limited (S463) relating to SUB-R20.

We recommend the following amendments to SUB-R20 and SUB-RXX:

SUB-R20	<i>Subdivision creating one or more additional allotments of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)</i>	
<i>All zones (excluding Kauri Cliffs Golf Living sub-zone)</i>	<i>Activity status: Discretionary</i>	<i>Activity status where compliance not achieved: Not applicable</i>
SUB-RXX	<i>Subdivision of land within 100m of a Mineral Extraction zone</i>	
<i>All zones (excluding Kauri Cliffs Golf Living sub-zone)</i>	<i>Activity status: Discretionary</i>	<i>Activity status where compliance not achieved: N/A</i>

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 3**

3.10 Key Issue 7 – “Site” versus “Allotment”

3.10.1 Matters Raised in Submissions

Mr Ian Palmer (S556.001 and S556.002) presented us with an elaborate analysis at the hearing as justification and reasoning for his suggestion that reference to the term “allotment” within standard SUB-S1 was incorrect and should more appropriately refer to the term “site”. The Council right of reply considers this suggestion but ultimately does not support the change because:

“The use of the term “allotment” within the subdivision provisions is considered both appropriate and necessary to ensure consistency with *section 218* of the Resource Management Act 1991, which defines subdivision by reference to the creation of new allotments. This terminology provides legal certainty and a direct link to the statutory framework governing subdivision.”⁴

The Council right of reply acknowledges that there may be instances (as highlighted by Mr Palmer) where practical complexities arise during administration and implementation of the provisions; however, the reference to “allotment” remains legally correct and there is the possibility of unintended consequences arising by referring to “site”.

3.10.2 Hearings Panel Evaluation

We agree with the Council right of reply, including in response to Mr Palmer highlighting reference to the Auckland Unitary Plan, which applies minimum “site” size to subdivision, however noting that a number of other district plans continue to reference “allotment” in this context. We confirm that reference to “allotment” within standard SUB-S1 of the PDP remains the most appropriate and robust approach given the statutory definition in section 218 of the RMA.

3.10.3 Recommendations and Reasons

No recommended amendments are required in response to this submission point.

Accordingly, we agree with and adopt the recommendations and reasoning set out within the Council’s right of reply and recommend that the submission from Ian Diarmid Palmer (S556.001 and S556.002) be rejected.

3.11 Key Issue 8 – Significant Natural Areas (SNAs)

3.11.1 Matters Raised in Submissions

Legal submissions were provided and spoken to by Mr Tim Williams on behalf of the Royal Forest and Bird Protection Society of New Zealand Incorporated (FS346). The primary thrust of Mr William’s submissions was in relation to the Council’s recommendation to remove rule SUB-R17 relating to subdivision of a site containing a scheduled SNA, which is proposed to be removed because SNAs are not mapped within the Plan. This topic was also raised at Hearing 4 in relation to the Indigenous Biodiversity and Natural Character provisions. It was Mr William’s recommendation to us that rule SUB-R17 should be reinstated and apply to all SNAs that meet the RPS criteria, rather than only those that were scheduled. In addition, Mr Williams also outlined several concerns with SUB-P8 and

⁴ Hearing 16 – Council right of reply report paragraph 133

SUB-P9, which in his view would be relied upon to protect SNAs under the revised framework.

In responding to this suggestion, the right of reply reiterates that the Plan has been drafted to be read as a whole and the provisions of the Ecosystems and Indigenous Biodiversity chapter would be relevant for instances where the protection of indigenous biodiversity was achievable and assessed at the time of considering applications that had a discretionary or non-complying activity status. In addition, a relevant matter of control within the subdivision provisions for controlled activity applications is in place. It was therefore the Council right of reply assessment that the Ecosystems and Indigenous Biodiversity chapter policy provisions, in conjunction with the currently proposed subdivision provisions, are sufficiently robust to ensure the protection and enhancement of existing indigenous biodiversity and to encourage restoration.

As addressed above at Key Issue 2, the addition of a further matter of discretion to rule SUB-R6 is proposed to reference the Ecosystems and Indigenous Biodiversity chapter, along with the recommended amendments to policies SUB-P8 and SUB-P9 above.

3.11.2 Hearings Panel Evaluation

We agree with the analysis and recommendations of the Council's right of reply in response to this submission point. It is important to have a consistent approach to Plan drafting and to ensure that provisions which are located in one part of the Plan don't need to be repeated in another part, unless there is very good reason to do so. In this instance, we find that there is not.

3.11.3 Hearings Panel Recommendations

No recommended amendments are required in response to this matter.

Accordingly, we recommend that submissions and further submissions are accepted, accepted in part or rejected as set out in **Appendix 3**

3.12 Key Issue 9 – Requests for New Provisions or Wording Amendments

3.12.1 Matters Raised in Submissions

Vision Keriikeri, Carbon Neutral Trust, Kapiro Conservation Trust (S521, S522, S524, S527, S529, S442, S443, S445, S446, S449, FS569, FS62, FS566 and FS333) presented to us in support of their submission points suggesting new policies and rules for the subdivision chapter, as well as suggested amendments to proposed policy SUB-P5. Included with this presentation was tabled draft evidence from Ms Dvorakova. However, this witness was not in attendance at the hearing and there was no ability for us to question or interrogate the recommendations of Ms Dvorakova.

Nevertheless, the Council's right of reply responded to each of the suggested amendments to provisions within the Community Groups' presentation, including in relation to improving walkability, transport safety, block structure and public access through subdivision design; ultimately concluding that the currently proposed provisions (in the Plan as a whole) provide for the consideration of these prescriptive issues adequately.

The right of reply highlights that the objectives and policies of the Transport Chapter, including policy TRAN-P3, for example, provides for the consideration of connectivity, for example, and the needs of all transport users, including pedestrians, cyclists, and those with limited mobility. In addition, as discussed at Key Issue 3 above, the right of reply also recommended the addition of a further matter of control for SUB-R3 relating to measures to provide for active transport, protected cycleways, and walking connections.

3.12.2 Hearings Panel Evaluation

We agree with the analysis and recommendations of the Council's right of reply in response. Similar to our consideration of Key Issue 8 above, we confirm that it is important to have a consistent approach to Plan drafting and to ensure that provisions which are located in one part of the Plan don't need to be repeated in another part, unless there is very good reason to do so. Again, in this instance we find that there is no need.

3.12.3 Hearings Panel Recommendations

No recommended amendments are required in response to this matter.

We agree with and adopt the recommendations and reasoning set out within the Council's right of reply and recommend that the relevant submissions and further submission points from Vision KeriKeri, Carbon Neutral Trust, Kapiro Conservation Trust (under S521, S522, S524, S527, S529, S442, S443, S445, S446, S449, FS569, FS62, FS566 and FS333) be rejected.

3.13 Key Issue 10 – Other Hearing Statements

3.13.1 Matters Raised in Submissions

Written hearing statements were tabled, without appearance, by the following persons:

1. Mr Hodgson, on behalf of Horticulture New Zealand (S159 and FS354), tabled planning evidence in support of several of the subdivision Hearing Report recommendations.
2. Ms Grinlinton-Hancock, on behalf of KiwiRail (S416), tabled a statement accepting the Hearing Report's recommendation on KiwiRail's submission point.
3. Ms Cook-Munro, on behalf of Northland Federated Farmers of New Zealand Inc (S421), tabled a statement accepting the Hearing Report's recommendations on a number of submission points and, where these were not supported, indicated they do not wish to pursue those particular points further.
4. Mr Hamilton, on behalf of Transpower New Zealand (S454), tabled a statement which generally accepted the Hearing Report's recommendations.

The Council right of reply simply noted these points, as they did not require any analysis.

3.13.2 Hearings Panel Evaluation

We agree with the right of reply response to these tabled submission points.

3.13.3 Hearings Panel Recommendations

No recommended amendments are required in response to this issue.

3.14 Key Issue 11 – Addendum Reporting Clarification

3.14.1 Matters Raised by the Council Officers

The Council's right of reply Addendum⁵ Report was prepared to address ambiguity identified internally by the Council officers within the wording of SUB-R3 subsequent to the issue of the original right of reply.

The clarification was required to ensure the recommended additional subdivision provision (CON-3), which enables subdivision around an existing residential unit in the Rural Production zone, is not inadvertently applied within precincts or development areas that have the Rural Production zone as their underlying zone.

The recommended amendments explicitly state that CON-3 does not apply where a precinct or development area prevails and this provides necessary clarity and ensure there are no unintended consequences or misinterpretations that could undermine the intent of the precinct or development area provisions.

3.14.2 Hearings Panel Evaluation

We agree with the Council's right of reply Addendum recommendations as the proposed amendments will resolve ambiguity and maintain the integrity of both the precinct and development area frameworks and the PDP as a whole.

3.14.3 Hearings Panel Recommendations

We adopt the recommendations set out within the Council's right of reply Addendum Report and recommend the following amendments (in addition to those recommended in the hearing report) to SUB-R3:

SUB-R3

CON-3

1. Except where there is a Precinct or Development Area overlay
sSubdivision around an existing residential unit in the Rural Production
zone where:
 - a. The residential unit has been legally established or building
consent granted on or before the [DATE OF CL10 DECISIONS ON
PDP];
 - b. one rural lifestyle allotment is created;
 - c. allotment size is between 2000m2- 2ha; and
 - d. Balance allotment is a minimum of 40ha in size.

⁵ Dated 12 December 2025

3.15 Key Issue 12 – Specific Provisions for Subdivision in Tapuaetahi Precinct

3.15.1 Hearings Panel Evaluation

Our **Recommendation report 15A** addresses submissions relating to rezoning to special purpose zones for Māori Purpose, Kauri Cliffs and Carrington Estate.

In that report we provided our evaluation and recommendations for submissions from Tapuaetahi Incorporation (S407.003) on the Tapuaetahi Precinct. From this recommendation, consequential changes to the Chapter 16 Subdivision are required relating to rule SUB-R3 and standard SUB-S1. These provisions are included in the provisions in **Appendix 2**.

3.15.2 Hearings Panel Recommendation

We confirm our recommended amendments to SUB-R3 and SUB-S1 regarding the Tapuaetahi Precinct (subdivision as a controlled and/or Discretionary activity) as follows:

SUB-R3	Subdivision of land to create a new allotment	
<u>Māori Purpose zone</u> <u>Tapuaetahi Precinct</u>	Activity Status: Controlled Where: CON-1 1. <u>The subdivision complies with standards:</u> <u>SUB-S3 Water supply;</u> <u>SUB-S4 Stormwater management;</u> <u>SUB-S5 Wastewater disposal;</u> <u>SUB-S6 Telecommunications and power supply; and</u> <u>SUB-S7 Easements for any purpose.</u> CON-2 1. <u>The subdivision complies with standards:</u> <u>SUB-S1 Minimum allotment sizes.</u> Matters of control are limited to: a. <u>Matters of control in SUB-R3.</u>	Activity status where compliance not achieved with CON-1 or CON-2: Discretionary

We also confirm our recommend amendments to the addition of new minimum allotment sizes to standard SUB-S1 (minimum allotment sizes) for Tapuaetahi Precinct as follows:

Subdivision		
SUB-S1	Minimum allotment sizes	
Zone/Precinct	Controlled Activity	Discretionary Activity
<u>Tapuaetahi Precinct</u>	<u>600m²</u>	<u>N/A</u>

<i>Area A</i>		
<i>Tapuaetahi Precinct</i>	<i>3,000m²</i>	<i>1,000m²</i>
<i>Area B</i>		

4 Conclusion

For the reasons set out in this recommendation report, we recommend the adoption of a set of changes to the PDP provisions relating to Subdivision.

Our recommended amendments are shown in **Appendix 2**.

As outlined in this recommendation report, our recommendations also include recommendations for consequential amendments to or from other recommendation reports.

In evaluating and determining our findings we have had regard to the submissions received, the Hearing Reports (including the original hearing report, the right of reply report and the reply addendum report) and the evidence tabled and presented to us. We have also incorporated our own s32AA evaluation into the body of our report as part of our reasons for 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 **Appendix 3**.

Overall, we find that these changes will ensure the PDP better achieves the statutory requirements, national and regional policy directions, and will be easier to implement and understand.

PART 2 – DISTRICT-WIDE MATTERS / SUBDIVISION / Subdivision

Subdivision

Overview

Subdivision is the process of dividing an allotment or building into one or more additional lots or units or changing an existing boundary location. The way an allotment is subdivided, including its size and shape is important as it not only determines the quality and character of development, but it also impacts on surrounding sites and the future use of the land. Subdivision affects the natural and physical environment and introduces long-term development patterns that are unlikely to be reversed.

Subdivisions should be designed in an integrated way that contributes to a sense of place, supports connectivity and provides well-designed, accessible and safe spaces. It should not result in reverse sensitivity effects that cause land to be sterilised and result in the inability to undertake the activities enabled in the relevant zone. The subdivision process also provides the opportunity to create esplanade reserves or strips adjacent to the coast and rivers to enable public access and recreation, or to manage conservation values.

Te Ture Whenua Māori Act 1993 exempts hapū partitions and combined partitions from the subdivision provisions of the Act and these are administered by the Māori Land Court. However, full partitions are subject to the subdivision provisions.

Subdivision of land that contains an identified feature or resource overlay may be subject to additional provisions. Regard should be given to the relevant chapter managing that feature/ resource, including its objectives and policies. Zone rules may also have a bearing on subdivision applications. For example, a subdivision may result in an existing land use activity failing to comply with rules in the Plan due to the change in allotment size. Other sections of the Plan will be relevant for land use activities, which may be associated with and/or required to implement the subdivision e.g. earthworks or the formation of roads.

Consent for subdivision or land use may also be required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS), unless it can be demonstrated that the NESCS does not apply to the application site.

Council has a responsibility under the RMA, NPS-HPL and the Northland Regional Policy Statement to ensure that there is sufficient land available to meet the future demands of the district, that development is in the right location, and manage the rural land resource to protect highly productive land from inappropriate subdivision and provide for the economic, social and cultural well-being of people and communities while managing adverse effects on natural and physical, historic heritage and cultural values, natural features and landscapes or indigenous biodiversity.

Objectives	
SUB-01	Subdivision results in the efficient use of land, which: a. achieves the objectives of each relevant zone, <u>precinct, development area</u>, overlays and <u>the</u> district wide provisions; b. contributes to the <u>existing or planned</u> local character and sense of place; c. avoids reverse sensitivity issues that would prevent or adversely affect activities already established on land from continuing to operate; d. avoids land use patterns which would prevent land from achieving the objectives and policies of the zone in which it is located; e. does not increase risk from natural hazards or risks are mitigates and existing risks reduced; and f. manages adverse effects on the environment.
SUB-02	Subdivision <u>recognises and</u> provides for the: a. Protection of highly productive land; and b. Protection, restoration or enhancement of Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character of the Coastal Environment, Areas of High Natural Character, Outstanding Natural Character, wetland, lake and river margins, Significant Natural Areas <u>areas of significant indigenous vegetation and significant habitats of indigenous fauna</u>, Sites and Areas of Significance to Māori, and Historic Heritage.
SUB-03	Infrastructure is planned to service the proposed subdivision and development where: a. there is existing infrastructure connection, infrastructure should <u>is</u> provided in an integrated, efficient, coordinated and future-proofed manner at the time of subdivision; and b. where no existing connection is available infrastructure should be <u>is</u> planned and consideration be given to <u>connections made</u> with the wider infrastructure network.
SUB-04	Subdivision is accessible, connected, and integrated with the surrounding environment <u>including by and</u> providing for: a. <u>safe transport connections including active modes of public transport where practicable;</u>

	b. <u>new, and connection to existing</u> public open spaces; c. esplanade where land adjoins the coastal marine area; and d. esplanade where land adjoins other qualifying waterbodies.
SUB-0X	<u>Subdivision protects the long-term availability and productive capacity of highly productive land by avoiding inappropriate subdivision that would compromise its use for farming and forestry activities.</u>
SUB-0Y	<u>Subdivision occurs in a sequenced and coherent manner in locations and at a rate that enables growth and development to be supported by additional infrastructure.</u>
Policies	
SUB-P1	Enable boundary adjustments that: a. do not alter: i. the degree of non compliance with District Plan rules and standards; ii. the number and location of any access; and iii. the number of certificates of title.; and b. are in accordance with the minimum lot sizes of the zone and comply with access, infrastructure and esplanade provisions.
SUB-P2	Enable subdivision for the purpose of public works, infrastructure, reserves or access.
SUB-P3	Provide for subdivision where it results in allotments that: a. are consistent with the <u>planned environment</u> purpose, characteristics and qualities of the zone or precinct; b. comply with the minimum allotment sizes for each zone <u>or precinct</u>; c. have an adequate size and appropriate shape to contain a building platform; and d. have legal and physical access.
SUB-P4	Manage subdivision of land as detailed in the district wide, natural environment values, historical an cultural values and hazard and risks sections of the plan
SUB-P5	Manage subdivision design and layout in the General Residential, Mixed Use, <u>Medium Density Residential, Town Centre</u> and Settlement zone to provide for safe, connected and accessible environments by: a. minimising vehicle crossings that could affect the safety and efficiency of the current and future transport network; b. avoid cul-de-sac development unless the site or the topography prevents future public access and connections; c. providing for development that encourages social interaction, neighbourhood cohesion, a sense of place and is well connected to public spaces; d. contributing to a well connected transport network that safeguards future roading connections; and e. maximising accessibility, <u>(including for emergency response) and</u> connectivity by creating walkways, cycleways and an interconnected transport network; and f. <u>providing additional infrastructure where required.</u>
SUB-P6	Require infrastructure to be provided in an integrated and comprehensive manner by: a. demonstrating that the subdivision will be appropriately serviced <u>(including telecommunications)</u> and integrated with existing and planned infrastructure if available; and b. ensuring that the infrastructure is provided is in accordance with the <u>planned environment</u> purpose, characteristics and qualities of the zone.
SUB- P7	Require the vesting of esplanade reserves <u>or esplanade strips</u> when subdividing <u>to specific allotment sizes</u> land adjoining the coast or other qualifying waterbodies.
SUB-P8	Avoid rural lifestyle subdivision in the Rural Production zone unless the subdivision: a. will protect <u>areas of significant indigenous vegetation, or significant habitats of indigenous fauna or natural inland wetlands</u> a qualifying SNA in perpetuity as required in SUB-R6 and result in the SNA being added to the District Plan SNA schedule; and b. achieves the environmental outcomes required in SUB-R7; Provides a management plan which results in superior environmental outcomes, including through, where relevant: i. <u>the protection of natural character, landscape, amenity, heritage or cultural values; and/or</u> ii. <u>the restoration, enhancement and legal protection of indigenous biodiversity; or</u> c. <u>is around an existing residential unit, as provided for by SUB-R3;</u> d. will not result in the loss of versatile soils for primary production activities.

SUB-PX	<u>Avoid subdivision that:</u> <u>Within the Horticulture Precinct, is not provided for in PREC1-P5;</u> <u>In all other parts of the Rural Production Zone:</u> <u>results in any potential cumulative loss of the availability or productive capacity of highly productive land for use by farming or forestry activities;</u> <u>cannot demonstrate that the proposed lots will retain the overall productive capacity of highly productive land over the long term;</u> <u>fragments land into parcel sizes that are no longer able to support farming or forestry activities in accordance with RPROZ-P6(c);</u> <u>Results in rural lifestyle subdivision unless provided for in SUB-P8.</u>
SUB-P9	Avoid subdivision rural lifestyle subdivision in the Rural Production zone and <u>Restrict rural residential subdivision in the Rural Lifestyle zone unless the development achieves the environmental outcomes required in the management plan subdivision rule SUB-R7- provides a management plan which results in superior environmental outcomes, including through, where relevant:</u> <u>The protection of natural character, landscape, amenity, heritage, or cultural values; and/or</u> <u>The restoration, enhancement and legal protection of indigenous biodiversity.</u>
SUB-P10	To protect amenity and character by avoiding the subdivision of minor residential units from principal residential units where resultant allotments do not comply with minimum allotment size and residential density.
SUB-P11	Consider the following matters where relevant when assessing and managing the effects of subdivision: Manage subdivision to address the effects of the activity requiring resource consent including (but not limited to) consideration of the following matters where relevant to the application: <u>the potential for reverse sensitivity effects that would prevent or adversely affect activities already established on land from continuing to operate;</u> - consistency with the scale, density, design and character of the environment and purpose of the zone; - the location, scale and design of buildings and structures; - the adequacy and capacity of available or programmed development infrastructure to accommodate the proposed activity; or the capacity of the site to cater for on-site infrastructure associated with the proposed activity; - managing natural hazards; - Any adverse effects on areas with historic heritage and cultural values, natural features and landscapes, natural character or indigenous biodiversity values; and - any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.
Rules	

Notes:

- 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 *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
- Subdivision of land within the Treaty Settlement Overlay is subject to the subdivision rules and standards for the underlying zone
- Where a site has a split zoning the more restrictive rules relating to minimum allotment sizes will apply.
- Any application for a resource consent in relation to a site that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion including an assessment of whether the site includes an area of land susceptible to instability.
- A boundary adjustment or subdivision that occurs wholly outside the Natural Open Space Zone and does not create or alter a boundary within land zoned Natural Open Space, shall be assessed under the subdivision rules of the zone(s) in which the boundary adjustment or subdivision occurs.

SUB-R1	Boundary adjustments	
All zones (except Open Space zones, Motorua Island zone, and Airport zone)	Activity status: Controlled Where: CON-1 The boundary adjustment complies with standards:	Activity status where compliance not achieved with CON-1: Restricted Discretionary Matters of discretion are restricted to: matters of any infringed standard; and

	SUB-S1 Minimum allotment sizes for controlled activities, except where an existing allotment size is already non-compliant, the degree of non-compliance shall not be increased; SUB-S2 Requirements for building platforms for each allotment; SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 <u>Telecommunications and</u> power supply; and SUB-S7 Easements for any purpose; CON-2 1. the boundary adjustment does not alter: <u>Alter</u> the ability of existing activities to continue to be permitted under the rules and standards in this District Plan; <u>Alter</u> the degree of non compliance with zone or district wide standards; <u>Alter</u> the number and location of any access; and <u>Increase</u> the number of certificates of title. CON-3 1. The boundary adjustment complies with standard: SUB -S8 Esplanades. Matters of control are limited to: - the design and layout of allotments, and the ability to accommodate permitted and/or intended land uses; - the provision of easements or registration of an instrument for the purpose of public access and reserves; - the effects of development phase works on the surrounding area; - extent of potential effects on sites and areas of significance to Māori, ancestral lands, water, site, wāhi tapu and other taonga; - adverse effects on areas with historic heritage and cultural values, natural features and landscapes, wetland, lake and river margins, natural character or indigenous biodiversity values including indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification system lists; - natural hazards or geotechnical constraints; where relevant compliance with Far North District Council Engineering Standards April 2022; and - adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray. NOTE: If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.	b. any relevant matters of control. Activity status where compliance not achieved with CON-2 and CON-3: Discretionary
Natural Open Space zone Open Space zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable

Sport and Active Recreation zone Motorua Island zone Airport zone		
SUB-R2	Subdivision of land solely to create an allotment that is for the purpose of public works, infrastructure, reserves or access	
All zones	Activity status: Controlled Matters of control are limited to: - the size, design and layout of lots for the purpose of public works, infrastructure, reserves or access; - the provision of easements or registration of an instrument for the purpose of public access and reserves; - the effects of development phase works on the surrounding area; - the effects on cultural values; - preservation of the natural character of the coastal environment and the margins of lakes, rivers and wetlands; - protection of natural features/landforms, waterbodies, indigenous vegetation, indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification system lists, historic heritage, sites of significance to tangata whenua, archaeological site or identified feature; - natural hazards or geotechnical constraints; where relevant compliance with Far North District Council Engineering Standards April 2022; - effects on notable trees within or adjoining the site; and - adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray. NOTE: If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.	
SUB-R3	Subdivision of land to create a new allotment	
Rural Production zone Rural Lifestyle zone Rural Residential zone General Residential zone	Activity status: Controlled Where: CON-1 The subdivision complies with standards: SUB-S2 Requirements for building platforms for each allotment; SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 <u>Telecommunications and</u> power supply;	Activity status where compliance not achieved with CON- 1: Restricted Discretionary Matters of discretion are restricted to: - matters of any infringed standard; and - any relevant matters of control.

Kororāreka Russell Township zone Settlement zone Mixed Use zone Light Industrial zone Heavy Industrial zone Horticulture zone Horticulture Processing zone Hospital zone Medium Density Residential zone	and SUB-S7 Easements for any purpose. CON-2 1. The subdivision complies with standards: SUB-S1 Minimum allotment sizes (<u>except subdivision under SUB-R3 CON-3 below</u>); and SUB-S8 Esplanades. CON-3 1. <u>Except where there is a Precinct or Development Area overlay sSubdivision around an existing residential unit in the Rural Production zone where:</u> a. <u>The residential unit has been legally established or building consent granted on or before the [DATE OF CL10 DECISIONS ON PDP];</u> b. <u>one rural lifestyle allotment is created;</u> c. <u>allotment size is between 2000m2-2ha; and</u> d. <u>Balance allotment is a minimum of 40ha in size.</u>	Activity status where compliance not achieved with CON-2: Discretionary Where: DIS-1 1. compliance with SUB-S1 Minimum allotment sizes - controlled activity is not achieved, but discretionary activity achieved
Town Centre zone	Matters of control are limited to: - the design and layout of allotments, and the ability to accommodate permitted and/or intended land uses; - the provision of easements or registration of an instrument for the purpose of public access and reserves; - the effects of development phase works on the surrounding area; - extent of potential effects on sites and areas of significance to Māori, ancestral lands, water, site, wāhi tapu and other taonga; - adverse effects on areas with historic heritage and cultural values, natural features and landscapes, wetland, lake and river margins, natural character or indigenous biodiversity values including indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification system lists; - natural hazards or geotechnical constraints; where relevant compliance with Far North District Council Engineering Standards April 2022; and - adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray; <u>and</u> <u>where relevant, measures to provide for active transport, protected cycleways and for walking.</u> NOTE: If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.	Activity status where compliance not achieved with DIS-1:Non-complying Activity status where compliance not achieved with CON-3,d. : Discretionary Where: DIS-2 1. <u>The balance allotment is greater than 8ha in size</u> Activity status where compliance not achieved with CON -3 a.b.c or DIS-2: Non-complying

Orongo Bay zone	Activity status: Controlled Where: CON-1: 1. The subdivision complies with standards: SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 <u>Telecommunications and</u> power supply; and SUB-S7 Easements for any purpose. CON-2 1. The subdivision complies with standard: SUB-S8 Esplanades. CON- 3 1. The subdivision complies with the following table:	Activity status where compliance not achieved with CON-1: Restricted Discretionary Matters of discretion are restricted to: a. matters of any infringed standard; and b. any relevant matters of control in SUB-R3.		
	<table><tr><td>Orongo Bay zone</td><td>1. the minimum lot sizes are: 3,000m2 (onsite sewerage disposal); 1,000m2 (reticulated sewerage disposal); 2. the subdivision is part of an approved Comprehensive Development Plan; and 3. Maximum number of separate titles created shall not exceed seven.</td></tr></table>	Orongo Bay zone	1. the minimum lot sizes are: 3,000m2 (onsite sewerage disposal); 1,000m2 (reticulated sewerage disposal); 2. the subdivision is part of an approved Comprehensive Development Plan; and 3. Maximum number of separate titles created shall not exceed seven.	Activity status where compliance not achieved with CON-2: Discretionary
	Orongo Bay zone	1. the minimum lot sizes are: 3,000m2 (onsite sewerage disposal); 1,000m2 (reticulated sewerage disposal); 2. the subdivision is part of an approved Comprehensive Development Plan; and 3. Maximum number of separate titles created shall not exceed seven.		
Matters of control are limited to: a. Matters on control in SUB-R3.	Activity status where compliance not achieved with CON-3: Non-complying			
Carrington Estate zone	Activity status: Controlled Where: CON-1: 1. The subdivision complies with standards: SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 <u>Telecommunications and</u> power supply; and SUB-S7 Easements for any purpose. CON-2 1. The subdivision complies with standard: SUB-S8 Esplanades. CON-3: 1. The subdivision is a Unit title subdivision of the accommodation units and lodge/golf club complex, as identified in the Carrington Estate Development Plan. Matters of control are limited to: a. Matters on control in SUB-R3	Activity status where compliance not achieved with CON-1: Restricted Discretionary Matters of discretion are restricted to: a. matters of any infringed standard; and b. any relevant matters of control in SUB-R3.		
		Activity status where compliance not achieved with CON-2: Discretionary		
		Activity status where compliance not achieved with CON-3: Non-complying		
<u>Māori Purpose zone</u>	<u>Activity Status: Controlled</u> <u>Where:</u>	<u>Activity status where compliance not achieved with CON-1 or CON-2: Discretionary</u>		

Tapuaetahi Precinct	CON-1 1. The subdivision complies with standards: <u>SUB-S3 Water supply;</u> <u>SUB-S4 Stormwater management;</u> <u>SUB-S5 Wastewater disposal;</u> <u>SUB-S6 Telecommunications and power supply;</u> <u>and</u> <u>SUB-S7 Easements for any purpose.</u> CON-2 1. The subdivision complies with standards: <u>SUB-S1 Minimum allotment sizes.</u> Matters of control are limited to: a. Matters of control in SUB-R3.	
Kauri Cliffs zone	Activity status: Restricted Discretionary Where: RDIS-1: 1. The subdivision complies with standards: SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 Telecommunications and power supply; SUB-S7 Easements for any purpose; and SUB-S8 Esplanades. RDIS-2: 1. <u>The subdivision is within the Golf Living subzone and:</u> a. <u>no greater than of up to 60 new lots for residential (golf living) purposes, are created; provided that:</u> b. <u>no lot is less than 4,0500m² in area;</u> c. <u>on-site treatment and disposal of wastewater is provided for; and</u> d. <u>defined the building platforms footprints, identified through a professional landscape assessment, are specified; and on an approved plan of subdivision.</u> e. <u>a landscape planning and management plan is provided with the application with a the main purpose of the plan to integrate development into the surrounding property and wider landscape context.</u> Matters of discretion are restricted to: a. matters of control in SUB-R3; b. the extent to which the activity may impact adversely on the unique character of the Kauri Cliffs Zone; c. the extent to which any adverse effects on areas of indigenous vegetation and habitat are avoided, remedied or mitigated; and d. the effect on adjoining activities; and e. <u>the measures proposed for the implementation and ongoing management of planting within the subdivision;</u> f. <u>the matters in CE-P10;</u> g. <u>the stability of land, buildings and infrastructure;</u> h. <u>serving and infrastructure requirements; and</u> i. <u>design of the lot layout and building selection to reduce adverse visual effects, including by</u>	Activity status where compliance not achieved with RDIS-1 or RDIS-2: Discretionary Activity status where compliance not achieved with RDIS-2: Discretionary

	<u>clustering development and being setback from high points and major ridges.</u> NOTE: Applications for restricted discretionary activities within the Golf living sub-zone will be treated as non notified applications provided the written approval of owners of land adjoining the lots to be subdivided has been obtained.	
Haruru Development Area	Activity status: Restricted Discretionary Where: RDIS-1 The subdivision complies with standards: <u>SUB-S3 Water supply</u> <u>SUB-S4 Stormwater management</u> <u>SUB-S5 Wastewater disposal</u> <u>SUB-S6 Telecommunications and power supply; and</u> <u>SUB-S7 Easements for any purpose</u> RDIS-2 <u>Where subdivision is in accordance with the approved Haruru development plan submitted with the first application for the site in accordance with DEV1-S2 1.</u> RDIS-3 <u>Where the subdivision complies with standard: DEV1-S2 Special Information requirements.</u> RDIS-4 <u>There is no more than 5 allotments within the Haruru development area.</u> RDIS-5 <u>The allotments are outside the High Natural character area overlay.</u>	Activity status where compliance not achieved with RDIS-1: Discretionary Activity status where compliance not achieved with RDIS- 2, RDIS-3, RDIS-4, RDIS-5: Non complying
Māori Purpose zones Ngawha Innovation and Enterprise Park zone <u>Waitangi Estate Special Purpose Zone</u>	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
Open space zones Motorua Island zone Quail Ridge zone Airport zone	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
SUB-R4	Subdivision that creates a private accessway	

All zones	Activity status: Controlled Where: CON-1 1. A private accessway serves a maximum of 8 <u>sites</u> <u>allotments</u> . CON-2 1. Where a subdivision serves 9 or more <u>allotments</u> <u>sites</u> , access shall be by public road.	Activity status where compliance not achieved with CON-1 and CON-2: Discretionary <u>Note: the transport chapter may apply and needs to be addressed.</u>
SUB-R5	Subdivision around an approved multi-unit residential development	
General Residential zone <u>Medium Density Residential zone</u>	Activity status: Controlled Where: CON-1 1. Subdivision complies with standards: SUB-S2 Requirements for building platforms for each allotment; SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 <u>Telecommunications and</u> power supply; and SUB-S7 Easements for any purpose. CON-2 1. Subdivision complies with standard SUB-S1 Minimum allotment sizes – Controlled activity; and SUB-S8 Esplanades CON-3 1. The multi-unit residential development (<u>excluding minor residential units</u>) has already been constructed or the subdivision is proposed around a multi-unit residential development that has been approved by way of resource consent. Matters of control are limited to: - the design and layout of allotments, and the ability to accommodate permitted and/or intended land uses; - the provision of easements or registration of an instrument for the purpose of public access and reserves; - the effects of development phase works on the surrounding area; - extent of potential effects on sites and areas of significance to Māori, ancestral lands, water, site, wāhi tapu and other taonga; - adverse effects on areas with historic heritage and cultural values, natural features and landscapes, wetland, lake and river margins, natural character or indigenous biodiversity values including indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification system lists; - natural hazards or geotechnical constraints; where relevant compliance with Far North District Council Engineering Standards 2022; and	Activity status where compliance not achieved with CON-1: Restricted Discretionary Matters of discretion are restricted to: - matters of any infringed standard; and - any relevant matters of control in SUB-R45.
		Activity status where compliance not achieved with CON-2: Discretionary
		Activity status where compliance not achieved with CON-3: Non-complying

	h. adverse effects arising from land use incompatibility including but not limited to noise, vibration, smell, smoke, dust and spray. NOTE: If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.																	
SUB-R6	Environmental benefit subdivision																	
Rural Production zone	Activity status: Restricted Discretionary Where: RDIS-1 1. Subdivision complies with standards: SUB-S2 Requirements for building platforms for each allotment; SUB-S3 Water supply; SUB-S4 Stormwater management; SUB-S5 Wastewater disposal; SUB-S6 <u>Telecommunications and power supply</u>; SUB-S7 Easements for any purpose; and SUB-S8 Esplanades. RDIS-2 The Environmental benefit subdivision complies with either Table 1 or Table 2 as follows: Table 1. <table><tr><th>Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title</th><th>Maximum Number of additional lots that can be created on an individual Record of Title</th></tr><tr><td>Greater than 4ha — less than 10ha</td><td>1</td></tr><tr><td>Greater than 10ha — less than 20ha</td><td>2</td></tr><tr><td>Greater than 20ha</td><td>3</td></tr></table> Table 2. <table><tr><th>Total area of natural <u>inland</u> wetland to be legally protected on an individual Record of Title</th><th>Maximum Number of additional lots that can be created on an individual Record of Title</th></tr><tr><td>Greater than 0.5ha (5,000m²) — less than 1ha</td><td>1</td></tr><tr><td>Greater than 1ha — less than 2ha</td><td>2</td></tr><tr><td>Greater than 2ha</td><td>3</td></tr></table> RDIS-3 Each separate area of significant indigenous vegetation, significant indigenous habitat or natural <u>inland</u> wetland included in the proposal must be assessed by a suitably qualified and experienced ecologist as satisfying at least one criteria in Appendix	Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title	Greater than 4ha — less than 10ha	1	Greater than 10ha — less than 20ha	2	Greater than 20ha	3	Total area of natural <u>inland</u> wetland to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title	Greater than 0.5ha (5,000m ²) — less than 1ha	1	Greater than 1ha — less than 2ha	2	Greater than 2ha	3	Activity status where compliance not achieved with RDIS-1, RDIS-2, <u>RDIS-3</u>, RDIS-4, RDIS-5 and RDIS-6 is not achieved: Discretionary Activity status where compliance not achieved with RDIS-7, 2.: Discretionary Where: DIS-1 1. <u>The balance allotment is greater than 8ha in size</u> Activity status where compliance not achieved with RDIS-7, 1, <u>DIS-1</u> or RDIS-8 and RDIS-8 is not achieved: Non-complying
Total area of significant indigenous vegetation or significant indigenous habitat to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title																	
Greater than 4ha — less than 10ha	1																	
Greater than 10ha — less than 20ha	2																	
Greater than 20ha	3																	
Total area of natural <u>inland</u> wetland to be legally protected on an individual Record of Title	Maximum Number of additional lots that can be created on an individual Record of Title																	
Greater than 0.5ha (5,000m ²) — less than 1ha	1																	
Greater than 1ha — less than 2ha	2																	
Greater than 2ha	3																	

5 of the Northland RPS (Criteria for determining significance of indigenous biodiversity).

RDIS-4

All of an area of indigenous vegetation, indigenous habitat or natural inland wetland assessed as significant under RDIS-2 contained within the individual Record of Title is protected.

~~The significant indigenous vegetation, significant indigenous habitat or natural wetland must be added to the list of scheduled Significant Natural Areas in the District Plan, which will be incorporated into the District Plan as part of the next plan update plan change.~~

RDIS-5

The subdivision proposes to protect all areas of indigenous vegetation, indigenous habitat or natural inland wetland by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977.

RDIS-6

An ecological management plan is prepared to address the ongoing management of the covenanted area to ensure that the values are maintained and the plan includes:

1. Fencing requirements for the covenant area;
2. Monitoring and reporting measures;
3. Ongoing pest plant and animal control; and
4. Any enhancement or edge planting required within the covenant area

RDIS-7

All proposed new environmental allotments are to be:

1. ~~a~~A minimum size of ~~2~~1ha in area; and
2. ~~t~~The balance lot must be greater than 40ha.

RDIS-8

This rule has not been used previously to gain an additional subdivision entitlement.

RDIS-8

~~Where the land to be subdivided contains versatile soil (as determined by a property scale site specific Land Use Capability Classification prepared by a suitably qualified person), the proposed new allotments created by the new environmental benefit lot subdivision, exclusive of the balance area, must not individually contain more than 15% versatile soils within the allotment.~~

Matters of discretion are restricted to:

- a. subdivision design and layout and proximity to the significant indigenous vegetation, significant indigenous habitat or natural inland wetland being protected;
- b. the ecological benefits that will result from the subdivision and level of protection and enhancement proposed;
- c. matters contained in the ecological management plan for the covenant area;
- d. effects of the subdivision on rural character and amenity values;
- e. the extent of earthworks including earthworks for the location of building platforms and access ways;
- f. ~~effects on rural productivity and the availability and productivity capacity of versatile soils;~~

	g. potential for reverse sensitivity effects; h. how the subdivision layout and design may impact on the operation, maintenance, upgrading and development of existing infrastructure assets; and i. any relevant matters of control in SUB -R3. j. <u>the extent to which any relevant objectives and policies in the Ecosystems and Indigenous Biodiversity Chapter are met.</u> NOTE: If a resource consent application is made under this rule on land that is within 500m of the airport zone, the airport operator will likely be considered an affected person for any activity where the adverse effects are considered to be minor or more than minor.	
SUB-R7	Management plan subdivision	
Rural Production zone Rural Lifestyle zone	Activity status: Discretionary Where: DIS-1 - the average size of all lots in the management plan subdivision, excluding lots used solely for access, utilities, roads and reserves is no less than 2<u>4</u>ha in the Rural Production zone and 5,000m² in the Rural Lifestyle zone; - This is the only management plan subdivision for the specified portion of a site; - The portion of a site that is not subject to the management plan shall be no less than 8ha in the Rural Production and 2<u>1</u>ha Rural Lifestyle zone; and - The application contains the information listed in APP3- Subdivision management plan criteria.	Activity status where compliance not achieved with DIS-1: Non-complying
Note: Rules SUB-R8 — SUB-R21<u>0</u> are specific rules relating to subdivision of land in the district wide, natural environment values, historical and cultural values and hazard and risks sections of the plan and apply in addition to SUB-R1 — SUB-R7.		
SUB-R8	Subdivision of a site containing land susceptible to land instability	
All zones	Activity status: Controlled Where: CON-1 The proposed development area, including the building platform and any area that is required for access and services, is located wholly outside of any area on the site that is identified as being land susceptible to instability. Matters of control are limited to: - the location of lots, building platforms, access and services; - the management of the land instability hazard to enable the intended use of the land and protect other property; and - the feasibility and integrity of any physical mitigation measures required so that land instability hazard risk to the subject site or other property is not increased.	Activity status where compliance not achieved with CON-1: Discretionary
SUB-R9	Subdivision of a site within the National Grid <u>Subdivision</u> Corridor	

All zones	Activity status: Restricted Discretionary Where: RDIS- 1 Proposed building platforms are identified for each allotment and located wholly outside of the National Grid Yard (except where the allotments are for roads, esplanades, accessways and infrastructure). Matters of discretion are restricted to: a. the extent to which the subdivision allows for the ongoing efficient operation, maintenance and upgrading of the National Grid, including the ability for continued reasonable access for inspections, maintenance and upgrading; b. the location of any future building platform as it relates to the National Grid Yard; c. the extent to which the subdivision design allows for any future sensitive activity and associated buildings to be setback from the National Grid; d. the nature and location of any vegetation to be planted in the vicinity of the National Grid; e. the ability of future development to comply with NZECP 34: 2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; f. the risk of electrical hazards affecting public or individual safety, and the risk of public and private property damage; and g. the outcome of any consultation with the owner and operator of the National Grid. a. <u>The extent to which the subdivision allows for earthworks, buildings and structures to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001);</u> b. <u>The provision for the on-going efficient operation, maintenance, development and upgrade of the National Grid, including the ability for physical vehicle access to existing transmission lines and support structures for maintenance, inspections and upgrading;</u> c. <u>The extent to which potential adverse effects (including visual and reverse sensitivity effects) are mitigated through the location of building platforms.</u> d. <u>The extent to which the design and construction of the subdivision allows for activities to be setback from the National Grid to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated, for example, through the location of roads and reserves under the transmission lines;</u> e. <u>The nature and location of any proposed vegetation to be planted within the National Grid Yard;</u> f. <u>The outcome of any consultation with, and technical advice from, Transpower; and</u> g. <u>The extent to which the subdivision plan clearly identified the National Grid and proposed building platforms.</u>	Activity status where compliance not achieved with RDIS-1: Not applicable Non-complying
SUB-R10	Subdivision of site within 32m of the centre line of a Critical Electricity Line <u>Overlay</u>	

All zones	Activity status: Restricted Discretionary <u>Controlled</u> <u>Where:</u> <u>RDISCON-1</u> Proposed building platforms are identified for each allotment can accommodate a building(s) that comply with the safe distance requirements in the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP34:2001) and located at least 10m from Critical Electricity Lines Overlay (except where the allotments are for roads, esplanades, accessways and infrastructure) <u>Matters of discretion control are restricted limited to:</u> - the safe and efficient operation and maintenance of the electricity supply network; - the location of any future building platform and access as it relates to the critical electricity line; - effects on access to critical electricity lines and associated infrastructure for inspections, maintenance and upgrading purposes; - the extent to which the subdivision design allows for any future sensitive activity and associated buildings to be setback from the critical electricity line; - the mature size, growth rate, location, and fall zone of any associated tree planting; - including landscape planting and shelterbelts; - compliance with NZECP 34: 2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; - effects on public health and safety; and - the outcome of any consultation with the owner and operator of the potentially affected infrastructure.	Activity status where compliance not achieved with <u>RDIS-CON-1</u>: Not applicable <u>Discretionary</u>
SUB-R11	Subdivision of a site within flood hazard areas	
All zones	Activity status: Restricted Discretionary <u>Where:</u> <u>RDIS-1</u> - Building platforms are located wholly outside the spatial extent of the 1 in 100 year flood hazard area; - Newly created allotments must be located and designed to not divert flood flow onto other properties or otherwise result in any increase in flood hazard beyond the site; and - Any private roads, right of ways or accessways must be located where the depth of flood waters in a 1 in 100 year flood event does not exceed 200mm above ground level. <u>Matters of discretion are restricted to:</u> - location of suitable and stable building platforms, access and servicing, including on-site wastewater/ stormwater disposal where applicable; - the effects of the hazard on the intended use of the site or sites created by the subdivision, the range of uses permitted under the relevant	Activity status where compliance not achieved with RDIS-1: Non-complying

	zone, and the vulnerability of the uses to flood hazard events; c. the degree to which there may be material damage, through inundation or erosion, in a 1 in 100 year flood event; d. the provision of safe access and egress to and within the created lots during a flood event, including consideration of depth and velocity of flood water over private roads and accessways; e. effects on the functions of floodplains and overland flow paths; f. the effects of potential changes in flood depth, velocity and frequency on other properties, including upstream and downstream from the site; and g. the proposed use of, necessity for and design of engineering solutions (soft or hard) to mitigate the hazard.	
SUB-R12	Subdivision of a site within coastal hazard areas	
All zones	Activity status: Restricted Discretionary Where: RDIS-1 All building platforms and associated access for each allotment are located wholly outside the spatial extent of the Coastal Hazard Area. Matters of discretion are restricted to: a. location and structural integrity of the building platforms, access and services where they may be affected by inundation or erosion from coastal hazards; b. the effects of the hazard on the intended use of the site or sites created by the subdivision, the range of uses permitted under the relevant zone and the vulnerability of these uses to coastal storm inundation and erosion events; c. the effects of any proposed hazard mitigation works including any earthworks on public access, landscape and other environmental values; and d. the proposed use of, necessity for and design of hard protection structures to mitigate hazards.	Activity status where compliance not achieved with RDIS-1: Non-complying
SUB-R13	Subdivision of a site within a heritage area overlay	
All zones All Heritage Area overlays	Activity status: Restricted Discretionary Matters of discretion are restricted to: a. the heritage values of the Heritage Area Overlay; b. whether the allotments are of a size that will ensure sufficient land is provided around any scheduled Heritage Resource to provide a suitable heritage setting and protect associated heritage values; c. whether there are measures to minimise obstruction of views of any scheduled Heritage Resource from adjoining public spaces that may result from any future land use or development; d. any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua; and	Activity status where compliance not achieved: Not applicable

	e. provision of legal and physical access to any scheduled Heritage Resource within the subdivision if appropriate to maintain, protect, or enhance it.	
SUB-R14	Subdivision of a site that contains a scheduled heritage resource	
All zones	Activity status: Restricted Discretionary Matters of discretion are restricted to: - the particular heritage values associated with the scheduled Heritage Resource; - whether sufficient land is provided around the scheduled Heritage Resource to protect its heritage values; - whether the allotments are of a size that will continue to provide the scheduled Heritage Resource with a suitable setting to maintain, protect or enhance the associated heritage values; - whether there are measures to minimise obstruction of views of the scheduled Heritage Resource from adjoining public spaces that may result from any future land use or development; - any consultation with Heritage New Zealand Pouhere Taonga, Department of Conservation and tangata whenua; and provision of legal and physical access to any scheduled Heritage Resource within the subdivision if appropriate to maintain, protect, or enhance it.	Activity status where compliance not achieved: Not applicable
SUB- R15	Subdivision of a site containing a scheduled site and area of significance to Māori	
All zones	Activity status: Restricted Discretionary Matters of discretion are restricted to: - the particular cultural, spiritual and/or historical values, interests or associations of importance to tangata whenua that are associated with the site which may be affected; - whether sufficient land is provided around the Site and area of significance to Māori to protect associated cultural, spiritual and/or historical values, interests or associations; - consultation with and/or cultural advice provided by tangata whenua, in particular with respect to mitigation measures and/or the incorporation of mātauranga Māori principles into the design, development and/or operation of activities that may affect the site; - opportunities for the relationship of tangata whenua with the site or area to be maintained or strengthened on an ongoing or long term basis, including practical mechanisms to access, use and maintain the identified site; and - whether the allotments are of a size that will continue to provide the Site or Area of Significance to Māori with a suitable cultural setting to maintain, protect or enhance the associated cultural values.	Activity status where compliance not achieved: Not applicable
SUB-R16	Subdivision of a land within site containing a the mineral extraction overlay zone	
All zones- Mineral Extraction zone	Activity status: Discretionary Where:- – DIS-1	Activity status where compliance not achieved: Not applicable with DIS-1: N/A Non-complying

	A building platform for each allotment can be setback 100m or more from the Mineral extraction overlay.	
SUB-R17	Subdivision of a site containing a scheduled SNA	
All zones	Activity status: Discretionary - Where: - DIS-1 The site is located outside the coastal environment. - DIS-2 The subdivision does not divide an SNA.	Activity status where compliance not achieved with DIS-1 and DIS-2: Non-complying
SUB-R18	Subdivision creating one or more additional allotments of a site within an Outstanding Natural Landscape and Outstanding Natural Feature	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R19	Subdivision creating one or more additional allotments of a site within wetland, lake and river margins	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R20	Subdivision creating one or more additional allotments of a site within the Coastal Environment (excluding Outstanding Natural Character Areas)	
All zones (excluding Kauri Cliffs zone, Golf Living sub-zone) and Haruru Development area	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-RXX	Subdivision of land within 100m of a Mineral Extraction Zone	
All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-RYY	Subdivision creating one or more additional allotments that contain highly productive land	
Rural Production zone	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
SUB-R21	Subdivision creating one or more additional allotments of a site within Outstanding Natural Character Areas in the Coastal Environment	
All zones	Activity status: Non-complying	Activity status where compliance not achieved: Not applicable
Standards		
SUB-S1	Minimum allotment sizes	
Zone/Precinct	Controlled Activity	Discretionary Activity
Rural Production	40ha	8ha
Rural Residential	4,000m ²	2,000m ²
Rural Lifestyle	4ha-2ha	2ha-1ha
General Residential	600m ²	300m ²

Mixed Use	2,000m ² onsite wastewater disposal 250m ² reticulated wastewater disposal	no minimum lot size
Light Industrial	2,000m ² onsite wastewater disposal 500m ² reticulated wastewater disposal	no minimum lot size
Heavy Industrial	2ha	5,000m ²
Horticulture Processing Facility	2ha	5,000m ²
Horticulture Precinct (<u>applies in place of Rural Production minimum allotment size</u>)	40ha <u>N/A</u>	4ha <u>8ha</u>
Settlement	3,000m ²	1,500m ²
Kororāreka Russell Township	1,000m ²	800m ²
<u>Medium Density Residential zone</u>	<u>No minimum subdivision requirements around existing dwellings where no vacant allotment is created.</u> <u>Vacant allotment 300m²</u>	<u>No minimum lot size.</u> <u>Subdivision creating allotments with a minimum net site area of 700m² or greater</u>
<u>Town Centre</u>	<u>No minimum lot size</u>	<u>No minimum lot size</u>
<u>Tapuaetahi Precinct Area A</u>	<u>600m²</u>	<u>N/A</u>
<u>Tapuaetahi Precinct Area B</u>	<u>3,000m²</u>	<u>1,000m²</u>
All other zones	N/A	N/A
All allotments created for public works, network utilities, reserves or access	No minimum lot size	no minimum lot size

SUB-S2	Requirements for building platforms for each allotment
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General Residential zone Medium Density Residential zone Kororāreka Russell Township zone Settlement zone Rural Production zone Horticulture zone Rural Lifestyle zone Rural Residential zone	Allotments created must be able to accommodate a square building envelope of the minimum dimensions specified below, which does not encroach into the permitted activity boundary setbacks for the relevant zones, or into an area that does not allow a building to be located. <table><tr><th>Zone</th><th>Minimum dimensions</th></tr><tr><td>General Residential, Kororāreka Russell Township, Settlement</td><td>14m x 14m</td></tr><tr><td>Rural Production, Horticulture, Rural Lifestyle, Rural Residential</td><td>320m x 320m</td></tr><tr><td>Medium Density Residential</td><td>8m x 15m</td></tr></table>	Zone	Minimum dimensions	General Residential, Kororāreka Russell Township, Settlement	14m x 14m	Rural Production, Horticulture, Rural Lifestyle, Rural Residential	320m x 320m	Medium Density Residential	8m x 15m	Matters of discretion are restricted to: a. allotment area and dimensions for intended purpose or land use, having regard to the relevant zone standards and any district wide rules for land uses; b. allotment sizes and dimensions are sufficient for operational and maintenance requirements; c. compatibility with the pattern of the surrounding subdivision, land use activities, and access arrangements (including emergency response access); d. any physical constraints; and e. whether a suitable alternative building platform can be provided.
Zone	Minimum dimensions									
General Residential, Kororāreka Russell Township, Settlement	14m x 14m									
Rural Production, Horticulture, Rural Lifestyle, Rural Residential	320m x 320m									
Medium Density Residential	8m x 15m									
SUB-S3										
Water supply										
All zones	1. All new allotments shall have the ability to connect to a safe potable water supply with a capacity that is adequate for the anticipated potential land uses; 2. Where a connection to Council's reticulated water supply systems is available, all allotments must connect; 3. Where a connection to Council's reticulated water systems is not available all allotments shall be provided with a means to must provide a water supply system; and 4. All new allotments must have access to sufficient water supplies for fire fighting consistent with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice. Note: This standard does not apply where the allotment is for a road, or for access purposes, or for a purpose or activity for which water supply is not necessary.	Matters of discretion are restricted to: a. adequacy of the supply of water to every allotment, and its suitability for the likely land use; b. adequacy of water supplies, and access for fire fighting purposes; and c. the standard of water supply infrastructure installed in subdivisions, and the adequacy of existing supply systems outside the subdivision.								
SUB-S4										
Stormwater management										
All zones	1. All allotments shall be provided, within their site area, with a means for the disposal of collected stormwater from the roof of all potential or existing buildings and from all impermeable surfaces, in such a way so as to avoid or mitigate any adverse effects of stormwater runoff on receiving environments, including downstream properties. This shall be done for a rainfall event with a 10% Annual Exceedance Probability (AEP); and 2. All stormwater management shall be in accordance with Far North District Council Engineering Standards April 2022. 3. The primary stormwater system is capable of conveying 10% AEP design storm events without surcharge;	Matters of discretion are restricted to: a. control of water-borne contaminants, litter and sediments; b. the capacity of existing and proposed stormwater disposal systems (refer also to the Council's various urban stormwater management plans and any relevant Northland Regional Council stormwater discharge consents); c. the effectiveness and environmental impacts of any measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design water sensitive design methods;								

	4. <u>The secondary stormwater system is capable of conveying the 1% AEP storm event within a defined path and without causing undue risk or damage to persons or property;</u> 5. <u>The stormwater system will not connect or be able to overflow to the wastewater network.</u> 6. <u>The primary, secondary and attenuation systems are designed to accommodate an additional 20% for climate change.</u> 7. <u>The stormwater system is designed and constructed for an asset life of at least 50 years.</u>	d. the location, scale and construction of stormwater infrastructure; and e. measures that are necessary in order to give effect to any drainage or catchment management plan that has been prepared for the area; f. <u>adverse effects on the surrounding environment and neighbouring properties from the collection, treatment and disposal of stormwater; and</u> g. <u>The ability of the stormwater system to ensure that the peak discharge flow rates from the site are not increased beyond the levels that exist prior to the proposed subdivision and future land uses (except in circumstances where that is not appropriate).</u> <u>Note: Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Far North District Engineering Standards</u>
SUB-S5	Wastewater disposal	
All zones	1. Where a connection to Council owned reticulated wastewater scheme is available, all allotments must connect; <u>and</u> 2. Where connection is not available, all allotments shall be provided with a means of <u>collecting, treating and</u> disposing of wastewater within the site area of the allotment; <u>and</u> 3. <u>All wastewater disposal shall be in accordance with Far North District Council Engineering Standards April 2022.</u> Note: This standard does not apply where the allotment is for a road, or for access purposes, or for a purpose or activity for which wastewater disposal is not necessary.	Matters of discretion are restricted to: a. the method and adequacy of wastewater disposal where a Council owned reticulated system is not available; b. the capacity of, and impacts on, the existing reticulated wastewater disposal system; c. <u>feasibility of connection to and logical extension of the existing reticulated wastewater networks;</u> and d. the location, capacity and environmental effects of the proposed wastewater disposal system. <u>Note: Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Far North District Engineering Standards</u>
SUB-S6	Telecommunications and power supply	
General Residential zone Medium Density Residential zone Town Centre zone Kororāreka Russell Township zone Mixed Use zone Light Industrial zone	<u>Every new allotment (excluding any allotments for access, roads, network utilities or reserves) shall be provided with a connection, or easements to secure connection, to:</u> 1. <u>A reticulated electricity supply system at the boundary of the new allotment; and</u> 2. <u>Telecommunications services at the boundary of the new allotment, provided by:</u> i. <u>An open access fibre network, where it is available to the boundary of each new lot; or</u> ii. <u>Where connection to an open access fibre network is not available, by a mobile/wireless, which includes satellite service; and</u> iii. <u>The applicant shall provide, with any subdivision consent application written confirmation from a telecommunication network operator confirming that a suitable connection can be made; and</u>	Matters of discretion are restricted to: a. alternative provision of <u>telecommunication and</u> electricity supply.

Heavy Industrial zone Settlement zone Rural Residential zone Horticulture Processing Facility zone	iv. <u>At the time of subdivision, sufficient land for telecommunications, transformers, and any associated ancillary services must be set aside. For a subdivision that creates more than 15 lots, proof of consultation with the telecommunications network utility operators will be required.</u> Connections shall be provided at the boundary of the site area of the allotment for: 1. telecommunications i. Fibre where it is available; or ii. Copper where fibre is not available; and 2. Electricity supply through the local electricity distribution network. Note: This standard does not apply to allotments for a utility, road, reserve or for access purposes.	
SUB-S7	Easements for any purpose	
All zones	Easements shall be provided where necessary for: 1. public works and utility services; 2. easements in gross where a service or access is required by the Council; 3. easements in favour of nominated allotments or adjoining Certificates of Title; 4. Service easements, whether in gross or for private purposes, with sufficient width to permit maintenance, repair or replacement of services. Centre line easements shall apply when the line is privately owned; and 5. The need for easements for any of the following purposes: i. accessways, whether shared or not; ii. stormwater, wastewater disposal, water supply, utilities; iii. party walls and floor/ceilings; and iv. other utilities.	Matters of discretion are restricted to: a. whether the easement is located appropriately for its purpose and users.
SUB-S8	Esplanades	
All zones	Any subdivision involving the creation of one or more allotments less than 4ha which adjoins: 1. The line of MHWS; 2. The bank of a river whose bed has an average width of 3m or more; or 3. A lake that is larger than 8 ha in size. An esplanade reserve <u>or esplanade strip</u> must be provided with a minimum width of 20m, in accordance with section 230 of the RMA.	Activity status when compliance is not achieved: Discretionary

ANNEXURE C

Names and addresses of persons to be served with a copy of this notice:

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ANNEXURE D

Table of examples of specific amendments sought to the provisions of the PDP

Far North District Decisions Provision			Proposed Plan – Version	Amendments shown as tracked changed strike-outs and <u>underlined</u>
Part 2 – District-Wide Matters – Strategic Issues				Reasons
Insert new objective: SD-REO3 The importance of non-primary production activities in the rural environment to the social, economic and cultural well-being of the district is recognised and provided for, where those non-primary production activities are compatible with rural character and amenity and with primary production activities.				The Far North is predominantly a rural environment. This environment incorporates a diverse range of activities, supported by a range of zones, including rural lifestyle, rural residential and settlement. Significant areas of the rural environment are not defined by rural production activities, nor are they suitable for this purpose (including lifestyle areas, unsuitable soils, some coastal land and bush blocks). Without detracting from the strategic importance expressed in Strategic objectives SD-RE-O1 and SD-REO2, it is appropriate that the strategic objectives also recognise and enable the broader range of activities which occur in rural zones. This strategic objective is necessary to provide a strategic policy basis for the various rural environment zone objectives and policies which follow in the Plan
Part 2 – District-Wide Matters – Natural Environment Values – Natural features and landscapes				Reasons
Rule NFL-R1 New buildings or structures and relocated buildings and extensions or alterations to existing buildings or structures Within ONL and ONF	... RD-1 Activity status when compliance not achieved with CON-1, PER-2, and PER-3 outside the coastal environment <u>or inside the coastal environment in an ONL where the site does not include an existing residential unit</u> : 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-P7;			Discretionary rather than non-complying is sought for new buildings within an ONL because: • Discretionary activity status allows consideration of the relevant objectives and policies. This includes the overriding objective that ONF and ONL are protected from inappropriate land use and development. • The objectives and policies of the Natural Features and Landscapes Chapter, reflects those of the NZCPS and RPS. They do not present a policy construction

Far North District Decisions Provision	Proposed Plan – Version	Amendments shown as tracked changed strike-outs and <u>underlined</u>
	c. the positive effects of the activity. ... Activity status when compliance not achieved with CON-1, PER-2, PER-3 or RD-2 within the coastal environment: ONL – North and ONL – South located within the Waitangi Estate zone: Discretionary All other zones: <u>Discretionary (within an ONL)</u> Non-complying <u>(within an ONF)</u>	which precludes or assumes against new buildings or structures in the ONL in coastal environments – particularly recognising that some ONLs are lived-in and/or modified landscapes and there may be a reasonable expectation to build a new dwelling or re-build an existing dwelling. There is a distinction between ONL and ONF areas. ONLs apply extensively, whereas ONFs are mapped in a discrete and very limited way, and there is a reasonable presumption that buildings and structures would likely not be located within an ONF.
Rule NFL-R2 Earthworks or indigenous vegetation clearance Within ONL and ONF	Activity status: Permitted Where: PER-1 ... 14. 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 <u>10</u> years old and less than 3m <u>6m</u> in height; or ... Activity status when compliance not achieved with PER-1 outside the coastal environment: Restricted discretionary The matters of discretion are:	Amendments are sought to increase the age and size of the specific indigenous vegetation excluded under the rule for the reasons that: - This exclusion provides for maintenance and reinstatement of pasture where that has recently been colonised by indigenous vegetation that is not susceptible to grazing. - The management of pastureland in this manner is a normal part of farming practice and has economic benefits. Being for the purposes of maintenance and reinstatement, and with the limits on age and size of the vegetation specified, there is a low likelihood of adverse effects relative to the relevant threshold from the overlay.

Far North District Decisions Provision	Proposed Plan – Version	Amendments shown as tracked changed strike-outs and <u>underlined</u>
	a. effects on the characteristics, qualities and values that make ONL and ONF outstanding; b. the matters in NFL-P7; c. the positive effects of the activity. Activity status when compliance not achieved with PER 1 within the coastal environment: Non-complying	• The exclusion generally follows that provided for in Rule IB-R1 in the Ecosystems and Indigenous Biodiversity Chapter. • Increasing the size and age of the indigenous vegetation that can be removed reduces the consent burden. A restricted discretionary activity status is sought where compliance is not achieved, rather than non-complying in the coastal environment because: • This strikes a better balance between the need to provide proper assessment of the effects on the characteristics, qualities and values that make ONL and ONF outstanding, while recognising the very many circumstances where a non-complying consent application would not be warranted or be unreasonable. • The consideration of the appropriateness of scale of the indigenous vegetation clearance or earthworks would be a matter fundamental to the assessment as a restricted discretionary activity. • The non-complying activity default for earthworks or indigenous vegetation clearance in an ONL and ONF in the coastal environment in contrast risks that activity status applying to very many either reasonably anticipated or innocuous matters.

Far North District Decisions Provision	Proposed Plan – Version	Amendments shown as tracked changed strike-outs and <u>underlined</u>	
		Earthworks and indigenous vegetation clearance are typically a precursor to development, such that the non-complying activity status would “spill over” from this component of a proposal to the proposal as a whole, and for example void the controlled activity status for a building on an already approved building platform.	
Standard NFL-S3 Earthworks or indigenous vegetation clearance	... 2. Any indigenous vegetation clearance must not exceed a total area of: a. 50m² in ONL within any 10-year period; and b. 100m² in ONF within any calendar year.	With the limits per calendar year for indigenous vegetation clearance in the ONL, this limit within any 10-year period is unduly restrictive and unnecessary.	
Part 2 - District Wide Matters – Subdivision			
Policy SUB-P8	Avoid subdivision that: - within the Horticulture Precinct, is not provided for in PREC2-P5; - in all other parts of the Rural Production zone: - results in any potential cumulative loss of the availability or productive capacity of highly productive land for use by farming or forestry activities; - cannot demonstrate that the proposed lots will retain the overall productive capacity of highly productive land over the long term; fragments land into parcel sizes that are no longer able to support farming or forestry activities in accordance with RPROZ-P6(c); - Results in rural lifestyle subdivision unless provided for in SUB-P7.	- The policy is not the most appropriate way to achieve the objectives of the District Plan and the Rural Production Zone in that it fails to recognise the diversity of land cover, soil types and slope, accessibility, productive potential and lot sizes, that exist across the district, where primary production activity is not viable now and alternative land use, supported by land subdivided into smaller lot sizes, should be enabled by subdivision. - As amended, the policy will still achieve the objectives of the District Plan and the Rural Production Zone in that:	

Far North District Decisions Provision	Proposed Plan – Version	Amendments shown as tracked changed strike-outs and <u>underlined</u>
		- It protects highly productive land and enables such land to be used for rural production purposes. - Does not compromise the use of land for primary production activities, recognising the wide range of activities within the definition of primary production activities. - Retains the limited circumstances whereby rural lifestyle subdivision is provided for.
Rule SUB-R3 Subdivision of land to create a new allotment	... CON-3 Except where there is a Precinct or Development Area overlay subdivision around an existing residential unit in the Rural Production zone where: 1. The residential unit has been legally established or building consent granted on or before the 24 June 2026; 2. one rural lifestyle allotment is created; 3. allotment size is between 2000m²-2ha; and 4. Balance allotment is a minimum of 40ha <u>20ha</u> in size.	• The Council's section 32 report provides no clear nor broadly applicable rationale as to why 40ha should be regarded as a minimum productive size. In any event, ensuring minimum productive size is not a requirement of the objectives or policies of the Rural Production Zone. • A 20ha minimum lot size is the most appropriate way to achieve the objectives of the District Plan and the Rural Production Zone in that it will: - Ensure lot sizes are rural in nature and not at an urban or rural lifestyle scale. - Maintain rural character and amenity by ensuring a low density of development, characterised by openness or vegetation rather than built form. - Provide sufficient size as to not give rise to reverse sensitivity effects through allowing buffers between primary production activities.

Far North District Decisions Provision	Proposed Plan – Version	Amendments shown as tracked changed strike-outs and <u>underlined</u>	
			- Provide a manageable land unit, particularly for bush blocks or mixed bush blocks. - Allow opportunities for existing unprofitable smaller blocks of at least 40ha to be subdivided to provide for retirement income, enabling people to continue to live on the land and in doing so support populations and rural communities.
Rule SUB-R6 Environmental benefit subdivision		... RDIS-7 All proposed new environmental allotments are to be: 1. A minimum size of 1ha in area; and 2. The balance lot must be greater than 40ha.	• Retention of balance lot area requirement would nullify the application of the rule as a restricted discretionary activity to the majority of sites in the Rural Production Zone. • The need for and the benefits derived from the protection of significant indigenous vegetation, significant indigenous habitat, or natural wetlands arise irrespective of lot size. Many smaller titles in the district (sub 20ha) have a cover of indigenous vegetation and habitats by virtue of them having limited productive value, including in coastal areas. Such vegetation and habitats should equally be open to the protection benefits offered by this rule as on larger land holdings. • A balance lot land area requirement does not achieve the intended outcome and opportunity of the Environment Benefit Rule, which provides for a rural lifestyle subdivision opportunity as a specific policy exception.

Far North District Decisions Provision	Proposed Plan – Version	Amendments shown as tracked changes strike-outs and <u>underlined</u>									
		There will be no detrimental impact on land fragmentation or rural character – fragmentation itself being an accepted outcome of this rule by its very nature, and rural character maintained by the built-in limits on numbers and density of new lots created, coupled with the requirement to separately retain the land area of the feature protected.									
Standard SUB-S1 Minimum allotment sizes	<table border="1"> <thead> <tr> <th>Zone/Precinct</th> <th>Controlled Activity</th> <th>Discretionary Activity</th> </tr> </thead> <tbody> <tr> <td>Rural Production</td> <td>40ha <u>20ha</u></td> <td>8ha</td> </tr> <tr> <td>...</td> <td>...</td> <td>...</td> </tr> </tbody> </table>	Zone/Precinct	Controlled Activity	Discretionary Activity	Rural Production	40ha <u>20ha</u>	8ha	...	...	...	- The Council's section 32 report provides no clear nor broadly applicable rationale as to why 40ha should be regarded as a minimum productive size. In any event, ensuring minimum productive size is not a requirement of the objectives or policies of the Rural Production Zone. - A 20ha minimum lot size is the most appropriate way to achieve the objectives of the District Plan and the Rural Production Zone in that it will: - Ensure lot sizes are rural in nature and not at an urban or rural lifestyle scale. - Maintain rural character and amenity by ensuring a low density of development, characterised by openness or vegetation rather than built form. - Provide sufficient size as to not give rise to reverse sensitivity effects through allowing buffers between primary production activities.
Zone/Precinct	Controlled Activity	Discretionary Activity									
Rural Production	40ha <u>20ha</u>	8ha									
...	...	...									

Far North District Decisions Provision	Proposed Plan – Version	Amendments shown as tracked changed strike-outs and <u>underlined</u>
		- Provide a manageable land unit, particularly for bush blocks or mixed bush blocks. - Allow opportunities for existing unprofitable smaller blocks of at least 40ha to be subdivided to provide for retirement income, enabling people to continue to live on the land and in doing so support populations and rural communities.
Part 2 - District Wide Matters – -General District-Wide Matters- Coastal Environment		
Rule CE-R2 Earthworks or indigenous vegetation clearance Coastal Environment	Activity status: Permitted Where: PER-1 The earthworks or indigenous vegetation clearance is: 11. for maintenance or reinstatement of pasture through the removal of regenerating manuka (<i>Leptospermum scoparium</i> var. <i>scoparium</i>) or kanuka (<i>Kunzea robusta</i>) tree ferns or scattered rushes in pasture on a farm and the vegetation to be cleared is less than 5 <u>10</u> years old and less than 3m <u>6m</u> in height; or... ... <u>13. to maintain firebreaks to manage fire risk.</u>	• This exclusion provides for maintenance and reinstatement of pasture where that has recently been colonised by indigenous vegetation that is not susceptible to grazing. • The management of pastureland in this manner is a normal part of farming practice and has economic benefits. Being for the purposes of maintenance and reinstatement, and with the limits on age and size of the vegetation specified, there is a low likelihood of adverse effects relative to the relevant threshold from the overlay. • The exclusion generally follows that provided for in Rule IB-R1 in the Ecosystems and Indigenous Biodiversity Chapter. • Increasing the size and age of the indigenous vegetation that can be removed reduces the consent burden. • Providing for permitted vegetation clearance to maintain firebreaks provide

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		for the health and safety of people and protection of ecosystems, and is consistent with the equivalent Natural Features and Landscapes Rule NFL-R2, where such a permitted activity exception is provided for.
Standard CE-S3 Earthworks or indigenous vegetation clearance	Any earthworks must (where relevant): 1. not occur in outstanding natural character areas; 2. not exceed a total area of: a. 50m ² within a calendar year in an area of high natural character; b. 100m ² within a calendar year in an area outside high or outstanding natural character areas; 3. not exceed a cut height or fill depth of 1m, or 1.5 <u>m</u> where this relates to telecommunication facilities; and 4. screen any exposed faces visible from a public place. Any indigenous vegetation clearance must: 1. not occur in outstanding natural character areas; 2. not exceed a total area of: a. 50m² within any 10-year period in an area of high natural character; b. 400m² within any 10-year period outside high or outstanding natural character areas.	With the limits per calendar year for indigenous vegetation clearance in the CE, this limit within any 10-year period is unduly restrictive and unnecessary
Part 3 – Area Specific Matters – Zones – Rural Zones – Rural Production Zone		
Policy RPROZ-P6	Avoid subdivision that: a. results in any potential cumulative loss of the availability or productive capacity of highly productive land for use by farming or forestry activities; b. cannot demonstrate that the proposed lots will retain the overall productive capacity of highly productive land over the long term; c. fragments land into parcel sizes that are no longer able to support farming or forestry activities, taking into account: i. the type of farming or forestry proposed; and	The policy is not the most appropriate way to achieve the objectives of the District Plan and the Rural Production Zone in that it fails to recognise the diversity of land cover, soil types and slope, accessibility, productive potential and lot sizes, that exist across the district, where primary production activity is not viable now and alternative land use,

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	ii. whether smaller land parcels can support the proposed farming or forestry activity due to the presence of highly productive land. d. provides for rural lifestyle living unless there is an environmental benefit, or is around an existing residential unit.	supported by land subdivided into smaller lot sizes, should be enabled by subdivision. - As amended, the policy will still achieve the objectives of the District Plan and the Rural Production Zone in that: - It protects highly productive land and enables such land to be used for rural production purposes. - Does not compromise the use of land for primary production activities, recognising the wide range of activities within the definition of primary production activities. - Retains the limited circumstances whereby rural lifestyle subdivision is provided for.
Rule RPROZ-R3 Residential activity	Activity status: Permitted Where: PER-1 The site area per residential unit is at least 40ha <u>20ha</u>. PER-2 The number of residential units on a site does not exceed six <u>three</u>. PER-1 does not apply to: a. a single residential unit located on a site less than 40ha <u>20ha</u>. PER-1 and PER-2 do not apply to:	Consequential changes consistent with the relief and reasons sought above.

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	a.	a detached minor residential unit established in accordance with the NES-DMRU.