

# SECTION 32 REPORT

## Coastal Environment

May 2022

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## 1 Executive Summary

The Coastal Environment in the Far North is vast and complex, accommodating dynamic natural processes, unique natural and physical attributes and high cultural values. Much of the coastline and the Coastal Environment are relatively undeveloped in the sense that there are relatively few buildings, roads or other built development. However, recent decades have witnessed an increasing pressure for the development of coastal areas predominantly on the east coast. The Coastal Environment is currently controlled in Chapter 10 of the Operative District Plan (**ODP**).

The management approach in the Proposed Far North District Plan (**PDP**) is consistent with approaches elsewhere in the region and seeks to align with the New Zealand Coastal Policy Statement (**NZCPS**) and relevant provisions within the Regional Policy Statement for Northland (**RPS**). Further, it is considered to achieve the purpose of the Resource Management Act 1991 (**RMA**).

The Northland Regional Council (**NRC**) through their regional mapping project for the RPS identified the extent of the Coastal Environment as well as areas considered to be of high or Outstanding Natural Character.

To give effect to the higher order statutory direction, the Coastal Environment chapter includes rules and standards that:

- Provide for a varying level of development in the Coastal Environment based on the degree of natural character.
- Permitted activity rules that:
  - Enable buildings and structures at a variety of scales based on location and in some instances whether they are ancillary to primary production.
  - The repair and maintenance of listed activities.
  - Enable farming activities based on location and/or where they existed at the time the PDP was notified.
  - Enable limited extensions to lawfully established buildings and structures.
- Provide for limited activities as a discretionary activity.
- Prohibit new quarries and mining, land fill, managed fill and clean fill.
- Apply standards to manage the height of buildings and structures, colours and materials as well as earthworks and indigenous vegetation clearance.

The main changes to the overall proposed management approach include:

- Use of mapping provided through the RPS for the identification of:
  - The Coastal Environment.
  - High Natural Character.
  - Outstanding Natural Character.
- Changes in language used within the provisions to give effect to high order planning documents.
- Changes in thresholds and activities provided for in line with the higher order planning documents, case law and a landscape report prepared by Melean Absolum Limited (**Appendix 1**).
- Provisions that align with the 'hybrid approach' of the PDP that focuses more on activity-based rules compared to the effects based approach in the ODP.

The provisions within this chapter manage the natural character of the Coastal Environment, but also affect a number of other chapters in the PDP, which are addressed in separate section 32 documents. These topics include:

- Natural Features and Landscapes;

- Ecosystems and indigenous biodiversity;
- Natural Hazards;
- Natural character (of wetland, lake and river margins);
- Activities on the surface of water;
- Public access.

## 2 Introduction and Purpose

### 2.1 Purpose of report

This report provides an evaluation undertaken by the Far North District Council (**Council**) in preparation of district plan provisions for the Coastal Environment in the PDP. This assessment is required under section 32 of the RMA.

Section 32 of the RMA requires Councils to examine whether the proposed objectives are the most appropriate to achieve the purpose of the RMA and whether the provisions (i.e. policies, rules and standards) are the most appropriate way to achieve the objectives. This assessment must identify and assess environmental, economic, social, and cultural effects, benefits and costs anticipated from the implementation of the provisions. Section 32 evaluations represent an on-going process in RMA plan development and a further evaluation under section 32AA of the RMA is expected throughout the review process in response to submissions received following notification of the PDP.

This report sets out the issues for the Coastal Environment chapter, provides an overview of the statutory and policy context, and any specific consultation. The report also includes a review of the ODP and evaluation of alternatives to determine the most appropriate way(s) to achieve the purpose of the RMA in relation to the topic.

### 2.2 Overview of the topic

Council has obligations under section 6(a) of the RMA to preserve the natural character of the Coastal Environment and protect it from inappropriate subdivision, use and development. Coastal management is a significant resource management issue in the Far North District in the PDP, with approximately 12% of land in the District being identified as Coastal Environment. These areas were identified through the regional mapping project undertaken by the NRC as part of the RPS in 2016.

The term 'Coastal Environment' is not defined in the RMA nor is it defined in the NZCPS. Policy 1 of the NZCPS outlines matters that may be considered in the identification of the Coastal Environment. This includes but is not limited to:

- The coastal marine area;
- Areas where coastal processes, influences or qualities are significant;
- Areas at risk from coastal hazards;
- Elements and features that contribute to the natural character, landscape, visual qualities or amenity values; and
- Inter-related coastal marine and terrestrial systems, including the intertidal zone.

As part of the Northland mapping project the NRC commissioned Mortimer Consulting to undertake a mapping exercise as part of their review of the RPS to delineate the extent of the Coastal Environment. These maps have been through a Schedule 1 RMA process and are now operative in the RPS.

The term 'Natural Character' is not defined in the RMA nor is it defined in the NZCPS. Policy 13 of the NZCPS does state that "...*natural character is not the same as natural features and landscapes or amenity values and may include matters such as:*

*(a) natural elements, processes and patterns;*

- (b) biophysical, ecological, geological and geomorphological aspects;*
- (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
- (d) the natural movement of water and sediment;*
- (e) the natural darkness of the night sky;*
- (f) places or areas that are wild or scenic;*
- (g) a range of natural character from pristine to modified; and*
- (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.”*

Policy 13 of the NZCPS requires the preservation of the natural character of the Coastal Environment and protection from inappropriate subdivision, use and development.

As part of the Northland mapping project the NRC commissioned Pacific Eco-Logic Ltd to undertake a mapping exercise as part of their review of the RPS to delineate the extent of High Natural Character (**HNC**) and Outstanding Natural Character (**ONC**). These maps have been through a Schedule 1 RMA process and are now operative in the RPS.

The Coastal Environment is currently managed in Chapter 10 of the ODP. The ODP does not physically identify the extent of the Coastal Environment nor does it identify areas of HNC and ONC. The Coastal Environment is expressed in the ODP through coastal zones, these are:

- General Coastal zone;
- Coastal Living zone;
- Coastal Residential zone;
- Russell Township zone; and
- South Kerikeri Inlet zone.

While the provisions in the ODP seek to achieve similar outcomes to that in the PDP, the structure and framework under which that is done is very different. Because the Coastal Environment has now been delineated and areas of HNC and ONC identified, a more stringent framework is now applied to align with the policy framework of the NZCPS and the RPS. The coastal zones in the ODP have been replaced by an overlay identifying the Coastal Environment and HNC and ONC are mapped. The policy framework in the NZCPS and the RPS is now dictated by the interpretation of caselaw, principally the *‘King Salmon’* decision<sup>1</sup>. The Coastal Environment is addressed in its own chapter of the PDP in accordance with the National Planning Standards (**Planning Standards**).

The change in provisions pertaining to the Coastal Environment chapter are part of a consolidated review of the Far North District Plan. The provisions proposed in this assessment have modified the existing provisions in the ODP to ensure the Coastal Environment provisions are consistent with the drafting of the PDP and the current policy environment, including NZCPS and the RPS.

The Coastal Environment may also be subject to other District Wide Matters, including the protection of significant natural areas, the natural character of wetland, lake and river margins as well as natural features and landscapes. These topics have been evaluated within separate section 32 reports. The proposed Coastal Environment provisions will not conflict with any other relevant District Wide Matter provisions.

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<sup>1</sup> SC 82/2013 [2014] NZSC 38 Environmental Defence Society Inc v New Zealand King Salmon Company Limited

## 3 Statutory and Policy Context

### 3.1 Resource Management Act

The **Section 32 Overview Report** for the PDP provides a summary of the relevant statutory requirements in the RMA relevant to the PDP. This section provides a summary of the matters in Part 2 of the RMA (purpose and principles) of direct relevance to this topic.

Section 74(1) of the RMA states that district plans must be prepared in accordance with the provisions of Part 2. The purpose of the RMA is the sustainable management of natural and physical resources which is defined in section 5(2) of the RMA as:

*“...sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while –*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

To achieve the purpose of the RMA, all those exercising functions and powers under the RMA are required to:

- Recognise and provide for the matters of national importance identified in section 6
- Have particular regard to a range of other matters in section 7
- Take into account the principles of the Treaty of Waitangi in section 8 of the RMA.

The following section 6 matters are directly relevant to the Coastal Environment chapter:

- (a) The preservation of the natural character of the Coastal Environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development
- (e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Section 6(a) is of primary relevance and specifically identifies the need to preserve and protect the natural character of the Coastal Environment. The extent of the Coastal Environment and areas of HNC and ONC in the PDP are consistent with those that have been identified and mapped in the RPS. Section 6(e) is also relevant given the extent of ‘General land owned by Māori’, ‘Māori customary land’ and ‘Māori freehold land’ (Māori land) identified within the Coastal Environment. Māori land accounts for approximately 16% of all land in the Far North District.

While the Coastal Environment influences many of the matters identified in section 6 of the RMA, this report is concerned with those directly relevant. Matters that are influenced by the Coastal Environment but are addressed in separate s32 reports include:

- Natural character (of wetland, lake and river margins);
- Natural features and landscapes;
- Ecosystems and indigenous biodiversity;
- Public access;
- Historical heritage; and
- Natural hazards.

The following section 7 matters are directly relevant to the Coastal Environment chapter:

- (a) Kaitiakitanga:
- (b) The efficient use and development of natural and physical resources:
- (c) The maintenance and enhancement of amenity values:
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources:
- (i) The effects of climate change

Section 8 of the RMA requires that all persons exercising functions and powers under it take into account the principles of the Treaty of Waitangi, which have been considered in the preparation of the Coastal Environment chapter.

### 3.2 Higher order planning instruments

Section 75(3) of the RMA requires district plans to give effect to higher order planning instruments – National Policy Statement (**NPS**), National Planning Standards (**Planning Standards**), and the relevant Regional Policy Statement (**RPS**). The **Section 32 Overview Report** provides a more detailed summary of the relevant RMA higher order planning instruments relevant to the PDP. The sections below provide an overview of provisions in higher order planning instruments directly relevant to the Coastal Environment chapter in the PDP.

#### 3.2.1 National Planning Standards

Section 75(3)(ba) of the RMA requires that district plans give effect to the Planning Standards. The Planning Standards were gazetted in April 2019 and the purpose is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans. The following standards and directions in the Planning Standards are of direct relevance to the Coastal Environment chapter.

In accordance with Mandatory Direction 7.28, if the district has a coastline, a *Coastal Environment* chapter must be provided that:

- a. Sets out the approach to managing the Coastal Environment and giving effect to the NZCPS.
- b. Sets out provisions for implementing the local authorities functions and duties in relation to the Coastal Environment, including coastal hazards.
- c. Provides cross-references to any other specific coastal provisions that may be located within other chapters.

The coastal hazard rules are located in the Coastal Environment chapter in accordance with the Planning Standards. The Natural Hazards chapter includes the objectives and policies that relate to coastal hazards. The section 32 assessment of all-natural hazards, including coastal hazards, is located in the Natural Hazards section 32 report.

#### 3.2.2 National Policy Statements

Section 75(3)(a) of the RMA requires that district plans give effect to any National Policy Statement, and the New Zealand Coastal Policy Statement (**NZCPS**) must be given effect to under section 75(3)(b). The table below outlines the provisions in the NZCPS are directly relevant to the Coastal Environment chapter.

NZCPS	
<b>Policy 6</b>	Activities in the Coastal Environment
<b>Policy 13</b>	Preservation of natural character

The NZCPS provides clear direction regarding the assessment and protection of the Coastal Environment. Policy 13 requires subdivision, use and development to ‘avoid’ adverse effects on areas of the Coastal Environment identified as containing ONC. In other areas of the Coastal Environment,

including areas identified as having HNC, the requirement is to avoid significant adverse effects and to avoid, remedy or mitigate other adverse effects.

The interpretation of Policy 13 in the NZCPS was made clear through the *'King Salmon'* decision. The *'King Salmon'* decision determined how policies are to be interpreted, particularly where they are directive in their intent. Policy 13(1)(a) of the NZCPS requires activities to 'avoid' adverse effects on areas identified as containing ONC. The words in the NZCPS are clear and directive. Where the word 'avoid' is used it means 'not allow' or 'prevent the occurrence of'. *'King Salmon'* states that an 'overall balancing approach' should not be used when implementing the directive policies of the NZCPS. In the case of Policy 13 an 'environmental bottom line' is created and the adverse effects cannot be balanced against positive effects through revisiting Part 2 of the RMA.

In the context of the clear direction in Policy 13, Policy 6 of the NZCPS also:

- Recognises the importance of infrastructure to the social economic and cultural well-being of people and communities.
- Encourages the consolidation of existing development to avoid sprawling or sporadic patterns of settlement and urban growth.
- Recognises the need to provide for papakāinga, marae and associated developments.

### 3.2.3 National Environmental Standards

Under section 74(1)(f) of the RMA, a district plan must be prepared in accordance with any regulations, which includes NES. Section 44A of the RMA requires local authorities to recognise NES by ensuring plan rules do not conflict with or duplicate provisions in a NES. The National Environmental Standards for Plantation Forestry 2017 (**NES-PF**) applies to any forest of at least one hectare that has been planted specifically for commercial purposes and will be harvested and provides a consistent set of regulations for plantation forestry activities. It covers 8 core plantation forestry activities, allowing these to be carried out as permitted activities, subject to conditions to manage potential effects on the environment, these are:

- Afforestation (planting new forest)
- Pruning and thinning to waste (selective felling of trees where the felled trees remain on site)
- Earthworks
- River crossings
- Forestry quarrying (extraction of rock, sand, or gravel within a plantation forest or for operation of a forest on adjacent land)
- Harvesting
- Mechanical land preparation
- Replanting.

The NES-PF recognises there may be a need for flexibility to protect sensitive local environments and provides for more stringent controls for district plans in Regulation 6, where there is a need to give effect to policies in the NZCPS, in this case Policy 13<sup>2</sup>.

### 3.2.4 Regional Policy Statement for Northland

Section 75(3) of the RMA requires district plans to 'give effect' to any RPS. The RPS was made operative on 14 June 2018. The table below outlines the provisions in the RPS that are directly relevant to the Coastal Environment chapter.

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<sup>2</sup> Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017: Regulation 6(1)(b)



<b>RPS</b>	
<b>Objective 3.14</b>	Natural character, outstanding natural features, outstanding natural landscapes and historic heritage
<b>Objective 3.15</b>	Active Management
<b>Policy 4.5.1</b>	Identification of the Coastal Environment, outstanding natural features and outstanding natural landscapes and high and outstanding natural character
<b>Policy 4.5.2</b>	Application of the Regional Policy Statement - Maps
<b>Policy 4.6.1</b>	Managing effects on the characteristics and qualities natural character, natural features and landscapes
<b>Policy 4.7.1</b>	Promote active management
<b>Policy 4.7.2</b>	Support landowner and community efforts
<b>Policy 5.1.2</b>	Development in the Coastal Environment

The RPS covers the management of natural and physical resources across the Northland Region. The provisions within the RPS give guidance at a higher planning level in terms of the significant regional issues.

In summary, the PDP approach gives effect to the relevant objectives and policies of the RPS through the following management measures:

- Providing maps in the PDP created through the regional mapping project undertaken by the NRC as part of the RPS and providing a mechanism for their change through the policy framework.
- Applying a two tiered approach to the preservation of the Coastal Environment for the protection of ONC and areas not identified as ONC.
- Enabling activities that are consistent and do not compromise the characteristics and qualities of the natural character of the Coastal Environment.
- Enable the consideration of ancestral uses that form part of the characteristics and qualities of the natural character of the Coastal Environment.
- Encourage restoration and enhancement.
- Applying methods to control any adverse effects on the characteristics and qualities of the Coastal Environment.

### 3.3 Regional Plan for Northland

Section 75(4)(b) of the RMA states that any district plan must not be inconsistent with a regional plan for any matter stated in section 30(1) of the RMA. Section 74(2)(a) of the RMA states that when preparing or changing a district plan, a territorial authority shall have regard to any proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4 of the RMA. The operative Northland Regional Plans and proposed Northland Regional Plan are summarised in the **Section 32 Overview Report**. The table below provides an overview of regional plan provisions directly relevant to the Coastal Environment chapter.

<b>Proposed Regional Plan</b>	
<b>Objective F.1.12</b>	Natural character, outstanding natural features, historic heritage and places of significance to tangata whenua

<b>Policy D.2.1</b>	Rules for managing natural and physical resources
<b>Policy D.2.17</b>	Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features
<b>Policy D.2.20</b>	Precautionary approach to managing effects on significant indigenous biodiversity and the Coastal Environment

The Proposed Regional Plan combines the operative Regional Plans (coastal, air quality, water and soil) into one plan. The provisions of the Proposed Regional Plan relating to managing natural and physical resources, natural character and the Coastal Environment will be relevant for any proposed development. The relevant objectives and policies have been taken into consideration in the drafting of the Coastal Environment chapter.

### 3.4 Iwi and Hapū Environmental Management Plans

When preparing and changing district plans, Section 74(2A) of the RMA requires Council to take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. At present there are 14 iwi planning documents accepted by Council which are set out and summarised in the **Section 32 Overview Report**.

Each plan is comprehensive and covers a range of issues of importance to the respective iwi or hapū. The plans contain statements of identity and whakapapa and identify the rohe over which mana whenua is held. The cultural and spiritual values associated with the role of kaitiaki over resources within their rohe are articulated.

The key issues in these plans that have been taken into account in the preparation of the provision for the Coastal Environment chapter are as follows:

- As kaitiaki, having responsibility in ensuring that sacred sites are protected and remain undisturbed.
- Protection of Te Tiriti and cultural rights to water bodies.
- Impacts of development on water quality and collection of kai moana.
- The ongoing damage and destruction to areas or sites with customary values which contribute to or form a part of a cultural landscape.
- The desecration of cultural landscapes and the little regard had for expert cultural advice.
- Inappropriate land use, buildings and structures compromising cultural and spiritual values.

Spiritual and cultural values are not well represented in terms of the characteristics and qualities with respect to the natural character of the Coastal Environment. The policy framework within the Coastal Environment chapter supports the consideration of ancestral relationships and use of Māori Purpose or Treaty Settlement land in an assessment of environmental effects. Furthermore, any historical, spiritual or cultural association held by tangata whenua will be included as a matter of consideration for any resource consent application.

### 3.5 Other Legislation and Policy Documents

When preparing or changing a district plan, section 74(2)(b)(i) of the RMA requires territorial authorities to have regard to management plans and strategies prepared under other Acts to the extent that it has a bearing on resource management issues of the district. The **Section 32 Overview Report** provides a more detailed overview of strategies and plans prepared under legislation that are relevant to PDP.

Several of the Community Plans held by Council reference the Coastal Environment, recognising the importance of maintaining the values of these areas within their rohe. This sentiment aligns Council's

obligation under section 6 of the RMA to preserve the natural character of the Coastal Environment and protect it from inappropriate subdivision, use, and development.

## **4 Current state and resource management issues**

This section provides an overview of the relevant context for the current approach to manage the Coastal Environment through the ODP, and key issues raised through consultation. It concludes with a summary of the key resource management issues for the Coastal Environment to be addressed through the PDP.

### **4.1 Context**

The ODP does not physically identify the extent of the Coastal Environment nor does it identify or map HNC and ONC areas. The ODP addresses the Coastal Environment through specific zones for 'urban', 'living' and 'rural' land:

- General Coastal zone (Rural)
- Coastal Living zone (Living)
- Coastal Residential zone (Urban)

The Coastal Environment chapter also includes the Russell Township zone and the South Kerikeri Inlet zone.

### **4.2 Operative District Plan approach**

#### **4.2.1 Summary of current management approach**

The management of the Coastal Environment is contained within Chapter 10 of the ODP. The objectives and policies of the ODP aim to preserve the Natural Character of the Coastal Environment and protect the landscape and visual qualities from inappropriate subdivision, use and development. It proposes to achieve this by providing for development at varying scales, relative to the zone, with a focus on controlling location, scale and design. There is an emphasis on the visual effects of built development and a list of criteria to consider when resource consent is sought.

The ODP lists a number of non-statutory methods to achieve the preservation of the Coastal Environment, including education, the development of an open space strategy and a coastal access strategy. The chapter also states that Council will promote the use of Low Impact Design principles to reduce site impermeability and provide education material to increase awareness.

The primary mechanisms for managing the Coastal Environment in the ODP are by way of rules that control:

- Visual amenity by placing restrictions upon buildings, including their size, height, colour and location
- The number of residential units per site
- The total number of people allowed on a site
- Sunlight, or height in relation to boundary controls
- Stormwater management provisions controlling the percentage of coverage of buildings and impermeable surfaces
- Setbacks from boundaries
- The keeping of animals
- Noise
- The landing of helicopters
- Papakainga housing
- Building coverage

#### 4.2.2 Limitation with current approach

The Council has reviewed the current ODP approach, which has been informed by technical advice, internal workshops and feedback from the community.

A number of limitations with the ODP approach have been identified through this process, including:

- The current approach does not identify the extent of the Coastal Environment or areas of HNC and ONC prescribed in the RPS, therefore does not give effect to the RPS.
- The provisions are not consistent with the management approach and language in the NZCPS and the RPS. Specifically, the ODP does not follow the two tier policy approach of the NZCPS and the RPS in terms of the level of protection required for ONC. This language stems from the Supreme Court's '*King Salmon*' decision, which determines how policies are to be interpreted particularly where the word 'avoid' is used.
- The ODP does not have a statutory mechanism to identify the Coastal Environment or areas of HNC or ONC, so therefore does not give effect to the RPS.
- Due to the ODP addressing the Coastal Environment through zones as opposed to an overlay the chapter loses perspective in terms of what it is managing.

### 4.3 Key issues identified through consultation

The **Section 32 Overview Report** provides a detailed overview of the consultation and engagement Council has undertaken with tangata whenua, stakeholders and communities throughout the district to inform the development of the PDP and the key issues identified through this consultation and engagement. This section provides an overview of key issues raised through consultation in relation to the Coastal Environment chapter and a summary of advice received from iwi authorities.

#### 4.3.1 Summary of issue raised through consultation

There was a reasonable level of interest in the Coastal Environment chapter from the community through consultation and engagement of the PDP. Much of the feedback simply either supported or opposed the provisions. In some of the feedback there appeared to be confusion between:

- 'natural character of the Coastal Environment' vs the 'natural character of wetland, lake and river margins'; and
- how an overlay for the Coastal Environment works compared to the ODP approach of zones for the Coastal Environment.

In terms of the more detailed feedback the following was identified through this process:

- Concern that the amenity of the Russell Township would be compromised through the new provisions, particularly with respect to density and being included within the General Residential provisions.
- Further clarification on how areas of HNC and ONC were identified and what constitutes them.
- Feeling that buildings and structures rule in areas identified as HNC was onerous and could potentially be considered as a restricted discretionary activity.
- Better integration between the Coastal Environment chapter and the underlying zones ensuring there is consistency.
- Feedback challenged the extent of the Coastal Environment line and areas of HNC and ONC in the RPS.
- Better integration with the Earthworks and Ecosystems and Indigenous Biodiversity chapters to ensure consistency.
- Better recognition of the role of regional or critical infrastructure in accordance with the NZCPS and RPS.

In response to the above:

- The Russell Township was proposed to be included within the General Residential provisions. The General Residential zone included specific rules with respect to Russell Township and Long Bay and also relied on other chapters in the plan, such as the Coastal Environment and Heritage chapters for additional regulation. The special Russell Township zone has been reinstated and will only be controlled by the Coastal Environment chapter in terms of natural character as it is now an overlay.
- The mapping of HNC and ONC was done through the regional mapping project undertaken by the NRC. The characteristics and qualities attributed to these areas will be linked through the PDP maps and made available through the appendices.
- The provisions for the Coastal Environment were considered and are supported through a report prepared by Melean Absolum Limited.
- The underlying zone rules provide the basis for subdivision, use and development. The Coastal Environment overlay may then apply additional restrictions to those that are stated for the underlying zone. The more restrictive provisions will apply.
- The extent of the Coastal Environment and areas of HNC and ONC went through a recent public schedule 1 RMA process for the RPS. No further assessments have been undertaken or presented to challenge the existing mapping, as such Council will give effect to the RPS, as it is required to do.
- References are made within the Earthworks and Ecosystems and Indigenous Biodiversity chapters to alert provisions controlling the same matters in the Coastal Environment chapter.
- Within policy CE-P11 recognition is given to the functional need for any regionally significant or critical infrastructure in any assessment of a discretionary or non-complying activity. Thresholds are applied to buildings and structures inside and outside the urban environment and in areas identified as HNC or ONC. Further, the maintenance and repair of network utilities is a permitted activity in CE-R2, where this is not achieved the activity is provided for as a discretionary activity. These thresholds and provisions are supported by the report prepared by Melean Absolum Limited. It is considered that appropriate provision has been made for infrastructure in the context of the preservation and protection requirements in the RMA, NZCPS and the RPS.

#### 4.3.2 Summary of advice from iwi authorities

Section 32(4A)(a) of the RMA requires that evaluation reports include a summary of advice on a proposed plan received from iwi authorities. The **Section 32 Overview Report** provides an overview of the process to engage with tangata whenua and iwi authorities in the development of the PDP and key issues raised through that process. Ten pieces of feedback were received in relation to the Coastal Environment chapter. In summary the feedback identified:

- The majority of marae in Council are on low lying coastal areas and our people are being pushed out of being able to afford to live where they are from.
- The Coastal Environment provisions should include the preservation of the relationship of tangata whenua to their Coastal Environment.
- Add new provisions that address land use and subdivision in the Coastal Environment taking into account historic heritage, cultural values and the importance to tangata whenua.
- There are ongoing conflicts between the protection regime of the Coastal Environment and the many landholdings owned by Māori near the coast and their dreams and aspirations to promote land use and development.
- Policy 6(d) of the NZCPS notes that papakainga, marae and associated developments should have appropriate provision for them. A new policy and rules should be applied to these uses in the Coastal Environment.
- Ngati Kuta supports plantation forestry requiring resource consent in the Coastal Environment. Ngati Kuta are proudly pro-native flora and fauna.

- Ngati Kuta supports controls on design, size, and colour in their coastal and sensitive environments that help development to blend into the natural and native surrounds to reduce visual impacts from the land and sea. Ngati Kuta also support the restriction of development above the skyline / ridges, development on prominent headlands and the appropriate provision of landscape planning to accompany resource consent applications.

Section 3.4 above provided a summary of the key concerns and issues raised in hapū and iwi environmental management plans.

Section 5 of this report outlines how the proposed management approach responds to this advice in accordance with section 32(4A)(b) of the RMA.

#### 4.4 Summary of resource management issues

Coastal management has been identified as a 'Significant Resource Management Issue' (SRMI) in the development of the PDP.

##### **Coastal management**

*There is a conflict between the need to preserve and protect the natural character of the Coastal Environment and provide for appropriate land use, subdivision and access to and along the Coastal Environment. A continued pattern of settlement near the coast has placed additional pressure on coastal resources and amenity. Development in coastal areas has exacerbated the risk to people, property and infrastructure, particularly from the effects of natural hazards and climate change.*

The Coastal Environment will influence a number of other chapters in the PDP. In addition to preserving and protecting the natural character of the Coastal Environment, the SRMI for Coastal management directly identifies public access, infrastructure, natural hazards and climate change. These matters are addressed in other chapters of the PDP and supported by the relevant section 32 analysis.

Based on the analysis of relevant context, current management approach, and feedback from consultation, the key resource management issues for the Coastal Environment to be addressed through the PDP are that:

- Appropriate measures are in place to ensure that subdivision, use and development do not adversely affect the characteristics and qualities contributing to the natural character of the Coastal Environment.
- Appropriate protection is given to ONC and areas falling outside of ONC in the Coastal Environment, in accordance with the policy framework instructed by higher order statutory documents.
- Appropriate land use and activities are provided for within the provisions, while ensuring adequate protection for the natural character of the Coastal Environment.
- The characteristics and qualities in the Coastal Environment within Māori Purpose zoned land and Treaty Settlement land needs to be considered in terms of ancestral use of that land.
- Earthworks and indigenous vegetation clearance are managed to ensure it is only enabled in limited circumstances and is linked to other overlay provisions in the PDP to ensure protection. Noting that earthworks and indigenous vegetation clearance in this chapter is amenity related.

## 5 Proposed District Plan Provisions

The proposed provisions are set out in the Coastal Environment chapter of the PDP. These provisions should be referred to in conjunction with this evaluation report.

### 5.1 Strategic Objectives

The PDP includes a strategic direction section which is intended as high level direction for the PDP and guidance on how best to implement the Council's community outcomes set out in Far North 2100 and its Long Term Plan. The strategic objectives of direct relevance to the Coastal Environment chapter are:

Cultural prosperity:

- Objective 2: Te ao Māori, tikanga Māori and tangata whenua as kaitiaki, embedded in and integral to decision making.

Social prosperity:

- Objective 1: Community wellbeing is heightened by a sense of place.

Environmental prosperity:

- Objective 2: Collaborative relationships with iwi and hapū in order to support tangata whenua to carry out their obligation and responsibility as kaitiaki.
- Objective 6: The natural character of the coastal environment and outstanding natural features and landscapes are managed to ensure their long-term protection for future generations.

### 5.2 Proposed Management Approach

This section provides a summary of the proposed management approach for the Coastal Environment chapter focusing on the key changes from the ODP. The **Section 32 Overview Report** outlines and evaluates general differences between the PDP provisions and ODP, includes moving from an effects-based plan to a 'hybrid plan' that includes effects and activities-based provisions and an updated plan format and structure to align with the Planning Standards.

The main changes in the management approach for Coastal Environment chapter are:

- A change in how the Coastal Environment is identified. Instead of utilising 'coastal zones' an overlay is proposed in line with the identification of the Coastal Environment in the RPS to sit over underlying zones.
- Identification of HNC and ONC in accordance with the NZCPS and as mapped in the RPS.
- A mechanism to add or amend the Coastal Environment, HNC and ONC on the PDP maps and schedules where accompanied by an assessment in accordance with the mapping methods and criteria in the PDP appendices and schedules.
- Changes in language used within the provisions to give effect to higher order planning documents. This stems from the Supreme Court's '*King Salmon*' decision, which determines how policies are to be interpreted particularly where the word 'avoid' is used. The PDP will follow the two tier policy approach of the NZCPS and the RPS for the protection of ONC and areas not identified as ONC.
- A change in the management of plantation forestry as a result of the introduction of the NES-PF. The standard allows Council to set a higher restriction with respect to afforestation within the Coastal Environment in relation to Policy 13 of the NZCPS.
- A change in the way Council provides for the enablement of the development and use of Māori land. The proposed provisions better recognise Council's obligation to provide for the relationship Māori have with their ancestral lands.



- Changes in thresholds and activities provided for in line with the higher order planning documents, case law and a landscape report prepared by Melean Absolum Limited (**Appendix 1**).
- Provisions that align with the ‘hybrid approach’ of the PDP that focuses more on activity based rules compared to the effects based approach in the ODP.

The sections below provide a high-level summary of the objectives, policies, and rules and other methods for the Coastal Environment chapter.

### 5.3 Summary of proposed objectives and policies

This section provides a summary of the proposed objectives and provisions which are the focus of the section 32 evaluation in section 7 and 8 of this report.

#### 5.3.1 Summary of objectives

The proposed management approach for the Coastal Environment includes objectives that seek to ensure the long term preservation and protection of the natural character of the Coastal Environment, land use is consistent with the surrounding environment, development is consolidated around existing settlements and recognises tangata whenua’s needs for ancestral use of their land.

#### 5.3.2 Summary of provisions

For the purposes of section 32 evaluations, ‘provisions’ are the *“policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change”*.

The proposed management approach for the Coastal Environment chapter includes policies that:

- Enable the identification of the Coastal Environment, HNC and ONC in accordance with mapping methods and criteria. This policy also recognises that the RPS has made provision for the mapped Coastal Environment, HNC and ONC to be changed at any time (using the Schedule 1 process), provided any changes are consistent with the attributes and criteria listed in Appendix 1 of the RPS<sup>3</sup>.
- Applies a two tier approach to the protection of ONC and the natural character of the Coastal Environment outside areas identified as ONC, in accordance with the NZCPS and the RPS.
- Enables land use and development in urban zones where serviced by adequate development infrastructure.
- Enable forms of primary production, where the use forms part of the values that established the natural character of the Coastal Environment.
- Make provision for the consideration of ancestral use of Māori land in the identification of the characteristics and qualities that make up the natural character of the Coastal Environment. The approach accepts that these relationships form part of the characteristics and qualities that contribute to the values of that land.
- Encourage restoration and enhancement of the natural character of the Coastal Environment.
- Prohibits land use that would result in the loss or destruction of the characteristics and qualities in ONC.
- Manages land use and subdivision in coastal hazard areas (This is considered and addressed in the Natural Hazards s32, but the rules are located in the Coastal Environment chapter in accordance with the Planning Standards).
- Provides a list of relevant matters for consideration when applying for consent.

The proposed management approach for the Coastal Environment chapter includes rules and standards that:

- Enable limited buildings and structures, and extensions to lawfully established buildings and structures as a permitted activity. Otherwise, buildings and structures require consent as a

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<sup>3</sup> Regional Policy Statement for Northland 2016: Method 4.5.4(2)



discretionary or non-complying activity depending on whether they are located within an ONC.

- Enable the demolition of buildings and structures.
- Enable the repair and maintenance of legally established activities.
- Enable limited earthworks and indigenous vegetation clearance to support the repair and maintenance of legally established activities, powerlines, public health and safety, biosecurity and the sustainable non-commercial harvest of plant materials for Rongoa Māori.
- Enable farming outside of HNC and ONC. Where farming is proposed inside HNC or ONC consent is required as a discretionary or non-complying activity respectively.
- Provide for plantation forestry by way of consent where it is located outside of ONC.
- Provide for the extension of quarries and mines by way of consent where it is located outside ONC.
- Apply non-complying activity status to new buildings and structures (excluding those ancillary to primary production) inside ONC.
- Prohibit new quarries, mining, land fill, managed fill and clean fill.
- Apply height limits to buildings or structures provided for within the rules.
- Apply colour and material standards for buildings and structures.
- Apply standards and thresholds for earthworks and indigenous vegetation clearance.

### 5.3.3 Responding to advice from iwi authorities

Section 32(4A) of the RMA requires evaluation reports to summarise advice received from iwi authorities on a proposed plan and the response to that advice, including any provisions that are intended to give effect to the advice. Section 4.3.2 of this report provides a summary of advice received from iwi authorities on the Coastal Environment chapter.

Te Runanga O Ngāti Rēhia provided feedback on the Draft District Plan Coastal Environment chapter. In short Te Runanga O Ngāti Rēhia provided the following feedback:

- *The majority of marae in FNDC are on low lying coastal areas and our people are being pushed out of being able to afford to live where they are from.* The natural character of the Coastal Environment requires Council to introduce provisions to ensure its preservation and protection. Provision has been made within the Coastal Environment chapter to incorporate consideration of the use of Māori Purpose zoned land and Treaty Settlement land in the Coastal Environment, where land use and subdivision is consistent with the ancestral use of that land and does not compromise any identified characteristics and qualities.
- *The Coastal Environment provisions should include the preservation of the relationship of tangata whenua to their Coastal Environment.* Objective 2 in the Coastal Environment chapter has now been amended to include the recognition of tangata whenua needs for ancestral use of whenua Māori. Further, a new policy has been introduced to provide for the use of Māori Purpose zoned land and Treaty Settlement land in the Coastal Environment where land use and subdivision is consistent with the ancestral use of that land and does not compromise any identified characteristics and qualities.

Te Runanga O Te Rarawa provided feedback on the Draft District Plan Coastal Environment chapter, which it supported in principle. In short Te Runanga O Ngāti Rēhia provided the following feedback:

- *Add new provisions that address land use and subdivision in the Coastal Environment taking into account historic heritage, cultural values and the importance to tangata whenua.* Objective 2 in the Coastal Environment chapter has now been amended to include the recognition of tangata whenua needs for ancestral use of whenua Māori. Further, a new policy has been introduced to provide for the use of Māori Purpose zoned land and Treaty Settlement land in the Coastal Environment where land use and subdivision is consistent with

the ancestral use of that land and does not compromise any identified characteristics and qualities.

Kahukuraariki, Matauri X, Ngati Kuri, Ngai Takoto, Whaingaroa, Ngati Kuta, Te Aupori have provided the following feedback on the Draft District Plan Coastal Environment chapter:

- *There are ongoing conflicts between the protection regime of the Coastal Environment and the many landholdings owned by Māori near the coast and their dreams and aspirations to promote land use and development.* The preservation and protection of the natural character of the Coastal Environment is a requirement under section 6 of the RMA. Objective 2 in the Coastal Environment chapter has now been amended to include the recognition of tangata whenua needs for ancestral use of whenua Māori. Further, a new policy has been introduced to provide for the use of Māori Purpose zoned land and Treaty Settlement land in the Coastal Environment where land use and subdivision is consistent with the ancestral use of that land and does not compromise any identified characteristics and qualities.
- *Notwithstanding the above, the current District Plan contains the Integrated Development rule which provides the opportunity and scope for the various layers of regulation found in the Coastal Environment to be considered against a range of factors that are associated with Māori land development. In our reading of the proposed Plan, there is no such mechanism which recognises those difficulties and provides the opportunity for Council to consider development within these coastal areas.* It is unclear what is meant by the 'integrated development' rule. However, Objective 2 in the Coastal Environment chapter has now been amended to include the recognition of tangata whenua needs for ancestral use of whenua Māori. Further, a new policy has been introduced to provide for the use of Māori Purpose zoned land and Treaty Settlement land in the Coastal Environment where land use and subdivision is consistent with the ancestral use of that land and does not compromise any identified characteristics and qualities.

Ngati Kuta have provided the following feedback on the Draft District Plan Coastal Environment chapter:

- *There are ongoing conflicts between the protection regime of the Coastal Environment and the many landholdings owned by Māori near the coast and their dreams and aspirations to promote land use and development.* The preservation and protection of the natural character of the Coastal Environment is a requirement under section 6 of the RMA. Objective 2 in the Coastal Environment chapter has now been amended to include the recognition of tangata whenua needs for ancestral use of whenua Māori. Further, a new policy has been introduced to provide for the use of Māori Purpose zoned land and Treaty Settlement land in the Coastal Environment where land use and subdivision is consistent with the ancestral use of that land and does not compromise any identified characteristics and qualities.
- *Policy 6(d) of the NZCPS notes that papakainga, marae and associated developments should have appropriate provision for them. A new policy and rules should be applied to these uses in the Coastal Environment.* A new policy has been introduced to provide for the use of Māori Purpose zoned land and Treaty Settlement land in the Coastal Environment where land use and subdivision is consistent with the ancestral use of that land and does not compromise any identified characteristics and qualities.
- *Create a new rule to provide for papakainga, marae and associated development in alignment with the NZCPS.* The rules for buildings and structures are considered the most appropriate way to provide for all development while giving effect to the NZCPS and are supported in the report prepared by Melean Absolum Ltd.
- *Retain CE-R6 - Ngati Kuta supports plantation forestry requiring resource consent in the Coastal Environment. Ngati Kuta are proudly pro-native flora and fauna.* Acknowledged, provision has been retained but renumbered CE-R6.

- *Ngati Kuta supports controls on design, size, and colour in their coastal and sensitive environments that help development to blend into the natural and native surrounds to reduce visual impacts from the land and sea. We also support the restriction of development above the skyline / ridges, development on prominent headlands and the appropriate provision of landscape planning to accompany resource consent applications.* Acknowledged, these provisions have been retained.

Te Runanga o Whaingaroa - Te Ukaipo have provided the following feedback on the Draft District Plan Coastal Environment chapter:

- *There are ongoing conflicts between the protection regime of the Coastal Environment and the many landholdings owned by Māori near the coast and their dreams and aspirations to promote land use and development.* The preservation and protection of the natural character of the Coastal Environment is a requirement under section 6 of the RMA. Objective 2 in the Coastal Environment chapter has now been amended to include the recognition of tangata whenua needs for ancestral use of whenua Māori. Further, a new policy has been introduced to provide for the use of Māori Purpose zoned land and Treaty Settlement land in the Coastal Environment where land use and subdivision is consistent with the ancestral use of that land and does not compromise any identified characteristics and qualities.
- *Policy 6(d) of the NZCPS notes that papakainga, marae and associated developments should have appropriate provision for them. A new policy and rules should be applied to these uses in the Coastal Environment.* A new policy has been introduced to provide for the use of Māori Purpose zoned land and Treaty Settlement land in the Coastal Environment where land use and subdivision is consistent with the ancestral use of that land and does not compromise any identified characteristics and qualities.
- *Create a new rule to provide for papakainga, marae and associated development in alignment with the NZCPS.* The rules for buildings and structures are considered the most appropriate way to provide for all development while giving effect to the NZCPS and are supported in the report prepared by Melean Absolum Ltd.
- *Retain CE-R6 – Support for plantation forestry requiring resource consent in the Coastal Environment.* Acknowledged, provision has been retained but renumbered CE-R6.

Ngāti Kuri have provided the following feedback on the Draft District Plan Coastal Environment chapter:

- *The proposed Plan leans on a number of predecessor processes such as that associated with the Northland Regional Plan, Outstanding Natural Landscapes and Features, SNA's, Outstanding and High Natural Character to all create a narrative that is ostensibly for us. Outstanding landscape provisions are overlaid across our land with little or no cultural narrative from Ngāti Kuri. We are then expected to be subject to the narrative of others who have no historical or cultural connection to this land.* The preservation and protection of the natural character of the coastal environment and the protection of ONL and ONF is a requirement under section 6 of the RMA. These areas were mapped by the RPS in 2016 and the FNDC are required to give effect to this document. It is acknowledged that there is a deficiency of Maori input into this mapping project. Objective 2 in the Coastal environment chapter has now been amended to include the recognition of tangata whenua needs for ancestral use of whenua Maori. Further, a new policy has been introduced to provide for the use of Māori Purpose zoned land and Treaty Settlement land in the coastal environment where land use and subdivision is consistent with the ancestral use of that land and does not compromise any identified characteristics and qualities.

Matauri X Incorporation have provided the following feedback on the Draft District Plan Coastal Environment chapter:

- MXI consists of a number of landholdings located directly adjacent to and adjoining the area well known as Matauri Bay. The landholdings are managed by the Proprietors of Matauri X Incorporation, which includes 7 Committee of Management membership. The legal description of the property is Lot 186 — 188, 190 & 193 DP 393364 and is held under ROT 374728 and Lot 1 & 2 DP 74547 held under NAI00C/610. A copy of the Record of Title is attached and Attachment 2. The land is confirmed as Maori Freehold Title. MXI land is covered in a diverse range of vegetation from areas of substantial native bush through to exotic pine, wetlands and coastline areas. The site contains a number of papakainga dwellings, local church, campground and the Rainbow Warrior Monument. The most recent iteration of sites was created in 2008 and originated from several resource consent applications. These applications have resulted in instruments being attached to the title, such as; forestry rights, amalgamations, restrictive land covenants, Nga Whenua Rahui covenants, reserves and caveats. Overlain is the current District Plan regime. The site is 'split zoned' and includes land subject to the General Coastal, Coastal Living, Coastal Residential and Recreational Activities zones. Coastal flood hazards are recognised as impacting the site as well as areas of erosion prone land. A verified hazardous site is also located at/near the existing campground. The Northland Regional Council current considers the site as being within the Coastal Environment, with parts of the site being covered in areas of High Natural Character and Outstanding Landscapes. The site is subject to a number of Protected Natural Areas as mapped by the Department of Conservation. Nga Whenua Rahui covenanted areas also exist within and outside of these mapped protected areas. The area is relatively dense with archaeology given its historical maori occupation. A series of screenshots from various NRC and FNDC mapping systems are provided in Attachment 3. The purpose of highlighting these existing natural and legal constraints is to portray the existing range of environmental regulation that already applies to the landholdings to compare and contrast how the Proposed Far North District Plan will affect MXI with respect to the following specific activities: 50+ house papakainga development, viticulture, agriculture, apiculture, tourism, horticulture and associated buildings to support these. Access to water and carrying out activities using water. Giving effect to kaitiakitanga. The preservation and protection of the natural character of the coastal environment and the protection of ONL and ONF is a requirement under section 6 of the RMA. These areas were mapped by the RPS in 2016 and the FNDC are required to give effect to this document. It is acknowledged that there is a deficiency of Maori input into this mapping project. Objective 2 in the Coastal environment chapter has now been amended to include the recognition of tangata whenua needs for ancestral use of whenua Maori. Further, a new policy has been introduced to provide for the use of Māori Purpose zoned land and Treaty Settlement land in the coastal environment where land use and subdivision is consistent with the ancestral use of that land and does not compromise any identified characteristics and qualities.*

## **6 Approach to Evaluation**

### **6.1 Introduction**

The overarching purpose of section 32 of the RMA is to ensure all proposed statements, standards, regulations, plans or changes are robust, evidence-based and are the most appropriate, efficient and effective means to achieve the purpose of the RMA. At a broad level, section 32 requires evaluation reports to:

- Examine whether the objectives in the proposal are the most appropriate to achieve the purpose of the RMA.
- Examine whether the provisions are the most appropriate way to achieve the objectives through identifying reasonably practicable options for achieving the objectives and assessing

the efficiency and effectiveness of the provisions, including an assessment of environmental, economic, social and cultural benefits and costs.

These steps are important to ensure transparent and robust decision-making and to ensure stakeholders and decision-makers can understand the rationale for the proposal. There are also requirements in section 32(4A) of the RMA to summarise advice received from iwi authorities on the proposal and the response to that advice through the provisions

## 6.2 Evaluation of scale and significance

Section 32(1)(c) of the RMA requires that evaluation reports contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal. This step is important as it determines the level of detail required in the evaluation of objectives and provisions so that it is focused on key changes from the status quo.

The scale and significance of the environmental, economic, social and cultural effects of the provisions for the Coastal Environment chapter are evaluated in the table below.

Criteria	Comment	Assessment
Raises any principles of the Treaty of Waitangi	The principles of partnership, participation and protection have been taken into consideration in the drafting of the PDP provisions. Development within the Coastal Environment has the potential to generate adverse environmental and cultural effects on a range of Section 6 RMA matters as outlined in Section 3.1 of this report. The potential for this however has been reduced with the strengthening of provisions, which are supported by the NZCPS and the RPS. The Coastal Environment overlay strengthens a number of other chapters in the PDP such as the Natural features and landscapes and Ecosystems and indigenous biodiversity chapters affording further protection. It is acknowledged however that the provisions impact the ability for tangata whenua to undertake development on their land. The provisions aim to better recognise the ancestral relationships tangata whenua have with the land through specific provisions recognising tangata whenua needs for ancestral use of whenua Māori.	Medium
Degree of change from the Operative Plan	While the intent of the Coastal Environment chapter in the ODP and PDP are similar, the methods of preservation and protection in the PDP will be much different. The RPS has identified the extent of the Coastal Environment as well as areas of HNC and ONC, none of which have been identified before. The coastal zones in the ODP will be replaced by overlays for the Coastal Environment, HNC and ONC. There is also a shift in relation to the policy framework and management of the natural character of the	High

Criteria	Comment	Assessment
	Coastal Environment in the PDP as a result of case law, specifically the ' <i>King Salmon</i> ' decision. As a result, where ONC are identified adverse effects must be 'avoided'. Building thresholds as well as vegetation thresholds have changed in the PDP to reflect the change in higher order policy direction and the report prepared by Melean Absolum Ltd. Amendments have also been made to reflect the Planning Standards and electronic plan format, as well as the required alignment with the RPS.	
Effects on matters of national importance	The preservation and protection of the natural character of the Coastal Environment is a matter of national importance. There are multiple matters in section 6 of the RMA that overlap and are influenced by this PDP chapter. These matters and resultant overlays will ensure heightened protection and management where subdivision, use and development are undertaken in the Coastal Environment. The provisions that relate to the Coastal Environment chapter ensure the characteristics and qualities that are attributed to their natural character are protected, and the effects are managed in accordance with higher order statutory documents.	High
Scale of effects – geographically (local, district wide, regional, national).	The PDP approach is markedly different to that applied in the ODP, with a change from identifying the Coastal Environment through zones to delineating the Coastal Environment through an overlay. Furthermore, areas of HNC and ONC are now identified and afforded protection in line with the NZCPS and the RPS. The protection regime is also more stringent to that in the ODP. The geographic extent of the Coastal Environment covers approximately 12% of the Far North District, which is marginally greater than that in the ODP (approximately 10% for Coastal Residential, Coastal Living, General Coastal, Russell Township and South Kerikeri Inlet zones).	Low
Scale of people affected – current and future generations (how many will be affected – single landowners, multiple	The scale of people affected by the proposed changes will generally be limited to current and future landowners, and as identified the geographical extent of the Coastal Environment has only increased marginally. The mapping of the Coastal Environment and areas of HNC and ONC makes it clear to landowners and plan users	Low

Criteria	Comment	Assessment
landowners, neighbourhoods, the public generally, future generations?).	what areas are affected by the provisions in the Coastal Environment chapter. While the provisions are more restrictive in some instances to ensure effect is given to higher order statutory documents, it will ensure appropriate protection to ensure the natural character of the Coastal Environment is protected for future generations.	
Scale of effects on those with specific interests, e.g., Tangata Whenua	As highlighted above the Coastal Environment provisions are in some instances more restrictive than those currently in the ODP. The changes proposed will be of interest to all landowners including tangata whenua. The ability to undertake development will likely be more difficult than it is currently, despite specific provisions being afforded to the consideration of cultural and ancestral use of Māori land. While the added protection is the result of higher order statutory direction, it will have an increased effect on landowners within the Coastal Environment, in particular where HNC and ONC are identified on their property.	Medium
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	Overall, the PDP approach aligns with the Planning Standards and the RPS, with many of the changes attributed to the more recent mapping done for the RPS and its policy framework. Any assessment undertaken for the Coastal Environment follows the same criteria as that within the RPS, making the approach consistent and easy to understand.	Low

### 6.3 Summary of scale and significance assessment

While the various matters are considered to be of high, medium and low significance, overall the scale and significance of the effects from the proposal is assessed as being medium. Consequently, a medium level of detail is appropriate for the evaluation of the objectives and provisions for the Coastal Environment chapter in accordance with section 32(1)(c) of the RMA. This evaluation focuses on key changes in the proposed management approach from the ODP - changes to reflect new national and regional policy direction are also included in the evaluation in section 7 and 8 below.

## 7 Evaluation of Objectives

Section 32(1)(a) of the RMA requires that the evaluation report examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. The assessment of the appropriateness of the objectives for the Coastal Environment chapter is against four criteria to test different aspects of ‘appropriateness’ as outlined below.

Criteria	Assessment
Relevance	<ul style="list-style-type: none"> <li>• Is the objective directly related to a resource management issue?</li> <li>• Is the objective focused on achieving the purpose of the RMA?</li> </ul>
Usefulness	<ul style="list-style-type: none"> <li>• Will the objective help Council carry out its RMA functions?</li> <li>• Does the objective provide clear direction to decision-makers?</li> </ul>
Reasonableness	<ul style="list-style-type: none"> <li>• Can the objective be achieved without imposing unjustified high costs on Council, tangata whenua, stakeholders and the wider community?</li> </ul>
Achievability	<ul style="list-style-type: none"> <li>• Can the objective be achieved by those responsible for implementation?</li> </ul>

Section 32 of the RMA encourages a holistic approach to assessing objectives rather than necessarily looking each objective individually. This recognises that the objectives of a proposal generally work inter-dependently to achieve the purpose of the RMA. Where appropriate the objectives have been grouped in the evaluation below.

## 7.1 Evaluation of existing objectives

The objectives below are the overarching objectives for the Coastal Environment. While each of the coastal zones have their own set of objectives, they are all derivatives of those identified below.

### Objective(s):

**10.3.1** To manage coastal areas in a manner that avoids adverse effects from subdivision, use and development. Where it is not practicable to avoid adverse effects from subdivision use or development, but it is appropriate for the development to proceed, adverse effects of subdivision use or development should be remedied or mitigated.

**10.3.2** To preserve and, where appropriate in relation to other objectives, to restore, rehabilitate protect, or enhance:

(a) the natural character of the coastline and Coastal Environment;

(b) areas of significant indigenous vegetation and significant habitats of indigenous fauna;

(c) outstanding landscapes and natural features;

(d) the open space and amenity values of the Coastal Environment;

(e) water quality and soil conservation (insofar as it is within the jurisdiction of the Council).

**10.3.3** To engage effectively with Māori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.

**10.3.4** To maintain and enhance public access to and along the coast whilst ensuring that such access does not adversely affect the natural and physical resources of the Coastal Environment, including Māori cultural values, and public health and safety.

**10.3.5** To secure future public access to and along the coast, lakes and rivers (including access for Māori) through the development process and specifically in accordance with the Esplanade Priority Areas mapped in the District Plan.

**10.3.6** To minimise adverse effects from activities in the Coastal Environment that cross the coastal marine area boundary.

**10.3.7** To avoid, remedy or mitigate adverse effects on the environment through the provision of adequate land-based services for mooring areas, boat ramps and other marine facilities.

**10.3.8** To ensure provision of sufficient water storage to meet the needs of coastal communities all year round.

**10.3.9** To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.



<b>Relevance</b>	These objectives are relevant in that they generally address most key resource management issues. These objectives also cover a broad range of resource management issues stemming from section 6 of the RMA that are addressed in separate chapters of the PDP in accordance with the Planning Standards. However, the language used in the existing objectives is not entirely consistent with that used in the higher-level statutory documents such as the NZCPS and the RPS. Both of these documents make it clear what the test is in terms of protection for both HNC and ONC, which are not identified in the ODP.
<b>Usefulness</b>	While the objectives will assist Council carry out its RMA functions the language used in the ODP is not entirely consistent with that used in the higher order statutory documents such as the NZCPS and the RPS. Further, the absence of recognition for HNC and ONC identified through the RPS leaves a significant gap in terms of giving effect to relevant higher order statutory documents in accordance with the RMA.
<b>Reasonableness</b>	Costs associated with implementation will be generated by the requirement to apply for consent (on any future developer) and monitoring (on Council). While approximately 12% of land in the Far North is identified as being within the Coastal environment, it is considered that the proposed objectives do not result in any unjustifiable costs, given the requirement to preserve and protect.
<b>Achievability</b>	It is considered that the objectives may struggle to achieve what they intend to given the language used is inconsistent with that used in the higher statutory documents, the identification of the Coastal Environment is different, and areas have now been identified through the RPS as containing HNC and ONC, which will make effective implementation difficult.
<b>Overall evaluation</b>	
The intent of these objectives is appropriate, however the language used is no longer appropriate or in line with the higher order statutory documents. Further, they do not go far enough to protect HNC or ONC. The broad spectrum of matters covered in this chapter is no longer appropriate in terms of the requirements of the Planning Standards.	

## 7.2 Evaluation of proposed objectives

<b>Objective(s):</b>	
<p><b>CE-O1</b> The natural character of the Coastal Environment is identified and managed to ensure its long-term preservation and protection for future generations.</p> <p><b>CE-O2</b> Subdivision, use and development in the Coastal Environment:</p> <ol style="list-style-type: none"> <li>a. preserves the characteristics and qualities of the natural character of the Coastal Environment;</li> <li>b. is consistent with the surrounding land use;</li> <li>c. does not result in urban sprawl occurring outside of urban zones;</li> <li>d. promotes restoration and rehabilitation; and</li> <li>e. recognises tangata whenua needs for ancestral use of whenua Māori.</li> </ol>	
<b>Relevance</b>	<p>Objectives CE-O1, and CE-O2 are directly related to achieving section 6(a) of the RMA, which states that preserving the natural character of the Coastal Environment and protecting it from inappropriate subdivision, use, and development is a matter of national importance.</p> <p>These objectives have been developed in cognisance with the environmental bottom lines set by NZCPS and RPS. These environmental bottom lines have been reinforced by case law and are considered appropriate in achieving the sustainable management purpose of the RMA (section 5) for the following reasons:</p> <p>The outcome sought in objective CE-O1 is to identify the extent of the natural character of the Coastal Environment and articulate the characteristics and qualities that are attributed to any identified areas containing either HNC and ONC. The process of</p>

	<p>mapping the Coastal Environment, HNC and ONC has primarily been undertaken by the NRC through their regional mapping project and taken through the RMA Schedule 1 process for the RPS. Any changes to the identification and mapping of the Coastal Environment, HNC or ONC will need to be undertaken by a suitably qualified professional which will include articulating the characteristics and qualities that are attributed to its natural character. This will enable communities to understand what is being protected, why it is being protected and where it is being protected. This coupled with the more tailored management of the Coastal Environment outlined in objectives CE-02 and CE-03 will enable their protection and meet the reasonably foreseeable needs of future generations in terms of this resource. The outcome sought in objective CE-02 seeks to provide for appropriate subdivision, use and development within the Coastal Environment, including those areas identified as HNC and ONC.</p> <p>The objectives address the SRMI identified in the PDP as they are ensuring that the natural character of the Coastal Environment is preserved and protected. They do provide for activities that have a lesser impact on the Coastal Environment ensuring that those activities are consistent with existing use and the existing characteristics and qualities. The objectives also address the tangata whenua partnerships SRMI in so far that it promotes awareness and recognises tangata whenua needs for ancestral use of whenua Māori.</p>
<b>Usefulness</b>	These objectives are useful in providing direction in terms of the identification and management of the natural character of the Coastal Environment, further CE-02 provides consideration of matters for any potential development. These objectives will help Council carry out its RMA functions and provide clear direction both to plan users and decision makers and help achieve the intended purpose of the chapter.
<b>Reasonableness</b>	Costs associated with implementation will be generated by the requirement to apply for consent (on any future developer) and monitoring (on Council). While approximately 12% of land is identified as being within the Coastal Environment it is considered that the proposed objectives do not result in any un-justifiable costs, given the characteristics and qualities that need to be protected in the Coastal Environment.
<b>Achievability</b>	It is considered that the objectives can be achieved, are consistent with higher order statutory documents and are sufficient to achieve the purpose of the RMA.
<b>Overall evaluation</b>	
<p>The objectives address the resource management issues relevant to the preservation and protection of the Coastal Environment, while also providing for the consideration of land use activities where they are consistent with the surrounding land use. The objectives have been developed in cognisance of the policy framework within the NZCPS and RPS. The objectives set the outcomes anticipated in the chapter in a way that is consistent with the plan structure required by the Planning Standards.</p>	

<b>Objective:</b>	
CE-03 Subdivision, use and development in the Coastal Environment within urban zones is of a scale that is consistent with existing built development.	
<b>Relevance</b>	<p>The outcome sought in objective CE-03 is to enable appropriate subdivision, use and development within the Coastal Environment where the land is zoned urban. 'Urban' is defined in the PDP and includes land zoned General Residential, Mixed Use or Light Industrial that currently has adequacy and capacity of available development infrastructure or is signalled to receive at a minimum reticulated wastewater infrastructure, in the Long Term Plan or the 30 Year Infrastructure Strategy. Of note is the exclusion of land zoned Heavy Industrial, the reason being that in some parts of the District the Heavy Industrial zone may not have access to, or be programmed to receive, adequate development infrastructure.</p> <p>Urban zones by their very nature are not fundamentally natural and generally contain</p>

	<p>high percentages of impervious surfaces and hard infrastructure. Therefore, it is not anticipated or generally considered appropriate to identify or locate areas of HNC or ONC in urban zones. There are however some instances across the district where they are present where development has not occurred. The NZCPS applies the same test for identifying and managing ONC and HNC regardless of whether the location is urban or not. Both the NZCPS and the RPS promote the consolidation of urban areas to avoid sprawl and concentrate development in areas where the natural character of the Coastal Environment has already been compromised. It is considered appropriate that the PDP differentiates the urban environment from rural as they do not have the same characteristics and should not be subject to the same rules or land use restrictions in a district plan.</p> <p>Providing for development in urban zones addresses a number of Council's SRMI other than that of coastal management. Enabling urban development in areas serviced by Council approved wastewater reticulated services also addresses issues around affordable infrastructure and urban sustainability. Enabling development in urban zones aligns with the direction in both the NZCPS and the RPS in providing for planned and coordinated development and locating that development around existing settlements. It also promotes the ability for Council to achieve its function under s31 of the RMA to ensure sufficient development capacity for housing and business land to meet the expected demands of the district.</p>
<b>Usefulness</b>	The objective is useful in providing clear direction in terms of what is appropriate development in urban zones that are located within the Coastal Environment. This objective will help Council carry out its RMA functions and provide clear direction both to plan users and decision makers and help achieve the intended purpose of the chapter.
<b>Reasonableness</b>	Costs associated with implementation will be generated by the requirement to apply for consent (on any future developer) and monitoring (on Council). The objective will reduce the requirement to apply for resource consent in the Coastal Environment where the underlying zone is urban. It is considered that the proposed objective does not result in any un-justifiable costs.
<b>Achievability</b>	It is considered that the objective can be achieved, is consistent with higher order statutory documents and are sufficient to achieve the purpose of the RMA.
<b>Overall evaluation</b>	
<p>The objective addresses the resource management issues relevant to the preservation and protection of the Coastal Environment, while also providing for appropriate land use. The objective has been developed in cognisance of the policy framework within the NZCPS and RPS. The response for land use in the Coastal Environment where located in an urban zone has also been considered appropriate in the report prepared by Melean Absolum Limited (<b>Appendix 1</b>). The objective sets the outcomes anticipated in the chapter in a way that is consistent with the plan structure required by the Planning Standards.</p>	

## 8 Evaluation of Provisions to Achieve the Objectives

### 8.1 Introduction

Section 32(1)(b) of the RMA requires the evaluation report to examine whether the provisions are the most appropriate way to achieve the objectives by:

- (i) *identifying other reasonably practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provisions.*

When assessing the efficiency and effectiveness of the provisions in achieving the objectives, section 32(2) of the RMA requires that the assessment:

*(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*

*(i) economic growth that are anticipated to be provided or reduced; and*

*(ii) employment that are anticipated to be provided or reduced; and*

*(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*

*(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

This section provides an assessment of reasonably practicable options and associated provisions (policies, rules and standards) for achieving the objectives in accordance with these requirements. This assessment of options is focused on the key changes from the status quo as outlined in the 'proposed management approach' in 5.2 of this report.

Each option is assessed in terms of the benefits, costs, and effectiveness and efficiency of the provisions, along with the risks of not acting or acting when information is uncertain or insufficient. For the purposes of this assessment:

- **effectiveness** assesses how successful the provisions are likely to be in achieving the objectives and addressing the identified issues
- **efficiency** measures whether the provisions will be likely to achieve the objectives at the least cost or highest net benefit to society.

The sections below provide an assessment of options (and associated provisions) for achieving the objectives in accordance with sections 32(1)(b) and 32(2) of the RMA.

## **8.2 Quantification of benefits and costs**

Section 32(2)(b) of the RMA requires that, where practicable, the benefits and costs (environmental, economic, social and cultural) of a proposal are quantified. The requirement to quantify benefits and costs where practicable recognises it is often difficult and, in some cases, inappropriate to quantify certain costs and benefits through section 32 evaluations, particularly those relating to non-market values.

As discussed in 6.2, the scale and significance of the effects of proposed changes for the Coastal Environment chapter are generally assessed as being medium. Therefore, exact quantification of the benefits and costs of the different options to achieve the objectives is not considered to be necessary or practicable for this topic. Rather this evaluation focuses on providing a qualitative assessment of the environmental, economic, social and cultural benefits and costs anticipated from the provisions with some indicative quantitative benefits and costs provided where practicable.

## 8.3 Evaluation of options

### 8.3.1 Option 1: Status quo

<b>Option 1: The status quo, retain the existing provisions from the ODP. Identifies the Coastal Environment through the zoning framework provided in the ODP. Does not identify (map) HNC and ONC. Does not use the language or management regime provided in the higher order statutory documents.</b>		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> <li>• The public and practitioners are aware of the existing Coastal Environment chapter, the zones that operate within it and are familiar with the provisions in the ODP applied to their protection.</li> <li>• A number of non-statutory methods are identified to educate and encourage the preservation, rehabilitation or enhancement of the natural character of the Coastal Environment.</li> <li>• The ODP provisions are less restrictive, which may allow for greater flexibility for development.</li> </ul> <p><b><u>Economic growth and employment opportunities</u></b> As this approach is the status quo, there is no economic growth anticipated from this approach.</p>	<ul style="list-style-type: none"> <li>• The identification of the terrestrial Coastal Environment, through zones in the ODP is inconsistent with the interpretation of the Coastal Environment in the RPS.</li> <li>• The ODP does not identify (map) HNC and ONC.</li> <li>• The ODP provisions do not give effect to Policy 13 in the NZCPS or the direction in the RPS meaning the district plan does not fulfil its obligations under Section 75(3) of the RMA.</li> <li>• The policy framework does not reflect the two tier hierarchy identified in the NZCPS and RPS for areas identified as ONC, and the remaining extent of the Coastal Environment.</li> <li>• Would apply unnecessary assessment and consenting costs for those who are located in a coastal zone in the ODP but are no longer considered to be in the Coastal Environment in accordance with the RPS.</li> <li>• There are likely costs associated with defending provisions that are no longer relevant and are easily challenged through hearings and the Environment Court.</li> </ul>	<ul style="list-style-type: none"> <li>• There is sufficient information provided through the RPS to apply the recent mapping of the Coastal Environment, HNC and ONC in the Far North District.</li> <li>• There is a risk to Council, in terms of likely legal challenge, if the provisions in the PDP do not give effect to the NZCPS and RPS.</li> <li>• There is a likelihood that adverse environmental effects will result from the current operative district plan provisions. This is an issue in terms of HNC and ONC, which are not provided for in the ODP.</li> <li>• There is a risk that the time period for progressing the district plan review would be substantially drawn out due to litigation and further revision.</li> <li>• There is a high risk of public and ratepayer dissatisfaction if Council was found to be knowingly negligent and taken to court for its failure to comply with its statutory responsibilities.</li> </ul>
<p><b><u>Effectiveness</u></b></p> <ul style="list-style-type: none"> <li>• Retaining the existing approach would be unlikely achieve the outcomes sought for the preservation and protection of the natural character of the Coastal Environment.</li> </ul>	<p><b><u>Efficiency</u></b></p> <ul style="list-style-type: none"> <li>• Option 1 is not considered to be the most efficient method of achieving the PDP Coastal Environment objectives. The PDP is required</li> </ul>	

<ul style="list-style-type: none"> <li>• While less time and resource is required to re-notify the existing mapping, zones and provisions, once notified the provisions will not give effect to higher order statutory documents and are vulnerable to challenge in the Council hearing and the Environment Court.</li> <li>• Landowners or applicants cannot accurately determine whether they are located in the Coastal Environment or whether their property is subject to HNC and ONC. This creates uncertainty for applicants as the mapping and understanding of the Coastal Environment is different to that in the RPS.</li> <li>• There would be an inconsistent application and protection of the natural character of the Coastal Environment across the Northland Region.</li> <li>• It is not clear how the non-statutory methods in the ODP are being delivered or whether they are effective.</li> </ul>	<p>to give effect to the NZCPS and the RPS, which includes adopting the protection mechanisms promoted in these documents.</p>
<p><b>Overall evaluation</b></p> <p>On balance this option is not considered to be the most appropriate option to achieve the objectives because:</p> <ul style="list-style-type: none"> <li>• This option does not align and give effect to the changes in higher order national and regional statutory documents.</li> <li>• The ODP approach of zoning the Coastal Environment does not align with the mapping of the Coastal Environment, HNC and ONC in the RPS, undertaken as part of the NRC regional mapping project.</li> <li>• There is insufficient protection afforded to areas identified as ONC to ensure that adverse effects can be avoided.</li> </ul>	

### 8.3.2 Option 2: Non-regulatory approach

<p><i>Option 2: This approach relies on tools such as guidelines, education and incentives to protect the Coastal Environment including those areas identified as containing HNC and ONC from inappropriate subdivision, use and development.</i></p>		
Benefits	Costs	Risk of acting / not acting
<ul style="list-style-type: none"> <li>• This method is enabling for landowners identified within the Coastal Environment, particularly those identified as containing HNC and ONC, provided that any application is not considered as a discretionary or non-complying activity where an assessment against the RPS is required.</li> </ul>	<ul style="list-style-type: none"> <li>• There is a high likelihood that this method will not achieve the purpose of the RMA, in particular the protection from inappropriate subdivision, use and development.</li> <li>• Will not deliver a set of plan provisions responding to the direction given in the higher</li> </ul>	<ul style="list-style-type: none"> <li>• There is a risk to Council and to the integrity of the provisions should the PDP not give effect to the NZCPS and RPS.</li> <li>• There is a high likelihood of legal challenge.</li> <li>• There is a high risk that adverse environmental effects will result from non-statutory provisions.</li> </ul>

<ul style="list-style-type: none"> <li>• It better enables Māori land.</li> </ul> <p><b><u>Economic growth and employment opportunities</u></b>  Non regulatory provisions will generally be less restrictive and may allow for development to occur more easily, which may improve opportunities for a range of economic growth activities.</p> <p>Conversely, the characteristics and qualities identified for the natural character of the Coastal Environment generally sustain tourism and subsequent employment opportunities. These characteristics and qualities have the potential to be adversely affected through development that does not appropriately consider the values attributed to the natural character of the Coastal Environment.</p>	<p>order statutory documents, particularly the NZCPS and the RPS.</p> <ul style="list-style-type: none"> <li>• There is a high likelihood that adverse environmental effects will be incurred.</li> <li>• Likely incur loss of the natural character of the Coastal Environment for the general public to utilise and enjoy.</li> <li>• Potential loss of cultural values, particularly where characteristics and qualities associated with Māori values are not identified in the RPS.</li> <li>• Potential loss of tourism through inappropriate land use and subdivision in the Coastal Environment and in areas identified as HNCs and ONCs.</li> <li>• Highly vulnerable to challenge and there will be costs associated with challenge in the Council hearing and the Environment Court.</li> </ul>	<ul style="list-style-type: none"> <li>• There is a risk that the time period for progressing the district plan review would be substantially drawn out due to litigation and further revision.</li> <li>• There is a risk that subdivision, use and development may not be able to consider the policy framework in the RPS, resulting in the values attributed to the natural character of the Coastal Environment being eroded, including those of cultural significance.</li> <li>• There is a high risk of public and ratepayer dissatisfaction if council was found to be knowingly negligent and taken to court for its failure to comply with its statutory responsibilities.</li> </ul>
<p><b><u>Effectiveness</u></b></p> <ul style="list-style-type: none"> <li>• Relying on non-statutory methods will be highly vulnerable to challenge in the Council hearing and the Environment Court.</li> <li>• This method would apply an inconsistent application and protection of the Coastal Environment and areas identified as HNC and ONC across the Region.</li> <li>• There is no legal obligation to adhere to non-statutory methods.</li> <li>• Does not consider or give effect to the changes in national and regional direction through the NZCPS and RPS.</li> <li>• The provisions will not be able to achieve the stated objectives for the PDP.</li> <li>• There is no certainty for the protection of the Coastal Environment and areas identified as HNC and ONC.</li> </ul>	<p><b><u>Efficiency</u></b></p> <ul style="list-style-type: none"> <li>• Option 2 is not considered to be the most efficient method of achieving the PDP Coastal Environment objectives. The PDP is required to give effect to the NZCPS and the RPS, which includes adopting the protection mechanisms promoted in these documents.</li> </ul>	
<p><b><u>Overall evaluation</u></b>  On balance this option is not considered to be the most appropriate option to achieve the objective because:</p> <ul style="list-style-type: none"> <li>• This option does not align and give effect to the changes in national and regional higher order statutory documents.</li> <li>• There is insufficient protection afforded to the Coastal Environment, in particular areas identified as ONC to ensure that adverse effects can be avoided.</li> </ul>		

### 8.3.3 Option 3: Coastal Environment chapter - Proposed approach

**Option 3: Proposed approach.** Identification of the Coastal Environment, HNC and ONC in accordance with the RPS. Language and management approach consistent with the NZCPS and the RPS.

<b>Benefits</b>	<b>Costs</b>	<b>Risk of acting / not acting</b>
<ul style="list-style-type: none"> <li>• Delivers a set of plan provisions and controls that respond to the direction given in the higher order statutory documents, particularly the NZCPS and the RPS.</li> <li>• The language and use of terminology are consistent with section 6 of the RMA and also that used in the higher order statutory documents.</li> <li>• The methodology for identifying and assessing the Coastal Environment, HNC and ONC has been through a recent Schedule 1 RMA statutory process for the RPS.</li> <li>• Greater certainty of outcomes for the management and protection of the natural character of the Coastal Environment is provided with less likelihood of adverse effects being incurred, particularly within area identified as containing ONC.</li> <li>• The high level of protection for HNC and ONC ensures these areas are protected for the public to enjoy for future generations.</li> <li>• Greater certainty for landowners as the mapping will be consistent with the RPS and specific activities are identified.</li> <li>• Positive effects likely delivered for tourism ventures that rely on the characteristics and qualities of the Coastal Environment being preserved and protected. Provisions also provide for their restoration and enhancement.</li> <li>• Provision is made for the consideration and recognition of ancestral relationships where these are not necessarily identified through the characteristics and qualities of HNC and ONC.</li> <li>• More specificity in terms of what buildings and activities</li> </ul>	<ul style="list-style-type: none"> <li>• There will be limited need for in-house or contracted research to identify and map the Coastal Environment, HNC and ONC across the district as this work has already been done through the RPS.</li> <li>• Costs may be incurred where there are requests to change the extent of the Coastal Environment, HNC or ONC through method 4.5.4 of the RPS.</li> <li>• The risk of incurring costs associated with challenges to the PDP is reduced given the strong higher order statutory direction.</li> <li>• Potentially additional costs and complexity to justify subdivision, use and development affecting land identified in the Coastal Environment where not located in an urban area.</li> <li>• It will be very difficult to develop land in an area identified as ONC as it may be that the threshold of no adverse effects cannot be met.</li> </ul>	<ul style="list-style-type: none"> <li>• It is considered that there is sufficient information available to act as proposed. The Coastal Environment, HNC and ONC identified in the RPS have been through a recent Schedule 1 RMA statutory process.</li> <li>• There is a low level of risk that inappropriate adverse effects on the environment will be incurred as the provisions are prescriptive and give effect to the necessary higher order statutory documents.</li> <li>• The lack of cultural values expressed through the RPS worksheets have been addressed through the policy framework proposed, allowing the ancestral use of Māori land to be considered as part of the characteristics and qualities.</li> </ul>



<p>can be undertaken within the Coastal Environment because of the hybrid PDP approach.</p> <p><b><u>Economic growth and employment opportunities</u></b></p> <p>There may be a perception that the provisions negatively impact economic growth and employment in terms of restricted development within the Coastal Environment, HNC and ONC.</p> <p>There may be economic opportunities for Māori where there is an ancestral relationship recognised on that land that forms part of the characteristics and qualities of that Coastal Environment.</p> <p>The characteristics and qualities of Coastal Environment sustain tourism opportunities and have the potential to enhance the economic wellbeing of the District.</p> <p>Development in urban areas is enabled acknowledging that the characteristics and qualities of the natural character found in the urban environment will not contain sufficient natural character to warrant the same level of protection as that afforded to rural areas.</p>		
<p><b><u>Effectiveness</u></b></p> <ul style="list-style-type: none"> <li>• The proposed rules and standards are effective as they recognise and provide appropriate preservation and protection of the Coastal Environment, HNC and ONC.</li> <li>• Provisions that give effect to national and regional direction will ensure the PDP is robust and less vulnerable to challenge in the Council hearing and later in the Environment Court.</li> <li>• There is greater consistency with how other Councils approach the protection of the Coastal Environment, HNC and ONC in the Region.</li> <li>• The identification of the Coastal Environment, HNC and ONC has been refined through the work undertaken for the RPS and represents the most up to date mapping and assessment in the District.</li> <li>• The proposed provisions will achieve the stated objectives and represent the most appropriate level of protection afforded by higher order statutory</li> </ul>	<p><b><u>Efficiency</u></b></p> <ul style="list-style-type: none"> <li>• The proposed option is an efficient method of achieving the PDP Coastal Environment objectives. The PDP is required to give effect to the NZCPS and the RPS, which includes adopting the protection mechanisms promoted in these documents. The provisions proposed are considered to do that efficiently.</li> </ul>	

documents and case law.	
<p><b><u>Overall evaluation</u></b></p> <p>On balance this option is considered to be the most appropriate option to achieve the objective because:</p> <ul style="list-style-type: none"><li>• They give effect to the changes in national and regional higher order statutory documents.</li><li>• The Coastal Environment, HNC and ONC are updated to reflect those now recognised in the RPS.</li><li>• There is appropriate protection afforded to the Coastal Environment, HNC and ONC to ensure that adverse effects can be avoided (for ONC) and avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities (for areas not identified as ONC), in accordance with higher order statutory documents and interpretation of case law.</li></ul>	

## 9 Summary

An evaluation of the proposed objectives and provisions for the Coastal Environment chapter has been carried out in accordance with section 32 of the RMA. This evaluation has concluded that the objectives are the most appropriate way to achieve the purpose of the RMA and the provisions are the most appropriate way to achieve the objectives for the following reasons:

- The Coastal Environment objectives give effect to Part 2 of the RMA, the NZCPS and the relevant National and Regional Policy Statement policy direction.
- The Coastal Environment provisions will ensure that the characteristics and qualities attributed to it are maintained with appropriate rules and standards.
- The Coastal Environment provisions will provide for an appropriate level of earthworks, indigenous vegetation clearance and development.
- Prohibited activity status is applied to activities that would result in any loss of and/or destruction of the characteristics and qualities of ONC.
- Where compliance cannot be achieved, resource consent as a discretionary or non-complying activity is required. This will ensure a suitable level of scrutiny can be applied when resource consent is sought for activities.

Overall, it is considered that the proposed provisions are the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions.

## **10 Appendices**

### **10.1 Appendix 1 - Coastal Environment, Outstanding and High Natural Character Areas Outstanding Natural Landscapes Report – Melean Absolum Limited Landscape Architects**

## **10.2Appendix 2 – NRC Mapping worksheets and methodology**

[Mapping worksheets and methodology - Northland Regional Council \(nrc.govt.nz\)](https://www.nrc.govt.nz/mapping-worksheets-and-methodology)

