

Natural Character

Overview

This chapter addresses the natural character of wetland, lake and river margins. The focus is on managing 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 Kaipara District is dissected by numerous rivers and streams. The most extensive is the Northern Wairoa River, Northland’s largest river, with a catchment of 3,650 km² running from beyond the District to the Kaipara Harbour. The rivers are of considerable value to the District both for their natural values and as a physical resource.

Numerous freshwater lakes are found along the West Coast of the District. The lakes have been formed in consolidated sand dunes of relatively recent geological origin. They are in three main locational groups — Kai Iwi, Redhill and Pouto. The lakes provide habitat for numerous indigenous fauna and flora species.

Kaipara District contains approximately 2,000 hectares of wetlands, many of which are nationally and regionally important. In particular, these include wetland areas from Pouto through to the Ruawai Flats, and around the Kaipara Harbour. Wetland areas provide habitats for a range of estuarine and freshwater flora and fauna, including migrating waders and local resident bird species.

The margins of these wetlands, lakes and rivers are areas of important and valued natural character and support public and customary access, recreation and flood hazard management. In the district plan, the wetland, lake and margins are defined as the land within set distances from the edge of the water bodies.

A range of land use activities can have adverse effects on the natural character of wetland, lake and river margins, including the construction and alteration of buildings or structures, earthworks, and indigenous vegetation clearance. However, some activities have a functional need or operational need to be located within wetland, lake and river margins. This chapter seeks to manage these activities, to ensure that the characteristics, qualities and values that contribute to the natural character of wetland, lake and river margins are preserved and protected from inappropriate subdivision, use and development. Further, this chapter seeks to encourage land use activities that restore and enhance natural character values.

Objectives

NATC-01	Preservation and protection of natural character
The natural character of wetland, lake and river margins is preserved, and protected from inappropriate subdivision, use and development.	

Policies

NATC-P1	Preservation and protection of natural character
Avoid significant adverse effects and avoid, remedy or mitigate all other adverse effects of subdivision, use and development on the characteristics, qualities and values of the natural character of wetland, lake and river margins.	

NATC-P2	Indigenous vegetation clearance and earthworks
<p>Enable indigenous vegetation clearance and earthworks within wetland, lake and river margins where it is for:</p> <ol style="list-style-type: none"> 1. The <u>operation</u>,¹ repair or maintenance of lawfully established activities; 2. Safe clearance for existing overhead powerlines; 3. Health and safety of the public; 4. The removal or management of pest plant and animal species-Biosecurity reasons; and² 5. The sustainable non-commercial harvest for customary activities;¹ 6. <u>Restoration planting</u>;³ 7. <u>The upgrade, operation, maintenance, repair or removal of existing infrastructure</u>;⁴ 8. <u>The development of buildings or structures with an operational or functional need to be in that location</u>;⁵ 9. <u>Erosion and sediment control</u>; and⁶ 10. <u>Access necessary for any of the above</u>.⁷ 	

NATC-P3	Buildings and structures
<p>Enable buildings or structures, and additions and alterations to existing buildings or structures within wetland, lake and river margins where:</p> <ol style="list-style-type: none"> 1. There is a functional need or operational need for a building or structures to be in that location; 2. Public access, customary access and recreational use is maintained or enhanced; and 3. Any adverse effects on natural character are avoided, remedied or mitigated in accordance with NATC-P1. 	

NATC-P4	Restoration and enhancement
<p>Encourage the restoration and enhancement of wetland, lake and river margins where it will achieve improvement in natural character values.</p>	

NATC-P5	Assessment of resource consents
<p>Have regard to the following matters when assessing the effects of resource consent applications for subdivision, land use and development on the natural character of wetland, lake and river margins:</p> <ol style="list-style-type: none"> 1. The presence or absence of buildings, structures or infrastructure; 2. The temporary or permanent nature of any adverse effects; 3. The location, scale and design of any proposed development; 4. Any means of integrating the building, structure or activity; 5. The ability of the environment to absorb change; 6. The need for and location of earthworks or indigenous vegetation clearance; 7. The operational need or functional need of any <u>building or structure regionally-significant infrastructure</u>⁸ to be in the particular location; 8. Any viable alternative locations for the activity or development; 9. Any historical, spiritual or cultural association held by tangata whenua; 10. The likelihood of the activity exacerbating natural hazards; 11. The opportunity to enhance public access and recreation; 12. The ability to improve the overall water quality; and 13. Any positive contribution the development has on the characteristics, qualities and values of natural character. 	

¹ Federated Farmers [136.67]

² Fish and Game [267.9]

³ Fish and Game [267.9]

⁴ Northpower [283.151]

⁵ Federated Farmers [136.67]

⁶ Federated Farmers [136.67]

⁷ Federated Farmers [136.67]

⁸ Federated Farmers [136.70]

Rules

Notes:

1. In addition to the rules in this chapter, resource consent may be required by rules in other chapters in the District Plan. See Part 1 - General Approach chapter
2. The rules in this chapter do not apply to earthworks and vegetation clearance in wetland, lake and river margins regulated by the following national environmental standards:
 - a. The National Environmental Standards for Commercial Forestry 2017;
 - b. The National Environmental Standards for Freshwater Regulations 2020;
 - c. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011;
 - d. The National Environmental Standard for Telecommunication Facilities 2016; and
 - e. The National Environmental Standard for Electricity Transmission Activities 2009.

NATC-R1	Additions and alterations and maintenance⁹ of buildings and structures in wetland, lake and river margins	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> a. External additions and alterations: <ol style="list-style-type: none"> i. Are no greater than 30m²; and ii. Comply <u>The activity complies</u> with NATC-S1CE-S1 Coastal environment - maximum building height; or¹⁰ b. <u>External additions or alterations are to an existing lawfully established above ground network utility, and:</u> <ol style="list-style-type: none"> i. <u>Are no greater than 10m high or the height of the existing building or structure; and</u> ii. <u>Are no greater than 20% of the gross floor area of the existing building or structure; and</u> iii. <u>Do not involve replacing a pole with a pi pole.</u>¹¹ 	<p>2. Activity status when compliance not achieved: Restricted discretionary Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> a. <u>The matters in NATC-P5; and</u> b. <u>The positive effects of the activity.</u>¹²

NATC-R2	New building or structures in wetland, lake and river margins, <u>and within an additional 3 metres of that margin where it is within an Esplanade Priority Area</u> ¹³	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> a. <u>The building or structure:</u> <ol style="list-style-type: none"> i. <u>Is no greater than 50m².</u>¹⁴ <u>and</u> ii. e- <u>The activity complies with NATC-S1 Maximum building</u>¹⁵ <u>height; or</u>¹⁶ b. a- <u>The building or structure:</u> <ol style="list-style-type: none"> i. <u>is no greater than 1300m²;</u>¹⁷ ii. <u>complies with NATC-S1 Maximum building height; and</u>¹⁸ iii. b- <u>the building or structure is required for</u>¹⁹. 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted <u>Where:</u>³³</p> <ol style="list-style-type: none"> a. The matters in NATC-P5; and

⁹ Clause 16 change

¹⁰ EDS [265.3 and 265.4] and Forest and Bird [149.52]

¹¹ Northpower [283.153]

¹² Federated Farmers [136.71]

¹³ Federated Farmers [136.29 and 136.65]

¹⁴ Northpower [283.153] and Federated Farmers [136.1]

¹⁵ Clause 16 correction

¹⁶ Clause 16 correction

¹⁷ Forest and Bird [149.50]

¹⁸ Consequential change as a result of amending structure of rule

¹⁹ Cl 16 amendment

	<ul style="list-style-type: none"> a. For natural hazard mitigation undertaken by, or on behalf of, the local authority; or b. For²⁰ the management, operation and maintenance of parks and reserves in the Open space zone or Sport and active recreation zone; or²¹ c. A post and wire fence for the purpose of protection from farm stock; or²² d. A²³ river crossingss²⁴, including but not limited to, fords, bridges, stock crossings and culvert crossings; or²⁵ e. Infrastructure for the taking of water from, or discharges to, the adjacent wetland, lake or river Pumphouses utilised for the drawing of water provided they cover less than 25m² in area; and²⁶ f. Underground infrastructure²⁷; g. For sediment and erosion control²⁸; h. For the construction of a river-crossing²⁹ i. A lighting pole by, or on behalf of the local authority;³⁰ j. A footpath and or paving no greater than 2m wide; or³¹ k. Infrastructure within a road, provided any pole: <ul style="list-style-type: none"> a. is a single pole (monopole), and b. is not a pi-pole or a steel-lattice tower³²; 	<ul style="list-style-type: none"> b. The positive effects of the activity.
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NATC-R3	Earthworks in wetland, lake and river margins	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The earthworks: <ul style="list-style-type: none"> i. Does not exceed a cut height or fill depth of 2m Complies with NATC-S2—Earthworks;³⁴ and ii. Does not exceed 50m³ within in any 12-month period per site³⁵; or and³⁶ b. The earthworks is for the maintenance of lawfully established: <ul style="list-style-type: none"> i. roads, 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The matters in NATC-P5; and

³³ CI 16 correction
²⁰ Clause 16 correction
²¹ Clause 16 correction
²² Clause 16 correction
²³ Clause 16 correction
²⁴ Clause 16 correction
²⁵ Clause 16 correction
²⁶ Federated Farmers [136.1 and 136.72] and Northpower [283.153]
²⁷ Clarus [309.64]
²⁸ Federated Farmers [136.72]
²⁹ Northpower [283.153]
³⁰ Northpower [283.153]
³¹ Northpower [283.153]
³² Northpower [283.153]
³⁴ Clause 16 change as a result of moving NATC-S2 into the rule
³⁵ Northpower [283.153] and Federated Farmers [136.1]
³⁶ Northpower [283.153] and Federated Farmers [136.1]

	<ul style="list-style-type: none"> <u>ii.</u> fences, <u>iii.</u> <u>network</u>³⁷ utility connections, <u>iv.</u> driveways, <u>v.</u> parking areas, <u>vi.</u> effluent disposal systems, <u>vii.</u> swimming pools, <u>viii.</u> walking or cycling tracks, or <u>ix.</u> farm and forestry tracks³⁸; <u>or</u> <p>c. <u>The earthworks:</u></p> <ul style="list-style-type: none"> <u>i.</u> <u>Does not exceed a cut height or fill depth of 2m;</u>³⁹ <u>ii.</u> <u>Does not exceed 100m³ within any 12-month period per site; and</u>⁴⁰ <u>iii.</u> <u>Is for the following purpose (including any associated access):</u> <ul style="list-style-type: none"> <u>(a) Erosion and sediment control;</u>⁴¹ <u>(b) The removal or management of pest plant and animal species;</u>⁴² <u>(c) Restoration planting;</u>⁴³ <u>(d) The upgrade, operation, maintenance, repair or removal of existing infrastructure;</u>⁴⁴ <u>(e) Establishing infrastructure in a road;</u>⁴⁵ <u>(f) Natural hazard mitigation undertaken by, or on behalf of a local authority; or</u>⁴⁶ <u>(g) A track no greater than 1.5m wide.</u>⁴⁷ 	<p>b. The positive effects of the activity.</p>
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NATC-R4	Indigenous vegetation clearance in wetland, lake and river margins	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> <u>a. The maximum area of indigenous vegetation clearance is 25m² within any 12-month period per site;</u>⁴⁸ The activity complies with NATC-S3—Indigenous vegetation clearance;⁴⁹ or <u>b. The indigenous vegetation clearance is for the maintenance of lawfully established:</u> <ul style="list-style-type: none"> <u>i.</u> roads, <u>ii.</u> fences, <u>iii.</u> <u>network</u>⁵⁰ utility connections, 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The matters in NATC-P5; and b. The positive

³⁷ Northpower [283.154]

³⁸ CI 16 change - numbering of the listed activities

³⁹ Clause 16 change as a result of moving NATC-S2 into the rule

⁴⁰ Forest and Bird [149.50]

⁴¹ Horticulture NZ [140.54]

⁴² Fish and Game [267.13]

⁴³ Fish and Game [267.13]

⁴⁴ Northpower [283.154]

⁴⁵ Chorus et al [26.64], Northpower [283.154] and Federated Farmers [136.73]

⁴⁶ Federated Farmers [136.73]

⁴⁷ Forest and Bird [149.153]

⁴⁸ CI 16 – moved from NATC-S3, DOC [304.87] change from 50m² to 25m²

⁴⁹ CI 16 – moved from NATC-S3

⁵⁰ Northpower [283.155]

	<ul style="list-style-type: none"> <u>iv.</u> driveways, <u>v.</u> parking areas, <u>vi.</u> effluent disposal systems, <u>vii.</u> swimming pools, <u>viii.</u> walking or cycling tracks, or <u>ix.</u> farm and forestry tracks⁵¹; or <p><u>c. The maximum area of indigenous vegetation clearance is 50m² within any 12-month period per site, and it is for:</u></p> <ul style="list-style-type: none"> <u>i.</u> <u>The upgrade, operation, maintenance, repair or removal of existing infrastructure,</u>⁵² <u>ii.</u> <u>Establishing infrastructure in a road, or</u>⁵³ <u>iii.</u> <u>A track no greater than 1.5m wide.</u>⁵⁴ 	<p>effects of the activity.</p>
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Standards

NATC-S1	Maximum height	
	<ol style="list-style-type: none"> 1. The maximum height of a new building or structure must not exceed <u>4.5m</u> 5.5m⁵⁵ above ground level; or 2. <u>The maximum height of new infrastructure within a road must not exceed 10m above ground level; or</u>⁵⁶ <u>3.2</u>⁵⁷ The addition or alteration to an existing building or structure must not exceed the height of the existing building or structure or 5.5m above ground level, whichever is the greater. 	<p>43.⁵⁸ Activity status when compliance not achieved: Refer to relevant rule</p>

NATC-S2	Earthworks ⁵⁹	
	<ol style="list-style-type: none"> 1. The maximum area of earthworks must not exceed 50m³ within in any 12-month period per site; 2. The cut height or fill depth of earthworks must not exceed 2m; and 3. As soon as practicable, but not later than six months after the completion of earthworks, or where earthworks are staged, the completion of each stage of earthworks, the earthworks area must be stabilised.⁶⁰ 	<p>4. Activity status when compliance not achieved: Refer to NATC-R3</p>

NATC-S3	Indigenous vegetation clearance ⁶¹	
	<ol style="list-style-type: none"> 1. The maximum area of indigenous vegetation clearance is 50m²; in any 12-month period per site. 	<p>3. Activity status when compliance not achieved: Refer to NATC-R4</p>

⁵¹ CI 16 change - numbering of the listed activities

⁵² Northpower [283.155]

⁵³ Chorus et al [26.65], Northpower [283.155] and Federated Farmers [136.74]

⁵⁴ Forest and Bird [149.153]

⁵⁵ Forest and Bird [149.52]

⁵⁶ 135. Northpower [283.153]

⁵⁷ Consequential change

⁵⁸ Consequential change

⁵⁹ CI 16 – this has been moved into rule NATC-R3

⁶⁰ CI 16 – this is redundant as it is already required under the Earthworks chapter permitted activity rules which must also be complied with.

⁶¹ CI 16 – this has been moved into rule NATC-R4