

Section 42A Report

**Natural Character**

Prepared for the

Proposed Kaipara District Plan

Report prepared by: **Ben Lee**

**April 2026**

List of submitters and further submitters addressed in this report:

Submission Number	Submitter
119	Amanda (Mandy) Harris
300	Bream Tail Residents Association Incorporated ( <b>Bream Tail Residents Association</b> )
216	Cabra Mangawhai Ltd & Pro Land Matters Ltd
26	Chorus New Zealand Ltd, Connexa Ltd, Spark NZ Trading Ltd, Fortysouth Group LP and One NZ ( <b>Chorus et al</b> )
309	Clarus
304	Director-General of Conservation ( <b>DOC</b> )
265	Environmental Defence Society Incorporated ( <b>EDS</b> )
136	Federated Farmers of New Zealand (Inc) – Northland Province ( <b>Federated Farmers</b> )
270	Heritage New Zealand Pouhere Taonga ( <b>HNZPT</b> )
315	Horizon Surveying & Land Development
140	Horticulture New Zealand ( <b>Horticulture NZ</b> )
319	J Warden
323	KiwiRail Holdings Limited ( <b>KiwiRail</b> )
237	K P Dreadon Limited
125	Madara Vilde
158	Manulife Forest Management (NZ) Ltd ( <b>Manulife Forest Management</b> )
146	New Zealand Agricultural Aviation Association ( <b>NZAAA</b> )
284	New Zealand Defence Force ( <b>NZDF</b> )
267	Northland Fish and Game Council ( <b>Fish and Game</b> )
332	Northland Regional Council ( <b>NRC</b> )
283	Northpower Limited and Northpower Fibre Limited ( <b>Northpower</b> )
73	P F Olsen Ltd ( <b>P F Olsen</b> )
259	Rayonier Matariki Forests
149	Royal Forest and Bird Protection Society of New Zealand Incorporated ( <b>Forest and Bird</b> )
292	Transpower New Zealand Limited ( <b>Transpower</b> )
FS29	Atlas Quarries Limited
FS34	Black Swamp Limited
FS35	Bream Tail Residents Association
FS41	Channel Terminal Services Ltd
FS42	Chorus New Zealand Ltd, Connexa Ltd, Spark NZ Trading Ltd, Fortysouth Group LP and One NZ

<b>FS44</b>	Daytona Trust
<b>FS45</b>	Director-General of Conservation
<b>FS47</b>	Federated Farmers of New Zealand
<b>FS65</b>	Leighway Holdings Limited
<b>FS72</b>	Manulife Forest Management (NZ) Ltd
<b>FS76</b>	Matariki Forests
<b>FS77</b>	Mercury NZ Limited
<b>FS82</b>	Northpower Limited
<b>FS89</b>	P F Olsen
<b>FS93</b>	Royal Forest and Bird Protection Society of New Zealand
<b>FS97</b>	Tappenden Holdings Limited
<b>FS100</b>	Transpower New Zealand Ltd

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APPENDIX A: RECOMMENDATIONS FOR EACH SUBMISSION POINT ON NATURAL CHARACTER

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APPENDIX C: RECOMMENDED AMENDMENTS TO DEFINITIONS

APPENDIX D: NATURAL CHARACTER EXPERT ADVICE – BRAD COOMBS

APPENDIX E: SECTION 32AA EVALUATION

List of abbreviations used in this report:

<b>Abbreviation</b>	<b>Term</b>
<b>CE</b>	Coastal Environment
<b>CI 16</b>	Clause 16(2), Schedule 1, RMA.
<b>HNC</b>	High natural character
<b>KDC</b>	Kaipara District Council
<b>NATC</b>	Natural Character
<b>NES-CF</b>	National Environmental Standards for Commercial Forestry 2017
<b>NES-F</b>	National Environmental Standards for Freshwater 2020
<b>NFL</b>	Natural Features and Landscapes
<b>NPS</b>	National Policy Statement
<b>NPS-FM</b>	National Policy Statement for Freshwater Management 2020
<b>NPS-I</b>	National Policy Statement for Infrastructure 2025
<b>NPS-IB</b>	National Policy Statement for Indigenous Biodiversity 2023
<b>NPS-EN</b>	National Policy Statement for Electricity Networks 2008
<b>NPS-ET</b>	The National Policy Statement for Electricity Transmission 2008
<b>NPS-REG</b>	National Policy Statement for Renewable Electricity Generation
<b>ONC</b>	Outstanding natural character
<b>ONF</b>	Outstanding Natural Feature
<b>ONL</b>	Outstanding Natural Landscape
<b>PDP</b>	Proposed District Plan
<b>RMA</b>	Resource Management Act
<b>RPS</b>	Regional Policy Statement
<b>S42A</b>	Section 42A, Resource Management Act

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## Executive Summary

- i. The Proposed Kaipara District Plan (**PDP**) was publicly notified in April 2025. The Natural Character (**NATC**) Chapter is located in Part 2 – District Wide Matters and contains provisions that manage the effects of buildings, structures, earthworks and indigenous vegetation clearance within freshwater margins.
- ii. There are 25 primary submitters (with 116 individual submission points) and 17 further submitters (with 110 individual further submission points) on the NATC Chapter and the associated definition of “wetland, lake and river margins”.
- iii. Submitters raised a wide range of issues. The key themes arising from submissions can be summarised as follows:
  - a. **Appropriate width of freshwater margins**

Several submitters challenged the notified 30-metre margin, seeking a reduction to better align with the National Environmental Statement for Freshwater (**NES-F**), regional plan provisions, or the default esplanade reserve width under the Resource Management Act 1991 (**RMA**). Others supported retaining a wider margin to better protect natural character values.
  - b. **Alignment with national direction and regional planning instruments**

A number of submitters questioned how the NATC chapter gives effect to national direction (including the National Policy Statement for Freshwater Management (**NPS-FM**) and National Policy Statement for Indigenous Biodiversity (**NPS-IB**)) and regional planning documents, with some seeking closer alignment with regional plan rules for earthworks and vegetation clearance.
  - c. **Recognition and enablement of infrastructure**

Infrastructure providers sought greater clarity and certainty that the operation, maintenance, upgrading and development of infrastructure—particularly regionally and nationally significant infrastructure—would be appropriately provided for within freshwater margins, including clarity on the relationship between the NATC chapter and the Infrastructure chapter.
  - d. **Stringency of permitted activity thresholds**

Submissions addressed the scale of permitted activities within freshwater margins, including the appropriateness of permitted thresholds for buildings and structures, earthworks volumes, and indigenous vegetation clearance. Views differed as to whether the notified thresholds were too permissive or overly restrictive.

- e. **Treatment of indigenous vegetation clearance**

Indigenous vegetation clearance attracted a significant number of submissions, with some submitters seeking more enabling provisions for farming, forestry, biosecurity, and infrastructure purposes, while others sought more conservative limits to manage cumulative effects on natural character.
  - f. **Clarity, structure and usability of the provisions**

Several submitters sought drafting amendments to improve clarity, consistency and plan usability, including requests to relocate provisions between chapters, clarify terminology, and better explain the relationship between district plan rules, national environmental standards, and regional council functions.
- iv. My recommendations to the NATC chapter and the “wetland, lake and river margins” definition are summarised as follows:
- a. **Retain the overall structure and intent of the NATC chapter**, including the single objective, which appropriately reflects the requirement to preserve the natural character of freshwater margins and protect them from inappropriate subdivision, use and development.
  - b. **Amend the definition of “wetland, lake and river margins”** to reduce the default margin width from 30m to 20m. In my view, a 20m margin better balances the protection of natural character with the costs and constraints associated with wider margins, while aligning more closely with other planning documents and regulatory approaches.
  - c. **Refine the NATC policies**, particularly NATC-P2 and NATC-P5, to:
    - i. more clearly enable specified activities (including infrastructure, restoration, erosion and sediment control, and operationally necessary development) where a functional or operational need exists; and
    - ii. clarify the matters to be considered when assessing the effects of activities on the natural character of freshwater margins, without duplicating direction contained elsewhere in the PDP.
  - d. **Adjust the permitted activity framework for buildings, earthworks and indigenous vegetation clearance** to improve internal consistency across district-wide overlays and better reflect the sensitivity of freshwater margins, including:
    - i. introducing a small-scale permitted limit for buildings and structures;

- ii. increasing permitted earthworks volumes for specified purposes while managing effects through clear limits; and
  - iii. adopting a more cautious approach to indigenous vegetation clearance, recognising its fundamental contribution to natural character.
- e. **Reduce the default permitted indigenous vegetation clearance allowance** within freshwater margins from 50 m<sup>2</sup> to 25 m<sup>2</sup> per site per year, while continuing to enable higher levels of clearance only in narrowly defined circumstances (such as the maintenance and operation of existing infrastructure).
- f. **Make various structural and drafting amendments** (including clause 16, Schedule 1, RMA matters) to improve clarity, consistency, and plan usability, without changing the underlying policy intent or regulatory outcomes.

# 1. Introduction

## 1.1 Qualifications and Experience

1. My name is Ben Lee. I am a Technical Director – Planning at SLR Consulting. I am contracted by Kaipara District Council (**KDC**) to assist with the Proposed Kaipara District Plan (**PDP**). My previous involvement with the PDP is limited to reviewing s32 reports and provisions for various topics (including the Natural Character chapter) prior to notification.
2. I hold a Master of Science (Environmental Science) degree from the University of Auckland. I am also an accredited RMA hearing commissioner.
3. I have over 20 years' experience in planning and resource management. Prior to joining SLR consulting in May 2023, I was the Policy and Planning manager at the Northland Regional Council. At the Northland Regional Council, I was involved in various Schedule 1 processes including the Regional Policy Statement for Northland and the Northland Regional Plan. I have considerable experience in all facets of plan development.
4. Of relevance to natural character of freshwater margins, I have provided detailed advice to the Auckland Council on the management of freshwater margins in the Auckland Unitary Plan as part of developing their plan change to implement the National Policy Statement for Freshwater Management 2020 (**NPS-FM**). I was also the s42A reporting officer for the Natural Character topic for the Proposed Far North District Plan.

## 1.2 Preparation of the report

5. I am authorised by KDC to prepare this report under section 42A of the Resource Management Act (**RMA**) to assist the PDP Hearings Panel. The purpose of this report is to both assist the Hearings Panel in hearing and deciding on submissions made on to the PDP, and to assist submitters in understanding how their submission is being considered as part of the PDP process. This report includes my recommendations on matters raised in submissions, and any changes to the PDP that I consider to be appropriate having considered the statutory requirements.
  6. I am the author of this report. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
  7. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations that I have made in this report are not binding on the Hearings Panel. It should not therefore be assumed that the Hearings Panel will reach the same conclusions or decisions having considered all the submissions and evidence from submitters. The decision ultimately lies with the Hearings Panel.
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### 1.3 Code of Conduct

8. While this is not a hearing held by the Environment Court, I confirm that I have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### 1.4 Conflict of Interest

9. I confirm that I have no real or perceived conflict of interest in relation to the Natural Character (NATC) chapter.

## 2. Scope of Report

### 2.1 Matters addressed by this report

10. The scope of this report is to consider the submissions and further submissions received on the provisions in the NATC chapter and the “*wetland, lake and river margins*” definition in the PDP and provide recommendations in response to these submissions.
  11. As a matter of national importance, section 6(a) of the Resource Management Act 1991 (RMA) requires the preservation of the natural character of the margins of wetlands, lakes and rivers (freshwater margins), and their protection from inappropriate subdivision, use and development. This obligation is primarily implemented through the NATC chapter of the PDP, which focuses on managing the effects of buildings, structures, earthworks and indigenous vegetation clearance within freshwater margins. Natural character within the coastal environment is addressed separately in the Coastal Environment chapter.
  12. Natural character in relation to freshwater margins refers to the degree to which these environments retain their natural physical features, ecological values, and natural processes, and the extent to which they have been modified by human activity. It encompasses elements such as landform, vegetation, hydrological processes, and the presence or absence of buildings, earthworks, and other structures. Natural character exists along a continuum—from largely unmodified environments to those that are more developed—and its management requires consideration of both the current level of modification and the sensitivity of freshwater margins to additional change.
  13. Freshwater margins are among the most important parts of the landscape. They hold inherent values and function as the critical interface between land and freshwater systems. What occurs within these margins can directly influence the ecology and water quality of wetlands, lakes and rivers, and those effects propagate downstream - shaping the health of estuaries and harbours through changes in sediment, contaminants and hydrology.
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## 2.2 Statutory Context

### 2.2.1 Resource management reform

14. On the 9 December 2025, the Government introduced two new pieces of legislation to Parliament to replace the RMA as follows:
  - a. The Planning Bill – focused on planning to enable development and infrastructure.
  - b. The Natural Environment Bill – focused on managing the natural environment.
15. The Government has announced its intention to proceed with the Select Committee process at pace through the first half of 2026, with both bills intended to be passed into law before the 2026 general election. Although the signalled intent is for a quick transition to the new resource management system by the end of 2029, the RMA continues to be in effect until this new replacement legislation is passed, with planning documents prepared under the RMA remaining in effect until new national direction instruments are prepared, standardised plan content developed and new plans prepared (including Regional Spatial Plans, Natural Environment Plans and Land Use Plans).
16. The Planning Bill and Natural Environment Bill do not have any legal weight. Further, based on the estimated dates in the transitional provisions of the Bills as they currently stand, the Acts and the new planning documents to be established under the Acts, will not have any impact on either the recommendations in the section 42A reports for the PDP or the decisions on the PDP. Submissions on the PDP will be heard under the current RMA provisions. Therefore, this report does not consider the content of the Planning Bill and Natural Environment Bill any further. This approach is consistent with a recent decision from the High Court in *Box Property Investments Limited v The Expert Consenting Panel* [2025] NZH 1773 which held that decisions must be made based on the law as it currently stands, not on future legislative changes [paragraph 35].
17. Further, it is important to note that the Operative Kaipara District Plan (**ODP**) is thirteen years old and drafted in a matter that is misaligned with both the National Planning Standards and other district plans in the Northland region (being Whangarei and Far North district plans). Substantive work is required to better align it with other planning provisions in the region, as well as with the style, content and format of plans that are likely to be required under the new planning system. The Schedule 1 hearing process for the PDP is an important part of improving the effectiveness and efficiency of the district plan, which will also better integrate into the new planning system.

### 2.2.2 RMA National Direction

18. The Natural Character section 32 report provides a comprehensive assessment of the statutory framework relevant to the NATC chapter. It is therefore not necessary to repeat the detailed analysis of the relevant RMA provisions and the full suite of higher-order planning documents in
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this report. However, it is important to consider recent changes to RMA national direction of relevance to the NATC Chapter.

19. On 15 January 2026, three new and seven amended national direction instruments under the RMA came into effect:

New:

- a. Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025
- b. National Policy Statement for Natural Hazards 2025
- c. National Policy Statement for Infrastructure 2025

Amended:

- d. National Policy Statement for Highly Productive Land Amendment 2025
- e. New Zealand Coastal Policy Statement Amendment 2025
- f. National Policy Statement for Indigenous Biodiversity Amendment 2025
- g. National Policy Statement for Freshwater Management Amendment 2025
- h. Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025
- i. National Policy Statement for Renewable Electricity Generation Amendment 2025; and
- j. National Policy Statement for Electricity Networks Amendment 2025

20. Of particular relevance to the NATC chapter are:

- a. The National Policy Statement for Infrastructure 2025 (**NPS-I**). The NPS-I introduces new national objectives and policies strongly supporting the development of new infrastructure and the protection of existing infrastructure.
  - b. The National Policy Statement for Electricity Networks 2008 (**NPS-EN**), which replaces the earlier National Policy Statement on Electricity Transmission (**NPS-ET**) and provides updated national direction for managing the electricity transmission network. The NPS-EN has a broader scope than the NPS-ET, which focused solely on the National Grid owned and operated by Transpower. Under the NPS-EN, the entire electricity transmission network—comprising all assets and activities that enable electricity transmission—is recognised as being of national significance. The NPS-EN requires decision-makers to provide for the ongoing operation, maintenance, upgrading and development of the electricity transmission network, while ensuring that adverse environmental effects are appropriately managed.
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- c. The National Policy Statement for Renewable Energy Generation (**NPS-REG**) sets out the national direction for enabling renewable energy generation (**REG**) (such as solar). The December 2025 amendments further strengthened the direction for further enabling REG. A key provision of the NPS-REG (Policy F) clarifies that, where renewable electricity generation assets or activities are proposed within, or may adversely affect, environments and values protected under section 6 of the RMA (including the natural character of freshwater margins), the NPS-REG does not provide a standalone pathway or override policy direction for section 6 matters. Instead, its provisions are to be read alongside other policy direction for section 6 matters.
21. The other new instruments and amendments to existing instruments are of low or no relevance to the NATC chapter.
22. In addition to the NPS-I, NPS-EN and NPS-REG, the key national instruments for the NATC chapter are:
  - a. The National Policy Statement for Freshwater Management 2020 (**NPS-FM**)
  - b. The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES-F**)<sup>1</sup>
  - c. The Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (**NES-CF**)
23. The NPS-FM sets the national direction for the management of freshwater. It requires freshwater to be managed in accordance with Te Mana o te Wai, prioritising the health and wellbeing of water bodies and freshwater ecosystems, while also providing for the needs of people and communities. The NPS-FM directs councils to avoid further degradation of freshwater and to protect and, where appropriate, restore freshwater values, including those associated with wetlands, lakes, rivers and their margins.
24. The NES-F sets out requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. The NES-F includes regulations for earthworks and vegetation clearance next to wetlands. However, the regulations deal with regional council functions (such as water quality) and not district council functions (such as the natural character of freshwater margins)<sup>2</sup>. While the NATC chapter and NES-F regulate some of the same activities they do so

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<sup>1</sup> The 2025 amendments to the NPS-FM do not apply to district council functions.

<sup>2</sup> Regulation 5, NES-F.

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for different purposes. This means that regardless of the PDP rules, there is no potential for conflict or duplication with the NES-F<sup>3</sup>.

25. The NES-CF regulates the effects of plantation forestry and exotic continuous-cover forestry, which is commercial forestry not intended to be harvested (i.e. carbon forestry). The NES-CF includes regulations for commercial forestry related earthworks and vegetation clearance in freshwater margins for regional and district council functions. For district council functions, earthworks is a permitted activity without conditions and indigenous vegetation clearance is a permitted activity with specific conditions. The NATC chapter rules cannot be more stringent than the NES-CF<sup>4</sup>.

### 2.2.3 Regional Policy Statement

26. The RPS contains several relevant objectives and policies of relevance to the NATC Chapter, as outlined below:
  - a. Objective 3.5 seeks to enable economic wellbeing.
  - b. Objective 3.7 and Policy 5.3.2 provide direction to recognise and promote the benefits of regionally significant infrastructure.
  - c. Objective 3.14 and Policy 4.6.1 direct the protection of the natural character of freshwater margins from inappropriate development by avoiding significant adverse effects on the characteristics and qualities of the natural character of freshwater margins.
  - d. Objective 3.15 and Policy 4.7.1 promote enabling efforts to maintain and improve the natural character of freshwater margins.

### 2.2.4 Iwi management plans

27. The four iwi/hapu management plans relevant to the Kaipara district were considered as part of developing the PDP, as set out in Section 2.5 of the Section 32 Overview Report. Key issues in these plans relevant to the NATC chapter are:
  - a. Develop, maintain and enhance a kaitiakitanga and conservation approach to the management of natural resources.
  - b. Pollution of freshwater-ways, wetlands and aquifers is a continual source of concern.

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<sup>3</sup> Section 44A, RMA does not allow district plan rules to conflict or duplicate national environmental standards. Because the NES-F and the PDP manage activities for different purposes there is no potential for conflict or duplication.

<sup>4</sup> The NES-CF allows for PDP afforestation rules to be more stringent or lenient, but the NATC chapter does not include any such rules.

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- c. The ongoing damage and destruction to areas or sites with customary values which contribute to or form a part of a cultural landscape.
- d. Wāhi tapu and wāhi taonga such as urupā or tauranga waka and areas of sites of significance are often desecrated, cultural and spiritual values associated with such areas are often disregarded.

### 2.2.5 Summary of advice from iwi authorities

28. As set out in section 2 of the section 32 evaluation report for the NATC Chapter<sup>5</sup>, the only issue raised by iwi authorities during pre-notification engagement and consultation on the Exposure Draft District Plan that was specific to the natural character of freshwater margins related to the absence of a dedicated Natural Character chapter. The Exposure Draft District Plan did not include a Natural Character chapter and instead addressed freshwater margin natural character within the Coastal Environment chapter. As a result, the natural character of freshwater margins located outside the coastal environment was not addressed.
29. Other more general issues were raised, but these were not specific to the natural character of freshwater margins (refer Section 32 for details).

## 2.3 Procedural matters

30. No submitter, prehearing or Clause 8AA meetings have been undertaken for the NATC chapter. There has been no further consultation undertaken on the NATC chapter since notification.

## 2.4 Organisation of the report

31. This report has been structured around the following topics (arranged largely by provision):
  - a. General submissions on the NATC Chapter
  - b. Wetland, lake and river margins definition
  - c. NATC Overview
  - d. NATC Objectives
  - e. NATC Policies
  - f. NATC Rules and Standards

### 2.4.1 Submissions and further submissions

32. There were 25 submissions containing 116 submission points received, along with 17 further submissions. The summary of submissions and further submissions pertaining to this section 42A

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<sup>5</sup> [Section 32 Report for Natural Character](#)

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report, and my recommendation for each, are attach as Appendix A. The original submission and further submission documents can be found on KDC's website.

33. While all submitters have been read and considered in the summary of submissions (Appendix A), responses have not necessarily been written for each individual submission point. To assist the Hearings Panel in achieving clause 10(2) of the First Schedule of the RMA, I have provided reasons for my recommendations to accept or reject submissions and further submissions generally by themes. Responses have been written for individual submissions that raise matters that differ from other submissions within the same thematic group or that request specific amendments to the provisions.

#### 2.4.2 Supporting advice

34. Included as Appendix D is a report from B Coombs, landscape architect. The report provides technical landscape expert advice on a range of matters, including requests for changes to ONL boundaries and requests for changes to rules. I have relied on this advice for some of my recommendations and have made this explicit where this is the case.

#### 2.4.3 Recommended changes

35. Where I have recommended amending provisions in the NATC chapter as a result of considering the submissions and further submissions, these are contained as tracked changes in Appendix B. Where I consider that amendments to definitions are required, these are contained as tracked changes in Appendix C. Text that is recommended to be amended is shown as red text, with deletions being ~~struck through~~, and additional text underlined. Any recommended changes are coloured red for ease of locating.

#### 2.4.4 Section 32AA evaluation report

36. A section 32AA evaluation is only required for changes recommended since notification; if there is no change to the notified version, a section 32AA evaluation is not required. The level of detail in the section 32AA evaluation reports needs to be at a level of detail that corresponds to the scale and significance of the changes recommended. To streamline this report, where a change has been recommended, the corresponding section 32AA evaluation is attached in Appendix D.

### **3. Topic 1: General submissions on the NATC Chapter**

#### 3.1 Introduction

37. This section addresses general submissions on the NATC Chapter, including those that provide overall support and those that seek broad or more general amendments.
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## 3.2 Analysis

38. Madara Vilde [125.7 and 125.15] requests a range of changes to the PDP chapter regarding managing effects on wetlands, including:
    - a. Explicitly incorporating the requirements of NES-F.
    - b. Applying more stringent controls to vegetation clearance and earthworks within wetland margins, including mechanisms to manage cumulative adverse effects of multiple small-scale indigenous vegetation clearance and earthworks activities on wetlands over time.
    - c. Cross referencing the requirement for resource consent from the Northland Regional Council (**NRC**) for activities within 10m of natural inland wetlands
  39. Jack Warden [319.12] requests that the NATC chapter rules are more in line with the Regional Plan and NES-F.
  40. I do not support the requests to align the NATC chapter rules with the NES-F and the Regional Plan for the following reasons:
    - a. The NES-F and Regional Plan rules serve different purposes to the PDP. The NES-F and Regional Plan address regional council functions under section 30 of the RMA (such as water quality and freshwater ecosystems), while the PDP implements territorial authority functions under section 31, including the management of land use and development and their effects on the natural character of freshwater margins.
    - b. The NES-F and Regional Plan apply independently of the PDP, meaning activities must comply with all applicable instruments.
    - c. The notes at the start of the NATC rules already identify the relevant national environmental standards and clearly state that the PDP rules apply to earthworks and vegetation clearance within freshwater margins only where those activities are not regulated by national environmental standards.
  41. I address requests for more stringent controls on vegetation clearance and earthworks in the "Rules" topic below.
  42. EDS [265.3 and 265.4] request a range of changes to the NATC chapter necessary, in its view, to give effect to national direction and regional planning instruments, including:
    - a. Adding Significant Natural Area (**SNA**) maps.
    - b. The need to refer to subdivision alongside use and development.
    - c. Making the rules more stringent to give effect to the NPS-IB and NPS-FM.
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43. The request for SNA mapping is addressed in the section 42A report for the Ecosystems and Indigenous Biodiversity chapter, where I understand the reporting officer recommends that SNA maps not be included in the PDP. On that basis, I do not support any changes to the NATC chapter to reference SNA mapping. In any case, it is not the role of the NATC chapter to manage effects on SNAs; that function sits within the Ecosystems and Indigenous Biodiversity chapter.
44. The NATC objective (NATC-O1) and policies (NATC-P1 and NATC-P5) already expressly refer to subdivision alongside land use and development. All subdivision rules in the PDP are located in the Subdivision chapter (with limited exceptions, such as within certain special purpose zone chapters). Accordingly, the management of subdivision effects in rules is appropriately addressed through the Subdivision chapter, with the NATC chapter providing the relevant objectives and policy framework where subdivision has potential implications for the natural character of freshwater margins.
45. EDS's submission does not explain how the NATC provisions fail to give effect to the NPS-IB and NPS-FM, nor does it identify the specific amendments sought. While EDS refers to a suite of Auckland Unitary Plan provisions as a preferred approach, it is unclear how such an approach could be translated into the PDP while still meeting the requirements of the National Planning Standards. In the absence of sufficient detail, I am not in a position to assess or support the relief requested.
46. Northpower [283.149] seeks clarification of the relationship between the NATC chapter and the NES-F.
47. The notes at the start of the NATC rules section set out the relationship between the NATC rules and the NES-F (and other relevant national environmental standards) as follows:
- 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:*
- ...
- b. The National Environmental Standards for Freshwater Regulations 2020;*
- ...
48. In my opinion the note clearly sets out the relationship and requires no changes. I note that this approach is also adopted across other PDP chapters.
49. Amanda Harris [119.5] requests the NATC chapter to include stormwater management provisions. No details have been provided as to what changes would address the relief sought and therefore I am unable to consider the request.
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### 3.3 Recommendations

50. I do not recommend any amendments to the NATC Chapter in response to the general submissions above.

## 4. Topic 2: Wetland, lake and river margins definition

### 4.1 Introduction

51. The PDP includes a definition for “wetland, lake and river margins” which is fundamental for application of the NATC provisions:

*means the area of land within:*

1. 30 metres of:
  - a. a natural inland wetland;
  - b. the bed of lake greater than 1ha, and is not:
    - i. an artificial lake where the primary purpose is for managing stormwater;
    - ii. a municipal or farm wastewater treatment pond; or
    - iii. a constructed farm water supply pond or dam; and
  - c. the bed of a river greater than 3m average width over any 10m length of river; and
2. 6 metres of a continually flowing river less than 3m average width over any 10m length of river.

*For the purposes of this definition, the width is to be measured in relation to the bed of the waterbody.*

52. Submitters have challenged the 30m width of the margin, requesting that it be decreased.

### 4.2 Analysis

53. There are two submissions on the definition for “wetland, lake and river margins”:

- a. Federated Farmers [136.29 and 136.65] request a reduction to 10m to align with the NES-F and Regional Plan.
- b. Cabra Mangawhai Ltd & Pro Land Matters Ltd [216.41] request a reduction to 20m to align with the RMA esplanade reserve default width.

54. The purpose of the definition is to clearly define the area where the NATC chapter provisions apply. The s32 report does not provide an explanation for the 30m or 6m widths. It is assumed that the 3m average width threshold used to differentiate between a 6m and 30m setback is on

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the basis that it is the width of river above which may be subject to an esplanade reserve or strip under the RMA (which is typically 20m)<sup>6</sup>.

55. The operative Kaipara District Plan uses the 30m setback (for rivers wider than 3m) and 6m setback (for rivers 1-3m) in various zones and overlays, but they are not applied universally across the district. There does not appear to be any explanation within the operative Kaipara District Plan as to why these setbacks were adopted.
56. There is no single “magic width” that will universally provide for the natural character values of freshwater margins<sup>7</sup>. While, ideally, the appropriate width would be determined on a site-specific basis, it is necessary for rules in the PDP to apply broadly defined thresholds to determine the activity status of rules and to set conditions.
57. The most comprehensive and recent New Zealand summary of scientific evidence for riparian setbacks is Fenemor and Samarasinghe (2020)<sup>8</sup>. They reviewed and summarised the scientific evidence to define suitable set back distances for high-risk land uses and activities from waterbodies for the Tasman District Council:

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<sup>6</sup> Section 230, RMA.

<sup>7</sup> Parkyn, S.; Shaw, W.; Eades, P. (2000). Review of information on riparian buffer widths necessary to support sustainable vegetation and meet aquatic functions. Prepared by NIWA for Auckland Regional Council. Auckland Regional Council Technical Publication Number 350, 38 pages

<sup>8</sup> Fenemor A., Samarasinghe O. (2020). Riparian setback distances from water bodies for high-risk land uses and activities. Report prepared by Manaaki Whenua-Landcare Research for Tasman District Council. Contract Report: LC 3832. Envirolink Grant: 2057-TSDC167.

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Riparian functional objective	Minimum setback recommendations	Applicability
<i>Reduce nutrient and other contaminant inputs</i>	10 m	For land with slope <10°. Aim is to filter out >80% sediment and pesticide, >70% nitrogen and phosphorus in overland flow, and remove c90% groundwater nitrate in fine shallow riparian sediments
	20 m	For steeper land than 10°
<i>Improve light exposure and water body temperature</i>	10 m	Mature trees needed for shading; buffer width should exceed mature tree height and channel width. Even a single line of trees is beneficial.
<i>Freshwater ecosystem health, terrestrial and aquatic habitat diversity</i>	15 m	To sustain macroinvertebrates, fish, terrestrial biodiversity using a range of riparian vegetation. Riparian biodiversity is easier to sustain with a 15 m setback; smaller setbacks and weedy buffers require more management
<i>Improve channel and bank stability</i>	10 m	Equivalent to the root-mass diameter of a mature riparian tree
<i>Pass and attenuate flood flows</i>	None	Base the riparian setback on the flood characteristics of specific catchment and river reach
<i>Recreational, cultural, aesthetic and landscape values</i>	20 m	A balance of ecosystem service benefits achieved in the longer term

**Table 1: Minimum freshwater setback recommendations for various environmental objectives<sup>9</sup>**

58. Of particular relevance for natural character values in this summary is the “*Recreational, cultural, aesthetic and landscape values*” riparian functional objective, as the other objectives are more focussed on the value of the freshwater itself rather than the margin. Also of relevance is the point under “*Freshwater ecosystem health, terrestrial...*” that a minimum of 15m is preferable for sustaining riparian biodiversity as smaller widths require more management (e.g. weeds). Where resource consents require riparian planting, Auckland Council (for example) typically require a 20m width of planting.
59. Examples of wetland, lake and river margin widths used in other RMA regulatory documents include:
- a. The Proposed Regional Plan for Northland adopts a 20m setback for a range of discharge activities<sup>10</sup>.

<sup>9</sup> From: Fenemor A., Samarasinghe O. (2020). Riparian setback distances from water bodies for high-risk land uses and activities. Report prepared by Manaaki Whenua-Landcare Research for Tasman District Council. Contract Report: LC 3832. Envirolink Grant: 2057-TSDC167

<sup>10</sup> See for example rules C.6.1.2 *Pit toilet – permitted activity* and C.6.3.1 *Farm wastewater discharges to land – permitted activity*

- b. The NES-F adopts a 10m setback from natural inland wetlands (of any size) for earthworks and vegetation clearance activities.
  - c. The Proposed Far North District Plan definition of “*wetland, lake and river margins*” includes widths from 20m to 30m, depending on the zone.
  - d. The Auckland Unitary Plan adopts a 20m setback (riparian yard in rural areas and 10m in urban areas for all rivers (permanent and intermittent).
60. In my opinion, a 20m setback represents a more appropriate margin width to balance the protection of natural character values with the costs associated with more stringent controls. It also aligns with the 20m esplanade reserve width.
61. Reducing the margin width from 30 m to 20 m reduces the available area within which development can occur while still maintaining natural character values. As a result, the scale and intensity of development within the margin becomes more critical, because development is less able to be accommodated without adversely affecting natural character. This is particularly relevant to submissions seeking a larger development envelope within freshwater margins.
62. While I recommend reducing the margin width to 20 metres, I consider that an exception should apply where the waterbody is located within an Esplanade Priority Area. These areas are identified in the PDP maps due to their importance in providing opportunities for additional esplanade reserves or strips, particularly to enable key public access linkages.
63. In my view, NATC-R2 (New buildings or structures within wetland, lake and river margins) should also apply to an additional 3-metre buffer beyond the freshwater margin where the waterbody is within an Esplanade Priority Area. This would reduce the likelihood of new buildings and structures being located immediately adjacent to the 20-metre margin (which is the standard width for esplanade reserves and strips), and compromising the potential to establish those reserves or strips in the future.
64. While, in theory, an esplanade reserve or strip could still be taken where a building is located at or close to the 20-metre margin, there are practical constraints that arise in such circumstances. Buildings generally require a degree of space around them for access and maintenance, and locating public access immediately adjacent to a structure—particularly a habitable building—can give rise to amenity conflicts, including privacy concerns. As a result, the presence of buildings at the margin can make it more difficult in practice to establish a functional and publicly acceptable esplanade reserve or strip.
65. In my opinion, a 3-metre buffer would provide an appropriate separation, allowing sufficient space for access and maintenance around buildings, while also providing a modest setback to reduce the potential for amenity conflicts should an esplanade reserve or strip be sought in the future. At the same time, it would minimise constraints on the development potential of affected properties.

This would be achieved by amending NATC-R2 as follows:

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**NATC-R2 New building or structures in wetland, lake and river margins, and within an additional 3 metres of that margin where it is within an Esplanade Priority Area**

### 4.3 Recommendations

66. I recommend that the definition for “wetland, lake and river margins” is amended as follows:

“means the area of land within:

3. ~~20-30~~ metres of:
  - a. a natural inland wetland;
  - b. the bed of lake greater than 1ha, and is not:
    - i. an artificial lake where the primary purpose is for managing stormwater;
    - ii. a municipal or farm wastewater treatment pond; or
    - iii. a constructed farm water supply pond or dam; and
  - c. the bed of a river greater than 3m average width over any 10m length of river; and
4. 6 metres of a continually flowing river less than 3m average width over any 10m length of river.

For the purposes of this definition, the width is to be measured in relation to the bed of the waterbody.”

I recommend NATC-R2 be amended as follows:

**NATC-R2 New building or structures in wetland, lake and river margins, and within an additional 3 metres of that margin where it is within an Esplanade Priority Area**

## 5. Topic 3: NATC Overview

### 5.1 Introduction

67. The Overview section of the NATC chapter provides background and context to the objectives, policies, rules and standards. While the Overview text may assist in the interpretation of the provisions, it does not have statutory weight.

68. Submitters request the inclusion of a reference to the Northland Regional Council’s natural character maps and the addition of a note highlighting the need for an archaeological authority to modify or destroy an archaeological site.

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## 5.2 Analysis

69. DOC [304.75] requests that the Overview include a reference to the Northland Regional Council's natural character maps.
70. I do not support DOC's request. I understand this request relates to the areas of high and outstanding natural character identified in the Regional Policy Statement maps, which are the same areas mapped in the PDP. These mapped areas relate to high and outstanding natural character within the coastal environment and, while they may include freshwater margins, they serve a different purpose and focus from the NATC chapter. They are addressed in the Coastal Environment chapter.
71. HNZPT [270.48] request the addition of a note in the NATC chapter highlighting the need for an archaeological authority to modify or destroy an archaeological site.
72. I do not support HNZPT's submission. Earthworks within wetland, lake and river margins is subject to the provisions of the NATC chapter and the Earthworks chapter. I note that HNZPT has sought inclusion of the same note within the Earthworks chapter. In my view, if such a note is to be included in the PDP, it would be more appropriately located in the Earthworks chapter, where the effects of earthworks on archaeological sites are specifically addressed.

## 5.3 Recommendations

73. I do not recommend any amendments to the Overview.

# 6. Topic 4: NATC Objective

## 6.1 Introduction

74. The NATC chapter includes one objective:

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

75. Several submitters support the objective while Northpower seek amendments to enable infrastructure. DOC also requests the inclusion of two new objectives.

## 6.2 Analysis

### 6.2.1 NATC-O1

76. DOC [304.76] and Horizon Surveying & Land Development [315.25] support NATC-O1 as notified.
  77. Northpower [283.150] requests the following amendment to NATC-O1:
-

“The natural character of wetland, lake and river margins is preserved, and protected from inappropriate subdivision, use and development, while enabling the safe and efficient use, development, repair, maintenance, operation and upgrading of infrastructure.”

78. I do not support Northpower’s proposed additions to NATC-O1. The purpose of NATC-O1 is to set the intended environmental outcome for the natural character of freshwater margins, not to specify the extent to which types of development—such as infrastructure—are enabled. Outcomes for infrastructure are addressed in the Energy, Infrastructure and Transport section of the PDP, and inserting infrastructure-specific qualifiers into NATC-O1 would imply that every environmental objective in the plan must similarly acknowledge individual development types. This would add unnecessary complexity and duplication. All relevant objectives in the PDP must be read together and applied collectively.

### 6.2.2 Request for new objectives

79. DOC [304.77 and 304.78] requests the addition of two new objectives:

1. Identify and protect from inappropriate subdivision, use and development:

a. The qualities and characteristics that make up the natural character of freshwater bodies and their margins.

2. 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.

80. I do not support DOC’s proposed new objectives.

81. DOC’s first proposed objective essentially adds two new elements: it requires the identification of natural character and it includes more specific direction that it is the qualities and characteristics of natural character which are to be protected. In my view, the reference to “identification” is unnecessary. Unlike ONL and ONF, the PDP does not include any assessment of the qualities and characteristics of freshwater margins at a district-wide level, and identification is already inherent in NATC-O1 as a method for preserving and protecting natural character.

82. With respect to DOC’s reference to the “qualities and characteristics”, in my view this is already addressed through policy NATC-P1. I note the phrasing in NATC-P1 is “...*the characteristics, qualities and values of.*”, which is more appropriate wording, in my opinion.

83. My concern with the wording of DOC’s second objective is it addresses an outcome for natural character in a different way to NATC-O1 and it does not accurately reflect section 6(b) of the RMA, the NZCPS or the RPS.

84. Policy 4.6.1 is the policy in the RPS which addresses how effects on natural character (and natural features and landscapes) are to be managed. In summary, Policy 4.6.1 directs the following in respect to adverse effects on the natural character of freshwater margins:

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- a. In the coastal environment:
  - i. Avoid adverse effects on the outstanding natural character of freshwater margins.
  - ii. Avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on the natural character of freshwater margins.
- b. Outside the coastal environment, avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on the natural character of freshwater margins.

85. Importantly, RPS Policy 4.6.1 'allows' less than significant adverse effects on the natural character of freshwater margins to be avoided, remedied or mitigated (except for the outstanding natural character of freshwater margins in the coastal environment where effects must be avoided). Adverse effects on outstanding natural character of freshwater margins in the coastal environment are addressed in the Coastal Environment Chapter.

86. My concern with DOC's second proposed objective is that it introduces the concepts "*consistent with*" and "*does not compromise*", which, in my opinion, increase the potential for interpretation uncertainty and do not give effect to the NZCPS or RPS because:

- a. These concepts are not used in the RPS and NZCPS with respect to natural character.
- b. It is not clear how these concepts relate to the overriding NZCPS and RPS requirements for how effects are managed. For example, it could be interpreted as allowing some degree of adverse effect – which is beyond no / negligible (avoiding) adverse effects but less than significant effects.

### 6.3 Recommendations

87. I do not recommend any amendments to NATC-O1 and do not recommend the inclusion of additional objectives.

## 7. Topic 5: NATC Policies

### 7.1 Introduction

88. Collectively, the NATC policies establish a framework that directs the avoidance of significant effects on the natural character of freshwater margins (NATC-P1), enables limited necessary works and activities (NATC-P2 and NATC-P3), promotes restoration and enhancement (NATC-P4), and sets a structured assessment lens for consent decision-making (NATC-P5).

89. A wide range of submissions were received on the NATC policies, which broadly seek to:

- a. Carve out the National Grid from policies NATC-P1 to P3.
  - b. Tighten and/or expand the activities enabled by NATC-P2.
-

- c. Clarify how infrastructure is recognised in NATC-P3.
- d. Add recognition of additional restoration/enhancement mechanisms in NATC-P4.
- e. Add or refine the matters for the assessment of resource consents in NATC-P5.

## 7.2 Analysis

### 7.2.1 Relationship between NATC policies and National Grid policies in the Infrastructure chapter

- 90. Transpower [292.64, 292.79 and 292.80] requests either clarification that NATC-P1, P2 and P3 do not apply to the National Grid or amendments to the policies to appropriately recognise the National Grid.
- 91. As discussed earlier, the NPS-EN (formerly the NPS-ET) was amended in December 2025 after Transpower made its submission. There have been significant changes to relevant national direction policies since then.
- 92. I assume Transpower's key concern in relation to the NATC policies is the directive to avoid significant adverse effects on the natural character of freshwater margins (NATC-P1) and the constraint this may have on the National Grid. In my opinion the direction to 'avoid significant adverse effects' is not, of itself, inconsistent with the NPS-EN, which does not direct a blanket carve-out for the National Grid from natural character considerations.
- 93. Any potential conflict with NATC policies (i.e. if significant effects cannot be avoided) is resolved in the PDP through the Infrastructure chapter, which includes National Grid-specific policies, and INF-P10, which directs that the National Grid policies prevail where there is a conflict with other PDP policies. On that basis, the NATC policies can continue to apply generally, with the Infrastructure chapter providing the specific, prevailing direction where conflicts arise. In my view, amendments to NATC-P1, NATC-P2 or NATC-P3 are not required to achieve this outcome.
- 94. However, I note that, given the recent and significant amendments to the NPS-EN, Transpower may now hold a different view from that expressed in its submission regarding how the PDP provides for the National Grid. I am therefore open to revisiting my recommendation in light of any updated information or advice.

### 7.2.2 NATC-P1

- 95. Horizon Surveying & Land Development [315.26] support NATC-P1 as notified. Other than Transpower's submission [292.64] which I have already addressed, there were no other submissions on NATC-P1.
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### 7.2.3 NATC-P2

96. Submissions in support of retaining the notified version of NATC-P2 include Federated Farmers [136.66], DOC [304.79], Horticulture NZ [140.52], NZAAA [146.28] and Clarus [309.60] and Horizon Surveying & Land Development [315.105].
97. Forest and Bird [149.48 and 149.49] requests the following amendments to NATC-P2:
- a. Inserting an additional clause requiring any adverse effects to be avoided, remedied and mitigated; and
  - b. Inserting "indigenous biodiversity present – including indigenous vegetation, indigenous species habitat and indigenous species" as a matter to have regard to.
98. I do not support Forest and Bird's proposed additional clause relating to adverse effects, as this outcome is already achieved through NATC-P1 and does not need to be repeated in NATC-P2.
99. I also do not support Forest and Bird's proposal to expressly include indigenous biodiversity as a matter to have regard to within NATC-P2. Indigenous biodiversity is already addressed through the objectives and policies in the Ecosystems and Indigenous Biodiversity chapter, which applies alongside the NATC chapter when assessing plan provisions and resource consent applications. Duplicating biodiversity-specific direction within NATC-P2 would create unnecessary overlap and increase the risk of inconsistent interpretation across chapters. I also note that the purpose of NATC-P2 as notified is not to list a range of matters to have regard to, but to set out the range of circumstances where indigenous vegetation clearance and earthworks in freshwater margins should be enabled. In my view, the more appropriate approach is to retain NATC-P2 as a focused enabling policy for this purpose.
100. Fish and Game [267.9] request that "conservation activities" be added to the list of enabled activities in NATC-P2.
101. While I broadly agree that conservation activities should be enabled, I have some concerns about the PDP definition of "conservation activity" and the types of activities that may be enabled. The definition is:

*means the use of land for activities undertaken for the purposes of maintaining, protecting and/or enhancing the natural, historic and/or ecological values of a natural or historic area. It may include activities which assist to enhance the public's appreciation and recreational enjoyment of the resource and includes:*

- planting;*
  - pest and weed control;*
  - plant and tree nurseries; and*
  - track construction.*
-

102. My main concern relates to the inclusion of “plant and tree nurseries”. I do not consider that there is a functional or operational need for plant and tree nurseries to be located within freshwater margins. I am also concerned that, because the listed activities are framed as examples only, activities similar in nature to plant and tree nurseries could also be argued to fall within the scope of a conservation activity, such as water storage or buildings associated with nursery operations. In my view, this breadth creates unnecessary uncertainty. Rather than relying on a broad reference to conservation activities, I recommend the inclusion of more specific wording, as follows:

“Enable indigenous vegetation clearance and earthworks within wetland, lake and river margins where it is for:

1. The 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;~~  
and
5. The sustainable non-commercial harvest for customary activities;
6. Restoration planting; and
7. Access necessary for any of the above”

103. I recommend replacing “biosecurity reasons” with the wording above because it more clearly articulates the activities being enabled and is consistent with the wording used in policy ECO-P4.

104. “Restoration” is defined in the PDP:

“in relation to indigenous biodiversity, means the active intervention and management of modified or degraded habitats, ecosystems, landforms, and landscapes to maintain or reinstate indigenous natural character, ecological and physical processes, and cultural and visual qualities, and may include enhancement activities.”

105. Arguably, access (including tracks) for each of the listed activities is inherent. However, in my opinion it is preferable to be explicit. I have intentionally used the wording “necessary for” to ensure there is a clear and demonstrable connection between any access and the listed purpose. This wording makes it clear that access is only enabled where it is required to carry out the activity, rather than where it is merely helpful, desirable, or convenient.

106. Northpower [283.151] requests that the following clause is added to the list of activities enabled by NATC-P2:

“The use, operation, maintenance, repair and upgrading of existing infrastructure”

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107. I agree with Northpower’s proposed addition as enabling existing infrastructure is supported by policy INF-P1. However, the wording should in my view be amended to align with the wording in INF-P1. As notified INF-P1 reads:

“Recognise the benefits of infrastructure by:

1. Allowing the development, upgrade, operation, maintenance, repair or removal of infrastructure; and
2. ...”

108. Therefore, the new clause in NATC-P2 should read:

“The upgrade, operation, maintenance, repair or removal of existing infrastructure”

109. Should INF-P1 be amended, I recommend a corresponding amendment to this clause to ensure alignment.

110. Federated Farmers [136.58, 136.60 and 136.67] requests that NATC-P2 is moved to the Ecosystems and Indigenous Biodiversity chapter, on the basis it would be easier for plan users if all indigenous vegetation clearance provisions are in the one chapter. Federated Farmers also request the following amendments to NATC-P2:

“Enable indigenous vegetation clearance and earthworks within wetland, lake and river margins where it is for:

1. The operation, repair or maintenance of lawfully established activities;
- ...
4. Biosecurity reasons; ~~and~~
5. The sustainable non-commercial harvest for customary activities;
6. New buildings or structures with an operational or functional need; and
7. Erosion or sediment control purposes.”

111. I do not agree with Federated Farmers that NATC-P2 should be moved to the Ecosystems and Indigenous Biodiversity chapter. As the submitter notes, the National Planning Standards (Section 7, clause 20) specifically allow provisions relating to the protection of natural character to be located within the NATC chapter. The structure of the PDP is to locate provisions that manage effects relevant to a particular district wide matter within the corresponding chapter.

112. I also note that Federated Farmers seek to relocate the policy only to the Ecosystems and Indigenous Biodiversity chapter and do not propose replicating it in the Earthworks chapter—an outcome that would logically follow from their reasoning. Doing so, however, would result in the same policy being duplicated across multiple chapters, which is unnecessary and inefficient.

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113. However, I do agree with Federated Farmers' proposed additions to NATC-P2. The inclusion of "operation" is logical and aligns with the recommended clause relating to infrastructure above. I also support enabling indigenous vegetation clearance and earthworks where these activities are required to provide for a building or structure that has an operational or functional need to be located within the freshwater margin, as anticipated by NATC-P3. In my opinion, more suitable phrasing would be: "The development of buildings or structures with an operational or functional need to be in that location." I also support the addition of "erosion and sediment control", given the positive benefits these activities have for water quality and their frequent need to be located adjacent to waterbodies.

#### 7.2.4 NATC-P3

114. Submissions in support of retaining NATC-P3 as notified, include Chorus et al [26.62], Federated Farmers [136.68], Horizon Surveying & Land Development [315.106], NZDF [284.17] and Clarus [309.61].

115. Northpower [283.152] requests the following additions to NATC-P3:

"Enable buildings or structures, including infrastructure and additions and alterations to existing buildings or structures, including infrastructure within wetland, lake and river margins where:..."

116. I do not support these amendments as they add no practical value and do not change the policy's effect. It is well understood that buildings and structures includes infrastructure.

#### 7.2.5 NATC-P4

117. Submissions in support of retaining NATC-P4 as notified include Northland Fish and Game [267.10] and Horizon Surveying & Land Development [315.107].

118. K P Dreadon Limited [237.20] requests the following additional sentence be included in NATC-P4:

"Restoration and enhancement may be achieved through mechanisms such as transferable development rights that enable coordinated, catchment-based outcomes."

119. I do not support this addition. It is not clear why this particular method of achieving restoration or enhancement has been singled out, especially given that the submitter has not proposed any corresponding amendments to the NATC chapter to provide for such a method. I note that the submitter is also seeking the inclusion of a transferable development rights regime in the PDP. In my view, if such a regime were to be adopted, the appropriate place to address and recognise it as a method of environmental enhancement would be in the Subdivision chapter, which would avoid unnecessary repetition across other district-wide chapters.

120. DOC [304.80] requests the following amendment to NATC-P4 to reflect the direction of the NPS-IB:

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“Promote and provide ~~encourage~~ the restoration and enhancement of...”

121. I do not support the proposed amendment. While the suggested wording aligns with that used in the NPS-IB, the NPS-IB is directed specifically to managing indigenous biodiversity, which represents only one component of natural character<sup>11</sup>. In my view, alignment with the NPS-IB wording alone is not sufficient justification to amend the current policy wording.

122. Federated Farmers [136.69] request the following amendment to NATC-P4:

“Encourage the restoration and enhancement of wetland, lake and river margins where it will achieve improvement in natural character values-by;

a. Providing funding or assisting in obtaining funding from other agencies and trusts.

b. Working directly with landowners and community groups on wetland, lake and river margin protection, maintenance or restoration projects.”

123. I do not support Federated Farmers’ proposed addition. I am not in a position to recommend changes that would commit the Council to actions requiring substantive resourcing. In any event, commitments to provide non-statutory support are, in my opinion, more appropriately addressed through the Council’s Long Term Plan process, where decisions on funding and the delivery of council activities are made.

#### 7.2.6 NATC-P5

124. Submissions in support of retaining NATC-P5 as notified include Chorus etc al [26.63], Northland Fish and Game [267.11], Horizon Surveying & Land Development [315.108] and Clarus [309.62].

125. DOC [304.81 seeks the addition of two clauses to NATC-P5:

“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:

...

14. Ecological Assessment of Appendix 5 for identifying Areas of significant indigenous vegetation and significant habitats of the Regional Policy Statement 2016.

15. The likelihood of the activity exacerbating biosecurity risk.”

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<sup>11</sup> While there is no explicit direction in higher planning instruments (such as the RPS) as to what makes up the natural character of freshwater margins, the most helpful direction, in my opinion, is in the NPS-FM which includes in Appendix 1B a list of matters contributing to the natural form and character of freshwater management units. It includes various biological, visual and physical characteristics.

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126. I do not support these amendments. DOC's rationale is that the policy does not provide for the assessment of ecological values and does not expressly refer to significant indigenous vegetation and fauna. While ecological values can contribute to natural character, the NATC chapter is intended to address natural character effects, not to replicate biodiversity-specific assessment direction. The assessment and management of effects on ecological values, including significant indigenous vegetation and fauna, is addressed through the Ecosystems and Indigenous Biodiversity chapter. In my opinion, the scope to consider ecological values (as well as all other values that may contribute to natural character) is already provided in NATC-P5 - for example clause 2., which directs the consideration of the temporary or permanent nature of any adverse effects.

127. Horticulture NZ [140.53] seeks the deletion of NATC-P5 on the basis that the matters listed would be more appropriately framed as assessment criteria for resource consent applications, rather than as policy direction.

128. NATC-P5 functions as a 'consideration' policy, an approach that is also used in the Natural Features and Landscapes and Coastal Environment chapters. This approach provides clear direction on the matters to be considered when assessing resource consent applications, while also serving as the matters of discretion for restricted discretionary activity rules in the NATC chapter. Using a single policy for both purposes ensures consistency between the assessment criteria and the matters of discretion. It also avoids duplication within the rules, where matters of discretion would otherwise need to be repeated. In my view, this is an appropriate and efficient drafting approach, and I recommend that NATC-P5 is retained on that basis.

129. Federated Farmers [136.70] request the following amendments to NATC-P5:

“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: ...

5. The current level of natural character and the ability of the environment to absorb change;

...

7. The operational need or functional need of any building or structure including regionally significant infrastructure to be in the particular location; ...

11. The degree of any existing public or customary access and recreational use and the opportunity to for enhancement ~~public access and recreation~~; ...”

130. Federated Farmers has not provided any reasoning for why reference to the current level of natural character should be added to clause 5, nor is any justification immediately apparent to me. The current level of natural character will inherently be a relevant consideration—not only in assessing a site's ability to absorb change but also in relation to several of the other matters listed in the

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policy. In my view, it does not need to be explicitly stated because it is already implicit in the assessment framework.

131. I am similarly unclear about the rationale for the changes to NATC-P5 clause 11. On that basis, I do not support Federated Farmers' proposed changes.

132. I agree with Federated Farmers' suggestion to include buildings and structures in NATC-P5 clause 7, as this is consistent with the direction in NATC-P3. On that basis, I consider that the reference to regionally significant infrastructure can be removed as it is redundant—unless there is a type of regionally significant infrastructure that is not a building or structure (and I am not aware of any), in which case its retention may be justified.

133. Kiwirail [323.53] support retaining NATC-P5 as notified, provided that the definition of “Regionally Significant Infrastructure” is amended to include rail infrastructure.

134. I have not assessed KiwiRail's request to amend the definition of “Regionally Significant Infrastructure”, as this is more appropriately addressed in the Infrastructure s42A report (KiwiRail has made the same request in multiple parts of the PDP, including a submission directly on the definition).

135. However, my recommendation to replace “regionally significant infrastructure” with “building or structure” would include rail infrastructure and would therefore provide the relief sought by KiwiRail.

### 7.3 Recommendations

136. I recommend the following changes:

#### **“NATC-P2 Indigenous vegetation clearance and earthworks**

Enable indigenous vegetation clearance and earthworks within wetland, lake and river margins where it is for:

1. The operation, 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;  
and
  5. The sustainable non-commercial harvest for customary activities-;
  6. Restoration planting;
  7. The upgrade, operation, maintenance, repair or removal of existing infrastructure;
  8. The development of buildings or structures with an operational or functional need to be in that location;
  9. Erosion and sediment control; and
-

10. Access necessary for any of the above.”

**“NATC-P5 Assessment of resource consents**

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:

...

7. The operational need or functional need of any building or structure regionally significant infrastructure to be in the particular location;

...”

## **8. Topic 6: NATC Rules and Standards**

### 8.1 Introduction

137. The NATC chapter includes four rules for activities in freshwater margins:

- a. NATC-R1 - Additions and alterations and maintenance of buildings and structures
- b. NATC-R2 - New building or structures
- c. NATC-R3 - Earthworks
- d. NATC-R4 - Indigenous vegetation clearance

138. The rules refer to standards (as relevant):

- a. NATC-S1 - Maximum height
- b. NATC-S2 - Earthworks
- c. NATC-S3 - Indigenous vegetation clearance

139. Submissions predominantly focus on the appropriate level of stringency for NATC rules and standards, with some seeking more enabling provisions while others request an increased level of stringency.

### 8.2 Analysis

#### 8.2.1 Role of NATC chapter

140. Before commencing my analysis, I want to emphasise two important points about the role of the NATC chapter that, in my view, some submitters may not have fully appreciated.

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- a. First, the rules in the NATC chapter do not override or displace other rules in the PDP, the Regional Plan, or applicable national environmental standards. Accordingly, even where an activity is permitted under the NATC chapter, it must still comply with all other relevant plan provisions and regulatory requirements.
- b. Second, the purpose of the NATC chapter is to impose additional controls only where necessary to manage the adverse effects of land use and development on the natural character of freshwater margins. Other adverse effects, such as effects on significant indigenous vegetation and fauna, and effects on water quality, are addressed through other PDP chapters (including the Ecosystems and Indigenous Biodiversity chapter) or through other regulatory instruments, such as the Proposed Regional Plan and NES-F.

141. These points form the basis for my recommendation to reject a range of submissions on the NATC rules and standards.

### 8.2.2 Permitted activity limits

142. A key feature of the NATC rules and standards is the use of limits for permitted activities. These limits specify the maximum area of indigenous vegetation clearance and gross floor area for buildings, as well as the maximum volume of earthworks, that may occur as of right. Any activity exceeding these limits requires a resource consent. In most instances these thresholds are set out in the standards section of the NATC chapter.

143. In evaluating these limits, I have drawn on the matrix below to ensure consistency across the various PDP overlays that are subject to policy direction requiring either the avoidance of significant adverse effects or the avoidance of all adverse effects. I have also used the matrix for the Natural features and landscapes chapter topic s42A report and I have discussed its use with the author of the Coastal Environment section 42A report (Jerome Wyeth), who also intends to adopt it.

144. The matrix uses colour-coding to illustrate the relative sensitivity of each overlay to development, reflecting both the applicable policy direction and the scale of the area affected.

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## Permitted activity thresholds matrix

Key	
	Avoid adverse effects / discrete areas
	Avoid adverse effects / larger areas
	Avoid significant adverse effects / discrete areas
	Avoid significant adverse effects / larger areas

### Notes:

- Figures in black = PDP as notified
- **Figures in blue** = recommended in s42A reports (NFL and Natural Character, Coastal Environment TBC<sup>12</sup>)
- Some figures are expressed in the PDP and/or s42A recommendations as 10-year totals but have been presented in the matrix as per 1-year equivalents for ease of comparison.
- **ONC** = Outstanding natural character, **ONF** = Outstanding natural features, **ONL** = Outstanding natural landscapes, **HNC** = High natural character, **CE** = Coastal environment

	'Avoid adverse effects'			'Avoid significant effects'				
	<b>ONC (CE)</b>	<b>ONF (CE)</b>	<b>ONL (CE)</b>	<b>HNC (CE)</b>	<b>ONF (Not CE)</b>	<b>Freshwater margins</b>	<b>ONL (not CE)</b>	<b>CE other</b>
<b>Buildings and structures</b> (gross floor area)	0m <sup>2</sup> TBC	0m <sup>2</sup> 50m <sup>2</sup> in category 'A' and 'D' 25m <sup>2</sup> in ONF category B, C, and E	0m <sup>2</sup> 50m <sup>2</sup>	50m <sup>2</sup> TBC	150m <sup>2</sup> (residential unit) 100m <sup>2</sup> (accessory building) 100m <sup>2</sup> in ONF category 'A' and 'D' 25m <sup>2</sup> in ONF category B, C, and E	300m <sup>2</sup> 100m <sup>2</sup> – specified purposes 50m <sup>2</sup> - default	150m <sup>2</sup> (residential unit) 100m <sup>2</sup> (accessory building) 100m <sup>2</sup>	300m <sup>2</sup> TBC
<b>Earthworks</b> (volume per year / site)	0m <sup>3</sup> TBC	0m <sup>3</sup> 50m <sup>3</sup> in category A and D 0m <sup>3</sup> in category B, C, and E	0m <sup>3</sup> 50m <sup>3</sup>	25m <sup>3</sup> TBC	150m <sup>3</sup> 150m <sup>3</sup> in category 'A' and 'D' 5m <sup>3</sup> in ONF category B, C, and E	50m <sup>3</sup> 100m <sup>3</sup> - specified purposes 50m <sup>3</sup> - default	150m <sup>3</sup> 150m <sup>3</sup>	50m <sup>3</sup> TBC
<b>Indigenous vegetation clearance</b> (area per year / site)	0m <sup>2</sup> TBC	N/A	0m <sup>2</sup> 50m <sup>2</sup>	15m <sup>2</sup> TBC	NA	50m <sup>2</sup> 50m <sup>2</sup> – specified purposes 25m <sup>2</sup> - default	150m <sup>2</sup> 150m <sup>2</sup>	50m <sup>2</sup> TBC

145. It is important to note that the matrix is intended as a guide only. The way default limits are expressed in the PDP varies between rules—they apply differently depending on the activity or overlay. As a result, the figures presented in the matrix should not be read as a direct translation

<sup>12</sup> Because the S42A report for this topic has yet to be prepared.

of the rules, but rather as a comparative tool to illustrate the relative scale of permitted activities across different overlays. The limits have been reviewed by B Coombs (refer Appendix D), who considers them to be appropriate.

### 8.2.3 Contribution of indigenous vegetation to the natural character of freshwater margins

146. Before considering the submissions on the rules and standards, I consider it important to recognise the role of indigenous vegetation in contributing to the natural character of freshwater margins. The following discussion draws on the advice of B Coombs (Appendix D).

147. Indigenous riparian vegetation is a key contributor to natural character<sup>13</sup>. Freshwater margins with intact indigenous vegetation generally have higher natural character values than those where vegetation has been cleared or heavily modified.

148. Indigenous riparian vegetation contributes to the natural character of freshwater margins in the following key ways:

- a. **Retaining natural form and processes.** Indigenous vegetation helps maintain natural channel shape, bank form, shading, and hydrological processes.
- b. **Reducing the visible presence of human modification.** Vegetated margins soften the appearance of nearby land use, buildings and structures, helping freshwater margins appear natural rather than managed or urban
- c. **Indicating the level of natural character.** The presence and extent of indigenous vegetation is one of the clearest indicators of how natural a freshwater margin is, along the spectrum from highly modified to largely natural.
- d. **Providing sensory and experiential naturalness.** Indigenous vegetation contributes to a natural experience of freshwater margins through shade, enclosure, natural sounds, vegetation movement and the presence of native birds and fauna.
- e. **Supporting cultural relationships with freshwater.** Indigenous vegetation supports cultural values associated with freshwater margins, including mahinga kai and rongoā, which are closely tied to perceptions of naturalness and intact natural environments.

149. In practice, buildings, structures and earthworks within freshwater margins often occur where indigenous vegetation has already been removed or substantially modified. In these situations, the

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<sup>13</sup> For example: a) The relative dominance of indigenous flora is identified as a key contributor to the natural character of freshwater in the NPS-FM, Appendix 1B; b) Northland Regional Policy Statement, Natural character assessment criteria, Appendix 1 - recognises the presence of indigenous vegetation as a key indicator of natural character value; c) Boffa Miskell, 2018. *Natural Character, Riverscape & Visual Amenity Assessments Clutha/Mata-Au Water Quantity Plan Change – Stage 1*, Prepared for Otago Regional; and

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natural character of the margin has already been reduced, and additional buildings, structures or earthworks are often incremental changes within an already modified environment.

150. Indigenous vegetation clearance is different. Where indigenous vegetation remains, its removal represents the direct loss of a core element that gives the freshwater margin its natural character. Even relatively small areas of clearance can result in a noticeable and lasting reduction in natural character values.

151. Indigenous riparian vegetation is therefore a fundamental component of the natural character of freshwater margins under section 6(a) of the RMA and why its retention is central to avoiding significant adverse effects on natural character. For this reason, it is appropriate that indigenous vegetation clearance is treated more cautiously than buildings, structures or earthworks in the NATC chapter. While some buildings and earthworks can be provided for more broadly—particularly where they are small-scale or relate to existing development—permitted vegetation clearance should, in my opinion, be limited to narrowly defined circumstances.

152. This approach is consistent with the requirement to preserve natural character and protect it from inappropriate development, and has informed a number of my recommendations on the NATC rules and standards below.

#### 8.2.4 General

153. NRC requested (332.23, 332.24, 332.65, 332.66, and 332.67), that the wording “wetland, lake and river margins” be amended to “the margins of wetlands, lakes and rivers,” in various NATC chapter rules, and that a definition for “margin” be included.

154. I do not support the requests. The two phrases have no practical difference in meaning and the notified wording is grammatically sound. Also, the PDP already includes a definition for “wetland, lake and river margins”.

155. Northpower [283.153] request the addition of two new rules:

- a. A permitted activity rule to enable new infrastructure within wetland, lake and river margins where there is an operational and functional need, and adverse effects are adequately managed; and
- b. A permitted activity rule to enable the ongoing operation, maintenance, repair and upgrading of existing infrastructure within wetland, lake and river margins.

156. I am unable to assess the proposed rules as no specific wording has been provided, and it is not apparent what outcome Northpower is seeking (for example, what standards would ensure that “adverse effects are adequately managed,” or how the rules as notified do not already provide for the activities).

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157. However, there are several additional types of infrastructure which, in my opinion, should be permitted by NATC-R1 and NATC-R2, similar to my s42A recommendations on the equivalent rule in the Proposed Far North District Plan<sup>14</sup>:

- a. External additions or alterations are to an existing lawfully established above ground network utility, and:
  - i. Are no greater than 10m high or the height of the existing building or structure .
  - ii. Are no greater than 20% of the GFA of the existing building or structure.
  - iii. Do not involve replacing a pole with a pi pole.
- b. Infrastructure less than 10m high within a road provided any pole:
  - i. Is a single pole (monopole), and
  - ii. Is not a pi-pole or a steel-lattice tower;
- c. For the construction of a river-crossing
- d. A lighting pole by, or on behalf of the local authority
- e. A footpath and or paving no greater than 2m wide

158. These additions fall within the scope of Northpower's submission [283.153], which seeks the general permitting of infrastructure within freshwater margins.

159. I also note that I recommend several other amendments to the NATC rules later in this report that better enable infrastructure and may address, at least in part, the relief sought by Northpower.

160. I invite Northpower to provide their view on whether these additions would satisfy their relief, and if not, to provide alternative wording that I can consider in an addendum to this report.

161. Forest and Bird [149.51, 149.149, 149.150, and 149.151] request that matters of discretion relating to natural character effects be included in the NATC chapter restricted discretionary rules. The submitter appears to be under the impression that the restricted discretionary rules do not include any matters of discretion and that this may have been a drafting error.

162. The restricted discretionary activity rules in the NATC chapter refer to the matters listed in NATC-P5 as the matters of discretion. This approach avoids duplication across the rules and is used in other PDP chapters (Coastal Environment and Natural Features and Landscapes). Therefore, in my view no change is necessary.

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<sup>14</sup> [Appendix 2.1 Recommended Amendments to Natural Character \(Right of Reply\)](#)

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163. Forest and Bird [149.152] request a new discretionary activity rule for subdivision in 'natural character areas' in the NATC chapter.
164. Subdivision is addressed in the Subdivision chapter. All subdivision is subject to resource consent, and the NATC chapter objective and policies will apply to any subdivision in freshwater margins – the NATC objective and policies specifically refer to subdivision. Forest & Bird has not provided any evidence that the subdivision rules in the Subdivision chapter are inadequate to manage freshwater margins and/or will result in inappropriate development in accordance with Section 6(a) of the RMA.
165. Forest and Bird [149.153] request that earthworks and indigenous vegetation clearance for accessways and tracks be a permitted activity where the formed width is 1.5 m or less and otherwise be classified as a restricted discretionary activity.
166. I address the proposed addition to permit the establishment, maintenance, and upgrading of accessways and tracks with a formed width of no more than 1.5 m under each of the relevant rules below. In summary, I support this addition.
167. WS & R Smellie and McConaughy Family Trusts [349.10 and 349.11] request that the NATC rules provide greater flexibility for residential development on large sites.
168. The submitter has not provided any specific wording changes, and it is therefore unclear what amendments would be required to address the relief sought. In the absence of this detail, I am unable to assess or support the submission. I also note that the NATC chapter does not include provisions for high natural character, as high natural character areas apply only within the coastal environment (addressed in the Coastal Environment chapter). On that basis, it is unclear how the requested relief would be implemented through the NATC chapter.
169. Rayonair Matariki Forests [259.2] request changes to the Notes section preceding the rules to better explain the relationship between the NATC chapter rules and the NES-CF.
170. In my opinion, the explanation of the relationship in the Notes as drafted does not require expansion. It clearly states that the NATC chapter rules do not apply to earthworks and vegetation clearance within freshwater margins where those activities are regulated by national environmental standards, and it specifically identifies the NES-CF. I am unclear what further explanation the submitter considers is necessary. I also note that this approach is consistent with that adopted in other PDP chapters.

#### 8.2.5 Approach to permitted activities

171. Many submissions seek to broaden the range of permitted activities or reduce the overall stringency of the NATC rules and associated standards. In determining whether an activity should be permitted, the key consideration is whether significant adverse effects on the natural character of freshwater margins can be avoided. Applying an approach that excludes any activity with even
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a theoretical risk of adverse effects would not be practical or proportionate. The more appropriate assessment, in my view, is the likelihood that significant adverse effects would arise in a typical instance of the activity. Where that likelihood is low, it is reasonable for the activity to be provided for as a permitted activity.

172. Also relevant is the extent to which an activity is supported by enabling policy. For example, the Infrastructure chapter contains several policies promoting the enablement of infrastructure, and NATC-P2 and P3 seek to enable various activities for specific purposes. Some activities are also critical for health and safety, such as maintaining firebreaks. In my view, where an activity is supported by enabling policy or is essential for health and safety, it is appropriate to apply a slightly higher tolerance in assessing the likelihood of adverse effects. In other words, where the default expectation is that the likelihood of adverse effects arising must be 'low', a marginally higher likelihood may be acceptable for these types of activities.

173. With these factors in mind, I have used the following questions as criteria to determine whether a permitted activity status is appropriate for the additional activities in freshwater margins requested by submitters:

- a. Is there a low likelihood of the proposed activity having a significant adverse effect on the characteristics, qualities and values of the natural character of freshwater margins?

(If yes, then it is generally appropriate to provide for the activity as a permitted activity).

- b. Are the effects of the activity same or similar to activities already permitted?

(If yes, this may indicate that the effects of the activity are generally consistent with an acceptable level of effects, and a permitted activity is appropriate).

- c. Is the activity described specific enough to be able to make a reasonable determination of the potential effects on the natural character of freshwater margins?

(If the activity is framed broadly such that the effects cannot be reasonably anticipated, it is generally not appropriate to provide for it as a permitted activity).

- d. Is the activity supported by enabling policies (for example infrastructure) and/or critical for well-being or people and communities, and their health and safety?

(If yes, then a less strict application of question a. may be appropriate)

174. I have used this same framework in my S42A report for the Natural Features and Landscapes chapter, and I have discussed it with the author of the Coastal Environment S42A report (Jerome Wyeth), who also intends to adopt this framework in his consideration of submissions.

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## 8.2.6 NATC-R1

175. NATC-R1 sets out the rules for additions, alterations and maintenance of buildings and structures within freshwater margins.
176. Submissions in support of retaining NATC-R1 as notified include Horizon Surveying & Land Development [315.27], Transpower [292.65] and Clarus [309.63].
177. DOC [304.82] requests that NATC-R1 be amended to provide more consideration of wetlands, indigenous biodiversity and fauna.
178. I do not support DOC's request. The submitter has not provided specific wording, and it is not clear what amendments would satisfy the relief sought. It also appears that at least some of DOC's concerns relate to the effects of activities *within* freshwater bodies. NATC-R1, however, manages buildings and structures in the *margins* of freshwater bodies, not within them. The management of activities occurring within freshwater bodies is a regional council function.
179. Federated Farmers [136.71] request that NATC-R1 be amended to permit additions and alterations to buildings and structures up to a total footprint of 300 m<sup>2</sup>, and that NATC-R1.2 be amended from a discretionary activity to a restricted discretionary activity.
180. I do not support the proposed addition that would allow additions and alterations up to 300m<sup>2</sup>. The rationale provided by Federated Farmers is that NATC-R2 allows buildings up to 300m<sup>2</sup>; however, NATC-R2 only enables buildings of that scale for specific enabled purposes. It would therefore be inconsistent to allow alterations to any building up to 300m<sup>2</sup> while restricting new buildings of the same size to specific enabled purposes.
181. I agree with Federated Farmers that the activity status of NATC-R1 should be changed from discretionary to restricted discretionary. There is no clear justification for it being classified as discretionary when the equivalent rules elsewhere in the NATC chapter are restricted discretionary.
182. There appears to be an error in NATC-R1 in that it references *CE-S1 Coastal Environment – Maximum Building Height* instead of *NATC-S1 Maximum Building Height*. The practical impact of this is that maximum height of a building or structure allowed by the standard is 8.5m above ground level in freshwater margins in the coastal environment, and no maximum height for freshwater margins outside the coastal environment. The maximum height in NATC-S1 is 5.5m.
183. No submissions picked up on this apparent error, and in my view making the change is beyond the scope of a Clause 16 change. In my opinion, the change can be made under the combination of the following submissions:
- a. EDS's [265.3 and 265.4] broad request to "*Amend... standards to ensure planning outcomes are achieved which will not jeopardise the integrity of Kaipara's natural environment*".
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- b. The Forest and Bird [149.52] request to decrease the maximum height in NATC-S1 from 5.5m to 2m (I address this submission under NATC-S1 below).

184. The description of the activities covered by NATC-R1 read as follows:

“Additions and alterations **and maintenance** of buildings and structures in wetland, lake and river margins”

(Bold added for emphasis)

185. In my opinion, the reference to “maintenance” is unnecessary. The NATC chapter regulates only those activities that are expressly referenced in its rules, and does not impose any controls on maintenance activities (for example, repainting a building or undertaking minor repairs that do not alter form, scale or appearance). Where an activity is not identified in the NATC rules, the NATC provisions do not apply.

186. This approach is consistent with how ‘overlay’ chapters function across the PDP, and avoids any implication that maintenance activities require assessment under the NATC chapter unless specifically stated. On that basis, and to address concerns that maintenance might otherwise be captured unintentionally, I recommend that the words “...and maintenance...” are deleted as a Clause 16 amendment.

187. In my opinion, there is an issue with NATC-R1 in that it does not place an overall limit on the cumulative extent of additions. While it provides for additions of up to 30 m<sup>2</sup> as a permitted activity, it would, in theory, allow multiple additions to be undertaken over time, resulting in a building or structure that is significantly larger than that anticipated for new buildings and structures under NATC-R2.

188. In my view, NATC-R1.1 should include an additional requirement that the cumulative area of additions does not exceed the maximum area limits specified in NATC-R2. However, I note that no submissions have sought this change. I raise this matter in the event that scope is identified through submissions, in which case my recommendation would be to include such an additional control.

### 8.2.7 NATC-R2

189. NATC-R2 sets out the rules for new buildings and structures within freshwater margins – it permits buildings and structures that are for a specific purpose, are no greater than 300m<sup>2</sup> and comply with standard NATC-S1 Maximum building height. The specific purposes listed in NATC-R2.1.b are buildings or structures that either support positive outcomes for freshwater bodies (such as fences to exclude stock from waterways), have an operational or functional need to be located adjacent to waterbodies (for example, pump houses) or are critical for health and safety (such as flood hazard works).

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190. Submissions in support of retaining NATC-R2 as notified include NZDF [284.18], Horizon Surveying & Land Development [315.109] and Transpower [292.81].
191. Several submissions seek changes to the list of permitted buildings and structures under NATC-R2. Before addressing these individual requests, I consider it necessary to first outline what I see as a gap in the current rule.
192. In addition to the permitted buildings and structures for specific purposes listed in NATC-R2, I consider that the rule should also permit any building or structure below a certain size limit for any purpose, where there is a low likelihood that such development will generate significant adverse effects on the natural character of freshwater margins. A height standard already applies (NATC-S1 – 5.5 m). The key issue is determining an appropriate gross floor area threshold. In my opinion, a 50 m<sup>2</sup> limit is appropriate, as it aligns with the permitted threshold for buildings and structures in high natural character areas within the coastal environment, which is subject to the same “avoid significant adverse effects” requirement (refer CE-R2 and CE-S3 in the Coastal Environment chapter). Scope for this amendment is provided through the combined submissions of Northpower [283.153] and Federated Farmers [136.1], both of which include broad requests to enable infrastructure and farming-related activities, respectively. Many infrastructure or farming related buildings and structures would be enabled by providing a 50m<sup>2</sup> permitted threshold for a building or structure, regardless of the purpose.
193. Amending NATC-R2 to permit any building or structure under 50 m<sup>2</sup> for any purpose (provided it also complies with NATC-S1: Maximum building height) will address several submissions seeking to expand the types of buildings and structures permitted under the rule.
194. The table below summarises the submissions seeking changes to the list of permitted buildings and structures under NATC-R2 (where these have not been already addressed in this report), together with my assessment of those submissions.

**Table 2: Requested changes to NATC-R2**

Request	Response
<p>Reduce the permitted building or structure from 300m<sup>2</sup> to 100m<sup>2</sup>.</p> <p>Forest and Bird [149.50]</p>	<p>I agree with Forest &amp; Bird that a 300m<sup>2</sup> gross floor area is an excessive permitted threshold for the specified purposes. In my view, structures and buildings of this scale present a reasonable likelihood of generating significant adverse effects on natural character. Key considerations for determining an appropriate threshold in my view are:</p> <ul style="list-style-type: none"> <li>• My recommendation of a default permitted threshold of 50m<sup>2</sup> for any building or structure.</li> </ul>

Request	Response
	<ul style="list-style-type: none"> <li>• My recommendation to reduce the freshwater margin from 30m to 20m.</li> <li>• The equivalent threshold for rules for other areas that are subject to the 'avoid significant adverse effects' policy direction - 50m<sup>2</sup> in high natural character areas in the coastal environment and a minimum of 100m<sup>2</sup> in outstanding natural landscapes and outstanding natural features outside the coastal environment.</li> </ul> <p>Taking these considerations together, I consider that a 100m<sup>2</sup> allowance for specified purposes strikes an appropriate balance between providing for activities that should be enabled and managing adverse effects on the natural character of freshwater margins.</p>
<p>Add to clause b.:</p> <p><u>"A maimai no greater than 10m<sup>2</sup>"</u></p> <p>Fish and Game [267.12]</p>	<p>I support this addition in principle. These are small structures that are unlikely to result in significant adverse effects on natural character, and they have a functional and operational need to be located adjacent to freshwater. However, given my recommendation to permit any building or structure up to 50 m<sup>2</sup>, there is no need to specifically list this activity in the rule.</p>
<p>Add to clause b.:</p> <p><u>"Underground infrastructure"</u></p> <p>Clarus [309.64]</p>	<p>I support this addition. While associated earthworks and indigenous vegetation clearance may give rise to adverse effects on the natural character of freshwater margins, the underground infrastructure itself is unlikely to do so, as it will not be visible and will not have an ongoing physical presence above the ground.</p>
<p>Amend 1.b.v.:</p> <p><u>"Water intake and associated pumphouses utilised for the drawing of water utilised for the drawing of water provided they cover less than 25m<sup>2</sup> in area"</u></p>	<p>I support the inclusion of water intakes as they have an operational and functional need to be located within freshwater margins. In my opinion the scope should be expanded to include any infrastructure necessary for the taking of water or discharges to the adjacent freshwater body (e.g. pipes, outlet structures, flow-measuring devices and weirs). The following is my recommended wording:</p> <p style="margin-left: 40px;">x. <u>Infrastructure for the taking of water from, or discharges to, the adjacent wetland, lake or river</u><del>Pumphouses utilised for</del></p>

Request	Response
Federated Farmers [136.72]	<p><del>the drawing of water provided they cover less than 25m<sup>2</sup> in area; and</del></p> <p>While this change is beyond the scope of Federated Farmer's submission point, it is within the scope of their broad submission seeking that the PDP provide for farming related infrastructure [136.1] and Northpower's submission [283.153] seeking a new permitted activity rule for new infrastructure.</p>
Add to clause b.: <u>"Drainage outfall            Sediment and erosion            control"</u> Federated Farmers [136.72]	<p>I support these additions in principle. These structures have an operational and functional need to be located within freshwater margins and are unlikely to result in significant adverse effects on the natural character of freshwater margins. In addition, sediment and erosion control structures are typically temporary.</p> <p>In my opinion, it is not necessary to specifically include "drainage outfall" if my recommended wording for water take and discharge infrastructure is adopted, as discussed above.</p>

195. DOC [304.83] request that NATC-R2 is amended to include consideration of Kauri Dieback risk and more restrictive activity thresholds to protect areas of significant indigenous vegetation and fauna.

196. I do not support DOC's proposed amendments. First, no specific wording changes have been provided, and it is therefore unclear how the request would give effect to the relief sought. Second, district plan controls for the purpose of managing Kauri Dieback are typically focused on earthworks, given the risk of spreading contaminated soil - it is not clear what risk arises from the presence of buildings and structures themselves. The most appropriate location for kauri dieback provisions (if they are appropriate to be included) is in the Earthworks chapter. Finally, it is not the function of the NATC chapter to manage effects on significant indigenous vegetation and fauna, as this issue is managed by the Ecosystems and Indigenous Biodiversity chapter.

197. There is an error in the wording of NATC-R2.3 as the word "*Where*" should be replaced with "*Matters over which discretion is restricted*". This can be corrected as a clause 16 amendment.

### 8.2.8 NATC-R3 and NATC-S2

198. NATC-R3 sets out the rules for earthworks within freshwater margins and NATC-S2 sets the permitted volume and cut/fill height thresholds for earthworks. As this rule and standard work together to manage earthworks, I have considered them together.

199. Submissions in support of retaining NATC-R3 as notified include Horizon Surveying & Land Development [315.110] and Transpower [292.82].

### Structure and location of NATC-R3

200. The changes sought by submitters to NATC-R3 are limited to the permitted activity part of the rule, which is drafted as follows:

“Activity status: Permitted

Where:

- a. The earthworks complies with NATC-S2 - Earthworks; **and**
- b. The earthworks is for the maintenance of lawfully established roads, fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, walking or cycling tracks, or farm and forestry tracks.”

(**Bold** added for emphasis)

201. Notably, earthworks are permitted only where both clause a. **and** clause b. are met. This differs from equivalent rule NATC-R4 for indigenous vegetation clearance (and similar rules in the Coastal Environment chapter), which instead use an “or” between the equivalent clauses. The implication of this drafting is significant, as NATC-R3 permits a much narrower range of activities than NATC-R4. From my review of the NATC section 32 report and consideration of the NATC policies, there is no clear rationale for this distinction.

202. In my opinion, NATC-R3 should operate on an “or” basis in the same way as NATC-R4. The volume and cut/fill height limits in NATC-S2 are sufficiently conservative that any earthworks complying with this standard would be appropriate, regardless of purpose, as they are unlikely to result in significant adverse effects on the natural character of freshwater margins. Further, it is appropriate that the activities listed in NATC-R3.1.b are not constrained by the NATC-S2 volume and cut/fill height standards. Any earthworks associated with these activities will inherently be small-scale, as they are limited to the maintenance of lawfully established activities. Consequently, any exceedance of the volume or cut/fill standards that may occur is likely to be minimal and the presence of these existing activities means that the natural character of the area is already relatively modified.

203. While it is possible that the use of “and” was a drafting error, in the absence of evidence to the contrary the notified wording must be assumed to reflect the intended drafting. This means there must be scope within submissions to support any change. In my opinion, the combined submissions from Northpower [283.153] and Federated Farmers [136.1], which include broad requests to enable infrastructure and farming-related activities respectively, provide sufficient scope for this amendment. Accordingly, I recommend amending the “*and*” to an “*or*”. The remainder of my assessment of submissions on NATC-R3 assumes this change is adopted.

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204. Federated Farmers [136.73] submit that all earthworks provisions, including NATC-R3, should be located within the Earthworks chapter to improve usability for plan users.

205. I do not support relocating NATC-R3 to the Earthworks chapter. The National Planning Standards (Section 7, clause 20) expressly allow provisions relating to the protection of natural character to be included within the NATC chapter. The specific purpose of NATC-R3 is to regulate earthworks within freshwater margins to manage its effects on natural character. This chapter-specific approach is used elsewhere in the PDP; for example, the Coastal Environment and Natural Features and Landscapes chapters also contain earthworks rules that manage effects on the values addressed in those chapters. I also note that the Earthworks chapter includes an explicit note recognising that earthworks rules may be located in other chapters.

#### NATC-S2.1 – Earthworks volume thresholds

206. NATC-S2.1 reads:

“The maximum area of earthworks must not exceed 50m<sup>3</sup> within in any 12-month period per site”

207. DOC [304.86] request a reduction of the scale of earthworks in freshwater margins to manage effects on significant indigenous vegetation.

208. I do not support this request. The NATC chapter is focused solely on the management of effects on the natural character of freshwater margins. Effects on significant indigenous vegetation are appropriately addressed through the Ecosystems and Indigenous Biodiversity chapter.

209. Federated Farmers [136.75] request an increase in the allowable volume of earthworks to match those allowed by rule C.8.3.1 of the Proposed Regional Plan.

210. The NATC chapter and the Proposed Regional Plan earthworks rules serve different purposes. The Proposed Regional Plan manages effects on waterbodies whereas the PDP manages effects on the natural character of freshwater margins. In addition, the geographic application of the thresholds in the Proposed Regional Plan does not align with the definition of “wetland, lake and river margins” used in the PDP, so it is not clear how Federated Farmers envisages the Regional Plan thresholds being translated into the PDP.

211. However, I agree in principle with Federated Farmers that a permitted earthworks limit of 50 m<sup>3</sup> is too low, and that a 100 m<sup>3</sup> per site per year threshold is more appropriate for activities enabled by policy direction, for the following reasons:

- a. A 100m<sup>3</sup> limit, in my view, strikes an appropriate balance between enabling activities to occur without undue regulatory burden and maintaining a low likelihood of significant adverse effects on the natural character of freshwater margins.
  - b. A 100m<sup>3</sup> threshold sits below the 150 m<sup>3</sup> limit recommended in the NFL s42A report for Outstanding Natural Landscapes and category A and D Outstanding Natural Features
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outside the coastal environment. They are generally less sensitive to the effects of earthworks than freshwater margins but are subject to the same “avoid significant adverse effects” policy direction (refer the *Permitted Activity Thresholds Matrix* in section 8.2.2 above).

212. This recommended increase to the threshold for specified purposes may go some way to addressing the relief sought by Federated Farmers.

#### NATC-S2.2 – Earthworks cut/fill height and NATC-S2.3 – Earthworks Area Stabilisation

213. NATC-S2.2 reads:

“The cut height or fill depth of earthworks must not exceed 2m”

214. NATC-S2.3 reads:

“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”

215. Forest and Bird [149.53] request:

- a. A reduction in the cut depth from 2m to 0.5m.
- b. Reducing the time for stabilisation of disturbed areas from six months to one month.
- c. Erosion and sediment controls.

216. I do not support these requests. Forest and Bird’s rationale is that a 2 m cut could result in adverse effects on the natural character of freshwater margins and increase the risk of sediment entering the adjacent waterbody. However, the relevant policy direction in NATC-P1 is to avoid significant adverse effects on natural character, not all adverse effects. Further, the PDP does not manage activities based on sediment discharge or water quality effects – they are addressed through the Regional Plan and applicable national environmental standards. For these reasons, I do not consider a reduction in the maximum cut depth from 2 m to 0.5 m to be justified. B Coombs (Appendix D) also considered the request and considered that 0.5m would be overly restrictive.

217. I do not support reducing the stabilisation timeframe from six months to one month, nor the inclusion of erosion and sediment control measures within the NATC chapter. As discussed above, erosion and sediment effects are more appropriately managed through the Earthworks chapter, which contains specific and comprehensive provisions addressing those matters. Including such controls in the NATC chapter would result in unnecessary duplication and blur the intended focus of these provisions on managing effects on natural character.

218. With respect to earthworks area stabilisation, I am of the opinion that NATC-S2.3 is redundant, as equivalent requirements already apply under the permitted activity rules in the Earthworks chapter

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(EW-S5). EW-S5 also addresses erosion and sediment effects, which are more appropriately managed in the Earthworks chapter. Earthworks within freshwater margins must comply with both the NATC and Earthworks chapters. The deletion of NATC-S2.3 can be made as a Clause 16 amendment.

#### Relationship between NATC-R3.1.a and NATC-S2

219. NATC-R3.1 requires compliance with NATC-S2, which sets out the permitted standards for earthworks in terms of maximum permitted volume, cut/fill heights and requirements for stabilisation of earthworks areas. Horizon Surveying & Land Development [315.112] is the only submission that supports retaining NATC-S2 as notified.

220. In my opinion, NATC-S2 can be incorporated directly into the permitted activity rule in NATC-R3, as it is the only rule that references it. The PDP generally includes standalone standards only where they are referenced by multiple rules. Incorporating NATC-S2 into NATC-R3 would therefore improve usability without altering the effect of the provision and can appropriately be made as a Clause 16 amendment.

#### NATC-R3.1.b – List of specified activities

221. There is, in my opinion, an issue in NATC-R3.1.b. with how the phrase “the maintenance of lawfully established” connects to the list of activities that follows (NATC-R4 has the same drafting issue). The clause could be interpreted as applying “the maintenance of lawfully established” to roads only, rather than to all the listed activities. However, it is apparent, that the intent is for this qualifier to apply to each of the listed activities, consistent with policy NATC-P2. Also, it would be illogical for the restriction to apply solely to roads and not to the other activities identified.

222. In my opinion, the formatting of NATC-R3.1.b should be amended to clarify this intent. This amendment does not change the underlying intent or effect of the rule and therefore falls within the scope of a clause 16 correction. The revised structure (with no change to wording) would be as follows:

“b. The earthworks is for the maintenance of lawfully established:

- i. Roads,
- ii. Fences,
- iii. ...”

223. Various submissions request changes to the listed permitted earthworks activities in NATC-R3.1. The following table is my assessment of these submissions.

#### **Table 3: Requested changes to NATC-R3.1**

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Request	Response
<p>Add:  <u>“erosion sediment control”</u>  Horticulture NZ [140.54]</p>	<p>I support this addition. Erosion and sediment control measures often have an operational need to be located adjacent to freshwater bodies, provide a clear environmental benefit by managing effects on water quality, and are typically temporary in nature. As such, they are unlikely to result in significant adverse effects on natural character.</p>
<p>Add:  “...farm and <u>commercial</u> forestry tracks...”  Manulife Forest Management [158.3]</p>	<p>I do not consider it necessary or appropriate to limit this provision to <i>commercial</i> forestry. There are other forms of forestry that do not meet the definition of commercial forestry (for example, plantation forestry less than one hectare), and there is no clear rationale for excluding tracks associated with those activities. In addition, explicitly referring to commercial forestry risks creating inconsistency with the NES-CF, which permits earthworks associated with commercial forestry without conditions or standards (regulation 23). Section 44A of the RMA does not allow plan provisions to be more stringent than national environmental standards.</p>
<p>Add:  <u>“The earthworks are for conservation activities or biosecurity activities.”</u>  Fish and Game [267.13]  Add: “...<u>biosecurity purposes</u>”  Federated Farmers [136.73]</p>	<p>I do not support the addition of “conservation activities” as drafted. As I discussed in relation to Fish and Game’s request to include “conservation activities” in NATC-P2, while I support the intent, the wording it is too broad. Accordingly, I recommend NATC-R3 be amended to align with my proposed amendments to NATC-P2, enabling earthworks only it is necessary for restoration planting, the removal or management of pest plant and animal species, and associated access.</p> <p>My recommended amended wording, which provides for the removal or management of pest plant and animal species, would also address the request to include biosecurity activities/purposes.</p>
<p>Add as new clause:  <u>“The use, operation, maintenance, repair and</u></p>	<p>I support the intent of enabling earthworks associated with existing infrastructure (which is defined in the PDP) given the policy direction for enabling infrastructure.</p>

Request	Response
<p><u>upgrading of existing infrastructure</u>".</p> <p>Northpower [283.154]</p> <p>Add to clause b.:</p> <p>"...<u>existing infrastructure</u>..."</p> <p>Clarus [309.65]</p> <p>"...infrastructure <del>roads</del>,..."</p> <p>Federated Farmers [136.73]</p>	<p>I recommend adopting the same wording as I recommended for including in NATC-P2:</p> <p><u>"The upgrade, operation, maintenance, repair or removal of existing infrastructure"</u></p> <p>Note - my recommendation to adopt this wording in NATC-P2 is intended to align with the wording of policy INF-P1. As noted in my recommendation on NATC-P2, any amendment to INF-P1 may require consequential changes to NATC-P2 and, in turn, the wording of this clause in NATC-R3.</p>
<p>Delete:</p> <p>"...<del>utility connections</del>..."</p> <p>Northpower [283.154]</p>	<p>While I acknowledge Northpower's concern regarding the lack of definition for "utility connections", on balance I consider the reference should be retained. However, I recommend amending the wording to "network utility connection" to improve clarity and consistency with other PDP provisions (refer INF-P6 for example which refers to "network utility").</p>
<p>Add to clause b.:</p> <p>"...<u>railways</u>..."</p> <p>KiwiRail [323.54]</p>	<p>I support the addition. However, given my recommendation to permit earthworks associated with existing infrastructure, a specific reference to railways is unnecessary – railways are included in the PDP definition of "infrastructure".</p>
<p>Add to clause b.:</p> <p>"...<u>network utility works within roads</u>..."</p> <p>Chorus et al [26.64]</p>	<p>It is not clear whether the submitter intended this activity to be enabled as a standalone activity (that is, not limited to maintenance and repair or compliance with NATC-S2). In the absence of clarity, I have assumed that the submitter seeks it to be enabled as a standalone activity.</p> <p>The provision of network utilities is promoted by the Infrastructure chapter policies. In addition, earthworks associated with infrastructure located within a road corridor are unlikely to result in significant adverse effects on the natural character of freshwater margins, given the presence</p>

Request	Response
	<p>of the road and the fact that the land has already been recognised as providing for public infrastructure (roading).</p> <p>In my opinion, the scope of the rule could be extended to capture earthworks for <u>any</u> infrastructure within a road. Scope for this amendment arises from the Northpower [283.154], Clarus [309.65] and Federated Farmers [136.73] submissions which collectively seek the enabling of earthworks associated with existing infrastructure.</p> <p>Accordingly, I recommend the inclusion of the following wording:</p> <p style="text-align: center;">“...<u>establishing infrastructure in a road</u> ...”</p> <p>(I note that the PDP includes a definition of “road”, which encompasses the legal road parcel and not just the formed carriageway.)</p>
<p>Delete from clause b.:</p> <p>“...<del>driveways, effluent disposal systems, swimming pools...</del>”</p> <p>DOC [304.84]</p>	<p>I do not support this deletion. The earthworks permitted in relation to these activities are limited to their maintenance and repair, not their establishment, which appears to be how the submitter has interpreted the rule.</p> <p>I would note that it is not clear to me what types of earthworks would be required for maintenance of swimming pools.</p>
<p>Add to clause b.:</p> <p>“...parking <u>or</u> <u>hardstand</u> areas...”</p> <p>Federated Farmers [136.73]</p>	<p>It is not clear from the submission what is meant by “hardstand areas”. While Federated Farmers may intend this to refer to formed all-weather surfaces in a farming context, the term is broad and could also capture a wide range of other formed or sealed surfaces. For example, sealed areas used for boat maintenance are often referred to as hardstand areas.</p> <p>While I support the general intent, in the absence of clearer definition or more specific wording, I am unable to support the inclusion of “hardstand areas”. I invite Federated Farmers to provide more precise wording if they wish this matter to be reconsidered.</p>

Request	Response
<p>Add to clause b:  <u>“...new buildings or structures permitted by NATC-R2...”</u>            Federated Farmers [136.73]</p>	<p>I do not support this inclusion. The appropriateness of a building or structure should not automatically justify the associated earthworks. The effects of buildings or structures on natural character are materially different from those associated with earthworks, and it would not be appropriate to treat them in the same way.</p>
<p>Add to clause b.:  <u>“...natural hazard management...”</u>            Federated Farmers [136.73]</p>	<p>In my opinion, the requested wording is poorly defined and lacks sufficient clarity as to the scope and nature of activities intended to be enabled. The term “<i>natural hazard management</i>” could be interpreted broadly and may extend beyond activities that are appropriate within freshwater margins from a natural character perspective.</p> <p>However, I would support a more targeted alternative wording that is consistent with NATC-R2 and clearly limits the provision to activities with a demonstrable public benefit and functional need to be undertaken in these locations. An appropriate alternative would be:</p> <p style="text-align: center;"><u>“Natural hazard mitigation undertaken by, or on behalf of, a local authority.”</u></p> <p>This wording appropriately confines the provision to works associated with the management of natural hazards for public safety purposes, is consistent with the wording in NATC-R2, and reduces the potential for unintended or overly broad interpretation.</p>
<p>General request to permit tracks no greater than 1.5m wide (no specific wording provided).            Forest and Bird [149.153]</p>	<p>I support permitting earthworks for walking tracks. Tracks often have a functional need to be located within freshwater margins to enable access for conservation, restoration, infrastructure maintenance, and access to freshwater. When narrow and limited in extent, tracks are low-intensity features that are unlikely to result in significant adverse effects on the natural character of freshwater margins, and requiring resource consent would be disproportionate to the level of effect. The recommend wording is:</p>

Request	Response
	<u>"Tracks no greater than 1.5m wide"</u>

### 8.2.9 NATC-R4 and NATC-S3

224. NATC-R4 sets out the rules for indigenous vegetation clearance within freshwater margins. There are two key permitted clauses:

- a. NATC-R4.1.a requires compliance with the permitted indigenous vegetation thresholds set out in NATC-S3.
- b. NATC-R4.1.b lists a range of activities where indigenous vegetation clearance is permitted in freshwater margins without needing to comply with the thresholds in NATC-S3.

225. Horizon Surveying & Land Development [315.111 and 315.113] is the only submission point that supports retaining NATC-R4 and NATC-S3 as notified. All other submission points on NATC-R4 and NATC-S3 request amendments to either alter the indigenous vegetation clearance thresholds or amend the list of permitted activities that do not have to comply with these thresholds.

226. Before addressing the submissions on NATC-R4 and NATC-S3, I reiterate my position set out in section 8.2.3 above that indigenous vegetation is a core component of the natural character of freshwater margins. On that basis, my assessment applies a more conservative approach to indigenous vegetation clearance than to earthworks, buildings or structures.

#### Location of NATC-R4 and NATC-S3

227. Federated Farmers [136.59, 136.60, 136.74 and 136.76] request that NATC-R4 and NATC-S3 be moved to the Ecosystems and Indigenous Biodiversity chapter.

228. I do not support the request to move NATC-R4 and NATC-S3 to the Ecosystem and Biodiversity chapter. As discussed in response to similar requests to relocate provisions to other chapters, the National Planning Standards (Section 7, clause 20) expressly allow provisions relating to the protection of natural character to be located within the NATC chapter. The structure of the PDP is to locate provisions that manage effects relevant to a particular overlay within the corresponding overlay chapter.

#### NATC-S3 – Indigenous vegetation clearance limits

229. DOC [304.87] request a reduction in the allowable area of clearance from 50m<sup>2</sup> to 25m<sup>2</sup>, on the basis that freshwater margins contain areas of significant indigenous vegetation and fauna.

230. While I do not support DOC's rationale for the decrease, I am of the view that the 50m<sup>2</sup> limit should nonetheless be reduced. In my opinion, a default limit of 25m<sup>2</sup> better reflects the value of indigenous vegetation and its contribution to the natural character of freshwater margins.

231. As discussed earlier in this report, indigenous riparian vegetation is a core component of natural character under section 6(a) of the RMA. Its presence plays a key role in maintaining natural form, visual coherence, and experiential qualities of freshwater margins. Even relatively small areas of indigenous vegetation clearance can therefore result in a noticeable and enduring reduction in natural character, particularly where vegetation remains intact.
232. A reduced default allowance of 25m<sup>2</sup> appropriately recognises this sensitivity, while still providing flexibility for small-scale, low-intensity activities that are unlikely to result in significant adverse effects on natural character. In my view, this strikes a more appropriate balance between providing for reasonable use of land and achieving the objective of preserving the natural character of freshwater margins and protecting it from inappropriate development. This reduced default allowance is supported by B Coombs (Appendix D).
233. It is also important to consider this recommendation in the context of the proposed reduction in the defined freshwater margin from 30m to 20m. Together, these changes narrow the spatial extent of the margin while ensuring that the remaining area is afforded a level of protection that is proportionate to its reduced width and heightened role in maintaining natural character values.
234. Taken together, the reduced margin width and lower default vegetation clearance better focus controls on the areas most important for natural character of freshwater margins, while mitigating the potential adverse effects of both incremental and cumulative indigenous vegetation clearance within freshwater margins.
235. I am, however, of the view that there may be limited circumstances where retaining the 50 m<sup>2</sup> clearance allowance would be appropriate. In particular, this may arise where there is a clear and demonstrable public benefit, and where the activity is supported by strong and specific enabling policy. In my opinion, such circumstances should be narrowly defined and applied only where the additional clearance can be justified by the nature of the activity and its contribution to broader planning objectives, while still managing effects on the natural character of freshwater margins.
236. Horticulture NZ [140.56] requests an exclusion to from the NATC-S3 maximum indigenous vegetation clearance area limit where it is for biosecurity purposes<sup>15</sup>.
237. I have considered Horticulture NZ's (and others) proposed changes to NATC-R4.1.b to enable biosecurity clearance in Table 4 below. In summary, I recommend amendments to provide for specific biosecurity-related activities and invite Horticulture NZ to provide further wording to clarify any additional activities they consider should be included for biosecurity purposes. In my view, if an exclusion for biosecurity purposes is to be included, it would be more appropriately located within NATC-R4.1.b, rather than within NATC-R4.1.a or NATC-S3..

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<sup>15</sup> The submission point refers to earthworks, but it is assumed this is an error, as NATC-S3 is a standard for indigenous vegetation clearance rather than earthworks.

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238. Forest and Bird [149.54] request changes to NATC-S3 to manage both indigenous and exotic vegetation clearance within riparian margins to maintain ground cover, reduce erosion risk, and protect water quality, and to add a cumulative threshold of 500m<sup>2</sup> over 10 years.
239. I do not support the requested changes. First, it is unclear what specific amendment would satisfy the request to “manage both indigenous and exotic vegetation clearance within riparian margins to maintain ground cover, reduce erosion risk, and protect water quality”. The NATC rules and standards do not regulate exotic vegetation removal, nor are they intended to directly manage erosion risk or protect water quality, which are matters addressed through regional council functions and/or the Earthworks chapter.
240. Second, it is not clear how a cumulative threshold of 500m<sup>2</sup> over 10 years would differ in effect from the current limit of 50 m<sup>2</sup> per year, as both approaches would allow the same total area of clearance over a 10-year period. Also, an annual allowance is considerably easier to enforce than a 10 year allowance.
241. Federated Farmers [136.76] submit that NATC-S3 is overly general and should instead be redrafted to address specific activities, referring to the approach adopted in the Proposed Regional Plan for indigenous vegetation clearance as an example.
242. Similar to my response to Federated Farmers’ request in relation to NATC-S2, I do not support adopting the Proposed Regional Plan thresholds for vegetation clearance, as they are intended to address different effects and serve a different purpose. In response to the submitter’s concern that the standard is overly general, I refer them to the various amendments I recommend to NATC-R4.1.b in Table 4 below, which enable a broader range of activities without being constrained by the clearance thresholds in NATC-S3. I also note that NATC-S3 operates as a default limit where indigenous vegetation clearance does not fall within any of the specific activities listed in NATC-R4.1.b, and is therefore intentionally general in its application.

#### NATC-R4.1 - Permitted activities

243. As notified, NATC-R4 permits up to 50 m<sup>2</sup> per site per year of indigenous vegetation clearance as a default allowance and provides for unlimited clearance where it is required for the maintenance of specified lawfully established activities (such as roads).
244. I have addressed the default 50 m<sup>2</sup> allowance above and recommended that it be reduced to 25 m<sup>2</sup>, except where a higher level of clearance is clearly justified by narrowly defined circumstances and supported by strong enabling policy.
245. I support enabling indigenous vegetation clearance for the maintenance of existing activities, as this recognises that natural character has, in most cases, already been reduced by those activities, and that the marginal effects of further clearance are typically lower given the presence of existing built or operational elements.
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246. I now turn to the submissions seeking to expand the scope of permitted indigenous vegetation clearance under NATC-R4.1.b. The following table summarises those requests and provides my assessment of each.

**Table 4: Requested changes to NATC-R4.1.b**

Request	Response
<p>Add to clause b.:</p> <p>“...farm and <u>commercial</u> forestry tracks...”</p> <p>PF Olsen [73.14] and Manulife Forest Management [158.4]</p>	<p>I do not consider it necessary or appropriate to limit this provision to <i>commercial</i> forestry. There are other forms of forestry that do not meet the definition of commercial forestry (for example, plantation forestry less than one hectare), and there is no clear rationale for excluding tracks associated with those activities. In addition, explicitly referring to commercial forestry risks creating inconsistency with the NES-CF, which permits earthworks associated with commercial forestry without conditions or standards (regulation 23). Section 44A of the RMA does not allow plan provisions to be more stringent than national environmental standards.</p>
<p>Add to clause b.:</p> <p>“...<u>and biosecurity clearance</u>...”</p> <p>Horticulture NZ [140.55]</p> <p>“...<u>the eradication of pests for biosecurity purposes</u>...”</p> <p>NZAAA [146.29].</p> <p>“...<u>Biosecurity...management purposes</u>”</p> <p>Federated Farmers [136.74]</p> <p>New clause:</p> <p>“The indigenous vegetation clearance is for...biosecurity activities/reasons.”</p> <p>Fish and Game [267.14]</p>	<p>It is not clear to me what the circumstances would be that would necessitate the removal of indigenous vegetation for pest management purposes, and therefore I am unable to make a judgement of whether allowing a greater level of indigenous vegetation clearance than the permitted ‘default’ would be appropriate. I acknowledge that effective pest control can deliver positive outcomes for the natural character of freshwater margins and am therefore open to considering allowing a greater level of permitted removal. I invite submitters to provide further information on the situations in which a higher threshold may be required to support pest management activities.</p> <p>In regard to Horticulture NZ’s request to add “biosecurity clearance”, my reading of other parts of Horticulture NZ’s submission suggests that their interpretation of “biosecurity clearance” is intended to encompass activities broader than animal pest and weed management, including the removal of diseased vegetation. I therefore invite the submitter to provide clarification and more specific wording. I note that any further</p>

Request	Response
	amendment to NATC-R4 may also require consequential refinement of NATC-P2, depending on the wording provided.
<p>New clause:  <u>“The operation, maintenance, repair and upgrading of existing infrastructure; or”</u>  Northpower [283.155]</p> <p>Add to clause b.:  <u>“...existing infrastructure...”</u>  Clarus [309.131]</p> <p><u>”...infrastructure roads,...”</u>  Federated Farmers [136.74]</p> <p><u>“The indigenous vegetation clearance is for the maintenance, operation and minor upgrade of lawfully established infrastructure...”</u>  Transpower [292.66]</p>	<p>I support enabling indigenous vegetation clearance for the operation, maintenance, repair, upgrading and removal of existing infrastructure, as this is consistent with the PDP and NPS-I policy direction for enabling infrastructure. It is in my opinion one of the limited circumstances where a greater level of clearance is appropriate.</p> <p>I recommend adopting the same wording as I recommended to include in NATC-P2:  <u>“The upgrade, operation, maintenance, repair or removal of existing infrastructure”</u></p> <p>In my opinion, indigenous vegetation clearance for these purposes should be limited to a maximum of 50m<sup>2</sup> for the reasons discussed earlier in this section.</p> <p>Note - my recommendation to adopt this wording in NATC-P2 is intended to align with the wording of policy INF-P1. As noted in my recommendation on NATC-P2, any amendment to INF-P1 may require consequential changes to NATC-P2 and, in turn, the wording of this clause in NATC-R4.</p>
<p>Delete:  <u>“...utility connections...”</u>  Northpower [283.155]</p>	<p>While I acknowledge Northpower’s concern regarding the lack of definition for “utility connections”, on balance I consider the reference should be retained. However, I recommend amending the wording to “network utility connection” to improve clarity and consistency with other PDP provisions (refer INF-P6 for example which refers to “network utility”).</p>
<p>Add to clause b.:  <u>“...railways...”</u>  KiwiRail [323.55]</p>	<p>I agree with the addition; however, given my recommendation to enable indigenous vegetation clearance associated with existing infrastructure, a specific reference to railways is</p>

Request	Response
	unnecessary – railways are included in the PDP definition of “infrastructure”.
<p>Add to clause b.:</p> <p><u>“...network utility works within roads...”</u></p> <p>Chorus et al [26.65]</p>	<p>The provision of network utilities is promoted by the Infrastructure chapter policies. In addition, indigenous vegetation clearance associated with network utility works located within a road corridor is unlikely to result in significant adverse effects on the natural character of freshwater margins, given the presence of the road and the fact the land has been designated for infrastructure purposes.</p> <p>In my opinion, the scope could be extended to capture indigenous vegetation clearance for <u>any</u> infrastructure within a road. Scope for this amendment arises from the Northpower [283.155], Clarus [309.131] and Federated Farmers [136.74] submissions which collectively seek the enabling of earthworks associated with existing infrastructure.</p> <p>Accordingly, I recommend the inclusion of the following wording:</p> <p style="text-align: center;"><i>“...establishing infrastructure in a road ...”</i></p> <p>(I note that the PDP includes a definition of “road”, which encompasses the legal road parcel and not just the formed carriageway.)</p>
<p>Add to clause b.:</p> <p><u>“...parking or hardstand areas...”</u></p> <p>(Federated Farmers)</p>	<p>It is not clear from the submission what is meant by “hardstand areas”. While Federated Farmers may intend this to refer to formed all weather surfaces in a farming context, the term is broad and could also capture a wide range of other formed or sealed surfaces. For example, sealed areas used for boat maintenance are often referred to as hardstand areas.</p> <p>While I support the general intent, in the absence of clearer definition or more specific wording, I am unable to support the inclusion of “hardstand areas”. I invite Federated Farmers to provide more precise wording and supporting rationale if they wish this matter to be reconsidered.</p>

Request	Response
<p>Add to clause b:  <u>“...new buildings or structures permitted by NATC-R2...”</u>            Federated Farmers [136.74]</p>	<p>I do not support this addition. Its inclusion assumes that if a building or structure is an appropriate (permitted) activity, then any associated indigenous vegetation clearance must also be appropriate. I do not agree with that assumption. In my opinion, the effects of vegetation clearance should be considered separately. As discussed above, indigenous vegetation is a critical component of the natural character of freshwater margins, and in some cases the extent of vegetation removal necessary to establish a permitted building or structure may itself give rise to inappropriate effects. For that reason, the appropriateness of a building or structure does not automatically justify the associated indigenous vegetation clearance.</p>
<p>General request to permit tracks no greater than 1.5m wide (no specific wording provided).            Forest and Bird [149.153]</p>	<p>I support this addition. Tracks often have a functional need to be located within freshwater margins to enable access for conservation, restoration, infrastructure maintenance, and public safety purposes. When narrow and limited in extent, tracks are low-intensity features that are unlikely to result in significant adverse effects on the natural character of freshwater margins.</p> <p>I also note that, if my recommendation to permit indigenous vegetation clearance associated with existing infrastructure is adopted (refer above in this table), indigenous vegetation clearance associated with the upgrade, operation, maintenance, repair, or removal of tracks would be covered under that clause, as tracks are included in the PDP definition of “infrastructure”.</p>

248. Regarding other submissions on NATC-R4, DOC [304.85] requests that:

- a. rather than being a restricted discretionary activity, any non-compliance with the permitted activity rule in NATC-R4 be classified as a discretionary activity; and
- b. a requirement for resource consent applications to be accompanied by an ecological assessment to determine the ecological value of vegetation.

249. I do not agree. DOC has provided no evidence demonstrating that a restricted discretionary activity status would fail to ensure appropriate consideration of adverse effects on the natural character of freshwater margins. In my opinion, a restricted discretionary activity status—focused on the relevant effects—is appropriate.

250. I also do not support DOC's suggestion for an ecological assessment for resource consent applications under NATC-R4. The NATC chapter is focused on managing effects on natural character, not on ecological effects. While there is some overlap between these matters, they are distinct values. Effects on ecological values, including the significance of indigenous vegetation, are appropriately addressed through the Ecosystems and Indigenous Biodiversity chapter.

251. Lastly I recommend structural changes to both NATC-R4 and NATC-S3 to improve drafting clarity, similar to those I have recommended for NATC-R3 and NATC-S2 above. Specifically:

- a. I recommend that NATC-S3 is incorporated into NATC-R4 as this standard is only referred to in NATC-R4; and
- b. I recommend that the activities in NATC-R4.1.b are individually listed to clearly indicate that the "lawfully established" requirement applies to each activity in the list.

252. Both amendments are structural changes to the chapter drafting and do not alter the intent or effect of either rule or standard. As such, both can be implemented as clause 16 amendments.

#### 8.2.10 Standards – NATC-S1

253. NATC-S1 is a standard that sets the maximum height of buildings and structures in freshwater margins.

254. Horizon Surveying & Land Development [315.28] is the only submission in support of retaining NATC-S1 as notified.

255. Forest and Bird [149.52] request a reduction in the maximum allowable height for buildings and structures in freshwater margins from 5.5 m to 2 m.

256. B Coombs (Appendix D) has considered this request. While he does not support a reduction to 2 m, he considers that a 5.5 m height limit is excessive and would give rise to unacceptable adverse effects on natural character. He instead recommends a reduced height limit of 4.5 m, which would still enable the construction of a single-storey building with a low to moderate roof pitch (assuming no, or only limited, raised floor levels). I concur with and adopt Mr Coombs' advice, and accordingly recommend that the maximum height be reduced from 5.5 m to 4.5 m.

### 8.3 Recommendations

257. I recommend the following changes to the NATC rules and standards:

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NATC-R1	Additions and alterations <del>and maintenance</del> of buildings and structures in wetland, lake and river margins	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. External additions and alterations:</p> <p>i. Are no greater than 30m<sup>2</sup>; and</p> <p>ii. <del>Comply. The activity complies</del> with <del>NATC-S1CE-S1 Coastal environment</del> - maximum building height; <del>or</del></p> <p>b. <del>External additions or alterations are to an existing lawfully established above ground network utility, and:</del></p> <p>i. <del>Are no greater than 10m high or the height of the existing building or structure; and</del></p> <p>ii. <del>Are no greater than 20% of the gross floor area of the existing building or structure; and</del></p> <p>iii. <del>Do not involve replacing a pole with a pi pole.</del></p>	<p>2. Activity status when compliance not achieved: <del>Restricted discretionary Discretionary</del></p> <p>3. <del>Matters over which discretion is restricted:</del></p> <p>a. <del>The matters in NATC-P5; and</del></p> <p>b. <del>The positive effects of the activity.</del></p>

NATC-R2	New building or structures in wetland, lake and river margins	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. <del>The building or structure:</del></p> <p>i. <del>Is no greater than 50m<sup>2</sup>; and</del></p> <p>ii. <del>or</del> The activity complies with NATC-S1 Maximum building height; <del>or</del></p> <p>b. <del>a.</del> The building or structure:</p> <p>i. is no greater than <del>1300</del>300m<sup>2</sup>;</p> <p>ii. <del>complies with NATC-S1 Maximum building height; and</del></p> <p>iii. <del>b.</del> the building or structure is <del>required for:</del></p> <p>a. <del>For</del> natural hazard mitigation undertaken by, or on behalf of, the local authority; <del>or</del></p> <p>b. <del>For</del> the management, operation and maintenance of parks and reserves in the Open space zone or Sport and active recreation zone; <del>or</del></p> <p>c. A post and wire fence for the purpose of protection from farm stock; <del>or</del></p> <p>d. <del>A</del> river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings; <del>or</del></p> <p>e. <del>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 25m<sup>2</sup> in area; and</del></p> <p>f. <del>Underground infrastructure;</del></p> <p>g. <del>For sediment and erosion control;</del></p> <p>h. <del>For the construction of a river-crossing</del></p> <p>i. <del>A lighting pole by, or on behalf of the local authority;</del></p> <p>j. <del>A footpath and or paving no greater than 2m wide; or</del></p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. <del>Matters over which discretion is restricted Where:</del></p> <p>a. The matters in NATC-P5; and</p> <p>b. The positive effects of the activity.</p>

	<p>k. <u>Infrastructure within a road, provided any pole:</u></p> <ul style="list-style-type: none"><li>a. <u>is a single pole (monopole), and</u></li><li>b. <u>is not a pi-pole or a steel-lattice tower;</u></li></ul>	
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NATC-R3	Earthworks in wetland, lake and river margins	
All zones	<p><b>1. Activity status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. The earthworks:</p> <ul style="list-style-type: none"> <li>i. <u>Does not exceed a cut height or fill depth of 2m</u> <del>Complies with NATC-S2—Earthworks;</del> and</li> <li>ii. <u>Does not exceed 50m<sup>3</sup> within in any 12-month period per site; or <del>and</del></u></li> </ul> <p>b. The earthworks is for the maintenance of lawfully established:</p> <ul style="list-style-type: none"> <li>i. roads,</li> <li>ii. fences,</li> <li>iii. <u>network</u> utility connections,</li> <li>iv. driveways,</li> <li>v. parking areas,</li> <li>vi. effluent disposal systems,</li> <li>vii. swimming pools,</li> <li>viii. walking or cycling tracks, or</li> <li>ix. farm and forestry tracks; <u>or</u></li> </ul> <p>c. <u>The earthworks:</u></p> <ul style="list-style-type: none"> <li>i. <u>Does not exceed a cut height or fill depth of 2m;</u></li> <li>ii. <u>Does not exceed 100m<sup>3</sup> within any 12-month period per site; and</u></li> <li>iii. <u>Is for the following purpose (including any associated access):</u> <ul style="list-style-type: none"> <li>(a) <u>Erosion and sediment control;</u></li> <li>(b) <u>The removal or management of pest plant and animal species;</u></li> <li>(c) <u>Restoration planting;</u></li> <li>(d) <u>The upgrade, operation, maintenance, repair or removal of existing infrastructure;</u></li> <li>(e) <u>Establishing infrastructure in a road;</u></li> <li>(f) <u>Natural hazard mitigation undertaken by, or on behalf of a local authority; or</u></li> <li>(g) <u>A track no greater than 1.5m wide.</u></li> </ul> </li> </ul>	<p><b>2. Activity status when compliance not achieved:</b> Restricted Discretionary</p> <p><b>3. Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. The matters in NATC-P5; and</li> <li>b. The positive effects of the activity.</li> </ul>

NATC-R4	Indigenous vegetation clearance in wetland, lake and river margins	
All zones	<p><b>1. Activity status:</b> Permitted</p> <p><b>Where:</b></p> <p>a. <u>The maximum area of indigenous vegetation clearance is 25m<sup>2</sup> within any 12-month period per site;</u> <del>The activity complies with NATC-S3—Indigenous vegetation clearance; or</del></p>	<p><b>2. Activity status when compliance not achieved:</b> Restricted Discretionary</p> <p><b>3. Matters over which</b></p>

	<p>b. The indigenous vegetation clearance is for the maintenance of lawfully established:</p> <ul style="list-style-type: none"> <li><u>i.</u> roads,</li> <li><u>ii.</u> fences,</li> <li><u>iii.</u> <u>network</u> utility connections,</li> <li><u>iv.</u> driveways,</li> <li><u>v.</u> parking areas,</li> <li><u>vi.</u> effluent disposal systems,</li> <li><u>vii.</u> swimming pools,</li> <li><u>viii.</u> walking or cycling tracks, or</li> <li><u>ix.</u> farm and forestry tracks; or</li> </ul> <p>c. <u>The maximum area of indigenous vegetation clearance is 50m<sup>2</sup> within any 12-month period per site, and it is for:</u></p> <ul style="list-style-type: none"> <li><u>i.</u> <u>The upgrade, operation, maintenance, repair or removal of existing infrastructure,</u></li> <li><u>ii.</u> <u>Establishing infrastructure in a road, or</u></li> <li><u>iii.</u> <u>A track no greater than 1.5m wide.</u></li> </ul>	<p><b>discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. The matters in NATC-P5; and</li> <li>b. The positive effects of the activity.</li> </ul>
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## Standards

NATC-S1	Maximum height	
	<ol style="list-style-type: none"> <li>1. The maximum height of a new building or structure must not exceed <u>4.5m</u> <del>5.5m</del> above ground level; or</li> <li>2. <u>The maximum height of new infrastructure within a road must not exceed 10m above ground level; or</u></li> <li><del>3.2</del> 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.</li> </ol>	<p><b><del>43.</del> Activity status when compliance not achieved:</b> Refer to relevant rule</p>
NATC-S2	Earthworks	
	<ol style="list-style-type: none"> <li><del>1. The maximum area of earthworks must not exceed 50m<sup>3</sup> within in any 12-month period per site;</del></li> <li><del>2. The cut height or fill depth of earthworks must not exceed 2m; and</del></li> <li><del>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.</del></li> </ol>	<p><b><del>4. Activity status when compliance not achieved:</del></b> Refer to NATC-R3</p>
NATC-S3	Indigenous vegetation clearance	
	<ol style="list-style-type: none"> <li><del>1. The maximum area of indigenous vegetation clearance is 50m<sup>2</sup>; in any 12-month period per site.</del></li> </ol>	<p><b><del>3. Activity status when compliance not achieved:</del></b> Refer to NATC-R4</p>