

Section 42A Report

Natural Features and Landscapes

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 (A Harris)
300	Bream Tail Residents Association Inc
193	Chases Gorge Camp Club
26	Chorus NZ Ltd, Connexa Ltd, Spark NZ Trading Ltd, Fortysouth Group LP, One NZ (Chorus et al)
309	Clarus
262	Coatestone Limited
175	D Hastie
263	Daytona Trust
304	Director General of Conservation (DOC)
51	Elaine and Josephine Reddy (E & J Reddy)
265	Environmental Defence Society Incorporated (EDS)
50	Evolve Planning and Landscape Architecture
136	Federated Farmers of New Zealand (Inc) – Northland Province (Federated Farmers)
315	Horizon Surveying & Land Development
272	J & C Hawley
316	J Henchman
323	KiwiRail Holdings Limited (KiwiRail)
276	Mangawhai Heads Holdings Ltd
158	Manulife Forest Management NZ Ltd
278	Marunui Conservation Ltd
352	M Tschirky
224	M Fyson
351	N Harre
328	N Evans
227	N Smith
146	New Zealand Agricultural Aviation Association (NZAAA)
284	New Zealand Defence Force
332	Northland Regional Council (NRC)
283	Northpower Limited and Northpower Fibre Limited (Northpower)
333	NZ Fairy Tern Trust
228	P Hunt
257	Piroa Conservation Trust

73	PF Olsen Ltd
149	Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest and Bird)
345	S Smail
289	Tappenden Holdings Limited
292	Transpower New Zealand Ltd (Transpower)
99	Venessa Anich
FS29	Atlas Quarries Limited
FS35	Bream Tail Residents Association
FS41	Channel Terminal Services Ltd
FS42	Chorus, Spark, Fortysouth, One NZ and Connexa
FS45	Director General of Conservation
FS44	Daytona Trust
FS47	Federated Farmers of New Zealand
FS58	J & C Hawley
FS71	Mangawhai Heads Holdings Ltd
FS74	Marunui Conservation Ltd
FS77	Mercury NZ Limited
FS82	Northpower Limited
FS89	P F Olsen
FS93	Royal Forest and Bird Protection Society of New Zealand
FS97	Tappenden Holdings Limited
FS100	Transpower New Zealand Ltd
FS23	W Birt

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List of abbreviations used in this report

Abbreviation	Term
CI 16	Clause 16(2), Schedule 1, RMA.
HNC	High natural character
HNCA	High Natural Character Area
KDC	Kaipara District Council
NES-CF	National Environmental Standards for Commercial Forestry 2017
NPS	National Policy Statement
NPS-I	National Policy Statement for Infrastructure 2025
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-EN	The National Policy Statement for Electricity Networks 2008
NPS-ET	The National Policy Statement for Electricity Transmission 2008
NPS-REG	National Policy Statement for Renewable Energy Generation 2025
NZCPS	New Zealand Coastal Policy Statement 2010
ONC	Outstanding natural character
ONCA	Outstanding Natural Character Area
ONF	Outstanding Natural Feature
ONL	Outstanding Natural Landscape
PDP	Proposed District Plan
RMA	Resource Management Act
RPS	Regional Policy Statement
S42A	Section 42A, Resource Management Act

Executive Summary

- i. The Proposed Kaipara District Plan (**PDP**) was publicly notified in April 2025. The Natural Features and Landscapes (**NFL**) chapter is located in Part 2 – District Wide Matters and gives effect to section 6(b) of the Resource Management Act 1991 (**RMA**) by managing the effects of subdivision, use and development on Outstanding Natural Features (**ONF**) and Outstanding Natural Landscapes (**ONL**).
- ii. This report addresses 39 primary submissions containing 251 submission points and 18 further submissions on the NFL chapter, including the mapped ONL and ONF overlays, Schedules 4 and 5, and associated objectives, policies, and rules.
- iii. Submitters raised a wide range of issues relating to both the identification of ONL and ONF and the appropriateness of the regulatory framework. The key themes arising from submissions can be summarised as follows:
 - a. **Accuracy and robustness of ONL mapping**

Several submitters sought refinements to ONL boundaries, particularly in relation to plantation forestry areas and landscape units where submitters considered the PDP maps did not accurately reflect the characteristics, qualities and values identified in the Regional Policy Statement (RPS). No submissions sought changes to ONF mapping.
 - b. **Amending Schedule 5 to reflect the Regional Policy Statement**

Several submissions requested that Schedule 5 be updated to better reflect the ONL methodology and assessment work undertaken as part of the Regional Policy Statement (**RPS**) process, including replacing references to older Kaipara specific technical reports with the more recent RPS mapping methodology and assessment worksheets.
 - c. **Balance between protection and enablement**

Submissions reflected differing views on how strictly the PDP should control development within ONL and ONF. Some submitters sought more stringent controls to avoid adverse (or significant adverse) effects, while others sought a more enabling framework that better recognises existing development, operational and functional needs, and the ability of larger landscape areas to absorb small scale activities.
 - d. **Recognition and provision for infrastructure**

Infrastructure providers sought clearer and more consistent recognition of the operational and functional constraints associated with infrastructure, including regionally and nationally significant infrastructure, and greater clarity on how infrastructure related activities are managed across ONL and ONF both within and outside the coastal environment.

e. Consistency and usability of rules and standards

Several submissions identified concerns with the internal consistency of rules, differences in activity status within and outside the coastal environment, and the clarity of permitted activity thresholds for buildings, earthworks and indigenous vegetation clearance.

iv. My recommendations to the NFL chapter and associated schedules and maps can be summarised as follows:

- a. **Retain the overall structure and intent of the NFL chapter**, which appropriately reflects the requirement to protect ONF and ONL from inappropriate subdivision, use and development.
- b. **Refine ONL mapping and Schedule 5 content**, including:
 - updating references to align with the RPS ONL assessment methodology;
 - replacing general landscape descriptions with links to detailed RPS assessment worksheets; and
 - making targeted boundary refinements to ONL maps.
- c. **Amend the NFL objectives and policies to:**
 - explicitly recognise the identification of ONF and ONL;
 - clarify that policy direction relates to the characteristics, qualities and values that make a feature or landscape outstanding; and
 - remove unnecessary duplication with the Infrastructure chapter by consolidating infrastructure specific policy direction there.
- d. **Adjust the rules framework to improve consistency and proportionality**, including:
 - refining permitted activity thresholds for buildings, earthworks and indigenous vegetation clearance to better reflect landscape scale, sensitivity, and policy direction;
 - distinguishing more clearly between activities associated with existing development or infrastructure and wholly new development; and
 - improving alignment between rules applying within and outside the coastal environment.
- e. **Improve clarity, coherence and plan usability** through targeted drafting amendments, re-structuring of rules where appropriate, and improved internal consistency across the Natural Environment Values chapters.

Overall, my recommendations seek to better align the NFL provisions with higher order policy direction, improve the evidential basis and transparency of ONL and ONF identification, and ensure that the PDP achieves an appropriate balance between protecting outstanding landscapes and features while enabling activities that are unlikely to result in unacceptable adverse effects.

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 Features and Landscapes (**NFL**) 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 (**RPS**) and the Proposed Northland Regional Plan. I have considerable experience in all facets of plan development.
4. Of relevance to natural features and landscapes, I was involved in the process of mapping outstanding natural features (**ONF**) and outstanding natural landscapes (**ONL**) in the RPS, and I was the s42A reporting officer for the Natural Features and Landscapes 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.

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
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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 Features and Landscapes (NFL) 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, and to make recommendations, in relation to:
- a. The NFL chapter
 - b. Schedule 4 – Outstanding Natural Features
 - c. Schedule 5 – Outstanding Landscapes
 - d. Mapped ONL and ONF
 - e. Definitions – requests to add definitions for ONL and ONF
11. As a matter of national importance, section 6(b) of the RMA requires the protection of outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development. This obligation is primarily implemented through the:
- a. NFL chapter of the PDP, which focuses on managing the effects of buildings, structures, earthworks and indigenous vegetation clearance on these outstanding landscapes and features;
 - b. Schedules 4 and 5 of the PDP, which set out the details of ONF and ONL respectively; and
 - c. The mapping of ONL and ONF in the PDP maps.

2.2 Statutory Context

12. 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.
13. 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 instruments are

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prepared and new plans are prepared and notified (including Regional Spatial Plans, Natural Environment Plans and Land Use Plans).

14. 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].
15. Further, it is important to note that the Operative Kaipara District Plan (ODP) is thirteen years old and drafted in a matter that is not aligned with the National Planning Standards, the NPS-REG, the Northland Regional Policy Statement (RPS) 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 RMA Schedule 1 hearing process for the PDP is therefore an important part of improving the effectiveness and efficiency of the district plan, which will also better integrate into the new planning system.
16. The Natural Features and Landscapes section 32 report provides a comprehensive assessment of the statutory framework relevant to the NFL 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 this report.
17. 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.

18. Of particular relevance to the NFL chapter are:

- a. The National Policy Statement for Infrastructure (**NPS-I**) introduces new national objectives and policies that strengthen the recognition of infrastructure benefits and encourage the enabling of associated activities, including development, maintenance, and upgrading. This direction is particularly relevant to the NFL chapter, which seeks to balance managing effects on ONL and ONF with enabling appropriate development. The NPS-I places increased emphasis on recognising the benefits of infrastructure and the operational and functional need for certain infrastructure to be located within sensitive environments, including ONL and ONF. While this does not override the protection required for ONL and ONF, it does require decision-makers to give explicit weight to the strategic importance, locational constraints, and long-term public benefits of infrastructure when assessing proposals (including plan provisions).
- b. The National Policy Statement for Electricity Networks 2008 (**NPS-EN**) 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 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 network, while ensuring that adverse environmental effects are appropriately managed. Key policies include Policy 6, which requires decision makers to “seek to avoid” adverse effects on ONL and ONF from non-routine electricity network activities in rural environments, and Policy 8(c) which directs that electricity network activities should be provided for where they have an operational or functional need to be located in a particular location or environment even where effects may be unavoidable.
- c. The New Zealand Coastal Policy Statement 2010 (**NZCPS**). The NZCPS sets out the national direction for the management of the coastal environment. Of particular relevance is Policy 15 which directs the avoidance of adverse effects on ONF and ONL in the coastal environment. Policy 6, which provides general direction on managing activities in the coastal environment, was amended to increase the recognition of the role of infrastructure and its functional and operational need to be located in the coastal environment.
- d. 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 ONL and ONF), 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.

19. The other new instruments and amendments to existing instruments are of low or no relevance to the NFL chapter.
20. In addition to the NPS-I, NPS-EN and NZCPS, the other key national instrument for the NFL topic is the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (**NES-CF**). 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. For district council functions, earthworks is a permitted activity without conditions and indigenous vegetation clearance is a permitted activity with various conditions. The NFL chapter rules can be more stringent than the NES-CF if they relate to managing the effects of activities on ONF and ONL.
21. 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 ONL and ONF from inappropriate development by:
 - i. avoiding adverse effects on the characteristics and qualities of ONL and ONF in the coastal environment, and
 - ii. avoiding significant adverse effects on the characteristics and qualities of ONL and ONF outside the coastal environment
 - d. Objective 3.15 and Policy 4.7.1 promote enabling efforts to protect ONL and ONF.
22. 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 NFL chapter are:
 - a. Develop, maintain and enhance a kaitiakitanga and conservation approach to the management of natural resources.
 - b. The ongoing damage and destruction to areas or sites with customary values which contribute to or form a part of a cultural landscape.
 - c. The degrading of cultural landscapes and lack of regard given to expert cultural advice.

2.3 Procedural matters

23. No submitter, prehearing or Clause 8AA meetings have been undertaken for the NFL topic and nor has there been any further consultation undertaken since notification.

2.4 Organisation of the report

24. This report has been broken into the following topics:
- a. General submissions on the NFL Chapter
 - b. ONL and ONF mapping
 - c. Overview
 - d. Objectives
 - e. Policies
 - f. Rules
 - g. Standards

2.4.1 Submissions and further submissions

25. Thirty nine submissions containing 251 submission points and 18 further submissions were received. The summary of submissions and further submissions pertaining to this section 42A report, and my recommendation for each are attached as Appendix A. The original submission and further submission documents can be found on KDC's website.
26. While all submissions have been read and considered, 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

27. 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

28. Where I have recommended amending provisions as a result of considering the submissions and further submissions, these are contained as tracked changes in Appendix B. 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.

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2.4.4 Section 32AA evaluation report

29. 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 F.

3. Topic 1: General submissions on the NFL chapter

3.1 Introduction

30. This section addresses general submissions on the NFL chapter where either the submitters generally support the NFL chapter or where more general amendments have been requested.

3.2 Analysis

31. Several submissions express general support for the NFL chapter, including those from Piroa Conservation Trust [257.1] and others. However, although these submissions indicate overall support, each of these submitters has also sought specific changes to the NFL chapter.
32. Several submitters have made high-level or general requests for change without clearly identifying the specific provisions of the PDP they seek to amend, or the precise wording they propose. In many cases, the relief sought is expressed in broad terms without explaining the specific changes that would provide for the outcomes sought. Without this level of specificity, it is not possible to determine what amendments would appropriately address the concerns raised, or to assess the potential implications of any such changes. Accordingly, I am unable to recommend amendments to the PDP in response to these submissions. However, where matters raised overlap with more specific submission points elsewhere, those issues have been considered and addressed in the relevant sections of this report. The submissions are:
- a. Evolve planning [50.23, 50.24 and 50.25]
 - b. A Harris [119.5]
 - c. N Harre [315.2]
 - d. Chases Gorge Camp [193.6]
 - e. EDS [265.5]
 - f. Northpower [283.156]
 - g. M Tschirky [352.3 and 352.11]
 - h. EDS [265.3] (That part of the submission requesting amendments to provisions “...to ensure planning outcomes are achieved which will not jeopardise the integrity of Kaipara's natural environment”).

- i. P Hunt [228.1].
 - j. N Smith [227.1]
33. Horizon Surveying & Land Development [315.29] have requested the name of the chapter be amended to “Outstanding Natural Features and Landscapes”. I do not support this - the name of the chapter is prescribed by the National Planning Standards.
34. NZ Fairy Tern Trust [333.3] requests the addition of a policy aimed at minimising adverse effects on avian fauna. I do not support this request, as the purpose of the NFL chapter is to manage effects on ONL and ONF values. Effects on indigenous biodiversity are addressed separately in the Ecosystems and Indigenous Biodiversity chapter.
35. J & C Hawley [272.38 and 272.39] and Marunui Conservation Ltd [278.37 and 278.38] request that a definition for ONL and ONF be included in the plan. I do support this, as Schedules 4 and 5 (with my recommended changes) provide detailed descriptions of ONL and ONF. Refer section “4.2.1 ONL and ONF mapping methodology” for details on my recommended changes.

4. Topic 2: ONL and ONF mapping

4.1 Introduction

36. The PDP identifies ONF and ONL through mapped overlays supported by Schedules 4 and 5. These schedules describe each mapped unit and link to the methodology reports that informed the mapping. The mapped overlays form the spatial basis for applying the NFL chapter provisions.
37. Submissions on the mapping raise a variety of matters. Some submitters seek refinements to ONL boundaries to better reflect the RPS criteria and associated assessment worksheets. Several submissions request updates to the information contained in Schedules 4 and 5, including replacing references to earlier technical reports with more recent methodology documents. A number of submitters also sought the removal of specific areas — such as plantation forestry — from ONL overlays. Notably, no submissions sought changes to ONF maps.

4.2 Analysis

4.2.1 ONL and ONF mapping methodology

38. Schedule 4 of the PDP sets out the mapping information for ONF, and Schedule 5 provides the equivalent information for ONL. The ONF and ONL layers are also shown spatially in the PDP maps.
39. Daytona Trust [263.54] and others have requested that Schedule 5 be amended as follows:
- a. Replace the link to the 2010 Landscape Technical Report with the evaluation sheets which informed the maps adopted from the Northland Regional Policy Statement 2016; and
 - b. Amend the descriptions to follow that used in the evaluation sheets which informed the Regional Policy Statement mapping, including a full description of the characteristics, qualities and values of the outstanding natural landscapes in each case.

40. I agree with Daytona Trust that Schedule 5 should be amended to better give effect to the RPS.
41. The requirement for the PDP to include ONL and ONF is directed by the RPS. The RPS includes maps of ONL and ONF for the region, together with the assessment criteria used to identify them. Supporting the RPS maps are methodology reports and detailed assessment worksheets. The RPS directs that district plans adopt the RPS-mapped ONL, with the ability to refine them where supported by the RPS assessment criteria.
42. Before the RPS was developed, KDC commissioned an ONL assessment for the district—*Kaipara District Plan Review: Landscape Technical Report* (November 2010). The ONL maps from this assessment were subsequently incorporated into the Operative District Plan (ODP).
43. The ONL mapping and assessment undertaken for the RPS refined the 2010 mapping and reassessed each landscape unit using the RPS criteria. This work resulted in the *Outstanding Natural Features and Landscapes – Mapping Methodology Report* (February 2014), mapped ONL and the accompanying worksheets.
44. However, the PDP adopted the ODP (2010) ONL maps¹, which differ slightly from the RPS (2014) maps – refer Appendix E which shows the differences between the two. In general, the differences reflect refinements made in the RPS (2014) maps, such as the removal of areas of plantation forestry. The PDP ONL maps cannot be automatically updated to match the RPS maps; scope is required through submissions to make changes. Some submissions seek specific refinements—such as removing plantation forestry areas—which will allow some aspects of the PDP maps to be updated. The outcome is that the PDP ONL maps will remain slightly different from the RPS maps, with the practical implication that some small areas of land will be subject to the NFL chapter rules that would not have been if the RPS ONL maps had been adopted.
45. Schedule 5 currently includes a link to the 2010 report. In my opinion, as requested by Daytona Trust and others, this link should be replaced with the 2014 methodology report, as it reflects the RPS criteria. While some mapped units differ slightly, the 2014 assessment remains the most relevant and robust basis for the PDP.
46. I also recommend including the RPS Appendix 1 ONL assessment criteria directly in Schedule 5. This will make it clear to plan users which criteria apply and will avoid the need to refer back to the RPS.
47. My final recommendation for Schedule 5 is to replace the ONL unit descriptions with links to the relevant worksheets on NRC’s website for each ONL unit. Although some mapped boundaries vary slightly, the worksheets continue to provide the most complete and accurate description of each unit’s characteristics, qualities, and values.
48. The scope to make these changes to Schedules 5 is all within the scope of the Daytona Trust submission [263.54].

¹ With one exception – the addition of an ONL encompassing the hill in behind the surf lifesaving club at Mangawhai Heads.

This is shown in Appendix E.

4.2.2 Map changes

49. No submissions sought changes to the ONF maps or Schedule 4 – Outstanding Natural Features. Several submissions, however, request amendments to the ONL maps.
50. The following are the submissions in support of the ONF and ONL maps:
- a. EDS [265.3 and 265.8] generally support the ONL and ONF maps
 - b. D Hastie [175.1, 175.2 and 175.3] - retain ONF2 Bald Rock, ONL 15 Bald Rock and ONF23 Pukekaroro dacite dome as notified
 - c. J & C Hawley [272.2] and others - retain ONL14 Bream Tail
 - d. Chases Gorge Camp Club [193.5] – retain the ONL and ONF over Ripiro Beach
 - e. Coatestone Limited [S262.2] – retain ONF2 Bald Rock
51. The following table assesses the submissions seeking changes to the ONL maps and makes recommendations in response to them. The B Coombs (landscape architect) report (Appendix D) has assessed the submissions requesting changes to ONL maps, and I rely on this advice in making my recommendations.

Request	Assessment
<p>Exclude areas that do not exhibit ONL characteristics from the following:</p> <ul style="list-style-type: none"> • ONL8 (Maungaru Range) • ONL9 (Tangihua Range) • ONL23 (North Head Coast and Western Dune Lakes). <p>PF Olsen [73.1, 73.2 and 73.3]</p>	<p>The submission requests that the boundaries of these ONL are modified to exclude areas that are in commercial forestry or pasture as they no longer meet the RPS criteria for ONLs. Mapping examples are provided in the submission where commercial plantation forests and pasture are within the ONL boundary.</p> <p>I adopt the advice of B Coombs (Appendix D) and recommend the following:</p> <ul style="list-style-type: none"> • ONL8 and ONL9– While PF Olsen have identified the general areas of concern, Mr Coombs is of the opinion that the submitter should provide information showing the specific areas they seek to be excluded from the ONL. Mr Coombs notes that the areas identified is not excluded from the RPS version of the ONL. • ONL23 – remove the area as identified by PF Olsen (this change is consistent with the RPS map of the ONL).

Request	Assessment
<p>Amend the extent of the ONL15 (Bald Rock / Pukepohatu) to only the upper (more visually prominent) parts of Bald Rock such as the western side and above a certain height on the eastern side.</p> <p>Coatestone Limited [S262.2]</p>	<p>The submission opposes the identification of the majority of ONL15 (Bald Rock / Pukepohatu) and seeks that the boundaries of the ONL are amended to better enable the resumption of quarrying activities on the eastern side of the land.</p> <p>I adopt the advice of B Coombs (Appendix D) and recommend ONL15 is <u>not</u> modified to accommodate quarrying on the site.</p>
<p>Amend the extent of the ONL14 overlay from the following properties at Bream Tail so that it accurately follows characteristics and features according to the Landscape Assessment Criteria of the Regional Policy Statement:</p> <ol style="list-style-type: none"> 1. 15 Tuaraki Road, Mangawhai (LOT 6 DP 400385); and 2. 17 Tuaraki Road, Mangawhai (LOT 5 DP 400385). <p>Daytona Trust [S263.58] and others</p>	<p>I adopt the advice of B Coombs (Appendix D) and recommend ONL14 is <u>not</u> modified to exclude property specific areas at 15 and 17 Tuaraki Road, Mangawhai.</p>
<p>Remove all commercial forestry from the ONL overlay.</p> <p>Manulife Forest Management NZ Ltd [158.12]</p>	<p>The submission seeks either the blanket removal of all commercial forestry from ONL areas, or for commercial forestry activities within ONLs to be treated as a permitted activity.</p> <p>B. Coombs (Appendix D) considers that excluding all commercial forestry from ONLs is an overly broad approach that cannot reasonably be applied at a district-wide scale without more detailed guidance or a site-specific assessment of where ONL values have been compromised by forestry activities. He recommends either that ONL boundaries are <u>not</u> amended to exclude all commercial forestry, or that the RPS maps are adopted, noting that these updated maps already exclude certain plantation forestry areas.</p>

Request	Assessment
	<p>As discussed above, the RPS ONL maps are more up-to-date and exclude a number of commercial forestry areas that are currently captured within the PDP ONL maps. I agree that the PDP ONL maps should be amended to align with the more recent RPS mapping.</p> <p>Accordingly, I recommend that the PDP ONL maps be updated to reflect the RPS ONL maps in instances where the differences relate to the exclusion of commercial forestry areas.</p>
<p>Amend the description of ONL1 (Waipoua Forest) to include the Waipoua River as part of the significance of the landscape and site.</p> <p>DOC [304.122]</p>	<p>I am recommending that the ONL descriptions in Schedule 5 be deleted and instead replaced with links to the relevant mapping worksheets which provide a greater level of detail than the current descriptions (I address this under Topic 2). The worksheet includes the following <i>“The Waipoua River, contained within the area, is the most pristine full catchment river system in Northland”</i>.</p>

Table 1: Assessment of submissions seeking changes to ONL maps

4.3 Recommendations

58. I recommend the following changes to the ONL maps:

- a. Amending the PDP ONL maps to align with the RPS ONL maps in all instances where the differences relate to the exclusion of commercial forestry areas.
- b. Amending that the boundary of ONL23 (North Head Coast and Western Dune Lakes) to exclude the identified commercial forestry and pastoral areas as shown in B Coombs’ expert landscape advice (Appendix D).

59. I recommend the following changes to “SCHED5 – Outstanding Natural Landscapes (ONLs)” (refer Appendix C for specific changes):

- a. Replace the link to *Kaipara District Plan Review: Landscape Technical Report* (November 2010) with *Outstanding Natural Features and Landscapes – Mapping Methodology Report* (February 2014).
- b. Replace the ONL unit descriptions with links to the relevant worksheets on NRC’s website for each ONL unit.
- c. Add the ONL criteria from the RPS.

5. Topic 3: Overview

5.1 Introduction

60. The Overview in the NFL chapter provides the high-level context for how ONL and ONF are identified and managed in the PDP. It outlines the purpose of the NFL chapter, references the mapped overlays and supporting schedules, and explains the general approach to managing effects on the characteristics, qualities and values of ONL and ONF
61. Submissions on the Overview seek a range of amendments, including requests to strengthen the description of sensitivity to development, adjust references to supporting material, or emphasise particular components of ONL or ONF values. Some submitters seek additional detail, while others request clarifications to avoid misinterpretation.

5.2 Analysis

62. Piroa Conservation Trust [257.3] and others support the reference to “Appendix 1 of the NRPS (Appendix 1 - Mapping methods)” in the Overview but seek the addition of a reference to the Northland Regional Policy Statement Landscape Assessment Worksheets (2014) which are more detailed and recent than Kaipara’s Landscape Technical Report (2010).
63. I do not consider it necessary to reference the assessment worksheets in the Overview as Schedule 5 (which is referred to) contains the relevant detail for the ONL mapping. My discussion on the mapping methodology under the *Mapping* topic above also addresses this matter.
64. Forest and Bird [149.55] seek various amendments to the Overview. The following sets out each request and my corresponding assessment:

Request	Assessment
<p>a. Amend the second paragraph of the overview text to clearly state that natural features and landscapes are sensitive to inappropriate subdivision, use, and development, and that appropriate proposals are those that avoid adverse effects on the identified values of these areas.</p>	<p>I do not support this request.</p> <p>It is not accurate to state that only proposals that avoid all adverse effects are appropriate. Outside the coastal environment, proposals that generate adverse effects on ONL and ONF that are less than significant may still be appropriate.</p>
<p>b. Remove or reframe language that implies development may be acceptable in areas deemed ‘less sensitive,’ to avoid creating a permissive interpretation that could</p>	<p>It is not clear what specific changes are sought. The relevant sentence appears to be:</p>

Request	Assessment
<p>undermine the protection of natural character and landscape values.</p>	<p>“These areas are generally sensitive to subdivision, use and development, but there may be individual sites where it is possible to demonstrate lesser sensitivity to subdivision, use and development proposals.”</p> <p>(Bold added for emphasis).</p> <p>In my opinion the sentence is accurate and appropriate. Accordingly, I do not support any changes.</p>
<p>c. Amend the overview text to explicitly acknowledge that areas frequently contain indigenous vegetation and habitat for indigenous fauna, and that these biodiversity values are a component of the area's 'outstanding' value.</p>	<p>I do not support this request.</p> <p>While biodiversity values are a component of ONL, they are not a component of ONF. Even for ONL, biodiversity is only one of several contributing factors, and it is not clear why it should be highlighted over the other components. I also do not support providing a detailed explanation of all ONL and ONF components in the Overview, as this level of detail is not appropriate for an introductory section. The detailed explanation of the ONL and ONF components is included in schedules 4 and 5..</p>

65. V Anich [99.2] requests the addition of a statement in the Overview indicating that ONF and ONL are intended to remain undeveloped. I do not support this request, as it does not reflect the policy direction, which anticipates that a level of development within ONL and ONF may be appropriate in certain circumstances.

66. One correction to the Overview is, in my view, required—namely, an amendment to the following sentence:

“The maps are adopted from the Northland Regional Policy Statement 2016 (NRPS) and the mapping criteria are outlined in Appendix 1 of the NRPS (Appendix 1 - Mapping methods).”

67. This statement is not accurate, as neither the ONL nor ONF maps are a direct adoption of the RPS maps, as outlined in Topic 2. In my view, this should be corrected and I consider that this amendment can be made under Clause 16 as it correcting a statement of fact.

5.3 Recommendations

68. I recommend the following amendment to the Overview:

“This chapter aims to protect Outstanding Natural Features (ONF) and Outstanding Natural Landscapes (ONL) from inappropriate subdivision, use and development. It does this by managing the effects of land use and development on Outstanding Natural Features and Outstanding Natural Landscapes both within and outside the coastal environment. The District Plan Planning Maps show the Outstanding Natural Features and Outstanding Natural Landscapes in the Kaipara District, ~~and~~ Schedule 4 - Outstanding Natural Features and Schedule 5 - Outstanding Natural Landscapes identify the specific characteristics, qualities and values of these landscapes and features, ~~and the methodologies used to map them. The maps are adopted from the Northland Regional Policy Statement 2016 (NRPS) and the mapping criteria are outlined in Appendix 1 of the NRPS (Appendix 1 – Mapping methods).~~”

6. Topic 4: Objectives

6.1 Introduction

69. The PDP includes two objectives that set the overarching outcomes sought for the management of ONF and ONL. These objectives articulate the high-level direction for identifying, maintaining and enhancing the characteristics, qualities and values of ONL and ONF, and provide the basis for the more detailed policies and rules that follow.

70. Submissions on the objectives raise a range of views. Some submitters support the objectives as notified, while others seek amendments to strengthen protection of ONL and ONF, to introduce additional concepts such as ‘conservation’, or to provide more explicit recognition of regionally significant infrastructure or existing lawful activities. Several submitters also request refinements to the wording to improve clarity or alignment with the RPS.

6.2 Analysis

6.2.1 General

71. Daytona Trust [263.15 and 263.67] and others support retaining both objectives as notified,

72. Northpower [283.158] request new objectives to provide for the operational and functional need for Regionally Significant Infrastructure (**RSI**) and electricity infrastructure to be located within ONL and ONF.

73. I do not support Northpower’s request. Outcomes for infrastructure (including RSI and electricity infrastructure) are addressed in the Infrastructure and Renewable Electricity Generation chapters and inserting infrastructure-specific objectives into the NFL chapter (and similar ‘overlay’ chapters) is unnecessary and would introduce unnecessary complexity and duplication. All objectives in the PDP are to be read together and applied collectively where relevant.

6.2.2 NFL-O1

74. NFL-O1 directs that the characteristics, qualities and values of ONL and ONF are protected from inappropriate subdivision, use and development.
75. Submissions in support of retaining NFL-O1 as notified include E & J Reddy [51.6], Federated Farmers [136.77], Tappenden Holdings Limited [289.15], Bream Tail Residents Association [300.17] and Horizon Surveying & Land Development [315.30].
76. DOC [304.88] request amending NFL-O1 to read:
- “The characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes are identified and protected from inappropriate subdivision, use and development.”
77. I support the proposed addition as it reflects the fact that the PDP identifies (maps) ONL and ONF and the wording in objective 3.14 of the RPS is:
- “Identify **and protect** from inappropriate subdivision, use and development;
- (a) ...;
- (b) The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes;
- (c) ...”
- (Bold added for emphasis)

6.2.3 NFL-O2

78. NFL-O2 promote the maintenance and enhancement of ONF and ONL.
79. Submissions in support of retaining NFL-O1 as notified include E & J Reddy [51.7], Tappenden Holdings Limited [289.67], Bream Tail Residents Association [300.84] and Horizon Surveying & Land Development [315.114].
80. NZ Agricultural Aviation Association [146.30] request the following amendment:
- “The maintenance and enhancement of the characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes is promoted and provided for”
81. I do not support the requested addition. In my view, the term “promoting” is a stronger and more directive expectation than “providing for”, and therefore the addition is unnecessary. “Providing for” generally means allowing an activity within the planning framework, without actively encouraging it. “Promoting” goes further and means actively supporting or encouraging an outcome, signalling a stronger policy direction. Including “providing for” is therefore unnecessary. This approach aligns with higher-order policy direction. In particular, both NZCPS Policy 14 and RPS Policy 4.7.1 employ the term “promote” without also referencing “provide for”.
82. Piroa Conservation Trust [257.4] and others request the following addition to NFL-O2:

“The conservation, maintenance and enhancement of the characteristics...”

83. It is not clear what additional value the term “conservation” would bring to the objective and therefore I do not support its inclusion. “Conservation” generally refers to retaining existing values, whereas “maintenance and enhancement” already encompasses both retaining existing values and improving or restoring them over time.

84. Federated Farmers [136.78] request the following amendments to NFL-O2:

“To promote the maintenance and enhancement of the characteristics, qualities and values that contribute to the recognition of Outstanding Natural Features and Outstanding Natural Landscapes ~~is promoted.~~”

85. The proposed changes do not appear to alter the effect of the objective, and the rationale provided is limited to simply improving its framing. I do not support the amendment, as the notified wording is consistent with the style used throughout the Natural Environment Values chapters—identifying the subject matter at the start of the objective, followed by the intended outcome. While I agree with the principle behind adding “...that contribute to the recognition...”, I do not consider this level of detail necessary within the objective itself. I also note that I pick up this principle in my recommended amendments to relevant policies to more specifically refer to the characteristics, qualities and values that make ONL and ONF outstanding.

6.3 Recommendations

86. I recommend:

a. NFL-O1 be amended as follows:

“The characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes are identified and protected from inappropriate subdivision, use and development.”

b. NFL-O2 be retained as notified.

7. Topic 5: Policies

7.1 Introduction

87. The PDP includes a suite of policies that direct how effects on ONL and ONF are to be managed.

88. Submissions on the policies raise a broad range of issues. Several submitters support aspects of the policy framework, while others seek amendments to strengthen protection of ONL and ONF, refine terminology, or alter how effects are to be managed. Common themes include requests to align the PDP more explicitly with the RPS assessment criteria, to adjust the wording around avoiding, remedying or mitigating adverse effects, and to clarify the relationship between the outstanding values and the identification of effects. Some submitters seek greater recognition of existing lawful activities or regionally significant infrastructure, while others request additional policy direction relating to indigenous vegetation, biodiversity, or specific landscape units. Overall, the submissions reflect differing views on how directive

the policies should be and the appropriate balance between enabling development and protecting ONL and ONF values.

7.2 Analysis

7.2.1 General

89. Daytona Trust [263.16, 263.17 and 263.18] and others request that NFL-P1, NFL-P3 and NFL-P4 be amended as follows:

“The policies should ... be amended to ensure accurate inclusion in Schedule 4 or Schedule 5 of the descriptions used in the evaluation sheets which informed the RPS mapping, including a full description of the characteristics, qualities and values of the outstanding natural landscapes in each case, as is sought elsewhere in this submission. This information is not included in Schedule 4 and Schedule 5 as notified.”

90. Put simply, the submissions are seeking more detailed descriptions of each ONF and ONL, consistent with the level of detail articulated in the RPS mapping and supporting assessment material. I have largely addressed this in Topic 2 above.

91. However, the submission also highlights an issue with the way that the policies refer characteristics, qualities, and values of ONL and ONF.

92. The following is policy NFL-P3:

“Within the coastal environment, avoid adverse effects from land use and development on the **characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes as set out in Schedule 4 and Schedule 5.**”

(Bold added for emphasis)

93. This bolded wording is also used in NFL-P1 and NFL-P4.

94. In my opinion this wording - which confines the application of the policy to only those characteristics, qualities, and values of ONL and ONF as set out in Schedules 4 (ONF) and Schedules 5 (ONL) - is not consistent with the RPS. While the PDP has mapped ONL and ONF, and there are identified characteristics, qualities, and values for those mapped areas, the maps and the schedules are not the ‘final word’ on ONL and ONF for the district. It may be that through a resource consent process (for example) evidence is provided which demonstrates that the ONL and ONF mapped in the PDP is not accurate for a particular location – either in its geographic extent and/or the identified characteristics, qualities, and values. This is recognised in the RPS in Policy 4.5.2 which states:

“The Regional Policy Statement Maps of ... outstanding natural features and outstanding natural landscapes identify areas that are sensitive to subdivision, use and development. The maps of these areas identify where caution is required to ensure activities are appropriate. However, suitably qualified assessment at a site or property-specific level can be used to demonstrate lesser (or greater) sensitivity to particular subdivision, use and development proposals given the greater resolution provided.”

95. Rather, to give effect to Policy 4.5.2, the policy should in my opinion reference the characteristics, qualities, and values of ONL and ONF as assessed using the criteria in Schedule 4 (ONF) and Schedule 5 (ONL). NFL-P3 would therefore be:

“Within the coastal environment, avoid adverse effects from land use and development on the characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes identified using the criteria in as set out in Schedule 4 and Schedule 5.”

96. However, rather than repeating this throughout the relevant policies, in my opinion a more effective and explicit approach is to include a standalone policy directing that ONL and ONF are to be assessed using the Schedule 4 and Schedule 5 criteria. This is the approach used in the notified version of the Proposed Far North District Plan NFL chapter

97. I therefore recommend introducing a new policy accordingly. A consequence of adding this new policy is that reference to Schedules 4 and 5 in NFL-P1, NFL-P2, NFL-P3 and NFL-P4 is redundant and should be deleted as a consequential change. This also removes the current interpretation risk of how to apply a provision for ONL and ONF if not qualified with a reference to characteristics, and qualities and values identified in Schedules 4 and 5.

98. I consider that there is scope to recommend these amendments from the EDS submission [265.5] which seeks that the NFL chapter be amended to give effect to national direction and regional planning instruments.

99. Also, in response to the Daytona Trust [263.16, 263.17 and 263.18] and other submissions, I recommend amendments to relevant policies to clarify that the direction to avoid effects (in the coastal environment) and avoid significant effects (outside the coastal environment) applies only to the characteristics, qualities and values that make an ONL or ONF outstanding. This approach aligns with RPS Policy 4.6.1:

“...the characteristics and qualities **which make up the outstanding values** of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes”.

(Bold added for emphasis)

100. Accordingly, I recommend that following amendments to policies NFL-P3 and NFL-P4.

“...the characteristics, qualities and values that make of Outstanding Natural Features and Outstanding Natural Landscapes outstanding...”

7.2.2 NFL-P1 - Activities that maintain, restore or enhance characteristics, qualities and values

101. NFL-P1 provides direction to enable activities that deliver positive outcomes for ONL and ONF, such as conservation activities.

102. Submissions in support of retaining NFL-P1 as notified include S E & J Reddy [51.8], NZ Agricultural Aviation [146.31], and Horizon Surveying & Land Development [315.31].

103. Several submitters, including Piroa Conservation Trust [257.5], request the following addition to NFL-P1:

“Enable activities that protect, maintain, restore or enhance the characteristics...”

104. I support this addition. Adding “protect” provides clearer specificity about the types of activities that should be enabled and strengthens alignment with the RPS – specifically policy 4.7.1:
- “In plan provisions and the resource consent process, recognise and promote the positive effects of the following activities that contribute to active management:
- ...
- i) **Protection of ...**, outstanding natural landscapes or outstanding natural features either through legal means or physical works;
- ...”
- (Bold added for emphasis)
105. Federated Farmers [136.79] request the addition of the following two examples of activities to be enabled by NFL-P1:
- a. new buildings or structures where there is a functional need or operational need;
 - b. activities for health and safety or biosecurity purposes.
106. I do not support the proposed additions. The purpose of the policy is to enable activities that demonstrably benefit ONL and ONF values – not the enabling activities because of other benefits or a need to be located within ONL or ONF.
- ### 7.2.3 NPL-P2 – Enabling use and development
107. NFL-P2 provides direction to recognise existing subdivision, use and development within ONL and ONF, and confirms that these activities should be able to continue without undue restriction. Importantly, the policy acknowledges that ONL and ONF have been identified despite the presence of existing development.
108. Submissions in support of retaining NFL-P2 as notified include Federated Farmers [136.80], Clarus [309.66], Horizon Surveying & Land Development [315.115], and KiwiRail [323.56].
109. Daytona Trust [263.19] and others request the following addition to NFL-P2:
- “Recognise that lawfully established subdivision, land use and development are located...”
110. I agree that subdivision should be included. In my view the policy should recognise that all lawfully established activities form part of ONL and ONF.
111. E & J Reddy [51.9] oppose NFL-P2, and the inference is that they seek it be deleted. The submitter is concerned that NFL-P2 would allow existing activities to continue without undue restriction, particularly in relation to the quarry on Baldrock Road and the possibility of it reopening. I do not support deleting the policy. NFL-P2 appropriately recognises that some activities already exist within ONL and ONF areas, and that effects associated with maintaining or operating those authorised activities may continue. However, it is important to note that these activities do not get a ‘free pass’ - the policies directing how

adverse effects on ONL and ONF are to be managed (NFL-P3 and NFL-P4) continue to apply. This means there may be instances where the effects of an existing activity may not be appropriate.

112. Forest and Bird [149.56] request the following amendments to NFL-P2:

“Recognise that lawfully established land use and development are located within Outstanding “Natural Features and Outstanding Natural Landscapes and allow them to continue without undue restriction provided that additional adverse effects on the characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes as set out in Schedule 4 and Schedule 5 are avoided”.

113. I do not support Forest and Bird’s proposed additional clause to NFL-P2 requiring adverse effects as described to be avoided, as this outcome is already achieved through NFL-P3 and NFL-P4 and does not need to be repeated in NFL-P2. Also, the wording proposed is not consistent with NFL-P4 which directs the avoidance of significant adverse effects on ONL and ONF outside the coastal environment.

7.2.4 NFL-P3 – Adverse effects within the coastal environment

114. NFL-P3 reinforces the policy direction in the NZCPS and RPS to avoid adverse effects on the characteristics, qualities and values of ONL and ONF within the coastal environment.

115. Submissions in support of retaining NFL-P3 as notified include Federated Farmers [136.81] and Horizon Surveying & Land Development [315.116].

116. Forest and Bird [149.57] request that NFL-P3 is moved from the NFL chapter and added to the Coastal Environment chapter. They argue that all coastal environment related provisions should be in the Coastal Environment chapter.:

117. I do not support moving NFL-P3 to the Coastal Environment chapter. The National Planning Standards direct that all ONL and ONF provisions (including in the coastal environment) must be in the Natural features and landscapes chapter (direction 7.21):

“ 7. District-wide Matters Standard

...

21. If the following matters are addressed, they must be located in the Natural features and landscapes chapter:

- a. identification of features and landscapes that are outstanding, significant or otherwise valued
- b. provisions to protect and manage outstanding natural features and landscapes
- c. provisions to manage other valued features and landscapes.”

(Underlining added for emphasis)

118. DOC [304.89] request the following addition to NFL-P3:

2.

“Within the coastal environment, avoid adverse effects from subdivision, land use and development on the characteristics...”

119. I agree that “subdivision” should be included, as this aligns with the direction provided in higher-order planning instruments—for example, RPS Policy 4.61, which requires avoiding adverse effects of subdivision, use, and development on ONL and ONF in the coastal environment.
120. V Anich [99.1 and 99.4] requests that NFL-P3 provision to specifically reference Ripiro Beach.
121. I do not support the addition. It is not clear to me why reference to any particular ONL is necessary. The policy direction applies equally to all ONL.

7.2.5 NFL-P4 – Adverse effects outside the coastal environment

122. NFL-P4 gives effect to the RPS policy direction to avoid significant adverse effects on the characteristics, qualities and values of ONF and ONL outside the coastal environment.
123. Submissions in support of retaining NFL-P4 include E & J Reddy [51.10] and [DOC 304.90].
124. Federated Farmers [136.82] request the following amendments to NFL-P4,

“Outside the coastal environment, ensure the adverse effects of land use and development on the characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes set out in Schedule 4 and Schedule 5 are:

1. ~~Avoided, where the adverse effects are significant adverse effects of land use and development on the characteristics, qualities and values of ONF and ONL as set out in Schedule 4 and Schedule 5;~~
and
2. All other effects are a ~~Avoided, remedy remedied~~ or mitigated ~~other adverse effects (including cumulative adverse effects) of land use and development on the characteristics, qualities and values of ONF and ONL including by: ...”~~

a. ~~In Outstanding Natural Features, ensuring that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature;~~

b. ~~In Outstanding Natural Landscapes, ensuring that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins; and~~

c. ~~Having regard to:~~

i. ~~Integration of development into the Outstanding Natural Feature or Outstanding Natural Landscape, maintenance of low development density, and retention of predominant vegetation cover;~~

ii. ~~The location, design, scale, prominence and visibility of any buildings, structures, access, earthworks and indigenous vegetation clearance;~~

- ~~iii. Methods and timelines for restoring or reinstating earthworks and revegetating land; and~~
- ~~iv. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing.”~~

125. In relation to the amendments concerning the reference to the characteristics, qualities and values of ONF and ONL as set out in Schedule 4 and Schedule 5, I have addressed this matter above in the “General” section in this topic (Topic 5).
126. I agree that NFL-P4.2.c overlaps with NFL-P6 and that the policy framework could be simplified by integrating the relevant parts of NFL-P4.2.c into NFL-P6. The key difference, however, is that NFL-P4.2.c applies not only to resource consents but also provides direction for rules. This can be addressed by broadening the chapeau of NFL-P6 so that it applies more generally. I recommend amendments accordingly.
127. The combination of changes I am recommending to NFL-P4 and NFL-P6 would in my view address the issues identified by Federated Farmers.
128. In my view clauses NFL-P4.2.a. and 2.b. also overlap with NFL-P6. However, I am unable to find scope in submissions to integrate NFL-P4.2.a. and 2.b. into NFL-P6.
129. Forest and Bird [149.58] request the inclusion of indigenous vegetation alteration and removal as considerations with managing effects on ONL and ONF.
130. The submitter has not provided specific wording, and it is not clear what amendments would address the relief sought, particularly as the policy already refers to vegetation. I agree that retaining indigenous vegetation can help manage adverse effects on ONL. However, I do not consider it relevant for managing effects on ONF. Because ONF are geological features, their outstanding values are not influenced by the presence or absence of vegetation; in some cases, vegetation can even diminish those values by obscuring the feature itself². For these reasons, I do not support the proposed change. However, I invite the submitter to provide specific wording for consideration.
131. Piroa Conservation Trust [257.6] and others request the following amendments to NFL-P4:

“Outside the coastal environment:

1. Avoid significant adverse effects of subdivision, land use and development on the characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes as set out in Schedule 4 and Schedule 5 ; and

² Schedule 4, which sets out the details for each ONF in the district, does not include any reference to vegetation in the significance description. In addition, the methodology report for the ONF (*Outstanding Natural Features: Documenting the geoheritage values and refining the mapping of sites in Kaipara District – Methodology Report, January 2019*) assesses the vulnerability of each ONF, and vegetation clearance is not identified as an activity of concern.

2. Avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, land use and development on the characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes including by:

- a. In Outstanding Natural Features, ~~requiring ensuring~~ that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature;
- b. In Outstanding Natural Landscapes, ~~requiring ensuring~~ that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins; and
- c. Having regard to:
 - i. Integration of development into the Outstanding Natural Feature or Outstanding Natural Landscape, maintenance of low development density, and retention of predominant vegetation cover, particularly indigenous vegetation;
 - ii. The location, design, scale, prominence and visibility of any buildings, structures, and access, and the extent of earthworks and indigenous vegetation clearance, ;
 - iii. ...”

132. I agree with the addition of the word “subdivision” for the same reasons for my recommendation to include the same in NFL-P3. I also agree with changing the word “ensuring” to “requiring” as it is consistent with the wording used in RPS policy 4.6.1 which NFL-P4 gives effect to.

133. I agree that retaining indigenous vegetation can help manage adverse effects on ONL, but this is not the case for ONF as discussed above. I therefore recommend including recognition of retaining predominant indigenous vegetation but limiting it to ONL. Given my recommendation to incorporate NFL-P4.2.c. into NFL-P6, I have recommended the wording be added to NFL-P6.

134. I do not support the proposed changes to clause NFL-P4.2.c.ii because it does not add anything substantive to the policy. The concept of “extent” (in relation to earthworks and indigenous vegetation clearance) is in my opinion already captured in the existing wording—namely, “*the location, design, scale, prominence and visibility of...*”

135. Horizon Surveying & Land Development [315.32] request the consideration of lighting restrictions as an additional matter to have regard to in NFL-P4 2.c.iv. I agree that lighting can affect the characteristics, qualities, or values of ONL, and in some cases ONF. Given my recommendation to incorporate NFL-P4.2.c. into NFL-P6, my recommendation is to add the consideration of lighting to NFL-P6.

136. Chorus etc al [26.66] request the addition of the following clause to NFL-P2.2.c:

“For new Regionally Significant Infrastructure, the constraints on form and location due to operational need or functional need.”

137. I do not support this addition. The purpose of NFL-P4 is to provide direction on how effects on ONL and ONF outside the coastal environment are to be considered. The policy does not (and in my view should not) refer to the constraints or benefits of any particular type of development. Policy NFL-P5 and policies in the Infrastructure chapter are the appropriate policies for considering regionally significant infrastructure in ONL and ONF. I note INF-P5 gives specific direction on providing for regionally significant infrastructure where there is an operational and functional need to be located in ONL and ONF (and other 'overlays').

7.2.6 NFL-P5 – Regionally significant infrastructure

138. NFL-P5 provides specific policy direction for enabling regionally significant infrastructure, while managing its potential effects on ONL and ONF.

139. Submissions in support of retaining NFL-P5 as notified include Chorus et al [26.67], Clarus [309.67], Horizon Surveying and Land Development [515.117] and KiwiRail [323.57].

140. KiwiRail's submission [323.57 and 323.59] also includes a request to amend the definition of "Regionally Significant Infrastructure" to include rail infrastructure. I have not assessed this request, 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.

141. Northpower [283.157] requests the following amendments to NFL-P5:

"Enable the establishment, operation, maintenance and upgrading of regionally significant infrastructure and infrastructure in Outstanding Natural Features or Outstanding Natural Landscapes where: ..."

142. Transpower [292.67] requests amendments to add "development" to NFL-P5 and to make clear that NFL-P5 does not apply to the National Grid and adverse effects of the National Grid are managed in accordance with policy INF-P10.

143. Forest and Bird [149.59] request the addition of another clause which requires demonstration of there being no other feasible alternative locations available outside of ONL and ONF.

144. In my opinion, NFL-P5 should be deleted, with reliance instead placed on the Infrastructure chapter, which already provides the policy direction for addressing infrastructure and its effects on ONL, ONF and other overlays.

145. The Coastal Environment chapter contains an equivalent policy (CE-P5), and the Infrastructure chapter—particularly INF-P5—also provides direction on managing the effects of regionally significant infrastructure on 'overlays', including ONL and ONF. Following discussions with the s42A authors for the Coastal Environment and Infrastructure chapters, we agree that NFL-P5 and CE-P5 should be deleted, with all policy direction relating to infrastructure (including regionally significant infrastructure and the National Grid) and its effects on 'overlays' should be consolidated in the Infrastructure chapter. The Infrastructure Chapter will need to be amended to give effect to, the new and amended direction in the NPS-I and NPS-EN discussed above, including the direction for the NPS-I to be read alongside district plan provisions managing section 6 matters (including ONF and ONL) where relevant. This approach removes unnecessary duplication and avoids the risk of conflicting policy signals (as INF-P5 as notified is inconsistent with both NFL-P5 and CE-P5).

146. I note that Northpower, Transpower and Forest and Bird have all made submissions on the Infrastructure chapter and specifically on INF-P5.
147. Although no submitter specifically sought the deletion of NFL-P5, in my view it can appropriately be removed as a Clause 16 correction, as the Infrastructure chapter already addresses all matters covered by NFL-P5, its deletion removes unnecessary duplication, and it does not alter policy outcomes.

7.2.7 NFL-P6 – Assessment of resource consents

148. NFL-P6 plays an important role as it sets out the matters to be considered when assessing the effects of development on ONL and ONF, and provides direction on how those effects should be evaluated. It is also referenced in the restricted discretionary rules as the matters of discretion, and it is therefore important that it comprehensively covers the relevant considerations for making resource consent decisions.
149. E & J Reddy [51.11] supports retaining NFL-P6 as notified.
150. V Anich [99.3] requests an additional clause encouraging buildings to not be visible within ONL along the west coast when viewed from the beach, including at low tide
151. I do not support the addition. The proposed change seeks to introduce a restriction that applies to a specific location, which is not consistent with the intent of NFL-P6. The purpose of NFL-P6 is to set out a broad range of matters to be considered when assessing effects on ONL and ONF, rather than to impose location-specific controls.
152. Several submitters (including Piroa Conservation Trust [257.7]) have requested various changes to NFL-P6. The first change is “subdivision” be added as an activity to which the policy applies. For the reasons outlined in my responses to similar requests on other policies, I agree with this amendment.
153. The second request is for NFL-P6.3 to be amended as follows:
- ~~“3. The extent of the area affected and whether adverse effects are minor, more than minor or transitory. The intensity of buildings, structures or infrastructure in the locality and the landscape values of surrounding land and established activities;”~~
154. The stated reason for the change is that it largely repeats clause 3 and the intensity of development in the area surrounding an ONL should not determine the density of the same in the ONL.
155. Clause 4 reads:
- “4. The location, scale and design of proposed development including in relation to ridgelines, skylines and prominent headlands, the values of surrounding land and established activities and visibility from roads and public places;”
156. There is a practical difference between Clause 3 and Clause 4. Clause 3 relates to the existing environment, whereas Clause 4 concerns the effects of the proposed development. Although both clauses refer to the “values of surrounding land” and “established activities,” which creates some overlap, I consider that the wording of both clauses can be refined to more clearly distinguish their purposes. Before

turning to that, however, I address the submitter's proposed alternative wording for Clause 3—which I do not support.

157. The proposed replacement wording refers to “minor” and “more than minor” adverse effects, but it is not clear why these effects thresholds are relevant. The policy direction is to avoid adverse effects, and to avoid significant adverse effects, on ONL and ONF within and outside the coastal environment respectively. Introducing different effects thresholds would therefore be inconsistent with that framework. In addition, the consideration of adverse (and positive) effects is already addressed in Clause 2.
158. The following is my recommended changes to clauses 3 and 4:

“3. ~~The existing context, including the intensity, scale, and characteristics of the land use and development in the locality and the characteristics, qualities and values of the landscape or feature; The intensity of buildings, structures or infrastructure in the locality and the landscape values of surrounding land and established activities;~~

4. The location, scale and design of the proposed development including in relation to ridgelines, skylines, ~~and~~ prominent headlands, existing land use and development, and the values of surrounding land and established activities and visibility from roads and public places;”

159. In my opinion these changes strengthen the policy, make it easier to apply in practice, and remove internal redundancy.

160. The third request is for clause 6. to be amended as follows:

“6. The degree of modification, damage, loss or destruction that will result from the activity in terms of vegetation clearance and earthworks ~~The need for, extent, design, location and visibility of earthworks and vegetation clearance;~~ and”

161. The rationale for the proposed amendment is that the emphasis should be on the effects rather than than the need for earthworks and vegetation clearance activities.

162. I do not support the submitters' amendment to Clause 6. While the submitters seeks a stronger focus on the effects, the notified clause already enables an effects-based assessment by identifying the key parameters that drive those effects. In my opinion the proposed replacement wording is narrow, duplicates matters addressed elsewhere in the policy (including Clause 2), and removes the practical assessment factors required for a coherent landscape and visual effects assessment. However, I agree that “need” is not essential for assessing effects, and it is not clear to me why “need” has been singled out for earthworks and indigenous vegetation clearance and not other types development. On that basis, I recommend retaining the clause but with “need” deleted.

163. The last request is to add a new clause:

8. The maintenance of established areas and patterns of indigenous vegetation cover

164. The submitters have not provided any rationale for this change, and it is not immediately apparent to me why the change has been requested. However, I note that in response to the submission from Federated Farmers on overlaps between NFL-P4 and NFL-P6, and the submissions from Piroa Conservation Trust

and others on NFL-P4, I have recommended a new clause 8 which refers to the extent of indigenous vegetation cover retained in ONLs.

165. Daytona Trust [263.20] and others request the addition of a clause requiring consideration of whether land use and development is located on a previously approved building platform, or is necessary to provide access to such a platform.

166. I support adding a clause that directs decision-makers to have regard to whether the proposed land use or development has already been assessed through a previous resource consent process, including development on a consented building platform and associated access. Recognising prior assessments improves consistency, avoids unnecessary re-litigation of matters already tested, and ensures proportional effort—particularly where the current proposal sits within the scale, location and design envelope anticipated by the earlier consent. At the same time, the clause can still promote a fresh look at any new or materially different effects or circumstances. I recommend the following new clause:

“The degree to which the proposal has been anticipated through a previous resource consent process, including development on and access to building platforms approved through a subdivision.”

167. DOC [304.91] requests that a clause be added to NFL-P6 requiring an ecological assessment in accordance with Appendix 5 of the RPS, which sets out the criteria for determining significant indigenous biodiversity. I do not support this change. The focus of the NFL chapter is to manage effects on ONL and ONF, not to assess ecological significance. Direction on ecological effects and significance assessment is provided in the Ecosystems and Indigenous Biodiversity chapter.

168. Horizon Surveying & Land Development [315.33] request NFL-P6.2 be amended to include positive effects on the restoration and enhancement of ONL and ONF.

169. While I agree with the principle, I do not consider it necessary to include a new clause, as positive effects are already captured within Clause 2.

170. Federated Farmers [136.83] request a range of amendments to NFL-P6:

“Have regard to the following matters when assessing the effects of resource consent applications for land use and development on the characteristics, qualities and values of ~~in~~ Outstanding Natural Feature and Outstanding Natural Landscapes set out in Schedule 4 and Schedule 5: ...

X1. The operational need or functional need of any building or structures;

X2. Integration of development into the Outstanding Natural Feature or Outstanding Natural Landscape, maintenance of low development density, and retention of predominant vegetation cover;

X3. The location, design, scale, prominence and visibility of any buildings, structures, access, earthworks and indigenous vegetation clearance;

X4. Methods and timelines for restoring or reinstating earthworks and revegetating land; and

X5. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing.”

171. My responses to this submission are as follows:

- a. I have already addressed (and agreed with) the inclusion of clauses (with refinements) from NFL-P4 to NFL-P6, in response to the Federated Farmers submission on NFL-P4.
- b. I do not consider it is necessary to add "...on the characteristics, qualities and values of..." to the chapeau of NFL-P6 as this is clarified within clause 2 and my recommended wording for clause 3. However, I do agree with deleting "in" and replacing with "on", to clarify that the policy applies to any development that impacts ONL and ONF and not just development in ONL and ONF.
- c. I do not support including references to Schedules 4 and 5, as I have recommended introducing a new policy that directs the identification and assessment of ONL and ONF using those schedules. In my view, this makes additional references within NFL-P6 unnecessary.
- d. I agree with including a clause that requires consideration of the operational or functional need for buildings and structures. However, I consider this should be extended to all development, including earthworks and indigenous vegetation clearance. Recognising operational or functional need is important because, in some instances, development is genuinely constrained in where it can be located, and this is a relevant consideration when assessing effects on ONL and ONF values.
- e. I do not agree with including the proposed clause "Integration of development into the Outstanding Natural Feature or Outstanding Natural Landscape, maintenance of low development density and retention of predominant vegetation cover." In my view, these matters are already addressed by the notified clauses or by the additional clauses I have recommended.

7.3 Recommendations

172. I recommend the following changes to the NFL chapter policies:

NFL-PX	<u>Characteristics, qualities and values of ONL and ONF</u>
<u>Identify Outstanding Natural Features and Outstanding Natural Landscapes through an assessment of the characteristics, and qualities and values using the criteria in Schedule 4 (ONF) and Schedule 5 (ONL)</u>	

NFL-P1	Activities that maintain, restore or enhance characteristics, qualities and values
Enable activities that protect , maintain, restore or enhance the characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes as set out in Schedule 4 and Schedule 5 , including conservation activities and the removal of redundant buildings and structures.	

NFL-P2	Existing <u>subdivision</u>, use and development
Recognise that lawfully established <u>subdivision</u> , land use and development are located within Outstanding Natural Features and Outstanding Natural Landscapes and allow them to continue without undue restriction.	

NFL-P3	Adverse effects within the coastal environment
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Within the coastal environment, avoid adverse effects from subdivision, land use and development on the characteristics, qualities and values that make of Outstanding Natural Features and Outstanding Natural Landscapes outstanding³ ~~as set out in Schedule 4 and Schedule 5.~~

NFL-P4	Adverse effects outside the coastal environment
<p>Outside the coastal environment:</p> <ol style="list-style-type: none"> 1. Avoid significant adverse effects of <u>subdivision</u>, land use and development on the characteristics, qualities and values <u>that make of</u> Outstanding Natural Features and Outstanding Natural Landscapes <u>outstanding as set out in Schedule 4 and Schedule 5</u>; and 2. Avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of <u>subdivision</u>, land use and development on the characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes including by: <ol style="list-style-type: none"> a. In Outstanding Natural Features, <u>requiring ensuring</u> that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature; b. In Outstanding Natural Landscapes, <u>requiring ensuring</u> that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins; and e. Having regard to: <ol style="list-style-type: none"> i. Integration of development into the Outstanding Natural Feature or Outstanding Natural Landscape, maintenance of low development density, and retention of predominant vegetation cover; ii. The location, design, scale, prominence and visibility of any buildings, structures, access, earthworks and indigenous vegetation clearance; iii. Methods and timelines for restoring or reinstating earthworks and revegetating land; and iv. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing. 	

NFL-P5	Regionally significant infrastructure
<p>Enable the operation, maintenance and upgrading of regionally significant infrastructure in Outstanding Natural Features or Outstanding Natural Landscapes where:</p> <ol style="list-style-type: none"> 1. There is an operational need or functional need to be in that particular location; and 2. Adverse effects on the characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes are avoided, remedied or mitigated in accordance with NFL-P3 and NFL-P4. 	

NFL-P6	Assessment of resource consents
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³Daytona Trust [263.16]

Have regard to the following matters when assessing and managing the effects of resource consent applications for subdivision, land use and development on ~~in~~ Outstanding Natural Features and Outstanding Natural Landscapes:

1. The physical and visual integrity and any fragmentation of the landscape or feature, and its sensitivity or vulnerability to change;
2. Adverse and positive effects on identified characteristics, qualities and values of the landscape or feature;
3. The existing context, including the intensity, scale, and characteristics of the land use and development in the locality and the characteristics, qualities and values of the landscape or feature. The intensity of buildings, structures or infrastructure in the locality and the landscape values of surrounding land and established activities;
4. The location, scale and design of the proposed development including in relation to ridgelines, skylines ~~and~~ prominent headlands, existing land use and development, and its the values of surrounding land and established activities and visibility from roads and public places;
5. Integration of the building, structure, access or activity into the landscape or feature, including materials, reflectivity, colour, landscaping, ~~and~~ fencing, lighting and development density;
6. The ~~need for~~, extent, design, location and visibility of earthworks and vegetation clearance; ~~and~~
7. Historical or cultural associations with the feature or landscape;
8. The retention of predominant indigenous vegetation cover in the landscape;
9. Methods and timelines for restoring or reinstating earthworks and revegetating land;
10. The operational or functional need for the proposed development to be located in the landscape or feature; and
11. The degree to which the proposal has already been anticipated through a previous resource consent process, including development on and access to building platforms approved through subdivision.

8. Topic 6: Rules

8.1 Introduction

173. The PDP manages activities within ONL and ONF through a suite of rules that specify which activities are permitted, require resource consent, or are prohibited. The rules apply to buildings and structures, earthworks, indigenous vegetation clearance, and regionally significant infrastructure, and are structured to reflect the differing policy direction inside and outside the coastal environment. The rules work in tandem with the standards to control the scale and nature of development.
174. Submissions on the rules cover a wide spectrum of views. Some submitters seek a more enabling framework, including broader permitted activity provisions for farming activities, infrastructure, maintenance works, and small-scale development. Others request a more restrictive approach, including prohibiting certain activities or a more stringent activity status for earthworks and indigenous vegetation clearance. Several submissions also question the consistency and logic of the current rule structure, particularly the differing treatment of activities inside and outside the coastal environment and the approach to regionally significant infrastructure.

8.2 Analysis

8.2.1 General – Commercial forestry

175. PF Olsen Ltd [73.11 and 73.12] and Manulife Forest Management NZ Ltd [158.5 and 158.6] have requested “forestry tracks” in NFL-R3 and NFL-R4 that it be constrained to “commercial forestry tracks”. The submitters’ rationale is that the change is necessary to ensure consistency throughout the PDP.
176. I do not consider it necessary or appropriate to limit this provision to *commercial* 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.

8.2.2 General – Regionally significant infrastructure

177. I have concerns about the way the current rules provide for regionally significant infrastructure (RSI) – namely the inconsistency in approach across the rules and the application of policy direction. There are no submissions that specifically identify this inconsistency in the approach to RSI. However I refer to submissions at the end of this section which in my view provide the scope for my recommended changes.
178. Before turning to the rule-by-rule assessment, it is useful to outline the relevant national policy direction for regionally significant infrastructure (RSI). In assessing the provisions, I have given primacy to the most recent national policy statement direction, rather than the notified PDP policy framework.
179. There is a consistent direction across the NPS-I, NPS-EN and NPS-REG to provide for infrastructure (including RSI) across all environments, recognising its functional and operational importance and broader public benefits. However, this enabling direction is not absolute. This policy direction must be considered alongside the policy direction to avoid adverse effects on ONL and ONF within the coastal environment, and to avoid significant adverse effects on those values outside the coastal environment. The practical effect of applying this policy framework to the rules for RSI is that, while RSI does not receive a ‘free pass’, it may be afforded a degree of flexibility—for example, through a less restrictive activity status or a greater scale of development—where this is justified by its functional or operational importance.
180. Turning to the inconsistency across the rules, the following table summarises how RSI is addressed in the NFL chapter rules as notified (all the rules in the NFL chapter apply to RSI).

(CE = coastal environment)

	ONL		ONF	
	Within CE	Outside CE	Within CE	Outside CE
Alteration or extension to RSI (NFL-R1)	Permitted if meets standards. Otherwise restricted discretionary.			
Maintenance and upgrade of existing network utilities (Structural work only) (NFL-R5)	Permitted if meets standards. Otherwise discretionary.			
New building or structure associated with RSI (NFL-R2)	Permitted	Permitted if ancillary to existing RSI and meets standards. Otherwise restricted discretionary.	Permitted	Permitted if ancillary to existing RSI and meets standards. Otherwise restricted discretionary.
Indigenous vegetation clearance associated with RSI (NFL-R3)	Permitted	Permitted if for operation, repair or maintenance. Otherwise restricted discretionary	N/A	N/A
Earthworks associated with RSI (NFL-R4)	Discretionary	Permitted if complies with standards. Otherwise restricted discretionary	Discretionary	Permitted if complies with standards. Otherwise restricted discretionary

Table 2: Summary of RSI NFL chapter rules in notified PDP.

181. My concerns with the notified rules for RSI are:

- a. For buildings, structures and indigenous vegetation clearance the rules are more stringent outside the coastal environment than inside (if anything, it should be the other way round given the difference in 'avoid effects' policy direction)
- b. The rules for earthworks are considerably more stringent than the rules for other activities within the coastal environment, and there is no clear rationale for this.

2.

- c. The permitted activity rules for buildings, structures, and indigenous vegetation clearance in the coastal environment allow for any type and scale of RSI. This effectively gives RSI a “free pass” that goes well beyond the scope of what the policy framework intends to enable and could readily result in adverse effects on ONL and ONF —particularly in relation to new RSI.

182. In my view, a more appropriate rule framework for RSI which provides a clearer and more balanced relationship between the enabling provisions and the ‘avoid effects’ policies is set out in the following table:

	ONL		ONF	
	Within CE	Outside CE	Within CE	Outside CE
Alteration or extension to RSI (NFL-R1)	Permitted if meets <u>upgrade</u> standards. Otherwise restricted discretionary.			
Maintenance and upgrade of existing network utilities (Structural work only) (NFL-R5)	Permitted if meets standards. Otherwise discretionary. (This rule can be consolidated into NFL-R1 – refer NFL-R5 section)			
New building or structure associated with RSI (NFL-R2)	<u>Permitted Discretionary</u>	Permitted if ancillary to existing RSI and meets standards. Otherwise restricted discretionary. <u>Restricted discretionary</u>	<u>Permitted Discretionary</u>	Permitted if ancillary to existing RSI and meets standards. Otherwise restricted discretionary. <u>Restricted discretionary</u>
Indigenous vegetation clearance associated with RSI (NFL-R3)	<u>Permitted if for operation, repair or maintenance, or minor upgrading</u> <u>Otherwise Discretionary</u>	<u>Permitted if for operation, repair or maintenance, or minor upgrading.</u> Otherwise restricted discretionary	N/A	N/A

	ONL		ONF	
	Within CE	Outside CE	Within CE	Outside CE
Earthworks associated with RSI (NFL-R4)	Discretionary <u>Permitted if for operation, repair or maintenance, or minor upgrading</u> Otherwise discretionary	Permitted if for <u>operation, repair or maintenance, or minor upgrading.</u> complies with standards. Otherwise restricted discretionary	Discretionary <u>Permitted if for operation, repair or maintenance, or minor upgrading</u> or maintenance, or minor upgrading Otherwise discretionary	Permitted if for <u>operation, repair or maintenance, or minor upgrading.</u> complies with standards. Otherwise restricted discretionary

Table 3: Recommended rule framework for RSI in the NFL chapter

183. In my opinion the proposed rule framework is appropriate because:

- a. Existing RSI is often already situated in ONL and ONF because of technical, operational, or functional constraints. Relocating is often unlikely to be feasible without compromising its operation.
- b. The presence of RSI means the surrounding ONL or ONF has already absorbed its effects, significantly reducing the likelihood of new or additional undue adverse effects from ongoing operation, maintenance, repair, or minor upgrades. Minor works necessary to operate or maintain existing RSI should not trigger consent processes when the risk of undue adverse effects is low.
- c. Stricter tests should apply to new RSI - not existing RSI. New development is more at risk (compared to activities associated with existing RSI) of resulting in inappropriate and unacceptable adverse effects. By distinguishing clearly between existing RSI and *new* RSI, the revised framework avoids the problem identified in the notified rules where large-scale new RSI could have been permitted in ONL and ONF without sufficient oversight.
- d. The default activity status for activities in an ONL or ONF within the coastal environment that do not meet the permitted activity rule is non-complying, which I support. A non-complying activity status is typically applied where activities are likely to be contrary to policy direction and/or where their potential effects are too great. However, RSI is supported by strong enabling policy. As a result, while RSI proposals may not always achieve the 'avoid effects' policy threshold, the strength of the enabling policy framework, in my view, justifies a discretionary activity status rather than non-complying.
- e. The alternative to a discretionary activity for RSI activities in an ONL or ONF within the coastal environment would be to apply a restricted discretionary activity status, resulting in the same activity status as applies outside the coastal environment. While I acknowledge the argument that the

framework should focus on managing effects on ONLs and ONFs, I consider that a discretionary activity status is more appropriate in the coastal environment because:

- i. ONLs and ONFs in the coastal environment are subject to a higher level of protection, including stronger expectations to avoid adverse effects. This supports a more cautious approach than applies outside the coastal environment; and
- ii. RSI activities can be complex, site-specific, and hard to fully predict, particularly because of their scale, functional needs, and limited location options. A restricted discretionary framework relies on defining effects in advance, which may not always capture everything that could arise. While this risk is likely to be low given the broad matters of discretion, it still supports allowing a more flexible assessment.

For these reasons, I consider that a discretionary activity status better enables a broader and more flexible assessment of effects, and reflects the need for greater scrutiny of RSI within ONLs and ONFs in the coastal environment. However, I acknowledge this is a finely balanced judgement and welcome submitter feedback on whether a restricted discretionary framework could achieve similar outcomes.

184. Note – while the framework above outlines the overall approach, it does not capture the full detail of the rules. That detail, including rule-specific interpretation and recommended amendments, is addressed in the analysis of each rule below.
185. There are various submissions that in combination provide the scope for these changes:
 - a. Submissions seeking more lenient rules for RSI: Transpower [292.68, 292.83, and 292.84], Chorus et al [26.68], and Northpower [283.160 and 283.161].
 - b. Submissions seeking more stringent rules for RSI: Evolve Planning and Landscape Architecture [50.24 and 50.25], and Chorus et al [26.70] and Environmental Defence Society [265.5].

8.2.3 General – Approach to ONL and ONF

186. There is a wide range of submissions seeking changes to the NFL chapter rules, ranging from requests for more stringent controls through to those seeking a more enabling approach. I address these submissions later in this topic; however, before doing so, it is helpful to outline my overall views on the approach taken to the NFL chapter rules.
187. In my view, the NFL chapter rules for buildings, structures, earthworks and indigenous vegetation clearance take an overly conservative approach to managing effects on ONL and ONF, particularly outside the coastal environment.
188. The general thrust of the NFL chapter rules as notified for these activities in ONL and ONF is as follows:

ONL and ONF	Summary of rules
<u>Outside</u> the coastal environment	Permitted: Limited types of small-scale development Otherwise restricted discretionary.
<u>Within</u> the coastal environment	Permitted: Regionally significant infrastructure only ⁴ Otherwise non-complying

Table 4: Summary of ONL and ONF rules.

189. ONL are, by definition, landscape-scale areas and are generally large in extent. Small-scale development can often occur within ONL with effects that are imperceptible in the context of the wider landscape. Many ONL also contain existing development, meaning that the effects of new development are frequently absorbed or muted by the already modified environment.
190. ONF are typically more discrete than ONL. As a result, if an ONF is vulnerable to development, it is less able to absorb the activity without undue effects. However, not all ONF have the same level of vulnerability. As outlined in the ONF assessment report⁵, ONF are categorised according to their geological characteristics and their susceptibility to modification. ONF in categories ‘A’ and ‘D’ are generally more resilient, being larger and more robust features that can accommodate small-scale activities without undue adverse effects. In contrast, the remaining ONF categories are more sensitive to change and therefore require a more precautionary management approach.
191. For these reasons, I consider the current permitted activity thresholds in NFL-R2, NFL-R3 and NFL-R4 to be overly conservative. A more flexible and nuanced approach is warranted—both to enable an appropriate range of small-scale activities and to better reflect differences in vulnerability to adverse effects. As currently drafted, the rules in my opinion apply the ‘avoid’ policy direction too rigidly, resulting in a disproportionate consenting burden for activities that are unlikely to generate undue adverse effects on ONL or ONF values. This provides the context for my assessment of the submissions seeking changes to NFL-R2, NFL-R3 and NFL-R4 which I address later in this report.
192. Many submissions seek to either broaden the range of permitted activities or reduce the overall stringency of these rules. In assessing whether an activity should be permitted, the primary consideration is whether it can avoid adverse effects on ONL and ONF in the coastal environment, and avoid significant adverse effects outside the coastal environment. Some judgement is required, as many activities have the potential to exceed these thresholds in certain circumstances. Applying a strict test that excludes any activity with even a theoretical risk of adverse effects would be unrealistic. In my view, the key

⁴ Earthworks is the exception as discussed in the regionally significant infrastructure section above.

⁵ The report that details how ONF were determined and assessed - Hayward, B. (2016). *Outstanding Natural Features Identifying and Mapping sites in Far North District Council: Methodology Report*.

consideration is the likelihood that the thresholds would be exceeded for a typical instance of the activity; where that likelihood is low, the activity can reasonably be provided for as a permitted activity.

193. Also relevant is the extent to which an activity is supported by enabling policy. For example, the Infrastructure chapter's policies promoting the enablement of infrastructure, and NFL-P2 recognises that existing development should be able to continue without undue restriction. 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 the likelihood of adverse effects. In other words, where the default expectation is that the likelihood must be 'low', a marginally higher likelihood of adverse effects may be acceptable for these types of activities
194. With these factors in mind, I have used the following questions as criteria to determine whether additional activities requested by submitters are appropriate for permitted activity status in ONL and ONF (with appropriate standards as applicable):
- a. Is there a low likelihood of the proposed activity avoiding adverse effect on ONL and ONF in the coastal environment, and avoiding significant adverse effects on ONF and ONL outside the coastal environment?

(If yes, then it is generally appropriate to provide for the activity as a permitted activity).
 - b. Are the effects of the activity on ONL and ONF to be the 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 ONL and ONF?

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

8.2.4 General - Permitted activity limits

196. A key feature of the rules is the use of limits for permitted activities. These limits specify the maximum area of indigenous vegetation clearance, gross floor area for buildings, and volume of earthworks. In most cases, these limits are set out in the standards section of the relevant chapter.

197. In evaluating these limits, I have drawn on the matrix below to check consistency across the overlays that are subject to policy direction requiring either the avoidance of significant adverse effects or the avoidance of adverse effects. I have also applied this matrix in the Natural Character section 42A report and discussed its use with the author of the Coastal Environment section 42A report (Jerome Wyeth), who also intends to adopt it.

198. 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. Scale of the area is important because larger areas (such as ONL) are generally more able to absorb development without undue effects compared to smaller areas (such as ONF).

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

199. It is important to note that the matrix is intended as a guide only. The way 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 of the rules, but rather as a comparative tool to illustrate the relative scale of permitted activities across different overlays notified and recommended in this section 42A report.
200. The recommended limits in the table for ONL and ONF (the [figures in blue](#)) are discussed later in this report, but have been included here to provide context for the matrix and to demonstrate how the limits reflect the differing vulnerability and policy direction applying to each overlay. The limits have been reviewed by B Coombs (refer Appendix D), who considers them to be appropriate.
201. Forest and Bird [149.60] request that all the NFL permitted activity rules require compliance with the earthworks and indigenous vegetation clearance standards (NFL-S4 and NFL-S5 respectively). While it is not completely clear, my understanding of the concern is that under NFL-R3 and NFL-R4 indigenous vegetation clearance and earthworks can be undertaken as permitted activities if in compliance with the standards or if for one of the specified purposes. Forest and Bird appear to be requesting that the standards also apply to the specified purposes.
202. I do not support Forst and Bird’s request as in my opinion it is appropriate to include permitted activities for indigenous vegetation clearance and earthworks that meet either the standards or for specified purposes. I address this in detail under NFL-R3 and NFL-R4 later in this report. Put simply, in my view the specified purposes provided for in the rules (as per my recommendations) are an appropriate reflection of the policy direction for managing adverse effects on ONL and ONF and the direction to enable various activities.

8.2.5 General – new electricity and telecommunications infrastructure

203. Northpower [283.163] request a new rule as follows:

“Infrastructure within a site containing an Outstanding Natural Landscape or Outstanding Natural Feature

Activity Status: Restricted Discretionary

This rule shall not apply to:

1. Infrastructure that is located underground;
2. Operation, maintenance, repair or upgrading of any existing above ground infrastructure;
3. Connections to buildings or structures for network utilities;
4. New Small-scale Electricity and Telecommunications Assets; or
5. New above ground infrastructure that is wholly located within the road reserve.

Matters of discretion are restricted to:

- a. The matters in NFL-P6; and
- b. The positive effects of the activity”

204. I have recommended various changes to the rules (as detailed later in my report) that provide for aspects of the relief sought. In summary:

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- a. Additions and alterations to infrastructure that do not comply with the permitted activity standards are provided for as restricted discretionary activities under NFL-R1 or NFL-R5.
 - b. New infrastructure that does not comply with the permitted activity standards in NFL-R2 is provided for as a restricted discretionary activity within Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF) outside the coastal environment.
 - c. Indigenous vegetation clearance and earthworks associated with a range of infrastructure activities (including operation, repair, and maintenance) are provided for as permitted activities under NFL-R3 and NFL-R4 respectively. Where these activities do not comply with the permitted activity standards, they are provided for as restricted discretionary activities in ONL and ONF outside the coastal environment.
205. The remaining aspect of Northpower's request relates to new infrastructure (including associated vegetation clearance and earthworks) within ONL and ONF within the coastal environment that does not comply with the permitted activity standards.
206. In my opinion, it is appropriate that new infrastructure that is not regionally significant in ONL and ONF within the coastal environment is classified as a non-complying activity. While I acknowledge that the NPS-I and NPS-EN) places increased emphasis on enabling infrastructure, I consider that reducing the activity status to restricted discretionary in this context would extend that direction too far when balanced against the policy direction to avoid adverse effects on ONL and ONF. As discussed above in section 8.2.2 (General – Regionally significant infrastructure), I support regionally significant infrastructure being provided for as a discretionary activity, recognising its relative significance. However, I do not consider that this should extend to all infrastructure.
- ### 8.2.6 NFL-R1 - External additions and alterations to existing buildings or structures
207. NFL-R1 sets out the rules for additions and alterations to existing buildings and structures. NFL-R1 references standards "NFL-S2 Gross floor area" and "NFL-S3 Exterior colour and reflectivity".
208. Submissions in support of retaining NFL-R1 as notified include Clarus [309.68], Horizon Surveying & Land Development [315.34] and KiwiRail [323.58].
209. Several submitters including Daytona Trust [263.21] request the deletion of the reference to NFL-S2 on the basis that external additions and alterations to existing buildings or structures should not be limited to gross floor area, and suggest replacing with NFL-S6 Minor upgrading which allows for a 20% increase in gross floor area.
210. I do not support this request. In my view, retaining a maximum floor area standard for permitted additions provides a clear and consistent limit on the scale of development in ONL and ONF. This ensures that permitted additions do not exceed the same gross floor area thresholds that apply to new buildings under NFL-R2 (including my recommended amendments).
211. Federated Farmers [136.84] request that the discretionary activity status of NFL-R1.3 be amended to restricted discretionary. I support this change, as there is no clear justification for the activity remaining discretionary when equivalent rules elsewhere in the NFL chapter adopt a restricted discretionary

framework. In addition, the effects associated with non-compliance with the permitted activity standards are well understood and can be appropriately managed through the same matters of discretion as used in the equivalent rules.

212. I note that that there is an error with the numbering in NFL-R1 – NFL-R1.3 should be NFL-R1.2. This change can be made as a Clause 16 amendment.

8.2.7 NFL-R2 – New buildings and structures

213. NFL-R2 applies to new buildings and structures in ONL and ONF.

214. Uniquely, NFL-R2 includes rules for buildings and structures within two specific developments—Bream Tail and Mangawhai Heads. I address this further later in this section.

215. NFL-R2 also includes general rules for new buildings and structures, which put simply, are structured as follows:

ONF and ONL	Summary
<u>Outside</u> the coastal environment	Permitted – small scale structures associated with existing activity or approved developments (NFL.R2.1) Otherwise restricted discretionary (NFL.R2.3)
<u>Within</u> the coastal environment	Permitted – regionally significant infrastructure (NFL.R2.6) Otherwise non-complying (NFL-R2.7)

Table 5: Summary of ONF and ONL rules in and outside the coastal environment

216. Submitters supporting NFL-R2 as notified include Horizon Surveying & Land Development [315.118], KiwiRail [323.59] and Clarus [309.69].

217. I address the submissions requesting changes to NFL-R2 in two parts. First, I consider the submissions on the provisions that apply generally followed by the submissions on the Bream Tail and Mangawhai Heads–specific provisions.

NFL-R2 – general provisions

218. Several submitters (including Piroa Conservation Trust [257.8]) requested that NFL-R2.3 be changed from restricted discretionary to non-complying. This would mean that any activity that could not comply with the permitted activity rules would default to non-complying. The submitters’ rationale for the change is:

“This status requires adverse effects to be minor and not contrary to the Plan’s objectives and policies.”

219. I do not support this request, as I do not agree with the rationale provided. I am not aware of any requirement that a restricted discretionary activity status can only be applied where an activity’s effects is minor and not contrary to the objectives and policies. In my view, there are likely to be many types of activities that do not meet the permitted activity standards but are still consistent with the ONL and ONF objectives and policies.
220. Several submitters have requested that NFL-R2 be amended to either broaden the range of activities permitted under the rule or reduce the level of control. The following table summarises the requested changes and provides my assessment of each.

Request	Assessment
<p>Amend NFL.R2.1 so that it also applies within the coastal environment.</p> <p>Daytona Trust [263.22] and others</p>	<p>The request seeks to allow the activities provided for in NFL-R2.1 across all ONL and ONF, regardless of whether they are within the coastal environment. I support this in principle, as the activities in NFL-R2.1 are, in my view, capable of occurring in ONL and ONF with a low likelihood of undue effects. However, as outlined later in this section and in my assessment of the standards (NFL-S1 and NFL-S2) I am recommending a refinement of the standards to reflect the risk of undue effects depending on the sensitivity of the ONL or ONF.</p>
<p>Amend NFL-R2.1:</p> <p>“The building or structure is:</p> <p>i. Ancillary to an existing lawfully established activity; or</p> <p>ii. On a building platform identified in an existing approved subdivision consent and/or land use consent lodged with Council prior to 30 April 2025; and”</p> <p>Daytona Trust [263.22] and others</p>	<p>I agree with this amendment in principle.</p> <p>The date appears to be a proxy for the notification of the PDP (28 April 2025), but the s32 report does not explain why this cutoff is necessary, and there is no clear resource management reason for limiting the rule’s benefit to building platforms approved before that date. The subdivision or land-use consent process would already have considered the effects of building on the platform at a broad level. Accordingly, if a building platform is approved and landscape effects assessed, it is appropriate in my view to provide for a certain level of development on the building platform as a permitted activity.</p> <p>However, I do not consider that this should operate as a ‘free pass’ for any level of development on an approved building platform. Subdivision consents in ONL typically identify a building platform, assess the broad envelope of effects associated with future buildings, and impose any necessary controls through consent notices on the title. My concern is that allowing subsequent buildings on those platforms to proceed as a permitted activity (beyond a default minimum scale) would shift the burden of managing detailed effects to the subdivision stage. This would incentivise more prescriptive and restrictive consent notices to pre-emptively control all future development effects.</p>

Request	Assessment
	<p>In contrast, requiring a subsequent land-use consent for the building—provided it remains within the effects envelope anticipated by the subdivision consent—allows the detailed design to be assessed at the appropriate stage. This avoids overly prescriptive consent notices and provides greater flexibility for landowners while still ensuring that the effects of the final building design are appropriately managed.</p> <p>For these reasons, I consider that buildings on approved building platforms should be a controlled activity, provided they fall within the effects envelope anticipated by the subdivision consent. This approach maintains Council's ability to manage design details while giving landowners certainty that consent will be granted.</p> <p>The following are the recommended entry requirements for such a controlled activity rule:</p> <ul style="list-style-type: none"> a. The approved building platform forms part of an <u>existing</u> subdivision consent (i.e. it has not lapsed or expired). b. The new building must be a residential unit. This is to limit the possibility of other substantive types of building. I note that my recommended changes will permit smaller buildings (such as a garage) in all ONL and ONF. c. An expert landscape assessment was undertaken as part of the existing subdivision consent to ensure landscape effects were carefully considered at the time of subdivision. <p>I note that this approach is the same as I recommended in my s42A report for the NFL chapter rules in the Far North Proposed District Plan.</p>
<p>Permit regionally significant infrastructure outside the coastal environment.</p> <p>(As notified, NFL-R2 permits regionally significant infrastructure in ONF and ONL within the coastal environment with no controls, but not outside the coastal environment.)</p>	<p>As discussed in the “<i>General – regionally significant infrastructure</i>” section above, I have concerns about applying a blanket permitted activity status to regionally significant infrastructure (RSI) of any scale. In summary, my recommendation is to permit additions, alterations, and minor upgrading of RSI in ONL and ONF (via NFL-R1 and NFL-R5). Beyond this, in my view, no further RSI buildings or structures should be permitted other than those already enabled through the general NFL-R2 provisions.</p>

Request	Assessment
<p>Northpower [283.159]</p> <p>Transpower [292.68]</p> <p>Chorus et al [26.68]</p>	
<p>Discretionary to be the most restrictive activity status for regionally significant infrastructure.</p> <p>Transpower [292.68]</p>	<p>I addressed this above in “<i>General – regionally significant infrastructure</i>” section above. In summary, I support the request.</p>
<p>Permit new buildings and structures associated with farming in all ONL and ONF.</p> <p>Federated Farmers [136.85]</p>	<p>I do not support the request, as the activities are broadly framed and it is unclear what scale or type of buildings could be enabled. Without this clarity, there is an unacceptable risk that the rule could permit development that exceeds the thresholds appropriate for ONL and ONF. However, I invite the submitter to provide more specific information on the types and scale of buildings and structures they seek to enable, so that this can be properly considered.</p>
<p>Permit temporary buildings and structure for temporary military training activities OR exclude from the application of the NFL chapter.</p> <p>NZ Defence Force [284.19]</p>	<p>I agree with the request given the significant purpose for the buildings and structures. I recommend adding to NFL-R2 that temporary buildings and structures for military training purposes permitted under TEMP-R2 are permitted under NFL-R2. TEMP-R2 applies specifically to temporary military training activities and sets out parameters to qualify as permitted activity, including a duration limit of 31 days in any 12-month period.</p>

Table 6: Assessment of requests to amend NFL-R2 to either broaden the range of activities permitted under the rule or reduce its overall stringency

- 221. Chorus et al [26.70] request that NFL-R2.6 be amended by requiring compliance with NFL-S1, NFL-S2 and NFL-S3. My recommended changes for RSI will likely address the concerns from the submitter which appear to be about NFL-R2.6 permitting RSI related structures and buildings with no standards.
- 222. V Anich [99.5] requests that NFL-R2 be amended to clarify how the rule controls buildings and structures in the coastal environment. I am not clear what the concern is, as in my view NFL-R2 is already clear about how it applies in the coastal environment.
- 223. Having considered the specific requests above, my view is that NFL-R2.1 and NFL-R2.5 (the permitted activity rules for clearance in ONL outside and within the coastal environment respectively) can be consolidated into a single permitted activity rule to improve clarity and streamline the drafting approach.

2.

However, if this approach is taken, it is important to recognise the different 'avoid effects' requirements in and outside the coastal environment. I therefore recommend:

- a. Amending the default gross floor area of indigenous vegetation clearance in NFL-S2 to distinguish between ONL and ONF in the coastal environment and ONL and ONF outside the coastal environment. I address this below in the NFL-S2 section.
- b. Retaining the restricted discretionary activity status where the permitted activity standard cannot be met outside the coastal environment, and non-complying activity status where it cannot be met inside the coastal environment (with the exception of RSI which I have recommended be a discretionary activity as discussed above).

NFL-R2 – Bream Tail and Mangawhai Heads provisions

224. NFL-R2 includes specific provisions for resource consents granted for the Bream Tail and Mangawhai Heads Holdings Ltd developments:

- a. The 'Bream Tail rule' (NFL.R2.2) – new buildings and structures within the "Exclusive Use Areas" as shown in the resource consent are exempt from NFL-R2.1. The practical impact is that new buildings and structures within Exclusive Use Areas located in ONL and/or ONF will not be regulated under the NFL chapter
- b. The 'Mangawhai Heads rule' (NFL-R2.5) – any dwelling 50m² – 350m² on specified lots in ONF and ONF outside the coastal environment is a restricted discretionary activity.

225. I understand these rules were intended to be a rollover of similar rules in chapter 12 of the ODP. The s32 reports do not explain why these developments have bespoke provisions, nor is there any policy support for treating them differently. My understanding of the rationale behind these rules is that the landscape effects of these developments were comprehensively assessed at the subdivision stage with conditions imposed to manage those effects. As a result, a further resource consent process for buildings and structures was not considered necessary because their development is already tightly controlled.

226. There are a range of views and relief sought in the submission points on the Bream Tail and Mangawhai Heads rules:

- a. Delete the Mangawhai Heads rule – M Fyson [224.1], J Henschman [316.1], N Evans [328.1], Evolve Planning and Landscape Architecture [50.27] and S Smail [345.1]).
- b. Delete the Bream Tail rule - Evolve Planning and Landscape Architecture [50.26]
- c. Daytona Trust [263.68] and others support the 'Bream Tail rule', but request amendments to achieve the intended outcome, remove references to the ODP, and extend its scope to apply to lots created as a result of a subsequent subdivision consent.
- d. Mangawhai Heads Holdings Ltd [276.1] seek various amendments to the 'Mangawhai Heads rule', including refining the matters of discretion.
- e. J & C Hawley [272.9] seek deletion of any reference to consent RM090105 for Lot 2 DP 316176 from the Mangawhai Heads rule.

227. As discussed above, I am recommending a new controlled activity rule within NFL-R2 for residential buildings on building platforms identified in subdivision consents and supported by an expert landscape assessment. The principle behind the rule is the same principle as for the Bream Tail and Mangawhai Heads rules – i.e. to recognise where landscape effects have already been assessed through a subdivision process the consent process for subsequent land use consents should be streamlined and certain. I am also recommending other changes which would increase the scope of permitted new buildings and structures in ONL and ONF.
228. In my opinion, site or development-specific provisions in the NFL chapter rules should be avoided (or more generally as good planning practice) unless there is a clear and compelling resource management justification for doing so. I have not reviewed the background to the original inclusion of the rules in the ODP, but in my view the PDP should be treated as a ‘clean slate’. If a bespoke provision is to be retained for a particular development, there must be a well-reasoned basis for it - specifically, evidence that the development is fundamentally different from others to the extent it justifies an exception.
229. My understanding is that the recommended controlled activity rule would address the circumstances that the Mangawhai Heads rule is intended to provide for and would be a less stringent activity status (controlled instead of restricted discretionary). Consequently, if my recommendations are adopted, the Mangawhai Heads rule would no longer be necessary.
230. I do not support retaining the Bream Tail rule and recommend that it be deleted, as I am not persuaded that the Bream Tail development is fundamentally different from other subdivisions in a way that justifies a bespoke exception. Under my recommended framework, the practical effect of deleting the rule is that new buildings and structures would become a controlled activity rather than a permitted activity. In my view, this controlled activity pathway strikes an appropriate balance of recognising the landscape assessment undertaken at the subdivision stage, provides landowners with certainty that building can occur, and enables the Council to ‘fine-tune’ conditions to manage the specific landscape effects associated with the final design and placement of buildings.

8.2.8 NFL-R3 and NFL-R4 – general approach

231. NFL-R3 and NFL-R4 apply to indigenous vegetation clearance and earthworks respectively. The rules have some similarities in their structure and the rule classifications for activities. The rules are generally structured as follows:
- a. Earthworks and indigenous vegetation clearance in ONL outside the coastal environment:
 - i. Permitted if it is for the maintenance of a list of activities or where it complies with the relevant standards:
 1. Earthworks - volume and cut/fill depth standards in NFL-S4 (150m³ per year and 2m respectively)
 2. Indigenous vegetation clearance – 150m² per 12 months
 - ii. All other earthworks restricted discretionary:
 2. iii. Earthworks and indigenous vegetation clearance within the coastal environment:

1. If associated with regionally significant infrastructure – discretionary for earthworks and permitted for indigenous vegetation clearance
2. All other earthworks and indigenous vegetation clearance is non-complying

232. As discussed above, I consider the current permitted activity thresholds to be overly conservative and that they should be broadened to enable a wider range of small-scale earthworks and indigenous vegetation clearance. As currently framed, I consider that the rules apply the ‘avoid’ policy direction too strictly and are likely to impose a disproportionate consenting burden on activities that are unlikely to generate undue adverse effects on ONL and ONF values.

233. Piroa Conservation Trust [257.9] and others seek to change the permitted activity rules in NFL-R3 and NFL-R4 to discretionary, and the restricted discretionary rules to non-complying. However, the submitters have not provided any reasons or evidence demonstrating that the current activity classifications are inconsistent with, or an inappropriate application of, the relevant policy direction. Accordingly, I do not support the requested amendments.

8.2.9 NFL-R3 - Indigenous vegetation clearance

234. NFL-R3 covers indigenous vegetation clearance in ONL (but not ONF).

235. There are a wide range of views from submitters on NFL-R3 —at one end seeking that all indigenous vegetation clearance be at least a discretionary activity, and at the other adding more categories of permitted indigenous vegetation clearance.

236. The submissions in support of retaining NFL-R3 as notified include Horizon Surveying & Land Development [315.119], Clarus [309.70], and KiwiRail [323.60].

237. The following table sets out my assessment of the submitter-requested additions to the list of permitted purposes in NFL-R3. I have used the questions set out in the section above, “*General - approach to ONL and ONF*”, to inform my assessment. My assessment assumes these additions would apply as permitted activities in ONL both within and outside the coastal environment (refer to the discussion following the table for further detail).

Request	Analysis
Add: <u>“To address an immediate risk to the public safety or damage to property”</u> 1 Trust [263.69] and others	I support this inclusion. The wording ensures that indigenous vegetation clearance is only permitted where there is an obvious and urgent risk to health and safety, which is appropriate in my view.
Add:	I support this inclusion. When narrow and limited in extent, tracks are low-intensity features and in most instances the effects are likely to be imperceptible within the context of an ONL.

2.

Request	Analysis
<p><u>“The formation of walking tracks less than 1.5m wide”</u></p> <p>Daytona Trust [263.69] and others</p>	
<p>Add:</p> <p><u>“The construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation, provided that the clearance does not exceed 3.5m in width either side of the fence line”</u></p> <p>Daytona Trust [263.69] and others</p>	<p>I agree with the addition of this activity but consider that the 3.5 m width should be the total clearance - not 3.5 m on either side. Fences are necessary, and their location is often constrained. A total width of 3.5 m is sufficient to allow tractor access for fence construction, including delivering posts and wire and operating a post driver. I therefore recommend the following wording:</p> <p><u>“The construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation, provided that the clearance does not exceed 3.5m in width.”</u></p>
<p>Add:</p> <p><u>“To remove pest species in accordance with any approved pest management plan or biosecurity operational plan”</u></p> <p>Daytona Trust [263.69] and others</p> <p><u>“biosecurity... purposes”</u></p> <p>Federated Farmers [136.86]</p>	<p>I agree with the proposed addition from Daytona Trust and others. Managing pest species is obviously a beneficial activity and contributes to improving the characteristics, qualities and values of ONL.</p>
<p>Add:</p> <p><u>“To create or maintain a 20m setback from an area of indigenous vegetation to a residential unit (excluding accessory buildings)”</u></p>	<p>In my opinion it is appropriate to provide an allowance for vegetation to be removed around residential buildings, for example, to manage fire risk.</p>

Request	Analysis
Daytona Trust [263.69] and others	
<p>Add:</p> <p><u>“The removal or clearance of indigenous vegetation from land that was previously cleared and where the indigenous vegetation to be cleared is less than 10 years old”</u></p> <p>Daytona Trust [263.69] and others</p>	<p>I do not support including this activity. It is likely that in some situations the associated effects could exceed the ONL and ONF effects thresholds, particularly in the coastal environment. The submissions did not clearly identify the scenarios in which this provision would apply. I invite submitters to provide further detail on the specific circumstances intended.</p>
<p>Add:</p> <p><u>“Creation and maintenance of firebreaks to manage fire risk”</u></p> <p>Daytona Trust [263.69] and others</p>	<p>I support enabling works necessary to manage fire risk, but the wording should be refined. I recommend:</p> <p><u>“to maintain firebreaks to manage fire risk;</u></p> <p><u>to remove indigenous vegetation as directed by Fire and Emergency New Zealand due to fire risk; “</u></p> <p>In my view, the creation of new firebreaks should be limited to those directed by FENZ, as they are the appropriate authority under the Fire and Emergency New Zealand Act 2017. FENZ can remove vegetation (or order it to be removed) in the event of an emergency or to reduce fire risk under sections 65 and 68 of the Fire and Emergency New Zealand Act 2017</p>
<p>Add:</p> <p>Clearance for the operation, <u>upgrading</u>, repair or maintenance of the following activities where they have been lawfully established...</p> <p>Northpower [283.161]</p>	<p>This request seeks a general allowance for ‘upgrading’. In my view, a broad permitted activity for upgrades is not appropriate without clearer limits, as upgrades can materially increase effects and would extend beyond the intent of NFL-P2, which is to recognise lawfully established activities within ONL and allow them to continue without undue restriction. I am, however, open to considering more targeted provisions — particularly for specific infrastructure types that the submitter has an interest in. I therefore invite Northpower to propose more precise wording that identifies the circumstances or scale of upgrades they consider appropriate for permitted activity status.</p>

Request	Analysis
<p>Add:</p> <p><u>The indigenous vegetation clearance is for the operation, maintenance, repair and upgrading of existing infrastructure.</u></p> <p>(In ONL in the coastal environment)</p> <p>Northpower [283.160]</p>	<p>I support permitting clearance for the operation, maintenance, and repair of infrastructure, as this gives effect to INF-P1 (which promotes enabling infrastructure) and the likelihood of undue adverse effects is low given the works are minor and confined to the footprint of existing activities. However, I do not support including upgrades for the reasons outlined above. I am open to considering more targeted provisions for upgrading—particularly for specific infrastructure types of interest to the submitter—and invite Northpower to provide more precise wording that identifies the circumstances or scale of upgrades they consider appropriate for permitted activity status.</p>
<p>Add:</p> <p><u>“The indigenous vegetation clearance is associated with regionally significant infrastructure including access”</u></p> <p>Chorus et al [26.72]</p> <p><u>The indigenous vegetation clearance is associated with regionally significant infrastructure.</u></p> <p>Northpower [283.160]</p>	<p>As discussed above under “<i>General – regionally significant infrastructure</i>”, I support permitting indigenous vegetation clearance associated with RSI, provided it is limited to minor upgrades, operation, maintenance, repair, or removal of RSI.</p> <p>While I do not support permitting clearance for upgrades to buildings, structures, and infrastructure more generally, on balance I consider clearance for minor upgrading for RSI appropriate given its significance, and because the PDP definition of “minor upgrading” provides a narrative limit on the scale and extent of clearance that can occur under this provision.</p> <p>Minor upgrading PDP definition:</p> <p>“means an increase in the capacity, efficiency or security of existing infrastructure where this utilises existing structures and networks and/or structures and networks of a similar scale and character.”</p>
<p>Add:</p> <p><u>“To provide for maintenance of lawfully established structures, roads and tracks and removal of hazardous trees.”</u></p> <p>(In ONL in the coastal environment)</p>	<p>I agree that maintenance of existing structures, roads and tracks should be permitted in ONL within the coastal environment. Given the presence of existing structures, roads and tracks, the likelihood of these activities generating adverse effects on ONL values is low, and in most cases the large spatial extent of ONL means they can readily absorb this type of minor work.</p> <p>I consider that, in most cases, the removal of hazardous trees can be accommodated within the general allowance for indigenous vegetation clearance provided by NFL-R3 (refer to my recommendation below</p>

Request	Analysis
<p>Northland Regional Council [332.27]</p>	<p>regarding the default standard for clearance in ONL within the coastal environment). I also have concerns that an open-ended ability to remove hazardous trees could be exploited, potentially enabling vegetation clearance that exceeds what is necessary to address genuine safety risks.</p>
<p>Add: <u>“New buildings or structure permitted by NFL-R2”</u> (In ONL outside the coastal environment) Federated Farmers [136.86]</p>	<p>I do not support this inclusion. This request was considered by B Coombs (landscape advice, Appendix D), and his assessment was that indigenous vegetation clearance (and earthworks) associated with permitted new buildings and structures extends the effects of the buildings and structures to a greater area which is not restricted in size to the activity itself, that is, the indigenous vegetation clearance could be much larger than the footprint of the building activity itself. Mr Coombs is also of the view that indigenous vegetation clearance is a different issue to buildings and structures and can have wider effects on ONL. For these reasons, I do not support the request.</p>
<p>Add: <u>“...natural hazard management purposes”</u> <u>“Associated with essential farming activities such as fencing, farm tracks and farm drains.”</u> (In ONL in the coastal environment) Federated Farmers [136.86]</p>	<p>I do not support the two sets of wording as proposed, as the activities are broadly cast and it is unclear what scale of indigenous vegetation clearance might be enabled. Without this clarity, there is a risk that the rule could unintentionally permit clearance exceeding the thresholds appropriate for ONL.</p> <p>I note that NFL-R3 already permits indigenous vegetation clearance associated with the operation, maintenance, and repair of a range of farming related existing activities including tracks, drains and fences. Also, I have recommended permitting clearance associated with the construction of new fences.</p> <p>I invite the submitter to identify any other specific activities they consider fall within the scope of “essential farming activities” for potential inclusion.</p>

Table 7: Assessment of requested additions to the list of permitted purposes in NFL-R3

238. Having considered the specific requests above, my view is that NFL-R3.1 and NFL-R3.4 (the permitted activity rules for clearance in ONL outside and within the coastal environment respectively) can be consolidated into a single permitted activity rule. However, if this approach is taken, it is important to recognise the different ‘avoid effects’ requirements in and outside the coastal environment. I therefore recommend:

- a. Amending the default area of indigenous vegetation clearance in NFL-S5 to distinguish between ONL in the coastal environment and ONL outside the coastal environment. In my view, a limit of

50 m² per site within any 12-month period is appropriate for ONL in the coastal environment (compared with the existing 150 m² limit that applies outside the coastal environment). This recommendation is supported by B Coombs (expert landscape advice, Appendix D).

- b. Retaining the restricted discretionary activity status where the permitted activity standard cannot be met outside the coastal environment, and non-complying activity status where it cannot be met inside the coastal environment.

239. Several submitters, including Daytona Trust [263.23], request that NFL-R3 be expanded to apply to ONF, as it currently applies only to ONL. It appears this request is based on an assumption that, if not provided for as a permitted activity, indigenous vegetation clearance within ONF would default to requiring resource consent. This is not the case—activities only require consent under the NFL chapter where a specific rule applies. If the NFL chapter is silent on an activity, then the chapter does not apply.

240. The NFL chapter does not include rules for indigenous vegetation clearance within ONF areas because, as discussed earlier under NFL-P4, indigenous vegetation does not contribute to the characteristics, qualities, or values that make an ONF outstanding. For this reason, the plan does not include ONF-specific rules for indigenous vegetation clearance, and I do not support extending NFL-R3 to ONF.

241. DOC [304.92] request NFL-R3.2 be changed from restricted discretionary to discretionary. The submitter also requests that any application under the rule includes an ecological assessment.

242. I do not support DOC's request. In my opinion, a restricted discretionary activity status is appropriate for activities in ONL outside the coastal environment that do not meet the permitted activity standards. This reflects that:

- a. There remains a reasonable likelihood that the activity can comply with the requirement to avoid significant adverse effects
- b. The effects are well understood and the matters of discretion cover the range of potential adverse effects that may arise.

243. For the reasons outlined earlier, I also do not support including a requirement for an ecological assessment.

244. Federated Farmers [136.61] requests that NFL-R3 is moved to the Ecosystems and Indigenous Biodiversity chapter

245. I do not support this request. The National Planning Standards (Section 7, clause 21) expressly provide for provisions relating to the protection of Outstanding Natural Features and Outstanding Natural Landscapes to be located within a Natural Features and Landscapes chapter. Consistent with this direction, the structure of the PDP locates provisions within 'overlay' chapters where their primary purpose is to manage effects on the values associated with that overlay.

246. Transpower [292.83] requests that indigenous vegetation clearance associated with the operation, maintenance and upgrading of regionally significant infrastructure is a permitted activity and the most restrictive activity status for those activities within ONL and ONF in the coastal environment is discretionary.

247. I have addressed this request under “*General – regionally significant infrastructure*” above. I anticipate my recommended changes will provide the relief sought.
248. Piroa Conservation Trust [257.9] and others suggest that “positive effects” is unnecessary as a matter of discretion for NFL-R3.2, on the basis that it is already captured by NFL-P6 (which NFL-R3.2 also refers to). I do not agree. NFL-P6 refers only to positive effects on the characteristics, qualities and values of ONL and ONF. In contrast, the intention of the reference to “positive effects” in NFL-R3.2 is to ensure that all positive effects (such as the economic and social benefits of allowing the activity) — whether or not they relate directly to ONL/ONF values—can be considered. Without this wording, a decision-maker may not have scope to take wider positive effects into account, potentially leading to an application being declined when it may otherwise have been granted if all positive effects were able to be considered. That outcome is clearly not intended.
249. Evolve Planning and Landscape Architecture [50.28] requests that NFL-R3 include the requirement that “colours be natural and in keeping with the landscape”. It is not clear what relevance this has to indigenous vegetation clearance, which suggests the reference to NFL-R3 was an error. I suspect the submitter intended this request to apply to NFL-S3 instead. Accordingly, I address this matter under the Standards topic below.
250. I recommend that “farm drains” be deleted under NFL-R2.1.b as they come under the definition of “infrastructure – “a drainage or sewage system”. Similarly I recommend amending NFL-R2.1.b(ii) as follows:

“ii. Infrastructure, ~~including effluent disposal systems;~~”

251. It is not clear why “effluent disposal systems” have been specifically identified, as they fall within the definition of infrastructure, which already includes sewerage systems. In my view, retaining this specific reference creates unnecessary confusion as to why effluent disposal systems are specifically identified.
252. The deletion of both “farm drains” and “effluent disposal systems” falls within the scope of the Federated Farmers submission, which raises concerns about how “infrastructure” is referenced across the PDP [136.1].

8.2.10 NFL-R4 - Earthworks

253. NFL-R4 applies to earthworks in ONL and ONF.
254. Horizon Surveying & Land Development [315.120] support retaining NFL-R4 as notified.
255. Daytona Trust [263.24] and others request that NFL-R4.1 be amended so that the permitted activity applies equally within the coastal environment (as the notified rule applies only to ONL and ONF in the coastal environment). While I agree that some level of permitted earthworks should be provided for in ONL and ONF within the coastal environment, in my view a more nuanced approach is required—one that reflects the differences between ONL and ONF, as well as the differing policy direction inside and outside the coastal environment. I discuss this further later in this section.
256. Piroa Conservation Trust [257.10] and others request the following:

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- a. NFL-R4.1 be changed from permitted to discretionary
- b. NFL-R4.2 be amended from restricted discretionary to non-complying
- c. Delete “the positive effects of the activity” form the matters of discretion in NFL-R4.3

257. The submitters’ rationale for the change is “*This status requires adverse effects to be minor and not contrary to the Plan’s objectives and policies.*”
258. I do not support this request, as I do not agree with the rationale provided. I am not aware of any requirement that a restricted discretionary activity status can only be applied where an activity is minor and not contrary to the objectives and policies. In my view, there are likely to be many types of activities that do not meet the permitted activity standards but are still consistent with the ONL and ONF objectives and policies.
259. I am also of the view that “the positive effects of the activity” should be retained, as the positive effects referred to by the submitter in NFL-P6 are confined to positive effects associated with ONL and ONF - the intention is to account for all positive effects (e.g. economic).
260. The following table sets out my assessment of the submitter-requested additions to the list of permitted purposes in NFL-R4. My assessment assumes these additions would apply as permitted activities in ONL both within and outside the coastal environment (refer to the discussion following the table for further detail).

Activity	Analysis
<p>Add:</p> <p>“The earthworks is for the <u>operation, maintenance, repair or upgrading</u>, repair of lawfully established...”</p> <p>Northpower [283.161]</p>	<p>This request seeks a general allowance for ‘upgrading’. In my view, a broad permitted activity for upgrades is not appropriate without clearer limits, as upgrades can materially increase effects and would extend beyond the intent of NFL-P2, which is to recognise lawfully established activities and allow them to continue without undue restriction. I am, however, open to considering more targeted provisions — particularly for specific infrastructure types that the submitter has an interest in. I therefore invite Northpower to propose more precise wording that identifies the circumstances or scale of upgrades they consider appropriate for permitted activity status</p> <p>I support the addition of ‘operation’ and ‘repair’, as it is consistent with the policy direction and the wording used in NFL-R3.1</p>
<p>Add:</p> <p><u>Earthworks for the operation, maintenance, repair and upgrading of existing infrastructure.</u></p>	<p>I support permitting earthworks for the operation, maintenance, and repair of infrastructure, as this gives effect to infrastructure enabling policy and the likelihood of undue adverse effects is low given the works are minor and confined to the general footprint of existing activities.</p>

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<p>(or similar)</p> <p>Northpower [283.161], Clarus [309.71] and Federated Farmers [136.87]</p> <p>“Earthworks ... for maintenance of ...<u>railways</u>...”</p> <p>KiwiRail [323.61]</p>	<p>I do not support including upgrades for the reasons outlined above. However, I am open to considering more targeted provisions—particularly for specific infrastructure types of interest to the submitter—and invite Northpower to provide more precise wording that identifies the circumstances or scale of upgrades they consider appropriate for permitted activity status.</p>
<p>Add a permitted earthworks allowance for RSI in the coastal environment of 20m³</p> <p>Chorus et al [26.71]</p> <p>Add:</p> <p><u>“The earthworks is associated with regionally significant infrastructure”</u></p> <p>(ONL and ONF in coastal environment)</p> <p>Northpower [283.161]</p>	<p>As discussed above under “<i>General – regionally significant infrastructure</i>”, I support permitting earthworks associated with RSI, provided it is limited to minor upgrades, operation, maintenance, repair, or removal of RSI.</p> <p>While I do not support permitting earthworks for upgrades to buildings, structures, and infrastructure more generally, on balance I consider earthworks for minor upgrading for RSI appropriate given its significance, and because the PDP definition of “minor upgrading” provides a narrative limit on the scale and extent of clearance that can occur under this provision.</p> <p>Minor upgrading PDP definition:</p> <p>“means an increase in the capacity, efficiency or security of existing infrastructure where this utilises existing structures and networks and/or structures and networks of a similar scale and character.”</p> <p>While the definition relies on interpretation, particularly what constitutes a “similar scale and character”, I consider this uncertainty acceptable given the strong enabling policy framework for RSI and the fact that such works would typically occur within the footprint of existing infrastructure.</p> <p>I am mindful that the PDP definition of “minor upgrading” may be broadened in response to submissions and the recent national direction NPS-I or NPS-EN. If this occurs, it may be necessary to reassess how the rule provides for ‘minor upgrade’ earthworks.</p>
<p>Add:</p> <p><u>“To provide for maintenance of lawfully established structures,</u></p>	<p>I agree these activities should be permitted in ONF and ONL within the coastal environment. Given the presence of existing structures, roads and tracks, and that the works will be minor, the likelihood of these activities generating adverse effects on ONL and ONF is low</p>

<p><u>roads and tracks and removal of hazardous trees.”</u></p> <p>(In ONL in the coastal environment)</p> <p>Northland Regional Council [332.28]</p>	<p>I consider that, in most cases, the removal of hazardous trees can be accommodated within the general allowance for earthworks which I am recommending - refer to my recommendation below regarding the default standard for clearance in ONL and ONF within the coastal environment. I also have concerns that an open-ended ability for earthworks to remove hazardous trees could be exploited, potentially enabling earthworks that exceeds what is necessary to address genuine safety risks.</p>
<p>Add:</p> <p><u>New buildings or structure permitted by NFL-R2</u></p> <p>(In ONL and ONF outside the coastal environment)</p> <p>Federated Farmers [136.87]</p>	<p>I do not support this inclusion. This request was considered by B Coombs (landscape advice, Appendix D), and his assessment was that earthworks (and indigenous vegetation clearance) associated with permitted new buildings and structures extends the effects of the buildings and structures to a greater area which is not restricted in size to the activity itself, that is, the earthworks could be much larger than the footprint of the building activity itself. Mr Coombs is also of the view that earthworks is a different issue to buildings and structures and can have wider effects on ONF and ONL. For these reasons, I do not support the request.</p>
<p>Add:</p> <p><u>“...parking or hardstand areas...”</u></p> <p>Federated Farmers [136.87]</p>	<p>It is not clear from the submission what is meant by “hardstand areas”. While the submitter 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. I invite the submitter to provide more precise wording if they wish this matter to be reconsidered.</p>
<p>Add:</p> <p><u>For natural hazard purposes</u></p> <p>(In ONL outside the coastal environment)</p> <p><u>Associated with essential farming activities such as fencing, farm tracks and farm drains.</u></p>	<p>I do not support the two sets of wording as proposed, as the activities are broadly cast and it is unclear what scale of earthworks might be enabled. Without this clarity, there is a risk that the rule could unintentionally permit earthworks exceeding the thresholds appropriate for ONL and ONF.</p> <p>I note that NFL-R4 already permits indigenous vegetation clearance associated with the operation, maintenance, and repair of a range of farming related existing activities including tracks, drains and fences.</p>

<p>(In ONL in the coastal environment)</p> <p>Federated Farmers [136.87])</p>	<p>Also, I have recommended permitting earthworks associated with the construction of new fences</p> <p>I invite the submitter to identify any other specific activities they consider fall within the scope of “essential farming activities” for potential inclusion.</p>
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Table 8: Assessment of the submitter-requested additions to the list of permitted purposes in NFL-R4.

261. As I recommended with NFL-R3, my view is that NFL-R4.1 and NFL-R4.4 (the permitted activity rules for clearance in ONL outside and within the coastal environment respectively) can be consolidated into a single permitted activity rule. However, if this approach is taken, it is important to recognise the different ‘avoid effects’ requirements in and outside the coastal environment. I therefore recommend:

- a. Amending the default area of earthworks in NFL-S4 to distinguish between ONL in the coastal environment and ONL outside the coastal environment. In my view, a limit of 50 m³ per site within any 12-month period is appropriate for ONL in the coastal environment. I recommend retaining the 150m³ per site within any 12-month period for ONL outside the coastal environment. These recommendations are supported by B Coombs (expert landscape advice, Appendix D).
- b. A more nuanced approach to permitted earthworks within ONF areas to better reflect the differing vulnerability of ONF types. As outlined in the ONF assessment report⁶, ONFs are categorised according to both their geological characteristics and their sensitivity to modification. ONFs in categories ‘A’ and ‘D’ are generally more resilient to earthworks, being larger, more robust features that can accommodate small-scale disturbance without significant adverse effects. In contrast, the remaining ONF categories are more susceptible to damage and therefore require a more precautionary approach. Accordingly, I recommend adopting thresholds that differentiate between ONF categories and reflect both their relative vulnerability and the ‘avoid adverse effects’ requirements that apply within and outside the coastal environment:

ONF category	Recommended permitted earthworks in ONF
B, C, E F, V within the coastal environment	0m ³
A and D within the coastal environment	0m³ <u>50m³ per year</u>
B, C, E F, V outside the coastal environment	150m³ per year <u>50m³ per 10 years</u>

⁶ Hayward, B. (2016). *Outstanding Natural Features Identifying and Mapping sites in Far North District Council: Methodology Report*.
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A and D outside the coastal environment	150m ³ per year
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Table 9: Recommended permitted earthworks volumes for the different ONF categories

The scope for these changes come from the combination of submissions requesting amendments to NFL-R4, including Daytona Trust’s [263.24], Forest and Bird [149.62] and DOC [304.93].

- c. Retaining the restricted discretionary activity status where the permitted activity standard cannot be met outside the coastal environment, and the non-complying activity status where it cannot be met in the coastal environment.

8.2.11 NFL-R5 - Maintenance and upgrading of existing network utilities, parks and community infrastructure

- 262. NFL-R5 applies to the maintenance and upgrading of existing network utilities, parks and community infrastructure in ONL and ONF.
- 263. Submissions in support of retaining NFL-R5 as notified include Horizon Surveying & Land Development [315.121], Clarus [309.72], and KiwiRail [323.62]
- 264. There was only one submission seeking changes to NFL-R5 — Northpower [283.162], which requests that the rule be amended to permit any operation, maintenance, repair, and upgrading of existing infrastructure as a permitted activity, without any standards.
- 265. I support broadening the rule to apply to all infrastructure (not just network utilities and community infrastructure), as this provides better alignment with INF-P1 and with Policy 8 of the NPS-I, which directs decision-makers to enable the efficient operation, maintenance and minor upgrading of existing infrastructure.
- 266. I support Northpowers request in principle that that the operation, maintenance, repair, and upgrading of existing infrastructure should be a permitted activity.
- 267. However, in my opinion the rule should focus on the activities that may give rise to effects in ONL and ONF, which is the change to the external appearance and scale of infrastructure.
- 268. Accordingly, in my view it is more appropriate for the rule to apply to alterations and additions. “Addition” and “alteration” are defined terms in the PDP:
 - a. Alteration – *“means any work to existing buildings or structures which involves the change, removal or replacement of walls, windows or features which results in an external appearance different to its existing appearance.”*
 - b. Addition – *“means any work undertaken to an existing building which has the effect of increasing the gross floor area of that building.”*

269. The advantages of using these terms are:

- a. They reduce interpretation risk by relying on defined terms.
- b. The clearly focus on a change to the external appearance, which is the effect of concern
- c. It uses the same wording as NFL-R1, NFL-S2 *Gross Floor Area* and other rules in the PDP (e.g. NATC-R1 and CE-R1).
- d. They make it clear that the rule is focused solely on structural work, and not on any associated earthworks or vegetation clearance (which is the intent as evidenced in NFL-R5.2 which excludes the application of the rule to activities covered by the other building and structure rules – NFL-R1 and NFL-R2).

270. I do not support Northpower’s request for NFL-R6.1 to not include any controls. In my view, some level of control is necessary—particularly for upgrading, which is undefined and could result in changes to existing buildings or structures that generate additional adverse effects on ONL and ONF beyond those of the existing development. I consider that controls should be retained.

271. NFL-R5 also applies to “parks”. “Parks” are not defined in the PDP. In my opinion the reference to parks is ambiguous. I assume the intent was it was to capture buildings and structures in parks. In my opinion the wording could be improved by replacing “parks” with “open space facilities”, which is defined in the PDP as:

“means facilities or structures that facilitate the management, use and enjoyment of a public open space, including:

- a. vehicle, machinery and equipment depots;
- b. storage sheds;
- c. public toilets, shelters and changing facilities;
- d. picnic tables, rubbish and recycling facilities;
- e. foot bridges and boardwalks;
- f. minor stormwater management devices e.g. rain gardens;
- g. unsealed parking areas; and
- h. playgrounds.”

272. No submissions specifically sought this amendment, and I therefore consider there is no scope to make this change. I also consider the amendment would be beyond the scope of a Clause 16 correction. However, I have identified this issue in case a submission providing scope is identified, or a compelling view is presented that the change could appropriately be made as a Clause 16 correction.

273. In my view, there are some issues with NFL-R5 and its relationship to NFL-R1. While the intent of NFL-R5 is to provide a broader envelope of works for the maintenance and upgrading of buildings and structures than enabled under NFL-R1, in some circumstances it instead has the opposite effect and is more restrictive. The following comparison identifies where this occurs.

Situation	NFL-R1	NFL-R5	Comment
1. Height is <u>greater than</u> NFL-S1	Must not be higher than existing.	Cannot exceed NFL-S1	In this situation consent is always required under NFL-R5 but under NFL-R1 it would not (if the height of the

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	(NFL-S1 does not apply).		current building / structure is not increased).
2. Gross floor area <u>less than</u> NFL-S2: a. 100m ² for any accessory building; and b. 150m ² for any residential unit.	No limit on increase up to NFL-S2	Maximum of 20% increase but only up to NFL-S2	Under NFL-R5 if more than 20% increase then consent required, even if still under the NFL-S2 limit.

Table 10: Comparison of NFL-R1 and NFL-R5

274. I recommend amending NFL-R5 to correct these unintended outcomes and ensure the rules operate as intended. In my opinion these changes are within the scope of the Northpower submission [283.162].
275. I also consider that NFL-R5 could be improved by incorporating NFL-S6 (Minor upgrading) into the rule, as it is currently the only rule that references NFL-S6.
276. Lastly, NFL-R5.3 appears to contain a drafting error - it lists the activity status as discretionary despite providing matters of discretion. The activity status should be restricted discretionary, and can be corrected under the scope of the Northpower [283.163] submission which requests a new rule restricted discretionary rule for infrastructure.

8.2.12 NFL-R6 – Commercial forestry afforestation

277. NFL-R6 applies to afforestation, making it a discretionary activity in ONL and ONF outside the coastal environment, and a non-complying activity within the coastal environment. The only submission on this rule was from Horizon Surveying & Land Development [315.122], who support the rule.
278. I recommended NFL-R6 is retained as notified.

8.2.13 NFL-R7 – Indigenous vegetation clearance and earthworks associated with conservation activities

279. NFL-R7 applies to indigenous vegetation clearance and earthworks associated with conservation activities. “Conservation activity” is defined in the PDP as follows:

“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;

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- plant and tree nurseries; and
- track construction.”

280. NFL-R7 provides for these activities as permitted, provided they comply with NFL-S4 *Earthworks* and NFL-S5 *Vegetation Clearance*. The rule is intended to offer a more lenient activity status for conservation activities than for other types of earthworks and indigenous vegetation clearance.
281. NZAAA [146.31] and Horizon Surveying & Land Development [315.123] support retaining NFL-R7 as notified. Federated Farmers [136.62] support NFL-R7, but also request it be moved to the Ecosystems and Indigenous Biodiversity Chapter, which I do not support for the reasons discussed previously.
282. If the changes recommended for NFL-R3 and NFL-R4 are adopted, then NFL-R7 will be largely redundant—except that it makes non-compliance with the permitted rule a restricted discretionary activity in all ONL and ONF, whereas my recommended changes to NFL-R3 and NFL-R4 would make any non-compliance a restricted discretionary activity outside the coastal environment and non-complying within it. Because of this difference, I recommend that NFL-R7 be retained.
283. There is an error in NFL-R7 in that it refers to NFL-R1 and NFL-R2 not applying to activities covered by NFL-R7 – the reference should be to NFL-R3 and NFL-R4. Without the change, it means that indigenous vegetation clearance and earthworks associated with conservation activities would be captured by NFL-R3 and NFL-R4. This correction can be made within 265.3

8.2.14 NFL-R8 - Mining activities and quarrying activities

284. NFL-R8 makes mining and quarrying in ONL and ONF a non-complying activity
285. Submissions in support of NFL-R8, include Daytona Trust [263.25], D Hastie [175.6] and Horizon Surveying & Land Development [315.124].
286. E and J Reddy [51.12] request rules prohibiting mining, quarrying and large-scale earthworks on the Pukepohatu / Bald Rock dacite dome and in its adjoining landscape.
287. Pukepohatu / Bald Rock is identified in the PDP maps as an ONF and sits within a ONL which encompasses the broader area around Pukepohatu / Bald Rock. In my opinion, a prohibited activity status should only be considered in exceptional situations, in particular:
- a. where an activity at any scale, at any location within the area of interest, would result in adverse effects well in excess of the outcomes anticipated by the policy framework;
 - b. where there are potentially significant cumulative effects issue arising from the proliferation of an activity; or
 - c. where a precautionary approach is required because effects are uncertain but potentially significant and irreversible.
288. In my opinion there is no evidence to suggest that quarrying, mining and large-scale earthworks within the Pukepohatu / Bald Rock ONF and ONL warrants being prohibited based on any of the above circumstances. While undoubtedly there will be forms of mining, quarrying and earthworks that would not

be appropriate, there may be ways they can be undertaken without unduly impacting on the values of the Pukepohatu / Bald Rock ONF and ONL.

289. Notably, the PDP as notified includes no prohibited activities, except for a rule in the Trifecta Special Purpose Zone that prohibits the subdivision of minor residential units from the principal residential unit within the large lot residential area. There is a clear planning justification for this approach. This type of subdivision would be contrary to the policy intent in all circumstances, and there is a clear risk of significant cumulative effects, as approving one proposal risks setting a precedent for similar applications within the zone.
290. It is also important to note that the purpose of a district plan is not to pre-determine the outcome of site-specific proposals that may arise in the future. Matters relating to the detailed effects of a particular proposal are most appropriately assessed through the resource consent process, where a full assessment of environmental effects can be undertaken and where site-specific conditions can be imposed if necessary. The role of the PDP is to establish the policy framework for how the effects of activities are to be considered, not to resolve the merits of individual activities in advance of a resource consent application
291. Accordingly, In my opinion a non-complying activity remains the appropriate activity status.

8.3 Recommendations

292. I recommend the following changes to the NFL chapter rules:

NFL-R1	External additions and alterations to existing buildings or structures	
ONL and ONF	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The alteration or addition of any existing building or structure shall not exceed the height of the existing building or structure; and b. The activity complies with the following standards: <ul style="list-style-type: none"> i. NFL-S2 Gross Floor Area; and ii. NFL-S3 Exterior Colour and Reflectivity. 	<p>23. Activity status when compliance not achieved: <u>Restricted</u> Discretionary</p> <p>3 Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. <u>The matters in NFL-P6; and</u> b. <u>The positive effects of the activity.</u>

293.

NFL-R2	New buildings and structures	
ONL and ONF outside the coastal environment	<p>1. Activity status: Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The building or structure is: <ul style="list-style-type: none"> i. Ancillary to an existing lawfully established activity; or ii. On a building platform identified in an existing approved subdivision consent and/or land use consent lodged with Council prior to 30 April 2025; and 	<p>3. Activity status when compliance not achieved with NFL-R2.1: Controlled</p> <p>Where:</p> <ul style="list-style-type: none"> a. <u>The building is a residential unit or a minor residential unit on a defined building platform, where the building platform has</u>

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	<p>b. The building or structure complies with the following standards:</p> <ul style="list-style-type: none"> i. NFL-S1 Building and Structure Height; ii. NFL-S2 Gross Floor Area; and iii. NFL-S3 Exterior Colour and Reflectivity; <u>or</u> <p>c. <u>It is a temporary building or structure for military training purposes permitted under TEMP-R2.</u></p> <p>2. This rule does not apply to:</p> <p>a. The defined Exclusive Use Areas shown on the Survey Plan for lots 1-29, 32,34,40,44 and 45 DP 348513 consented by RM050086 (Bream Tail) provided that the other conditions of the Consent Notices (dated 2 February 2004) on these titles are complied with, which shall rely on Rule 12.10.3c.2 in Chapter 12 of the Kaipara Operative District Plan.</p>	<p><u>been identified through an expert landscape assessment and approved as part of an existing subdivision consent.</u></p> <p>4. The matters of control:</p> <ul style="list-style-type: none"> a. <u>The location, scale and design of buildings, and associated accessways and infrastructure, having regard to their visual prominence;</u> b. <u>The means of integrating the building, structure or activity into the landscape, including through planting;</u> c. <u>The height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and</u> d. <u>Measures to mitigate adverse effects on the characteristics, qualities and values that make ONL and ONF outstanding.</u> <p>1. 3. Activity status when compliance not achieved with NFL-R2.3: : Restricted Discretionary</p> <p>Where</p> <ul style="list-style-type: none"> a. <u>The building or structure is outside the coastal environment</u> <p>2. 4. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> • The matters in NFL-P6; and • The positive effects of the activity. <p>3. Activity status when compliance not achieved with NFL-R2.5: Discretionary</p> <p>Where</p> <ul style="list-style-type: none"> a. <u>The building or structure is associated with regionally significant infrastructure</u>
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<p>ONL and ONF outside the coastal environment</p>	<p>5. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. For the erection of a dwelling exceeding 50m² but not exceeding 350m² gross floor area on Lots 1-4 and 6-14 as shown on the Survey Plan consented by RM090103 for Lot 2 DP 316176 (Mangawhai Heads Holdings Limited) b. A dwelling on a relevant lot exceeds the 50m² gross floor area limit specified in Rule 12.10.3c(1)(b)(i) in Chapter 12 of the Kaipara Operative District Plan (but does not exceed 350m² gross floor area), Council has restricted its discretion to the matter specified in Condition 1(p) of consent RM090103, dated 17 April 2015. <p>Note 1: <i>The restricted discretionary activity opportunity provided by this Rule applies subject to the following provisions:</i></p> <ul style="list-style-type: none"> a. <i>It expressly applies only to the 13 identified building locations within Lots 1-4 and 6-14 shown on a Survey Plan consent by RM090103 for Lot 2 DP 316176 (or as shown on any subsequent DP replacing 316176); or to one dwelling on the existing Lot 2 DP 316176 (or any subsequent DP replacing 316176) providing that the dwelling is in one of the 13 identified building locations and is designed in accordance with the controls specified in condition 1(p).</i> <i>A certificate of title must have been issued for the lot concerned, subject to a consent notice relating to the continuing requirements of condition 1(p) of consent RM090103.</i> c. <i>If consent RM090103 lapses without being implemented, then this rule shall cease to apply (Rule 12.10.3c would then apply as normal), except as provided in respect of one dwelling in (a.) above.</i> <p>Note 2: <i>An application for restricted discretionary activity resource consent pursuant to this Rule will be considered on a non-notified basis.</i></p> <p>Note 3:</p> <ul style="list-style-type: none"> a. <i>The restricted discretionary activity opportunity provided by this Rule applies only to the</i> 	
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	<p>performance standard in Rule 12.10.3c(1)(b)(i) of the Operative Kaipara District Plan. The remaining performance standards specified in Rule 12.10.3c(1) of the Operative Kaipara District Plan continue to apply to any dwelling on the relevant lots as normal. In addition, any dwelling exceeding 350m² gross floor area is a discretionary activity.</p>	
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<p>ONL and ONF within the coastal environment</p>	<p>6. Activity status: Permitted</p> <p>Where:</p> <p>a. The building or structure is associated with regionally significant infrastructure.</p>	<p>7. Activity status when compliance not achieved with NFL-R2.64: Non-Complying</p>
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<p>NFL-R3</p>	<p>Indigenous vegetation clearance</p>	
<p>ONL outside the coastal environment</p>	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity complies with NFL-S5 Indigenous vegetation clearance; or</p> <p>b. Clearance for the operation, repair or maintenance of the following activities where they have been lawfully established:</p> <ul style="list-style-type: none"> i. Fences; ii. Infrastructure, including effluent disposal systems; iii. Buildings and swimming pools; <u>and</u> iv. <u>Tracks</u> driveways, parking areas and access; v. Walking Tracks; vi. Cycling tracks; vii. Farming and forestry tracks; and viii. Farm drains; or <p>c. <u>The indigenous vegetation clearance is for the following purposes:</u></p> <ul style="list-style-type: none"> i. <u>To address an immediate risk to public safety or damage to property;</u> ii. <u>The formation of walking tracks less than 1.5m wide;</u> iii. <u>The construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation, provided that the clearance does not exceed 3.5m in width;</u> iv. <u>To remove pest species in accordance with any approved pest management plan or biosecurity operational plan;</u> v. <u>To create or maintain a 20m setback from an area of indigenous vegetation to a residential unit (excluding accessory buildings);</u> vi. <u>To maintain firebreaks to manage fire risk;</u> vii. <u>To remove indigenous vegetation as directed by Fire and Emergency New Zealand due to fire risk;</u> viii. <u>For the, operation, maintenance, repair or removal of infrastructure; or</u> ix. <u>For the minor upgrading of regionally significant infrastructure.</u> 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Where:</p> <p><u>The clearance is outside the coastal environment</u></p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The matters in NFL-P6; and b. The positive effects of the activity. <p>4. Activity status when compliance not achieved with NFL-R3.2: Discretionary</p> <p>Where:</p> <p><u>The clearance is associated with regionally significant infrastructure</u></p> <p>5. Activity status when compliance not achieved with NFL-R3.4: Non-complying</p>

ONL within the coastal environment	<p>4. Activity status: Permitted</p> <p>Where:</p> <p>a. The indigenous vegetation clearance is associated with regionally significant infrastructure.</p>	<p>5. Activity status when compliance not achieved with NFL-R3.4: Non-Complying</p>

NFL-R4	Earthworks	
ONL and ONF outside the coastal environment	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The earthworks complies with NFL-S4 Earthworks; or</p> <p>b. The earthworks is for the <u>operation, repair or maintenance of the following activities where they have been</u> lawfully established:</p> <ul style="list-style-type: none"> <u>i. roads,</u> <u>ii. fences,</u> <u>iii. utility connections,</u> <u>iv. parking areas,</u> <u>v. effluent disposal systems,</u> <u>vi. swimming pools,</u> <u>vii. Tracks, driveways, and accessways;</u> <u>viii. Infrastructure</u> -walking or cycling tracks, or farm and forestry tracks; or <p>c. <u>The earthworks is for:</u></p> <ul style="list-style-type: none"> <u>The construction of a new fence in an ONL where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation, provided that the clearance does not exceed 3.5m in width; or</u> <u>The minor upgrade of regionally significant infrastructure.</u> 	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>Where: <u>The earthworks is outside the coastal environment</u></p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The matters in NFL-P6; and b. The positive effects of the activity. <p>4. Activity status when compliance not achieved with NFL-R4.3: Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. <u>The earthworks is associated with regionally significant infrastructure</u> <p>5. Activity status when compliance not achieved with NFL-R4.4: Non-complying</p>

<p>ONL and ONF within the coastal environment</p>	<p>4. Activity status: Discretionary</p> <p>Where:</p> <p>a. The earthworks is associated with regionally significant infrastructure.</p>	<p>5. Activity status when compliance not achieved with NFL-R4.4: Non-Complying</p>
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<p>NFL-R5</p>	<p>Additions and alterations to Maintenance and upgrading of existing network utilities, parks and community infrastructure</p>	
<p>ONL and ONF</p>	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity complies with the following standards:</p> <ul style="list-style-type: none"> i. NFL-S1 Building and Structure Height; ii. NFL-S2 Gross Floor Area; iii. NFL-S3 Exterior Colour and Reflectivity; and iv. NFL-S6 Minor Upgrading. <p>b. <u>The addition or alteration:</u></p> <ul style="list-style-type: none"> i. <u>Does not exceed 20% of the gross floor area of the existing building or structure; or</u> ii. <u>Complies with NFL-S2 Gross Floor Area; and</u> <p>c. <u>The height of the addition or alteration:</u></p> <ul style="list-style-type: none"> i. <u>Does not exceed the height of the existing building or structure above ground level; or</u> ii. <u>Complies with NFL-S1 Building and Structure Height</u> <p>2. NFL- R1 to NFL-R2 do not apply to the activities provided for in this rule.</p>	<p>3. Activity status when compliance not achieved: <u>Restricted</u> discretionary</p> <p>4. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The matters in NFL-P6; and b. The positive effects of the activity.

<p>NFL-R7</p>	<p>Indigenous vegetation clearance and earthworks associated with conservation activities</p>	
<p>ONL and ONF</p>	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The activity complies with the following standards:</p> <ul style="list-style-type: none"> <u>i.</u> NFL-S4 Earthworks; and <u>ii.</u> NFL-S5 Vegetation clearance. <p>2. NFL-R3 to NFL-R4 NFL-R1 to NFL-R2 do not apply to the activities provided for in this rule.</p>	<p>3. Activity status when compliance not achieved: Restricted Discretionary</p> <p>4. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. The matters in NFL-P6; and b. The positive effects of the activity.

9. Topic 7: Standards

9.1 Introduction

294. The NFL chapter includes a suite of standards referenced by the rules for matters such as building height, floor area, colour and reflectivity, earthworks, vegetation clearance and minor upgrading.
295. Submissions on the Standards raise a wide range of matters. Some seek more restrictive thresholds to provide stronger protection for ONL and ONF, including requests for lower height limits, smaller building footprints, reduced earthworks and vegetation clearance volumes, or additional limitations to address cumulative effects. Others seek more enabling thresholds, including increased allowances for farm-related activities, infrastructure, or minor buildings and additions. Several submitters also seek refinements to ensure consistency with other parts of the PDP, including the Ecosystems and Indigenous Biodiversity and Infrastructure chapters. Overall, the submissions reflect differing views on the appropriate balance between enabling reasonable use and ensuring that development does not undermine ONL and ONF values, qualities and characteristics.

9.2 Analysis

9.2.1 NFL-S1 – Building and structure height

296. NFL-S1 limits the height of buildings and structures to 5.5m above ground level.
297. Horizon Surveying & Land Development [315.35] was the only submission to support NFL-S1 as notified.
298. Daytona Trust [263.26] and others request the addition of a number of exceptions to the height standard:
- a. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation.
 - b. Architectural features (e.g. finials, Spires) that do not exceed 1m in height.
 - c. Solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation.
 - d. Satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation
299. This request has been considered by B Coombs in his technical landscape advice (Appendix D). Mr Coombs supports the additions, except for b. His view is that there is no specific limit proposed on the maximum area of an architectural feature, which would effectively extend the 5.5m above ground level height standard to 6.5m, and architectural features can be designed within an overall

height standard of 5.5m above ground level without the requirement for a specific exemption. I recommend adopting the advice of Mr Coombs.

300. Chorus et al [26.69] request the following height standard exceptions:

- a. Antennas attached to existing buildings not exceeding the highest point of the roof by more than 5m; and
- b. Telecommunications poles and attached antennas in formed roads not exceeding 20m in height and a diameter including all antennas of 1.2m.

301. B Coombs (expert landscape advice, Appedix D), considered the request and supported the addition of these exceptions:

“The provision of exceptions for limited scale antennas and masts is appropriate as the antenna exception is associated with an existing building and will therefore be a relatively small incidental addition to the building. It is common for antenna to be attached to buildings or structures, in preference to the requirement for a new mast to support an antenna. The telecommunication pole exception is specific to the location within formed roads, which also commonly accommodate telecommunication poles and electricity transmission poles.”

302. I concur with Mr Coombs recommendation.

303. I note that introducing the reccomended exemptions may have implications for consistency with other chapters, particularly zone provisions, and may therefore need to be considered as an integration issue.

9.2.2 NFL-S2 – Gross floor area

304. NFL-S2 limits the gross floor area of buildings to 100m² for any accessory building and 150m² for any residential unit.

305. There were a range of submissions on NFL-S2:

- a. Delete NFL-S2 (Daytona Trust [263.27] and others), on the basis the standard is unnecessary for managing effects on ONL and ONF, given the other rules and standards applying to buildings.
- b. Reduce the gross floor area limits to 50m² for any accessory building and 100m² for any residential unit (Piroa Conservation Trust [257.11] and others) as the scale and size allowed is excessive and have potential to generate adverse effects.
- c. Amend to ensure all permitted building and structures are required to meet NFL-S2 (Forest and Bird [149.61]).
- d. Retain as notified (Horizon Surveying & Land Development [315.125]).

- 306. In my opinion, it is necessary to retain a gross floor area standard, as it is a key control for managing potential effects. Without such a standard, there is an unacceptable likelihood that development could generate undue adverse effects. Accordingly, I do not support deleting NFL-S2.
- 307. As discussed above, I am recommending that there be a default allowance for small-scale buildings and structures within ONL in the coastal environment, and a nuanced approach for ONF reflecting that some ONF are less vulnerable to the effects of development than others.
- 308. The following are my recommendations:

ONL/ONF	Gross floor area
ONL in the coastal environment Category 'A' and 'D' ONF in the coastal environment	50m ²
ONL outside the coastal environment Category 'A' and 'D' ONF outside the coastal environment	100m ²
Other ONF	25m ²

Table 11: Recommended permitted gross floor area thresholds.

- 309. In my opinion, these standards provide an appropriate level of development that reflects both the relative vulnerability of Outstanding Natural Landscapes and Outstanding Natural Features, as well as the differing thresholds for acceptable effects within and outside the coastal environment. I acknowledge that the selection of any specific standard involves an element of judgement and is inevitably somewhat arbitrary. The challenge is to set standards where the likelihood of adverse effects exceeding acceptable thresholds is low, without being so conservative that activities unlikely to generate such effects are unnecessarily required to obtain resource consent. My recommendations are informed by the approach I adopted for the equivalent provisions in the Proposed Far North District Plan, which were supported by expert landscape advice.
- 310. I am recommending that the current 150 m² gross floor area limit be reduced to 100 m² and that it apply to any type of building, rather than distinguishing between residential units and accessory buildings. This simplifies the standard, removes ambiguity about what constitutes an accessory building, and reflects that residential buildings typically have a greater potential to generate adverse effects due to their more complex form and their domesticating influence on the landscape, compared with other building types (such as barns). I also note that there is no specific policy direction requiring the plan to provide for residential buildings as a more enabled activity than other building types.

311. I do not agree with Forest and Bird that all permitted buildings and structures in ONL and ONF should be required to meet the standards. The reasons for this are outlined above in my assessment of the various requests to add additional permitted activities to NFL-R2.1.

9.2.3 NFL-S3 – Exterior colour and reflectivity

312. NFL-S3 set standards for exterior colour and reflectivity.

313. Horizon Surveying & Land Development [315.36] request NFL-S3 is amended to limit colours and tones to a neutral palette (e.g., browns, greys, deep blues, deep greens) and include specifications for lighting restrictions such as utilising downlights or light covers.

314. As outlined above, it appears that the Evolve Planning and Landscape Architecture [50.28] request for NFL-R3 to include the requirement that “colours be natural and in keeping with the landscape” was an error and the submitter intended this request to apply to NFL-S3 instead.

315. In my opinion NFL-S3 should include a colour standard. The colour of a building can make a significant difference to its impact on an ONL or ONF. Even a single non-recessively coloured building can be visible from considerable distances (including from sea) when in an elevated position and significantly impact the visual appreciation of an ONL. My concern is that without such a standard, the permitted activity rules could allow buildings and structures that will have unacceptable adverse effect on ONL and ONF and therefore contrary to the policy direction.

316. B Coombs (landscape advice, Appendix D) has considered the issue and recommends adopting the following:

“If the exterior surface is painted, have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in Appendix X or equivalent”

317. Refer Appendix D for a copy of “Appendix X”.

318. This is also the colour standard as recommended by the expert landscape advice for the Proposed Far North District Plan.

319. B Coombs also considered the Horizon Surveying & Land Development [315.36] request to include limits on lighting. Mr Coombs agreed that there should be standards on lighting for buildings and structures within ONL and ONF, and recommends the inclusion of the following:

- a. *all exterior lighting shall be directed downward and away from the adjacent sites and roads;*
- b. *no activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.*

320. I agree with the advice, and recommend they be included NFL-S3 alongside the colour and reflectivity standards

321. Daytona Trust [263.28] and others request the allowance for buildings to be constructed from natural materials, as an alternative to complying with the colour and reflectivity standards.
322. B Coombs (landscape advice, Appendix D) considered and does not support the request to include natural material as alternative to the reflectivity standard. He gives the example of lime plastering that is a natural material but can high reflectivity and therefore unacceptable effects on ONL and ONF. I adopt Mr Coombs' recommendation.

9.2.4 NFL-S4 - Earthworks

323. NFL-S4 sets permitted activity thresholds for earthworks. As notified NFL-S4 sets a 150m³ limit for all earthworks and a maximum 2m cut/fill height.
324. Horizon Surveying & Land Development [315.126] request that NFL-S4 be retained as notified.
325. I discussed and recommended a more refined and effects-focused approach to permitted earthworks thresholds in the NFL-R4 section above. In my view, the most appropriate place to implement this approach is within NFL-S4. I therefore recommend introducing a tiered set of volume thresholds that distinguishes between ONF and ONL, whether the location is within the coastal environment, and the differing levels of vulnerability among ONF types.
326. Piroa Trust [257.12] and others request that the clause 1. Be amended as follows:

“The earthworks must not exceed 150m³ ~~in any 12-month period per site~~; and”

327. I do not support this request. In my opinion, the clause needs to specify the parameters it applies to (including a clear timeframe and location). Without these, the standard becomes open-ended and cannot be meaningfully applied or monitored.
328. Forest and Bird [149.62] request a 500m³ total limit of earthworks over the life of the plan to manage cumulative effects, and to reduce the cut / fill height from 2m (they suggest 0.5m) because a 2m cut can have adverse effects.
329. I do not support a plan-lifetime limit. First, it is highly unlikely that a landowner would deliberately stage earthworks over many years solely to avoid a resource consent. Second, introducing a “plan-lifetime” cap can create significant practical difficulties, as it would require tracking the total volume of earthworks on a property over an extended period—potentially spanning multiple owners. This would be complex to administer, difficult to enforce, and prone to gaps in record-keeping⁷. Also, the potential effects of earthworks typically diminish over time as

⁷ Note – while I am recommending a 10-year limit for earthworks in some ONF categories, the key difference is that ONF are discrete and often very small areas. Because of their limited extent and higher sensitivity, a longer timeframe provides an appropriate balance: it allows for very small-scale earthworks to occur infrequently, while

vegetation re-establishes and disturbed areas stabilise, meaning earlier works are unlikely to contribute to cumulative effects in the manner the submitter suggests.

330. No evidence has been provided to demonstrate that a 2 m cut would, in itself, generate adverse effects on ONL or ONF values. In the absence of such evidence, I recommend retaining the existing 2 m cut/fill limit. I also note that my recommendation to reduce the permitted earthworks volume within the coastal environment will inherently reduce the likelihood of adverse effects arising from exposed cut or fill.
331. DOC [304.93] assert that NFL-S4 does not contain any maximum earthworks thresholds. This is incorrect. NFL-S4 clearly sets out maximum thresholds, and I am recommending that these be retained and refined.
332. M Tschirky [352.5 and 352.6] considers that the permitted earthworks volume in NFL-S4 is excessive and requests that it be aligned with the thresholds in the Operative District Plan (ODP). However, the ODP applies different permitted earthworks thresholds across multiple chapters, each with its own parameters and limits. It is therefore unclear which specific ODP thresholds the submitter seeks to have adopted, and therefore I cannot consider the relief sought.

9.2.5 NFL-S5 – Indigenous vegetation clearance

333. NFL-S5 sets permitted activity thresholds for indigenous vegetation clearance. As notified NFL-S5 sets a 150m² limit for all indigenous vegetation clearance. NFL-S5 only applies to ONL.
334. Horizon Surveying & Land Development [315.127] request that NFL-S5 be retained as notified.
335. DOC [304.94] request that NFL-S1 be amended to only allow up to 50m² of indigenous vegetation clearance to a maximum depth of one metre. It is not clear what time frame DOC is requesting the metrics apply to, and I do not understand what the maximum one metre depth means.
336. I discussed and recommended a more refined approach to the permitted area of indigenous vegetation clearance in NFL-R3 section above. In summary, my recommendation is to apply a 50m² limit (in any 12-month period) in ONL in the coastal environment and to retain the 150m² limit outside the coastal environment.
337. Piroa Conservation Trust [257.13] and others have proposed a suite of additional limitations for NFL-S5:

The indigenous vegetation clearance must:

a. Maintain established areas and patterns of indigenous vegetation cover.

still ensuring the overall protection of ONF values. In this context, a 10-year cap is a practical and effects-focused way to enable minor maintenance without enabling cumulative modification of these features.

b. Not exceed 150m² in any 12-month period per site.

c. Not take place in a continuous area of predominantly indigenous vegetation over 1ha in area.

d. Take account of the ecological significance of indigenous vegetation and the presence of rare or endangered flora and fauna

e. Not take place in an area identified by the Department of Conservation as having high kiwi density

338. The submitters also seek the inclusion of a map showing the areas of high kiwi density.
339. DOC [304] seek a 50 m² limit and a maximum depth of 1 m, suggesting these changes are necessary to give effect to section 6(c) of the RMA (the protection of significant indigenous vegetation and significant habitats of indigenous fauna).
340. The DOC, Piroa Conservation Trust and others requests are grounded on concerns about ecological effects. However, as discussed earlier, the purpose of the NFL chapter is to manage effects on ONL, not ecological values. Ecological effects are addressed separately and more appropriately in the Ecosystems and Indigenous Biodiversity chapter. For this reason, I do not support the proposed changes.
341. Similar to their request for NFL-S4, Forest and Bird [149.63] request a 500m² total limit of indigenous vegetation clearance over the life of the plan to manage cumulative effects, and to reduce the annual area limit to 50m².
342. I support the reduction to 50m², but only within ONL in the coastal environment (as discussed under NFL-R5 above). In my view, the larger allowance of a 150 m² limit per year remains an appropriate reflection of the policy direction to avoid significant adverse effects on ONL outside the coastal environment.
343. For similar reasons to those discussed under NFL-S4, I do not support a cumulative “plan-lifetime” limit of 500m². While I accept that incremental indigenous vegetation clearance can present a greater risk of cumulative effects than earthworks, in my opinion a “plan-lifetime” approach would be difficult to administer and enforce, particularly given the indeterminate lifespan of a district plan and changes in land ownership over time.
344. Like the request for NFL-S4, M Tschirky [352.12] also requests that the level of tree felling permitted is aligned with the thresholds in the Operative District Plan (ODP). However, the ODP applies different permitted thresholds across multiple chapters, each with its own parameters and limits. It is therefore unclear which specific ODP thresholds the submitter seeks to have adopted, and therefore I cannot consider the relief sought.
345. The NZAAA [146.33] requests an exception to allow indigenous vegetation clearance for the eradication of pest weeds. I am recommending that indigenous vegetation clearance undertaken

to remove pest species in accordance with an approved pest management plan or biosecurity operational plan be permitted under NFL-R3. If this recommendation is adopted, it would, in my view, appropriately provide for the relief sought.

346. Federated Farmers [136.63] request that NFL-S5 is relocated to the Ecosystems and Indigenous Biodiversity chapter. For the same reasons outlined in my response to similar requests on other provisions, I do not support this request.

9.2.6 NFL-S6 – Minor upgrading

347. NFL-S6 sets out limits for ‘minor upgrading’ of infrastructure – an increase of no more than 20% gross floor area and no increase in height.

348. Horizon Surveying & Land Development [315.128] request that NFL-S6 be retained as notified.

349. As discussed in NFL-R5 above, I am recommending NFL-S6 be deleted and the limits incorporated into NFL-R5. I have also recommended the limits be refined to address issues relating to undue constraints on allowable gross floor area and height.

350. Forest and Bird [149.64] request the allowable gross floor area increase be amended to 10%.

351. I do not support Forest and Bird’s request, as no evidence has been provided to justify the proposed reduction. The submission relies solely on an opinion that a more conservative limit is necessary to protect ONL and ONF. While I acknowledge that reducing the allowable gross floor area increase would lower the likelihood of undue adverse effects, it would also materially constrain the extent to which infrastructure is enabled. In the absence of any assessment demonstrating that the proposed reduction is necessary or proportionate to the level of effects, I do not support the change.

9.3 Recommendations

352. I recommend the following changes to the NFL chapter standards:

NFL-S1	Building and structure height	
	<p>The height of any building, or structure, or alteration or addition to an existing building shall not exceed 5.5m above ground level, <u>excluding:</u></p> <ul style="list-style-type: none"> a. <u>Chimney structures not exceeding 1.2m in width and 1m in height on any elevation.</u> b. <u>Solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation.</u> c. <u>Satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation</u> d. <u>Antennas attached to existing buildings not exceeding the highest point of the roof by more than 5m.</u> e. <u>Telecommunications poles and attached antennas in formed roads not exceeding 20m in height and a diameter including all antennas of 1.2m.</u> 	<p>2. Activity status when compliance not achieved: Refer to relevant rule.</p>

NFL-S2	Gross floor area
<p>1. The gross floor area of any new building or existing building plus addition must not exceed:</p> <ul style="list-style-type: none"> a. 100m² for any accessory building; and b. 150m² for any residential unit. a. <u>50m² in ONL and ONF category 'A' and 'D', in the coastal environment.</u> b. <u>100m² in ONL outside the coastal environment</u> c. <u>25m² in ONF category B, C, and E</u> d. <u>100m² in category ONF 'A' and 'D', outside the coastal environment</u> 	<p>2. Activity status when compliance not achieved: Refer to relevant rule.</p>

NFL-S3	Exterior colour and reflectivity
<p>1. The building and structure exteriors must:</p> <ul style="list-style-type: none"> a. Not utilise mirror glazing; and b. Be coloured or painted with a colour with a reflectance value no greater than 35% (provided that 2% of each exterior elevation is exempt) and with a roof colour with a reflectance value no greater than 30%; and c. <u>If the exterior surface is painted, have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette in Appendix X or equivalent</u> <p>2. All lighting must comply with the following:</p> <ul style="list-style-type: none"> a. <u>All exterior lighting shall be directed downward and away from the adjacent sites and roads;</u> b. <u>No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</u> 	<p>3.-2. Activity status when compliance not achieved: Refer to relevant rule.</p>

NFL-S4	Earthworks														
<p>1. The earthworks must not exceed <u>the following:</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Location</u></th> <th style="text-align: left;"><u>Per site</u></th> </tr> </thead> <tbody> <tr> <td><u>ONL in coastal environment</u></td> <td><u>50m³ in any 12-month period</u></td> </tr> <tr> <td><u>ONL outside coastal environment</u></td> <td><u>150m³ in any 12-month period</u></td> </tr> <tr> <td><u>ONF category B, C, and E in the coastal environment</u></td> <td><u>0m³</u></td> </tr> <tr> <td><u>ONF category A and D in the coastal environment</u></td> <td><u>50m³ in any 12-month period</u></td> </tr> <tr> <td><u>ONF category B, C, and E outside the coastal environment</u></td> <td><u>50m³ in any 10-year period</u></td> </tr> <tr> <td><u>ONF category A and D outside the coastal environment</u></td> <td><u>150m³ in any 12-month period</u></td> </tr> </tbody> </table> <p>150m³ in any 12-month period per site; and</p> <p>2. The maximum cut height or fill depth must not exceed 2m.</p>	<u>Location</u>	<u>Per site</u>	<u>ONL in coastal environment</u>	<u>50m³ in any 12-month period</u>	<u>ONL outside coastal environment</u>	<u>150m³ in any 12-month period</u>	<u>ONF category B, C, and E in the coastal environment</u>	<u>0m³</u>	<u>ONF category A and D in the coastal environment</u>	<u>50m³ in any 12-month period</u>	<u>ONF category B, C, and E outside the coastal environment</u>	<u>50m³ in any 10-year period</u>	<u>ONF category A and D outside the coastal environment</u>	<u>150m³ in any 12-month period</u>	<p>3. Activity status when compliance not achieved: Refer to relevant rule.</p>
<u>Location</u>	<u>Per site</u>														
<u>ONL in coastal environment</u>	<u>50m³ in any 12-month period</u>														
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<u>ONF category A and D in the coastal environment</u>	<u>50m³ in any 12-month period</u>														
<u>ONF category B, C, and E outside the coastal environment</u>	<u>50m³ in any 10-year period</u>														
<u>ONF category A and D outside the coastal environment</u>	<u>150m³ in any 12-month period</u>														

NFL-S5	Indigenous vegetation clearance
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<p>1. The indigenous vegetation clearance must not exceed</p> <ul style="list-style-type: none"> a. <u>In the coastal environment - 50m² in any 12-month period per site</u> b. <u>Outside the coastal environment - 150m² in any 12-month period per site.</u> 	<p>2. Activity status when compliance not achieved: Refer to relevant rule.</p>
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NFL-S6	Minor upgrading	
<p>1. Any addition to a lawfully established building or structure must not exceed 20% of the gross floor area of the existing building or structure; and</p> <p>2. The height of any addition to a lawfully established building or structure does not exceed the height of the existing building or structure above ground level.</p>	<p>3. Activity status when compliance not achieved: Refer to relevant rule.</p>	