

Appendix 1.1 – Officers Recommended Amendments to the Natural Character Chapter

Note the below provisions represent the Section 42A Report Writing Officer’s recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text).

Overview

This chapter addresses the natural character of wetlands, lakes and rivers. The focus is on buildings, structures, earthworks and indigenous vegetation clearance in wetland, lake and river margins. The natural character of the coastal environment is addressed in the Coastal Environment chapter.¹

The Far North District has a number of many wetlands, lakes and rivers, ~~some~~ many² of which are located within and on the periphery of urban centres. ~~While the NRC is responsible for the waterbodies themselves, the District Plan manages their margins and the activities that can occur in these areas~~³. The margins of these waterbodies are areas of important and valued natural character and support public and customary access, recreation and hazard management. ~~When managed well the margins also promote ecological benefits including on receiving water bodies.~~⁴

<Split the paragraph at this point>

A range of land use activities can have adverse effects on the natural character of wetlands, lakes and rivers, including the construction and alteration of buildings or structures, earthworks, vegetation clearance and farming within their margins. Some activities have a functional need to be located within wetland, lake and river margins.⁵ This chapter seeks to manage ~~these~~ activities to ensure that the characteristics and qualities, and values⁶ that contribute to the natural character values are preserved. Further, these provisions encourage land use activities that look to enhance natural character, such as ~~the~~ restoration planting.

Natural character includes a wide range of matters such as ecological aspects, natural processes and natural landforms. For more information about the full range of matters contributing to the natural character of wetland, lake and river margins, refer to APP1- Mapping methods and criteria of the District Plan⁷

The regional mapping project undertaken by the Regional Council for the RPS identified the natural character of the coastal environment, which is a requirement of the NZCPS. While the NZCPS is not concerned with natural character outside of the coastal environment it does list matters (in policy 13.2) which may be part of or contribute to natural character. These matters can be found in APP1 Mapping methods and criteria of the District Plan.⁸

Provisions relating to the natural character of the coastal environment are located in the Coastal Environment chapter.⁹

Objectives	
NATC-O1	<p>The natural character of wetland, lake and river margins are managed to ensure their long-term preservation and protection for future generations.</p> <p><u>The natural character of wetland, lake and river margins is preserved and protected from inappropriate land use and subdivision.</u>¹⁰</p>
NATC-O2	<p>Land use and subdivision is consistent with and does not compromise the characteristics and qualities of the natural character of wetland, lake and river margins.¹¹</p>

¹ Forest and Bird (S511.072) and others.

² Clause 16, Schedule 1, RMA.

³ Clause 16, Schedule 1, RMA.

⁴ Clause 16, Schedule 1, RMA.

⁵ Federated Farmers (S421.140).

⁶ Clause 16, Schedule 1, RMA.

⁷ Forest and Bird (S511.072) and others.

⁸ Forest and Bird (S511.072) and others.

⁹ Forest and Bird (S511.072) and others.

¹⁰ Federated Farmers (S421.143) and others.

¹¹ Federated Farmers (S421.143) and others.

Policies	
NATC-P1	Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of land use and subdivision on the <u>characteristics, qualities and values of the</u> ¹² natural character of wetland, lake and river margins.
NATC-P2	Identify or assess the natural character of wetland, lake and river margins in accordance with the natural character assessment criteria in APP1- Mapping methods and criteria.
NATC-P3	Enable indigenous vegetation removal and/or earthworks within wetland, lake and river margins where it is <u>the minimum necessary for</u> : ¹³ <ol style="list-style-type: none"> it is for the repair or maintenance of lawfully established activities; <u>or</u> it is for safe and reasonable clearance for existing overhead powerlines; <u>or</u> it is for health and safety of the public; <u>or</u> it is for biosecurity reasons; <u>and-or</u>¹⁴ it is for the sustainable non-commercial harvest for rongoā Māori.
NATC-P4	Enable Provide for ¹⁵ buildings or structures, and extensions to existing buildings or structures on wetland, lake and river margins where: <ol style="list-style-type: none"> there is a functional or operational need for a building or structures location; <u>and</u>¹⁶ public access, customary access and recreational use can be protected or enhanced; <u>and</u>¹⁷ <u>the effects on natural character are in accordance with policy NATC-P1</u> the protection of natural character is preserved;¹⁸ and natural hazard risk will not be increased, taking into account the likely long term effects of climate change.
NATC-P5	Encourage the restoration and enhancement of wetland, lake and river margins where it will achieve improvement in natural character values.
NATC-P6	<u>Consider the following matters where relevant when assessing the effects of land use and subdivision on natural character:</u> ¹⁹ <p>Manage land use and subdivision to preserve and protect the natural character of wetland, lake and river margins, and address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:²⁰</p> <ol style="list-style-type: none"> the presence or absence of buildings, structures or infrastructure; the temporary or permanent nature of any adverse effects; the location, scale and design of any proposed development; any means of integrating the building, structure or activity; the ability of the environment to absorb change; the need for and location of earthworks or vegetation clearance; the operational or functional need of any regionally significant infrastructure to be sited in the particular location; any viable alternative locations for the activity or development; any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6; the likelihood of the activity exacerbating natural hazards; the opportunity to enhance public access and recreation; the ability to improve the overall water quality; and <p>any positive contribution the development has on the characteristics and qualities.</p>

Rules

Notes:

- There may be rules in other District-Wide Matters and the underlying zone in Part 3- Area Specific Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure that the underlying zone chapter and other relevant

¹² Clause 16, Schedule 1, RMA.

¹³ John Andrew Riddell (S431.159).

¹⁴ Clause 16, Schedule 1, RMA.

¹⁵ Clause 16, Schedule 1, RMA.

¹⁶ Clause 16, Schedule 1, RMA.

¹⁷ Clause 16, Schedule 1, RMA.

¹⁸ Waiaua Bay Farm Limited (S463.037).

¹⁹ Clause 16, Schedule 1, RMA.

²⁰ Clause 16, Schedule 1, RMA.

District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.

2. The Earthworks and Ecosystem and Indigenous Biodiversity²¹ chapter rules apply ‘in addition’ to the earthworks and indigenous vegetation clearance²² rules in this chapter, not instead of. ~~In the event of a conflict between the earthworks chapter and this chapters earthworks rules, the most stringent rule will apply.~~²³
3. Earthworks and indigenous vegetation clearance in the margins of wetlands are controlled by the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). Rule NATC-R3 does not apply to earthworks and indigenous vegetation clearance regulated by the NES-F.²⁴
4. Earthworks and indigenous vegetation clearance associated with commercial forestry are controlled by the National Environmental Standards for Commercial Forestry 2017 (NES-CF). Rule NATC-R3 does not apply earthworks and indigenous vegetation clearance regulated by the NES-CF.²⁵

NATC-R1	New buildings or structures, and extensions or alterations to existing buildings or structures	
Natural character	Activity status: Permitted	Activity status where compliance not achieved with PER-1: Non-complying³⁷
	<p>Where:</p> <p>PER-1 The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is not located within an ONL or ONF.²⁶</p> <p>PER-2 The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins is required for:²⁷</p> <ol style="list-style-type: none"> 1. for restoration and enhancement purposes; or²⁸ 2. for natural hazard mitigation undertaken by, or on behalf of, the local authority; or²⁹ 3. for park management activity in the Open Space or Sport and Active Recreation zones; or³⁰ 4. a post and wire fence for the purpose of protection from farm stock; or³¹ 5. a river-crossings, including but not limited to, fords, bridges, stock-crossings and culverts crossings; or³² 6. activities related to the construction of a river-crossings; or³³ 7. a pumphouses-utilised for the drawing of water provided they cover less than 25m² in area, or 8. infrastructure less than 10m high within a 	<p>Activity status where compliance not achieved with PER-2, PER-3 and PER-4: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. <u>effects on the characteristics, qualities and values of natural character</u> b. <u>the matters in NATC-P6</u> c. <u>the positive effects of the activity</u>³⁸

²¹ Forest and Bird (S511.074) and others.

²² Forest and Bird (S511.074) and others.

²³ Clause 16, Schedule 1, RMA.

²⁴ Te Hiku Iwi Development Trust (S399.065) and others.

²⁵ Summit Forests New Zealand Limited (S148.026)

²⁶ Top Energy Limited (S483.154).

²⁷ Clause 16, Schedule 1, RMA.

²⁸ Clause 16, Schedule 1, RMA.

²⁹ Clause 16, Schedule 1, RMA.

³⁰ Clause 16, Schedule 1, RMA.

³¹ Clause 16, Schedule 1, RMA.

³² Waiaua Bay Farm Limited (S463.039).

³³ Clause 16, Schedule 1, RMA.

³⁷ Top Energy Limited (S483.154).

³⁸ Bentzen Farm Limited (S167.026) and others.

	<p><u>road corridor provided any pole:</u></p> <ol style="list-style-type: none"> a. <u>is a single pole (monopole), and</u> b. <u>is not a pi-pole or a steel-lattice tower,</u> <p>or</p> <ol style="list-style-type: none"> 9. <u>a lighting pole by, or on behalf of the local authority, or³⁴</u> 10. <u>a footpath and or paving no greater than 2m wide, or³⁵</u> 11. <u>an upgrade of an existing above ground network utility, provided it:</u> <ol style="list-style-type: none"> a. <u>is no greater than 10m high or the height of the existing structure; and</u> b. <u>is no greater than 20% of the GFA of the existing lawfully established building or structure; and</u> c. <u>does not involve replacing a pole with a pi pole.³⁶</u> <p>PER-3 The building or structure on wetland, lake and river margins is no greater than 300m².</p> <p>PER-4 The building or structure, or extension or alteration to an existing building or structure on wetland, lake and river margins complies with standard NATC-S1 Maximum height.</p>	
NATC-R2	Repair or maintenance³⁹	
Natural character	<p>Activity status: Permitted-</p> <p>Where:</p> <p>PER-4 The repair or maintenance within wetland, lake and river margins of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:</p> <ol style="list-style-type: none"> 1. roads 2. fences 3. network utilities 4. driveways and access 5. walking tracks 6. cycling tracks 7. farming tracks 	<p>Activity status when compliance not achieved with PER-4: Discretionary</p>
NATC-R3	Earthworks or indigenous vegetation clearance	
Natural character	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The earthworks or indigenous vegetation clearance within wetland, lake and river margins and is the minimum necessary is:⁴⁰</p> <ol style="list-style-type: none"> 1. required for the repair or maintenance permitted under NATC-R2; or for the operation, repair or 	<p>Activity status when compliance not achieved with PER-1 and PER-2 : Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. <u>effects on the characteristics and quality of natural character</u> b. <u>the matters in NATC-P36</u> c. <u>the positive effects of the activity</u>⁵⁰

³⁴ Northland Planning and Development 2020 Limited (S502.035).

³⁵ Northland Planning and Development 2020 Limited (S502.035).

³⁶ Top Energy Limited (S483.154).

³⁹ Bentzen Farm Limited (S167.027) and others.

⁴⁰ John Andrew Riddell (S431.159).

⁵⁰ Bentzen Farm Limited (S167.028) and others.

	<p><u>maintenance of existing lawfully established:</u></p> <ul style="list-style-type: none"> a. <u>fences</u>⁴¹ b. <u>network utilities</u>⁴² c. <u>tracks, driveways, roads and access ways,</u>⁴³ d. <u>formed carpark,</u> e. <u>board walks,</u> f. <u>boat ramps, or</u>⁴⁴ <p>2. <u>required to provide for safe and reasonable clearance for existing overhead power lines; or</u></p> <p>3. <u>to address an immediate necessary to address a risk to public the health and safety of the public, or</u>⁴⁵</p> <p>4. <u>clearance for the control pests for biosecurity reasons, or</u>⁴⁶</p> <p>5. <u>for the sustainable non-commercial harvest of plant material for rongoā Māori; or</u></p> <p>6. <u>to maintain firebreaks to manage fire risk; or</u></p> <p>7. <u>to remove vegetation as directed by Fire and Emergency New Zealand due to fire risk, or</u></p> <p>8. <u>to maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area, or</u>⁴⁷</p> <p>9. <u>for the upgrading of existing above ground network utilities permitted by NATC-R1, or</u>⁴⁸</p> <p>10. <u>for establishing, operating, maintaining and repairing infrastructure in a road corridor.</u>⁴⁹</p> <p>PER-2 Earthworks or indigenous vegetation clearance not provided for within NATC-R3 PER-1 but it complies with standard NATC-S2 Earthworks or indigenous vegetation clearance.</p>	<p>Activity status when compliance not achieved with PER-2: Non-complying⁵¹</p>
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⁴¹ Consequential addition of deleting NATC-R2.

⁴² Top Energy Limited (S483.156).

⁴³ Manulife Forest Management (NZ) Ltd (S160.020) and others.

⁴⁴ Waitangi Limited (S503.044) and others.

⁴⁵ Carbon Neutral NZ Trust (S529.140 & 141)

⁴⁶ Forest & Bird (S511.076)

⁴⁷ FENZ (S512.027).

⁴⁸ Top Energy Limited (S483.156).

⁴⁹ Chorus NZ Ltd. Et al (S282.013).

⁵¹ Bentzen Farm Limited (S167.028) and others.

Standards		
NATC-S1	Maximum height	
Natural character	<ol style="list-style-type: none"> 1. The maximum height of a building or structure, or extension or alteration to an existing building or structure is 5m above ground level; or 2. where a building or structure is lawfully established, any extension does not exceed the height of the existing building or structure above ground level. 	Where the standard is not met, matters of discretion are restricted to: Not applicable
NATC-S2	Earthworks or indigenous vegetation clearance	
Natural character	<ol style="list-style-type: none"> 1. Any earthworks or indigenous vegetation clearance on a site within a wetland, lake and river margins must: <ol style="list-style-type: none"> a. 1. not exceed a total area of 50 400m² within any calendar year for 10 years from the notification of the District Plan, unless a control in 4.5. below applies;⁵² b. 2. not exceed a cut height or fill depth of 1m; c. 3. screen exposed faces visible from public places; and⁵³ <p>comply with Ecosystems and indigenous biodiversity chapter, NFL S3 Earthworks or indigenous vegetation clearance and CE S3 Earthworks or indigenous vegetation clearance.⁵⁴</p> <p>Note: The NESF requires a 10m setback from any natural wetland in respect of earthworks or vegetation clearance and may require consent from the Regional Council.⁵⁵</p> 2. Any vegetation clearance on a site within a wetland, lake and river margins must exceed a total area of 400m² within any 10 year period.⁵⁶ 	Where the standard is not met, matters of discretion are restricted to: Not applicable

⁵² Bentzen Farm Limited (S167.029) and others.

⁵³ Bentzen Farm Limited (S167.029) and others.

⁵⁴ Clause 16, Schedule 1, RMA.

⁵⁵ Te Hiku Iwi Development Trust (S399.065) and others.

⁵⁶ Recommendation of the MAL Report in response to submissions including Bentzen Farm Limited (S167.029) and others.