

18 November 2011

The Registrar  
Environment Court  
PO Box 7147  
Wellesley St  
Auckland 1141

Dear Madam/Sir

**KAIPARA DISTRICT COUNCIL : DECISIONS ON SUBMISSIONS TO PROPOSED  
DISTRICT PLAN : DUCK NOMINEES LTD : ENVIRONMENT COURT APPEAL**

We enclose two copies of an appeal along with a cheque for the required filing fee. A copy of the appeal has been posted to the Council.

We will determine early next week what other parties should be served copies of the appeal and post to the Court and Council copies of the related Annexure C listing the same that is referred to in the appeal notice.

Yours sincerely

Max Dunn  
Planning Services Manager  
**Andrew Stewart Ltd**

**Attachments**

Appeal notices (2)  
Cheque

**Copies**

Chief Executive  
Kaipara District Council  
Private Bag 1001  
Dargaville

Duck Nominees Ltd  
C/-David Nathan  
8B Orakei Rd  
Remuera  
Auckland 1050

**BEFORE THE ENVIRONMENT COURT**

Env 2011 AKL

<b>IN THE MATTER</b>	of an appeal pursuant to clause 14(1) of the First Schedule of the Act
<b>BETWEEN</b>	<b>DUCK NOMINEES LIMITED</b> <u>Appellant</u>
<b>AND</b>	<b>KAIPARA DISTRICT COUNCIL</b> <u>Respondent</u>

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**NOTICE OF APPEAL TO THE ENVIRONMENT COURT  
AGAINST DECISIONS ON PROPOSED DISTRICT PLAN**

Clause 14(1) of the First Schedule, Resource Management Act 1991

**Duck Nominees Limited**

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To: The Registrar  
Environment Court  
PO Box 7147  
Wellesley St  
Auckland 1141

Duck Nominees Limited ("DNL"), 8b Orakei Rd, Remuera, Auckland, appeals against decisions of the Kaipara District Council ("KDC") in respect of the Proposed Kaipara District Plan.

DNL made a submission on the Proposed Kaipara District Plan.

DNL received notice of the decisions referred to in this appeal on 11 October 2011.

The decisions were made by the KDC.

The specific decisions appealed are:

**1. Chapter 4 – Overlays Decision Report - Decisions on Submission 78/2 on Overlays, Submission 78/19 on District Plan Methods, Submission 78/20 on Overlay Mapping, and Submission 78/1 on Removal of Overlays From Properties in Mangawhai**

**1.1 Decisions Appealed**

The Council decisions were to accept in part submissions 78/2, 78/19 and 78/20 and reject submission 78/1. DNL appeals all of the related decisions that apply two particular 'overlays' (Harbour & Waterways) to the Sanctuary subdivision DNL has developed in Cove Rd, Mangawhai and other adjacent properties in the area to the northwest of Mangawhai Heads that have also been closely subdivided and developed over recent years.

**1.2 Reasons for Appeal**

DNL appeals the decision to retain the Harbours overlay and the Waterways overlay (but rename it Valued Environments of Mangawhai) over the Sanctuary subdivision it has developed in Cove Rd, Mangawhai and other land adjacent properties in the Mangawhai Heads area. The harbour and waterways values of the DNL property and others in the surrounding area are not sufficiently high or apparent to warrant retention of the two overlays. Also the renaming of the Waterways overlay is not sufficiently explained or justified in the decisions.

The two overlays are not necessary under the Act to protect 'sensitive and valued environments' in the Mangawhai Heads area, especially when those environments have not been rigorously defined and the values clearly identified and explained to affected landowners. The overlays are inappropriate and are contrary to good resource management practice.

The Mangawhai Structure Plan is cited in the decisions to support them. The structure plan is not an appropriate document on which to establish 'overlays' on the Sanctuary subdivision and other adjacent properties. The structure plan was not subject to a rigorous RMA based enquiry process and did not clearly identify the 'conservation' values that are considered to warrant 'protection'. It also predates the Sanctuary subdivision, which involved the damming of a waterway and creation of artificial lakes.

The boundary between the Harbours Overlay and the Waterways (renamed Valued Environments of Mangawhai) Overlay bears little or no relationship to any natural or physical features, (such as contour, vegetation or water ways) on the DNL property and other properties in the surrounding area. The overlay boundary also has no obvious relationship to the approved Sanctuary subdivision of the DNL property and property boundaries in the wider area.

The decisions fail to objectively and reasonably identify the benefits and costs of the overlays and related rules. The decisions and related Section 32 analysis do not recognise the costs to existing landowners and prospective purchasers of applying the more restrictive 'overlay' rules to properties. The costs are not justified and are unreasonable, especially in the case of the Duck Nominees Ltd property, where two different overlays apply, in addition to the Rural zone rules.

### 1.3 Relief Sought

- (a) The overlay provisions applying to the DNL property and all other properties in the area to the northwest of Mangawhai Heads that relate to it be deleted from the Proposed Kaipara District Plan.
- (b) Such consequential or incidental amendments as are required to achieve consistency with the relief sought in this notice.
- (c) Such further or other relief as the Environment Court thinks fit.
- (d) Costs.

## 2. **Sub Report 2 – Excavation and Vegetation Clearance Rules Decision Report - Decisions on Submission 78/3 on Excavation and Fill Rules and Submission 78/6 on Vegetation Clearance Rules**

### 2.1 Decisions Appealed

The Council decisions were to reject submissions 78/3 and 78/6. DNL appeals the decisions to not delete or substantially amend the rules on excavation and fill (earthworks) and on destruction or clearance of indigenous vegetation in the Waterways (renamed Valued Environments of Mangawhai) Overlay that apply to the majority of the lots in the Sanctuary subdivision in Cove Rd, Mangawhai.

### 2.2 Reasons for Appeal

The rules on earthworks and indigenous vegetation clearance in the Waterways Overlay are not adequately explained and are not required to implement the related objectives and policies of the proposed plan. The rules are unnecessarily restrictive, and are inconsistent with other rules in the district plan.

The Section 32 analysis of the rules does not fully recognise the true costs of the rules and balance them against the purported benefits, that are overstated. This analysis and the decision do not adequately assess alternative methods. The decision is contrary to good resource management practice and the Act.

### 2.3 Relief Sought

- (a) The rules on earthworks and indigenous vegetation clearance in the Waterway (renamed Valued Environments of Mangawhai) Overlay be

deleted altogether or made consistent with those applying in the Harbours overlay of the Proposed Kaipara District Plan.

- (b) Such consequential or incidental amendments as are required to achieve consistency with the relief sought in this notice.
- (c) Such further or other relief as the Environment Court thinks fit.
- (d) Costs.

### **3. Sub Report 6 –Dwellings and Subdivision Rules - Decisions on Submission 78/9 on Rural Zone Minimum Lots Sizes and Activity Status**

#### **3.1 Decisions Appealed**

The Council decision was to reject DNL submission 78/9. DNL appeals the decision to not delete or substantially amend the rule on controlled activity subdivision requiring lots of at least 20ha within the Harbours Overlay and the Waterways (renamed Valued Environments of Mangawhai) Overlay that apply to the Sanctuary subdivision in Cove Rd, Mangawhai.

#### **3.2 Reasons for Appeal**

The rules on subdivision in the Harbours and Waterways (renamed Valued Environments of Mangawhai) are overly restrictive and not required to implement the related objectives and policies of the district plan. The rules are inconsistent with the existing subdivision pattern within and adjacent to the Sanctuary subdivision developed by DNL. They are also inconsistent with a number of related subdivision consents granted by the Council over recent years in the Mangawhai Heads rural area.

The Section 32 analysis of the rules is inadequate as it does not fully recognise the true costs of the rules and balance them against the purported benefits that are overstated. The decision and the Section 32 analysis do not adequately assess alternative methods. The decision is contrary to good resource management practice and the Act.

#### **3.3 Relief Sought**

- (a) The rules on subdivision in the Harbours and Waterways (renamed Valued Environments of Mangawhai) overlays be deleted altogether from the Proposed Kaipara District Plan.
- (b) Such consequential or incidental amendments as are required to achieve consistency with the relief sought in this notice.
- (c) Such further or other relief as the Environment Court thinks fit.
- (d) Costs.

**4. Zone Rules Sub Report 3 – Development Controls - Decisions on Submission 78/5 on Setback Rules and Assessment Rural Zone Minimum Lots Sizes and Activity Status**

**4.1 Decisions Appealed**

The Council decision was to reject DNL submission 78/5. DNL appeals the decision to not delete or substantially amend the rule requiring a 30m building setback from the banks of any mapped waterway or wetland within Waterways (renamed Valued Environments of Mangawhai) Overlay that applies to the Sanctuary subdivision in Cove Rd, Mangawhai.

**4.2 Reasons for Appeal**

The rule on building setbacks in the Waterways (renamed Valued Environments of Mangawhai) overlay are overly restrictive and not required to implement the related objectives and policies of the district plan. The rules are inconsistent with the existing subdivision pattern within the Sanctuary subdivision developed by DNL and the related subdivision consent granted by the Council.

The Section 32 analysis of the rule is inadequate as it does not fully recognise the true costs of the rule and balance them against the purported benefits that are overstated. The decision and the Section 32 analysis do not adequately assess alternative methods. The decision is contrary to good resource management practice and the Act.

DNL also does not agree with the decision as stated to “build in the future a database on the features within the overlay”. Any such database of features within the overlay should underpin any such rule and form part of the district plan now, not sometime in the future.

**4.3 Relief Sought**

- (a) The rule on building setback in the Waterways (renamed Valued Environments of Mangawhai) overlay be deleted altogether from the Proposed Kaipara District Plan, or the Sanctuary subdivision developed by DNL in Cove Rd Mangawhai be specifically excluded or exempted from the rule.
- (b) Such consequential or incidental amendments as are required to achieve consistency with the relief sought in this notice.
- (c) Such further or other relief as the Environment Court thinks fit.
- (d) Costs.

We attach the following documents to this notice:

Annexure A – A copy of the DNL submission

Annexure B – Copies of the relevant KDC decisions

Annexure C – A list of names and addresses of persons to be served with a copy of this notice

Annexure D – The evidence presented at the Council hearing, including notified district plan and maps showing the DNL property.

Annexure E – Relevant maps from the updated district plan as a result of decisions showing the DNL property.

Max Dunn  
for Andrew.Stewart Ltd

Date: 18 November 2011

Address for service of the appellant:

Max Dunn  
Manager – Planning Services  
Andrew.Stewart Limited  
PO Box 911 310  
Victoria Street West  
Auckland 1142

Tel: 09 984 7736

Fax: 09 303 0104

Email: maxd@andrewstewart.co.nz

*Advice to recipients of copy of notice*

*How to become party to proceedings*

You may be a party to the appeal if you lodge a notice of your wish to be a party to the proceedings (in Form 33) with the Environment Court within 30 working days after this notice was lodged with the Environment Court.

You may apply to the Environment Court under Section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see Form 38).

How to obtain copies of documents relating to appeal or inquiry

The copy of this notice served on all parties, other than KDC, does not attach a copy of the relevant annexures. These documents may be obtained, on request, from the appellant.

*Advice*

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington or Christchurch.

Contact details of Environment Court for lodging documents

Documents may be lodged with the Environment Court by lodging them with the Registrar.

The Auckland address of the Environment Court is:

8th Floor  
District Court Building  
3 Kingston Street  
Auckland

Its postal address is:

PO Box 7147  
Wellesley Street  
Auckland 1141

Its telephone and fax numbers are:

Tel: (09) 916 9091  
Fax: (09) 916 9090



- \* Key to Highlig and in for info to Submit 3  
for send to the Highlig Notice of appeal  
and for info to  
also.
- \* Highliged Submit are to be added to  
Appendix C which is a list of persons served with the  
notice.

Annexure A

## Submission Form | Proposed Kaipara District Plan 2009

**Ph: 09 439 7059**  
**Fax: 09 439 6756**

**Full name of submitter:** Duck Nominees Ltd

Email: [david@angloasia.co.nz](mailto:david@angloasia.co.nz)

**We wish to be heard (attend and speak at the Council hearing) in support of my submission. \***

☒ Yes ☐ No

### Point 1

**Map Series one – Land Use – Map 17, Appendix B Waterways Overlay – Map 3, and Appendix B Harbour Overlay – Map 6**

**3. Our submission is that:**

The harbour and waterways overlays applying to the Duck Nominees Ltd property in Cove Road and other properties to the north-west of Mangawhai Heads are inaccurate and bear little or no relationship to the topography and natural features of the different properties. The proposed policies and rules associated with overlays are poorly founded and explained and will affect the future sale, use and subdivision of lots in the approved Sanctuary subdivision on the Duck Nominees Ltd property and possibly other properties in the area. The overlays are contrary to the Resource Management Act, NZ Coastal Policy Statement and Regional Policy Statement.

**4. We seek the following decision from the Council:**

Deletion of the harbour and waterways overlays from the Duck Nominees Ltd property and all other properties in the area to the north-west of Mangawhai Heads that relate to it.

## **Point 2**

**1. The specific provision of the Proposed District Plan that this part of our submission relates to is:**

### **Section 4**

**2. We oppose (wish to have amended) the specific provision identified in (1) above.**

**3. Our submission is that:**

The provisions relating to the harbour and waterway overlays in Section 4, including the objectives, policies, methods and outcomes are poorly founded and explained and will affect the future sale, use and subdivision of lots in the approved Sanctuary subdivision on the Duck Nominees Ltd property and possibly other properties in the area. The overlays are contrary to the Resource Management Act, NZ Coastal Policy Statement and Regional Policy Statement.

**4. We seek the following decision from the Council:**

Delete Section 4 of the Proposed District Plan in its entirety or amend the section to ensure all the objectives, policies, methods and outcomes are appropriately founded and explained and are consistent with the Act and related documents.

## **Point 3**

**1. The specific provision of the Proposed District Plan that this part of our submission relates to is:**

### **Rule 12.10.1 Excavation and Fill**

2. We oppose in part (wish to have amended) the specific provision identified in (1) above.

3. Our submission is that:

The permitted excavation and fill volumes of 150m<sup>3</sup> within the waterways overlay are excessively stringent given the broad-brush approach used in applying the 'waterways' overlay. The reasons for the control are not adequately explained, particularly as the effects of earthworks on waterways are primarily a Regional Council responsibility and there are rules in place already.

4. We seek the following decision from the Council:

Delete the provisions relating to earthworks in the waterways overlay or alternatively, amend the volume of excavation and fill to a volume less than 1,000m<sup>3</sup>, which is the same as the East Coast, West Coast and Harbour overlays.

## **Point 4**

1. The specific provision of the Proposed District Plan that this part of our submission relates to is:  
**Rule 12.10.2 Vegetation Clearance**

2. We oppose in part (wish to have amended) the specific provision identified in (1) above.

3. Our submission is that:

The rules on the destruction or clearance of indigenous vegetation within the waterways overlay are excessively stringent given the broad-brush approach used in applying the 'waterways' overlay. The reasons for the standards have not been adequately explained.

4. We seek the following decision from the Council:

Amend the height of indigenous vegetation under Rule 12.10.2(3)(b) by replacing "3m in height" with "6m in height" and replace the "500m<sup>2</sup>" area specified with "1000m<sup>2</sup>", being the provisions applying to the other overlay areas.

## **Point 5**

1. The specific provision of the Proposed District Plan that this part of our submission relates to is:

**Rule 12.10.4 Commercial activities – Support in part**

2. We support in part and oppose in part (wish to have amended) the specific provision identified in (1) above.

3. Our submission is that:

We generally support the provision for commercial activities in a Rural zone as a permitted activity or non-notified restricted discretionary activity where performance standards are not met. We are investigating the development of some commercial facilities on one or two of the lots in the Sanctuary subdivision. However, the standards relating to sewerage systems are confusing. Rule 12.10.4(1)(e) requires compliance with Rule 12.15.6(c)-(d), which does not appear to exist. This rule has not been adequately explained.

4. We seek the following decision from the Council:

Amend Rule 12.10.4 to clarify requirements for sewerage systems for commercial activities. In particular, provide for privately-owned on-site reticulated sewerage systems.

## Point 6

1. The specific provision of the Proposed District Plan that this part of our submission relates to is:

### Rule 12.10.7 Setbacks

2. We oppose in part (wish to have amended) the specific provision identified in (1) above.

3. Our submission is that:

Rule 12.10.7(1) requires a 10m setback from side and rear yards, where the current setback is 3m. The proposed setback of 10m has not been adequately explained and is considered excessive for our subdivision and others of a similar nature.

The Sanctuary subdivision includes two man made lakes, some streams and several wetland areas. Rule 12.10.7(2)(a) is confusing as it refers to "any mapped waterway or wetland within this Overlay". As the overlay is titled "waterways", reference to "any mapped waterway" can be read to include the entire overlay. The general setbacks for the Rural zone include a 30m setback from lakes, rivers and streams and including 'waterways' within Rule 12.10.7(2)(a) appear to restate this unnecessarily. Additionally, it is unclear whether any wetlands have been mapped.

4. We seek the following decision from the Council:

Amend the side and rear yards setbacks from "10m" to "3m" under Rule 12.10.7.

Remove "waterway" from Rule 12.10.7(2)(a) so that it reads "any mapped wetland" if there are any mapped wetlands and refer to the relevant map(s).

## **Point 7**

1. The specific provision of the Proposed District Plan that this part of our submission relates to is

### **Rule 12.10.9 Separation Distance**

2. We oppose (wish to have amended) the specific provision identified in (1) above.

3. Our submission is that:

We are investigating the development of some commercial facilities, including visitor accommodation on 1-2 of the lots in the Sanctuary subdivision. Rule 12.10.9 requires a separation distance of 300m between residential dwellings and a number of other activities, including buildings used for commercial activities. The definition of 'commercial activity' includes activities such as visitor accommodation. The separation distance for these and other commercial activities is considered unreasonable and is contrary to the Resource Management Act.

4. We seek the following decision from the Council:

Remove 'or commercial' from Rule 12.10.9(c) or alternatively specify a lesser separation distance for commercial activities.

## **Point 8**

1. The specific provision of the Proposed District Plan that this part of our submission relates to is:

### **Rule 12.12.1 General Rural Subdivision**

2. We oppose in part (wish to have amended) the specific provision identified in (1) above.

3. Our submission is that:

The controlled activity subdivision provisions of 20ha within the harbour and waterways overlays are not adequately explained and are considered to be unreasonable given the broad-brush approach used in applying these overlays. We also do not want two different types of subdivision rules applying to our property.

4. We seek the following decision from the Council:

Retain the rules on the subdivision of Rural zoned land in the current operative district plan.

## Point 9

1. The specific provision of the Proposed District Plan that this part of our submission relates to is:

### **Rule 12.15.6 Wastewater Disposal**

2. We oppose in part (wish to have amended) the specific provision identified in (1) above.

3. Our submission is that:

Rule 12.15.6(3) refers to Council systems only. The Sanctuary subdivision has a private reticulated wastewater system serving a number of the lots. The requirement, where no Council system is available, for each property to have individual systems is unnecessarily restrictive and provision should be made for reticulated systems, regardless of their ownership.

4. We seek the following decision from the Council:

Replace the word "Council" with the word "reticulated" in Rule 12.15.6(3) to read "Where no reticulated system is available..."

## Point 10

1. The specific provision of the Proposed District Plan that this part of our submission relates to is:

### **Appendix G Maps – Environmental Benefit/Valued Landscapes**

2. We oppose (wish to have amended) the specific provision identified in (1) above.

3. Our submission is that:

The Sanctuary subdivision is shown on the Appendix G maps. The maps do not appear to relate to any objectives, policies and rules and have not been adequately explained. Background information indicates that these maps may be used in identifying outstanding landscapes; while no provisions appear to relate to outstanding landscapes, Chapter 18 of the plan has been left blank. Inserting the maps without explanation is inappropriate and contrary to the Resource Management Act.

4. We seek the following decision from the Council:

Delete the maps in Appendix G and related district plan references.

**3.3.3 Changes required as a result of Decision**

Amend the Excavation and Fill Rules 12.10.1 and 13.10.1 (Excavation and Fill) as set out in section 3.4.3)).

**3.3.4 Consequential Amendments**

Amend Rules 14.10.1, 15A.10.1 and 15B.10.1 as per above.

**3.4 [PAN SR2.2] – Performance Standards for the Excavation and Fill Rules**

Several submissions were received opposing the volumes or areas permitted in the standards of the Excavation and Fill Rules. Requested amendments included the following (demonstrating both submissions seeking increases and decreases to the permitted volumes and areas):

1. Apply Rules 12.10.1(1) (a-d) to the Overlays. The earthworks rules are more onerous than the Rural Zone without an overlay. (22/1)
2. Delete Rules 12.10.1 sub parts (1), (2), (3). (10/3, 24/2)
3. Thresholds in the Harbour and West Coast Overlays are too stringent and not practical for farming activities or driveways. (79/1)
4. Amend the volume of excavation and fill so that it is less than 1,000m<sup>3</sup> to make the Rule consistent with the East Coast, West Coast and Harbour Overlays. (78/3)
5. Clarify earthworks provisions as to the volume of earthworks permitted. (67/1)
6. Amend Rule 14.10.1 to reduce the excavation and fill threshold. The submitter states that the excavation and fill allowance per year is too low and restricts business activities. (396/9)
7. Amend 12.10.1 and 15A10.1 (2) a) to 300 m<sup>3</sup> in any 12 month period, and amend excavation and fill setback from a water body to 20 metres applying to Overlays. (135/60, 135/85 and 135/99)
8. Amend the excavation volumes in Rule 12.10.1 to 1000m<sup>3</sup> in any hectare in any 12 month period in all zones. (95/16)
9. Amend Excavation and Fill Rule (1) a) in all zones to refer to mapped areas of instability or flood hazards to address sedimentation issues in the District. It is noted that the submitter attached a plan to their submission. (74/3)
10. Amend Rule 12.10.1.1(a) to areas 'identified' as subject to instability or flood hazard, and to insert the words 'where practical' in 12.10.1 (c). The submitter notes that revegetation is impractical for the purpose for an access track. (174/21)
11. Submissions 432/25 and 425/25 request amendments to Rules 12.10.1, 13.10.1 and 14.10.1 to include a restriction on excavation and fill being undertaken within 20m of the CMA for Kai Iwi Lakes and Waterways<sup>6</sup> Overlay. This performance standard should be included in all zones. The submitter also states that rules should take into consideration tangata whenua cultural values around adverse effects to the whenua and protection of such earthworks close to Wai Maori.

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<sup>6</sup> Renamed by the Panel as the Valued Natural Environments of Mangawhai

12. Another submission also sought to amend (a) to include a further restriction within all Overlays so that the amount of earthworks are restricted where they are within 20m of the Coastal Marine Area. (95/16)

In addition to the volumes and areas, a number of submissions seek to exclude specific activities from the Excavation and Fill rules. The following is a summary of the variety of relief sought:

1. Exclude trenching activities in association with the installation of network utilities from the Excavation and Fill standards in the Chapters 12, 13, 14 and 15A. (114/19, 114/20, 114/21, 114/22, 114/23)
2. Exclude network utilities; clarify earthworks for network utility maintenance purposes increase the threshold for the depth of excavation for network utilities in some zones (e.g. 1.5m in residential and business areas); amend the definition of excavation to exclude network utilities; and provide for earthworks associated with maintenance and minor upgrading of the National Grid as a permitted activity. (434/24) Several submissions seek that new rules be included in the Plan for certain activities in relation to Excavation and Fill. The following is a summary of the relief sought:
3. Add a new rule to allow the removal of underground petroleum storage systems and associated soil as a permitted activity plan in Chapter 12, 13, 14, 15A and 15B, or amend the definition excavation to exclude the removal of underground petroleum storage systems. The submitter also made submission points in support of the current provisions in chapter 12, 13 and 14 to allow activities on contaminated land to be assessed as a permitted activity where effects are no more than minor. (104/16, 104/17, 104/18, 104/19, 104/11, 104/2, 104/3, 104/4)
4. Rewrite Rule 12.10.1 to recognise orchard operations and include a reduction and review of the assessment criteria. Orchardists do not vegetate after planting as they clear the ground (submission 147/6).

### 3.4.1 Decision

That submission:

Submission Point	Submitter Name	Hearing Report	Page	Decision
22/1	Cullen, Shane Noel	SR2	7-8	Be Accepted in Part
FS465/61	Department of Conservation (Northland Conservancy)	SR2	7-8	Be Accepted in Part
10/3	Poutu Investments Ltd	SR2	7-8	Be Rejected
79/1	Talbot, Lindsay Dalton	SR2	7-8	Be Rejected
24/2	Rowe, Graeme and Pam	SR2	7-8	Be Rejected
67/1	Hendrickx, Paul	SR2	7-8	Be Rejected
74/3	Duckworth Ltd	SR2	7-8	Be Rejected
396/9	Flett, Alistair Murray	SR2	20	Be Rejected
135/60	Department of Conservation (Northland Conservancy)	SR2	6-7	Be Rejected
135/85	Department of Conservation (Northland Conservancy)	SR2	21	Be Rejected
135/99	Department of Conservation (Northland Conservancy)	SR2	21	Be Rejected

First  
Submitter



Sub Report 2 - Excavation and Vegetation Clearance Rules - Decision Report

Submission Point	Submitter Name	Hearing Report	Page	Decision
95/16	Royal Forest and Bird Protection Society of NZ Inc.	SR2	6-7	Be Rejected
FS464/3	Coles, Peter & Rose	SR2	6-7	Be Accepted
FS490/23	Federated Farmers of New Zealand	SR2	6-7	Be Accepted
FS471/2	Newlove, Thomas and Barbara	SR2	6-7	Be Accepted
FS466/72	Horticulture NZ	SR2	6-7	Be Accepted
FS511/23	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR2	6-7	Be Accepted
74/3	Makey, Leane	SR2	4	Be Accepted in Part
FS488/2	Bull, P	SR2	9-10	Be Accepted in Part
432/25	Te Roroa	SR2	4-5	Be Accepted in Part
425/25	Te Uri o Hau	SR2	4-5	Be Accepted in Part
114/19	Telecom NZ Ltd,	SR2	9	Be Accepted in Part
FS498/173	Northpower Limited	SR2	9	Be Accepted in Part
114/20	Telecom NZ Ltd,	SR2	19	Be Accepted in Part
114/21	Telecom NZ Ltd,	SR2	20	Be Accepted in Part
FS498/174	Northpower Limited	SR2	20	Be Accepted in Part
114/22	Telecom NZ Ltd,	SR2	21	Be Accepted in Part
114/23	Telecom NZ Ltd,	SR2	22	Be Accepted in Part
434/24	Transpower New Zealand Limited	10	91	Be Accepted
FS498/135	Northpower Ltd	10	91	Be Accepted
FS487/15	Vector Gas Limited	10	91	Be Accepted
104/16	The Oil Companies	SR2	12	Be Accepted
104/17	The Oil Companies	SR2	12	Be Accepted
104/18	The Oil Companies	SR2	12	Be Accepted
104/19	The Oil Companies	SR2	21	Be Accepted
104/20	The Oil Companies	SR2	22	Be Accepted
104/11	The Oil Companies	8	20	Be Accepted
104/2	The Oil Companies	8	21	Be Accepted
104/3	The Oil Companies	8	21	Be Accepted
104/4	The Oil Companies	8	21	Be Accepted
104/9	The Oil Companies	Not specifically referred to in the Hearing Report		Be Accepted
104/15	The Oil Companies	Not specifically referred to in the Hearing Report		Be Accepted

Submission Point	Submitter Name	Hearing Report	Page	Decision
147/6	Price, Ewan Ronald & Jennifer	SR2	10-11	Be Accepted in Part
FS466/75	Horticulture NZ	SR2	11	Be Accepted in Part
174/21	Federated Farmers of New Zealand	SR2	9-10	Be Rejected

Last  
Submitter

### 3.4.2 Reasons for Decision

1. The Panel notes that exclusions in Rule 12.10.1(1) were intended to also apply to the Overlays. The Panel considers that it would improve the interpretation of the Rules if they were amended to make this clearer. On this basis, the Panel accepts in part submission 22/1 to the extent that it amends the Excavation and Fill Rules (e.g. 12.10.1) to include a separate section for all Overlays to make it clear what standards apply to these areas.
2. The Panel notes that the Regional Water and Soil Plan for Northland contains rules for earthworks within the Riparian Management Zone, (reduced limits in proximity to water) and considers that this amendment is appropriate for the reasons set out in section 3.3.3 above.
3. The Panel notes a typographical error in Rule 13.10.1
4. The Panel considers that the excavation and fill volumes in 14.10.1 are appropriate and believes if Council was to increase the volume of excavation and fill allowed as a permitted activity it would not be consistent with the policy framework of the Business Zone Chapter. The Panel notes that it would not be an effective or efficient method to achieve the objectives and policies and would therefore not achieve the Outcomes of the Plan, in particular Outcome 14.8.2, which states:

*A range of new business activities will be established across the District while avoiding, remedying or mitigating any adverse effects on the environment, particularly harbours, lakes and coastal environments.*

For the reasons set out above the Panel considers that the excavation and fill volumes for the Overlays are appropriate, and is satisfied that the thresholds contained in Rule 14.10.1 will ensure that development is carried out in accordance with the policy framework of the Plan. Accordingly the Panel rejects submissions 10/3, 24/2, 78/3, 396/9, 135/60, 135/85 and 135/99.

### Excavation Rules – Overlays Thresholds

5. The Panel acknowledges that Council identified in the Section 32 Report that the effects of earthworks are relevant to a number of resource issues in the District, including vegetation cover (ecological values, landscape and amenity values and the physical resource), heritage and cultural values, amenity values and natural hazards, infrastructure and roading. The Panel notes that Council concluded in that report that an appropriate balance between normal rural farming practices and protecting the sensitivity of environments (Overlays) needs to be met. The Panel considers that to achieve this balance, it is appropriate for Council to have more restrictive performance standards for excavation and fill in Overlays, as compared with other areas of the District<sup>7</sup>. This matter is also considered in Section 3.2 of this report. For the reasons set out in Section 3.2, the Panel considers that the excavation and fill volumes for the Overlays are appropriate, and is satisfied that the thresholds contained in the Plan's Rules will ensure that development is carried out in accordance with the policy framework of the Plan. The Panel rejects submissions 79/1 and 95/16.

<sup>7</sup> It is noted, however, that as a result of Panel decisions from submissions to the Plan that the extent of geographic area of Overlays has been reduced (see the Decision Report for Chapter 4: Overlays).

### Excavation Rules - Hazards

6. The Panel notes that reference to areas 'known' to be subject to instability or flood hazard within Rule 12.10.1(a), are recorded on Council's database. The Panel notes that hazard areas have not been included in the Plan's planning maps, and therefore, does not consider that these can be referred to in a Rule in the Plan, but rather that these are appropriately considered as a matter of assessment for resource consent. Accordingly the Panel rejects submission 174/21.
7. The Panel considers it important to restrict earthworks and fill in areas that are erosion prone or are located within flood hazard areas, and to require resource consent for any earthworks that would exceed the permitted activity performance standards included in the Plan. The Panel also notes that the *Regional Water and Soil Plan for Northland* contains standards for erosion and sediment control, as well as additional controls for works to be carried out within the Riparian Management Zone. Further to this, the Panel acknowledges that Note 1 of Rule 12.10.1 identifies that excavation may require resource consent from the Northland Regional Council. For these reasons, the Panel accepts in part submission 74/3 and 174/21 by modifying Rule 12.10.1 to address excavation and fill on erosion prone land.

### Excavation – Cultural values

8. The Panel acknowledges that excavation and fill has the potential to impact of sites of cultural value, including Wai Maori. For this reason, the Panel accepts in part the submission 432/25 and 425/25 to the extent that the Panel amends the assessment criteria for the Excavation and Fill Rules (e.g. 12.10.1), to provide for the consideration of effects on cultural values and the extent to which consultation has been undertaken with Tangata Whenua.

### Excavation – Exclusions

9. The Panel recognises that network utilities support the social and economic wellbeing of the District by providing essential services to communities. Therefore, the Panel has included appropriate exclusions to the excavation performance standards to exclude network utilities except in instances where they pass through sites or features identified in Part C of the Plan. On this basis the Panel accepts in part submissions 114/19 and 114/20, 114/21, 114/22, 114/23 and 434/24.
10. In relation to submitter 104, the Panel notes that excavation associated with the removal of storage tanks is likely to only generate temporary adverse effects on environment (e.g. visual amenity). The Panel amends the definition of excavation to allow for the on-going maintenance of tanks and where necessary their replacement.
11. In regard to submission 147/6, which seeks that Rule 12.10.1 be rewritten to provide for orchards, the Panel notes that the Rule is not intended to capture excavation associated with orchards and that the increase in earthworks limits (discussed in section 3.2 of this report) should appropriately respond to this concern.

#### **3.4.3 Changes required as a result of Decision**

*[Amend the Excavation and Fill Rules 12.10.1(Excavation and Fill) as follows]*

## 12.10.1 Excavation and fill

Performance Standard	Activity Status ...	Assessment Criteria
<p><del>(1) Rural Zone</del>  <b>Subject to the exceptions in (4) below excavation and fill is a Permitted Activity if:</b></p> <p>(1) Rural Zone</p> <p>a) The site is not within any area known to be erosion prone, subject to instability, or flood hazards, and</p> <p>b) The works are within 6m of the top of a bank of any water body, and the volume is less than 1,000m<sup>3</sup> within a site and the area is less than 1,000m<sup>2</sup> in any 12 month period; and</p> <p>Or</p> <p>The works are located a minimum of 6m from the top of a bank of any water body and <del>the</del> the volume is less than 25,000m<sup>3</sup> in any <del>area</del> within a site, in any 12 month period and is not within 6m of a bank of any water body; and;</p> <p>c) All bare earth areas, including excavation and fill batter faces within a site, are revegetated or stabilised within 6 months of the earthworks being completed; and</p> <p>d) All revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 24 months of the earthworks being completed.</p> <p>In addition to the above Performance Standards:</p> <p>(2) East Coast &amp; West Coast and Harbours (Mangawhai &amp; Kaipara) Overlays</p> <p>a) Any excavation and fill is of a. The volume is less than 1,000m<sup>3</sup> and the area is less than 1,000m<sup>2</sup> in any 12 month period within a site and is not within 6m of the top of a bank of any water body; and</p> <p>b) Any excavation or fill. The height or depth is less than 2m in depth or height over a continuous distance of less than 50m within a site.</p>	<p>Restricted Discretionary Activity</p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>i) Whether building consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be reconsidered here);</p> <p>ii) Whether resource consent from the Northland Regional Council has been granted and has already assessed the proposed earthworks;</p> <p>iii) Compliance with relevant Regional Council guidelines, publications or plans;</p> <p>iv) Machinery to be used and hours of operation;</p> <p>v) Effects on the locality, particularly the character and amenity values of adjoining sites/landuses;</p> <p>vi) Effects on landforms;</p> <p>vii) Effects on ecological values and in particular any Sites of Ecological Significance identified by the Department of Conservation or by reference to the criteria listed in Appendix 24G;</p> <p>viii) Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land;</p> <p>ix) Effects on landscape and heritage values, in particular any site identified in the District Plan or an amenity landscape identified in Council's Draft Kaipara District Plan Review Landscape Technical Report (2006/11);</p> <p>x) Effects on water bodies, including wetlands, in particular whether and the extent to which the following are avoided:</p> <p>i) Creation of a barrier to flood flows or reduction in the capacity of the area to contain stormwater; and</p> <p>ii) Restriction of flood water onto or increasing the impact of a</p>

Performance Standard	Activity Status ...	Assessment Criteria
<p><b>(3) Kai Iwi Lakes and Valued Natural Environments of Mangawhai<sup>3</sup> Overlays</b></p> <p>a) <del>Any excavation and fill is of a</del> <u>The volume is less than 150m<sup>3</sup> and the area is less than 150m<sup>2</sup> in any 12 month period within a site and is not within 6m of the top of the bank of any water body; and</u></p> <p>b) <del>Any excavation or fill. The height or depth is less than 2m in depth or height over a continuous distance of less than 50m within a site.</del></p> <p><b>(4) Except that the following are Permitted Activities throughout the Rural Zone, including Overlays and are excluded from the Standards of 12.10.1(1), 12.10.1(3) and 12.10.1(3):</b></p> <p>a. <u>Forestry, if the company is a signatory of the New Zealand Forest Accord;</u></p> <p>b. <u>Network utilities, except where a site or feature is identified in Part C of the Plan;</u></p> <p>c. <u>Underground storage tanks except where a site or feature is identified in Part C of the Plan.</u></p> <p>..</p> <p>Note 3: <u>The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).</u></p>		<p><del>Food event on another property;</del></p> <p><del>ix) Whether and the extent to which the works meet the requirements of the performance standards in Rule 12.10.1 of excavation and fill provisions of the Kaipara District Council Engineering Standards 2011 2009;</del></p> <p><del>x) <sup>xi)</sup> Effects of dust and noise on sensitive receivers;</del></p> <p><del>xii) <sup>xiii)</sup> Ability to create or exacerbate a natural hazard</del></p> <p><del>xiii) <sup>xiv)</sup> Whether the work is in a Flood Susceptibility Area identified in Part E, Appendix C, and if so:</del></p> <p><del>i) Whether the work or structure is likely to have an adverse effect on downstream or upstream flooding;</del></p> <p><del>ii) Ability to create or exacerbate a natural hazard;</del></p> <p><del>iii) Effects on water bodies including wetlands;</del></p> <p><del>xiii) <sup>xiv)</sup> Whether and the extent to which neighbouring property owners or occupiers (within 200m of the proposed activity) have been consulted and their concerns (if any) have been addressed;</del></p> <p><del>xiv) <sup>xv)</sup> In Overlays, how the proposal contributes to the objectives and outcomes for the relevant Overlay, as set out in Chapter 4 (Sections 4.4 and 4.7).</del></p> <p><del>xv) Effects on cultural and heritage values, including whether and to what extent consultation has been undertaken with tangata whenua as appropriate, and</del></p> <p><del>xvi) The consistency of the proposal with the relevant objectives and policies contained in Part A and Part C of the Plan managing the values of the District, including but not limited to Chapters 2, 6, 7, 8 and 17.</del></p> <p>In addition to the above, any application for consent to undertake excavation and fill will require an Excavation and Fill Management Plan, which is to contain the following information,....</p>

<sup>3</sup> It is noted that this was previously the 'Waterways Overlay' but has been retitled as part of decisions on Chapter 4 of the Plan, refer Chapter 4 – Overlays – Decision Report.

Performance Standard	Activity Status ...	Assessment Criteria
<p>[Amend Rules 15A.10.1 and 15B10.1 (Excavation and Fill) as per above]</p> <p>[Amend Rule 13.10.1 (Excavation and Fill) as follows]</p>		
Residential Permitted Activity Performance Standard	Activity Status ...	Assessment Criteria
<p><del>(4) Residential Zone</del></p> <p><del>(1) Excavation and Fill is a Permitted Activity if:</del></p> <p>a) The site is not within any area known to be <u>erosion prone</u> or subject to instability or flood hazards; and</p> <p>b) Where the site is outside of an Overlay area the volume is less than 200m<sup>3</sup> in any hectare within a site in any 12 month period and where <u>Overlays</u> apply, the volume is less than 100m<sup>3</sup> within a site in any 12 month period; and</p> <p>c) The site is not within 6m of a bank of any water body; and</p> <p>d) The <u>height</u> or depth is less than 1.5m over a continuous distance of less than 5m within a site. <del>It does not involve an excavation or fill exceeding 1.5m in depth or height; and</del></p> <p>e) Any excavation or fill on land does not have an average slope greater than one in eight, and extend over an area greater than 200m<sup>2</sup>, and</p> <p>f) All bare earth areas, including excavation and fill batter faces within a site, are revegetated <u>or</u> stabilised within six months of the earthworks being completed; and</p> <p>g) All revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 12 months of the earthworks being completed.</p>	<p>Restricted Discretionary Activity</p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>i) Whether building consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be reconsidered here);</p> <p>ii) <del>Whether resource consent from the Northland Regional Council has been granted and has already assessed the proposed earthworks;</del></p> <p>iii) <del>Compliance with relevant Regional Council guidelines, publications or plans;</del></p> <p>iv) Machinery to be used and hours of operation;</p> <p>v) Effects on the locality, particularly the character and amenity values of adjoining sites/landuses;</p> <p>vi) <del>Effects on landforms;</del></p> <p>vii) <del>Effects on ecological values and in particular any Sites of Ecological Significance identified by the Department of Conservation or by reference to the criteria listed in Appendix 2A;</del></p> <p>viii) <del>Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land.</del></p> <p>ix) Effects on landscape and heritage values, in particular any site identified in the District Plan or an amenity landscape identified in Council's Draft Kaipara District Plan Review Landscape</p>
<p><u>(2) Except that the following are Permitted Activities throughout the</u></p>		

Residential Permitted Activity Performance Standard	Activity Status ...	Assessment Criteria
<p><b><u>Residential Zone, including Overlays and are excluded from Rule 13.10.1(1):</u></b></p> <p><u>i) Network utilities, except where a site or feature is identified in Part C of the Plan;</u></p> <p><u>ii) Underground storage tanks except where a site or feature is identified in Part C of the Plan.</u></p> <p><u>In addition to the above Performance Standards:</u></p> <p><b><u>(2) In All Overlays</u></b></p> <p><u>Any excavation and fill is of a volume less than 100m<sup>3</sup> in any 12 month period and is not within 5m of a bank of any water body.</u></p> <p><u>Note 1: ...</u></p> <p><u>Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 5m continuous length (whichever is the lesser length).</u></p>		<p><b><u>Technical Report (200611):</u></b></p> <p><del>xy) Effects on water bodies, including wetlands. In particular, whether and the extent to which the following are avoided:</del></p> <p><del>iii) Creation of a barrier to flood flows or reduction in the capacity of the area to contain stormwater, and</del></p> <p><del>iv) Redirection of flood water onto, or increasing the impact of a flood event on, another property;</del></p> <p><del>ix) x) Whether and the extent to which the works meet the requirements of the excavation and fill provisions of the Kaipara District Council Engineering Standards 200911;</del></p> <p><del>x) xii) Effects of dust and noise on sensitive receivers;</del></p> <p><del>xii) xiii) Ability to create or exacerbate a natural hazard</del></p> <p><del>xiii) xiv) Whether the work is in a Flood Susceptibility Area identified in Part E, Appendix C, and if so:</del></p> <p><del>iv) Whether the work or structure is likely to have an adverse effect on downstream or upstream flooding;</del></p> <p><del>y) Ability to create or exacerbate a natural hazard;</del></p> <p><del>vi) Effects on water bodies, including wetlands;</del></p> <p><del>xiii) xii) Whether and the extent to which neighbouring property owners or occupiers (within 200m of the proposed activity) have been consulted and their concerns (if any) have been addressed;</del></p> <p><del>xiv) xv) In Overlays, how the proposal contributes to the objectives and outcomes for the relevant Overlay, as set out in Chapter 4 (Sections 4.4 and 4.7).</del></p> <p><del>xv) Effects on cultural and heritage values, including whether and to what extent consultation has been undertaken with tangata whenua as appropriate; and</del></p> <p><del>xvi) The consistency of the proposal with the relevant objectives and policies contained in Part A and Part C of the Plan mandating the values of the District including but not limited to Chapters 2, 6, 7, 8 and 17.</del></p> <p>In addition to the above, any application for consent to undertake excavation and fill will require an Excavation and Fill Management Plan, which is to contain the following information:</p> <p><u>Note 2: Refer to Chapter 9 - Definitions for a definition of Site of</u></p>

Residential Permitted Activity Performance Standard		Activity Status ...	Assessment Criteria
			<u>significance identified by the Department of Conservation;</u>
<i>[Amend Rule 14.10.1 (Excavation and Fill) as follows]</i>			
<u>Business (Industrial and Commercial) Permitted Activity</u> Performance Standard		Activity Status ...	Assessment Criteria
<p><b>(3) All Overlay Areas Only</b></p> <p>Excavation and fill is a Permitted Activity if:</p> <p>It is part of an approved Building Consent issued under the Building Act 2004; or</p> <p>The site is not within any area known to be <u>erosion prone</u> or subject to instability or flood hazard; and</p> <p>a) The volume is less than 300m<sup>3</sup> within a <u>site</u> in any 12 month period and is not within 6m of a bank of any water body; and</p> <p>b) The excavation and fill does not involve an excavation or fill face exceeding 1.5m in depth or height; and</p> <p>c) All bare earth areas including excavation and fill batter faces within a <u>site</u> are revegetated or <u>stabilised</u> within six months of the earthworks being completed; and</p> <p>d) Revegetated areas <u>within a site</u> are maintained and managed so as to achieve 80% ground cover within 12 months of the earthworks being completed.</p> <p><b>(2) Except that the following are Permitted Activities throughout the Business (Industrial and Commercial) Zone, including Overlays and are excluded from the Standards of 14.10.1(1):</b></p> <p>i) <u>Network utilities</u>, except where a site or feature is identified in Part C of the Plan.</p>		Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>iv) Whether building consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be reconsidered here);</p> <p>v) <del>Whether resource consent from the Northland Regional Council has been granted and has already assessed the proposed earthworks;</del></p> <p><del>vi) Compliance with relevant Regional Council guidelines, publications or plans;</del></p> <p><del>ii) Machinery to be used and hours of operation;</del></p> <p><del>iii) Effects on the locality, particularly the character and amenity values of adjoining sites/land uses;</del></p> <p><del>vi) vii) Effects on landforms;</del></p> <p><del>vii) viii) Effects on ecological values and in particular any Sites of Ecological Significance identified by the Department of Conservation or by reference to the criteria listed in Appendix 24G;</del></p> <p><del>viii) ix) Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land;</del></p> <p><del>x) Effects on landscape and heritage values, in particular any site identified in the District Plan or an amenity landscape identified in Council's Draft Kaipara District Plan Review Landscape Technical Report (200611);</del></p>



Business (Industrial and Commercial) Performance Standard	Permitted Activity	Activity Status ...	Assessment Criteria
ii) Underground storage tanks except where a site or feature is identified in Part C of the Plan.			<del>x) Effects on water bodies, including wetlands. In particular, whether and the extent to which the following are avoided:</del>
Note 1: ...			<del>y) Creation of a barrier to flood flows or reduction in the capacity of the area to contain stormwater, and</del>
Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 5m continuous length (whichever is the lesser length).			<del>w) Redirection of flood water onto, or increasing the impact of a flood event on, another property;</del>
			<del>[x) <sup>*)</sup> Whether and the extent to which the works meet the requirements of the excavation and fill provisions of the Kaipara District Council Engineering Standards 200911;</del>
			<del>x) <sup>*)</sup> Effects of dust and noise on sensitive receivers;</del>
			<del>x) <sup>*)</sup> Ability to create or exacerbate a natural hazard</del>
			<del>xii) <sup>*)</sup> Whether the work is in a Flood Susceptibility Area identified in Part E: Appendix C, and if so:</del>
			<del>vii) Whether the work or structure is likely to have an adverse effect on downstream or upstream flooding;</del>
			<del>vii) Ability to create or exacerbate a natural hazard;</del>
			<del>xii) <sup>*)</sup> Effects on water bodies, including wetlands;</del>
			<del>xiii) <sup>*)</sup> Whether and the extent to which neighbouring property owners or occupiers (within 200m of the proposed activity) have been consulted and their concerns (if any) have been addressed;</del>
			<del>xiv) <sup>*)</sup> In Overlays, how the proposal contributes to the objectives and outcomes for the relevant Overlay, as set out in Chapter 4 (Sections 4.4 and 4.7);</del>
			<del>xv) Effects on cultural and heritage values, including whether and to what extent consultation has been undertaken with tangata whenua as appropriate; and</del>
			<del>xvi) The consistency of the proposal with the relevant objectives and policies contained in Part A and Part C of the Plan managing the values of the District including but not limited to Chapters 2, 6, 7, 8 and 17.</del>
			<p>In addition to the above, any application for consent to undertake excavation and fill will require an Excavation and Fill Management Plan, which is to contain the following information:</p>
			<p><u>Note 2: Refer to Chapter 9: Definitions for a definition of "Site of</u></p>

Submission Point	Submitter Name	Hearing Report	Page	Decision
335/4	Kai-Ct Limited	4	51	Be Accepted in Part
336/4	Fitness, William	4	51	Be Accepted in Part
337/4	Sellars, Christopher	4	51	Be Accepted in Part
338/4	Davidson, Chris	4	51	Be Accepted in Part
339/4	Sills, V.W.	4	51	Be Accepted in Part
340/6	Rambaud-Grant, Mae	4	51	Be Accepted in Part
341/4	Engeler, George	4	51	Be Accepted in Part
342/4	Grbavac Farms Ltd	4	51	Be Accepted in Part
343/4	Green, Viv and Donna	4	51	Be Accepted in Part
344/4	Vallance, K.F. & D.R.	4	51	Be Accepted in Part
345/4	Midgley, Steve	4	51	Be Accepted in Part
346/4	Lynette L. Midgley & Miron	4	51	Be Accepted in Part
347/4	Timperley, L.D. and E.J.	4	51	Be Accepted in Part
348/4	Hall, Kenneth Arthur	4	51	Be Accepted in Part
349/4	B & C Family Trust	4	51	Be Accepted in Part
412/4	Simpkin, LM	4	51	Be Accepted in Part
415/4	Godfrey, T.R.	4	51	Be Accepted in Part
462/4	Parore, Robert	4	51	Be Accepted in Part
3/4	Wearmouth, John, Terry, Vern, Laurie and Phil	4	51	Be Accepted in Part
9/3	Walters, Ursula	4	51	Be Accepted in Part
414/3	Walters, David	4	51	Be Accepted in Part
205/12	Henry, Richard and Anne	4	51	Be Accepted in Part
FS511/26	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	51	Be Accepted in Part
292/3	Kerssens, JP and EM	4	51	Be Accepted in Part
308/14	Simpkin, Jonathon	4	51	Be Accepted in Part
FS511/29	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	51	Be Accepted in Part
351/3	Tobin, Latham Stanley	4	51	Be Accepted in Part
352/3	Wintle, Jennifer	4	51	Be Accepted in Part
353/3	Archer, John	4	51	Be Accepted in Part
354/3	Stewart, Jeanette	4	51	Be Accepted in Part
355/3	Stewart, Grant	4	51	Be Accepted in Part
356/3	Stichbury, Lindsay and Christine	4	51	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
357/3	Mangawhai Business Development Association	4	51	Be Accepted in Part
358/3	Broomhall, Sean	4	51	Be Accepted in Part
359/3	Hewitt, William	4	51	Be Accepted in Part
360/3	Constable, Dyllan	4	51	Be Accepted in Part
362/3	Matheso, Craig	4	51	Be Accepted in Part
363/3	Dugdale, Kenneth	4	51	Be Accepted in Part
364/3	Boakes, Brian	4	51	Be Accepted in Part
365/3	Miller, Bruce Wallace	4	51	Be Accepted in Part
366/3	Brooks, Robin	4	51	Be Accepted in Part
367/3	Woolnough, Trevor	4	51	Be Accepted in Part
368/3	Hartley, Loraine	4	51	Be Accepted in Part
369/3	Main, Kevin	4	51	Be Accepted in Part
370/3	McDowall, Bret	4	51	Be Accepted in Part
371/3	McDowall, Anne	4	51	Be Accepted in Part
372/3	Suckling, Nicholas	4	51	Be Accepted in Part
373/3	Campion, Donald	4	51	Be Accepted in Part
374/3	Boakes, Matthew	4	51	Be Accepted in Part
375/3	Suckling, Derek	4	51	Be Accepted in Part
376/3	Suckling, Kerry and Vernon	4	51	Be Accepted in Part
378/3	Woodhead, Susan	4	51	Be Accepted in Part
379/3	Suckling, Vernon	4	51	Be Accepted in Part
380/3	Campion, Hamish	4	51	Be Accepted in Part
381/3	Rountree, Gary	4	51	Be Accepted in Part
382/3	Simpkin, Bevan	4	51	Be Accepted in Part
384/3	Taylor, Grainne	4	51	Be Accepted in Part
385/3	Brown, Alan	4	51	Be Accepted in Part
386/3	Boakes, Nick	4	51	Be Accepted in Part
387/3	Windust, Eric and Julie	4	51	Be Accepted in Part
389/3	Peters, Maxwell	4	51	Be Accepted in Part
391/3	Wintle, Philip	4	51	Be Accepted in Part
392/3	Cottle, Rachel	4	51	Be Accepted in Part
393/3	Cottle, Nathan	4	51	Be Accepted in Part
394/3	Robertson, Robert	4	51	Be Accepted in Part
395/3	Jepson, Craig	4	51	Be Accepted in Part
396/3	Flett, Alistair	4	51	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
397/3	Reid, Jeannette	4	51	Be Accepted in Part
398/3	Campbell, Eralee	4	51	Be Accepted in Part
399/3	Wightman, Susan	4	51	Be Accepted in Part
400/3	Boakes, Joshua	4	51	Be Accepted in Part
401/3	Boakes, Kimberley	4	51	Be Accepted in Part
402/3	Silby, Ricky	4	51	Be Accepted in Part
403/3	Simpkin, Vernon	4	51	Be Accepted in Part
404/3	Hamlin, Nigel	4	51	Be Accepted in Part
405/3	Boakes, Quentin	4	51	Be Accepted in Part
406/3	Dougan, Paul	4	51	Be Accepted in Part
407/3	Simpkin, Kenneth	4	51	Be Accepted in Part
409/3	Pranker, David John and Janet	4	51	Be Accepted in Part
410/3	Simpkin, Mervyn	4	51	Be Accepted in Part
426/44	Puharich, Nicola, Eileen and Nicholas	SR1	19	Be Rejected
→ 109/1	Shearer, Craig	SR1	19	Be Rejected ← Last Submitted

#### 4.6.2 Reasons for Decision

1. The Panel accepts in part submissions supporting methods to the extent that amendments are proposed below.

##### Protection of Waterways

2. The Panel considers the protection mechanisms for the waterways that enter the Kaipara Harbour in the in the Plan to be appropriate. The Panel notes that the Harbour Overlay reflects the presence of waterways on land surrounding the Kaipara Harbour and recognises the requirement to manage the effects of land use in this area. In addition, as identified in Chapter 3A: Growth Areas (now Appendix 1 to Chapter 3: Land Use and Development Strategy), mapping for valued natural environments will be undertaken in response to growth pressures and structure planning.

The Panel considers that supporting an integrated approach with others for the collective management and protection of the Kaipara Harbour to be appropriate. The District Plan is only one tool to manage the effects of land use and development on the waterways that enter the Kaipara Harbour. Other methods include Regional Plans and non-statutory methods, such as community and industry group initiatives to enhance planting of riparian margins. The Panel therefore on balance, do not consider the extension of the rules that apply to the Kai Iwi Lakes and the Valued Natural Environments of Mangawhai overlays, to all waterways in the Kaipara Harbour catchment, to be appropriate and rejects submission 74/1 be rejected.

##### Benchmarking

3. A number of submissions were received, some in support of the ecological benchmarks and others seeking an assessment of development against character and landscape value benchmarks. The Panel judges that the relief sought is provided for within the Plan in a

number of assessment criteria relating to an assessment of effects on, and protection of, landscape values and character. As such the Panel accepts in part submissions 426/22, 417/19, 426/49, 428/46, and 429/45 and accepts submissions 417/8, 424/21, 426/21, 428/21 and 429/21.

#### Landowner Rights

4. The Panel acknowledges that some landowners would like to refuse specific classifications, or restrictions being imposed on their land. The process of District Plan development is determined by the Resource Management Act 1991 (RMA). It is not possible for individual landowners to be able to veto the outcomes of the statutory process. The Panel therefore rejects submission 97/1.

#### Network Utilities

5. The provisions of Chapter 10 will enable essential services to be provided to the Kaipara District in an efficient manner. The Panel notes that these services are an important physical resource for the district, providing social and economic wellbeing. No decision was requested in the submission, nor was clarification received at the Hearing. Consequently the Panel rejects submission 429/28.

#### Different Approach to Existing Settlements

6. The Panel does not consider it appropriate to have different provisions in the Plan for existing and new settlements in Overlay Areas. The Panel considers it important to manage the overlay areas and the sensitive receiving environments together in order to achieve the objectives of Chapter 4 and the Plan. The Panel therefore rejects submissions 426/44 and 109/1.

#### Stormwater Management

7. The Panel notes that stormwater management of the harbours is a function of Northland Regional Council, not Kaipara District Council. However, the Panel also notes that management of the land use which drains into the harbour is a function of the territorial authority. The Panel considers the inclusion of a method relating to land use management for the Mangawhai Harbour will provide for the management for protection of the harbour. For these reasons the Panel accepts submission 51/5.

#### Information and Advice

8. The Panel recognises the Plan is a significant change in resource management approach from the Operative Plan, particularly as it represents a shift from an activity based to effects based Plan. In developing the Plan the Council recognised that the availability of information and advice to landowners would be an important element. The Panel acknowledges that providing information about the effects of Overlays will help confirm how Rules and Overlays will affect properties. Consequently the Panel adds a new 'Other Method' to 4.6.2 and accepts in part submissions 58/6, 78/19, 83/4, 78/15, 144/11, 157/5, 176/4, 175/4, 178/4, 179/4, 180/4, 181/4, 182/4, 182/7, 183/4, 184/4, 185/4, 186/4, 187/4, 188/4, 189/4, 190/4, 191/4, 192/4, 193/4, 194/4, 195/4, 196/4, 197/4, 198/4, 199/4, 200/4, 201/4, 202/4, 203/4, 205/4, 206/4, 208/4, 209/4, 210/4, 211/4, 212/4, 213/4, 214/4, 215/4, 216/4, 217/4, 218/4, 220/4, 221/4, 223/4, 224/4, 225/4, 226/4, 227/4, 228/4, 229/4, 230/4, 231/4, 232/4, 233/4, 234/4, 236/6, 237/4, 238/4, 239/4, 240/4, 241/4, 242/4, 243/4, 244/4, 245/4, 246/4, 247/4, 248/4, 249/4, 250/4, 251/4, 252/4, 253/4, 254/4, 255/4, 256/4, 257/4, 258/4, 259/4, 260/4, 261/4, 262/4, 263/4, 264/4, 265/4, 266/4, 267/4, 268/4, 269/4, 270/4, 271/4, 273/4, 274/4, 275/4, 277/4, 278/4, 279/4, 280/4, 281/4, 282/4, 283/4, 284/4, 285/4,

286/4, 287/4, 288/4, 289/4, 290/4, 291/4, 293/4, 294/4, 295/4, 296/4, 297/4, 299/4, 300/4, 302/4, 303/4, 304/4, 305/4, 306/4, 308/4, 309/4, 310/4, 313/4, 314/4, 315/4, 316/4, 317/4, 318/4, 320/4, 321/4, 322/4, 323/4, 324/4, 325/4, 326/4, 327/4, 328/4, 329/4, 330/4, 331/4, 332/4, 333/4, 334/4, 335/4, 336/4, 337/4, 338/4, 339/4, 340/6, 341/4, 342/4, 343/4, 344/4, 345/4, 346/4, 347/4, 348/4, 349/4, 412/4, 415/4, 462/4, 3/4, 9/3, 414/3, 205/12, 292/3, 308/14, 351/3, 352/3, 353/3, 354/3, 355/3, 356/3, 357/3, 358/3, 359/3, 360/3, 362/3, 363/3, 364/3, 365/3, 366/3, 367/3, 368/3, 369/3, 370/3, 371/3, 372/3, 373/3, 374/3, 375/3, 376/3, 378/3, 379/3, 380/3, 381/3, 382/3, 384/3, 385/3, 386/3, 387/3, 389/3, 391/3, 392/3, 393/3, 394/3, 395/3, 396/3, 397/3, 398/3, 399/3, 400/3, 401/3, 402/3, 403/3, 404/3, 405/3, 406/3, 407/3, 409/3 and 410/3.

#### 4.6.3 Changes required to Chapter 4 as a result of Decision

[Add two new 'Other Methods' to Section 4.6.2 as follows]

- The preparation of a Stormwater Management Structure Plan for the catchment of Mangawhai Harbour.
- Providing information to landowners on the values of Overlays and the effect of the District Plan on land use and development in Overlay areas.

#### 4.6.4 Consequential Amendments

No consequential amendments are required.

### 4.7 [PAN 4.7] Decisions on Submissions regarding Mapping

A number of submissions seek changes to the mapping of the Overlays. Amendments sought are:

1. Verify what areas of people's property will be affected by the Overlays;
2. Removal of Overlays at specific properties; and
3. Amend Overlays so there is consistent, integrated and sustainable management of both the Brynderwyn Range and Bream Tail.

#### 4.7.1 Decision

That submissions:

Submission Point	Submitter Name	Hearing Report	Page	Decision
58/7	Stephens, Graham	4	53	Be Accepted in Part
83/5	Hadlow Family Trust	4	53	Be Accepted in Part
144/12	Simkin, Ben	4	53	Be Accepted in Part
78/16	Duck Nominees Ltd	4	53	Be Accepted in Part
78/20	Duck Nominees Ltd	4	53	Be Accepted in Part
175/5	Rose, Hugh	4	53	Be Accepted in Part

For SI  
Submitter



Submission Point	Submitter Name	Hearing Report	Page	Decision
176/5	Kauri Park Nurseries Ltd	4	53	Be Accepted in Part
178/5	Leaf, Bruce	4	53	Be Accepted in Part
179/5	Ferris, Myles	4	53	Be Accepted in Part
180/5	Appleton, Lester	4	53	Be Accepted in Part
181/5	Evans, Melvyn & Robyn	4	53	Be Accepted in Part
182/5	Wickens, Kevin	4	53	Be Accepted in Part
183/5	Hogan, Jonathen	4	53	Be Accepted in Part
184/5	Bishop, J	4	53	Be Accepted in Part
185/5	Leaf, Philip	4	53	Be Accepted in Part
186/5	Gash, Mark	4	53	Be Accepted in Part
187/5	Ross, Angus and Sharon	4	53	Be Accepted in Part
188/5	Cameron, Colin	4	53	Be Accepted in Part
189/5	D and P Robinson Family Trust	4	53	Be Accepted in Part
190/5	Fernandez, LC GR BL CB BC and Harris, CD	4	53	Be Accepted in Part
191/5	Low, Alan and Jeffcoat, Lorraine	4	53	Be Accepted in Part
192/5	Taylor, Elaine and Leslie	4	53	Be Accepted in Part
193/5	Gostic, Mr and Mrs P	4	53	Be Accepted in Part
194/5	Legarth, Frederick and Marlen	4	53	Be Accepted in Part
195/5	Gardner, Jim	4	53	Be Accepted in Part
196/5	Savage, K and V	4	53	Be Accepted in Part
197/5	Nathan, Steve and Kath	4	53	Be Accepted in Part
198/5	Pirie, James and Stephanie	4	53	Be Accepted in Part
199/5	Tetuhi, James	4	53	Be Accepted in Part
200/5	Ruiterman, A	4	53	Be Accepted in Part
201/5	Greville, J and R	4	53	Be Accepted in Part
202/5	Douglas Reed Ltd	4	53	Be Accepted in Part
203/5	Smith, Edward	4	53	Be Accepted in Part
204/5	Malloy, M and P	4	53	Be Accepted in Part
205/5	Henry, Richard and Anne	4	53	Be Accepted in Part
206/5	Low, Dean	4	53	Be Accepted in Part
208/5	Grove, P and E	4	53	Be Accepted in Part
209/5	Campbell, Derrel	4	53	Be Accepted in Part
210/5	King, Sue	4	53	Be Accepted in Part
211/5	Gillatt, Roger and Barbara	4	53	Be Accepted in Part
212/5	Mahuta Gap Farms Ltd	4	53	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
213/5	McCarthy, Douglas and Neta	4	53	Be Accepted in Part
214/5	Hogan, Lewis	4	53	Be Accepted in Part
215/5	D and P Robinson Ltd	4	53	Be Accepted in Part
216/5	Kneebone, Lois Anne	4	53	Be Accepted in Part
217/5	Yelcich, Phil and Boris	4	53	Be Accepted in Part
218/5	Williams, LK & LM	4	53	Be Accepted in Part
220/5	Jeffer Family Trust	4	53	Be Accepted in Part
221/5	Russwich Trading Ltd	4	53	Be Accepted in Part
223/5	Dale Subritzky and Deirdre Fowler Trust	4	53	Be Accepted in Part
224/5	Underwood, Kenneth	4	53	Be Accepted in Part
225/5	Te Uri O Hau Incorporation	4	53	Be Accepted in Part
226/5	S.E.B. Farms Ltd	4	53	Be Accepted in Part
227/5	Buckthought, R.G.	4	53	Be Accepted in Part
228/5	Matich, Paul	4	53	Be Accepted in Part
229/5	Appleton, Lillian	4	53	Be Accepted in Part
230/5	Linton, D	4	53	Be Accepted in Part
231/5	K and H Whitehead Trust	4	53	Be Accepted in Part
232/5	Whitehead, H	4	53	Be Accepted in Part
233/5	Preston, Peggy	4	53	Be Accepted in Part
234/5	Whitehead, K. S.	4	53	Be Accepted in Part
236/5	Preston, Stuart	4	53	Be Accepted in Part
237/5	Preston, Rex Neil	4	53	Be Accepted in Part
238/5	Preston, Rex Garth	4	53	Be Accepted in Part
239/5	Boakes, Terry	4	53	Be Accepted in Part
240/5	Thomson, David and Jocelyn	4	53	Be Accepted in Part
FS475/1	Stephens, Graham	4	53	Be Accepted in Part
241/5	Martin, Graeme and Trudi	4	53	Be Accepted in Part
242/5	McCarthy, David	4	53	Be Accepted in Part
243/5	Ward, Chris	4	53	Be Accepted in Part
244/5	Cullen, B.T. and D.A.	4	53	Be Accepted in Part
245/5	Biddles, Kim and Viv	4	53	Be Accepted in Part
246/5	Gear, Mathew	4	53	Be Accepted in Part
247/5	Foster, Lee	4	53	Be Accepted in Part
248/5	Foster, Don	4	53	Be Accepted in Part
249/5	Graham, Ken	4	53	Be Accepted in Part



Submission Point	Submitter Name	Hearing Report	Page	Decision
250/5	Cathero, Victor and Angela	4	53	Be Accepted in Part
251/5	Pouto Topu A Trust	4	53	Be Accepted in Part
252/5	Kemp, Henry	4	53	Be Accepted in Part
253/5	Windlebourne, June	4	53	Be Accepted in Part
254/5	Jonson, Neil	4	53	Be Accepted in Part
255/5	Burgess, Keith	4	53	Be Accepted in Part
256/5	Lamb, M.G.	4	53	Be Accepted in Part
257/5	Butterworth, Lynne	4	53	Be Accepted in Part
258/5	Gent, RS	4	53	Be Accepted in Part
259/5	Subritzky, Shirley	4	53	Be Accepted in Part
260/5	Campbell, Karen	4	53	Be Accepted in Part
261/5	Williams, Gail	4	53	Be Accepted in Part
262/5	Wattam, Eleanor	4	53	Be Accepted in Part
263/5	Dawes, Beryl	4	53	Be Accepted in Part
264/5	Dawes, Ernest	4	53	Be Accepted in Part
265/5	Keay, Jocelyn	4	53	Be Accepted in Part
266/5	Tauihe Farms Ltd	4	53	Be Accepted in Part
267/5	Subritzky, Desmond	4	53	Be Accepted in Part
268/5	Subritzky, Dean	4	53	Be Accepted in Part
269/5	Broodkoorn, Krasna	4	53	Be Accepted in Part
270/5	Subritzky, Joy	4	53	Be Accepted in Part
271/5	Bellamy, T.N	4	53	Be Accepted in Part
273/5	Rowland, Craig	4	53	Be Accepted in Part
274/5	Posa, Olga	4	53	Be Accepted in Part
275/5	Williams, Kevin	4	53	Be Accepted in Part
277/5	Posa, Nicholas	4	53	Be Accepted in Part
278/5	Gear, Carol	4	53	Be Accepted in Part
279/5	Lockwood, Jim	4	53	Be Accepted in Part
280/5	Gear, Amy	4	53	Be Accepted in Part
281/5	Gent, T.E.	4	53	Be Accepted in Part
282/5	Godfrey, Pam	4	53	Be Accepted in Part
283/5	Osborn, Joanne	4	53	Be Accepted in Part
284/5	McIndoe, Jean	4	53	Be Accepted in Part
285/5	Godfrey, Graham	4	53	Be Accepted in Part
286/5	Stenhouse, Bruce and Billie	4	53	Be Accepted in Part
287/5	Fowlie, E.G. and P.A.	4	53	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
288/5	Ingle, Marama	4	53	Be Accepted in Part
289/5	Manderson, Ross	4	53	Be Accepted in Part
290/5	Graham, Adrienne	4	53	Be Accepted in Part
291/5	Treadgold, Gary	4	53	Be Accepted in Part
293/5	McFarlane, Shirley	4	53	Be Accepted in Part
294/5	Godfrey, Errol	4	53	Be Accepted in Part
295/5	Vallance, John	4	53	Be Accepted in Part
296/5	Underwood, Steven and Francesca	4	53	Be Accepted in Part
297/5	Hadlon, CL	4	53	Be Accepted in Part
299/5	Underwood , Troy	4	53	Be Accepted in Part
300/5	Gordon, Robinson	4	53	Be Accepted in Part
301/5	Wordsworth, Stanley	4	53	Be Accepted in Part
302/5	Cuthbert, JL	4	53	Be Accepted in Part
303/5	Adolph, Debra	4	53	Be Accepted in Part
304/5	Corkill, Lillian	4	53	Be Accepted in Part
305/5	Matich, Jon	4	53	Be Accepted in Part
306/5	Russell, John and Anne	4	53	Be Accepted in Part
308/5	Simpkin, Jonathon	4	53	Be Accepted in Part
FS511/29	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Poua Topu A Trust	4	53	Be Accepted in Part
309/5	Paxton, Raymond	4	53	Be Accepted in Part
310/5	Messenger, Karen Lynette	4	53	Be Accepted in Part
312/5	Strong, Raymond	4	53	Be Accepted in Part
313/5	Ripua, Harry	4	53	Be Accepted in Part
314/5	Greer, John	4	53	Be Accepted in Part
315/3	Wightman, P	4	53	Be Accepted in Part
316/5	Bishop, RA	4	53	Be Accepted in Part
317/5	Stott, Warren	4	53	Be Accepted in Part
318/5	Onewa Estate Limited	4	53	Be Accepted in Part
320/5	W. Goodwin Holdings Ltd	4	53	Be Accepted in Part
321/5	Wigglesworth, Joseph	4	53	Be Accepted in Part
322/5	Te Awhitu, Joe and Lucy	4	53	Be Accepted in Part
323/5	Appleton, Gordon and Lesley	4	53	Be Accepted in Part
324/5	Guest, William and Nicholas	4	53	Be Accepted in Part
325/5	Li, Zeyon	4	53	Be Accepted in Part
326/5	Hooker, Garry	4	53	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
327/5	Williams, Murray	4	53	Be Accepted in Part
328/5	Schepens, John	4	53	Be Accepted in Part
329/5	Bull, Joe and Peterson, N	4	53	Be Accepted in Part
330/5	Hulford, Robin and Denise	4	53	Be Accepted in Part
331/5	Gates, Rory	4	53	Be Accepted in Part
332/5	Griffiths, Michael	4	53	Be Accepted in Part
333/5	Blitvic, Ivan	4	53	Be Accepted in Part
334/5	Browne, Wayne Anthony	4	53	Be Accepted in Part
335/5	Kai-Ct Limited	4	53	Be Accepted in Part
336/5	Fitness, William	4	53	Be Accepted in Part
337/5	Sellars, Christopher	4	53	Be Accepted in Part
338/5	Davidson, Chris	4	53	Be Accepted in Part
339/5	Sills, V.W.	4	53	Be Accepted in Part
341/5	Engeler, George	4	53	Be Accepted in Part
342/5	Grbavac Farms Ltd	4	53	Be Accepted in Part
343/5	Green, Viv and Donna	4	53	Be Accepted in Part
344/5	Vallance, K.F. & D.R.	4	53	Be Accepted in Part
345/5	Midgley, Steve	4	53	Be Accepted in Part
346/5	Lynette L. Midgley & Miron	4	53	Be Accepted in Part
347/5	Timperley, L.D. and E.J.	4	53	Be Accepted in Part
348/5	Hall, Kenneth Arthur	4	53	Be Accepted in Part
349/5	B & C Family Trust	4	53	Be Accepted in Part
411/4	Antonio, Ronnie and Cherie	4	53	Be Accepted in Part
412/5	Simpkin, LM	4	53	Be Accepted in Part
415/5	Godfrey, T.R.	4	53	Be Accepted in Part
462/5	Parore, Robert	4	53	Be Accepted in Part
447/1	Buckton Consultants Ltd	4	53	Be Accepted in Part
FS511/39	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	53	Be Accepted in Part
116/7	Marunui Conservation Limited	4	55	Be Rejected
→ FS511/20	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	55	Be Accepted

Last  
Submitter

#### 4.7.2 Reasons for Decision

1. The Panel acknowledges the Overlays may cause confusion when mapped, particularly where different overlays are in close proximity to each other. The Panel considers the Plan

could provide greater clarity in this regard and therefore amends section 4.2 (How to Use this Chapter of the District Plan) to clarify the effects of the Overlays. Submission 447/1 is accepted in part.

2. The Panel acknowledges that there are areas, and properties in the District which have more than one Overlay on them. This is reflective of the nature of environments that are mapped (e.g. that they do not correspond with property boundaries). Similarly, the boundaries of the Harbour and Waterways Overlays will not correspond to the areas of the Brynderwyn Range or Bream Tail, as they are defined by the environmental values associated with waterways, the harbour and coast. The Panel notes the management and protection of the Brynderwyn Range (e.g. the mapping of an Overlay which would identify the 'environment' of this feature) has not been identified as an issue in the Proposed Plan. The Panel therefore rejects submission 116/7 but notes that Variation 1 Landscapes identifies Brynderwyn Range and Bream Tail as an Outstanding Landscape.
3. The Hearings Report summarised a number of submissions as requesting amendments to the Overlay maps in order to accurately define Overlay boundaries on the maps. However, a review of these submissions indicates that they were seeking greater clarity on the use of Overlays as a 'method' including a wish that showed that the Council:
  - a. undertake a site visit to people's property to explain how the rules of the Overlays will affect their property; and
  - b. verify what areas of people's property will be affected by the Overlays.
4. As noted under [PAN 4.6], Reasons for Decisions (Section 4.6.2, point 8 above), the Panel recognises the Plan is a significant change in resource management approach from the Operative Plan, particularly as it represents a shift from an activity based to effects based Plan. In developing the Plan the Council recognised that the availability of information and advice to landowners would be an important element. The Panel acknowledges that providing information about the effects of Overlays will help confirm how Rules and Overlays will affect properties. The Panel considers that the new 'Other Method' added to 4.6.2 under decisions on PAN 4.6 will also address submissions under mapping, relating to verifying what areas of people's property will be affected by Overlays and therefore Accepts In Part General Mapping Submissions: 58/7, 83/5, 144/12, 78/16, 78/20, 175/5, 176/5, 178/5, 179/5, 180/5, 181/5, 182/5, 183/5, 184/5, 185/5, 186/5, 187/5, 188/5, 189/5, 190/5, 191/5, 192/5, 193/5, 194/5, 195/5, 196/5, 197/5, 198/5, 199/5, 200/5, 201/5, 202/5, 203/5, 204/5, 205/5, 206/5, 208/5, 209/5, 210/5, 211/5, 212/5, 213/5, 214/5, 215/5, 216/5, 217/5, 218/5, 220/5, 221/5, 223/5, 224/5, 225/5, 226/5, 227/5, 228/5, 229/5, 230/5, 231/5, 232/5, 233/5, 234/5, 236/5, 237/5, 238/5, 239/5, 240/5, 241/5, 242/5, 243/5, 244/5, 245/5, 246/5, 247/5, 248/5, 249/5, 250/5, 251/5, 252/5, 253/5, 254/5, 255/5, 258/5, 257/5, 258/5, 259/5, 260/5, 261/5, 262/5, 263/5, 264/5, 265/5, 266/5, 267/5, 268/5, 269/5, 270/5, 271/5, 273/5, 274/5, 275/5, 277/5, 278/5, 279/5, 280/5, 281/5, 282/5, 283/5, 284/5, 285/5, 286/5, 287/5, 288/5, 289/5, 290/5, 291/5, 293/5, 294/5, 295/5, 296/5, 297/5, 299/5, 300/5, 301/5, 302/5, 303/5, 304/5, 305/5, 306/5, 308/5, 309/5, 310/5, 312/5, 313/5, 314/5, 315/5, 316/5, 317/5, 318/5, 320/5, 321/5, 322/5, 323/5, 324/5, 325/5, 326/5, 327/5, 328/5, 329/5, 330/5, 331/5, 332/5, 333/5, 334/5, 335/5, 336/5, 337/5, 338/5, 339/5, 341/5, 342/5, 343/5, 344/5, 345/5, 346/5, 347/5, 348/5, 349/5, 411/4, 412/5, 415/5 and 462/5.

[Note that this decision has altered from the Hearings Report]

#### 4.7.3 Changes required to Chapter 4 as a result of Decision

[Add a new paragraph to Section 4.2 (How to Use This Chapter of the District Plan) after the last bullet point as follows]

For clarity, if your property is within or partially within an Overlay, the provisions of the Plan relate only to that part of the property within the Overlay. If there is more than one Overlay on a property, then the Overlay provisions relate to those parts. If the overlays appear to overlap, the more restrictive of the overlays applies (for example, the Kai Iwi Lakes Overlay have precedence over the West Coast Overlay and the Valued Natural Environments of Mangawhai Overlay have precedence over the Harbour Overlay).

Maps of the District showing the location of the Environmental Overlay areas are included in the Appendices to the District Plan Maps in Part E of the Plan.

#### 4.7.4 Consequential Amendments

No consequential amendments are required.

#### 4.8 [PAN 4.8] – Removal of Overlays from Properties in Mangawhai

*everyone*

One submission seeks that both the Harbour and Waterways Overlay be removed from the property located at the Sanctuary subdivision in Cove Road, Mangawhai, and the properties located to the northwest of Mangawhai Heads.

Two submissions seek that the Waterways Overlay be removed from a property in Blackswamp Road, Mangawhai (92/7) and to modify or remove the Waterways Overlay where it overlaps with the Harbour Overlay (92/8).

One submission 79/5 requests clarification and removal of the Harbour Overlay at Lots 4 & 5 DP 322783. Submitter 79/5 states that the Overlay does not reflect the quality and the previous management of the features on their property

##### 4.8.1 Decision

That submissions:

Submission Point	Submitter Name	Hearing Report	Page	Decision
78/1	Duck Nominees Limited	Rezoning Requests	12	Be Rejected
FS498/15	Hawley, Catherine and John	Rezoning Requests	12	Be Accepted
FS501/15	Marunui Conservation Limited <i>Hawley's</i>	Rezoning Requests	12	Be Accepted
FS502/158	Friends of the Brynderwyns Society Inc.	Rezoning Requests	12	Be Accepted
FS465/75	Department of Conservation (Northland Conservancy)	Rezoning Requests	12	Be Accepted

*1st Submitter*

Submission Point	Submitter Name	Hearing Report	Page	Decision
FS511/6	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu a Trust	Rezoning Requests	12	Be Rejected ✓
92/7	Riverside Holiday Park	Rezoning Requests	13	Be Rejected ✓
92/8	Riverside Holiday Park	Rezoning Requests	13	Be Rejected ✓
FS465/84	Department of Conservation (Northland Conservancy)	Rezoning Requests	13	Be Accepted 0
92/12	Riverside Holiday Park	Rezoning Requests	13	Be Rejected ✓
66/1	Harris, Peter and Raewyn	4	53	Be Rejected ✓
79/5	Talbot, Lindsay	4	53	Be Rejected ← Last submitter.

#### 4.8.2 Reasons for Decision

1. The Panel notes that the protection of sensitive and valued environments within the District was determined by Council to be an important issue and the proposed method of this protection was by providing the various overlays. The Panel notes that the Waterways Overlay [now to be referred to as the Valued Natural Environments of Mangawhai Overlay] was developed in accordance with the findings of the Mangawhai Structure Plan (the Conservation Policy Area). [Refer to WOR 4.1]
2. The Panel considers the removal of specific properties from the Overlays would compromise the overall intent and implementation of the Overlays as set out in Chapter 4.
3. As discussed under WOR 4.1 above, the Harbour Overlay has been revised and the extent reduced. However, the properties in question are within the Mangawhai Structure Plan Area and therefore are still within the Harbour Overlay. No changes have been made to the extent of the Valued Natural Environments of Mangawhai Overlay. The Panel therefore rejects submissions 78/1, 92/7, 92/8 and 79/5.

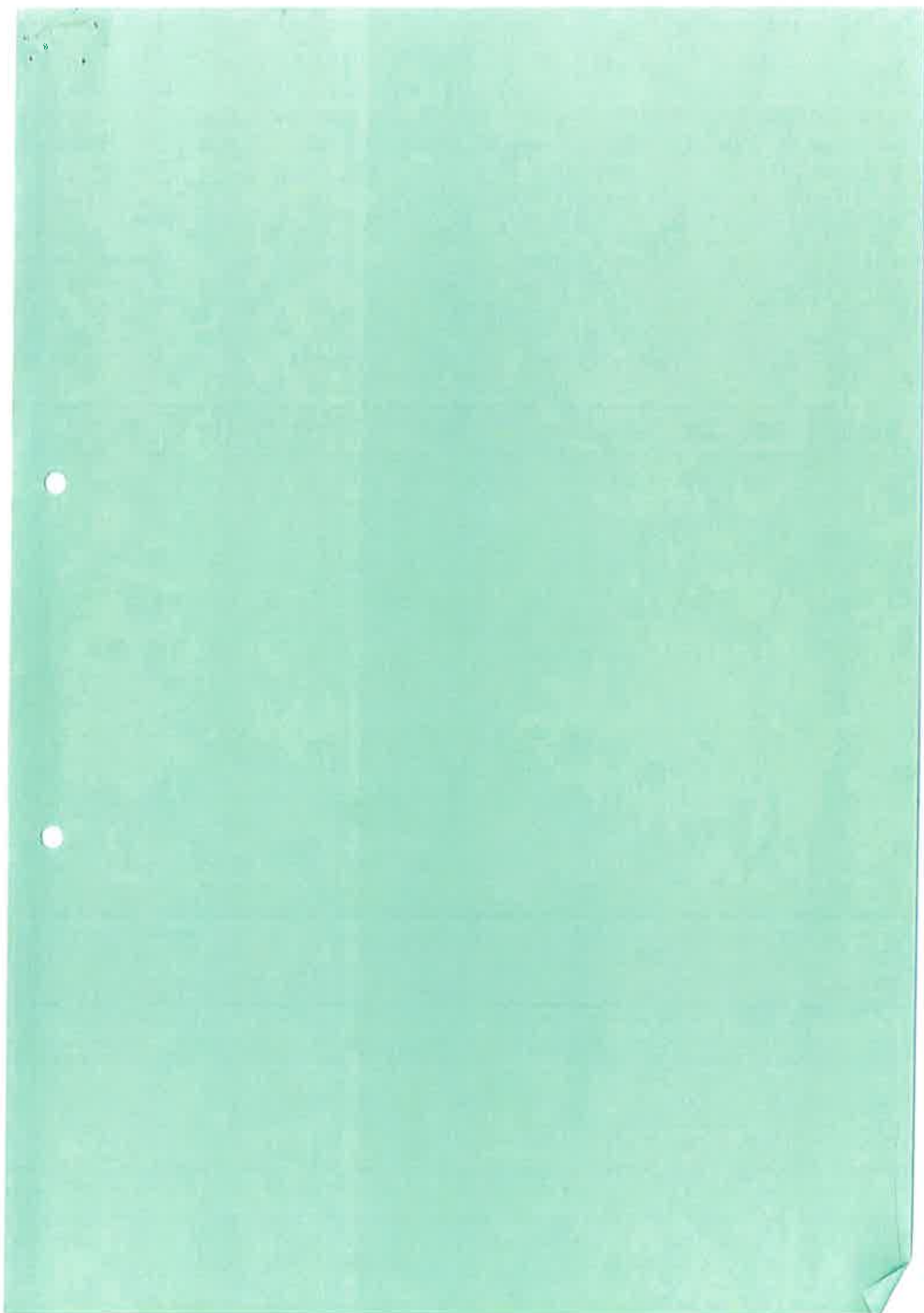
#### 4.8.3 Changes required to Chapter 4 as a result of Decision

No change is required.

#### 4.8.4 Consequential Amendments

No consequential amendments are required.





### 3.3.3 Changes required as a result of Decision

Amend the Excavation and Fill Rules 12.10.1 and 13.10.1 (Excavation and Fill) as set out in section 3.4.3)).

### 3.3.4 Consequential Amendments

Amend Rules 14.10.1, 15A.10.1 and 15B.10.1 as per above.

## 3.4 [PAN SR2.2] – Performance Standards for the Excavation and Fill Rules

Several submissions were received opposing the volumes or areas permitted in the standards of the Excavation and Fill Rules. Requested amendments included the following (demonstrating both submissions seeking increases and decreases to the permitted volumes and areas):

1. Apply Rules 12.10.1(1) (a-d) to the Overlays. The earthworks rules are more onerous than the Rural Zone without an overlay. (22/1)
2. Delete Rules 12.10.1 sub parts (1), (2), (3). (10/3, 24/2)
3. Thresholds in the Harbour and West Coast Overlays are too stringent and not practical for farming activities or driveways. (79/1)
4. Amend the volume of excavation and fill so that it is less than 1,000m<sup>3</sup> to make the Rule consistent with the East Coast, West Coast and Harbour Overlays. (78/3)
5. Clarify earthworks provisions as to the volume of earthworks permitted. (67/1)
6. Amend Rule 14.10.1 to reduce the excavation and fill threshold. The submitter states that the excavation and fill allowance per year is too low and restricts business activities. (396/9)
7. Amend 12.10.1 and 15A.10.1 (2) a) to 300 m<sup>3</sup> in any 12 month period, and amend excavation and fill setback from a water body to 20 metres applying to Overlays. (135/60, 135/85 and 135/99)
8. Amend the excavation volumes in Rule 12.10.1 to 1000m<sup>3</sup> in any hectare in any 12 month period in all zones. (95/16)
9. Amend Excavation and Fill Rule (1) a) in all zones to refer to mapped areas of instability or flood hazards to address sedimentation issues in the District. It is noted that the submitter attached a plan to their submission. (74/3)
10. Amend Rule 12.10.1.1(a) to areas 'identified' as subject to instability or flood hazard, and to insert the words 'where practical' in 12.10.1 (c). The submitter notes that revegetation is impractical for the purpose for an access track. (174/21)
11. Submissions 432/25 and 425/25 request amendments to Rules 12.10.1, 13.10.1 and 14.10.1 to include a restriction on excavation and fill being undertaken within 20m of the CMA for Kai Iwi Lakes and Waterways<sup>6</sup> Overlay. This performance standard should be included in all zones. The submitter also states that rules should take into consideration tangata whenua cultural values around adverse effects to the whenua and protection of such earthworks close to Wai Maori.

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<sup>6</sup> Renamed by the Panel as the Valued Natural Environments of Mangawhai



12. Another submission also sought to amend (a) to include a further restriction within all Overlays so that the amount of earthworks are restricted where they are within 20m of the Coastal Marine Area. (95/16)

In addition to the volumes and areas, a number of submissions seek to exclude specific activities from the Excavation and Fill rules. The following is a summary of the variety of relief sought:

1. Exclude trenching activities in association with the installation of network utilities from the Excavation and Fill standards in the Chapters 12, 13, 14 and 15A. (114/19, 114/20, 114/21, 114/22, 114/23)
2. Exclude network utilities; clarify earthworks for network utility maintenance purposes increase the threshold for the depth of excavation for network utilities in some zones (e.g. 1.5m in residential and business areas); amend the definition of excavation to exclude network utilities; and provide for earthworks associated with maintenance and minor upgrading of the National Grid as a permitted activity. (434/24) Several submissions seek that new rules be included in the Plan for certain activities in relation to Excavation and Fill. The following is a summary of the relief sought:
3. Add a new rule to allow the removal of underground petroleum storage systems and associated soil as a permitted activity plan in Chapter 12, 13, 14, 15A and 15B, or amend the definition excavation to exclude the removal of underground petroleum storage systems. The submitter also made submission points in support of the current provisions in chapter 12, 13 and 14 to allow activities on contaminated land to be assessed as a permitted activity where effects are no more than minor. (104/16, 104/17, 104/18, 104/19, 104/11, 104/2, 104/3, 104/4)
4. Rewrite Rule 12.10.1 to recognise orchard operations and include a reduction and review of the assessment criteria. Orchardists do not vegetate after planting as they clear the ground (submission 147/6).

### 3.4.1 Decision

That submission:

Submission Point	Submitter Name	Hearing Report	Page	Decision
22/1	Cullen, Shane Noel	SR2	7-8	Be Accepted in Part
FS465/61	Department of Conservation (Northland Conservancy)	SR2	7-8	Be Accepted in Part
10/3	Poutu Investments Ltd	SR2	7-8	Be Rejected
79/1	Talbot, Lindsay Dalton	SR2	7-8	Be Rejected
24/2	Rowe, Graeme and Pam	SR2	7-8	Be Rejected
67/1	Hendrickx, Paul	SR2	7-8	Be Rejected
78/3	Duck Nominees Ltd	SR2	7-8	Be Rejected
396/9	Flett, Alistair Murray	SR2	20	Be Rejected
135/60	Department of Conservation (Northland Conservancy)	SR2	6-7	Be Rejected
135/85	Department of Conservation (Northland Conservancy)	SR2	21	Be Rejected
135/99	Department of Conservation (Northland Conservancy)	SR2	21	Be Rejected

First Submitted

Sub Report 2 - Excavation and Vegetation Clearance Rules - Decision Report

Submission Point	Submitter Name	Hearing Report	Page	Decision
95/16	Royal Forest and Bird Protection Society of NZ Inc.	SR2	6-7	Be Rejected
FS464/3	Coles, Peter & Rose	SR2	6-7	Be Accepted
FS490/23	Federated Farmers of New Zealand	SR2	6-7	Be Accepted
FS471/2	Newlove, Thomas and Barbara	SR2	6-7	Be Accepted
FS466/72	Horticulture NZ	SR2	6-7	Be Accepted
FS511/23	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouro Topu A Trust	SR2	6-7	Be Accepted
74/3	Makey, Leane	SR2	4	Be Accepted in Part
FS488/2	Bull, P	SR2	9-10	Be Accepted in Part
432/25	Te Roroa	SR2	4-5	Be Accepted in Part
425/25	Te Uri o Hau	SR2	4-5	Be Accepted in Part
114/19	Telecom NZ Ltd,	SR2	9	Be Accepted in Part
FS498/173	Northpower Limited	SR2	9	Be Accepted in Part
114/20	Telecom NZ Ltd,	SR2	19	Be Accepted in Part
114/21	Telecom NZ Ltd,	SR2	20	Be Accepted in Part
FS498/174	Northpower Limited	SR2	20	Be Accepted in Part
114/22	Telecom NZ Ltd,	SR2	21	Be Accepted in Part
114/23	Telecom NZ Ltd,	SR2	22	Be Accepted in Part
434/24	Transpower New Zealand Limited	10	91	Be Accepted
FS498/135	Northpower Ltd	10	91	Be Accepted
FS487/15	Vector Gas Limited	10	91	Be Accepted
104/16	The Oil Companies	SR2	12	Be Accepted
104/17	The Oil Companies	SR2	12	Be Accepted
104/18	The Oil Companies	SR2	12	Be Accepted
104/19	The Oil Companies	SR2	21	Be Accepted
104/20	The Oil Companies	SR2	22	Be Accepted
104/11	The Oil Companies	8	20	Be Accepted
104/2	The Oil Companies	8	21	Be Accepted
104/3	The Oil Companies	8	21	Be Accepted
104/4	The Oil Companies	8	21	Be Accepted
104/9	The Oil Companies	Not specifically referred to in the Hearing Report		Be Accepted
104/15	The Oil Companies	Not specifically referred to in the Hearing Report		Be Accepted

Submission Point	Submitter Name	Hearing Report	Page	Decision
147/6	Price, Ewan Ronald & Jennifer	SR2	10-11	Be Accepted in Part
FS466/75	Horticulture NZ	SR2	11	Be Accepted in Part
→ 174/21	Federated Farmers of New Zealand	SR2	9-10	Be Rejected ← Last Submitter

### 3.4.2 Reasons for Decision

1. The Panel notes that exclusions in Rule 12.10.1(1) were intended to also apply to the Overlays. The Panel considers that it would improve the interpretation of the Rules if they were amended to make this clearer. On this basis, the Panel accepts in part submission 22/1 to the extent that it amends the Excavation and Fill Rules (e.g. 12.10.1) to include a separate section for all Overlays to make it clear what standards apply to these areas.
2. The Panel notes that the Regional Water and Soil Plan for Northland contains rules for earthworks within the Riparian Management Zone, (reduced limits in proximity to water) and considers that this amendment is appropriate for the reasons set out in section 3.3.3 above.
3. The Panel notes a typographical error in Rule 13.10.1
4. The Panel considers that the excavation and fill volumes in 14.10.1 are appropriate and believes if Council was to increase the volume of excavation and fill allowed as a permitted activity it would not be consistent with the policy framework of the Business Zone Chapter. The Panel notes that it would not be an effective or efficient method to achieve the objectives and policies and would therefore not achieve the Outcomes of the Plan, in particular Outcome 14.8.2, which states:

*A range of new business activities will be established across the District while avoiding, remedying or mitigating any adverse effects on the environment, particularly harbours, lakes and coastal environments.*

For the reasons set out above the Panel considers that the excavation and fill volumes for the Overlays are appropriate, and is satisfied that the thresholds contained in Rule 14.10.1 will ensure that development is carried out in accordance with the policy framework of the Plan. Accordingly the Panel rejects submissions 10/3, 24/2, 78/3, 396/9, 135/60, 135/85 and 135/99.

### Excavation Rules – Overlays Thresholds

5. The Panel acknowledges that Council identified in the Section 32 Report that the effects of earthworks are relevant to a number of resource issues in the District, including vegetation cover (ecological values, landscape and amenity values and the physical resource), heritage and cultural values, amenity values and natural hazards, infrastructure and roading. The Panel notes that Council concluded in that report that an appropriate balance between normal rural farming practices and protecting the sensitivity of environments (Overlays) needs to be met. The Panel considers that to achieve this balance, it is appropriate for Council to have more restrictive performance standards for excavation and fill in Overlays, as compared with other areas of the District<sup>7</sup>. This matter is also considered in Section 3.2 of this report. For the reasons set out in Section 3.2, the Panel considers that the excavation and fill volumes for the Overlays are appropriate, and is satisfied that the thresholds contained in the Plan's Rules will ensure that development is carried out in accordance with the policy framework of the Plan. The Panel rejects submissions 79/1 and 95/16.

<sup>7</sup> It is noted, however, that as a result of Panel decisions from submissions to the Plan that the extent of geographic area of Overlays has been reduced (see the Decision Report for Chapter 4: Overlays).

### **Excavation Rules - Hazards**

6. The Panel notes that reference to areas 'known' to be subject to instability or flood hazard within Rule 12.10.1(a), are recorded on Council's database. The Panel notes that hazard areas have not been included in the Plan's planning maps, and therefore, does not consider that these can be referred to in a Rule in the Plan, but rather that these are appropriately considered as a matter of assessment for resource consent. Accordingly the Panel rejects submission 174/21.
7. The Panel considers it important to restrict earthworks and fill in areas that are erosion prone or are located within flood hazard areas, and to require resource consent for any earthworks that would exceed the permitted activity performance standards included in the Plan. The Panel also notes that the *Regional Water and Soil Plan for Northland* contains standards for erosion and sediment control, as well as additional controls for works to be carried out within the Riparian Management Zone. Further to this, the Panel acknowledges that Note 1 of Rule 12.10.1 identifies that excavation may require resource consent from the Northland Regional Council. For these reasons, the Panel accepts in part submission 74/3 and 174/21 by modifying Rule 12.10.1 to address excavation and fill on erosion prone land.

### **Excavation – Cultural values**

8. The Panel acknowledges that excavation and fill has the potential to impact of sites of cultural value, including Wai Maori. For this reason, the Panel accepts in part the submission 432/25 and 425/25 to the extent that the Panel amends the assessment criteria for the Excavation and Fill Rules (e.g. 12.10.1), to provide for the consideration of effects on cultural values and the extent to which consultation has been undertaken with Tangata Whenua.

### **Excavation – Exclusions**

9. The Panel recognises that network utilities support the social and economic wellbeing of the District by providing essential services to communities. Therefore, the Panel has included appropriate exclusions to the excavation performance standards to exclude network utilities except in instances where they pass through sites or features identified in Part C of the Plan. On this basis the Panel accepts in part submissions 114/19 and 114/20, 114/21, 114/22, 114/23 and 434/24.
10. In relation to submitter 104, the Panel notes that excavation associated with the removal of storage tanks is likely to only generate temporary adverse effects on environment (e.g. visual amenity). The Panel amends the definition of excavation to allow for the on-going maintenance of tanks and where necessary their replacement.
11. In regard to submission 147/6, which seeks that Rule 12.10.1 be rewritten to provide for orchards, the Panel notes that the Rule is not intended to capture excavation associated with orchards and that the increase in earthworks limits (discussed in section 3.2 of this report) should appropriately respond to this concern.

### **3.4.3 Changes required as a result of Decision**

*[Amend the Excavation and Fill Rules 12.10.1(Excavation and Fill) as follows]*

## 12.10.1 Excavation and fill

Performance Standard	Activity Status ...	Assessment Criteria
<p><del>(1) Rural Zone</del></p> <p>Subject to the exceptions in (4) below excavation and fill is a Permitted Activity if:</p> <p>(1) Rural Zone</p> <p>a) The site is not within any area known to be erosion prone, subject to instability, or flood hazards, and</p> <p>b) The works are within 6m of the top of a bank of any water body and the volume is less than 1,000m<sup>3</sup> within a site and the area is less than 1,000m<sup>2</sup> in any 12 month period; and</p> <p>Or</p> <p>The works are located a minimum of 6m from the top of a bank of any water body and the volume is less than 25,000m<sup>3</sup> in any hectare within a site, in any 12 month period and is not within 6m of a bank of any water body; and;</p> <p>c) All bare earth areas, including excavation and fill batter faces within a site, are revegetated or stabilised within 6 months of the earthworks being completed; and</p> <p>d) All revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 24 months of the earthworks being completed.</p> <p>In addition to the above Performance Standards:</p> <p>(2) East Coast &amp; West Coast and Harbours (Mangawhai &amp; Kaipara) Overlay</p> <p>a) Any excavation and fill is of a The volume is less than 1,000m<sup>3</sup> and the area is less than 1,000m<sup>2</sup> in any 12 month period within a site and is not within 6m of the top of the bank of any water body; and</p> <p>b) Any excavation or fill The height or depth is less than 2m in depth or height over a continuous distance of less than 50m within a site.</p>	<p>Restricted Discretionary Activity</p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>i) Whether building consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be reconsidered here);</p> <p>ii) Whether resource consent from the Northland Regional Council has been granted and has already assessed the proposed earthworks;</p> <p>iii) Compliance with relevant Regional Council guidelines, publications or plans;</p> <p>iv) Machinery to be used and hours of operation;</p> <p>v) Effects on the locality, particularly the character and amenity values of adjoining sites/landuses;</p> <p>vi) Effects on landforms;</p> <p>vii) Effects on ecological values and in particular any Sites of Ecological Significance identified by the Department of Conservation or by reference to the criteria listed in Appendix 24G;</p> <p>viii) Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land;</p> <p>vii) Effects on landscape and heritage values, in particular any site identified in the District Plan or an amenity landscape identified in Council's Draft Kaipara District Plan Review Landscape Technical Report (2006/11);</p> <p>x) Effects on water bodies, including wetlands, in particular whether and the extent to which the following are avoided:</p> <p>i) Creation of a barrier to flood flows or reduction in the capacity of the area to contain stormwater; and</p> <p>ii) Redirection of flood water onto, or increasing the impact of a</p>

Performance Standard	Activity Status ...	Assessment Criteria
<p>(3) <u>Kai Iwi Lakes and Valued Natural Environments of Mangawhai</u><sup>8</sup> <u>Overlays</u></p> <p>a) <del>Any excavation and fill is of a</del> <u>The volume is less than 150m<sup>3</sup> and the area is less than 150m<sup>2</sup> in any 12 month period within a site and is not within 6m of the top of the bank of any water body; and</u></p> <p>b) <del>Any excavation or fill</del> <u>The height or depth is less than 2m in depth or height over a continuous distance of less than 50m within a site.</u></p> <p>(4) <u>Except that the following are Permitted Activities throughout the Rural Zone, including Overlays and are excluded from the Standards of 12.10.1(1), 12.10.1(3) and 12.10.1(3):</u></p> <p>a. <u>Forestry, if the company is a signatory of the New Zealand Forest Accord;</u></p> <p>b. <u>Network utilities, except where a site or feature is identified in Part C of the Plan;</u></p> <p>c. <u>Underground storage tanks except where a site or feature is identified in Part C of the Plan.</u></p> <p><sup>8</sup> <u>Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 50m continuous length (whichever is the lesser length).</u></p>		<p><del>Flood event on another property;</del></p> <p>(x) <del>xy)</del> <u>Whether and the extent to which the works meet the requirements of the performance standards in Rule 12.10.1 of excavation and fill provisions of the Kaipara District Council Engineering Standards 2011 2009.</u></p> <p><del>xi) xii)</del> <u>Effects of dust and noise on sensitive receivers;</u></p> <p><del>xii) xiii)</del> <u>Ability to create or exacerbate a natural hazard</u></p> <p><del>xiii) xiv)</del> <u>Whether the work is in a Flood Susceptibility Area identified in Part E: Appendix C, and if so:</u></p> <p><del>iv) v)</del> <u>Whether the work or structure is likely to have an adverse effect on downstream flooding;</u></p> <p><del>v) vi)</del> <u>Ability to create or exacerbate a natural hazard;</u></p> <p><del>vi) vii)</del> <u>Effects on water bodies, including wetlands;</u></p> <p><del>xiv) xv)</del> <u>Whether and the extent to which neighbouring property owners or occupiers (within 200m of the proposed activity) have been consulted and their concerns (if any) have been addressed;</u></p> <p><del>xv) xvi)</del> <u>In Overlays, how the proposal contributes to the objectives and outcomes for the relevant Overlay, as set out in Chapter 4 (Sections 4.4 and 4.7).</u></p> <p><del>xvi) xvii)</del> <u>Effects on cultural and heritage values, including whether and to what extent consultation has been undertaken with tangata whenua as appropriate; and</u></p> <p><del>xvii) xviii)</del> <u>The consistency of the proposal with the relevant objectives and policies contained in Part A and Part C of the Plan managing the values of the District including but not limited to Chapters 2, 6, 7, 8 and 17.</u></p> <p><u>In addition to the above, any application for consent to undertake excavation and fill will require an Excavation and Fill Management Plan, which is to contain the following information:....</u></p>

<sup>8</sup> It is noted that this was previously the 'Waterways Overlay' but has been retitled as part of decisions on Chapter 4 of the Plan, refer Chapter 4 – Overlays – Decision Report.



Performance Standard	Activity Status ...	Assessment Criteria
<p><i>[Amend Rules 15A.10.1 and 15B10.1 (Excavation and Fill) as per above]</i></p> <p><i>[Amend Rule 13.10.1 (Excavation and Fill) as follows]</i></p>		
<p><b>(1) Residential Zone</b></p> <p><b>(1) Excavation and Fill is a Permitted Activity if:</b></p> <p>a) The site is not within any area known to be erosion prone or subject to instability or flood hazards; and</p> <p>b) Where the site is outside of an Overlay area the volume is less than 200m<sup>3</sup> in any hectare within a site in any 12 month period and where Overlays apply, the volume is less than 100m<sup>3</sup> within a site in any 12 month period; and</p> <p>c) The site is not within 6m of a bank of any water body; and</p> <p>d) The height or depth is less than 1.5m over a continuous distance of less than 5m within a site. It does not involve an excavation or fill exceeding 1.5m in depth or height; and</p> <p>e) Any excavation or fill on land does not have an average slope greater than one in eight, and extend over an area greater than 200m<sup>2</sup>; and</p> <p>f) All bare earth areas, including excavation and fill batter faces within a site, are revegetated or stabilised within six months of the earthworks being completed; and</p> <p>g) All revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 12 months of the earthworks being completed.</p> <p><b>(2) Except that the following are Permitted Activities throughout the</b></p>	<p>Restricted Discretionary Activity</p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>i) Whether building consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be reconsidered here);</p> <p>ii) Whether resource consent from the Northland Regional Council has been granted and has already assessed the proposed earthworks;</p> <p>iii) Compliance with relevant Regional Council guidelines, publications or plans;</p> <p>iv) Machinery to be used and hours of operation;</p> <p>v) Effects on the locality, particularly the character and amenity values of adjoining sites/landuses;</p> <p>vi) Effects on landforms;</p> <p>vii) Effects on ecological values and in particular any Sites of Ecological Significance identified by the Department of Conservation or by reference to the criteria listed in Appendix 2A.G;</p> <p>viii) Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land;</p> <p>ix) Effects on landscape and heritage values, in particular any site identified in the District Plan or an amenity landscape identified in Council's Draft Kaipara District Plan Review Landscape</p>

Residential Permitted Activity Performance Standard	Activity Status ...	Assessment Criteria
<p><u>13.10.1(1):</u></p> <p><u>Residential Zone, Including Overlays and are excluded from Rule 13.10.1(1):</u></p> <p><u>1) Network utilities, except where a site or feature is identified in Part C of the Plan:</u></p> <p><u>ii) Underground storage tanks except where a site or feature is identified in Part C of the Plan.</u></p> <p><u>In addition to the above Performance Standards:</u></p> <p><u>(2) In All Overlays</u></p> <p><u>Any excavation and fill is of a volume less than 100m<sup>3</sup> in any 12 month period and is not within 5m of a bank of any water body.</u></p> <p><u>Note 1: ...</u></p> <p><u>Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 5m continuous length (whichever is the lesser length).</u></p>		<p><u>Technical Report (200811):</u></p> <p><u>xy) Effects on water bodies, including wetlands. In particular, whether and the extent to which the following are avoided:</u></p> <p><u>iii) Creation of a barrier to flood flows or reduction in the capacity of the area to contain stormwater, and</u></p> <p><u>iv) Redirection of flood water onto, or increasing the impact of a flood event on, another property;</u></p> <p><u>ix) Whether and the extent to which the works meet the requirements of the excavation and fill provisions of the Kaipara District Council Engineering Standards 200911;</u></p> <p><u>x) Effects of dust and noise on sensitive receivers;</u></p> <p><u>xi) Ability to create or exacerbate a natural hazard</u></p> <p><u>xii) Whether the work is in a Flood Susceptibility Area identified in Part E, Appendix C, and if so:</u></p> <p><u>iv) Whether the work or structure is likely to have an adverse effect on downstream or upstream flooding;</u></p> <p><u>v) Ability to create or exacerbate a natural hazard;</u></p> <p><u>vi) Effects on water bodies, including wetlands;</u></p> <p><u>xiii) Whether and the extent to which neighbouring property owners or occupiers (within 200m of the proposed activity) have been consulted and their concerns (if any) have been addressed;</u></p> <p><u>xiv) In Overlays, how the proposal contributes to the objectives and outcomes for the relevant Overlay, as set out in Chapter 4 (Sections 4.4 and 4.7);</u></p> <p><u>xv) Effects on cultural and heritage values, including whether and to what extent consultation has been undertaken with tangata whenua as appropriate; and</u></p> <p><u>xvi) The consistency of the proposal with the relevant objectives and policies contained in Part A and Part C of the Plan managing the values of the District including but not limited to Chapters 2, 6, 7, 8 and 17.</u></p> <p><u>In addition to the above, any application for consent to undertake excavation and fill will require an Excavation and Fill Management Plan, which is to contain the following information: ...</u></p> <p><u>Note 2: Refer to Chapter 9 Definitions for a definition of "Site of</u></p>



Residential Permitted Activity Performance Standard	Activity Status ...	Assessment Criteria
		significance identified by the Department of Conservation

*[Amend Rule 14.10.1 (Excavation and Fill) as follows]*

Business (Industrial and Commercial) Permitted Activity Performance Standard	Activity Status ...	Assessment Criteria
<p><b>(3) All Overlay Areas Only</b></p> <p>Excavation and fill is a Permitted Activity if:</p> <p>It is part of an approved Building Consent issued under the Building Act 2004; or</p> <p>The site is not within any area known to be erosion prone or subject to instability or flood hazard; and</p> <p>a) The volume is less than 300m<sup>3</sup> within a site in any 12 month period and is not within 6m of a bank of any water body; and</p> <p>b) The excavation and fill does not involve an excavation or fill face exceeding 1.5m in depth or height; and</p> <p>c) All bare earth areas including excavation and fill batter faces within a site are revegetated or stabilised within six months of the earthworks being completed; and</p> <p>d) Revegetated areas within a site are maintained and managed so as to achieve 80% ground cover within 12 months of the earthworks being completed.</p> <p><b>(2) Except that the following are Permitted Activities throughout the Business (Industrial and Commercial) Zone, including Overlays, and are excluded from the Standards of 14.10.1(1):</b></p> <p>i) Network utilities, except where a site or feature is identified in Part C of the Plan.</p>	<p><b>Restricted Discretionary Activity</b></p>	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>iv) Whether building consent has been issued and has already assessed the proposed earthworks (in such cases the matters considered under the Building Act 2004 will not be reconsidered here);</p> <p><del>vi) Whether resource consent from the Northland Regional Council has been granted and has already assessed the proposed earthworks;</del></p> <p><del>vi) Compliance with relevant Regional Council guidelines, publications or plans;</del></p> <p><del>ii) vi) Machinery to be used and hours of operation;</del></p> <p><del>iii) vi) Effects on the locality, particularly the character and amenity values of adjoining sites/land uses;</del></p> <p><del>iv) vi) Effects on landforms;</del></p> <p><del>vi) vii) Effects on ecological values and in particular any Sites of Ecological Significance identified by the Department of Conservation or by reference to the criteria listed in Appendix 24G;</del></p> <p><del>vii) viii) Effects of excavation related traffic on the safety and efficiency of the road network and on the amenity of dwellings on adjoining land;</del></p> <p><del>viii) ix) Effects on landscape and heritage values, in particular any site identified in the District Plan or an amenity landscape identified in Council's Draft Kaipara District Plan Review Landscape Technical Report (200611);</del></p>

Sub Report 2 - Excavation and Vegetation Clearance Rules - Decision Report

Business (Industrial and Commercial) Permitted Activity	Activity Status ...	Assessment Criteria
<p>ii) Underground storage tanks except where a site or feature is identified in Part C of the Plan.</p> <p>Note 1: ...</p> <p>Note 3: The height or depth of excavation will be based on an average height from existing ground level over the length of the excavation or fill, or over any 5m continuous length (whichever is the lesser length).</p>		<p><del>vi) Effects on water bodies, including wetlands. In particular, whether and the extent to which the following are avoided:</del></p> <p><del>vii) Creation of a barrier to flood flows or reduction in the capacity of the area to contain stormwater, and</del></p> <p><del>viii) Redirection of flood water onto, or increasing the impact of a flood event on, another property;</del></p> <p><del>ix) Whether and the extent to which the works meet the requirements of the excavation and fill provisions of the Kaipara District Council Engineering Standards 200911;</del></p> <p><del>x) Whether effects of dust and noise on sensitive receivers;</del></p> <p><del>xi) Ability to create or exacerbate a natural hazard</del></p> <p><del>xii) Whether the work is in a Flood Susceptibility Area identified in Part E, Appendix C, and if so:</del></p> <p><del>    viii) Whether the work or structure is likely to have an adverse effect on downstream or upstream flooding;</del></p> <p><del>    viii) Ability to create or exacerbate a natural hazard;</del></p> <p><del>ix) Effects on water bodies, including wetlands;</del></p> <p><del>xiii) Whether and the extent to which neighbouring property owners or occupiers (within 200m of the proposed activity) have been consulted and their concerns (if any) have been addressed;</del></p> <p><del>xiv) In Overlays, how the proposal contributes to the objectives and outcomes for the relevant Overlay, as set out in Chapter 4 (Sections 4.4 and 4.7);</del></p> <p><del>xv) Effects on cultural and heritage values, including whether and to what extent consultation has been undertaken with tangata whenua as appropriate; and</del></p> <p><del>xvi) The consistency of the proposal with the relevant objectives and policies contained in Part A and Part C of the Plan managing the values of the District including but not limited to Chapters 2, 6, 7, 8 and 17.</del></p> <p>...</p> <p><u>Note 2: Refer to Chapter 9 - Definitions for a definition of "Site of</u></p>

## 4 Decisions Relating to Vegetation Clearance

### 4.1 [WOR SR2.3] – Vegetation height limits and area limits

Submissions sought that Rule 12.10.2(3)(b) be amended so that the height is 6m and increase the area of vegetation clearance in Rule 12.10.2(3)(b) to 500m<sup>2</sup>.

#### 4.1.1 Decision

That submission:

Submission Point	Submitter Name	Hearing Report	Page	Decision
78/6	Duck Nominees Ltd	SR2	27	Be Rejected

No other  
Submitters  
↓ don't  
add  
So need to  
anything  
to app  
C & S  
Spiral

#### 4.1.2 Reason for Decision

- The Panel is satisfied that Council has undertaken a cost benefit analysis through the Section 32 Report relating to the use of vegetation clearance controls, to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. The Panel considers that relaxing the Vegetation Clearance controls would not enable Council to meet the Outcomes of the Plan, in particular Outcome 12.8.2 (as amended by PAN 12.4, p.34), which states:

*Significant indigenous vegetation, significant habitats of indigenous fauna and ecological corridors do not suffer further degradation, are protected and where possible are enhanced and expanded.*

The Panel also considers that amending the vegetation height and area rule as requested by the submitter would not be consistent with the overall policy framework of the Plan. In particular, the Panel considers that amending the Rule would not be consistent with Objective 12.5.3 and Policy 12.6.6, which seek to 'avoid, remedy or mitigate the decline of indigenous vegetation and fauna' by 'restricting and managing' activities that could threaten indigenous vegetation and habitats. For these reasons, the Panel rejects submissions 78/6.

#### 4.1.3 Changes required as a result of Decision

No changes are required.

#### 4.1.4 Consequential Amendments

No changes are required.

### 4.2 [WOR SR2.4] – Vegetation Clearance – specific Rule amendments

A number of Submission points including 135/62, 135/80, 135/82, 135/87, 135/101 and 111/9 request a number of amendments to the vegetation clearance Rules (12.10.2, 13.10.2 and 14.10.2, 15A.10.2 and 15B.10.2) including:

- The inclusion of a further clause c) under part (1) of these Rules with the following wording:  
*'It is not part of a continuous area of predominantly indigenous vegetation over 5 hectares in area.'*
- And in the case of Overlays, inclusion of a continuous area of indigenous vegetation of 1ha in area.

3. The insertion of the word "and" at the end of clause b) in clauses (1) and (2) of these Rules (e.g. 13.10.2(1), (2)).
4. The deletion of clause ii) from clauses (1), (2) and (3) of these Rules (e.g. Rule 13.10.2(1), (2) and (3)).
5. The amendment of clause iv) of from clauses (1), (2) and (3) of these Rules (e.g. Rule 13.10.2(1), (2) and (3)) so it provides for a width of walking track of up to 1.5 metres.
6. The deletion of the term "and is not located within 100m of the coastal marine area" from clauses (2)b) and (3)b) of these Rules.

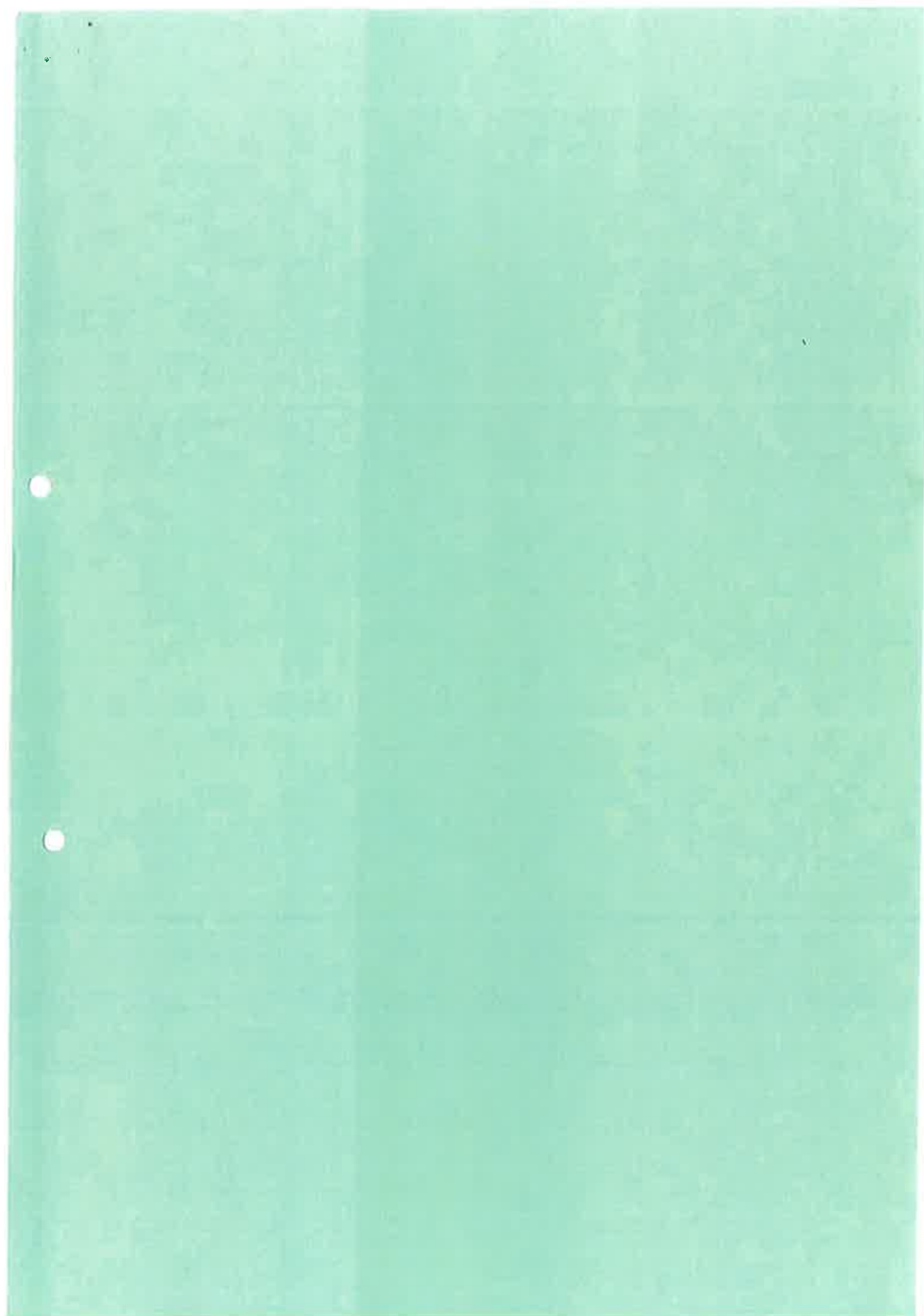
#### 4.2.1 Decision

That submission:

Submission Point	Submitter Name	Hearing Report	Page	Decision
135/62	Department of Conservation (Northland Conservancy)			Be Accepted in Part
135/80	Department of Conservation (Northland Conservancy)	SR 2	36	Be Accepted in Part
135/82	Department of Conservation (Northland Conservancy)	SR 2	36	Be Accepted in Part
135/87	Department of Conservation (Northland Conservancy)	SR 2	36	Be Accepted in Part
135/101	Department of Conservation (Northland Conservancy)	SR 2	36	Be Accepted in Part
FS505/4	Te Uri o Hau	SR 2	36	Be Rejected
FS507/4	Te Roroa	SR 2	36	Be Rejected
FS491/111	Meridian Energy Limited	SR2	36	Be Rejected
FS491/113	Meridian Energy Limited	SR 2	36	Be Rejected
111/9	Bull, Richard	SR 1	14	Be Accepted in Part

#### 4.2.2 Reasons for Decision

1. The Panel considers that an appropriate balance needs to be reached in respect of managing the effects of vegetation clearance activities on the natural environment and recognising that land use activities and resource use support the social and economic wellbeing of the District and that there is a need to provide for ongoing opportunities for economic development (as identified in Issue 2.3.1 of the District Wide Strategy (Chapter 2 of the Plan)).
2. The Panel acknowledges that the Rules for vegetation clearance need to more closely align with the policy framework of the Plan in regards to protecting indigenous vegetation. Taking this into consideration, the Panel considers that an amendment to the definition of Vegetation Clearance will assist in understanding of the intent of the District Plan: as the provisions of the Plan specifically relate to indigenous vegetation.
3. However, the Panel considers that it is appropriate that the standards for earthworks in more sensitive receiving environments, as defined by the Overlays (Kai Iwi Lakes in particular, but also the Coast and Harbour Overlays) be more onerous or restrictive. In particular, this is considered the



### 3 Panel Decisions

#### 3.1 General Submissions on Subdivisions

These submissions do not relate to any particular provision but rather request amendments or additions to the subdivision provisions generally. A summary of the relief sought is provided below:

1. Controlled Activity status of rural lot sizes in Chapter 12 (Rule 12.9.2) be amended to encourage growth in Rural areas and minimum lot sizes need further explanation and investigation (3/2, 9/1, 382/1, 354/1, 396/1, 362/1, 358/1, 368/1, 394/1, 405/1, 380/1, 387/1, 406/1, 399/1, 360/1, 389/1, 401/1, 205/10, 359/1, 410/1, 379/1, 395/1, 377/1, 365/1, 381/1, 386/1, 352/1, 367/1, 356/1, 311/1, 403/1, 374/1, 409/1, 351/1, 378/1, 393/1, 390/1, 404/1, 308/12, 363/1, 364/1, 355/1, 389/1, 398/1, 371/1, 392/1, 397/1, 383/1, 391/1, 402/1, 292/1, 414/1, 375/1, 407/1, 400/1, 372/1, 376/1, 366/1, 370/1, 357/1, 384/1, 361/1, 385/1, 353/1, and 373/1).
2. Apply Restricted Discretionary Activities, rather than Controlled Activities to ensure the effects of a subdivision can be adequately considered, and that appropriate notification decisions can be made (7/6).
3. Amend Plan to provide for:
  - Allotments over 50 hectares as a restricted discretionary activity.
  - Allotments under 50 (but over 20ha) as a discretionary activity.
  - Allotments under 20 hectares as a non-complying activity.
  - Include objectives, policies and other provisions which will address the other matters of concern related to the exclusion of matters relating to Outstanding Natural Landscapes in the Plan.
  - Opposes Rural Performance standards (440/4).
4. Reduce allotment sizes from a range of 4000m<sup>2</sup> to 4ha (75/4, 75/5, 144/4, 46/1, 165/4, 308/7, 186/8, 149/2, 54/2, 48/1, 143/6).
5. Opposes Rule 12.9.2 Provide for subdivision between 4,000m<sup>2</sup> and 12ha as permitted activities, not restricted discretionary (21/1).
6. Retain Operative District Subdivision provisions (112/2, 71/3, 20/1, 78/9, 71/1, 173/2, 435/1, 157/1, 42/1).
7. Apply similar density to that of the Far North District Plan (99/1).
8. Two dwellings be permitted on a 4 hectare lot (450/4).
9. Support for Rural subdivision rules (154/3, 148/3, 419/3, 420/3, 421/3, 418/3, 146/3, 150/3 and 42/1).
10. More restrictive objectives, policies and rules to protect landscape and amenity values (109/2, 7/4, 7/5 and 219/6).
11. Remove premise that smaller lots burden the harbour (66/2).
12. No clear guidelines as to what comprises 'amenity values' in the context of Section 12.13 (Restricted Discretionary Rural Subdivision) of Chapter 12 (143/7).



13. Provision for highly productive and versatile soils to be included within the subdivision performance criteria (98/63).
14. Amend Rule 12.11 (Subdivision Figures) to ensure consistency with Rules 12.12.1 and 12.13.3, to clarify the minimum site requirements and to show the different types of permitted subdivision (7/3).
15. Insert a user-friendly note to all subdivision rules in the Rural, Residential and Maori Purpose: Treaty Settlement Zones that states the hierarchy of certain types of subdivision (118/27).
16. Holiday park activities to be specifically provided for in the Plan, separate to dwellings (92/5).
17. Greater consistency in the use of terms required (207/241).

### 3.1.1 Decision

That submissions:

Submission Point	Submitter Name	Hearing Report	Page	Decision
3/2	Wearmouth, John, Terry, Vern, Laurie and Phil	SR 6	12	Be Rejected
9/1	Walters, Ursula	SR 6	12	Be Rejected
382/1	Simpkin, Bevan	SR 6	12	Be Rejected
354/1	Stewart, Jeanette	SR 6	12	Be Rejected
396/1	Flett, Alistair Murray	SR 6	12	Be Rejected
362/1	Matheson, Craig	SR 6	12	Be Rejected
358/1	Broomhall, Sean	SR 6	12	Be Rejected
368/1	Hartley, Loraine	SR 6	12	Be Rejected
394/1	Robertson, Robert Blatchford	SR 6	12	Be Rejected
405/1	Boakes, Quentin	SR 6	12	Be Rejected
380/1	Campion, Hamish	SR 6	12	Be Rejected
387/1	Windust, Eric and Julie	SR 6	12	Be Rejected
406/1	Dougan, Paul	SR 6	12	Be Rejected
399/1	Wightman, Susan Anne	SR 6	12	Be Rejected
360/1	Constable, Dylan	SR 6	12	Be Rejected
369/1	Main, Kevin Evan	SR 6	12	Be Rejected
401/1	Boakes, Kimberley Ruth	SR 6	12	Be Rejected
205/10	Henry, Richard and Anne	SR 6	12	Be Rejected
FS511/26	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 6	13	Be Rejected
359/1	Hewitt, William Bruce	SR 6	12	Be Rejected

Sub Report 6 Dwellings and Subdivision Rules – Decision Report

Submission Point	Submitter Name	Hearing Report	Page	Decision
410/1	Simpkin, Mervyn Harold	SR 6	12	Be Rejected
379/1	Suckling, Vernon Thomas	SR 6	12	Be Rejected
395/1	Jepson, Craig Eldon	SR 6	12	Be Rejected
377/1	Thompson, Brian Lindsay	SR 6	12	Be Rejected
365/1	Miller, Bruce Wallace	SR 6	12	Be Rejected
381/1	Rountree, Gary Lloyd	SR 6	12	Be Rejected
386/1	Boakes, Nick	SR 6	12	Be Rejected
352/1	Simpkin, Maurice, W.	SR 6	12	Be Rejected
367/1	Woolnough, Trevor Noel	SR 6	12	Be Rejected
356/1	Stitchbury, Lindsay and Christine	SR 6	12	Be Rejected
311/1	Simpkin, Stephen Daniel	SR 6	12	Be Rejected
403/1	Simpkin, Vernon Stewart	SR 6	12	Be Rejected
374/1	Boakes, Matthew Glen	SR 6	12	Be Rejected
409/1	Prankerd, David John and Janet Mary	SR 6	12	Be Rejected
351/1	Tobin, Latham Stanley	SR 6	12	Be Rejected
FS469/1	Tobin, Latham Stanley	SR 6	13	Be Rejected
378/1	Woodhead, Susan	SR 6	12	Be Rejected
393/1	Cottle, Nathan Bernard	SR 6	12	Be Rejected
390/1	Pilmer, David Jeremy	SR 6	12	Be Rejected
404/1	Hamlin, Nigel Richard	SR 6	12	Be Rejected
308/12	Simpkin, Jonathon	SR 6	12	Be Rejected
FS511/29	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 6	12	Be Rejected
363/1	Dugdale, Kenneth	SR 6	12	Be Rejected
364/1	Boakes, Brian	SR 6	12	Be Rejected
355/1	Stewart, Grant	SR 6	13	Be Rejected
389/1	Peters, Maxwell Eldon	SR 6	13	Be Rejected
398/1	Campbell, Erilee	SR 6	13	Be Rejected
371/1	McDowall, Anne	SR 6	13	Be Rejected
392/1	Cottle, Rachel Anne	SR 6	13	Be Rejected
397/1	Reid, Jeannette	SR 6	13	Be Rejected
383/1	Thompson, Lesley Joy	SR 6	13	Be Rejected
391/1	Wintle, Phillip Gordon	SR 6	13	Be Rejected
402/1	Silby, Ricky Wayne	SR 6	13	Be Rejected



Sub Report 6 Dwellings and Subdivision Rules – Decision Report

Submission Point	Submitter Name	Hearing Report	Page	Decision
292/1	Kerssens, JP and EM	SR 6	13	Be Rejected
414/1	Walters, David	SR 6	13	Be Rejected
375/1	Suckling, Derek Robert	SR 6	13	Be Rejected
407/1	Simpkin, Kenneth Herbert	SR 6	13	Be Rejected
400/1	Boakes, Joshua Carl	SR 6	13	Be Rejected
FS508/7	NZ Transport Agency	SR 6	13	Be Accepted
372/1	Suckling, Nicholas Paul	SR 6	13	Be Rejected
376/1	Suckling, Kerry and Vernon	SR 6	13	Be Rejected
366/1	Brooks, Robin	SR 6	13	Be Rejected
370/1	McDowall, Brett William	SR 6	13	Be Rejected
357/1	Mangawhai Business Development Association	SR 6	13	Be Rejected
384/1	Taylor, Grainne	SR 6	13	Be Rejected
361/1	Strong, Lyndsay	SR 6	13	Be Rejected
385/1	Brown, Alan Everard	SR 6	13	Be Rejected
353/1	Archer, John	SR 6	13	Be Rejected
373/1	Campion, Donald Malcolm	SR 6	13	Be Rejected
FS511/26	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 6	13	Be Rejected
FS511/29	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 6	13	Be Rejected
FS508/7	NZ Transport Agency	SR 6	13	Be Accepted
21/1	Rose, Pauline	SR 6	13	Be Rejected
112/2	Sumby, Yvonne	SR 6	13	Be Rejected
71/3	Woolnough, Stella June	SR 6	13	Be Rejected
FS474/1	Woolnough, Stella June	SR 6	13	Be Rejected
20/1	O'Dell, Lee and Roger	SR 6	13	Be Rejected
78/9	Duck Nominees Limited	SR 6	13	Be Rejected
71/1	Woolnough, Stella June	SR 6	13	Be Rejected
173/2	Cattle Mountain Run Limited	SR 6	13	Be Rejected
FS511/25	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 6	13	Be Rejected
FS465/34	Department of Conservation (Northland Conservancy)	SR 6	13	Be Accepted

Sub Report 6 Dwellings and Subdivision Rules – Decision Report

Submission Point	Submitter Name	Hearing Report	Page	Decision
435/1	Georgina and Russell Walker, Cherrill, John and Stephen Melville, Marianne and Kerry Bennet	SR 6	13	Be Rejected
FS474/1	Hogan, Jonathon	SR 6	13	Be Rejected
FS511/36	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 6	13	Be Rejected
157/1	Bowmar, Glen and Beverley	SR 6	13	Be Rejected
219/6	Hargreaves, J and C	SR 6	9	Be Rejected
7/5	Rodney District Council	SR 6	9	Be Rejected
FS511/1	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 6	9	Be Accepted
7/4	Rodney District Council	SR 6	9	Be Rejected
FS511/1	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 6	10	Be Accepted
7/6	Rodney District Council	SR 6	10	Be Rejected
FS511/1	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 6	10	Be Accepted
75/4	Fieldco Foods	SR 6	13	Be Rejected
440/4	Environmental Defence Society	SR 7	7	Be Accepted in Part
FS466/105	Horticulture NZ	SR 7	7	Be Rejected
FS511/37	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 7	7	Be Rejected
75/5	Fieldco Foods	SR 6	14	Be Rejected
144/4	Simpkin, Ben	SR 6	14	Be Rejected
46/1	Bygrave, Bill and Christine	SR 6	14	Be Rejected
185/4	Simpkin, Walter	SR 6	14	Be Rejected
308/7	Simpkin, Jonathon	SR 6	14	Be Rejected
FS511/29	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 6	14	Be Rejected
54/2	Collier, Howard	SR 6	14	Be Rejected
186/8	Gash, Mark	SR 6	14	Be Rejected

Sub Report 6 Dwellings and Subdivision Rules – Decision Report

Submission Point	Submitter Name	Hearing Report	Page	Decision
48/1	Wintle, Darcy	SR 6	14	Be Rejected
99/1	Larsen, Jonathan	SR 6	14	Be Rejected
FS511/14	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 6	14	Be Rejected
FS472/1	Hogan, Jonathen	SR 6	14	Be Rejected
149/2	Porter, Bryan and Ruth	SR 6	14	Be Rejected
143/6	Coles, Peter and Rose	SR 6	15	Be Rejected
FS465/30	Department of Conservation (Northland Conservancy)	SR 6	15	Be Accepted
154/3	Hawkes, Betty	SR 6	4	Be Accepted in Part
148/3	Doughty, Maurice	SR 6	4	Be Accepted in Part
419/3	Johnson, Tony and Karen	SR 6	4	Be Accepted in Part
420/3	Stone, Deborah	SR 6	4	Be Accepted in Part
421/3	Johnson, Wayne	SR 6	4	Be Accepted in Part
418/3	Clark, Barry	SR 6	4	Be Accepted in Part
146/3	Scott, Carolyn	SR 6	4	Be Accepted in Part
150/3	Stevens, Richard and Diane	SR 6	4	Be Accepted in Part
42/1	Stevens, Owen	SR 6	4	Be Accepted in Part
118/27	Kaipara District Council	SR 6	4	Be Accepted
FS477/2	Chases Gorge Camp Club	SR 6	4	Be Rejected
143/7	Coles, Peter and Rose	Sub Report 1	12	Be Rejected
FS511/30	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	Sub Report 1	12	Be Rejected
FS495/1	Stevens, Owen	Sub Report 1	12	Be Rejected
FS466/58	Horticulture NZ	Sub Report 1	12	Be Rejected
109/2	Shearer, Craig	SR 6	9	Be Rejected
7/3	Rodney District Council	SR 6	18	Be Accepted in Part
66/2	Harris, P & R	SR 6	10	
98/63	Northland Regional Council	SR 6	12	Be Rejected
FS511/13	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 6	12	Be Rejected
FS484/20	Fonterra Co-Operative Dairy Group	SR 6	12	Be Rejected

Submission Point	Submitter Name	Hearing Report	Page	Decision
FS466/78	Horticulture NZ	SR 6	12	Be Accepted
450/4	Bull, John	SR 6	17	Be Rejected
92/5	Riverside Holiday Park	SR 6	6	Be Accepted in Part
207/241	Farmers of NZ Inc., Kaipara Citizens and Ratepayers Association Inc, Pouto Topu A Trust	SR 6	18	Be Rejected
FS494/1	Hogan, Jonathen	SR 6	18	Be Rejected

### 3.1.2 Reasons for Decision

#### Minimum Lot sizes and Subdivision Activity Status

1. The Panel accepts the conclusions of the Section 32 Report which found the minimum controlled activity lot sizes for general subdivision in the Rural zone and in the Overlays to be the most effective and efficient option. The Panel highlights the report's conclusions that:  
  

*"On balance it is considered appropriate that the 20ha subdivision limit is retained as a controlled activity standard for sensitive receiving environments. This is particularly relevant given the limited mapping of Part 2 matters in the Plan (e.g. ecological areas) and the status of structure planning of coastal and harbour areas. A more permissive 12ha controlled subdivision standard is considered effective for other rural areas of the District, recognising the Heartland outcomes to maintain opportunities for economic and social development, but providing sufficient incentive to encourage development to use other subdivision methods which better achieve the Plan outcomes."*
2. The Panel recognises that having a more permissive standard for General Subdivision is consistent with the Plan's policy framework, noting that the rural heartland areas are significant for the District's economic and social development.
3. The Panel does not believe that the 20 hectare minimum allotment size in Overlays will result in cumulative effects which could otherwise be associated with smaller allotment sizes. Where allotment sizes smaller than 20 hectares are proposed, these may be assessed as discretionary activities where features are to be protected or as integrated development (as defined in the Plan). Accordingly, no change to the subdivision activity status is considered necessary.
4. The controlled activity status provides adequate control for Council to impose conditions at the time of subdivisions to ensure that potential adverse effects do not result. For controlled activities conditions can only be imposed over which control is reserved (whether in the Plan or by a National Environmental Standard). The Panel notes that when resource consent applications are assessed as Controlled Activities, Council retains control over a range of matters to assist in avoiding, remedying and mitigating adverse effects on the surrounding environment. In addition, the Council has provided a number of performance standards to set a benchmark for expected amenity levels, such as standards relating to setbacks, height, separation distances, noise, lighting, vehicle access and parking. The Panel considers that these provisions set a level of amenity that should be expected in the Rural Zone.

5. The Panel notes that the Plan's rules are intended to provide sufficient incentive to encourage landowners and others to use other subdivision methods which better achieve the Plan's outcomes. The Panel notes that these incentives are intended to off-set potential adverse environmental effects that may result from development with environmental benefits or by protecting existing, valued resources. The Small Lot Development and Rural Amenity Development and the Environmental Benefit development (for all areas of the District) provide for higher density development. In the case of the Small Lot Development, this explicitly provides for the subdivision of existing unproductive rural lots.
6. The Panel notes that 4ha lots do not generally represent productive rural lot sizes and therefore are not considered consistent with the outcomes being sought from the Plan for the Rural Zone. The Section 32 report found smaller lots (e.g. 4 hectares) were likely to result in more costs to the District than larger lots (e.g. 20 hectares). These included the following:
  - Less likely to achieve environmental outcomes being sought in Plan
  - Potential adverse impacts on rural amenity ('cookie cutter subdivision') with lack of incentive for alternative subdivision options
  - Potential for adverse effects on harbour and coast overlay environments – impacts on natural character of coastal environments, vegetation protection and amenity.
7. The Panel does not consider it appropriate to retain the standards contained within the Operative Plan. The Panel considers that the Operative Plan no longer effectively or efficiently responds to the issues of the Rural Zone, and therefore, is not the most appropriate way to achieve the Plan's objectives and outcomes. The Panel considers the rules included in the Plan to be appropriate and relevant to the Kaipara District because they give effect to Part 2 of the RMA.
8. Overall, Panel concluded the 20ha subdivision limit is appropriate in Overlays and shall be retained as the controlled activity standard for sensitive receiving environments with the more permissive 12ha controlled subdivision standard for other rural areas of the District. On this basis the Panel is satisfied with the subdivision approach set out in the Plan. Consequently the Panel accepts in part submissions 154/3, 148/3, 419/3, 420/3, 421/3, 418/3, 146/3, 150/3 and 42/1 as the Plan does not require amendment to give effect to these submissions, to the extent that the Plan is modified by this decision and the Panel's overall decisions on the Plan. Submission 440/4 is also accepted in part to the extent that Variation 1: Landscapes will determine the direction of landscape protection in the Plan. The Panel rejects submissions 3/2, 9/1, 382/1, 354/1, 396/1, 362/1, 358/1, 368/1, 394/1, 405/1, 380/1, 387/1, 406/1, 399/1, 360/1, 369/1, 401/1, 205/10, 359/1, 410/1, 379/1, 395/1, 377/1, 365/1, 381/1, 386/1, 352/1, 367/1, 356/1, 311/1, 403/1, 374/1, 409/1, 351/1, 378/1, 393/1, 390/1, 404/1, 308/12, 363/1, 364/1, 355/1, 389/1, 398/1, 371/1, 392/1, 397/1, 383/1, 391/1, 402/1, 292/1, 414/1, 375/1, 407/1, 400/1, 372/1, 376/1, 366/1, 370/1, 357/1, 384/1, 361/1, 385/1, 353/1, 373/1, 112/2, 71/3, 20/1, 78/9, 71/1, 173/2, 435/1, 157/1, 75/4, 75/5, 144/4, 46/1, 165/1, 308/7, 54/2, 186/8, 48/1, 99/1, 149/2, 143/6, 21/1, 450/4, 219/6, 7/4, 7/5, 7/6 and 66/2.

#### Plan Clarity

9. The Panel considers the use of user friendly notes to clarify the minimum site requirements and improvements to the 'Users guide to Subdivision' flow charts will assist in the overall understanding of the Plan without changing its meaning or policy



framework. The Panel accepts submission 118/27 and 7/3 and has amended the Plan accordingly.

10. The Panel considers the terms used in the Plan are correct and no amendments are considered necessary. *Matters for Control* relate to where the activity has controlled activity status; and *Matters for Discretion* relates to where the activity has discretionary activity status. Accordingly the Panel rejects submission 207/241.

#### Protection of Landscape and Amenity Values

11. The Panel notes the Council has a statutory obligation to protect outstanding natural features and landscapes from inappropriate subdivision use and development and to maintain and enhance amenity values under the RMA. The Panel notes the Plan relies on the RMA definition of amenity values (as provided in the Definitions Chapter of the Plan). The Panel is satisfied with this approach.
12. The Panel, in its decisions on Chapter 4: Overlays has refined its policy framework to clearly convey the different unique values attributable to each Overlay. The Panel is aware that the Council has now notified Variation 1: Landscapes and endorses this approach. For the above reasons the Panel rejects submission 143/7 and accepts in part submission 109/2 to the extent that the Variation will determine the direction of landscape protection in the Plan.

#### Productive and Versatile Soils

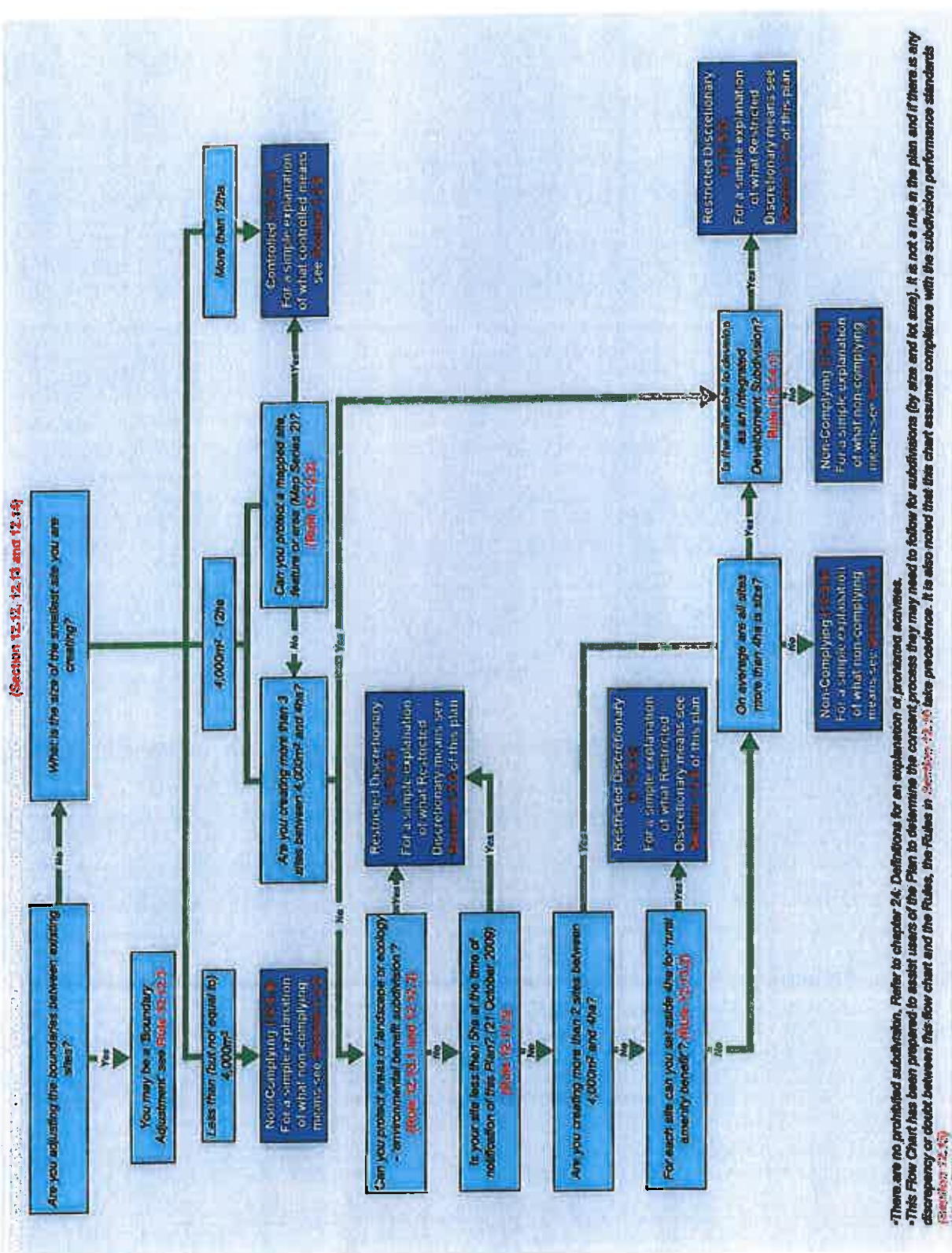
13. The Panel considers the Plan, through a range of methods, has sought to sustainability manage productive and versatile soils. The subdivision direction of Plan regime balances a 20ha minimum allotment size for general rural subdivision whilst also encouraging subdivision to provide environmental benefits to the community. The Plan also encourages residential and business development around existing settlements identified as Growth Areas to avoid ad hoc subdivision in the rural areas. The Panel finds such measures will provide significant protection to highly productive and versatile soils. Such an outcome is explicit with the objectives of the Plan. For these reasons the Panel rejects submission 98/63.

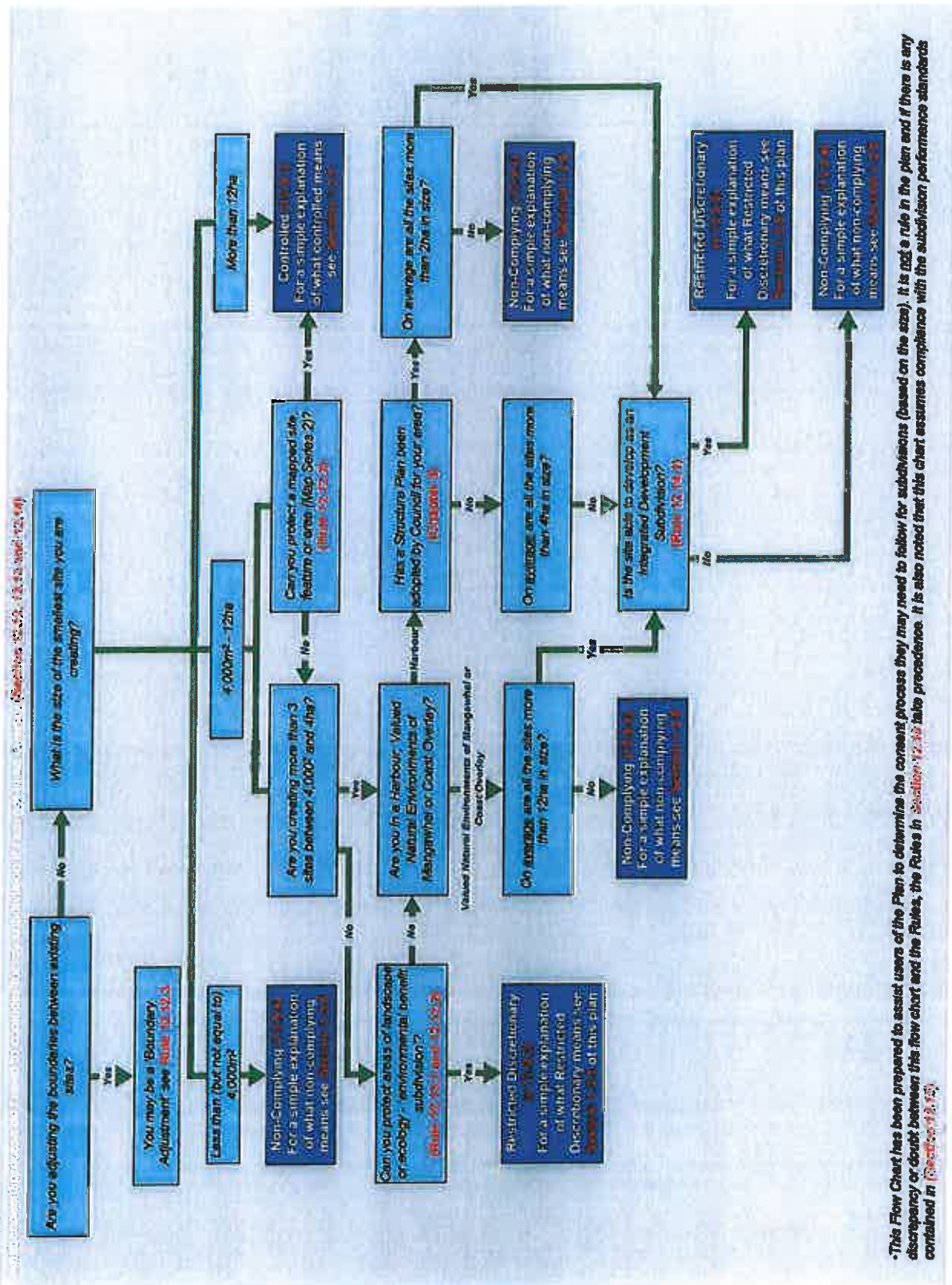
#### Holiday Park Activity

14. The Panel highlights that the Plan is effects based and does not generally specify specific activities which can occur in a Zone. Rather a range of activities is envisaged, subject to meeting the relevant standards which manage effects on the environment. However, to assist in understanding the Policy Framework the Plan has provided for broad definitions of activities. The Panel is satisfied that the definition of 'commercial activities' is sufficiently broad to include holiday parks and other visitor accommodation and no change to the Plan is necessary. Therefore, the Panel accepts in part submission 92/5 but no change to the plan is necessary.

### **3.1.3 Changes Required as a Result of Decisions**

*[Replace Figures 12-3a and 12-3b Users Guide to Subdivision with the following]*







**Eastern side of Pouto**

The topography of this area means that those areas which display the distinct character associated with the Harbour are defined by the large inlets and associated indigenous vegetation. The revised overlay boundary has been based on these features.

**Waterways Overlay**

As set out in 3.1.4 (sub-heading 'East Coast') above, the area of land to which the Waterways Overlay applies [now referred to as the Natural Environments of Mangawhai Overlay] has been reduced. However, this does not decrease the overall area in Mangawhai, to which an overlay applies. The Waterways Overlay has been replaced in the areas in close proximity to the coast, by the East Coast Overlay.

**3.1.5 Changes to Objectives and Policies**

In addition, as a result of the above review, the Panel has made further changes to the Policy framework of Chapter 4 for both the Harbour and West Coast Overlays.

Amendments have been made to the Issues, Policies and Outcomes and their accompanying explanations (discussed further in relation to the specific decisions set out in this report). The principal changes made were to emphasise:

1. The focus in the West Coast Overlay on protecting 'natural character' and the wilderness aspect; and
2. The focus in the Harbour Overlay on maintaining the distinct character of the Harbour environs – defined by amenity values and rural character of the hinterland.

It is noted that these changes are supported by the policies of the NZCPS 2010. The NZCPS requires a consideration of not only natural character of the coastal environment but also where development that maintains the character of the existing built environment should be encouraged.

**3.2 [WOR 4.1 and WOR 4.2] – Submissions about: Chapter 4 – Overlays as a whole and Mapping of these Overlays**

Several submissions oppose or partially oppose the Overlays because the method/ criteria for determining which areas are included in the Overlays and definition of the boundary do not use any recognised methodology and/or are not explained in any related documents. One submission states that the provisions in Chapter 4 overlap with other Chapters of the Plan, which seek to manage the same natural values of the District.

The majority of submissions seek either that the Chapter be deleted or that there is a reduction in the extent and effect of the Overlays. In addition, several of the submissions request that the issues, objectives, policies methods and outcomes be reviewed and as a result that a review be undertaken on the extent of the Overlay areas.

Conversely, a number of submissions support or partially support the Overlays and the recognition and protection of valued environments. One submission seeks the expansion of the West Coast Overlay.

Table 4 - Decisions on Submissions

### 3.2.1 Decision

That submissions:

Submission Point	Submitter Name	Hearing Report	Page	Decision
207/240	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	10, 53	Be Accepted in Part ✓
FS484/6	Fonterra Co-Operative Group Ltd	4	10, 53	Be Accepted in Part ✓
FS466/1	Horticulture NZ	4	10	Be Accepted in Part ✓
FS494/1	Hogan, Jonathon	4	10	Be Accepted in Part ✓
FS465/56	Department of Conservation	4	10	Be Accepted in Part ✓
FS480/1	Transition Town Kaiwaka	4	10	Be Accepted in Part ✓
10/2	Poutu Investments Ltd	4	10	Be Accepted in Part ✓
FS465/2	Department of Conservation	4	10	Be Accepted in Part (✓)
FS511/2	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	10	Be Accepted in Part (✓)
78/2	Duck Nominees Ltd	4	10	Be Accepted in Part ✓
FS465/76	Department of Conservation	4	10	Be Accepted in Part ✓
143/2	Coles, Peter and Rose	4	10	Be Accepted in Part ✓
FS491/22	Meridian Energy Limited	4	11	Be Accepted in Part ✓
FS491/24	Meridian Energy Limited	4	11	Be Accepted in Part
FS491/26	Meridian Energy Limited	4	11	Be Accepted in Part
FS491/27	Meridian Energy Limited	4	11	Be Accepted in Part
FS491/28	Meridian Energy Limited	4	11	Be Accepted in Part
FS465/5	Department of Conservation	4	11	Be Accepted in Part
FS465/23	Department of Conservation	4	11	Be Accepted in Part
FS465/41	Department of Conservation	4	11	Be Accepted in Part
FS465/86	Department of Conservation	4	11	Be Accepted in Part
FS511/16	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	11	Be Accepted in Part
FS511/30	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	11	Be Accepted in Part
FS498/183	Northpower Limited	4	11	Be Accepted in Part
FS490/10	Federated Farmers of New Zealand	4	11	Be Accepted in Part
137/11	Meridian Energy Limited	4	11	Be Accepted in Part

1st Submitter

\* All Submitters listed in the list for appendix C  
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Submission Point	Submitter Name	Hearing Report	Page	Decision
FS484/7	Fonterra Co-operative Group Ltd	4	11	Be Accepted in Part
FS466/31	Horticulture NZ	4	11	Be Accepted in Part
FS465/19	Department of Conservation	4	11	Be Accepted in Part
FS498/182	Northpower Limited	4	11	Be Accepted in Part
117/7	McShane, Owen	4	11	Be Rejected
FS465/10	Department of Conservation	4	11	Be Accepted
FS478/1	Larsen, Jonathan	4	12	Be Rejected
FS504/1	Harris, Peter and Raewyn	4	12	Be Rejected
FS511/21	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	12	Be Rejected
98/8	Northland Regional Council	4	12	Be Accepted
FS511/13	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	12	Be Accepted
222/9	Simpkin, Daniel Craig	4	12	Be Accepted in Part
89/1	Curreen, Helen	4	12	Be Accepted in Part
417/9	Glinks Gully Protection Society Inc.	4	12	Be Accepted
FS511/30	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	12	Be Rejected
426/10	Puharich, Nicola, Eileen and Nicholas	4	12	Be Accepted
FS511/30	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	12	Be Accepted in Part
428/10	MacPherson, Kris	4	12	Be Accepted
FS511/30	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	12	Be Accepted in Part
429/10	Anderson, Christine	4	12	Be Accepted
FS511/30	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	12	Be Accepted in Part
417/10	Glinks Gully Protection Society Inc.	4	12	Be Accepted in Part
FS511/30	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	12	Be Accepted in Part
426/11	Puharich, Nicola, Eileen and Nicholas	4	12	Be Accepted in Part
FS511/30	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	12	Be Accepted in Part
428/11	MacPherson, Kris	4	12	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
FS511/30	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	12	Be Accepted in Part
429/11	Anderson, Christine	4	12	Be Accepted in Part
FS511/30	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	12	Be Accepted in Part
413/19	New Zealand Historic Places Trust	4	12	Be Accepted
FS495/1	Stevens, Owen	4	12	Be Accepted
FS492/1	Mangawhai Historical Society Inc.	4	12	Be Accepted
FS482/1	New Zealand Archaeological Association	4	12	Be Accepted
153/1	Mangawhai Harbour Restoration Society Inc.	4	12	Be Accepted in Part
167/1	Peters, Thomas	SR1	17	Be Rejected
171/1	Burrows, David Ross	SR1	17	Be Rejected
170/1	Echo Valley Access Maintenance Fund Inc.	SR1	17	Be Rejected
FS465/30	Department of Conservation (Northland Conservancy)	SR1	17	Be Accepted
173/5	Cattle Mountain Run Limited	4	53	Be Accepted in Part
FS466/31	Horticulture NZ	4	53	Be Accepted in Part
FS511/25	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	53	Be Accepted in Part
FS465/33	Department of Conservation	4	53	Be Accepted in Part
FS484/6	Fonterra Co-operative Group Ltd	4	53	Be Rejected
FS494/1	Hogan, Jonathon	4	53	Be Rejected
FS466/31	Horticulture NZ	4	53	Be Rejected
314/8	Greer, John	4	53	Be Accepted in Part
437/2	Simpkin, Russell	4	56	Be Accepted in Part
135/122	Department of Conservation	4	56	Be Accepted in Part
173/4	Cattle Mountain Run Limited	SR 6		Be Accepted
FS511/25	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 6		Be Accepted

⇒

 LAST X  
 Submitter.

### 3.2.2 Reasons for Decision

#### Overview Comments – Response to Submissions since the Hearing

1. Overlays have been provided within the Plan to give recognition to sensitive and valued environments of the District. These Overlays aim to protect the valued environments to which they relate, as reflected in the Outcomes identified in Chapter 4. Land use activities are still provided for in the Overlay areas. However, more restrictive performance standards or additional assessment criteria are applied to manage the potential adverse effects of activities on the valued features of the environment to which the Overlay relates. As set out in the Section 32 Report and discussed in the background to the Hearing report (section 1.2), the protection of valued environments within the District was determined by Council to be an important issue and therefore their protection is an appropriate matter for the District Plan. As such, the Panel does not consider it appropriate that Chapter 4 is deleted in its entirety and rejects submissions to this effect.
2. As a result of the submissions and evidence presented at the Hearing, the Panel requested further technical review of the Overlays. This was considered appropriate in light of the new objectives and policies of the New Zealand Coastal Policy Statement 2010, of evidence presented in submissions and concerns raised by submitters. As a result of this review, refinement of the Objectives and Policies and a resulting reduction in the extent of the District contained within the Overlays has been recommended to the Hearings Panel.

#### Extent of Overlays

3. The Panel notes that the values (and associated resource issues) on which the Overlays were based have not been altered. However, the methodology for mapping the boundary of the Overlays has been refined and a more detailed analysis of the geographic extent has been undertaken.

The mapping of the boundaries of the Overlays in the Plan was via first order stream drainage catchments. The revised boundaries in the Decisions Version of the Plan now capture the consideration of a wider range of values and resource issues, specifically the outcomes of the Natural Values Assessment and Amenity Values Assessment discussed in Section 3.1 of this Report. The Panel has also taken account of the wider resource issues at a regional and national level.<sup>7</sup>

4. In relation to those submissions, which either requested that Chapter 4 be deleted or that the area that the Overlays cover, be reviewed, the Panel notes that the extent of the Overlays has been reviewed and the values on which they have been geographically defined have been further explained in additional Technical addenda (which are summarised in Section 3.1 above). These submissions were general in their content, in that they did not request specific alterations to the Overlays boundaries in particular areas and therefore they have been 'Accepted in Part', in so far as the extent of the area that the West Coast and Harbour Overlay cover has been reduced and the relationship between the East Coast and Waterways Overlay has been clarified (resulting in an extension to the East Coast Overlay, but a reduction in the area covered by the Waterways Overlay). No change has been made to the extent of the Kai Iwi Lakes Overlay.

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<sup>7</sup> Refer to Section 3.1.2 for a discussion of the direction provided by the NZCPS 2010, the NPS: Freshwater and the NRC proposed study.

### Objectives and Policies

5. The objectives, policies, methods and outcomes relating to Overlays were assessed and further explained within the Section 32 Report. It is considered that the explanation in the Section 32 Report provided sufficient information as to the purpose and effect of the Overlays chapter. However, in response to the evidence and submissions presented at the Hearings and the further technical assessment that has been undertaken (e.g. in light of the New Zealand Coastal Policy Statement 2010) the objectives, policies, methods and outcomes that relate to Overlays have been further reviewed.
6. The Panel agrees with those submitters seeking a number of changes be made to the policy framework. In particular, the Panel confirms changes in order to more clearly identify the values attributed to each of the sensitive environments. The principal changes the Panel has made to the District Plan emphasise the different natural and amenity values present in each Overlay:
  - a. The focus in the West Coast on protecting 'natural character' and amenity values related to the wilderness aspect; and
  - b. The focus in the Harbour on maintaining the distinct and unique character of the Harbour environs – defined by amenity values and rural character of the harbour's hinterland.
7. In relation to those submissions, which requested that the policy framework of Chapter 4 be reviewed, the Panel notes that these submissions were general in their content, in that they did not request specific changes to particular e.g. issue statements and therefore they have been 'Accepted In Part', in so far as a number of changes have been made to the policy framework. Those changes which have been made to individual sections of the Introduction of Chapter 4 (Section 4.1) are set out in 3.2.3 below.

In relation to the values of the Kaipara Harbour, the Panel has accepted the information presented by Submitter 74 at the Hearing regarding the values of the Kaipara Harbour and has amended the Kaipara Harbours; Mangawhai and Kaipara subsection in 4.1.1, to include additional text on these values.

8. For completeness, those changes which have been made by the Panel to the policy framework as a result of decision on general submissions on Chapter 4 (considered by the Panel under WOR 4.1 and WOR 4.2), with the exception of the Introduction Section, have been included with the changes made as a result of decisions on submissions on individual issues, objectives, policies and outcomes (refer to PAN 4.2., PAN 4.3, PAN 4.4 and PAN 4.5).

### Withdrawal of Overlays

9. There were submissions which seek to withdraw the Harbour Overlay (and Chapter 12: Rural) and to revert back to the Rural Chapter of the Operative District Plan. In response, the Panel is satisfied that the Section 32 for Chapter 12 assessed the costs and benefits of retaining the Rural Chapter of the Operative District Plan and concluded that the costs (including social, environment and cultural costs) outweighed the benefits. As an example, the costs of the 4ha lot subdivision rule in the Operative plan outweighed the proposed subdivision rules, both in respect of its efficiency and effectiveness in achieving the outcomes and in respect to Part 2 of the RMA. For these reasons the Panel rejects these submissions.

10. In response to those submissions that request that particular Overlays be defined by specific values, e.g. that the Harbour Overlay be limited to areas immediately adjoining waterways only; or that the Coast Overlays be limited to only s6 matters (natural character, landscape and historic heritage), the Panel notes that the Overlays are designed to manage a range of values and resource issues, which are discussed in Section 3.1.4 above. For these reasons the Panel rejects these submissions.
11. In response to the submission that additional land located to the north of Aranga Beach be included within the West Coast Overlay, the Panel notes that as a result of the review of the mapping of the overlays since the Hearings, that there has been a limited landward expansion at Maunganui Bluff. This expansion has been mapped in accordance with the revised methodology that has been applied to the whole West Coast Overlay and reflects in particular ecological and landscape values mapped as part of the Natural Values Assessment. However, the overlay boundary has not been extended inland to the extent that was requested in the submissions and hence the submission has been Accepted in Part.
12. The Panel notes that one submitter sought as part of their evidence<sup>8</sup> they presented at the Hearing that the Kaipara Harbour Overlay be extended into the northern Wairoa River to Ruawai. This evidence was presented in relation to the submission requesting that the Waterways Overlay be extended to the Kaipara Harbour catchment waterways. As this specific request was not included in the original submission,<sup>9</sup> it was not able to be considered by the Panel. However, it is noted that this area largely forms part of the Raupo drainage district and was excluded from the Harbour Overlay in the Plan. This is a largely modified environment and it was not considered to display the amenity and natural values consistent with the remainder of the Overlay.

### 3.2.3 Changes required to Chapter 4 as a result of Decision

*[That amendments be made to the Planning Maps as follows]*

That the Planning Maps be amended to reflect the changes proposed to the Overlay boundaries as shown on the maps attached to the Amenity Values Assessment.

*[Amend the first paragraph and the last bullet point under in Section 4.1.1 Valued Environments Identified – The Overlays as follows]*

*From the communities and environments identified in Kaipara's Future - Working Together, those matters in Part 2 of the Resource Management Act, National Policy Statements and Regional Policy Statement and Plans, and on the basis of issues identified for the District, the following specific natural environments have been identified for their sensitivity and value:*

- Northern Wairoa River;
- The West Coast;
- The East Coast;
- The Harbours - Kaipara and Mangawhai;

<sup>8</sup> Refer to the evidence of Submitter 74

<sup>9</sup> Refer to submission number 74



[Amend Outcome 4.7.17 as follows]

The protection, maintenance and enhancement of those values that contribute to amenity landscapes (e.g. areas of terrestrial and estuarine wetland vegetation, shrubland and remnant forest areas).

#### 4.5.4 Consequential Amendments

No consequential amendments are required.

#### 4.6 [PAN 4.6] Decisions on Submissions regarding Methods

Two submissions support Section 4.6.1 Methods. A number of submissions seek changes to Section 4.6.1 District Plan Methods. Amendments sought are:

1. Amend wording in all rules to protect sensitive environments of the waterways which enter the Kaipara Harbour;
2. Support assessment against ecological benchmarks and seek assessment of character and landscape benchmarks within the Plan in relation to Chapter 4;
3. Landowners should be able to refuse for all or part of their land to be classified as significant, protected or taken out of their ownership; and
4. Rules 10.11 and 10.12 do not implement the objectives in Chapter 10: Network Utilities as the criteria for network utilities are the same regardless of the sensitivity of the environment.
5. That a more restrictive approach be taken to development in presently undeveloped areas of Overlays, than to existing settlements/ established areas of Overlays.

One submission seeks no changes to Section 4.6.2 Other Methods. A number of submissions seek changes to Section 4.6.2 Other Methods. Amendments sought are:

1. Add a method relating to stormwater management for the catchment of the Mangawhai Harbour;
2. Add a Method to allow residents to request a site visit by Council to explain the Rules and Overlays on their property; and
3. Add a method for Council to undertake individual consultation where properties are affected by Overlays.

#### 4.6.1 Decision

That submissions:

Submission Point	Submitter Name	Hearing Report	Page	Decision
174/8	Federated Farmers of New Zealand	4	48	Be Accepted
51/5	Rothwell, Peter	4	49	Be Accepted
74/1	Makey, Leane	4, SR1	49, 13	Be Rejected
FS484/22	Fonterra Co-operative Group Ltd	4	49	Be Accepted



Submission Point	Submitter Name	Hearing Report	Page	Decision	
417/18	Glinks Gully Protection Society Inc.	4	49	Be Accepted	✓
FS511/30	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	49	Be Rejected	✓
424/21	Horrocks, Craig	4	49	Be Accepted	✓
97/1	Sommerville, John and Monika	4	50	Be Rejected	✓
FS511/12	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	50	Be Rejected	
429/28	Anderson, Christine	4	50	Be Rejected	
FS498/103	Northpower Limited	4	50	Be Accepted	
FS511/30	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	50	Be Accepted	
426/22	Puharich, Nicola, Eileen and Nicholas	SR1	13	Be Accepted in Part	
417/19	Glinks Gully Protection Society Inc.	SR1	13	Be Accepted in Part	
426/49	Puharich, Nicola, Eileen and Nicholas	SR1	13	Be Accepted in Part	
428/46	MacPherson, Kris	SR1	13	Be Accepted in Part	
429/45	Anderson, Christine	SR1	13	Be Accepted in Part	
426/21	Nicola, Eileen, Nicholas Puharich	SR1	13	Be Accepted	
428/21	MacPherson, Kris	SR1	13	Be Accepted	
429/21	Anderson, Christine	SR1	13	Be Accepted	
58/6	Stephens, Graham	4	51	Be Accepted in Part	?
78/19	Duck Nominees Ltd	4	51	Be Accepted in Part	
83/4	Hadlow Family Trust	4	51	Be Accepted in Part	✓
78/15	Duck Nominees Ltd	4	51	Be Accepted in Part	✓
144/11	Simkin, Ben	4	51	Be Accepted in Part	✓
157/5	Bowmar, Glen and Beverley	4	51	Be Accepted in Part	✓
176/4	Kauri Park Nurseries Ltd	4	51	Be Accepted in Part	✓
175/4	Rose, Hugh	4	51	Be Accepted in Part	✓
178/4	Leaf, Bruce	4	51	Be Accepted in Part	✓
179/5	Ferris, Myles	4	51	Be Accepted in Part	✓
180/4	Appleton, Lester	4	51	Be Accepted in Part	✓
181/4	Evans, Melvyn & Robyn	4	51	Be Accepted in Part	✓
182/4	Wickens, Kevin	4	51	Be Accepted in Part	✓

Submission Point	Submitter Name	Hearing Report	Page	Decision
182/7	Wickens, Kevin	4	51	Be Accepted in Part ✓
183/4	Hogan, Jonathen	4	51	Be Accepted in Part ✓
184/4	Bishop, J	4	51	Be Accepted in Part ✓
185/4	Leaf, Philip	4	51	Be Accepted in Part ✓
186/74	Gash, Mark	4	51	Be Accepted in Part ✓
187/4	Ross, Angus and Sharon	4	51	Be Accepted in Part ✓
188/4	Cameron, Colin	4	51	Be Accepted in Part ✓
189/4	D and P Robinson Family Trust	4	51	Be Accepted in Part ✓
190/4	Fernandez, LC GR BL CB BC and Harris, CD	4	51	Be Accepted in Part ✓
191/4	Low, Alan and Jeffcoat, Lorraine	4	51	Be Accepted in Part ✓
192/4	Taylor, Elaine and Leslie	4	51	Be Accepted in Part ✓
193/4	Gostic, Mr and Mrs P	4	51	Be Accepted in Part ✓
194/4	Legarth, Frederick and Marlen	4	51	Be Accepted in Part ✓
195/4	Gardner, Jim <i>GARDNER</i>	4	51	Be Accepted in Part ✓
196/4	Savage, K and V <i>SAVAGE</i>	4	51	Be Accepted in Part ✓
197/4	Nathan, Steve and Kath	4	51	Be Accepted in Part ✓
198/4	Pirie, James and Stephanie	4	51	Be Accepted in Part ✓
199/4	Tetuihi, James <i>TE TUIHI</i>	4	51	Be Accepted in Part ✓
200/4	Ruiterman, A	4	51	Be Accepted in Part ✓
201/4	Greville, J and R	4	51	Be Accepted in Part ✓
202/4	Douglas Reed Ltd	4	51	Be Accepted in Part ✓
203/4	Smith, Edward	4	51	Be Accepted in Part ✓
205/4	Henry, Richard and Anne	4	51	Be Accepted in Part ✓
206/4	Low, Dean	4	51	Be Accepted in Part ✓
208/4	Grove, P and E	4	51	Be Accepted in Part ✓
209/4	Campbell, Derrel	4	51	Be Accepted in Part ✓
210/4	King, Sue	4	51	Be Accepted in Part ✓
211/4	Gillatt, Roger and Barbara	4	51	Be Accepted in Part ✓
212/4	Mahuta Gap Farms Ltd	4	51	Be Accepted in Part ✓
213/4	McCarthy, Douglas and Neta	4	51	Be Accepted in Part ✓
214/4	Hogan, Lewis	4	51	Be Accepted in Part ✓
215/4	D and P Robinson Ltd	4	51	Be Accepted in Part ✓
216/4	Kneebone, Lois Anne	4	51	Be Accepted in Part ✓
217/4	Yelcich, Phil and Boris	4	51	Be Accepted in Part ✓
218/4	Williams, LK & LM	4	51	Be Accepted in Part ✓

Submission Point	Submitter Name	Hearing Report	Page	Decision
220/4	Jeffs Family Trust	4	51	Be Accepted in Part ✓
221/4	Russwich Trading Ltd	4	51	Be Accepted in Part
223/4	Dale Subritzky and Deirdre Fowler Trust	4	51	Be Accepted in Part ✓
224/4	Underwood, Kenneth	4	51	Be Accepted in Part ✓
225/4	Te Uri O Hau Incorporation	4	51	Be Accepted in Part ✓
226/4	S.E.B. Farms Ltd	4	51	Be Accepted in Part
227/4	Buckthought, R.G.	4	51	Be Accepted in Part ✓
228/4	Matich, Paul	4	51	Be Accepted in Part ✓
229/4	Appleton, Lillian	4	51	Be Accepted in Part ✓
230/4	Linton, D	4	51	Be Accepted in Part ✓
231/4	K and H Whitehead Trust	4	51	Be Accepted in Part ✓
232/4	Whitehead, H	4	51	Be Accepted in Part
233/4	Preston, Peggy	4	51	Be Accepted in Part ✓
234/4	Whitehead, K. S.	4	51	Be Accepted in Part
236/6	Preston, Stuart	4	51	Be Accepted in Part ✓
237/4	Preston, Rex Neil	4	51	Be Accepted in Part ✓
238/4	Preston, Rex Garth	4	51	Be Accepted in Part ✓
239/4	Boakes, Terry	4	51	Be Accepted in Part ✓
240/4	Thomson, David and Jocelyn	4	51	Be Accepted in Part ✓
FS475/1	Stephens, Graham	4	51	Be Accepted in Part
241/4	Martin, Graeme and Trudi	4	51	Be Accepted in Part ✓
242/4	McCarthy, David <i>Douglas</i>	4	51	Be Accepted in Part
243/4	Ward, Chris	4	51	Be Accepted in Part ✓
244/4	Cullen, B.T. and D.A.	4	51	Be Accepted in Part ✓
245/4	Biddles, Kim and Viv	4	51	Be Accepted in Part ✓
246/4	Gear, Mathew	4	51	Be Accepted in Part ✓
247/4	Foster, Lee	4	51	Be Accepted in Part ✓
248/4	Foster, Don	4	51	Be Accepted in Part ✓
249/4	Graham, Ken	4	51	Be Accepted in Part ✓
250/4	Cathero, Victor and Angela	4	51	Be Accepted in Part ✓
251/4	Pouto Topu A Trust	4	51	Be Accepted in Part
252/4	Kemp, Henry	4	51	Be Accepted in Part
253/4	Windlebourne, June	4	51	Be Accepted in Part ✓
254/4	Jonson, Neil	4	51	Be Accepted in Part ✓
255/4	Burgess, Keith	4	51	Be Accepted in Part ✓

Submission Point	Submitter Name	Hearing Report	Page	Decision
256/4	Lamb, M.G.	4	51	Be Accepted in Part ✓
257/4	Butterworth, Lynne	4	51	Be Accepted in Part ✓
258/4	Gent, RS	4	51	Be Accepted in Part ✓
259/4	Subritzky, Shirley	4	51	Be Accepted in Part ○
260/4	Campbell, Karen	4	51	Be Accepted in Part ✓
261/4	Williams, Gail	4	51	Be Accepted in Part ✓
262/4	Wattam, Eleanor	4	51	Be Accepted in Part ✓
263/4	Dawes, Beryl	4	51	Be Accepted in Part ✓
264/4	Dawes, Ernest	4	51	Be Accepted in Part ○
265/4	Keay, Jocelyn	4	51	Be Accepted in Part ✓
266/4	Tauihe Farms Ltd	4	51	Be Accepted in Part ✓
267/4	Subritzky, Desmond	4	51	Be Accepted in Part ○
268/4	Subritzky, Dean	4	51	Be Accepted in Part ○
269/4	Broodkoorn, Krasna	4	51	Be Accepted in Part ✓
270/4	Subritzky, Joy	4	51	Be Accepted in Part ✓
271/4	Bellamy, T.N	4	51	Be Accepted in Part ✓
273/4	Rowland, Craig	4	51	Be Accepted in Part ✓
274/4	Posa, Olga	4	51	Be Accepted in Part ✓
275/4	Williams, Kevin	4	51	Be Accepted in Part ✓
277/4	Posa, Nicholas	4	51	Be Accepted in Part ✓
278/4	Gear, Carol	4	51	Be Accepted in Part ○
279/4	Lockwood, Jim	4	51	Be Accepted in Part ○
280/4	Gear, Amy	4	51	Be Accepted in Part ○
281/4	Gent, T.E.	4	51	Be Accepted in Part ○
282/4	Godfrey, Pam	4	51	Be Accepted in Part ✓
283/4	Osborn, Joanne	4	51	Be Accepted in Part ○
284/4	McIndoe, Jean	4	51	Be Accepted in Part ✓
285/4	Godfrey, Graham	4	51	Be Accepted in Part ✓
286/4	Stenhouse, Bruce and Billie	4	51	Be Accepted in Part ✓
287/4	Fowlie, E.G. and P.A.	4	51	Be Accepted in Part ✓
288/4	Ingle, Marama	4	51	Be Accepted in Part ✓
289/4	Manderson, Ross	4	51	Be Accepted in Part ✓
290/4	Graham, Adrienne	4	51	Be Accepted in Part ○
291/4	Treadgold, Gary	4	51	Be Accepted in Part ✓
293/4	McFarlane, Shirley	4	51	Be Accepted in Part ○
294/4	Godfrey, Errol	4	51	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
295/4	Vallance, John	4	51	Be Accepted in Part
296/4	Underwood, Steven and Francesca	4	51	Be Accepted in Part
297/4	Hadlon, CL	4	51	Be Accepted in Part
299/4	Underwood, Troy	4	51	Be Accepted in Part
300/4	Gordon, Robinson	4	51	Be Accepted in Part
302/4	Cuthbert, JL	4	51	Be Accepted in Part
303/4	Adolph, Debra	4	51	Be Accepted in Part
304/4	Corkill, Lillian	4	51	Be Accepted in Part
305/4	Matich, Jon	4	51	Be Accepted in Part
306/4	Russell, John and Anne	4	51	Be Accepted in Part
308/4	Simpkin, Jonathon	4	51	Be Accepted in Part
FS511/29	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	51	Be Accepted in Part
309/4	Paxton, Raymond	4	51	Be Accepted in Part
310/4	Messenger, Karen Lynette	4	51	Be Accepted in Part
313/4	Ripua, Harry	4	51	Be Accepted in Part
314/4	Greer, John	4	51	Be Accepted in Part
315/4	Wightman, P	4	51	Be Accepted in Part
316/4	Bishop, RA	4	51	Be Accepted in Part
317/4	Stott, Warren	4	51	Be Accepted in Part
318/4	Onewa Estate Limited	4	51	Be Accepted in Part
320/4	W. Goodwin Holdings Ltd	4	51	Be Accepted in Part
321/4	Wigglesworth, Joseph	4	51	Be Accepted in Part
322/4	Te Awhitu, Joe and Lucy	4	51	Be Accepted in Part
323/4	Appleton, Gordon and Lesley	4	51	Be Accepted in Part
324/4	Guest, William and Nicholas	4	51	Be Accepted in Part
325/4	Li, Zeyon	4	51	Be Accepted in Part
326/4	Hooker, Garry	4	51	Be Accepted in Part
327/4	Williams, Murray	4	51	Be Accepted in Part
328/4	Schepens, John	4	51	Be Accepted in Part
329/4	Bull, Joe and Peterson, N	4	51	Be Accepted in Part
330/4	Hulford, Robin and Denise	4	51	Be Accepted in Part
331/4	Gates, Rory	4	51	Be Accepted in Part
332/4	Griffiths, Michael	4	51	Be Accepted in Part
333/4	Blitvic, Ivan	4	51	Be Accepted in Part
334/4	Browne, Wayne Anthony	4	51	Be Accepted in Part



Submission Point	Submitter Name	Hearing Report	Page	Decision
335/4	Kai-Ct Limited	4	51	Be Accepted in Part
336/4	Fitness, William	4	51	Be Accepted in Part
337/4	Sellars, Christopher	4	51	Be Accepted in Part
338/4	Davidson, Chris	4	51	Be Accepted in Part
339/4	Sills, V.W.	4	51	Be Accepted in Part
340/6	Ramnaud-Grant, Mae	4	51	Be Accepted in Part
341/4	Engeler, George	4	51	Be Accepted in Part
342/4	Grbavac Farms Ltd	4	51	Be Accepted in Part
343/4	Green, Viv and Donna	4	51	Be Accepted in Part
344/4	Vallance, K.F. & D.R.	4	51	Be Accepted in Part
345/4	Midgley, Steve	4	51	Be Accepted in Part
346/4	Lynette L. Midgley & Miron	4	51	Be Accepted in Part
347/4	Timperley, L.D. and E.J.	4	51	Be Accepted in Part
348/4	Hall, Kenneth Arthur	4	51	Be Accepted in Part
349/4	B & C Family Trust	4	51	Be Accepted in Part
412/4	Simpkin, LM	4	51	Be Accepted in Part
415/4	Godfrey, T.R.	4	51	Be Accepted in Part
462/4	Parore, Robert	4	51	Be Accepted in Part
3/4	Wearmouth, John, Terry, Vern, Laurie and Phil	4	51	Be Accepted in Part
9/3	Walters, Ursula	4	51	Be Accepted in Part
414/3	Walters, David	4	51	Be Accepted in Part
205/12	Henry, Richard and Anne	4	51	Be Accepted in Part
FS511/26	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	51	Be Accepted in Part
292/3	Kerssens, JP and EM	4	51	Be Accepted in Part
308/14	Simpkin, Jonathon	4	51	Be Accepted in Part
FS511/29	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	51	Be Accepted in Part
351/3	Tobin, Latham Stanley	4	51	Be Accepted in Part
352/3	Wintle, Jennifer	4	51	Be Accepted in Part
353/3	Archer, John	4	51	Be Accepted in Part
354/3	Stewart, Jeanette	4	51	Be Accepted in Part
355/3	Stewart, Grant	4	51	Be Accepted in Part
356/3	Stichbury, Lindsay and Christine	4	51	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
357/3	Mangawhai Business Development Association	4	51	Be Accepted in Part
358/3	Broomhall, Sean	4	51	Be Accepted in Part
359/3	Hewitt, William	4	51	Be Accepted in Part
360/3	Constable, Dyllan	4	51	Be Accepted in Part
362/3	Matheso, Craig	4	51	Be Accepted in Part
363/3	Dugdale, Kenneth	4	51	Be Accepted in Part
364/3	Boakes, Brian	4	51	Be Accepted in Part
365/3	Miller, Bruce Wallace	4	51	Be Accepted in Part
366/3	Brooks, Robin	4	51	Be Accepted in Part
367/3	Woolnough, Trevor	4	51	Be Accepted in Part
368/3	Hartley, Loraine	4	51	Be Accepted in Part
369/3	Main, Kevin	4	51	Be Accepted in Part
370/3	McDowall, Bret	4	51	Be Accepted in Part
371/3	McDowall, Anne	4	51	Be Accepted in Part
372/3	Suckling, Nicholas	4	51	Be Accepted in Part
373/3	Campion, Donald	4	51	Be Accepted in Part
374/3	Boakes, Matthew	4	51	Be Accepted in Part
375/3	Suckling, Derek	4	51	Be Accepted in Part
376/3	Suckling, Kerry and Vernon	4	51	Be Accepted in Part
378/3	Woodhead, Susan	4	51	Be Accepted in Part
379/3	Suckling, Vernon	4	51	Be Accepted in Part
380/3	Campion, Hamish	4	51	Be Accepted in Part
381/3	Rountree, Gary	4	51	Be Accepted in Part
382/3	Simpkin, Bevan	4	51	Be Accepted in Part
384/3	Taylor, Grainne	4	51	Be Accepted in Part
385/3	Brown, Alan	4	51	Be Accepted in Part
386/3	Boakes, Nick	4	51	Be Accepted in Part
387/3	Windust, Eric and Julie	4	51	Be Accepted in Part
389/3	Peters, Maxwell	4	51	Be Accepted in Part
391/3	Wintle, Philip	4	51	Be Accepted in Part
392/3	Cottle, Rachel	4	51	Be Accepted in Part
393/3	Cottle, Nathan	4	51	Be Accepted in Part
394/3	Robertson, Robert	4	51	Be Accepted in Part
395/3	Jepson, Craig	4	51	Be Accepted in Part
396/3	Flett, Alistair	4	51	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
397/3	Reid, Jeannette	4	51	Be Accepted in Part
398/3	Campbell, Eralee	4	51	Be Accepted in Part
399/3	Wightman, Susan	4	51	Be Accepted in Part
400/3	Boakes, Joshua	4	51	Be Accepted in Part
401/3	Boakes, Kimberley	4	51	Be Accepted in Part
402/3	Silby, Ricky	4	51	Be Accepted in Part
403/3	Simpkin, Vernon	4	51	Be Accepted in Part
404/3	Hamlin, Nigel	4	51	Be Accepted in Part
405/3	Boakes, Quentin	4	51	Be Accepted in Part
406/3	Dougan, Paul	4	51	Be Accepted in Part
407/3	Simpkin, Kenneth	4	51	Be Accepted in Part
409/3	Prankerd, David John and Janet	4	51	Be Accepted in Part
410/3	Simpkin, Mervyn	4	51	Be Accepted in Part
426/44	Puharich, Nicola, Eileen and Nicholas	SR1	19	Be Rejected
→ 109/1	Shearer, Craig	SR1	19	Be Rejected ← Last Submitted

#### 4.6.2 Reasons for Decision

1. The Panel accepts in part submissions supporting methods to the extent that amendments are proposed below.

##### Protection of Waterways

2. The Panel considers the protection mechanisms for the waterways that enter the Kaipara Harbour in the in the Plan to be appropriate. The Panel notes that the Harbour Overlay reflects the presence of waterways on land surrounding the Kaipara Harbour and recognises the requirement to manage the effects of land use in this area. In addition, as identified in Chapter 3A: Growth Areas (now Appendix 1 to Chapter 3: Land Use and Development Strategy), mapping for valued natural environments will be undertaken in response to growth pressures and structure planning.

The Panel considers that supporting an integrated approach with others for the collective management and protection of the Kaipara Harbour to be appropriate. The District Plan is only one tool to manage the effects of land use and development on the waterways that enter the Kaipara Harbour. Other methods include Regional Plans and non-statutory methods, such as community and industry group initiatives to enhance planting of riparian margins. The Panel therefore on balance, do not consider the extension of the rules that apply to the Kai Iwi Lakes and the Valued Natural Environments of Mangawhai overlays, to all waterways in the Kaipara Harbour catchment, to be appropriate and rejects submission 74/1 be rejected.

##### Benchmarking

3. A number of submissions were received, some in support of the ecological benchmarks and others seeking an assessment of development against character and landscape value benchmarks. The Panel judges that the relief sought is provided for within the Plan in a



number of assessment criteria relating to an assessment of effects on, and protection of, landscape values and character. As such the Panel accepts in part submissions 426/22, 417/19, 428/49, 428/46, and 429/45 and accepts submissions 417/8, 424/21, 426/21, 428/21 and 429/21.

#### Landowner Rights

4. The Panel acknowledges that some landowners would like to refuse specific classifications, or restrictions being imposed on their land. The process of District Plan development is determined by the Resource Management Act 1991 (RMA). It is not possible for individual landowners to be able to veto the outcomes of the statutory process. The Panel therefore rejects submission 97/1.

#### Network Utilities

5. The provisions of Chapter 10 will enable essential services to be provided to the Kaipara District in an efficient manner. The Panel notes that these services are an important physical resource for the district, providing social and economic wellbeing. No decision was requested in the submission, nor was clarification received at the Hearing. Consequently the Panel rejects submission 429/28.

#### Different Approach to Existing Settlements

6. The Panel does not consider it appropriate to have different provisions in the Plan for existing and new settlements in Overlay Areas. The Panel considers it important to manage the overlay areas and the sensitive receiving environments together in order to achieve the objectives of Chapter 4 and the Plan. The Panel therefore rejects submissions 426/44 and 109/1.

#### Stormwater Management

7. The Panel notes that stormwater management of the harbours is a function of Northland Regional Council, not Kaipara District Council. However, the Panel also notes that management of the land use which drains into the harbour is a function of the territorial authority. The Panel considers the inclusion of a method relating to land use management for the Mangawhai Harbour will provide for the management for protection of the harbour. For these reasons the Panel accepts submission 51/5.

#### Information and Advice

8. The Panel recognises the Plan is a significant change in resource management approach from the Operative Plan, particularly as it represents a shift from an activity based to effects based Plan. In developing the Plan the Council recognised that the availability of information and advice to landowners would be an important element. The Panel acknowledges that providing information about the effects of Overlays will help confirm how Rules and Overlays will affect properties. Consequently the Panel adds a new 'Other Method' to 4.6.2 and accepts in part submissions 58/6, 78/19, 83/4, 78/15, 144/11, 157/5, 176/4, 175/4, 178/4, 179/4, 180/4, 181/4, 182/4, 182/7, 183/4, 184/4, 185/4, 186/4, 187/4, 188/4, 189/4, 190/4, 191/4, 192/4, 193/4, 194/4, 195/4, 196/4, 197/4, 198/4, 199/4, 200/4, 201/4, 202/4, 203/4, 205/4, 206/4, 208/4, 209/4, 210/4, 211/4, 212/4, 213/4, 214/4, 215/4, 216/4, 217/4, 218/4, 220/4, 221/4, 223/4, 224/4, 225/4, 226/4, 227/4, 228/4, 229/4, 230/4, 231/4, 232/4, 233/4, 234/4, 236/6, 237/4, 238/4, 239/4, 240/4, 241/4, 242/4, 243/4, 244/4, 245/4, 246/4, 247/4, 248/4, 249/4, 250/4, 251/4, 252/4, 253/4, 254/4, 255/4, 256/4, 257/4, 258/4, 259/4, 260/4, 261/4, 262/4, 263/4, 264/4, 265/4, 266/4, 267/4, 268/4, 269/4, 270/4, 271/4, 273/4, 274/4, 275/4, 277/4, 278/4, 279/4, 280/4, 281/4, 282/4, 283/4, 284/4, 285/4,

286/4, 287/4, 288/4, 289/4, 290/4, 291/4, 293/4, 294/4, 295/4, 296/4, 297/4, 299/4, 300/4, 302/4, 303/4, 304/4, 305/4, 306/4, 308/4, 309/4, 310/4, 313/4, 314/4, 315/4, 316/4, 317/4, 318/4, 320/4, 321/4, 322/4, 323/4, 324/4, 325/4, 326/4, 327/4, 328/4, 329/4, 330/4, 331/4, 332/4, 333/4, 334/4, 335/4, 336/4, 337/4, 338/4, 339/4, 340/6, 341/4, 342/4, 343/4, 344/4, 345/4, 346/4, 347/4, 348/4, 349/4, 412/4, 415/4, 462/4, 3/4, 9/3, 414/3, 205/12, 292/3, 308/14, 351/3, 352/3, 353/3, 354/3, 355/3, 356/3, 357/3, 358/3, 359/3, 360/3, 362/3, 363/3, 364/3, 365/3, 366/3, 367/3, 368/3, 369/3, 370/3, 371/3, 372/3, 373/3, 374/3, 375/3, 376/3, 378/3, 379/3, 380/3, 381/3, 382/3, 384/3, 385/3, 386/3, 387/3, 389/3, 391/3, 392/3, 393/3, 394/3, 395/3, 396/3, 397/3, 398/3, 399/3, 400/3, 401/3, 402/3, 403/3, 404/3, 405/3, 406/3, 407/3, 409/3 and 410/3.

#### 4.6.3 Changes required to Chapter 4 as a result of Decision

[Add two new 'Other Methods' to Section 4.6.2 as follows]

- The preparation of a Stormwater Management Structure Plan for the catchment of Mangawhai Harbour.
- Providing information to landowners on the values of Overlays and the effect of the District Plan on land use and development in Overlay areas.

#### 4.6.4 Consequential Amendments

No consequential amendments are required.

### 4.7 [PAN 4.7] Decisions on Submissions regarding Mapping

A number of submissions seek changes to the mapping of the Overlays. Amendments sought are:

1. Verify what areas of people's property will be affected by the Overlays;
2. Removal of Overlays at specific properties; and
3. Amend Overlays so there is consistent, integrated and sustainable management of both the Brynderwyn Range and Bream Tail.

#### 4.7.1 Decision

That submissions:

Submission Point	Submitter Name	Hearing Report	Page	Decision
58/7	Stephens, Graham	4	53	Be Accepted in Part
83/5	Hadlow Family Trust	4	53	Be Accepted in Part
144/12	Simkin, Ben	4	53	Be Accepted in Part
78/16	Duck Nominees Ltd	4	53	Be Accepted in Part
78/20	Duck Nominees Ltd	4	53	Be Accepted in Part
175/5	Rose, Hugh	4	53	Be Accepted in Part

First Submitter

Submission Point	Submitter Name	Hearing Report	Page	Decision
176/5	Kauri Park Nurseries Ltd	4	53	Be Accepted in Part
178/5	Leaf, Bruce	4	53	Be Accepted in Part
179/5	Ferris, Myles	4	53	Be Accepted in Part
180/5	Appleton, Lester	4	53	Be Accepted in Part
181/5	Evans, Melvyn & Robyn	4	53	Be Accepted in Part
182/5	Wickens, Kevin	4	53	Be Accepted in Part
183/5	Hogan, Jonathen	4	53	Be Accepted in Part
184/5	Bishop, J	4	53	Be Accepted in Part
185/5	Leaf, Philip	4	53	Be Accepted in Part
186/5	Gash, Mark	4	53	Be Accepted in Part
187/5	Ross, Angus and Sharon	4	53	Be Accepted in Part
188/5	Cameron, Colin	4	53	Be Accepted in Part
189/5	D and P Robinson Family Trust	4	53	Be Accepted in Part
190/5	Fernandez, LC GR BL CB BC and Harris, CD	4	53	Be Accepted in Part
191/5	Low, Alan and Jeffcoat, Lorraine	4	53	Be Accepted in Part
192/5	Taylor, Elaine and Leslie	4	53	Be Accepted in Part
193/5	Gostic, Mr and Mrs P	4	53	Be Accepted in Part
194/5	Legarth, Frederick and Marlen	4	53	Be Accepted in Part
195/5	Gardner, Jim	4	53	Be Accepted in Part
196/5	Savage, K and V	4	53	Be Accepted in Part
197/5	Nathan, Steve and Kath	4	53	Be Accepted in Part
198/5	Pirie, James and Stephanie	4	53	Be Accepted in Part
199/5	Tetuhi, James	4	53	Be Accepted in Part
200/5	Ruiterman, A	4	53	Be Accepted in Part
201/5	Greville, J and R	4	53	Be Accepted in Part
202/5	Douglas Reed Ltd	4	53	Be Accepted in Part
203/5	Smith, Edward	4	53	Be Accepted in Part
204/5	Malloy, M and P	4	53	Be Accepted in Part
205/5	Henry, Richard and Anne	4	53	Be Accepted in Part
206/5	Low, Dean	4	53	Be Accepted in Part
208/5	Grove, P and E	4	53	Be Accepted in Part
209/5	Campbell, Derrel	4	53	Be Accepted in Part
210/5	King, Sue	4	53	Be Accepted in Part
211/5	Gillatt, Roger and Barbara	4	53	Be Accepted in Part
212/5	Mahuta Gap Farms Ltd	4	53	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
213/5	McCarthy, Douglas and Neta	4	53	Be Accepted in Part
214/5	Hogan, Lewis	4	53	Be Accepted in Part
215/5	D and P Robinson Ltd	4	53	Be Accepted in Part
216/5	Kneebone, Lois Anne	4	53	Be Accepted in Part
217/5	Yelcich, Phil and Boris	4	53	Be Accepted in Part
218/5	Williams, LK & LM	4	53	Be Accepted in Part
220/5	Jeffs Family Trust	4	53	Be Accepted in Part
221/5	Russwich Trading Ltd	4	53	Be Accepted in Part
223/5	Dale Subritzky and Deirdre Fowler Trust	4	53	Be Accepted in Part
224/5	Underwood, Kenneth	4	53	Be Accepted in Part
225/5	Te Uri O Hau Incorporation	4	53	Be Accepted in Part
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236/5	Preston, Stuart	4	53	Be Accepted in Part
237/5	Preston, Rex Neil	4	53	Be Accepted in Part
238/5	Preston, Rex Garth	4	53	Be Accepted in Part
239/5	Boakes, Terry	4	53	Be Accepted in Part
240/5	Thomson, David and Jocelyn	4	53	Be Accepted in Part
FS475/1	Stephens, Graham	4	53	Be Accepted in Part
241/5	Martin, Graeme and Trudi	4	53	Be Accepted in Part
242/5	McCarthy, David	4	53	Be Accepted in Part
243/5	Ward, Chris	4	53	Be Accepted in Part
244/5	Cullen, B.T. and D.A.	4	53	Be Accepted in Part
245/5	Biddles, Kim and Viv	4	53	Be Accepted in Part
246/5	Gear, Mathew	4	53	Be Accepted in Part
247/5	Foster, Lee	4	53	Be Accepted in Part
248/5	Foster, Don	4	53	Be Accepted in Part
249/5	Graham, Ken	4	53	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
250/5	Cathero, Victor and Angela	4	53	Be Accepted in Part
251/5	Pouto Topu A Trust	4	53	Be Accepted in Part
252/5	Kemp, Henry	4	53	Be Accepted in Part
253/5	Windlebourne, June	4	53	Be Accepted in Part
254/5	Jonson, Neil	4	53	Be Accepted in Part
255/5	Burgess, Keith	4	53	Be Accepted in Part
256/5	Lamb, M.G.	4	53	Be Accepted in Part
257/5	Butterworth, Lynne	4	53	Be Accepted in Part
258/5	Gent, RS	4	53	Be Accepted in Part
259/5	Subritzky, Shirley	4	53	Be Accepted in Part
260/5	Campbell, Karen	4	53	Be Accepted in Part
261/5	Williams, Gail	4	53	Be Accepted in Part
262/5	Wattam, Eleanor	4	53	Be Accepted in Part
263/5	Dawes, Beryl	4	53	Be Accepted in Part
264/5	Dawes, Ernest	4	53	Be Accepted in Part
265/5	Keay, Jocelyn	4	53	Be Accepted in Part
266/5	Tauihe Farms Ltd	4	53	Be Accepted in Part
267/5	Subritzky, Desmond	4	53	Be Accepted in Part
268/5	Subritzky, Dean	4	53	Be Accepted in Part
269/5	Broodkoom, Krasna	4	53	Be Accepted in Part
270/5	Subritzky, Joy	4	53	Be Accepted in Part
271/5	Bellamy, T.N	4	53	Be Accepted in Part
273/5	Rowland, Craig	4	53	Be Accepted in Part
274/5	Posa, Olga	4	53	Be Accepted in Part
275/5	Williams, Kevin	4	53	Be Accepted in Part
277/5	Posa, Nicholas	4	53	Be Accepted in Part
278/5	Gear, Carol	4	53	Be Accepted in Part
279/5	Lockwood, Jim	4	53	Be Accepted in Part
280/5	Gear, Amy	4	53	Be Accepted in Part
281/5	Gent, T.E.	4	53	Be Accepted in Part
282/5	Godfrey, Pam	4	53	Be Accepted in Part
283/5	Osborn, Joanne	4	53	Be Accepted in Part
284/5	McIndoe, Jean	4	53	Be Accepted in Part
285/5	Godfrey, Graham	4	53	Be Accepted in Part
286/5	Stenhouse, Bruce and Billie	4	53	Be Accepted in Part
287/5	Fowle, E.G. and P.A.	4	53	Be Accepted in Part



Submission Point	Submitter Name	Hearing Report	Page	Decision
288/5	Ingle, Marama	4	53	Be Accepted in Part
289/5	Manderson, Ross	4	53	Be Accepted in Part
290/5	Graham, Adrienne	4	53	Be Accepted in Part
291/5	Treadgold, Gary	4	53	Be Accepted in Part
293/5	McFarlane, Shirley	4	53	Be Accepted in Part
294/5	Godfrey, Errol	4	53	Be Accepted in Part
295/5	Vallance, John	4	53	Be Accepted in Part
296/5	Underwood, Steven and Francesca	4	53	Be Accepted in Part
297/5	Hadlon, CL	4	53	Be Accepted in Part
299/5	Underwood , Troy	4	53	Be Accepted in Part
300/5	Gordon, Robinson	4	53	Be Accepted in Part
301/5	Wordsworth, Stanley	4	53	Be Accepted in Part
302/5	Cuthbert, JL	4	53	Be Accepted in Part
303/5	Adolph, Debra	4	53	Be Accepted in Part
304/5	Corkill, Lillian	4	53	Be Accepted in Part
305/5	Matich, Jon	4	53	Be Accepted in Part
306/5	Russell, John and Anne	4	53	Be Accepted in Part
308/5	Simpkin, Jonathon	4	53	Be Accepted in Part
FS511/29	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	53	Be Accepted in Part
309/5	Paxton, Raymond	4	53	Be Accepted in Part
310/5	Messenger, Karen Lynette	4	53	Be Accepted in Part
312/5	Strong, Raymond	4	53	Be Accepted in Part
313/5	Ripua, Harry	4	53	Be Accepted in Part
314/5	Greer, John	4	53	Be Accepted in Part
315/3	Wightman, P	4	53	Be Accepted in Part
316/5	Bishop, RA	4	53	Be Accepted in Part
317/5	Stott, Warren	4	53	Be Accepted in Part
318/5	Onewa Estate Limited	4	53	Be Accepted in Part
320/5	W. Goodwin Holdings Ltd	4	53	Be Accepted in Part
321/5	Wigglesworth, Joseph	4	53	Be Accepted in Part
322/5	Te Awhitu, Joe and Lucy	4	53	Be Accepted in Part
323/5	Appleton, Gordon and Lesley	4	53	Be Accepted in Part
324/5	Guest, William and Nicholas	4	53	Be Accepted in Part
325/5	Li, Zeyon	4	53	Be Accepted in Part
326/5	Hooker, Garry	4	53	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
220/4	Jeffer Family Trust	4	51	Be Accepted in Part ✓
221/4	Russwich Trading Ltd	4	51	Be Accepted in Part
223/4	Dale Subritzky and Deirdre Fowler Trust	4	51	Be Accepted in Part ✓
224/4	Underwood, Kenneth	4	51	Be Accepted in Part ✓
225/4	Te Uri O Hau Incorporation	4	51	Be Accepted in Part ✓
226/4	S.E.B. Farms Ltd	4	51	Be Accepted in Part ✓
227/4	Buckthought, R.G.	4	51	Be Accepted in Part ✓
228/4	Matich, Paul	4	51	Be Accepted in Part ✓
229/4	Appleton, Lillian	4	51	Be Accepted in Part ✓
230/4	Linton, D	4	51	Be Accepted in Part ✓
231/4	K and H Whitehead Trust	4	51	Be Accepted in Part ✓
232/4	Whitehead, H	4	51	Be Accepted in Part ✓
233/4	Preston, Peggy	4	51	Be Accepted in Part ✓
234/4	Whitehead, K. S.	4	51	Be Accepted in Part
236/6	Preston, Stuart	4	51	Be Accepted in Part ✓
237/4	Preston, Rex Neil	4	51	Be Accepted in Part ✓
238/4	Preston, Rex Garth	4	51	Be Accepted in Part ✓
239/4	Boakes, Terry	4	51	Be Accepted in Part ✓
240/4	Thomson, David and Jocelyn	4	51	Be Accepted in Part ✓
FS475/1	Stephens, Graham	4	51	Be Accepted in Part ✓
241/4	Martin, Graeme and Trudi	4	51	Be Accepted in Part ✓
242/4	McCarthy, David <i>Douglas</i>	4	51	Be Accepted in Part
243/4	Ward, Chris	4	51	Be Accepted in Part ✓
244/4	Cullen, B.T. and D.A.	4	51	Be Accepted in Part ✓
245/4	Biddles, Kim and Viv	4	51	Be Accepted in Part ✓
246/4	Gear, Mathew	4	51	Be Accepted in Part ✓
247/4	Foster, Lee	4	51	Be Accepted in Part ✓
248/4	Foster, Don	4	51	Be Accepted in Part ✓
249/4	Graham, Ken	4	51	Be Accepted in Part ✓
250/4	Catharo, Victor and Angela	4	51	Be Accepted in Part ✓
251/4	Pouto Topu A Trust	4	51	Be Accepted in Part ✓
252/4	Kemp, Henry	4	51	Be Accepted in Part
253/4	Windlebourne, June	4	51	Be Accepted in Part ✓
254/4	Jonson, Neil	4	51	Be Accepted in Part ✓
255/4	Burgess, Keith	4	51	Be Accepted in Part ✓

Submission Point	Submitter Name	Hearing Report	Page	Decision
256/4	Lamb, M.G.	4	51	Be Accepted in Part ✓
257/4	Butterworth, Lynne	4	51	Be Accepted in Part ✓
258/4	Gent, RS	4	51	Be Accepted in Part ✓
259/4	Subritzky, Shirley	4	51	Be Accepted in Part ○
260/4	Campbell, Karen	4	51	Be Accepted in Part ✓
261/4	Williams, Gail	4	51	Be Accepted in Part ✓
262/4	Wattam, Eleanor	4	51	Be Accepted in Part ✓
263/4	Dawes, Beryl	4	51	Be Accepted in Part ✓
264/4	Dawes, Ernest	4	51	Be Accepted in Part ○
265/4	Keay, Jocelyn	4	51	Be Accepted in Part ✓
266/4	Tauhe Farms Ltd	4	51	Be Accepted in Part ✓
267/4	Subritzky, Desmond	4	51	Be Accepted in Part ○
268/4	Subritzky, Dean	4	51	Be Accepted in Part ○
269/4	Broodkoom, Krasna	4	51	Be Accepted in Part ✓
270/4	Subritzky, Joy	4	51	Be Accepted in Part ✓
271/4	Bellamy, T.N	4	51	Be Accepted in Part ✓
273/4	Rowland, Craig	4	51	Be Accepted in Part ✓
274/4	Posa, Olga	4	51	Be Accepted in Part ✓
275/4	Williams, Kevin	4	51	Be Accepted in Part ✓
277/4	Posa, Nicholas	4	51	Be Accepted in Part ✓
278/4	Gear, Carol	4	51	Be Accepted in Part ○
279/4	Lockwood, Jim	4	51	Be Accepted in Part ○
280/4	Gear, Amy	4	51	Be Accepted in Part ○
281/4	Gent, T.E.	4	51	Be Accepted in Part ○
282/4	Godfrey, Pam	4	51	Be Accepted in Part ✓
283/4	Osborn, Joanne	4	51	Be Accepted in Part ○
284/4	McIndoe, Jean	4	51	Be Accepted in Part ✓
285/4	Godfrey, Graham	4	51	Be Accepted in Part ✓
286/4	Stenhouse, Bruce and Billie	4	51	Be Accepted in Part ✓
287/4	Fowle, E.G. and P.A.	4	51	Be Accepted in Part ✓
288/4	Ingle, Marama	4	51	Be Accepted in Part ✓
289/4	Manderson, Ross	4	51	Be Accepted in Part ✓
290/4	Graham, Adrienne	4	51	Be Accepted in Part ○
291/4	Treadgold, Gary	4	51	Be Accepted in Part ✓
293/4	McFarlane, Shirley	4	51	Be Accepted in Part ○
294/4	Godfrey, Errol	4	51	Be Accepted in Part



Submission Point	Submitter Name	Hearing Report	Page	Decision
295/4	Vallance, John	4	51	Be Accepted in Part
296/4	Underwood, Steven and Francesca	4	51	Be Accepted in Part
297/4	Hadlon, CL	4	51	Be Accepted in Part
299/4	Underwood, Troy	4	51	Be Accepted in Part
300/4	Gordon, Robinson	4	51	Be Accepted in Part
302/4	Cuthbert, JL	4	51	Be Accepted in Part
303/4	Adolph, Debra	4	51	Be Accepted in Part
304/4	Corkill, Lillian	4	51	Be Accepted in Part
305/4	Matich, Jon	4	51	Be Accepted in Part
306/4	Russell, John and Anne	4	51	Be Accepted in Part
308/4	Simpkin, Jonathon	4	51	Be Accepted in Part
FS511/29	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	51	Be Accepted in Part
309/4	Paxton, Raymond	4	51	Be Accepted in Part
310/4	Messenger, Karen Lynette	4	51	Be Accepted in Part
313/4	Ripua, Harry	4	51	Be Accepted in Part
314/4	Greer, John	4	51	Be Accepted in Part
315/4	Wightman, P	4	51	Be Accepted in Part
316/4	Bishop, RA	4	51	Be Accepted in Part
317/4	Stott, Warren	4	51	Be Accepted in Part
318/4	Onewa Estate Limited	4	51	Be Accepted in Part
320/4	W. Goodwin Holdings Ltd	4	51	Be Accepted in Part
321/4	Wigglesworth, Joseph	4	51	Be Accepted in Part
322/4	Te Awhitu, Joe and Lucy	4	51	Be Accepted in Part
323/4	Appleton, Gordon and Lesley	4	51	Be Accepted in Part
324/4	Guest, William and Nicholas	4	51	Be Accepted in Part
325/4	Li, Zeyon	4	51	Be Accepted in Part
326/4	Hooker, Garry	4	51	Be Accepted in Part
327/4	Williams, Murray	4	51	Be Accepted in Part
328/4	Schepens, John	4	51	Be Accepted in Part
329/4	Bull, Joe and Peterson, N	4	51	Be Accepted in Part
330/4	Hulford, Robin and Denise	4	51	Be Accepted in Part
331/4	Gates, Rory	4	51	Be Accepted in Part
332/4	Griffiths, Michael	4	51	Be Accepted in Part
333/4	Blitvic, Ivan	4	51	Be Accepted in Part
334/4	Browne, Wayne Anthony	4	51	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
335/4	Kai-Ct Limited	4	51	Be Accepted in Part
336/4	Fitness, William	4	51	Be Accepted in Part
337/4	Sellars, Christopher	4	51	Be Accepted in Part
338/4	Davidson, Chris	4	51	Be Accepted in Part
339/4	Sills, V.W.	4	51	Be Accepted in Part
340/6	Ramnaud-Grant, Mae	4	51	Be Accepted in Part
341/4	Engeler, George	4	51	Be Accepted in Part
342/4	Grbavac Farms Ltd	4	51	Be Accepted in Part
343/4	Green, Viv and Donna	4	51	Be Accepted in Part
344/4	Vallance, K.F. & D.R.	4	51	Be Accepted in Part
345/4	Midgley, Steve	4	51	Be Accepted in Part
346/4	Lynette L. Midgley & Miron	4	51	Be Accepted in Part
347/4	Timperley, L.D. and E.J.	4	51	Be Accepted in Part
348/4	Hall, Kenneth Arthur	4	51	Be Accepted in Part
349/4	B & C Family Trust	4	51	Be Accepted in Part
412/4	Simpkin, LM	4	51	Be Accepted in Part
415/4	Godfrey, T.R.	4	51	Be Accepted in Part
462/4	Parore, Robert	4	51	Be Accepted in Part
3/4	Wearmouth, John, Terry, Vern, Laurie and Phil	4	51	Be Accepted in Part
9/3	Walters, Ursula	4	51	Be Accepted in Part
414/3	Walters, David	4	51	Be Accepted in Part
205/12	Henry, Richard and Anne	4	51	Be Accepted in Part
FS511/26	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	51	Be Accepted in Part
292/3	Kerssens, JP and EM	4	51	Be Accepted in Part
308/14	Simpkin, Jonathon	4	51	Be Accepted in Part
FS511/29	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	51	Be Accepted in Part
351/3	Tobin, Latham Stanley	4	51	Be Accepted in Part
352/3	Wintle, Jennifer	4	51	Be Accepted in Part
353/3	Archer, John	4	51	Be Accepted in Part
354/3	Stewart, Jeanette	4	51	Be Accepted in Part
355/3	Stewart, Grant	4	51	Be Accepted in Part
356/3	Stichbury, Lindsay and Christine	4	51	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
357/3	Mangawhai Business Development Association	4	51	Be Accepted in Part
358/3	Broomhall, Sean	4	51	Be Accepted in Part
359/3	Hewitt, William	4	51	Be Accepted in Part
360/3	Constable, Dyllan	4	51	Be Accepted in Part
362/3	Matheso, Craig	4	51	Be Accepted in Part
363/3	Dugdale, Kenneth	4	51	Be Accepted in Part
364/3	Boakes, Brian	4	51	Be Accepted in Part
365/3	Miller, Bruce Wallace	4	51	Be Accepted in Part
366/3	Brooks, Robin	4	51	Be Accepted in Part
367/3	Woolnough, Trevor	4	51	Be Accepted in Part
368/3	Hartley, Loraine	4	51	Be Accepted in Part
369/3	Main, Kevin	4	51	Be Accepted in Part
370/3	McDowall, Bret	4	51	Be Accepted in Part
371/3	McDowall, Anne	4	51	Be Accepted in Part
372/3	Suckling, Nicholas	4	51	Be Accepted in Part
373/3	Campion, Donald	4	51	Be Accepted in Part
374/3	Boakes, Matthew	4	51	Be Accepted in Part
375/3	Suckling, Derek	4	51	Be Accepted in Part
376/3	Suckling, Kerry and Vernon	4	51	Be Accepted in Part
378/3	Woodhead, Susan	4	51	Be Accepted in Part
379/3	Suckling, Vernon	4	51	Be Accepted in Part
380/3	Campion, Hamish	4	51	Be Accepted in Part
381/3	Rountree, Gary	4	51	Be Accepted in Part
382/3	Simpkin, Bevan	4	51	Be Accepted in Part
384/3	Taylor, Grainne	4	51	Be Accepted in Part
385/3	Brown, Alan	4	51	Be Accepted in Part
386/3	Boakes, Nick	4	51	Be Accepted in Part
387/3	Windust, Eric and Julie	4	51	Be Accepted in Part
389/3	Peters, Maxwell	4	51	Be Accepted in Part
391/3	Wintle, Philip	4	51	Be Accepted in Part
392/3	Cottle, Rachel	4	51	Be Accepted in Part
393/3	Cottle, Nathan	4	51	Be Accepted in Part
394/3	Robertson, Robert	4	51	Be Accepted in Part
395/3	Jepson, Craig	4	51	Be Accepted in Part
396/3	Flett, Alistair	4	51	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
397/3	Reid, Jeannette	4	51	Be Accepted in Part
398/3	Campbell, Eralee	4	51	Be Accepted in Part
399/3	Wightman, Susan	4	51	Be Accepted in Part
400/3	Boakes, Joshua	4	51	Be Accepted in Part
401/3	Boakes, Kimberley	4	51	Be Accepted in Part
402/3	Silby, Ricky	4	51	Be Accepted in Part
403/3	Simpkin, Vernon	4	51	Be Accepted in Part
404/3	Hamlin, Nigel	4	51	Be Accepted in Part
405/3	Boakes, Quentin	4	51	Be Accepted in Part
406/3	Dougan, Paul	4	51	Be Accepted in Part
407/3	Simpkin, Kenneth	4	51	Be Accepted in Part
409/3	Pranker, David John and Janet	4	51	Be Accepted in Part
410/3	Simpkin, Mervyn	4	51	Be Accepted in Part
426/44	Puharich, Nicola, Eileen and Nicholas	SR1	19	Be Rejected
→ 109/1	Shearer, Craig	SR1	19	Be Rejected ← Last Submitter

#### 4.6.2 Reasons for Decision

1. The Panel accepts in part submissions supporting methods to the extent that amendments are proposed below.

##### Protection of Waterways

2. The Panel considers the protection mechanisms for the waterways that enter the Kaipara Harbour in the Plan to be appropriate. The Panel notes that the Harbour Overlay reflects the presence of waterways on land surrounding the Kaipara Harbour and recognises the requirement to manage the effects of land use in this area. In addition, as identified in Chapter 3A: Growth Areas (now Appendix 1 to Chapter 3: Land Use and Development Strategy), mapping for valued natural environments will be undertaken in response to growth pressures and structure planning.

The Panel considers that supporting an integrated approach with others for the collective management and protection of the Kaipara Harbour to be appropriate. The District Plan is only one tool to manage the effects of land use and development on the waterways that enter the Kaipara Harbour. Other methods include Regional Plans and non-statutory methods, such as community and industry group initiatives to enhance planting of riparian margins. The Panel therefore on balance, do not consider the extension of the rules that apply to the Kai Iwi Lakes and the Valued Natural Environments of Mangawhai overlays, to all waterways in the Kaipara Harbour catchment, to be appropriate and rejects submission 74/1 be rejected.

##### Benchmarking

3. A number of submissions were received, some in support of the ecological benchmarks and others seeking an assessment of development against character and landscape value benchmarks. The Panel judges that the relief sought is provided for within the Plan in a

number of assessment criteria relating to an assessment of effects on, and protection of, landscape values and character. As such the Panel accepts in part submissions 426/22, 417/19, 428/49, 428/46, and 429/45 and accepts submissions 417/8, 424/21, 426/21, 428/21 and 429/21.

#### Landowner Rights

4. The Panel acknowledges that some landowners would like to refuse specific classifications, or restrictions being imposed on their land. The process of District Plan development is determined by the Resource Management Act 1991 (RMA). It is not possible for individual landowners to be able to veto the outcomes of the statutory process. The Panel therefore rejects submission 97/1.

#### Network Utilities

5. The provisions of Chapter 10 will enable essential services to be provided to the Kaipara District in an efficient manner. The Panel notes that these services are an important physical resource for the district, providing social and economic wellbeing. No decision was requested in the submission, nor was clarification received at the Hearing. Consequently the Panel rejects submission 429/28.

#### Different Approach to Existing Settlements

6. The Panel does not consider it appropriate to have different provisions in the Plan for existing and new settlements in Overlay Areas. The Panel considers it important to manage the overlay areas and the sensitive receiving environments together in order to achieve the objectives of Chapter 4 and the Plan. The Panel therefore rejects submissions 428/44 and 109/1.

#### Stormwater Management

7. The Panel notes that stormwater management of the harbours is a function of Northland Regional Council, not Kaipara District Council. However, the Panel also notes that management of the land use which drains into the harbour is a function of the territorial authority. The Panel considers the inclusion of a method relating to land use management for the Mangawhai Harbour will provide for the management for protection of the harbour. For these reasons the Panel accepts submission 51/5.

#### Information and Advice

8. The Panel recognises the Plan is a significant change in resource management approach from the Operative Plan, particularly as it represents a shift from an activity based to effects based Plan. In developing the Plan the Council recognised that the availability of information and advice to landowners would be an important element. The Panel acknowledges that providing information about the effects of Overlays will help confirm how Rules and Overlays will affect properties. Consequently the Panel adds a new 'Other Method' to 4.6.2 and accepts in part submissions 58/6, 78/19, 83/4, 78/15, 144/11, 157/5, 176/4, 175/4, 178/4, 179/4, 180/4, 181/4, 182/4, 182/7, 183/4, 184/4, 185/4, 186/4, 187/4, 188/4, 189/4, 190/4, 191/4, 192/4, 193/4, 194/4, 195/4, 196/4, 197/4, 198/4, 199/4, 200/4, 201/4, 202/4, 203/4, 205/4, 206/4, 208/4, 209/4, 210/4, 211/4, 212/4, 213/4, 214/4, 215/4, 216/4, 217/4, 218/4, 220/4, 221/4, 223/4, 224/4, 225/4, 226/4, 227/4, 228/4, 229/4, 230/4, 231/4, 232/4, 233/4, 234/4, 236/6, 237/4, 238/4, 239/4, 240/4, 241/4, 242/4, 243/4, 244/4, 245/4, 246/4, 247/4, 248/4, 249/4, 250/4, 251/4, 252/4, 253/4, 254/4, 255/4, 256/4, 257/4, 258/4, 259/4, 260/4, 261/4, 262/4, 263/4, 264/4, 265/4, 266/4, 267/4, 268/4, 269/4, 270/4, 271/4, 273/4, 274/4, 275/4, 277/4, 278/4, 279/4, 280/4, 281/4, 282/4, 283/4, 284/4, 285/4,

286/4, 287/4, 288/4, 289/4, 290/4, 291/4, 293/4, 294/4, 295/4, 296/4, 297/4, 299/4, 300/4, 302/4, 303/4, 304/4, 305/4, 306/4, 308/4, 309/4, 310/4, 313/4, 314/4, 315/4, 316/4, 317/4, 318/4, 320/4, 321/4, 322/4, 323/4, 324/4, 325/4, 326/4, 327/4, 328/4, 329/4, 330/4, 331/4, 332/4, 333/4, 334/4, 335/4, 336/4, 337/4, 338/4, 339/4, 340/6, 341/4, 342/4, 343/4, 344/4, 345/4, 346/4, 347/4, 348/4, 349/4, 412/4, 415/4, 462/4, 3/4, 9/3, 414/3, 205/12, 292/3, 308/14, 351/3, 352/3, 353/3, 354/3, 355/3, 356/3, 357/3, 358/3, 359/3, 360/3, 362/3, 363/3, 364/3, 365/3, 366/3, 367/3, 368/3, 369/3, 370/3, 371/3, 372/3, 373/3, 374/3, 375/3, 376/3, 378/3, 379/3, 380/3, 381/3, 382/3, 384/3, 385/3, 386/3, 387/3, 389/3, 391/3, 392/3, 393/3, 394/3, 395/3, 396/3, 397/3, 398/3, 399/3, 400/3, 401/3, 402/3, 403/3, 404/3, 405/3, 406/3, 407/3, 409/3 and 410/3.

#### 4.6.3 Changes required to Chapter 4 as a result of Decision

[Add two new 'Other Methods' to Section 4.6.2 as follows]

- The preparation of a Stormwater Management Structure Plan for the catchment of Mangawhai Harbour.
- Providing information to landowners on the values of Overlays and the effect of the District Plan on land use and development in Overlay areas.

#### 4.6.4 Consequential Amendments

No consequential amendments are required.

### 4.7 [PAN 4.7] Decisions on Submissions regarding Mapping

A number of submissions seek changes to the mapping of the Overlays. Amendments sought are:

1. Verify what areas of people's property will be affected by the Overlays;
2. Removal of Overlays at specific properties; and
3. Amend Overlays so there is consistent, integrated and sustainable management of both the Brynderwyn Range and Bream Tail.

#### 4.7.1 Decision

That submissions:

Submission Point	Submitter Name	Hearing Report	Page	Decision
58/7	Stephens, Graham	4	53	Be Accepted in Part
83/5	Hadlow Family Trust	4	53	Be Accepted in Part
144/12	Simkin, Ben	4	53	Be Accepted in Part
70/13	Duck Nominees Ltd	4	53	Be Accepted in Part
70/13	Duck Nominees Ltd	4	53	Be Accepted in Part
175/5	Rose, Hugh	4	53	Be Accepted in Part

First  
Submitter

Submission Point	Submitter Name	Hearing Report	Page	Decision
176/5	Kauri Park Nurseries Ltd	4	53	Be Accepted in Part
178/5	Leaf, Bruce	4	53	Be Accepted in Part
179/5	Ferris, Myles	4	53	Be Accepted in Part
180/5	Appleton, Lester	4	53	Be Accepted in Part
181/5	Evans, Melvyn & Robyn	4	53	Be Accepted in Part
182/5	Wickens, Kevin	4	53	Be Accepted in Part
183/5	Hogan, Jonathon	4	53	Be Accepted in Part
184/5	Bishop, J	4	53	Be Accepted in Part
185/5	Leaf, Philip	4	53	Be Accepted in Part
186/5	Gash, Mark	4	53	Be Accepted in Part
187/5	Ross, Angus and Sharon	4	53	Be Accepted in Part
188/5	Cameron, Colin	4	53	Be Accepted in Part
189/5	D and P Robinson Family Trust	4	53	Be Accepted in Part
190/5	Fernandez, LC GR BL CB BC and Harris, CD	4	53	Be Accepted in Part
191/5	Low, Alan and Jeffcoat, Lorraine	4	53	Be Accepted in Part
192/5	Taylor, Elaine and Leslie	4	53	Be Accepted in Part
193/5	Gostic, Mr and Mrs P	4	53	Be Accepted in Part
194/5	Legarth, Frederick and Marlen	4	53	Be Accepted in Part
195/5	Gardner, Jim	4	53	Be Accepted in Part
196/5	Savage, K and V	4	53	Be Accepted in Part
197/5	Nathan, Steve and Kath	4	53	Be Accepted in Part
198/5	Pirie, James and Stephanie	4	53	Be Accepted in Part
199/5	Tetuhi, James	4	53	Be Accepted in Part
200/5	Ruiterman, A	4	53	Be Accepted in Part
201/5	Greville, J and R	4	53	Be Accepted in Part
202/5	Douglas Reed Ltd	4	53	Be Accepted in Part
203/5	Smith, Edward	4	53	Be Accepted in Part
204/5	Malloy, M and P	4	53	Be Accepted in Part
205/5	Henry, Richard and Anne	4	53	Be Accepted in Part
206/5	Low, Dean	4	53	Be Accepted in Part
208/5	Grove, P and E	4	53	Be Accepted in Part
209/5	Campbell, Derrel	4	53	Be Accepted in Part
210/5	King, Sue	4	53	Be Accepted in Part
211/5	Gillatt, Roger and Barbara	4	53	Be Accepted in Part
212/5	Mahuta Gap Farms Ltd	4	53	Be Accepted in Part



Submission Point	Submitter Name	Hearing Report	Page	Decision
213/5	McCarthy, Douglas and Neta	4	53	Be Accepted in Part
214/5	Hogan, Lewis	4	53	Be Accepted in Part
215/5	D and P Robinson Ltd	4	53	Be Accepted in Part
216/5	Kneebone, Lois Anne	4	53	Be Accepted in Part
217/5	Yelcich, Phil and Boris	4	53	Be Accepted in Part
218/5	Williams, LK & LM	4	53	Be Accepted in Part
220/5	Jeffs Family Trust	4	53	Be Accepted in Part
221/5	Russwich Trading Ltd	4	53	Be Accepted in Part
223/5	Dale Subritzky and Deirdre Fowler Trust	4	53	Be Accepted in Part
224/5	Underwood, Kenneth	4	53	Be Accepted in Part
225/5	Te Uri O Hau Incorporation	4	53	Be Accepted in Part
226/5	S.E.B. Farms Ltd	4	53	Be Accepted in Part
227/5	Buckthought, R.G.	4	53	Be Accepted in Part
228/5	Matich, Paul	4	53	Be Accepted in Part
229/5	Appleton, Lillian	4	53	Be Accepted in Part
230/5	Linton, D	4	53	Be Accepted in Part
231/5	K and H Whitehead Trust	4	53	Be Accepted in Part
232/5	Whitehead, H	4	53	Be Accepted in Part
233/5	Preston, Peggy	4	53	Be Accepted in Part
234/5	Whitehead, K. S.	4	53	Be Accepted in Part
236/5	Preston, Stuart	4	53	Be Accepted in Part
237/5	Preston, Rex Neil	4	53	Be Accepted in Part
238/5	Preston, Rex Garth	4	53	Be Accepted in Part
239/5	Boakes, Terry	4	53	Be Accepted in Part
240/5	Thomson, David and Jocelyn	4	53	Be Accepted in Part
FS475/1	Stephens, Graham	4	53	Be Accepted in Part
241/5	Martin, Graeme and Trudi	4	53	Be Accepted in Part
242/5	McCarthy, David	4	53	Be Accepted in Part
243/5	Ward, Chris	4	53	Be Accepted in Part
244/5	Cullen, B.T. and D.A.	4	53	Be Accepted in Part
245/5	Biddles, Kim and Viv	4	53	Be Accepted in Part
246/5	Gear, Mathew	4	53	Be Accepted in Part
247/5	Foster, Lee	4	53	Be Accepted in Part
248/5	Foster, Don	4	53	Be Accepted in Part
249/5	Graham, Ken	4	53	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
250/5	Cathero, Victor and Angela	4	53	Be Accepted in Part
251/5	Pouto Topu A Trust	4	53	Be Accepted in Part
252/5	Kemp, Henry	4	53	Be Accepted in Part
253/5	Windlebourne, June	4	53	Be Accepted in Part
254/5	Jonson, Neil	4	53	Be Accepted in Part
255/5	Burgess, Keith	4	53	Be Accepted in Part
256/5	Lamb, M.G.	4	53	Be Accepted in Part
257/5	Butterworth, Lynne	4	53	Be Accepted in Part
258/5	Gent, RS	4	53	Be Accepted in Part
259/5	Subritzky, Shirley	4	53	Be Accepted in Part
260/5	Campbell, Karen	4	53	Be Accepted in Part
261/5	Williams, Gail	4	53	Be Accepted in Part
262/5	Wattam, Eleanor	4	53	Be Accepted in Part
263/5	Dawes, Beryl	4	53	Be Accepted in Part
264/5	Dawes, Ernest	4	53	Be Accepted in Part
265/5	Keay, Jocelyn	4	53	Be Accepted in Part
266/5	Tauhe Farms Ltd	4	53	Be Accepted in Part
267/5	Subritzky, Desmond	4	53	Be Accepted in Part
268/5	Subritzky, Dean	4	53	Be Accepted in Part
269/5	Broodkoorn, Krasna	4	53	Be Accepted in Part
270/5	Subritzky, Joy	4	53	Be Accepted in Part
271/5	Bellamy, T.N	4	53	Be Accepted in Part
273/5	Rowland, Craig	4	53	Be Accepted in Part
274/5	Posa, Olga	4	53	Be Accepted in Part
275/5	Williams, Kevin	4	53	Be Accepted in Part
277/5	Posa, Nicholas	4	53	Be Accepted in Part
278/5	Gear, Carol	4	53	Be Accepted in Part
279/5	Lockwood, Jim	4	53	Be Accepted in Part
280/5	Gear, Amy	4	53	Be Accepted in Part
281/5	Gent, T.E.	4	53	Be Accepted in Part
282/5	Godfrey, Pam	4	53	Be Accepted in Part
283/5	Osborn, Joanne	4	53	Be Accepted in Part
284/5	McIndoe, Jean	4	53	Be Accepted in Part
285/5	Godfrey, Graham	4	53	Be Accepted in Part
286/5	Stenhouse, Bruce and Billie	4	53	Be Accepted in Part
287/5	Fowle, E.G. and P.A.	4	53	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
288/5	Ingle, Marama	4	53	Be Accepted in Part
289/5	Manderson, Ross	4	53	Be Accepted in Part
290/5	Graham, Adrienne	4	53	Be Accepted in Part
291/5	Treadgold, Gary	4	53	Be Accepted in Part
293/5	McFarlane, Shirley	4	53	Be Accepted in Part
294/5	Godfrey, Errol	4	53	Be Accepted in Part
295/5	Vallance, John	4	53	Be Accepted in Part
296/5	Underwood, Steven and Francesca	4	53	Be Accepted in Part
297/5	Hadlon, CL	4	53	Be Accepted in Part
299/5	Underwood , Troy	4	53	Be Accepted in Part
300/5	Gordon, Robinson	4	53	Be Accepted in Part
301/5	Wordsworth, Stanley	4	53	Be Accepted in Part
302/5	Cuthbert, JL	4	53	Be Accepted in Part
303/5	Adolph, Debra	4	53	Be Accepted in Part
304/5	Corkill, Lillian	4	53	Be Accepted in Part
305/5	Matich, Jon	4	53	Be Accepted in Part
306/5	Russell, John and Anne	4	53	Be Accepted in Part
308/5	Simpkin, Jonathon	4	53	Be Accepted in Part
FS511/29	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	53	Be Accepted in Part
309/5	Paxton, Raymond	4	53	Be Accepted in Part
310/5	Messenger, Karen Lynette	4	53	Be Accepted in Part
312/5	Strong, Raymond	4	53	Be Accepted in Part
313/5	Ripua, Harry	4	53	Be Accepted in Part
314/5	Greer, John	4	53	Be Accepted in Part
315/3	Wightman, P	4	53	Be Accepted in Part
316/5	Bishop, RA	4	53	Be Accepted in Part
317/5	Stott, Warren	4	53	Be Accepted in Part
318/5	Onewa Estate Limited	4	53	Be Accepted in Part
320/5	W. Goodwin Holdings Ltd	4	53	Be Accepted in Part
321/5	Wigglesworth, Joseph	4	53	Be Accepted in Part
322/5	Te Awhitu, Joe and Lucy	4	53	Be Accepted in Part
323/5	Appleton, Gordon and Lesley	4	53	Be Accepted in Part
324/5	Guest, William and Nicholas	4	53	Be Accepted in Part
325/5	Li, Zeyon	4	53	Be Accepted in Part
326/5	Hooker, Garry	4	53	Be Accepted in Part

Submission Point	Submitter Name	Hearing Report	Page	Decision
327/5	Williams, Murray	4	53	Be Accepted in Part
328/5	Schepens, John	4	53	Be Accepted in Part
329/5	Bull, Joe and Peterson, N	4	53	Be Accepted in Part
330/5	Hulford, Robin and Denise	4	53	Be Accepted in Part
331/5	Gates, Rory	4	53	Be Accepted in Part
332/5	Griffiths, Michael	4	53	Be Accepted in Part
333/5	Blitvic, Ivan	4	53	Be Accepted in Part
334/5	Browne, Wayne Anthony	4	53	Be Accepted in Part
335/5	Kai-Ct Limited	4	53	Be Accepted in Part
336/5	Fitness, William	4	53	Be Accepted in Part
337/5	Sellars, Christopher	4	53	Be Accepted in Part
338/5	Davidson, Chris	4	53	Be Accepted in Part
339/5	Sills, V.W.	4	53	Be Accepted in Part
341/5	Engeler, George	4	53	Be Accepted in Part
342/5	Grbavac Farms Ltd	4	53	Be Accepted in Part
343/5	Green, Viv and Donna	4	53	Be Accepted in Part
344/5	Vallance, K.F. & D.R.	4	53	Be Accepted in Part
345/5	Midgley, Steve	4	53	Be Accepted in Part
346/5	Lynette L. Midgley & Miron	4	53	Be Accepted in Part
347/5	Timperley, L.D. and E.J.	4	53	Be Accepted in Part
348/5	Hall, Kenneth Arthur	4	53	Be Accepted in Part
349/5	B & C Family Trust	4	53	Be Accepted in Part
411/4	Antonio, Ronnie and Cherie	4	53	Be Accepted in Part
412/5	Simpkin, LM	4	53	Be Accepted in Part
415/5	Godfrey, T.R.	4	53	Be Accepted in Part
462/5	Parore, Robert	4	53	Be Accepted in Part
447/1	Buckton Consultants Ltd	4	53	Be Accepted in Part
FS511/39	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	53	Be Accepted in Part
116/7	Marunui Conservation Limited	4	55	Be Rejected
→ FS511/20	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	4	55	Be Accepted

Last  
Submitter

#### 4.7.2 Reasons for Decision

1. The Panel acknowledges the Overlays may cause confusion when mapped, particularly where different overlays are in close proximity to each other. The Panel considers the Plan

could provide greater clarity in this regard and therefore amends section 4.2 (How to Use this Chapter of the District Plan) to clarify the effects of the Overlays. Submission 447/1 is accepted in part.

2. The Panel acknowledges that there are areas, and properties in the District which have more than one Overlay on them. This is reflective of the nature of environments that are mapped (e.g. that they do not correspond with property boundaries). Similarly, the boundaries of the Harbour and Waterways Overlays will not correspond to the areas of the Brynderwyn Range or Bream Tail, as they are defined by the environmental values associated with waterways, the harbour and coast. The Panel notes the management and protection of the Brynderwyn Range (e.g. the mapping of an Overlay which would identify the 'environment' of this feature) has not been identified as an issue in the Proposed Plan. The Panel therefore rejects submission 116/7 but notes that Variation 1 Landscapes identifies Brynderwyn Range and Bream Tail as an Outstanding Landscape.
3. The Hearings Report summarised a number of submissions as requesting amendments to the Overlay maps in order to accurately define Overlay boundaries on the maps. However, a review of these submissions indicates that they were seeking greater clarity on the use of Overlays as a 'method' including a wish that showed that the Council:
  - a. undertake a site visit to people's property to explain how the rules of the Overlays will affect their property; and
  - b. verify what areas of people's property will be affected by the Overlays.
4. As noted under [PAN 4.6], Reasons for Decisions (Section 4.6.2, point 8 above), the Panel recognises the Plan is a significant change in resource management approach from the Operative Plan, particularly as it represents a shift from an activity based to effects based Plan. In developing the Plan the Council recognised that the availability of information and advice to landowners would be an important element. The Panel acknowledges that providing information about the effects of Overlays will help confirm how Rules and Overlays will affect properties. The Panel considers that the new 'Other Method' added to 4.6.2 under decisions on PAN 4.6 will also address submissions under mapping, relating to verifying what areas of people's property will be affected by Overlays and therefore Accepts in Part General Mapping Submissions: 58/7, 83/5, 144/12, 78/16, 78/20, 175/5, 176/5, 178/5, 179/5, 180/5, 181/5, 182/5, 183/5, 184/5, 185/5, 186/5, 187/5, 188/5, 189/5, 190/5, 191/5, 192/5, 193/5, 194/5, 195/5, 196/5, 197/5, 198/5, 199/5, 200/5, 201/5, 202/5, 203/5, 204/5, 205/5, 206/5, 208/5, 209/5, 210/5, 211/5, 212/5, 213/5, 214/5, 215/5, 216/5, 217/5, 218/5, 220/5, 221/5, 223/5, 224/5, 225/5, 226/5, 227/5, 228/5, 229/5, 230/5, 231/5, 232/5, 233/5, 234/5, 236/5, 237/5, 238/5, 239/5, 240/5, 241/5, 242/5, 243/5, 244/5, 245/5, 246/5, 247/5, 248/5, 249/5, 250/5, 251/5, 252/5, 253/5, 254/5, 255/5, 256/5, 257/5, 258/5, 259/5, 260/5, 261/5, 262/5, 263/5, 264/5, 265/5, 266/5, 267/5, 268/5, 269/5, 270/5, 271/5, 273/5, 274/5, 275/5, 277/5, 278/5, 279/5, 280/5, 281/5, 282/5, 283/5, 284/5, 285/5, 286/5, 287/5, 288/5, 289/5, 290/5, 291/5, 293/5, 294/5, 295/5, 296/5, 297/5, 299/5, 300/5, 301/5, 302/5, 303/5, 304/5, 305/5, 306/5, 308/5, 309/5, 310/5, 312/5, 313/5, 314/5, 315/5, 316/5, 317/5, 318/5, 320/5, 321/5, 322/5, 323/5, 324/5, 325/5, 326/5, 327/5, 328/5, 329/5, 330/5, 331/5, 332/5, 333/5, 334/5, 335/5, 336/5, 337/5, 338/5, 339/5, 341/5, 342/5, 343/5, 344/5, 345/5, 346/5, 347/5, 348/5, 349/5, 411/4, 412/5, 415/5 and 462/5.

[Note that this decision has altered from the Hearings Report]



Submission Point	Submitter Name	Hearing Report	Page	Decision
FS511/6	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu a Trust	Rezoning Requests	12	Be Rejected ✓
92/7	Riverside Holiday Park	Rezoning Requests	13	Be Rejected ✓
92/8	Riverside Holiday Park	Rezoning Requests	13	Be Rejected ✓
FS465/84	Department of Conservation (Northland Conservancy)	Rezoning Requests	13	Be Accepted
92/12	Riverside Holiday Park	Rezoning Requests	13	Be Rejected ✓
66/1	Harris, Peter and Raewyn	4	53	Be Rejected ✓
79/5	Talbot, Lindsay	4	53	Be Rejected ← Last Submitter

#### 4.8.2 Reasons for Decision

1. The Panel notes that the protection of sensitive and valued environments within the District was determined by Council to be an important issue and the proposed method of this protection was by providing the various overlays. The Panel notes that the Waterways Overlay [now to be referred to as the Valued Natural Environments of Mangawhai Overlay] was developed in accordance with the findings of the Mangawhai Structure Plan (the Conservation Policy Area). [Refer to WOR 4.1]
2. The Panel considers the removal of specific properties from the Overlays would compromise the overall intent and implementation of the Overlays as set out in Chapter 4.
3. As discussed under WOR 4.1 above, the Harbour Overlay has been revised and the extent reduced. However, the properties in question are within the Mangawhai Structure Plan Area and therefore are still within the Harbour Overlay. No changes have been made to the extent of the Valued Natural Environments of Mangawhai Overlay. The Panel therefore rejects submissions 78/1, 92/7, 92/8 and 79/5.

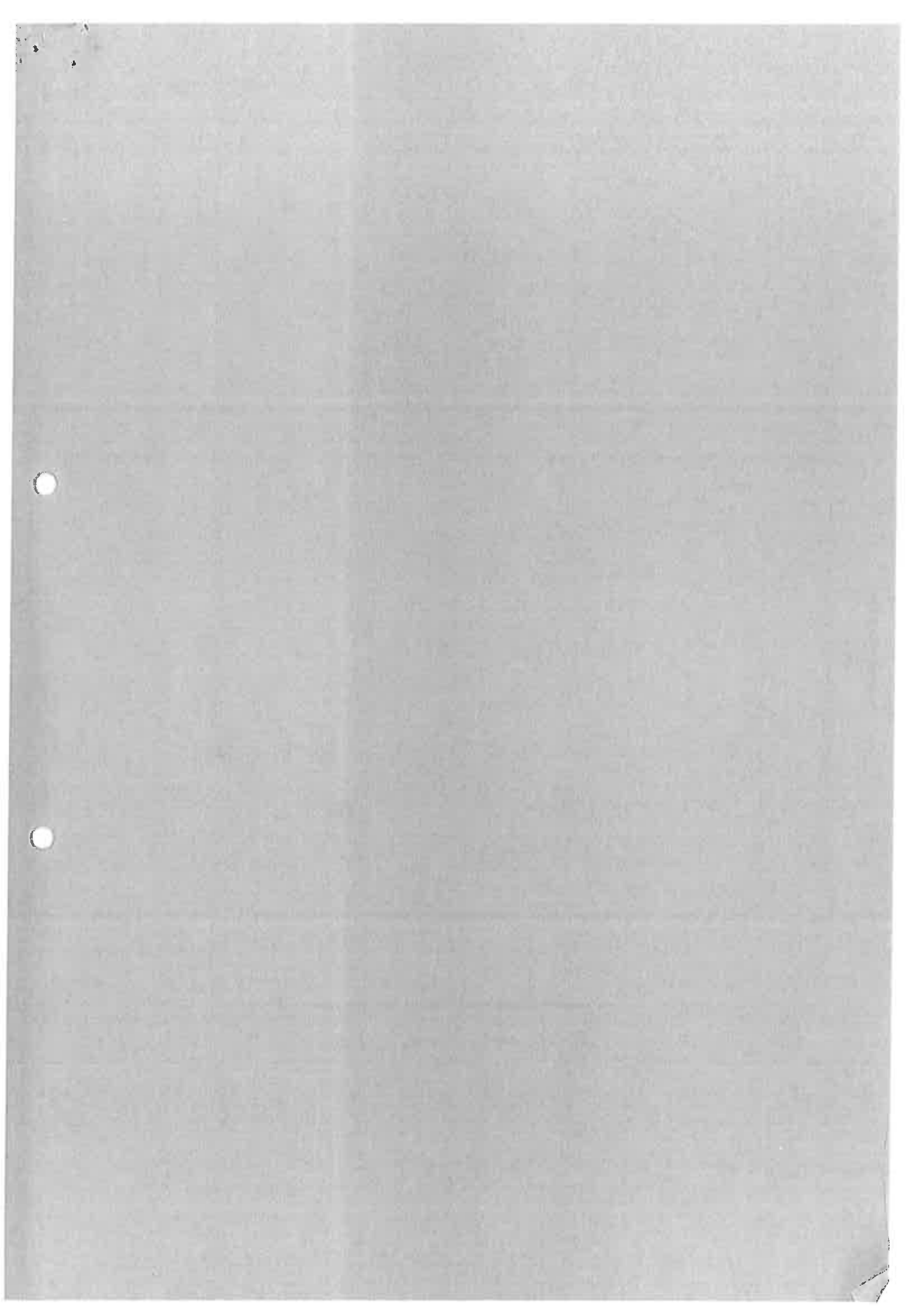
#### 4.8.3 Changes required to Chapter 4 as a result of Decision

No change is required.

#### 4.8.4 Consequential Amendments

No consequential amendments are required.





*[Add a footnote to the Terms of Subdivision under Rules 12.12.1 (General Rural Subdivision) and 15B.11.1 (Maori Purposes: Treaty Settlement Land) as follows]*

Note 1: You may be able to create smaller lots than provided for under this rule, if the site to be subdivided meets any of the following:

- You can protect a mapped site, feature or area (Map Series 2) – check the Preservation of Natural and Cultural Heritage subdivision rules;
- You can protect areas of heritage, landscape or ecology – check the Environmental Benefit and Integrated Development subdivision rules;
- You are creating 3 or more additional lots and able to demonstrate that Environmental Benefits can be achieved – check the Integrated Development subdivision rules;
- You can create an area of Environmental Benefit on your site – check the Rural Amenity Lot and Integrated Development subdivision rules;
- Your site is 5 hectares or less and existed at the time of notification of the Plan – check the Small Lot Development rules."

*[Add a footnote to the Terms of Subdivision under Rule 13.11.1 (General Residential Subdivision) as follows]*

Note 1: You may be able to create smaller lots than provided for under this rule, if the site to be subdivided meets any of the following:

- You can protect a mapped site, feature or area (Map Series 2) – check the Preservation of Natural and Cultural Heritage subdivision rules;
- You are creating 3 or more additional lots and able to demonstrate that Environmental Benefits can be achieved – check the Integrated Development subdivision rules;

### **3.1.4 Consequential Amendments**

No consequential amendments are required.

## **3.2 Dwellings - Rule 12.10.3**

A summary of the relief sought is provided below:

1. Supports Rule (91/55).
2. Supports permitted activity standard of Rules 12.10.3, 13.10.3, 14.10.3 and 15A.10.3 and 15B.10.3 (71/4).
3. Provide for smaller lot limits where intensive use (e.g. orchards) may require extra housing (147/9, 298/1, 439/3, 207/123).
4. Amend Rule 12.10.3 to reduce the area of land required for a secondary dwelling (452/2, 444/2, 444/3, 99/32).
5. (Amend Chapters 12, 13, 14, 15A, 15B and 16 to design minimum floor levels in accordance with Clause 6.2.3(a) of the Engineering Standards with a minimum floor level of 4.0 metres for habitable rooms and 3.5 metres for all others (461/1).
6. Oppose Rule 12.10.3 (iv) and requests it be amended (207/125).



### 3 Hearings Panel Workshop Decisions

#### 3.1 [WOR SR3.1] – Gross Floor Area for Commercial and Industrial Buildings in the Rural Zone (Rule 12.10.4)

Several submissions (291/7, 222/10, 437/6, 452/5, 78/7, 98/31) seek amendments to the permitted activity standard for gross floor area for Rule 12.10.4 Commercial and Industrial Buildings in the Rural Zone. In summary:

1. Amend Rule 12.10.4 to increase the permitted gross floor area from 500m<sup>2</sup> to 10,000m<sup>2</sup> and require native planting and trees to screen a building from public view.
2. Amend Rule 12.10.4 to include a minimum floor level as a permitted activity performance standard for commercial and industrial buildings.

Further submission 490/26 opposes submission 291/7. Evidence was tabled at the hearing to reinforce their further submission point regarding this Rule, where it was noted that *'farm buildings should not be included within the definition of Commercial and Industrial buildings, so this Rule should not apply'*.

Submitter 222 requests that there is further discussion regarding Rule 12.10.4 relating to Commercial and Industrial Buildings, particularly in relation to gross floor area.

##### 3.1.1 Decision

That submissions:

Submission Point	Submitter Name	Hearing Report	Page	Decision
→ 291/7	Treadgold, G	SR 3	6	Be Accepted in Part ← First Submitter
FS490/26	Federated Farmers of NZ	SR 3	7	Be Accepted in Part
FS466/63	Horticulture NZ	SR 3	7	Be Accepted in Part
222/10	Simpkin, D.C	SR 3	7	Be Accepted in Part
FS511/27	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 3	7	Be Accepted in Part
437/6	Simpkin, R.E	SR 3	7	Be Accepted
452/5	Simpkin, M	SR 3	7	Be Accepted in Part
78/7	Duck Nominees Ltd	SR 3	7	Be Accepted
→ 98/31	Northland Regional Council	Not specifically referred to in Hearing Report		Be Rejected ← Last Submitter

##### 3.1.2 Reasons for Decision

1. The Panel accepts in part submissions 291/7, 222/10, 452/5 for the following reasons:
  - a. The Panel recognises that larger buildings are needed in the rural area to enable rural commercial activities, and acknowledges that the existing limits to gross floor area as a

permitted activity may be overly restrictive, depending on the overall size of the rural operation of the site. However, it is also noted that the scale of a commercial building with an area of 10,000m<sup>2</sup> could potentially generate adverse effects on the environment, such as on the amenity of the area. It is noted that, given the high proportion of rural sites in the District of 4ha or less (some 50%), a building of this size could result in 25% or more coverage. This extent of coverage is considered sufficiently significant to warrant consideration via resource consent.

- b. The Panel has also reviewed the coverage limits proposed for this performance standard and the restricted discretionary activity status of the Plan in relation to adjoining Councils. Taking these factors into account, it considers that a limit of 5,000m<sup>2</sup> (or 10% of the site area whichever is the lesser) is appropriate to be considered as a permitted activity. Any building that exceeds these limits will be considered as a restricted discretionary activity.
2. The Panel rejects in part submission 291/7 for the following reason:
    - a. The Panel considers the proposed performance standard noted by submitter 291/7 to be overly subjective and difficult to consistently implement. It is, therefore, considered to be better addressed through Assessment Criteria iii) and iv) within the Rule.
  3. The Panel accepts submission 437/6 where it relates to Rule 12.10.4, and accepts submission 78/7 for the following reasons:
    - a. The Panel notes that accepting submission 437/6 would result in a better balance between providing for commercial and industrial buildings and managing adverse effects; and
    - b. The Panel considers that adjusting the wording of the Rule (as requested by submitter 78/6) would clarify its intent.
  4. The Panel rejects submission 98/31. It is not considered necessary to include a minimum floor level for commercial and industrial buildings as these are not intended as habitable buildings and, therefore, this level of control on activities is not considered to be warranted (balancing the economic, social and environmental benefits and costs).

### 3.1.3 Changes required as a result of Decision

*[Amend Rule 12.10.4 (Commercial and Industrial Buildings) as follows]*

#### Rule 12.10.4 Commercial and Industrial Buildings

Rule	Activity Status	Assessment Criteria
(1) For Commercial or Industrial Activities in a Rural Zone Any building is a permitted activity if: <ol style="list-style-type: none"> <li>a) The gross floor area of the building does not exceed 5,000m<sup>2</sup> or 10% of the net site area, whichever is</li> </ol>	Restricted Discretionary (assessed on a non-netified basis) <sup>2</sup>	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent: <ol style="list-style-type: none"> <li>i) ...</li> <li>xii) Effects on natural character<sup>3</sup></li> </ol>

<sup>2</sup> This is an amendment from Section 3.2 of this report.

<sup>3</sup> This is an amendment from Section 3.8 of this report.

Rule	Activity Status	Assessment Criteria
b) <u>the lesser, 500m<sup>2</sup>; and</u> ...		<u>xiii) The functional requirements of the building and activity</u>

### 3.1.4 Consequential Amendments

No consequential amendments are required

## 3.2 [WOR SR3.2] – Notification Status for Commercial and Industrial Buildings in the Rural Zone (Rule 12.10.4)

Submitter 7/8 notes that the option to notify an application for resource consent should left open for applications for commercial and industrial activities within the Rural Zone. The submitter considers that this will ensure that any potentially adverse effects of such activities can be adequately addressed.

### 3.2.1 Decision

That submissions:

Submission Point	Submitter Name	Hearing Report	Page	Decision
7/8	(Former) Rodney District Council	SR 3	9	Be Accepted
FS511/1	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 3	9	Be Rejected

*ignore we do not make a submission*

### 3.2.2 Reason for Decision

1. The Panel accepts submission 7/8 for the following reason:

- a. The Panel notes that the suggested changes are acceptable as they provide the Council with greater flexibility to determine whether notification is appropriate under Section 95 of the RMA.
- b. The Panel further considers that the presumption of non-notification (resulting from RMAA 2009) effectively and efficiently achieves the outcomes being sought by this method in the Proposed District Plan.

### 3.2.3 Changes required as a result of Decision

Shown in Section 3.1.4, (page 9) Rule 12.10.4 has been amended to remove the presumption of non-notification.

### 3.2.4 Consequential Amendments

No consequential amendments are required. Section 4.12 of this report deals with removing the presumption of non-notification from other Chapters of the Plan.

Rule	Activity Status	Assessment Criteria
<p>rail (level crossing <u>controlled by</u> <u>giveaway signage</u>) within 300m. and</p> <p>f) Any building is set back 300m from the intersection of the State Highway and any local road (measured from the centreline of the local road).</p> <p>g) <u>Wetland - 30m from the banks of any indigenous wetland</u></p> <p>(2) <b>Treaty Settlement Land Zone that Adjoins the Residential Zone</b></p> <p>...</p>		

Shown in Section 3.1.3 of this report, Rule 12.10.4 has been amended to include the additional Assessment Criteria 'Effects on Natural Character'.

### 3.8.4 Consequential Amendments

Add new assessment criteria to Rules 13.10.7 and 14.10.7

The functional requirements of the building and activity<sup>13</sup>

### 3.9 [WOR SR3.9] – Yard Setback and Separation Distance in the Rural Zone (Rule 12.10.7 and 12.10.9)

Submissions 33/1, 99/22<sup>14</sup>, 78/4 and 10/4 request that Rule 12.10.7(1)(b), where it relates to side and rear yard setbacks, be reverted back to 3 metres as contained in the Operative Kaipara District Plan (the "Operative Plan").

Submission 157/3 opposes Rules 12.10.7 and 12.10.9 and seeks the Operative District Plan rules be retained.

#### 3.9.1 Decision

That submissions:

Submission Point	Submitter Name	Hearing Report	Page	Decision
33/1	Bradbourne, Alan & Jan	SR 3	20	Be Accepted
99/22	Larsen, Jonathan	SR 3	20	Be Accepted
78/4	Duck Nominees Ltd	SR 3	20	Be Accepted
10/4	Poutu Investments Ltd	SR 3	20	Be Accepted

First Submission

<sup>13</sup> This is an amendment from Section 4.5 of this report.

<sup>14</sup> This was incorrectly referred to in the hearing report as submitter '99/12', instead of '99/22'.



Submission Point	Submitter Name	Hearing Report	Page	Decision
157/3	Bowmar, Glen & Beverley	SR 3	20	Be Accepted in Part
FS472/1	Hogan, Jonathen	SR 3	20	Be Accepted
FS499/16	Hawley, Catherine & John	SR 3	20	Be Accepted
FS501/16	Marunui Conservation Ltd	SR 3	20	Be Accepted
FS502/16	Friends of the Brynderwyns Society Incorporated	SR 3	20	Be Accepted
FS511/2	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 3	20	Be Accepted

### 3.9.2 Reasons for Decision

1. The Panel accepts submissions 33/1, 99/12, 78/4, 10/4 and accepts in part submission 157/3 as the Panel recognises the submission points and evidence presented by the submitters, and agree that the rear and side yard setback should revert to 3m, as per the Operative Plan.
2. The Panel acknowledges that the removal of activity lists from the Rural Zone means that greater flexibility for activities exists compared to the Operative Plan but is satisfied that the adverse effects of these activities can be managed with a 3m yard setback.
3. The Panel does not amend the proposed Separation Distance Rule (Rule 12.10.9) to that in the Operative Plan as requested in submission 157/3 because of the potential reverse sensitivity effects that could result with less separation distance between activities. The Panel notes that this is discussed further in Sub Report 4: Reverse Sensitivity.

### 3.9.3 Changes required as a result of Decision

Section 3.8.4 above provides amendments to Rule 12.10.7 to reduce the side and rear yard setback requirement to 3m.

### 3.9.4 Consequential Amendments

No consequential amendments are required.

### 3.10 [WOR SR3.10] – Plantation Forestry Setback in the Rural Zone (Rules 12.10.7 & 12.10.9)

Submission 441/11 seeks a new clause be inserted into Rule 12.10.7 to read:

*"g) Any new building is setback 30m from a plantation forest."*

#### 3.10.1 Decision

That submissions:

Submission Point	Submitter Name	Hearing Report	Page	Decision
441/11	Hancock Forest Management NZ Ltd	SR 3	22	Be Accepted in Part
FS490/28	Federated Farmers of NZ	SR 3	22	Be Accepted in Part

Rule	Activity Status	Assessment Criteria
<p>shortest horizontal distance between that part of the building and any site boundary.</p> <p><u>Note 1: Refer to Chapter 24 – Definitions for the definition of Recession Plane.</u></p>		

#### 4.4.4 Consequential Amendments

Amend Rules 13.10.6, 14.10.6, 15A.10.7 and 15B.10.7 to refer Plan users to the definition of Recession Plane, as above.

#### 4.5 [PAN SR3.5] – Setback Rules and Assessment Criteria (Rules 12.10.7, 13.10.7, 14.10.7, 12.10.4)

Submission 101/3 notes that the Proposed Plan contains a setback rule designed to protect sightlines at road / rail crossings. The submission requests that an additional performance standard be included within Rules 12.10.7(1), 13.10.7(1) and 14.10.7(1) to further provide for traffic safety and notes:

1. Buildings should be setback 30 metres from a railway line where there is a rail / road intersection within 300m.
2. Assessment Criteria should consider whether the written approval of the relevant roading or rail authority has been provided.

Submission 92/9 requests that setback and other similar provisions should not apply to holiday parks and similar activities. In relation to setback requirements of Rule 12.10.7:

1. In relation to front yard setbacks, the Plan only specifies setback standards for industrial activities, but does not include commercial activities (207/128).
2. The submitter also suggests that the side yard standard be extended for commercial and industrial activities to improve amenity levels (207/128).
3. It is suggested that side yards would only be able to be reduced with the written approval of neighbours (207/128).
4. An amendment to Rule 12.10.7(2)(a) to remove "waterway" so that it reads 'any mapped wetland' if there are any mapped wetlands and refer to the relevant maps (78/5).
5. Submission 447/2 states that Rule 12.10.7 should either be removed in its entirety or made compatible with other yards. Additionally, Rule 12.10.9 specifically excludes domestic household systems from this rule and needs clarification.
6. Assessment Criteria should be amended to include effects on locality, landscape, heritage and ecological values, detail on how the proposal contributes to District Plan objectives and policies, and detail on how the proposal relates to the functional requirements of the building to be in the location proposed. (137/66) Assessment Criteria ix) and x) in Rule 12.10.7 and viii) and ix) in Rule 13.10.7 both refer to "the design and construction of hazard protection works on land adjacent to the Coastal Marine Area". The submitter requests the repetitive Assessment Criteria be deleted (118/32).
7. Assessment Criteria should be confined to matters of discretion that are relevant (207/129).
8. Assessment criteria for Rule 12.10.7(vii) should also refer to the criteria listed in Appendix 24G (116/38, 91/60).

9. Assessment criteria for Rule 12.10.7(xiv) should also take into consideration the extent of consultation that has been undertaken with the network utility operator when buildings are located in close proximity to strategic networks (102/18).
10. Assessment criteria should take into account the noise and wastewater disposal effects from the Maungaturoto Dairy Factory so as to ensure reverse sensitivity issues are considered (431/14).
11. In relation to setback requirements of Rule 13.10.7:
12. The Rule should clearly define how a corner site is affected by the 5 metre front yard setback requirement (139/2).
13. Submission 81/25 states that Rule 13.10.7 is inappropriate for the submitter's site. To prevent reverse sensitivity issues a setback ruling like the one in Business: Commercial and Industrial Chapter would be more appropriate. The submitter requests no change to this rule, subject to rezoning.
14. There should be a 50 metre setback from water (106/25) Rule 13.10.7(1)(b) is supported by 106/24, and requests it be retained in its current form.
15. In relation to Rule 14.10.7:
  - a. Submitter 431/28 opposes the requirement of Rule 14.10.7 that all buildings require a restricted discretionary activity resource consent if they are located within 30 metres of the banks of any river or perennial stream whose bed has an average width of 3 metres or more. The submitter notes that the maintenance, alterations and upgrades of a water take or discharge structure or pump shed should not be subject to this Rule.
  - b. Submitter 118/71 requests that Rule 14.10.7(iv) be deleted. The submitter considers that this Assessment criterion is not relevant to setback rules.

#### 4.5.1 Decision

That submissions:

Submission Point	Submitter Name	Hearing Report	Page	Decision
101/3	NZ Railways Corporation	SR 3	18	Be Accepted in Part
92/9	Riverside Holidays Park	SR 3	19	Be Rejected
207/128	Farmers of NZ Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu a Trust	SR 3	20	Be Accepted in Part
FS494/1	Hogan, Jonathon	SR 3	20	Be Accepted in Part
447/2	Buckton Consultants Ltd	SR 3	22	Be Accepted in Part
137/66	Meridian Energy Ltd	SR 3	21	Be Accepted in Part
FS494/1	Hogan, Jonathon	SR 3	21	Be Accepted in Part
118/32	Kaipara District Council	SR 3	21	Be Accepted
207/129	Farmers of NZ Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu a Trust	SR 3	21	Be Accepted in Part
116/38	Marunui Conservation Ltd	SR 3	21	Be Accepted
91/60	Hawley, Catherine & John	SR 3	21	Be Accepted

First Submission

Submission Point	Submitter Name	Hearing Report	Page	Decision
78/5	Duck Nominees Ltd	SR 3	22	Be Rejected
102/18	Vector Gas Ltd	SR 3	22	Be Accepted in Part
FS508/6	NZ Transport Agency	SR 3	22	Be Accepted in Part
431/14	Fonterra Co-Operative Group Ltd	SR 3	23	Be Rejected
139/2	Johnston, Peter	SR 3	27	Be Rejected
81/25	Materials Processing Ltd	SR 3	27	Be Rejected
106/25	Ratepayers & Residents of Mangawhai	SR 3	27	Be Rejected
FS448/4	McConachy, Gael	SR 3	28	Be Rejected
431/28	Fonterra Co-Operative Group Ltd	SR 3	28	Be Rejected
118/71	Kaipara District Council	SR 3	-	Be Accepted

#### 4.5.2 Reasons for Decision

1. The Panel accepts submission 101/3. The Panel considers the proposed wording would provide for an appropriate level of flexibility for the agencies whose consent is required, and would improve safety near road / rail crossings.
2. The Panel rejects submission 92/9. The Panel does not consider it appropriate to exclude holiday park buildings from the setback control as the purpose of the setback control is to manage the effects on amenity.
3. The Panel accepts submission 207/128 in part, and agrees that commercial activities should also have a front yard setback of 20m to ensure amenity values are maintained in the Rural Zone. It is noted, however, that the requirement for written approvals should be assessed on a case by case basis as part of the processing of a resource consent application, in accordance with Section 95 of the RMA.
4. The Panel accepts submission 118/32, 118/71, and submission 207/129 in part. The Panel considers that changing the Rule and Assessment Criteria as requested will reduce the repetitiveness of the Plan and make it more concise.
5. The Panel accepts submissions 116/8 and 91/60. It is considered that referring to Appendix 24G within the Assessment Criteria would provide guidance to District Plan users and would ensure consistency within the Plan.
6. The Panel rejects submission 78/5. It is noted that, in conjunction with the Overlays chapter of the Plan (Chapter 4), the Council intends to build a database on the waterway features within Overlays.
7. The Panel accepts in part submission 102/18. ~~The Panel notes that, while the importance of utilities as a physical resource is recognised, it is considered that this matter is adequately covered in the District's Engineering Standards requirements, which have been incorporated in the Plan.~~ The Panel accepts submission 118. The Panel considers that removing the presumption of non-notification is appropriate and will enable the Council to assess resource consent applications on a case by case basis in accordance with Section 95 of the RMA.

8. The Panel accepts in part submission 447/2 where they relate to Rule 12.10.9. The Panel considers that it is not appropriate to remove the yard control as it would not achieve the District Plan outcomes in regards to managing amenity effects on the environment.
9. The Panel rejects submission 431/14. The Panel notes that Sub Report 4: Reverse Sensitivity responds to potential reverse sensitivity effects in relation to the Maungaturoto Dairy Factory, and that the amendments included in this Sub Report appropriately deal with the submitter's site specific concerns in relation to the Factory.
10. The Panel rejects submission 139/2. It is noted that 'setback' is defined in Chapter 24 – Definitions which includes a diagram showing how the setback controls relate to corner sites. On this basis, the Panel does not consider it necessary to update Rule 13.10.7.
11. The Panel rejects submission 81/25. The Panel considers that the Plan adequately addresses reverse sensitivity effects, and notes that this is dealt with in Sub Report 4: Reverse Sensitivity. The Panel notes the submitter's request to rezone their Mangawhai property is addressed in the Rezoning Requests report (Decision 3.5). The Panel rejects submission 106/25. The submitter has not provided any justification for requesting this setback, and without further information or reasoning, the Panel do not consider this amendment appropriate.
12. The Panel rejects submission 448/4. The Panel considers that Rule 13.10.7 is appropriate and provides an adequate building envelope for residential development within the Kaipara District. The Panel also consider this Rule appropriate in relation to the Plan's policy framework.
13. The Panel rejects submission 431/28. The Panel does not consider the text suggested by the submitter appropriate as the Rule would be subject to controls under the Northland Regional Council's Plans.

#### 4.5.3 Changes required as a result of Decision

The amended wording for Rule 12.10.7 is contained within Section 3.8 of this report.

*[Amend Rules 13.10.7 (Setbacks) and 14.10.7 (Setbacks) as follows]*

#### Rule 13.10.7 Setbacks

Rule	Activity Status	Assessment Criteria
<b>(1) Residential Zone</b> Any building is a Permitted Activity if it is located outside the following setback distances (yards):	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:
a) ...		i) ...
f) Any building is set back 20m 30m from a railway line where there is an intersection of road and rail (level crossing <u>controlled by gateway signage</u> ) within 300m; and		ix) <del>The design and construction of hazard protection works on land adjacent to the Coastal Marine Area, rivers and lakes;</del>
g) Any building is set back 300m from the intersection of the State Highway and any local road (measured from the		x) Where buildings are located in close proximity to State Highways or Rail (level crossings) whether and the extent to which consultation has been undertaken with NZ Transport Agency and ONTRACK respectively and <u>written approval obtained</u> ; and



#### 4.5.4 Consequential Amendments

No consequential amendments are required.

#### 4.6 [PAN SR3.6] – Submissions received on Rule 14.10.12 – Permeable Surfaces

Submission 207/192 requests Council clarify and amend the wording of Rule 14.10.12 because it is considered unlikely that a stormwater or wastewater system of this size exists in the Kaipara District.

##### 4.6.1 Decision

That submissions:

Submission Point	Submitter Name	Hearing Report	Page	Decision
207/192	Farmers of New Zealand Inc., Kaipara Citizens and Ratepayers Association Inc., Pouto Topu A Trust	SR 3	31	Be Rejected
FS494/1	Hogan, Jonathen	SR 3	31	Be Rejected

##### 4.6.2 Reason for Decision

- The Panel notes that Rule 14.10.12 refers to "on-site" sewage and stormwater systems. Therefore, no amendments are required to the Plan, and submission 207/192 is rejected.

##### 4.6.3 Changes required as a result of Decision

No change is required.

##### 4.6.4 Consequential Amendments

No consequential amendments are required.

#### 4.7 [PAN SR3.7] – Plant or Animal Effluent Storage / Disposal (Rule 12.10.21)

Submissions 174/36 and 431/20 request Rule 12.10.21 be amended to reduce the setback of plant or animal effluent storage / disposal from habitable buildings to 150m on a site under different ownership. In addition to this, submission 174/36 notes that educational facilities, marae or community halls should be included in this, and that the distance should vary depending on when it was established on the site.

##### 4.7.1 Decision

That submissions:

Submission Point	Submitter Name	Hearing Report	Page	Decision
174/36	Federated Farmers of NZ	SR3	35	Be Accepted in Part
431/20	Fonterra Co-Operative Group Ltd	SR3	35	Be Accepted in Part
FS466/70	Horticulture NZ	SR3	35	Be Accepted in Part
FS466/100	Horticulture NZ	SR3	35	Be Accepted in Part

#### 4.7.2 Reason for Decision

1. The Panel accepts in part submissions 174/36 and 431/20 in so far as it recognises that the Rule does not appropriately provide for the relationship between plant or animal effluent storage / disposal and other activities in the Rural Zone. The Panel was provided specialist technical advice on this matter and has been advised that "effluent" is included in the definition of a hazardous substance under the Plan as a substance with a high bio-chemical oxygen demand (BOD5). The Panel, therefore, notes that activities that would be affected by this Rule are controlled under the hazardous substances provisions. Nuisance effects of effluent storage and disposal such as odour should be controlled specifically, and the discharge onto land is a Regional Council matter. On this basis, the Panel deletes this Rule for all Zones.

#### 4.7.3 Changes required as a result of Decision

*[Delete Rule 12.10.21 (Plant and Animal Effluent Storage/Disposal) as follows]*

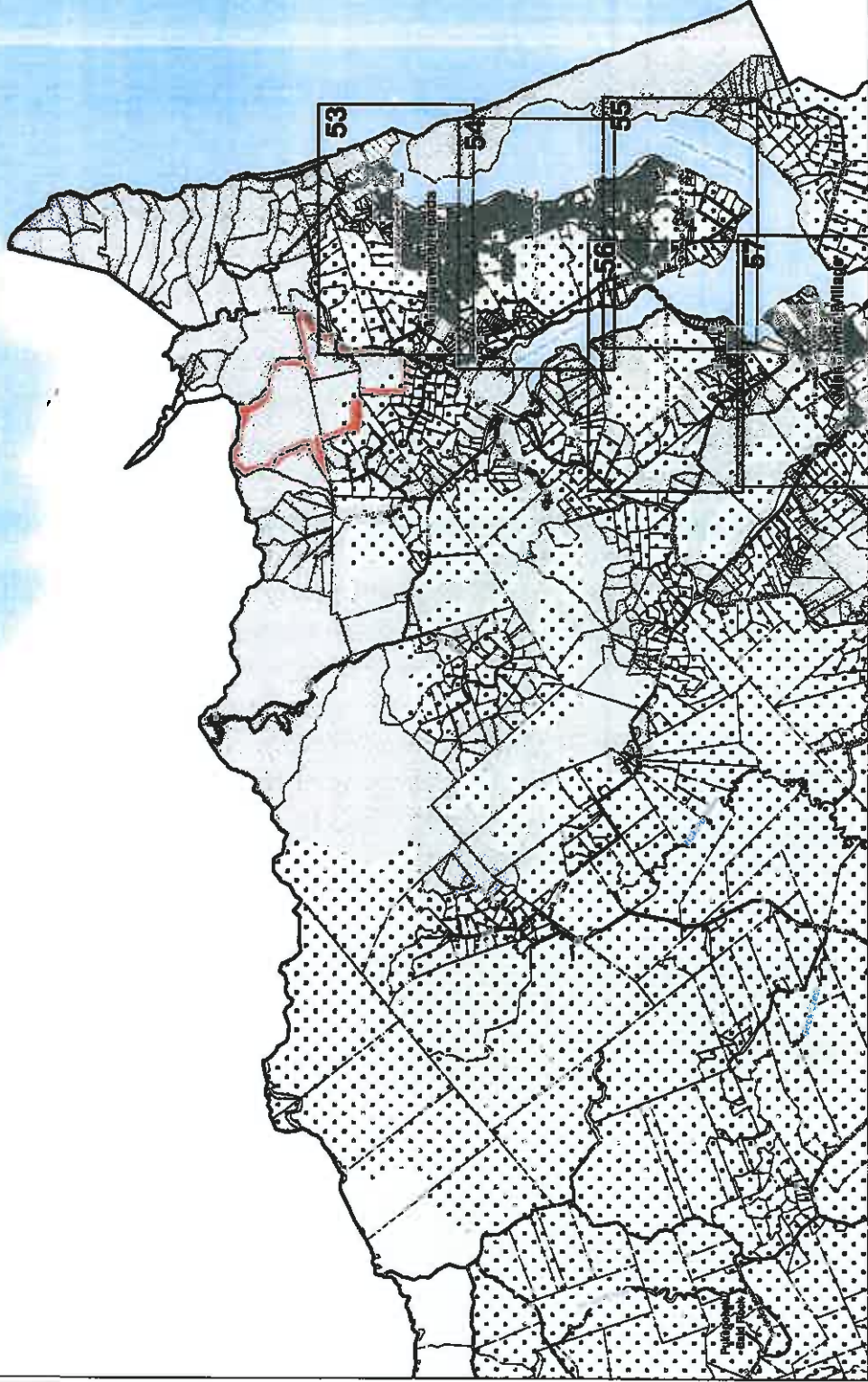
##### **Rule 12.10.21 Plant or Animal Effluent Storage / Disposal**

Rule	Activity Status	Assessment Criteria
<p>Any activity is a permitted activity if:</p> <p>a) Treatment, storage and application of liquid effluent derived from plants or animals, or whey, (including disposal onto land by spray irrigation):</p> <p>i) Is set back at least 300m from a habitable building, educational facility, marae or community hall; and</p> <p>ii) Is operated at times and in wind conditions so as to avoid nuisance to adjoining property.</p> <p>Note 1: The disposal of contaminants may require resource consent under the Regional Water and Soil Plan For Northland. Applicants should contact the Northland Regional Council to determine whether or not a resource consent is required.</p> <p>Note 2: Where parallel resource consent is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, e.g. via delegated authority from the Northland Regional Council.</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for resource consent:</p> <p>i) The proposed site and layout, with a description of the nature and scale of the proposed facility and associated operations;</p> <p>ii) The siting, design and management of waste management activities;</p> <p>iii) The extent to which reduction in environmental pollution and land contamination is achieved through better management and disposal of solid waste;</p> <p>iv) The ability to recover resources that will yield economic and social benefits to the community;</p> <p>v) The extent to which adverse effects on amenity values are minimised;</p> <p>vi) Reduction in the volume of solid waste generated;</p> <p>vii) The ability to reduce consumption and the waste of resources;</p> <p>viii) Site drainage and off-site infrastructure (e.g. drainage type and capacity);</p> <p>ix) The sensitivity of the surrounding human, natural and physical environment, and proposed measures to protect them (including wildlife</p>



Maple Court

St. John's Bay



Map 17 of 60

# Map Series One Land Use

Scale: 1:50,000 at A3

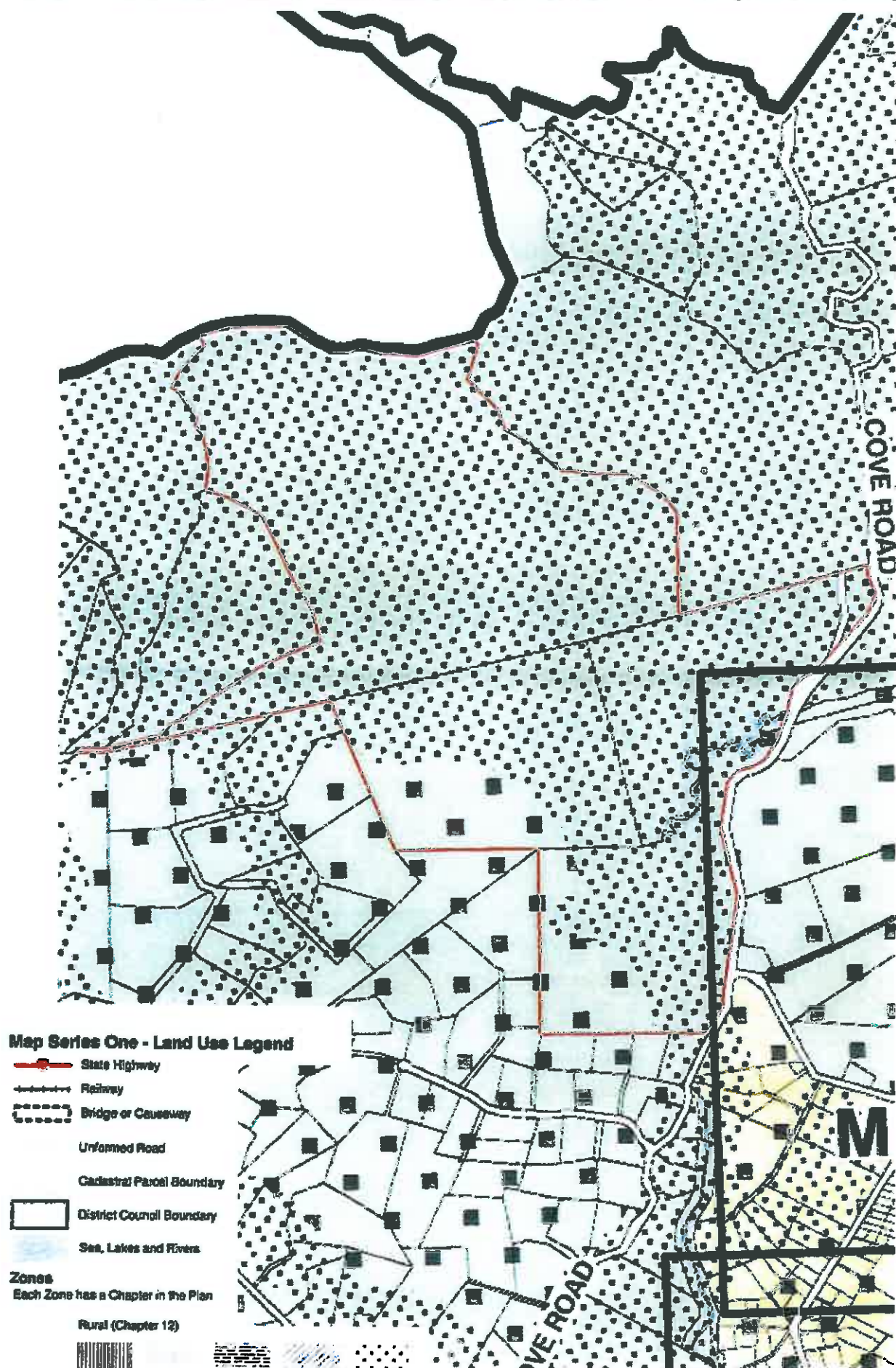
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Region 14 Auckland - Waikato No. 14/00000

# Proposed District Plan

Map 17 Showing location of sanctuary site (Property indicated by red boundary)



## Map Series One - Land Use Legend

-  State Highway
-  Railway
-  Bridge or Causeway
-  Unformed Road
-  Cadastral Parcel Boundary
-  Sea, Lakes and Rivers

### Zones

Each Zone has a Chapter in the Plan

#### Rural (Chapter 12)

-  Rural: Agricultural
-  Rural: Forest
-  Rural: Pasture
-  Rural: Coastal
-  Rural: Harbour

#### Business: Commercial (Chapter 14)

-  Business: Commercial

#### Business: Industrial (Chapter 14)

-  Business: Industrial

#### Residential (Chapter 13)

-  Residential: Valued Natural
-  Residential: Coastal
-  Residential: Harbour
-  Residential: Harbour

#### Maori Purpose: Maori Land (Chapter 15A)

-  Maori Purpose: Maori Land

#### Maori Purpose: Treaty Settlement Land (Chapter 15B)






-  Maori Purpose: Treaty Settlement Land

#### Estuary Estates (Chapter 16)

### Overlays (Chapter 4)

Rules for Overlays are in each Zone Chapter.

Look at the Zoning under the Overlay

-  Kai Iwi Lakes Overlay
-  Valued Natural Environments of Mangawhai Overlay
-  West Coast Overlay
-  East Coast Overlay
-  Harbour Overlay

**Map Series Two Legend - See Top Right Tab**





### Sanctuary Site:

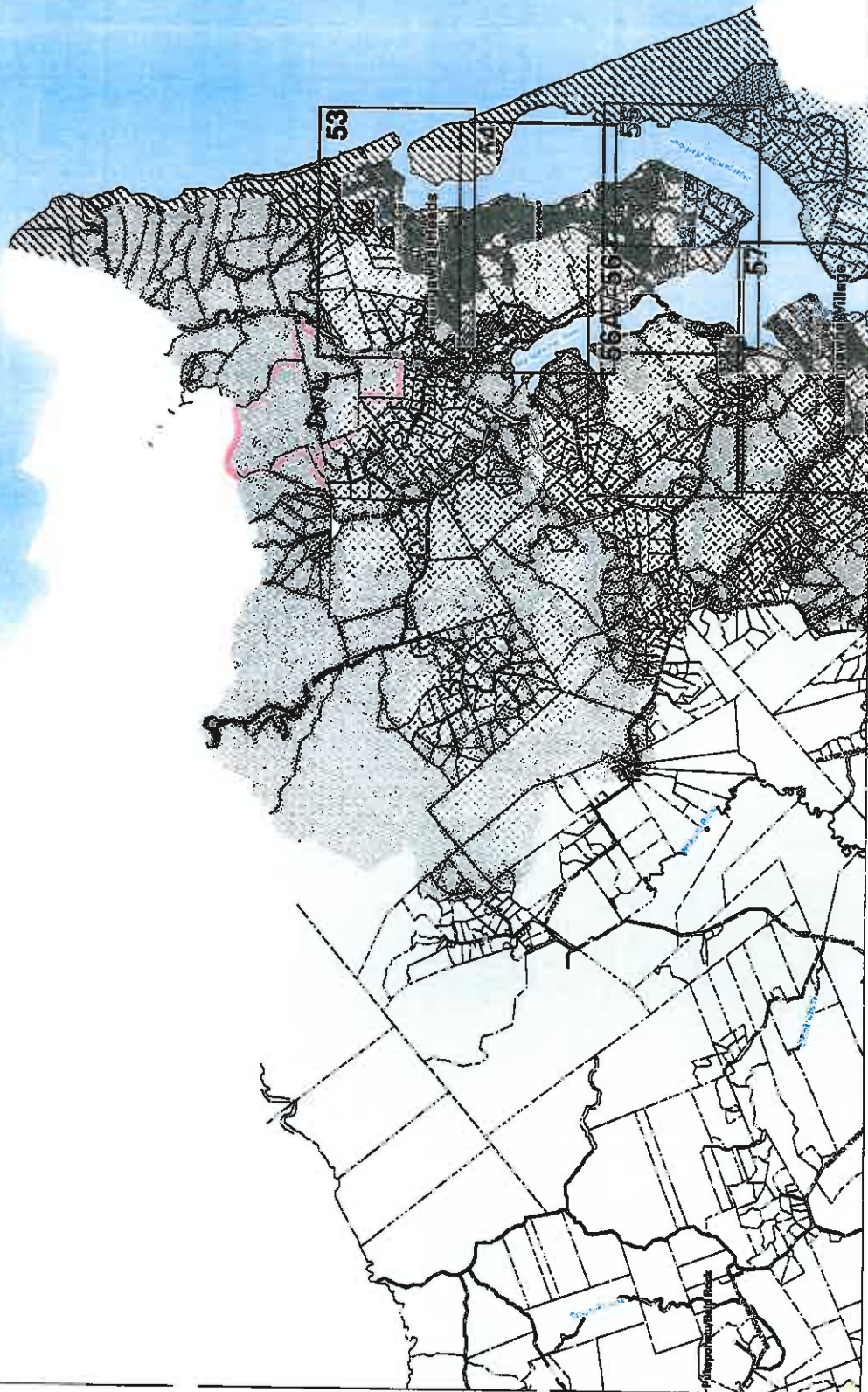
Topography + Location of original stream in relation to overlays



### Key:

-  Overlays boundary (waterways - North, harbour - South West)
-  Indicative Path of Original Streams





Map 17 of 60

# Map Series One Land Use

Scale: 1:50,000 @ A3

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