

**BEFORE THE KAIPARA DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the submissions and further submission made by  
Bream Tail Residents Association Incorporated,  
Tappenden Holdings Limited and Daytona Trust.

**AND**

**IN THE MATTER** Hearing 19: Natural Features and Landscapes  
Hearing 17: Ecosystems and Indigenous Biodiversity

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**STATEMENT OF EVIDENCE OF PETER RAYMOND HALL (PLANNER)  
ON BEHALF OF BREAM TAIL RESIDENTS ASSOCIATION,  
TAPPENDEN HOLDINGS LIMITED AND DAYTONA TRUST**

22 May 2026

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## 1.0 EXECUTIVE SUMMARY

- 1.1 I present this evidence on behalf of Bream Tail Residents Association Incorporated, Tappenden Holdings Limited and Daytona Trust (**the submitters**). I prepared the submissions and further submissions on behalf of the submitters.
- 1.2 Bream Tail Residents Association Incorporated (**BTRA**) is the representative body for all landowners at Bream Tail. Tappenden Holdings Limited and Daytona Trust are individual landowners of properties at Bream Tail.
- 1.3 I set out in my evidence an introduction to the submitters, including a description of their landholdings with location maps.
- 1.4 I also set out in my evidence below a summary of the submitters' submission points relevant to Hearing 19: Natural Features and Landscapes. This topic is of particular relevance to the submitters, given that a large part of Bream Tail is subject to Outstanding Natural Landscape Overlays (**ONL**), with an Outstanding Natural Feature Overlay (**ONF**) also. Being a coastal property, Bream Tail is also in large part identified as being within the Coastal Environment. I also set out a summary of the submitters' submission points relevant to Hearing 17: Ecosystems and Indigenous Biodiversity.
- 1.5 The submitters have made submissions in relation to other parts of the Proposed Plan, including the Coastal Environment and in relation to residential zones that adjoin the southern boundary of Bream Tail. Evidence in relation to such other topics will be presented at the hearing to which they relate, in accordance with the directions issued in the Panel Minutes.
- 1.6 As described further below, for the main the submission points made by the submitters in relation to the Natural Features and Landscapes topic have been recommended to be adopted in the respective Section 42A Report and I support those changes.

- 1.7 My evidence focuses therefore only on the points of difference with the s42A Reports as I expand on further in my evidence. In summary, these relate to amendments to the rules for: building in the ONL and ONF and associated earthworks provisions; vegetation clearance where for the maintenance of pasture; and provisions relating to colour and materials.
- 1.8 My evidence also addresses the submitters' submission points in relation to Hearing 17: Ecosystems and Indigenous Biodiversity where I am satisfied with the amendments proposed in the s42A Report, with the exception of the proposed amendment to ECO-R1 "*Indigenous vegetation clearance and any associated land disturbance*" to change the permitted activity allowance on land that was previously cleared, from a 10-year allowance to a 5-year allowance (being the age of the vegetation).
- 1.9 In respect to the above, I propose various further amendments to the provisions as appended to the respective s42A Reports, with the specific changes set out under the relevant heading in my evidence.

## **2.0 QUALIFICATIONS AND EXPERTISE**

- 2.1 My full name is Peter Raymond Hall.
- 2.2 I hold the qualifications of Bachelor of Planning from the University of Auckland and am a full member of the New Zealand Planning Institute. I have over 30 years' planning experience. During this time, I have had positions in local government (the former Auckland City Council) and as a consultant planner.
- 2.3 I am a director of Peter Hall Planning Limited, a planning consultancy I established in 2019. Immediately prior to that I was a Director, member of the Board and Partner at Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects. I am based in Auckland.
- 2.4 I have undertaken a wide range of consenting and planning policy work throughout New Zealand.

- 2.5 Over the last number of years, I have prepared submissions and presented evidence to hearing panels across a range of topics to various District Plan reviews, including the Auckland Unitary Plan, the Hamilton District Plan, the Waikato District Plan, the New Plymouth District Plan, the Thames Coromandel District Plan and, most recently, to the current review of the Far North District Plan.
- 2.6 I have had extensive experience in providing planning advice, preparing resource consent applications and appearing before Council and Environment Court hearings for sensitive rural coastal development projects. Typically, these projects transition former marginal or unproductive farmland or pine forests into new sustainable land uses, including through subdivision for rural lifestyle lots, which brings with it greatly improved biodiversity outcomes. These projects include the Tara Iti and Te Ārai Links developments north of Auckland, Te Punga Station on the Coromandel, Wiroa Station and Ōmarino in the Bay of Islands.
- 2.7 Specifically in relation to the submitters' properties, I have provided planning advice and obtained resource consents for several house developments at Bream Tail over the course of my planning practice and in relation to the second stage subdivision. This work has included taking projects through the separate Bream Tail design review process that I also outline below.

### **3.0 CODE OF CONDUCT**

- 3.1 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes 2023. I agree to comply with the code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

#### **4.0 THE SUBMITTERS**

- 4.1 Bream Tail is a substantial conservation and farm estate north of Mangawhai. It comprises some 459 hectares of coastal land, including 273ha of farmland and 186ha of native forest and revegetation. The property is comprised of 40 separate parcels, with 38 identified house sites (see plan at **Attachment 1**).
- 4.2 The BTRA plays a key role in preserving the financial and lifestyle interests of all owners. Each owner of a lot is required to be a member of the BTRA. The BTRA manages the collective interests of owners as co-owners of the Common Facilities at Bream Tail. Owners agree to be bound by the rules of the BTRA.
- 4.3 In summary, the purposes of the BTRA include to: maintain, preserve and enhance the unique character, size and recreational and conservation capabilities of Bream Tail; protect and enhance its resources, wildlife, beauty, history and presence; maintain an effective pest eradication programme; and provide for appropriate farming.
- 4.4 An extensive program of pest and predator control operates over the property. Prohibitions on the keeping of cats and mustelids and restrictions on dogs apply to the properties at Bream Tail. This is in recognition of the high conservation values of the property itself, and also the wider landscape.
- 4.5 The maintenance and enhancement of amenity is core to Bream Tail, with extensive controls on building, landscaping, roading and common facilities for this purpose, including BTRA rules, instruments on titles and Design Guidelines, with their associated approval process.
- 4.6 Each owner has the exclusive use over their nominated area, with the remainder of their land in either native vegetation or grazing for the sheep and beef operations, with some common facilities and farm buildings. The farm is managed for the BTRA through its 100% owned company Northern Farms Limited. A full-time farm manager undertakes the day-to-day management of the farming

operation. This farming operation is a critical part of land management at Bream Tail and provides a source of income for the maintenance of the conservation estate.

- 4.7 Each lot at Bream Tail has a nominated buildable area located within the exclusive use area. These nominated buildable areas, and any associated landscaping and building controls (such as specific height limits), were determined at the time of subdivision with expert landscape assessment by the applicant and the Council, with related restrictions and obligations imposed by way of consent notices on the titles.
- 4.8 Bream Tail is zoned General Rural Zone in the Proposed Kaipara District Plan 2025 (**the Proposed Plan**). It is subject to the ONL, ONF, High Natural Character, Outstanding Natural Character and Coastal Environment overlays.

*The Bream Tail Design Guidelines and Review Process*

- 4.9 The Bream Tail Design Guidelines are designed to protect the interest of all owners in protecting the character of Bream Tail in accordance with the purposes described above. The Design Guidelines are additional to the requirements of the District Plan. The Guidelines are intended to ensure that development of homes is maintained at high standards and that buildings contain a degree of design integrity that is sympathetic to the landscape and the character of the property as a whole.
- 4.10 The Design Guidelines regulate matters such as building location, accessways, paving and drainage, fences, walls and retaining walls, services and utilities (to be below ground), building form, roofs, building massing and arrangement, landscape design, materials and colours.
- 4.11 Relevant to the evidence I present below, the Guidelines in relation to materials provide for natural materials, including for example cedar and natural local stone.

- 4.12 Before commencing any building or development, or obtaining any applicable resource management consents, the design of a proposed building or structure and the planting and landscaping and site development plan is required to be submitted to a Bream Tail Design Committee for written approval.
- 4.13 The Design Committee is required to comprise one member of the BTRA Committee, one member of the BRTA and one architect appointed by the BRTA. The BTRA rules set out the process for Design Committee approval, including the pre-design conference, preliminary submittal, final submittal, decision, and arbitration if required.
- 4.14 This provides a robust process for design assessment at Bream Tail, running in addition to the resource consent requirements of the District Plan.
- 4.15 As noted in my introduction, this evidence is also on behalf of Tappenden Holdings Limited and Daytona Trust.
- 4.16 The Daytona Trust, through its trustees, owns a property within Bream Tail and at the northern end, being 17 Tuaraki Road, Mangawhai (LOT 5 DP 400385).
- 4.17 Tappenden Holdings Limited owns the adjoining property also within Bream Tail Farm, Mangawhai, being 15 Tuaraki Road, Mangawhai (LOT 6 DP 400385).
- 4.18 Both sites are zoned General Rural Zone in the Proposed Plan, and subject to the ONL, High Natural Character and Coastal Environment overlays.

## **5.0 OVERVIEW OF SUBMISSIONS**

- 5.1 The submissions from Bream Tail Residents Association Incorporated, Tappenden Holdings Limited and Daytona Trust seek essentially the same relief in relation to the matters under consideration in these hearings.

Hearing 19: Natural Features and Landscapes

5.2 The submissions set out the specific relief sought and reasons for that relief in detail. The key themes in relation to the Natural Features and Landscapes topic from the submissions broadly seek to ensure the following outcomes:

- i. **Characteristics, qualities and values of ONFs and ONLs Policies:** The accurate inclusion and description in policies of the characteristics, qualities and values of ONFs and ONLs as referenced in Schedule 4 and Schedule 5.
- ii. **Lawfully Established Subdivision Policies:** Recognition in policies that lawfully established subdivision (such as Bream Tail) located within ONFs and ONLs can achieve its intended outcome without undue restriction.
- iii. **Approved Building Platforms:** Allowances through the rules for the development (including building and earthworks) on already approved building platforms in ONFs and ONLs as is the case at Bream Tail, with minimum but appropriate consenting requirements, whether inside or outside the Coastal Environment. This applies to new buildings and additions and alterations to existing buildings.
- iv. **Vegetation clearance:** Amendments to the vegetation clearance rules applying to ONFs and ONLs to better enable farming and conservation activity and better provide for the health and safety of people by minimising fire risk.
- v. **Development Standards (GFA/Exterior colour and reflectivity/Height):** Deletion of the GFA limit, and amendments to the standards relating to building height to allow for certain practical exceptions and to the exterior colour and reflectivity standards to allow for the use of natural materials.
- vi. **ONL Mapping:** Refinements to the mapping of the ONL over Bream Tail.

- 5.3 The Section 42A Report makes recommendations which largely satisfy the submission points which I have grouped under these key themes, either by directly granting the relief sought or by way of an alternative recommendation which in my opinion is satisfactory.
- 5.4 In particular, I support the changes made to Policies NFL-P1, NFL-P3 and NFL-P4 because they continue to enable activities that maintain, restore or enhance the characteristics, qualities and values of ONFs and ONLs, including conservation activities. They also recognise that lawfully established land use and development are located within ONFs and ONLs and allow them to continue without undue restriction.
- 5.5 Bream Tail is an example of a lawfully established land use and one that has restored and enhanced the characteristics, qualities and values of the ONFs and ONLs which apply over the property.
- 5.6 Although not exactly the relief sought by the submitters in relation to how characteristics, qualities and values of ONFs and ONLs are reflected in policies, the amendments proposed in the s42A report essentially achieve the same outcome sought. As recommended in the s42A Report, this is proposed to be achieved by the following amendments<sup>1</sup>:
- Schedule 5 currently includes a link to the 2010 landscape assessment report. As requested in the submissions, this link is proposed to be replaced with the 2014 methodology report, as it reflects the RPS criteria;
  - Including the RPS Appendix 1 ONL assessment criteria directly in Schedule 5;
  - Replacing the ONL unit descriptions in Schedule 5 with links to the relevant worksheets on NRC's website for each ONL unit. I agree with the s42A Report that although some mapped boundaries vary slightly, the worksheets continue to

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<sup>1</sup> Paragraphs 45-47, Section 42A Report

provide the most complete and accurate description of each unit's characteristics qualities, and values.

- 5.7 The reason these changes are important is that when considering the effects of proposals on the *“characteristics, qualities and values that make ONFs and ONLs outstanding”* in for example the Coastal Environment (policy NFL-P3) or the *“adverse and positive effects on identified characteristics, qualities and values of the landscape or feature”*, (policy NFL-P6), the NRCs worksheets and the methodology behind that becomes an important yardstick.
- 5.8 As an example, when considering the ONL that applies over most of the coastal edge at Bream Tail (ONL18: Bream Tail Coast<sup>2</sup>), the provision of a link in the District Plan to the NRC worksheets is very helpful. It provides a description of the characteristics that make up the ONL, its values and a ranking of those, providing a basis for assessment. I have included the NRC worksheet for ONL18: Bream Tail Coast at **Attachment 2** to this evidence as this example.
- 5.9 By way of further background and in support of some of the changes to the rules and standards I am proposing below, the recognition in these policies of lawfully established activities in ONLs and ONFs is supported by the Northland Regional Policy Statement (**RPS**), which the Proposed Plan must 'give effect to' under the RMA 1991.
- 5.10 RPS Policy 4.6.1 *“Managing effects on the characteristics and qualities natural character, natural features and landscapes”* directs that:

*(3) When considering whether there are any adverse effects on the characteristics and qualities of the natural character, natural features and landscape values in terms of (1)(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of (1)(b) and (2), and in determining the character, intensity and scale of the adverse effects:*

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<sup>2</sup> The smaller balance of the southern coastal edge of the property is ONL 19: Sentinal Rock Coast, with the inland part of Bream Tail part of extensive ONL 14: Bream Tail – Brynderwyn Ranges.

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**b) Recognise that many areas contain ongoing use and development that:**

**(i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established**

**(ii) May be dynamic, diverse or seasonal;**

...”

5.11 I have attached this RPS Policy 4.6.1 in full at **Attachment 3** to my evidence for ease of reference. I discuss the implications of this policy direction when proposing the minor amendments to rules below.

**Hearing 17: Ecosystems and Indigenous Biodiversity**

5.12 The key themes in relation to the Ecosystems and Indigenous Biodiversity topic from the submissions broadly seek to ensure the following outcomes:

- i. **Policy Approach:** Retention of Objectives ECO-O1 to ECO-O4 and Policies ECO-P1 to ECO-P5;
- ii. **Ancillary buildings:** Amendment of rule ECO-R1 to allow also the construction of buildings ancillary to a single residential unit; and
- iii. **Activity Status:** Deletion of the requirement that in order to maintain a restricted discretionary activity status in ECO-R2, an application for indigenous vegetation clearance includes an assessment, carried out by a suitably qualified ecologist of whether or not any of the indigenous vegetation proposed to be cleared meets the criteria in Appendix 5 of the RPS.

## **HEARING 19: NATURAL FEATURES AND LANDSCAPES**

### **6.0 APPROVED BUILDING PLATFORMS**

- 6.1 I generally support the changes proposed in the s42A Report to further strengthen policy recognition of the ability to build on already approved building platforms on ONFs and ONLs and the related amendments to the rules.
- 6.2 Policy NFL-P2 in the Proposed Plan as notified is to *“Recognise that lawfully established land use and development are located within Outstanding Natural Features and Outstanding Natural Landscapes and allow them to continue without undue restriction”*. That in my opinion appropriately implements the RPS policy 4.6.1 as I have set out above, with the addition of the word ‘subdivision’ as sought in the submissions and as supported in the Section 42A report. The recognition of subdivision is important to the likes of Bream Tail where a subdivision has occurred, but not all lots are yet developed.
- 6.3 An amendment is also proposed to be made to policy NFL-P6 in the s42A report, again as generally sought by the submitters. This adds as a matter to be assessed *“11. The degree to which the proposal has already been anticipated through a previous resource consent process, including development on and access to building platforms approved through subdivision”*. I support that change.
- 6.4 My focus then is on the rules which follow. Specifically NFL-R2 “New Buildings and Structures” and also the relationship of the changes recommended there to NFL-R1 “External additions and alterations to existing buildings or structures”.
- 6.5 Firstly, the submissions sought the application of the same rule framework whether the ONL or ONF was inside or outside the Coastal Environment. The recommended amendments in the s42A Report achieve that outcome (noting the variation in some Standards which will apply).

- 6.6 The Section 42A report also recommends a new controlled activity rule for new buildings or structures in ONLs and ONFs where the building is a residential unit or a minor residential unit on a defined building platform, where the building platform has been identified through an expert landscape assessment and approved as part of an existing subdivision consent.
- 6.7 This is of particular relevance to Bream Tail where, as I outlined above, there are both built and as yet un-built building platforms in ONLs, with those building platforms identified through expert landscape assessment and approved as part of existing subdivision consents.
- 6.8 An alternative and more restrictive activity status to develop on these building platforms could require a wholesale reassessment of the appropriateness to build each time. It imposes considerable unnecessary cost and risk to current and future owners of these lots, both at Bream Tail and in other similar situations in the district.
- 6.9 In contrast, a more permissive activity status is an efficient and effective way of recognising existing expectations to build under the terms of consents and avoids the costs associated with new consent for buildings on locations already confirmed as appropriate by way of previous consents.
- 6.10 Owners have purchased at Bream Tail with the expectation to build on the nominated house sites. Certainty of the ability to build supports the value of the properties. Ownership is critical to the wider benefits at Bream Tail such as the conservation outcomes I described above.
- 6.11 Put simply, owners would not continue to hold a section if they could not be guaranteed to build on it; particularly where significant annual contributions to conservation and similar activities are required. Without such a funding source, the environment at Bream Tail would progressively degrade.
- 6.12 The controlled activity rule recommended in the Section 42A report strikes an appropriate balance here in my opinion. A controlled

activity status provides certainty to build (the application cannot be declined), while ensuring the Council retains control and can impose conditions over the range of matters recommended. I support that approach and the matters of control recommended at NFL-R2.4.

- 6.13 I record also that this is essentially the same approach recommended to the Far North District Plan Hearing Panel in its s42A Reports. I supported that approach at those hearings also on behalf of submitters.
- 6.14 The only residual issues here are the approach to external additions and alterations to existing buildings or structures and accessory buildings where those occur on already approved building platforms, the activity status where compliance with the rule is not achieved and some other minor changes to the rule for administrative certainty and clarity.

*External additions and alterations to existing buildings or structures*

- 6.15 External additions and alterations to existing buildings or structures are dealt with as a separate activity class under Rule NFL-R1, as distinct from new buildings and structures under Rule NFL-R2.
- 6.16 The provision for new buildings and structures on already approved building platforms is limited to where the building is a “residential unit” or a “minor residential unit” as a controlled activity and so does not explicitly provide for “external additions and alterations to existing buildings” or accessory buildings where those exceed the GFA limit of 50m<sup>2</sup> in the Coastal Environment or 100m<sup>2</sup> outside of the Coastal Environment (as recommended by the Section 42A Report in relation to Standard NFL-S2).
- 6.17 The effect of this rule is that external additions and alterations to existing buildings or ancillary buildings would default to a restricted discretionary activity status under NFL-R1.2, where the GFA limits are exceeded, even if on an approved building platform. In contrast, a residential unit or a minor residential unit on an approved building platform has no such GFA limit as a prescribed rule and retains its controlled activity status.

- 6.18 This issue is relevant at Bream Tail because building platforms include both residential units and in some instances accessory buildings<sup>3</sup>. Where sites are already built, it is entirely plausible that external additions and alterations will also be sought.
- 6.19 I therefore recommend changes in my amendments below to NFL-R1 and NFL-R2 to explicitly provide for external additions and alterations to existing buildings or accessory buildings that do not comply with the standards (including GFA) as a controlled activity where on an approved building platform – giving these the same activity status as residential units and minor residential units in these circumstances.
- 6.20 The Section 42A report author has discussed this to a degree, however as I understand the position considers accessory buildings are already adequately provided for under the permitted GFA limits referenced in at NFL-R2.1 (ie 50m<sup>2</sup> and 100m<sup>2</sup> respectively). That may be the case for many garages etc however fundamentally, I disagree with the need to have this GFA trigger apply to accessory buildings, when no such trigger applies to the inherently much larger residential units and (possibly) minor residential units where they are also on the same approved building platform. The matters of control at NFL-R2.4 would apply equally to whether the building is a house or a garage.

*Default activity status*

- 6.21 As I understand amended rule in the s42A report, where compliance is not achieved with rule NFL-R2, the activity will default to non-complying<sup>4</sup> where inside the Coastal Environment.
- 6.22 I support the default restricted discretionary activity status whether inside or outside the Coastal Environment<sup>5</sup>. This is particularly so

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<sup>3</sup> Accessory Building means a detached building, the use of which is ancillary to the use of any building, buildings or activity that is or could be lawfully established on the same site but does not include any minor residential unit (Proposed Kaipara District Plan).

<sup>4</sup> Apart from where the building or structure is associated with regionally significant infrastructure, whereby the default is to a discretionary activity.

<sup>5</sup> As set out in the submissions from Bream Tail et al, by applying rule NFL-R2 to both inside and outside the coastal environment, the same restricted discretionary activity status and matters of discretion from NFL-R2 3. and NFLR2 4. (as sought to be amended elsewhere in the submission) would apply to both inside and outside the coastal environment.

with the reference to the wide ranging and what I consider appropriately scoped matters of discretion in policy NFL-P6, which implements to relevant NZCPS and RPS policies. These matters would allow for a full and thorough assessment of the range of effects that could arise from an infringement of the rule in my opinion.

- 6.23 In this regard, rule NFL-R2 in effect establishes a set of standards that apply to new buildings and structures in the ONL and ONF. These standards control building height, gross floor area and exterior colour and reflectivity. The structure of the rule as recommended in the s42A Report would require a non-complying activity for any variation to these standards within the Coastal Environment (for example a greater height, more floor area or a colour not referenced in the recommended standard). A more focussed assessment method is warranted here in my opinion, with the assessment targeted to the matters in policy NFL-P6 (plus positive effects) rather than a wholesale assessment and ‘gateway tests’ as required of a non-complying activity.
- 6.24 From a s32AA RMA perspective, assessment by way of a restricted discretionary activity for infringement of these development controls is a more efficient and effective method, being targeted to the particular matter under consideration, and with no potential relevant resource consent or policy consideration issue left wanting by virtue of reference to policy NFL-P6 as a matter for assessment.

*Building platforms*

- 6.25 I have also added to both rules NFL-R1 and NFL-R2 a definition of building platform as follows:

*“Defined building platform” for the purposes of this rule includes a location or an area of land identified as being suitable for building, including identified buildable areas and house sites.*

- 6.26 Although the meaning of the term ‘defined building platform’ as is used in the rule may be self-evident, mine is a belt and braces

approach, intended to avoid doubt in future administration of the rule.

6.27 In my experience, “building platforms”, “buildable areas” and “house sites” are all methods used and terms described on subdivision plans and related conditions– all intended to fix the location of future houses to a pre-determined location. Titles at Bream Tail by way of an example have consent notices requiring all residential development to be restricted to the “nominated buildable areas” denoted on the survey plans.

6.28 This definition I have proposed:

- Covers the purposes intended in its use as recommended the above rules;
- Is cast suitably broadly to cover the methods used at subdivision that I am aware of, where both locations and areas of land are identified (whether these are identified as building platforms, buildable areas or house sites on a plan); and
- Deliberately does not add any further qualifications such as ‘identified by expert landscape assessment’, with such qualifications belonging in the rule themselves where the term is used.
- Deliberately also does not introduce a new term into the Definitions section of the Proposed Plan to avoid a wider plan impact, with the terms introduced only directly applicable to the rules to which they relate.

Proposed amendments to NFL-R1 and NFL-R2

6.29 The s42A Report recommended changes are in red below and the changes I propose to address the matters raised above are in blue. (Note renumbering is required on the original s42A version also).

NFL-R1	External additions and alterations to existing buildings or structures	
ONL and ONF	<p><b>1. Activity status:</b> Permitted</p> <p>Where:</p> <p>a. The alteration or addition of any existing building or structure shall not exceed the height of the existing building or structure; and</p> <p>b. The activity complies with the following standards:</p> <p>i. NFL-S2 Gross Floor Area; and</p> <p>ii. NFL-S3 Exterior Colour and Reflectivity</p>	<p><b><u>3. Activity status when compliance not achieved with NFL-R1.1: Controlled</u></b></p> <p><b><u>Where:</u></b></p> <p><b><u>a. The alteration or addition building is to a residential unit, minor residential unit or accessory building on a defined building platform or buildable area, where the building platform or buildable area has been identified through an expert landscape assessment and approved as part of an existing subdivision consent.</u></b></p> <p><b><u>4. The matters of control:</u></b></p> <p><b><u>a. The location, scale and design of alteration or addition, and associated accessways and infrastructure, having regard to their visual prominence;</u></b></p> <p><b><u>b. The means of integrating the alteration or addition, structure or activity into the landscape, including through planting;</u></b></p> <p><b><u>c. The height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and</u></b></p> <p><b><u>d. Measures to mitigate adverse effects on the characteristics, qualities and values that make ONL and ONF outstanding.</u></b></p> <p><b><u>“Defined building platform” for the purposes of this rule includes a location or an area of land identified as being suitable for building, including identified buildable areas and house sites.</u></b></p> <p><b><u>23. Activity status when compliance not achieved:</u></b></p> <p><b><u>Restricted</u></b> Discretionary</p>

		<p><b><u>3 Matters over which discretion is restricted:</u></b></p> <p><u>a. The matters in NFL-P6; and</u></p> <p><u>b. The positive effects of the activity.</u></p>
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<b>NFL-R2</b>	<b>New buildings and structures</b>	
<b>ONL and ONF</b>  <b>outside the coastal environment</b>	<p><b>1. Activity status:</b> Permitted</p> <p><b>Where:</b></p> <p><del>a. The building or structure is:</del></p> <p><del>i. Ancillary to an existing lawfully established activity; or</del></p> <p><del>ii. On a building platform identified in an existing approved subdivision consent and/or land use consent lodged with Council prior to 30 April 2025; and</del></p> <p>b. The building or structure complies with the following standards:</p> <p>i. NFL-S1 Building and Structure Height;</p> <p>ii. NFL-S2 Gross Floor Area; and</p> <p>iii. NFL-S3 Exterior Colour and Reflectivity; or</p> <p><del>c. It is a temporary building or structure for military training purposes permitted under <u>TEMP-R2.</u></del></p> <p><b>2. This rule does not apply to:</b></p> <p><del>a. The defined Exclusive Use Areas shown on the Survey Plan for lots 1, 29, 32, 34, 40, 41 and 45 DP 348513 consented by RM050086 (Bream-Tail) provided that the other</del></p>	<p><b><u>3. Activity status when compliance not achieved with NFL-R2.1: Controlled</u></b></p> <p><b><u>Where:</u></b></p> <p><u>a. The building is a residential unit <del>or a</del> minor residential unit or an accessory building on a defined building platform, where the building platform has been identified through an expert landscape assessment and approved as part of an existing subdivision consent.</u></p> <p><b><u>4. The matters of control:</u></b></p> <p><u>a. The location, scale and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;</u></p> <p><u>b. The means of integrating the building, structure or activity into the landscape, including through planting;</u></p> <p><u>c. The height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and</u></p> <p><u>d. Measures to mitigate adverse effects on the characteristics, qualities and values that make ONL and ONF outstanding.</u></p> <p><u>“Defined building platform” for the purposes of this rule includes a location or an area of land identified as being suitable for building, including identified buildable areas and house sites.</u></p> <p><b>1. <u>3. Activity status when compliance not achieved with NFL-R2.3: :</u></b></p> <p>Restricted Discretionary</p> <p><b><u>Where:</u></b></p>

	<p><del>conditions of the Consent Notices (dated 2 February 2004) on these titles are complied with, which shall rely on Rule 12.10.3c.2 in Chapter 12 of the Kaipara Operative District Plan</del></p>	<p><del>a. The building or structure is outside the coastal environment</del></p> <p><del>2. 4. Matters over which discretion is restricted:</del></p> <ul style="list-style-type: none"> <li><del>• The matters in NFL P6; and</del></li> <li><del>• The positive effects of the activity.</del></li> </ul> <p><del>3. Activity status when compliance not achieved with NFL R2.5:</del></p> <p><del>Discretionary</del></p> <p><del>Where</del></p> <p><del>a. The building or structure is associated with regionally significant infrastructure.</del></p> <p><del>4. Activity status when compliance not achieved with NFL R2.7: Noncomplying</del></p>
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## 7.0 MAINTENANCE OF PASTURE

- 7.1 The landscape framework at Bream Tail comprising native vegetation (both pre-existing and planted as part of the subdivision and with the development of individual sites) is a key part of the property, and is protected by both consent conditions, consent notices on titles, and covenants, as well as by the provisions of the Design Guidelines.
- 7.2 As noted above, farming, residential and conservation activities are also key aspects of the property, and the submissions in relation to the ‘indigenous vegetation clearance’ rules for the ONL (NFL-R3) were sought in relation to these interrelated activities. Specifically, they sought that practical exceptions be made to the rules, whether the clearance was within or outside of the Coastal Environment, for the following purposes:

- a. To address an immediate risk to the public safety or damage to property;
  - b. The formation of walking tracks less than 1.5m wide;
  - c. 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 either side of the fence line;
  - d. To remove pest species in accordance with any approved pest management plan or biosecurity operational plan;
  - e. To create or maintain a 20m setback from an area of indigenous vegetation to a residential unit (excluding accessory buildings);
  - f. The removal or clearance of indigenous vegetation from land that was previously cleared and where the indigenous vegetation to be cleared is less than 10 years old; and
  - g. Creation and maintenance of firebreaks to manage fire risk.
- 7.3 These exceptions have generally been carried into the s42A Report recommendations through amendments to rule NFL-R3 (with some minor revisions), and I agree with those changes.
- 7.4 The Section 42A Report does not above support f. above as an exception, *“The removal or clearance of indigenous vegetation from land that was previously cleared and where the indigenous vegetation to be cleared is less than 10 years old”*.
- 7.5 In my opinion such an exception is necessary. What I am seeking to achieve here is an allowance for pasture within ONLs to be maintained as pasture. I note here that such pasture is vulnerable to the re-colonisation by grazing tolerant indigenous vegetation, and without such an exception, the ‘clearance’ or maintenance of such pasture would require a resource consent as a non-complying activity in the Coastal Environment under rule NFL-R3 if greater than 50m<sup>2</sup> per 12-month period per site, irrespective of the age of that recolonised vegetation. From my own observations, grazing

tolerant indigenous vegetation in pasture includes manuka, kanuka and rushes<sup>6</sup>. Obtaining such a resource consent would be an undue consent burden on landowners, not balanced by any benefit to the ONL (where the clearance circumstances are limited as I have proposed in 'f').

7.6 The exception as I have it is intended to be for the purposes of maintenance and reinstatement of pasture, and be applicable only to existing farms rather than new (hence the reference to land that was previously cleared and the 10-year cut off time).

7.7 This exception is consistent also with the notified version of the Ecosystems and Indigenous Biodiversity rule ECO-R1.1.i of the Proposed Plan as I discuss separately in this evidence.

7.8 I have discussed these provisions with the farm manager at Bream Tail, who advises that some ability to remove or clear indigenous vegetation from land that was previously cleared is a necessary part of the maintenance of the property. These reasons I set out below I would expect are applicable to many other rural properties and farming operations:

- Bream Tail is a large and complex property, that is not intensively grazed. With many areas within native bush (that is in fact encouraged and actively protected), the pasture edges are at particular risk from colonization by indigenous grazing-resistant species such as manuka.
- While such species can have benefits initially such as providing shelter for young stock, eventually there will be a need to clear them to maintain pasture for its intended purpose.
- With a lot to do on farm, such work can not reasonably be expected to be on a regular cycle, including for example 5-years as would be the effect of Ecosystems and Indigenous

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<sup>6</sup> The two largest genera in New Zealand are Juncus, with 50 (including 17 native) species of wet and damp habitats and Luzula, 17 mostly native species, mostly confined to upland environments. Source: <https://agpest.co.nz/?peстыpes=rushes-i>.

Biodiversity rule ECO-R1.1.i as proposed to be amended by the s42A Report on that topic.

- Maintaining pasture of course has economic benefits, which as I have described above in the Bream Tail context are turned into conservation benefits by providing an income source.

7.9 Pastureland may in some instances be part of the character of an ONL, and at least able to be maintained that way.

7.10 For all of these reasons I consider the exception is desirable to add to NFL-R3:

*“f. The removal or clearance of indigenous vegetation from land that was previously cleared and where the indigenous vegetation to be cleared is less than 10 years old”*

7.11 In my opinion, such an exception properly gives effect to the RPS policy 4.6.1 as I set out above. This policy requires recognition that many areas contain ongoing use and development that were present when the area was identified as high or outstanding. It also achieves the Proposed Plan’s policy NFL P-2 I which recognises that lawfully established land use and development are located within Outstanding Natural Features and Outstanding Natural Landscapes and seeks to allow them to continue without undue restriction.

## **8.0 EARTHWORKS**

8.1 In relation to NFL-R4 Earthworks, the submission noted that a restricted activity status (as is the effect of the Proposed Plan rule as sought to be amended by the submission) is appropriate for earthworks on approved building platforms and the access driveways to them inside and outside the ONL and ONF, noting that the appropriateness of construction on approved building platforms has already been determined at subdivision stage.

- 8.2 The s42A report proposes adding a discretionary activity and a non-complying activity step to rule NFL-R4 Earthworks. The effect of that would be that any earthworks beyond 50m<sup>3</sup> in any 12-month period would default to a non-complying activity, even where on an approved building platform (or forming part of the access to it).
- 8.3 In my opinion a restricted discretionary activity is a more appropriate default in these circumstances. It strikes a better balance of recognising that these are works on already approved building platforms (wherein the effect of use and development will have already been considered at subdivision consent stage), while also allowing proper assessment by the Council of the effects of those earthworks on the ONL – including ‘off platform’ effects such as the cut and fill required for any driveway access. In this regard, the matters in policy NFL-P6 as I propose apply as matters of discretion in my drafting below provide more than adequate scope for assessment.
- 8.4 The alternative as recommended in the Section 42A report would be to negate the controlled activity status under NFL-R2 for building on approved building platforms in the ONL and Coastal Environment, with that invariably defaulting to a non-complying activity due to the quantum of earthworks associated with any new building.
- 8.5 I have set out below my proposed amendments in this regard to rule NFL-R4 Earthworks (The s42A Report recommended changes are in red below and the changes I propose to address the matters raised above are in blue).

NFL-R4	Earthworks	
ONL and ONF	<p><b>1. Activity status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. The earthworks complies with NFL-S4 Earthworks; or</p>	<p><b>2. Activity status when compliance not achieved:</b> Restricted Discretionary</p> <p><b>Where:</b></p> <p>a. <u>The earthworks is outside the coastal environment; or</u></p>

	<p>b. The earthworks is for the <u>operation, repair or maintenance of the following activities where they have been</u> lawfully established:</p> <p><del>i. roads,</del></p> <p><u>ii. fences,</u></p> <p><u>iii. utility connections,</u></p> <p><u>iv. parking areas,</u></p> <p><u>v. effluent disposal systems,</u></p> <p>vi. swimming pools,</p> <p><u>vii. Tracks, driveways, and accessways;</u></p> <p>viii. Infrastructure <del>walking or cycling tracks, or farm and forestry tracks;</del> or</p> <p><u>c. The earthworks is for:</u></p> <ul style="list-style-type: none"> <li><u>• The construction of a new fence in an ONL 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</u></li> <li><u>• The minor upgrade of regionally significant infrastructure</u></li> </ul>	<p><u>b. The earthworks is for a residential unit, a minor residential unit or an accessory building on a defined building platform or buildable area, or the accessway thereto, where the building platform or buildable area has been identified through an expert landscape assessment and approved as part of an existing subdivision consent.</u></p> <p><b>Matters over which discretion is restricted:</b></p> <p>a. The matters in NFLP6; and</p> <p>b. The positive effects of the activity</p> <p><b><u>Activity status when compliance not achieved with NFLR4.3: Discretionary</u></b></p> <p><b><u>Where:</u></b></p> <p>a. <u>The earthworks is regionally significant infrastructure</u></p> <p><b><u>5. Activity status when compliance not achieved with NFLR4.4: Noncomplying</u></b></p>
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## 9.0 EXTERIOR COLOUR

- 9.1 The submissions sought the inclusion of natural materials in standard NFL-S3 Exterior colour and reflectivity, with those materials being specified in the Bream Tail Design Guidelines as I discuss above.

9.2 I acknowledge the landscape advice of Mr Coombes in his report appended to the section 42A report, where he opposes this introduction, giving the example of lime plastering that is a natural material but can have a high reflectivity and therefore unacceptable effects on ONL and ONF.

9.3 In response I suggest possibly a simple drafting change will meet the relief sought by the submissions and also the concern raised by Mr Coombes.

9.4 The standard as noticed here specifies that the building and structure exteriors must:

....

*“b. Be coloured or painted with a colour with a reflectance value no greater than 35% (provided that 2% of each exterior elevation is exempt) and with a roof colour with a reflectance value no greater than 30%”. (underlining added)*

9.5 When I prepared the submissions on behalf of the submitters I read ‘be coloured’ as I have underlined as an active word, ie coloured by someone, similar to ‘painted’. Natural materials are not coloured by someone, but they do have a colour (capable of being able to be assessed against the light reflectance values of the rule).

9.6 These are minor improvements, but I propose the following to provide clarity here and allow for natural materials that meet the light reflectance values in the balance of the rule.

9.7 I have also recommended below the use of the term “light reflectance value” in the rule, as I understand that is the commonly used term (ie LRV).

*“b. Be ~~coloured~~ of a colour or painted with a colour with a light reflectance value no greater than 35% (provided that 2% of each exterior elevation is exempt) and with a roof colour with a light reflectance value no greater than 30%”.*

## **10.0 ONL MAPPING**

- 10.1 The submissions sought amendments to the mapping to reduce the mapped extent of ONL from Bream Tail so that it accurately follows characteristics and features according to the Landscape Assessment Criteria of the RPS.
- 10.2 With the amendments to the provisions as I have set out above, the submitters are not pursuing this submission point through this hearing.
- 10.3 I signal however that equivalent submission points in relation to High Natural Character mapping over the property will be furthered at the Coastal Environment hearing, with mapping amendments there presented with expert landscape evidence.

## **HEARING 17: ECOSYSTEMS AND INDIGENOUS BIODIVERSITY**

### **11.0 MAINTENANCE OF PASTURE**

- 11.1 The s42A Report for Hearing 17 recommends amending the permitted activity allowance from rule ECO-R1 in relation to sub-clause 1.i as follows:
- i. The removal or clearance of indigenous vegetation from land that was previously cleared and where the indigenous vegetation to be cleared is less than ~~5~~ 10-years old;*
- 11.2 In my opinion, and for the same reasons set out in paragraph 7.8 above in relation to the equivalent clause I am proposing there, I consider that a 10-year age allowance for such vegetation should be retained here.
- 11.3 With reference to the relevant policies from the Ecosystems and Indigenous Biodiversity chapter, policy ECO-P3 seeks to maintain indigenous biodiversity in a way that “1. does not unreasonably restrict existing primary production activities particularly on highly productive land” and “4. enables land to be used and developed to support the social, economic and cultural well-being of people and

*communities*". This policy provision supports the rationale for retaining the 10-year age exemption for the clearance of indigenous vegetation as I propose.

- 11.4 While I note that rule ECO-R2 allows a 1000m<sup>2</sup> (or 500m<sup>2</sup> as recommended in the s42A Report) per calendar year clearance exemption for land within the general rule zone, in my opinion an allowance for the maintenance of pasture should not be subject to such a limit, within the reasonable bounds of a 10 year age limit on the indigenous vegetation able to be cleared as per the notified version of the Proposed Plan.

**Peter Raymond Hall**

**22 May 2026**



This plan has been prepared by Boffa Miskell Limited on the instructions of our Client, in accordance with the agreed scope of work. If it is intended to support an application under the Fast-track Approvals Act 2024, it may be relied upon by the Expert Panel and relevant administering agencies for the purposes of assessing the application. While Boffa Miskell Limited has exercised due care in preparing this plan, it does not accept liability for any use of the plan beyond its intended purpose. Where information has been supplied by the Client or obtained from external sources, it has been assumed to be accurate unless otherwise stated.

**ONL14: Bream Tail – Brynderwyn Ranges**

**ONL18: Bream Tail Coast**

**ONL19: Sentinel Rock Coast**

<b>Northland Regional Landscape Assessment Worksheet</b>	
	Unit name – <b>BREAM TAIL COASTAL HEADLAND</b>
<b>DESCRIPTION AND CHARACTERISATION</b>	
<b>Component</b>	<b>Comment</b>
<b>Land Types</b> Bays and headlands land type Low coastal escarpment land type Bays and headlands land type Reefs and islands land type	<p>In conjunction with the Brynderwyn Ranges, the Bream Tail headland forms a physical and perceptual 'bookend' to the Whangarei District, as well as representing a 'pivot' between the sweep of Bream Bay to the north, and Mangawhai spit, Te Arai Beach and Pakiri Beach to the south.</p> <p>The headland is a dramatic and powerful feature which is visible from landbased locations a considerable distance to the north and south.</p>
<b>Geology</b> (including geopreservation sites)	<p>Coastal hillsides and gullies underlain by Mesozoic greywacke (Waipapa Terrance). Miocene sandstone and sandy mudstone (waitemata Group); Miocene dacite intrusions (Waitakere Group); and Holocene beach sands.</p> <p>The headland is a geological site of regional importance with the best exposed Miocene dacite dome being located at R08 540 705, just to the south of the tip of Bream Tail (Kenny and Hayward, 1996).</p>
<b>Soil Types</b>	<p>The unit hugs the coast, with its boundaries approximating the underlying soil types. The western arm comprises poorly drained Waioitira brown clay loam, whilst the high points on the north eastern tip comprise a pocket of Parahaki fine silt and Maungarei clay.</p>
<b>Ecology</b> (including protected vegetation / features, PNAP Level 1 and 2 sites)	<p>Identified in the Waipu Ecological District PNAP report as R08/001 (Bream Tail Coastal Headland) and straddles the Whangarei and Kaipara district boundary. This Level 1 site encompasses 2.4 ha of duneland, 221.5 ha forest, 25.5 ha rockland, 7.2 ha shrubland and 4.1 ha of wetland.</p> <p>The PNAP reports that the site comprises a unique set of habitats in the Waipu Ecological District. This is because it is the only steep rocky coastal headland with extensive cliffs and steep coastland forest.</p> <p>The PNAP lists twenty six ecological units, twenty of these are considered to be representative. It also lists large numbers of threatened flora and fauna, including six threatened flora species (<i>mida</i>, <i>parapara</i>, <i>Doodia mollis</i>, <i>Streblus banksii</i> x <i>S heterophyllus</i>, <i>Tetragonia tetragonioides</i>, <i>Chionochloa bromoides</i>), five regionally significant flora species (hard beech, wharariki, coastal maire, tawapou, <i>Coprosma rigida</i>). It also lists seven threatened fauna species (North Island kaka, Caspian tern, red billed gull, kukupa, longfin eel, <i>Amorhytida dunniae</i> and northern blue penguin), and four regionally threatened species (red crowned kakariki, variable oystercatcher, and banded kokopu).</p>
<b>Archaeological sites</b>	None known.
<b>Heritage Landscapes</b>	None known.

## Landscape characterisation

(including the identification of any specific characteristics)

Bream Tail is a prominent and recognised feature which punctuates and contains the southern end of Bream Bay. Whilst not as 'iconic' in its form as Bream Head, it acts as a counterbalance to the northern feature and is recognised as such.

Bream Tail also marks the eastern extreme of the Brynderwyn Range and together these landscapes define the southern edge of Whangarei District and the northern edge of Kaipara – a waymarker for many travellers on their journey north.

The landscape rises to a maximum height of some 165 m with the localized high point being located close to the coastal edge. The inland landscape is characterised by a relatively unremarkable rolling to steep landform, with the steeper slopes being vegetated with forest. This inland landscape is lower lying than the adjoining Brynderwyn Range to the west, but it is the dramatic cliffs and associated rocky shoals which define its seaward margin and contribute significantly to the character of the landscape and its recognition as an outstanding landscape.

Some sections of the coastal cliffs are vegetated, forming an almost unbroken swathe of vegetation from coast forest on the hills through to the beach. In other places only the lower edge of the cliffs are vegetated, although recent revegetation associated with the subdivision of Bream tail Farm has seen attempts to restore the grass covered slope. These planting have only realized limited success to date.

The relationship between the Bream Tail landscape, the Sentinal Rock Sandy Coast landscape, the Mangawhai Sandspit and thence the gentle curve of the coast down south to Cape Rodney is particularly striking.

## EVALUATION

Criteria	Rank	Comment
<b>Natural Science Factors</b>		
<b>Representativeness</b> Natural landscapes are clearly characteristic of the area, district or region. The key components of the landscape will be present in a way that defines the character of the place and distills its character and essence. Endemic associations.	5	Together with the Brynderwyn Range, the landscape forms the southern 'gateway' to the Whangarei District and is an important 'waymarker' on the journey north. More importantly, the landscape forms a visual stop to views of Bream Bay from land, beach and sea to the north and its form, although not as distinctive as Bream Head, does form its balancing 'twin'.
<b>Rarity</b> Natural features are unique or rare in the region or nationally, and few comparable examples exist.	4	High level of rarity at New Zealand level – very distinctive to this local area in terms of visual identity, geology and ecology.
<b>Aesthetic Values</b>		
<b>Coherence</b> The patterns of land cover and land use are largely in harmony with the underlying natural pattern of the landform of the area and there are no significant discordant elements of land cover or land use.	4	Strongly unified by the steep cliff and associated rocky shoals, and contiguity of vegetation cover. Repetition of those key themes and relationship with adjacent maritime area serves to bring coherence to the area, despite its context of by lower undulating land, pastoral cover and recent subdivision. Recent planting associated with the subdivision will, over time assist with 'stitching together' the isolated areas of forest and therefore strengthen landscape patterns and increase the level of coherence.
<b>Diversity &amp; Complexity</b> The elements contributing to overall landscape character are diverse and complex (particularly in ecological terms) without creating disharmony.	4	The increase in elevated in proximity to the coastal edge of the landscape, and the steep and dramatic cliffs dropping to rocky shoals on the shoreline. Extensive pockets of forest, with forest also covering the steep coastal slopes. Diverse ecology.

<p><b>Vividness</b> Natural features and landscape are widely recognised across the community and beyond the local area and remain clearly in the memory; striking landscapes are symbolic of an area due to their recognisable and memorable qualities.</p>	<b>5</b>	A bold signature and strong part of Northland's identity. Distinctive and memorable when viewed both from the north and from the south. Accessed from, and valued by many people in Mangawhai Heads.
<p><b>Naturalness</b> How affected by human activity is the landscape? Does human activity intrude on the landscape? Eg.</p> <ul style="list-style-type: none"> <li>• Presence of buildings and associated built development.</li> <li>• Presence of infrastructure services.</li> <li>• Extent of indigenous forest cover.</li> <li>• Homogeneity of exotic vegetation.</li> <li>• Presence / extent of modified agricultural land use.</li> <li>• Strength of natural processes / ecological patterns.</li> <li>• Unmodified and legible physical relief and landform.</li> <li>• Presence of water.</li> </ul>	<b>4</b>	<p>Very high levels of naturalness within unit, but influenced by proximity of settlement, farming and recent subdivision. These modified areas punctuate the forested areas but have been significantly revegetated recently.</p> <p>PNAP report acknowledges the recent revegetation although notes that the planting of non-ecosourced plants has the potential to degrade the naturalness of the forest.</p> <p>Proximity of modified areas also allows for weed invasion and abutting uses that diminish naturalness, although comprehensive weed and pest control strategies are in place at the moment.</p> <p>Closely related to and strongly influenced by marine waterbody.</p>
<p><b>Intactness</b> Natural systems are intact and aesthetically coherent and do not display significant visual signs of human modification, intervention or manipulation, visually intact and highly aesthetic natural landscapes.</p>	<b>4</b>	Good level of intactness within unit, although much of the vegetation cover is relatively young.
<b>Experiential Values</b>		
<p><b>Expressiveness</b> The 'legibility' of the landscape. Natural features clearly demonstrate the natural processes that formed them.</p>	<b>5</b>	Coastal erosive processes clearly evident.
<p><b>Sensory qualities</b> (These are landscape phenomena as directly perceived and experienced by humans, such as the view of a scenic landscape, or the distinctive smell and sound of the foreshore).</p>	<b>5</b>	<p>Landscape forms a feature which contains the southern end of Bream Bay and is thus a recognised feature.</p> <p>Powerful sense of remoteness and isolation when on the shoreline at the foot of the coastal cliffs, and a strong sense of the presence of the sea.</p>
<p><b>Transient Values</b> The consistent and repeated occurrence of transient features that contributes to the character, qualities and values of the landscape; landscapes are widely recognised for their transient features and the contribution that these make to the landscape.</p>	<b>4</b>	Strongly influenced by light and weather conditions. Seasonal influences of kowhai, rata and pohutukawa bloom, and associated avian activity.
<p><b>Remoteness / Wildness</b> Does the landscape display a wilderness character, remote from and untouched by human presence? Eg.</p> <ul style="list-style-type: none"> <li>• Sense of remoteness</li> <li>• Accessibility</li> <li>• Distance from built development</li> </ul>	<b>3</b>	<p>Limited sense of isolation or remoteness from within the elevated portion of the site due to the proximity of pastoral landscape and scattered dwellings. As the subdivision becomes more populated this sense will further diminish.</p> <p>Strong sense of remoteness can be experienced along the foreshore due to the separation and containment provided by the coastal cliffs.</p>
<p><b>Shared and recognised values</b> Natural features and landscape are widely known and valued by the immediate and wider community</p>	<b>4</b>	The landscape is recognised and valued for its place as the feature, which contains the southern end of Bream Bay, and also as the eastern end of the Brynderwyn Range.

<p>for their contribution to a sense of place leading to a strong community association with, or high public esteem for the place.</p>		<p>Bream Tail is accessed via a recently constructed coastal path from Mangawhai Heads and forms a valued and proximate landscape for visitors and residents.</p>
<p><b>Spiritual, cultural and historical associations</b></p> <p>Natural features and landscapes can be clearly and widely known and influenced by their connection to the spiritual, cultural and historical valued in the place and includes associative meanings and associative activities valued by the community. These can include both activities and meanings associative meanings are spiritual, cultural or social associations with particular landscape elements, features, or areas, whilst associative activities are patterns of social activity that occur in particular parts of a landscape, for example, popular walking routes or fishing spots.</p>		<p>Consultation was initiated during the mapping process, but has not led to any feedback within the required period.</p> <p>The unit is a visually prominent feature which contains the southern end of Bream Bay. In this regard it is well known to the community.</p>

Rank scale between 1 (low) and 5 (high)

<b>Land Types</b>
Coastal cliffs / escarpment
Low escarpment
Bays and headlands
Beach
Dune complex
Reefs and islands
Estuarine / inlet
Open harbour
Coastal plain
Rolling hills
Steep hills; moderate to high relief
Ranges; high relief
Strongly rolling land
Low rolling land
Valley floors and flats
Plains
Volcanic cones
River mouth
Wetland
Watercourses
Lakes and water bodies

Photograph of unit



**Bream Tail**

## 4.6 Managing effects on natural character, features / landscapes and heritage

*The objectives relevant to policy and method package 4.6 are:*

- |   |  |
|---|--|
| 3.4 <i>Indigenous ecosystems and biodiversity</i> | 3.14 <i>Natural character, outstanding natural landscapes, outstanding natural features, and historic heritage</i> |
|---|--|

### 4.6.1 Policy – Managing effects on the characteristics and qualities natural character, natural features and landscapes

- (1) *In the coastal environment:*
- a) *Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes.*
  - b) *Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods which may achieve this include:*
    - (i) *Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and*
    - (ii) *In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and*
    - (iii) *Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised.*
- (2) *Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of outstanding natural features and outstanding natural landscapes and the natural character of freshwater bodies. Methods which may achieve this include:*
- a) *In outstanding natural landscapes, requiring that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins;*
  - b) *In outstanding natural features, requiring that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature;*

- c) *Minimising, indigenous vegetation clearance and modification (including earthworks / disturbance and structures) to natural wetlands, the beds of lakes, rivers and their margins.*
- (3) *When considering whether there are any adverse effects on the characteristics and qualities<sup>9</sup> of the natural character, natural features and landscape values in terms of (1)(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of (1)(b) and (2), and in determining the character, intensity and scale of the adverse effects:*
- a) *Recognise that a minor or transitory effect may not be an adverse effect;*
  - b) *Recognise that many areas contain ongoing use and development that:*
    - (i) *Were present when the area was identified as high or outstanding or have subsequently been lawfully established*
    - (ii) *May be dynamic, diverse or seasonal;*
  - c) *Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects; and*
  - d) *Have regard to any restoration and enhancement on the characteristics and qualities of that area of natural character, natural features and/or natural landscape.*

**Explanation:**

This policy seeks to manage adverse effects on natural character, landscape and natural features. It specifies the level of protection to be achieved for the resources in question. It applies a hierarchy of protection based on context and value following the direction in Policies 13 and 15 of the New Zealand Coastal Policy Statement (NZCPS) and s6 of the Resource Management Act (RMA). In effect, the policy states the level or scale of effect that is inappropriate for the resource in question.

Policy 4.6.1 gives effect to the NZCPS, taking into account the decision of the Supreme Court in *King Salmon (Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38)

This approach is also specifically contemplated in Objective 2 and Policies 13(1)(d) and 15(d) of the NZCPS that direct regional policy statements and plans to identify where protection of natural character, natural features and landscapes is required (and by default, where it is not) and what forms of use and development would be inappropriate in those areas (and, by inference, forms of use and development which are appropriate in those areas).

**4.6.2 Policy – Maintaining the integrity of heritage resources**

- (1) *Protect the integrity of historic heritage resources that have been identified in plans in accordance with Policy 4.5.3 and Method 4.5.4(3):*
  - a) *By avoiding significant adverse effects of subdivision, use and development and avoiding, remedying or mitigating other adverse effects (including cumulative adverse effects) on historic heritage in the following way:*

<sup>9</sup> For areas that have been mapped, the worksheets referred to in Appendix 1 identify characteristics and qualities.