12 NATURAL AND PHYSICAL RESOURCES

12.1 LANDSCAPES AND NATURAL FEATURES

Nga Hua Tawhiti Me Nga Tohu Tuturu o Te Whenua

He wahi tuturu, he wahi hirahira puta noa i te rohe. Aua enei wahi e whakaitingia e nga mahi whakawehe i nga whenua. Kei a tatou te mahi kia whakauwhia enei wahi hirahira ki te ihi.

Landscapes and Natural Features

There are many special places which must not be diminished in any way by inappropriate development. Let us make sure that these special places always retain the qualities that make them unique.

Transitional consenting

Changes to the Resource Management Act 1991 regarding transitional resource consenting arrangements took effect from 30 October 2026. As a result, some provisions within this chapter are affected by section 104(1A) of the Resource Management Act 1991. Text highlighted in grey identifies provisions, or parts of provisions, that have been identified as affected. Explanatory notes are shown in highlighted grey and *italics* to provide further guidance on the effect of the legislative changes.

CONTEXT

The over-riding characteristics of the landscapes in the Far North District are diversity and complexity. An extensive coastline with many harbours, large tracts of indigenous vegetation and a wide variety of landforms have combined with several centuries of human settlement to produce natural features and landscapes that are visually outstanding. These facets also contribute to the amenity values of landscapes that are not outstanding.

In 1995, the Council commissioned a Landscape Assessment (LA4 Landscape Architects) of the whole District. This assessment identified the outstanding landscape features and landscapes, distinguishing landscapes that are coastal from those that are terrestrial, and evaluating all landscapes in terms of a sensitivity rating with seven categories. Any landscape that scored 6 or 7 on the sensitivity rating was classified as outstanding and therefore was deemed worthy of protection as required by s6(b) of the Act. The landscapes identified by the assessment are relatively large areas of terrain that have relatively consistent characteristics, whereas the landscape features are smaller elements such as volcanic peaks or prominent coastal landforms. The LA4 landscape assessment did not comprehensively identify Maori cultural landscapes. S6(e) of the Act requires recognition and provision for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. The LA4 assessment relating to Outstanding Landscapes was modified as a result of the submissions to the Proposed District Plan.

A landscape is comprised of many elements, e.g. indigenous vegetation, the pattern of land use, historic buildings, and waterbodies and Maori cultural values. In addition to managing subdivision, use and development in those areas identified as Outstanding Landscapes in order to retain their visual values, the Plan also contains provisions that promote the protection and enhancement of the many individual elements that contribute to visual amenity throughout the District.

The criteria used to determine which landscapes are “outstanding” are as follows:

An area of landscape which is predominantly natural has very distinctive or remarkable characteristics and that displays high levels of most, but not necessarily all of the following criteria:

(a) geological, topographical, ecological dynamism;
(b) aesthetic values;
(c) distinctiveness and memorability;
(d) clearly recognised signs of the formative processes leading to its creation;
(e) transient values;
(f) values that are shared and recognised by the community;
(g) value to tangata whenua;
(h) historical associations;
(i) public visibility;
(j) accessibility to viewing audience.

An Outstanding Landscape Feature is an element or small portion of landscape which is predominantly

natural and has very distinctive or remarkable characteristics that make it a feature of the broader landscape setting.

A large portion of the area identified as “outstanding” is on land administered by the Department of Conservation. The majority of land in private title that has been identified as outstanding is on the District’s coastline. There is also a significant portion that is Maori land and that therefore warrants additional consideration in the Plan. For example, as Maori land is not usually subdivided, incentives and bonuses for landscape protection are not available in the conventional way. Therefore, a flexible

approach and alternative methods of encouragement are required. Recognition must be given to the ability of Maori to appropriately develop their land.

By contrast, in Waimate North, a landscape notable for its heritage values and visual amenity, the majority of the land is privately owned. Here, the Council and the landowners have worked together to develop special provisions that recognise not only the landscape qualities, but all of the values that contribute to the uniqueness of this area (refer to ***Section 18.3***). Incentives are a key element of the regulatory approach.

Outstanding Natural Features make a particular contribution to the natural character of the District. These sites are identified from the Geo-Preservation Inventory *"Inventory of Important Geological Sites and Landforms in the Northland Region", Geological Society of New Zealand Miscellaneous Publication No. 67, Kenny JA and Hayward BW, (1993)* and are protected by this Plan. The inventory lists the best examples of the wide diversity of geological phenomena and processes that characterise the District, and record its long geological history, the formation of its landforms and evolution of its unique biota. Many are familiar landmarks.

Whilst many of these Outstanding Natural Features have high landscape values, and are often also recognised as Outstanding Landscape Features, it is their underlying geological and scientific values that set them apart. As a result many Outstanding Natural Features are not visually prominent.

The requirement to protect areas of outstanding landscapes and natural features must be seen in the light of the overarching purpose of the Act (s5), which is "to promote the sustainable management of natural and physical resources". This includes enabling people and communities to provide for their social, economic and cultural well being, provided that any adverse effects of activities on the environment are avoided, remedied or mitigated.

The focus of this section of the Plan is outstanding natural features and landscapes, as set out in s6(b) of the Act. Whilst the subsequent rules focus solely upon those outstanding types of natural features and landscapes, Council encourages all who manage and provide guardianship to the Far North landscape, to apply the principles conveyed by these policies to landscapes generally.

12.1.1 ISSUES

12.1.1.1 Outstanding Landscapes and Outstanding Landscape Features may have a relatively low capacity to accommodate change without appreciable visual impact, and therefore change must be managed to ensure that it retains the character of these special landscapes.

12.1.1.2 Buildings and other structures have the capacity to change outstanding landscapes character in a negative way, primarily through the disruption of existing landscape, or their siting on ridgelines.

12.1.1.3 The values that make landscapes and natural features outstanding can be adversely affected, or in some cases permanently lost or degraded, as a result of activities such as inappropriate building, excavation or filling, vegetation clearance and the potential masking effects of extensive single species tree planting.

12.1.1.4 The cultural, spiritual or amenity values of an outstanding landscape or natural feature can be degraded by development that is inappropriately sited, designed or redecorated.

12.1.1.5 The District has a distinctive and diverse landscape values which could be adversely affected by inappropriate land use activities.

12.1.1.6 The need to promote landscape diversity through the protection and enhancement of indigenous vegetation.

12.1.1.7 Maori cultural landscapes of importance have not been comprehensively identified within the LA4 assessment and therefore the Plan. Where appropriate, consideration of these values associated with those landscapes needs to be incorporated in any assessment of an application.

12.1.2 ENVIRONMENTAL OUTCOMES EXPECTED

12.1.2.1 Retention of the diversity, qualities and value of outstanding natural features and outstanding landscapes.

12.1.2.2 The management of changes to outstanding natural features and landscapes in a way that ensures that change may alter and enhance, but not diminish, their outstanding character.

12.1.2.3 Land uses and buildings that are planned and designed to complement landscape character.

12.1.2.4 The relationship of Maori cultural values associated with landscapes are recognised and provided for.

12.1.3 OBJECTIVES

12.1.3.1 To protect outstanding landscapes and natural features from inappropriate, subdivision use and development.

12.1.3.2 To protect the scientific and amenity values of outstanding natural features.

12.1.3.3 To recognise and provide for the distinctiveness, natural diversity and complexity of landscapes as far as practicable including the complexity found locally within landscapes and the diversity of landscapes across the District.

12.1.3.4 To avoid adverse effects and to encourage positive effects resulting from land use, subdivision or development in outstanding landscapes and natural features and Maori cultural values associated with landscapes.

12.1.4 POLICIES

12.1.4.1 That both positive and adverse effects of development on outstanding natural features and landscapes be taken into account when assessing applications for resource consent.

12.1.4.2 That activities avoid, remedy or mitigate significant adverse effects on both the natural and the cultural values and elements which make up the distinctive character of outstanding natural features and landscapes.

12.1.4.3 That the cumulative effect of changes to the character of Outstanding Landscapes be taken into account in assessing applications for resource consent.

12.1.4.4 That the visibility of Outstanding Landscape Features, when viewed from public places, be taken into account in assessing applications for resource consent.

12.1.4.5 That the adverse visual effect of built development on outstanding landscapes and ridgelines be avoided, remedied or mitigated.

12.1.4.6 That activities avoid or mitigate adverse effects on the scientific and amenity values associated with outstanding natural features.

12.1.4.7 That the diversity of outstanding landscapes at a District-wide and local level be maintained and enhanced where practicable.

12.1.4.8 That the trend is towards the enhancement rather than the deterioration of landscape values, including the encouragement of the restoration of degraded landscapes.

12.1.4.9 That the high value of indigenous vegetation to Outstanding Landscapes be taken into account when assessing applications for resource consents.

12.1.4.10 That landscape values be protected by encouraging development that takes in account:

(a) the rarity or value of the landscape and/or landscape features;

(b) the visibility of the development;

NOTE: *Visibility from private property cannot be taken into account as part of visibility of the development. For further information refer to Operative plan | Far North District Council.*

(c) important views as seen from public vantage points on a public road, public reserve, the foreshore and the coastal marine area;

(d) the desirability of avoiding adverse effects on the elements that contribute to the distinctive character of the coastal landscapes, especially outstanding landscapes and natural features, ridges and headlands or those features that have significant amenity value;

(e) the contribution of natural patterns, composition and extensive cover of indigenous vegetation to landscape values;

(f) Maori cultural values associated with landscapes;

(g) the importance of the activity in enabling people and communities to provide for their social, economic and cultural well-being.

12.1.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

12.1.5.1 Rules in the Plan control development in outstanding natural features and landscapes.

12.1.5.2 To the extent that areas of significant indigenous vegetation and habitats of indigenous fauna are protected for their ecological significance, their landscape value is also protected (refer also to ***Section 12.2***).

12.1.5.3 Where resource consents are required for subdivision or development, protection of outstanding natural features and landscapes may be achieved by imposing conditions of consent.

12.1.5.4 The subdivision rules in ***Chapter 13*** that restrict subdivision in Outstanding Landscapes, Outstanding Landscape Features and Outstanding Natural Features, also apply. For controlled subdivision activities the standard contained in these rules are considerably more restrictive than the subdivision standard in the zone rules.

12.1.5.5 Development bonuses are provided to encourage greater protection of outstanding natural features and landscapes and their enhancement and active management.

OTHER METHODS

12.1.5.6 Outstanding natural features and landscapes may be afforded permanent legal protection through means such as a covenant or reserve. Such permanent protection will be encouraged.

12.1.5.7 Where community groups or individuals advocate for the protection of values the Plan considers important, voluntary measures such as codes of conduct for land development may be agreed and used by Council in its assessment of resource consent applications.

12.1.5.8 Education is an important method. The Council may seek assistance from appropriately qualified advisers to will provide information to landowners and the public generally about the intrinsic values of natural features and landscapes and the best ways to manage changes in land use that may affect those values including Maori values associated with landscapes.

12.1.5.9 Council will provide guidance to landowners about how to avoid or mitigate effects on outstanding landscape and natural features.

12.1.5.10 Landowners will be encouraged to protect the character of outstanding landscapes and natural features in perpetuity.

12.1.5.11 Council will encourage the restoration of landscapes especially where landowners and community groups are supportive of such initiatives.

COMMENTARY

The mandate for protecting outstanding natural features and landscapes is set out in s6(b) of the Act and addressed in a Variation to the Northland Regional Policy Statement currently being processed. This Variation recognises the methodology used in the Landscape Assessment carried out by LA4 and provides for its application to the evaluation of "outstanding" landscapes in all three districts within the Northland Region. Regionally significant landscapes are not specifically named in the Variation, but it is anticipated that studies to be initiated will lead to their identification and, ultimately, inclusion in district plans. Other references in the Regional Policy Statement recognise the importance of water quantity to scenic values and the retention of the natural character of the coastal environment as an integral part of landscape protection (refer to ***Objectives 12.1.3.1*** *and* ***12.1.3.2****).*

A landscape expresses the sum of many individual elements and many ecosystems, each contributing to visual amenity. While s6(b) concentrates on outstanding landscapes, the visual amenity of the whole District can be promoted and enhanced through the Plan. Thus, landscape protection is also the cumulative result of the many provisions of the Plan dealing with zoning, heritage protection, Sites of Cultural Significance to Maori, vegetation clearance, excavation and filling, water quality and air quality. Accordingly, applications for resource consent will not only be evaluated in terms of the effects on outstanding natural features and landscapes, but also on visual amenity and the natural character of the coastal environment (refer to ***Objective 12.1.3.1****,* ***Policy 12.1.4.3****,* ***Method 12.1.5.2****,* ***Chapter 10*** *and* ***Sections 12.2 - 12.7****).*

Because Outstanding Landscapes are representative of many elements, the key to their protection, promotion and enhancement lies in the successful management of change. By definition, their visual qualities will always be changing as a consequence of natural processes and human activities. However, those elements that are quintessential can be managed in a way that retains the visual coherence of the whole rather than diminishing it. Hence, the Plan controls vegetation clearance and tree planting in

*Outstanding Landscapes and the siting, design and appearance of new buildings in the General Coastal and Coastal Living Zones (refer to **Objectives 12.1.3.1** and **12.1.3.2**, **Policy 12.1.4.5**, **Method 12.1.5.1** and **Chapter 10**).*

*In addition, Outstanding Landscape Features and Outstanding Natural Features are unique components of landscape, often located within an Outstanding Landscape, that the Council considers warrant protection. Much like heritage buildings, they are not only individually important for their intrinsic values, but they are also important because they provide an essential part of the historical record, albeit nature's history. Protection entails limiting any disturbance to the feature so that the natural character and/or scientific values are retained (refer to **Objective 12.1.3.2**, **Policies 12.1.4.1**, **12.1.4.2**, **12.1.4.4**, **12.1.4.5** and **12.1.4.6** and **Methods 12.1.5.1** and **12.1.5.3**).*

The protection of outstanding landscapes has been contentious in the Far North, with many challenges to the methodology for evaluating landscapes and the rankings given to each Outstanding Landscape. A proportion of the terrain that has been identified as outstanding is in private ownership or is Maori land. The support of landowners and their appreciation of the values and sensitivities of outstanding natural features and landscapes is therefore an important facet of sustainable management of the District's landscape resource. The availability of information and promotion of sound landscape management practices will therefore be one of the main methods adopted.

Within the coastal environment there are a number of significant landscapes and sensitive ridgelines whose qualities may be threatened by inappropriate development. The indicative extent of the sensitive ridgelines and significant landscapes is provided in the LA4 1995 Landscape Assessment Worksheets which are available from Council on request. There are no rules specifically associated with these significant landscapes and sensitive ridgelines. This information should be taken into account when considering development within the coastal zones together with any site specific landscape assessment.

*Supporting landowners and providing them with helpful information will gain their co-operation, enabling protection to be achieved by voluntary measures which the Council is keen to foster. This is why the Plan also contains incentives and bonuses for the protection of landscapes. These methods augment the rules by encouraging enhancement and active management of natural features and landscapes (refer **Methods 12.1.5.5**, **12.1.5.6**, **12.1.5.9** and **12.1.5.10**).*

*The Waimate North Zone is an example of one possible outcome when a co-operative approach develops between landowners and the Council (refer **Section 18.3**).*

12.1.6 RULES

Activities affected by this section of the Plan must comply not only with the rules in this section, but also with the relevant standards applying to the zone in which the activity is located (refer to ***Part 2 Environment Provisions***), and with other relevant standards in ***Part 3 – District Wide Provisions***.

Particular attention is drawn to:

(a) ***Chapters 8-10*** in ***Part 2***;

(b) Other sections within ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);

(c) ***Chapter 13 Subdivision***;

(d) ***Chapter 14 Financial Contributions***;

(e) ***Section 17.2 Utility Services***.

Where relevant, refer to other sections of the plan such as Part 2 – Environmental Provisions and other parts of Part 3 – District Wide Provisions as there may be other provisions that need to be considered.

12.1.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity if:

(a) it complies with the standards for permitted activities set out in ***Rules 12.1.6.1.1*** to ***12.1.6.1.6*** below; and

(b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(c) it complies with the other relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

12.1.6.1.1 PROTECTION OF OUTSTANDING LANDSCAPE FEATURES

(a) no tree planting consisting of more than 50 trees of a single species shall occur on any site in an Outstanding Landscape Feature as listed in ***Appendix 1B*** in ***Part 4***, and shown on the ***Resource Maps***;

(b) above ground utility services shall not be located on or within an Outstanding Landscape Feature as listed in ***Appendix 1B*** in ***Part 4***, and shown on the ***Resource Maps***;

(c) excavation and/or filling shall not occur within an Outstanding Landscape Feature as listed in ***Appendix 1B*** in ***Part 4***, and shown on the ***Resource Maps***;

(d) no vegetation clearance shall occur within an Outstanding Landscape Feature as listed in ***Appendix 1B*** in ***Part 4***, and shown on the ***Resource Maps***, except that the clearance of pest plants where the clearance does not involve disturbance of the ground surface, is permitted.

Note: This rule prevails over the National Environmental Standards for Plantation Forestry pursuant to Regulation 6(2)(a).

12.1.6.1.2 INDIGENOUS VEGETATION CLEARANCE IN OUTSTANDING LANDSCAPES

Notwithstanding any rule in the Plan to the contrary but subject to ***Rules 12.5.6.1.1***, ***12.5.6.1.3*** and ***12.5.6.2.2*** in the Heritage section of this Plan, indigenous vegetation clearance is a permitted activity in an Outstanding Landscape, as shown on the ***Resource Maps***, where the clearance is for any of the following purposes:

(a) to provide for a building platform for a building (where a rule in the Plan provides for this as a permitted activity), and/or access and/or construction of a boundary fence so long as the area cleared for that purpose is no more than 1,000m^2 per site; or

(b) clearance arising from plantation forestry or the cultivation or harvesting of a plantations or crops including:

(i) vegetation that has grown under and/or may have overtopped the plantation species; or

(ii) areas of failed planting within the plantation forest in areas that have been cleared and planted within the past 30 years; or

(iii) incidental damage and disturbance to indigenous vegetation adjacent to the crop where forestry best practice is followed; or

(iv) clearance within 20m of river associated with a river crossing that is provided for by a rule in the Regional Plan for Northland or by a resource consent granted by the Northland Regional Council, provided that the clearance is less than 500m^2 in any one instance;

provided that no clearance is permitted of indigenous vegetation more than 10 years old to establish new exotic plantation forest;

(c) to provide clearance for existing overhead power and telephone lines, provided that no more vegetation is cleared or trimmed than is necessary for the safe operation of the utility service; or

(d) the removal of trees and other vegetation which, as a result of old age or a natural event such as a storm or erosion, are a risk to the safety of people or property; or

(e) the maintenance of existing roads, and private accessways and walkways including for the purposes of visibility and road safety; or

(f) the formation and maintenance of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth; or

(g) the maintenance of existing open space within 20m of an existing building; or

(h) the removal of dead trees, provided that no more vegetation is cleared or trimmed than is necessary for safe removal; or

(i) the sustainable harvest of plant material for rongoa Maori (customary medicine); or

(j) the maintenance of existing fence lines, provided that the clearance does not exceed 3.5m in width either side of the fence line; or

(k) normal gardening activities which result from the maintenance of lawn and gardens; or

(l) the removal is in accordance with an existing use right; or

(m) the removal is for a new fence where the purpose of the new fence is to exclude stock and/or pests from the area provided that the clearance does not exceed 3.5m in width either side of the fence line; or

(n) creation and maintenance of firebreaks provided that no more vegetation is cleared than is necessary to achieve the practical purpose of the firebreak; or

(o) the harvesting of indigenous timber under the Forests Act 1949 via either a Sustainable Management Plan, permit or approved for personal use ($50m^3$ over a 10 year period) from the Ministry of Agriculture and Forestry; or

(p) vegetation clearance of land which has been previously cleared and where the vegetation to be cleared is less than 10 years old; or

(q) for the maintenance and replacement of existing water supply facilities, including reservoirs, dams, water treatment plants and pipelines, provided that no more vegetation is cleared or trimmed than is necessary for the efficient operation of those facilities.

Note 1: Attention is also drawn to rules in ***Section 12.2 - Indigenous Flora and Fauna*** relating to vegetation clearance, and to the provisions contained in zone rules.

Note 2: For the purposes of part (b) above, a plantation includes any tree or trees which have been planted and managed for timber production and, in respect of indigenous plantations any area that is recognised by the Ministry of Agriculture and Forestry as having been planted and managed for timber production.

Note 3: For the purposes of part (b) and (h) above, it should be noted that the milling of indigenous forest plantations and fallen trees is subject to the provisions of the Forests Act.

Note 4: This rule prevails over the National Environmental Standards for Plantation Forestry (NES PF) pursuant to Regulation 6(2)(a).

12.1.6.1.3 TREE PLANTING IN OUTSTANDING LANDSCAPES

Single species tree planting is permitted in an Outstanding Landscape, as shown on the ***Resource Maps***:

(a) if the species is indigenous; or

(b) it is replanting an area of established plantation forest; or

(c) the planting does not exceed 4ha in area on any one site in a rural environment zone, or 2ha in area on any one site in a coastal environment zone.

Note 1: Council can provide information on how best to reduce potential visual impacts of single species planting.

Note 2: This rule prevails over the National Environmental Standards for Plantation Forestry pursuant to Regulation 6(2)(a).

12.1.6.1.4 EXCAVATION AND/OR FILLING WITHIN AN OUTSTANDING LANDSCAPE

Excavation and/or filling on any site within an Outstanding Landscape as shown on the ***Resource Maps***, is permitted provided that:

(a) it does not exceed $300m^3$ in any 12 month period per site; and

(b) it does not involve a cut and/or filled face exceeding 1.5m in height i.e. the maximum permitted cut and/or fill height may be 3m; and

(c) any cut or fill areas that will be visible from a viewing point on a public road, public reserve, coastal marine area or the foreshore shall be stabilised using mulch, hydroseeding, or other rapid effective stabilisation technique. All other cut and fill areas will be revegetated as soon as practicable in the spring or autumn immediately following construction.

Note 1: When undertaking any excavation (including cellar construction), or filling, compliance with Council's earthworks bylaw (Bylaw 22) is required.

Note 2: Where a site is within a Coastal Hazard 1 or Coastal Hazard 2 Area, more restrictive excavation and filling rules apply (refer to Rules in ***12.4***).

Note 3: Some normal rural practices that involve excavation and filling , such as maintenance of rural tracks, dams, fences and fence lines, land cultivation, clearing of drains and obtaining roading materials for use on the same production unit , are excluded from the definitions of excavation and filling (refer to ***Chapter 3 Definitions***), and are therefore not subject to this rule.

Note 4: Attention is also drawn to the provisions of any Regional Water and Soil Plan currently in force.

Note 5: This rule prevails over the National Environmental Standards for Plantation Forestry pursuant to Regulation 6(2)(a).

12.1.6.1.5 BUILDINGS WITHIN OUTSTANDING LANDSCAPES

The following are permitted activities in an Outstanding Landscape, as shown on the ***Resource Maps***:

(a) where the zoning of the building platform is General Coastal any new building(s) not for human habitation provided that the gross floor area of any new building or buildings permitted under this rule, does not exceed 25m^2; and;

(b) where that building will be visible from a viewing point on a public road, public reserve, coastal marine area or the foreshore that is within 500m of that building, the exterior is coloured within the BS5252 standard colour palette range with a reflectance value of 30% or less or is constructed of natural materials which fall within this range; or

(c) any alteration/addition to an existing building where:

i. the alteration/addition does not exceed 25m^2 in area or does not exceed 20%of the gross floor area of the existing building which is being altered or added to, whichever is the lesser; and

ii. the alteration/addition does not exceed the height of the existing building.

(d) where the building site is not in the General Coastal Zone construction of one residential dwelling per site, provided that the building is not visible from a public viewing point on a public road, public reserve, or the foreshore that is within 2km of the site;

(e) where the building site is not in the General Coastal Zone any new building, including relocated buildings, with a gross floor area of less than 25m^2.

Note : Some cladding materials may fail when painted with colours of reflectance value of 40% or less. Please check to ensure that the types of cladding used are suitable for using paints to comply with the above standards.

12.1.6.1.6 UTILITY SERVICES IN OUTSTANDING LANDSCAPES

The installation of utility services is permitted in Outstanding Landscapes as shown on the ***Resource Maps***, provided that these services are underground.

12.1.6.2 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity if:

(a) it does not comply with either of the following ***Rules 12.1.6.1.4 Excavation and/or Filling within an Outstanding Landscape*** and ***12.1.6.1.5 Buildings within Outstanding Landscapes*** for permitted activities above; but

(b) it complies with the remainder of the standards under ***12.1.6.1 Permitted Activities***; and

(c) it complies with ***Rules 12.1.6.2.1 Buildings within Outstanding Landscapes*** and ***12.1.6.2.2 Excavation and/or Filling Within an Outstanding Landscape*** below; and

(d) it complies with the relevant standards for permitted, controlled, or restricted discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(e) it complies with the other relevant standards for permitted, controlled or restricted discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the matters specified in the relevant rule.

12.1.6.2.1 BUILDINGS WITHIN OUTSTANDING LANDSCAPES

The following are restricted discretionary activities in an Outstanding Landscape, as shown on the ***Resource Maps***:

(a) any new building, including relocated buildings, exceeding a gross floor area of 25m^2; or

(b) any alteration/addition to an existing building which does not exceed 40% of the gross floor area of the building which is being altered or added to, provided that any alteration/addition does not exceed the height of the existing building.

The Council will restrict the exercise of its discretion to:

(i) the location of the building; and

(ii) the size, bulk and height of the building in relation to ridgelines, areas of indigenous vegetation and habitats of indigenous fauna, existing trees and other natural features; and

(iii) the degree to which the landscape will retain the qualities that make it outstanding, including naturalness, and visual and amenity values; and

(iv) the design of the building; and

(v) the location and design of associated vehicle access, manoeuvring and parking areas; and

(vi) the extent to which planting can mitigate visual effects; and

(vii) the means by which permanent screening of the building from public viewing points on a public road, public reserve, or the foreshore may be achieved, and

(viii) the cumulative visual effects of all buildings on the site.

12.1.6.2.2 EXCAVATION AND/OR FILLING WITHIN AN OUTSTANDING LANDSCAPE

The following are restricted discretionary activities in an Outstanding Landscape, as shown on the ***Resource Maps***:

(a) any excavation and/or filling that exceeds 300m^3 in any 12 month period; and

(b) any excavation and/or filling that involves a cut or filled face exceeding 1.5m in height i.e. exceeding a total cut and/or fill height of 3m; and

(c) it does not meet the permitted activity standards in ***12.1.6.1.4(c)***;

The Council will restrict the exercise of its discretion to:

(i) the location, scale and alignment of excavation and/or filling in relation to any existing indigenous vegetation, site features, and underlying landform including ridgelines; and

(ii) the nature of any avoidance, remedying or mitigation measures proposed, including consideration of alternatives, the profile of cut and fill batters, provisions for revegetation and the likely long-term stability of the works proposed; and

(iii) the degree to which the landscape will retain the qualities that make it outstanding, including naturalness and visual value.

Note 1: When undertaking any excavation (including cellar construction), or filling, compliance with Council's earthworks bylaw (Bylaw 22) is required

Note 2: Where a site is within a Coastal Hazard 1 or Coastal Hazard 2 Area, more restrictive excavation and filling rules apply (refer to Rules in ***12.4***).

Note 3: Some normal rural practices that involve excavation and filling, such as maintenance of rural tracks, dams, fences and fence lines, land cultivation, clearing of drains and obtaining roading materials for use on the same production unit, are excluded from the definitions of excavation and filling (refer to ***Chapter 3 Definitions***), and are therefore not subject to this rule.

Note 4: Attention is also drawn to the provisions of any Regional Water and Soil Plan currently in force.

12.1.6.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity if:

(a) it does not comply with one or more of the rules stated in ***Sections 12.1.6.1*** and ***12.1.6.2*** above; and/or

(b) it complies with ***Rules 12.1.6.3.1 Development Bonus***, ***12.1.6.3.2 Buildings Within Outstanding Landscapes*** or ***12.1.6.3.3 Development in an Outstanding Natural Feature*** below; and

(c) it complies with the relevant standards for permitted, controlled, restricted discretionary, or discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(d) it complies with the other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application the Council will have regard to the assessment criteria set out under ***Section 12.1.7***.

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying activity.

12.1.6.3.1 DEVELOPMENT BONUS

Where a site is located wholly or partly within an Outstanding Landscape (as shown on the ***Resource Maps***), or Outstanding Landscape Feature or Outstanding Natural Feature (as listed in ***Appendices 1A*** and ***1B*** in ***Part 4***, and as shown on the ***Resource Maps***) and:

(a) Where any or all of the area included within that landscape and/or feature is proposed to be permanently protected, and/or where revegetation and/or enhancement is proposed, within that landscape and/or feature, either:

  (i) the standards permitted on that site may be increased up to the lower level that corresponds with that provided for discretionary activities in the relevant zone. Where necessary, to give practical effect to this development bonus, the Council will not require compliance with any of the following rules: ***Traffic Intensity***, ***Scale of Activities*** and ***Impermeable Surfaces***; or

  (ii) the Council may grant consent to an application to subdivide one or more bonus lots. The new lot(s) can be either from the parent title on which the area to be protected, revegetated and/or enhanced is located, or on another title. The new lot(s) may be created in addition to the rights to subdivide which otherwise apply, and may include the area to be protected and/or enhanced. The minimum area of a bonus lot shall be the minimum area provided for as a discretionary subdivision activity in the relevant zone. If the site is located within the Rural Production Zone the minimum discretionary lot size of any bonus lot shall be 4.0 ha. This bonus lot provision cannot apply to the General Coastal Zone as there is no discretionary minimum lot size (management plan subdivision is the only option provided).

(b) Where there is an ongoing comprehensive pest control programme within that landscape or feature, the Council may allow a bonus of up to 20% more open space and impermeable surface than is allowed as a restricted discretionary standard or alternatively increase the ***Scale of Activities*** rule up to the lower level that corresponds with that provided for under a discretionary activity in the relevant zone.

The amount of additional development opportunities, or the number of extra lots that are allowed by the Council, will be determined in relation to the degree of protection of the landscape and/or features that is proposed, and to the extent of any revegetation or enhancement within that landscape and/or feature. Preference will be given to locating additional residential intensity or further lots outside of the Outstanding Landscape, Outstanding Natural Feature, or Outstanding Landscape Feature.

The Council will require that a covenant or other legal instrument be registered against the Certificate of Title to record the commitment to protection, revegetation, or enhancement before any bonus can be given effect to.

The Council may impose, as a condition of consent to any application for a development bonus, a requirement that a bond be paid, to be refunded when the Council is satisfied that the conditions attached to that consent have been complied with.

The Council may provide assistance in respect of any such application by waiving resource consent charges and reserve contributions. It may also provide assistance with fencing and fees associated with achieving formal protection.

12.1.6.3.2 BUILDINGS WITHIN OUTSTANDING LANDSCAPE FEATURES

Any new building, or any alteration or extension to an existing building, in an Outstanding Landscape Feature, as listed in ***Appendix 1B*** and shown on the ***Resource Maps*** is a discretionary activity.

Note: Utility services within Outstanding Landscape Features, as listed in ***Appendix 1B***, and shown on the ***Resource Maps***, are also a discretionary activity.

12.1.6.3.3 DEVELOPMENT ON AN OUTSTANDING NATURAL FEATURE

Any new building, relocated building, extension or alteration to an existing building, excavating, filling, planting of trees or clearance of vegetation on an Outstanding Natural

Feature, as listed in ***Appendix 1A*** and shown on the ***Resource Maps*** is a discretionary activity.

Note: This rule prevails over the National Environmental Standards for Plantation Forestry pursuant to Regulation 6(2)(a).

12.1.7 ASSESSMENT CRITERIA

The matters set out in s104 and s105, and in Part II of the Act, apply to the consideration of all resource consents for land use activities.

In addition to these matters, the Council shall also apply the relevant assessment matters set out below, and will also have regard to the Landscape Assessment report, which was prepared for the Council in 1995 and which contains details of the Outstanding Landscapes, Outstanding Landscape Features and Outstanding Natural Features in the Far North District together with any site specific landscape assessment:

(a) the rarity of the landscape, landscape features or natural features;

(b) the visibility of outstanding landscapes, outstanding landscape features or outstanding natural features;
NOTE: *Visibility from private property cannot be taken into account as part of visibility effects. For further information refer to Operative plan \| Far North District Council.*

(c) the aesthetic, heritage, cultural and natural values of the outstanding landscapes and natural features;

(d) the elements which make up the distinctive character of the outstanding landscape or outstanding landscape features;

(e) the extent of visible change to the landscape which may result from an activity;
NOTE: *Visibility from private property cannot be taken into account as part of visibility effects. For further information refer to Operative plan \| Far North District Council.*

(f) the extent to which adverse effects may be mitigated through screening or other means;

(g) the degree of visual intrusion in the landscape;
NOTE: *Visibility from private property cannot be taken into account as part of visibility effects. For further information refer to Operative plan \| Far North District Council.*

(h) the siting of the activity in relation to ridgelines or natural landscape features;

(i) the design of any building, structure, landform or any development;

(j) the location and design of vehicle access, manoeuvring and parking spaces;

(k) the potential for more than minor adverse effects on the outstanding natural feature as a result of the proposed activity;

(l) the extent to which the activity will protect and/or enhance the outstanding natural feature or landscape;

(m) the extent to which the activity may adversely affect ecological values of indigenous flora and fauna;

(n) provisions for the permanent legal protection of the Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature;

(o) the environmental effect of the increase in residential intensity and/or the extra lots in relation to the benefits of achieving permanent legal protection of an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature;

(p) the extent to which an application proposes revegetation and/or enhancement of the Outstanding Landscape, Outstanding Landscape Feature, or Outstanding Natural Feature, and the measures to secure the long term sustainability of the revegetation and/or enhancement;

(q) the characteristics of the application site, including its size, shape and topography;

(r) the effectiveness of any proposed pest control programme;

(s) the relationship of people and communities with outstanding landscapes, outstanding landscape features and outstanding natural features.

12.2 INDIGENOUS FLORA AND FAUNA

Nga Tamariki Tuturu A Tane

I mua atu, ki pai nga tamariki tuturu Maori e noho ana i roto i te Waonui o Tane. I tenei wa, tiakina aua taonga ka mahue, me te whakahoki i aua mea e ngaro haere ana.

Indigenous Flora and Fauna

This land was once clothed in native forest and plants with an abundance of birds and other living creatures. Let us conserve what remains and restore what has been depleted.

CONTEXT

The Far North District contains some of the most distinctive ecological districts in New Zealand with an exceptional biological diversity. While most natural areas have been extensively modified by man, the District retains a large number of valuable habitats with a wide variety of wildlife. These include some species that are endemic to Northland, and others which are nationally threatened or declining.

Key types of natural areas include:

- freshwater wetlands;
- podzol gumfields;
- dunelands and dune lakes;
- coastal broadleaf forests;
- volcanic broadleaf forests;
- podocarp forests;
- kauri forests;
- alluvial flood plain and riverine forests;
- saltmarsh;
- swamp forests and shrublands.

The District contains the main or only populations of several threatened species, as well as containing habitats that support a very large number of other nationally threatened species. The District also contains a high number of endemic species, i.e. species that are found only locally. Examples of threatened species are the North Island brown kiwi, kukupa (wood pigeon), large Bartlett's tree rata, the Northland green gecko and the Northland black mudfish.

Many habitats are under threat from modification and/or destruction by human activities. Particularly scarce or threatened habitats are dune systems (including dune lakes), scrub and shrublands (including gumlands), coastal forest remnants, swamp forests, fertile swamps and peat bogs. In addition, pests damage indigenous vegetation by browsing and cause loss of indigenous fauna by predation. Weed invasion is also a problem. Thus, human activities and the presence of pests and weeds reduce ecosystem quality.

Not only is there exceptional biodiversity in the Far North District, but the area of indigenous vegetation and habitat of indigenous fauna is also very large compared to neighbouring local authorities, and probably most other districts in New Zealand (Whangarei District has only 48,000 ha and Kaipara has only 40,000 ha). Of a total land area of 684,000 ha, approximately 239,000 ha has been identified as "significant". This identification was carried out through the Department of Conservation's SNA survey programme, adapted from the previous Protected Natural Areas (PNA) Programme. This data has undergone at least two reviews both by the Department itself and independently and will continue to be updated.

The PNA programme identifies some 35% of the total land area of the District as ecologically important. Of this area, just over half is in private ownership. Most privately owned land is not formally protected (by covenant or other means). The private owners are primarily responsible for the management of this land, although the regional council has a responsibility for weed, pest and erosion control. Part of the reason for the large area of land identified as significant indigenous vegetation and significant habitats of indigenous fauna is that the climate and geography of the District have contributed to a great diversity of indigenous flora and fauna. The District is renowned for a high rate of natural reversion. Another part of the reason is that the geography of the District did not permit the large-scale forest clearance for the early milling and farming purposes that occurred on the more fertile and easier contoured land in the adjoining districts.

The exceptional biodiversity and extensive areas of indigenous vegetation and habitat have implications for the choice of methods adopted to meet the requirements of s6(c) of the Act. A wide range of methods is required to better achieve protection.

The Act requires that areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected. In evaluating the "significance" of an area, the criteria set out in Appendix III of the Northland Regional Policy Statement will be applied. Areas identified in the PNA programme as being internationally or nationally important will have the highest priority when allocating resources to assist with their protection.

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 is a matter of national importance. Many rare and threatened habitats are located within the coastal environment and contribute to its natural character. Therefore there is a dual onus on the Council to ensure that the Plan contains methods for achieving their protection.

The Act requires protection but does not specify how protection is to be achieved. However, it is obvious that a basic requirement for protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is that such areas are not removed. Sustainable management also involves controlling plants and animals, which adversely affect indigenous ecosystems. An important goal is to achieve widespread commitment to the active protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna on public and private property.

At a minimum, having a representative sample of important habitats and ecosystems under some form of protection is essential as this ensures that biodiversity is maintained and enhanced and promotes amenity. However, it is not sufficient to rely upon public ownership alone to achieve the purposes of the Act. Sustainable management requires a comprehensive approach to the protection and active management of areas of Public land administered by the Department of Conservation and other significant indigenous vegetation and significant habitats of indigenous fauna, and this approach must involve the private landowners who have stewardship over this important resource.

The requirement to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna must be seen in the light of the over-arching purpose of the Act (s5), which is "to promote the sustainable management of natural and physical resources". This includes enabling people and communities to provide for their social, economic and cultural well being, provided that the life supporting capacity of ecosystems is safe guarded and adverse effects are avoided, remedied or mitigated. This is particularly important for certain sectors of the community where their ability to provide for their economic, social and cultural wellbeing is restricted by land tenure and where the high rate of reversion means that vegetation can become significant quite quickly.

The Far North is fortunate to have one of the largest populations of North Island brown kiwi in the country. Council holds indicative maps of high and medium density kiwi habitat and will make that information freely available. Council recognises high-density kiwi habitat as significant habitat in terms of the relevant provisions of the Plan. Kiwis are still under threat in the Far North, especially from predation by cats, dogs and mustelids but increasingly more are dying on our roads. Council has a range of measures aimed at protecting or enhancing kiwi habitat including advocacy and education, conditions on consents in areas of confirmed high-density kiwi habitat, and use of other procedures such as the Dog Control Act.

12.2.1 ISSUES

12.2.1.1 The Far North District contains a higher number of rare and threatened indigenous flora and fauna than any other district in New Zealand and these species are inadequately protected.

12.2.1.2 Loss or degradation of significant indigenous vegetation and significant habitats of indigenous fauna has occurred as a result of several factors, including human activity; pressure from pests, browsing and predation, invasion by weed species, stock grazing and inappropriate vehicle use.

12.2.1.3 The extensive areas of indigenous vegetation and habitats of indigenous fauna, and the implications of this scale when choosing methods that promote their protection and active management, is an issue.

12.2.1.4 A large proportion of the as yet unprotected significant indigenous vegetation and significant habitats of indigenous fauna is privately owned, giving rise to questions of equity if protection of this land constrains otherwise normal rural activities and affects economic wellbeing as part of sustainable management .

12.2.1.5 Areas of indigenous vegetation have become fragmented with a resulting loss of the natural corridors, which facilitate migration of fauna between areas.

12.2.1.6 The existence of habitats for indigenous species in exotic vegetation (e.g. pine forests) is an important component of the ecosystem, which requires recognition.

12.2.1.7 There is an ongoing need to ensure there is public awareness about the values of indigenous ecosystems and the threat to them, which arises from human activity.

12.2.1.8 Loss of indigenous vegetation can have adverse effects on landscape.

12.2.1.9 Loss of biodiversity due to inadequate management of areas of indigenous flora and fauna.

12.2.1.10 High rates of reversion can limit landowners' ability to provide for their economic and social wellbeing.

12.2.2 ENVIRONMENTAL OUTCOMES EXPECTED

12.2.2.1 Population numbers of rare and threatened species of flora and fauna are maintained or increased and their habitat enhanced.

12.2.2.2 Existing areas of significant indigenous vegetation and significant habitats of indigenous fauna do not suffer further degradation, and are, where possible, managed to enhance the area, and new and/or alternative areas are developed.

12.2.2.3 The District's exceptional biological diversity, including its high level of endemism, is maintained and enhanced for national benefit.

12.2.2.4 An increase in those areas of significant indigenous vegetation and significant habitats of indigenous fauna, which are formally protected.

12.2.2.5 The people of the Far North will have an increased awareness of the indigenous biodiversity of the area and a stronger commitment to its protection and enhancement.

12.2.3 OBJECTIVES

12.2.3.1 To maintain and enhance the life supporting capacity of ecosystems and the extent and representativeness of the District's indigenous biological diversity.

12.2.3.2 To provide for the protection of, and to promote the active management of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

12.2.3.3 To recognise issues of wellbeing including equity for landowners in selecting methods of implementation.

12.2.3.4 To promote an ethic of stewardship.

12.2.4 POLICIES

12.2.4.1 That areas of significant indigenous vegetation and significant habitats of indigenous fauna be protected for the purpose of promoting sustainable management with attention being given to:

(a) maintaining ecological values;

(b) maintaining quality and resilience;

(c) maintaining the variety and range of indigenous species contributing to biodiversity;

(d) maintaining ecological integrity; and

(e) maintaining tikanga Maori in the context of the above.

Note: In determining whether a subdivision, use or development is appropriate in areas containing significant indigenous vegetation and significant habitats of indigenous fauna, Council shall consider each application on a case by case basis, giving due weight to Part II of the Act as well as those matters listed above.

12.2.4.2 That the significance of areas of indigenous vegetation be evaluated by reference to the criteria listed in Appendix III of the Northland Regional Policy Statement (refer also to definition of "significant" in ***12.2.5.6***).

12.2.4.3 That adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated by:

(a) seeking alternatives to the disturbance of habitats where practicable;

(b) managing the scale, intensity, type and location of subdivision, use and development in a way that avoids, remedies or mitigates adverse ecological effects;

(c) ensuring that where any disturbance occurs it is undertaken in a way that, as far as practicable:

(i) minimises any edge effects;

(ii) avoids the removal of specimen trees;

(iii) does not result in linkages with other areas being lost;

(iv) avoids adverse effects on threatened species;

(v) minimises disturbance of root systems of remaining vegetation;

(vi) does not result in the introduction of exotic weed species or pest animals;

(d) encouraging, and where appropriate, requiring active pest control and avoiding the grazing of such areas.

12.2.4.4 That clearance of limited areas of indigenous vegetation is provided for.

12.2.4.5 That the contribution of areas of indigenous vegetation and habitats of indigenous fauna to the overall biodiversity and amenity of the District be taken into account in evaluating applications for resource consents.

12.2.4.6 That support is given to programmes for weed and pest control, including support for community pest control areas established by the Northland Regional Council under the Regional Pest Management Strategies, in areas of significant indigenous vegetation and significant habitats of indigenous fauna and surrounding lands.

12.2.4.7 That community awareness of the need and reasons for protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna be promoted.

12.2.4.8 That restoration and enhancement of indigenous ecosystems is based on plants that would have occurred naturally in the locality and is sourced from local genetic stock where practicable.

12.2.4.9 That the Council will work with landowners and communities to ensure outcomes are achieved in an effective and equitable manner.

12.2.4.10 In order to protect areas of significant indigenous fauna:

(a) that dogs (excluding working dogs), cats, possums, rats, mustelids and other pest species are not introduced into areas with populations of kiwi, dotterel and brown teal;

(b) in areas where dogs, cats, possums, rats, mustelids and other pest species are having adverse effects on indigenous fauna their removal is promoted.

12.2.4.11 That when considering resource consent applications in areas identified as known high density kiwi habitat, the Council may impose conditions, in order to protect kiwi and their habitat.

12.2.4.12 That habitat restoration be promoted.

12.2.4.13 That the maintenance of riparian vegetation and habitats be recognised and provided for, and their restoration encouraged, for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, preservation of natural character and the maintenance of general ecosystem health and indigenous biodiversity.

12.2.4.14 That when considering an application to clear areas of significant indigenous vegetation or significant habitats of indigenous fauna, enabling Maori to provide for the sustainable management of their ancestral land will be recognised and provided for by Council.

12.2.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

12.2.5.1 Rules in the Plan monitor and control as far as is appropriate, subdivision and activities that could adversely affect areas of significant indigenous vegetation and significant habitats of indigenous fauna.

12.2.5.2 In all zones rules apply to the clearance of indigenous vegetation.

12.2.5.3 In Outstanding Landscapes and in regard to Outstanding Landscape Features, and Outstanding Natural Features, rules apply to the clearance of vegetation (see ***Section 12.1***).

12.2.5.4 Policies in the Plan supporting initiatives for weed and pest control and habitat management be implemented, where practicable, when assessing applications for subdivision and land use consents and by financial assistance.

12.2.5.5 Incentives in the Plan encourage voluntary protection of indigenous vegetation and habitats of indigenous species.

12.2.5.6 The significance of indigenous vegetation and habitats will be assessed by reference to the criteria in Appendix III of the Northland Regional Policy Statement when processing applications for resource consent for land use or subdivision. These criteria are:

(a) whether the area contains critical, endangered, vulnerable or rare taxa, or taxa of indeterminate threatened status (in the context of this clause, taxa means species and subspecies);

(b) whether the area contains indigenous or endemic taxa that are threatened or rare in Northland;

(c) whether the area contains representative examples in an ecological district of a particular habitat type;

(d) whether the area has a high diversity of taxa or habitat types for the ecological district;

(e) whether the area forms an ecological buffer, linkage or corridor to other areas of significant vegetation or significant habitats of indigenous fauna;

(f) whether the area contains types that are rare in the ecological district;

(g) whether the area supports good populations of taxa which are endemic to the Northland or Northland-Auckland regions;

(h) whether the area is important for indigenous or endemic migratory taxa;

(i) whether the area supports viable populations of species, which are typical of that type of habitat within an ecological district and retain a high degree of naturalness.

12.2.5.7 Council retains the discretion to impose conditions on subdivision or land use consents within areas of confirmed high density kiwi habitat regarding the keeping of dogs and cats.

12.2.5.8 Council holds indicative maps showing both high and medium density kiwi habitat, and will make that information available on request.

OTHER METHODS

12.2.5.9 Non-regulatory methods and/or voluntary protection of areas of significant indigenous vegetation and habitat will be encouraged to complement regulatory methods of protection.

12.2.5.10 The Council will establish/appoint a Significant Natural Area (SNA) Committee (including representatives of Iwi, landowners and Council). The SNA Committee will meet regularly and be tasked with providing direction and impetus for meeting the Council's biodiversity protection functions. The SNA committee will, among other things, be expected to play a key role in assisting the Council in its formulation, evolution and delivery of education and advocacy programmes under this Plan whilst providing an interface between the District Council, Iwi, other agencies (in particular NRC and DoC), landowners, environmental groups and other interested parties. The role of the SNA Committee or its representative specifically includes:

(a) issuing of a certificate exempting clearance under ***Rule 12.2.6.3.1***;

(b) responding to requests from landowners who are not proposing clearance of indigenous vegetation or habitats, but who wish to offer voluntarily land for protection. In these cases, the SNA Committee or its representative will carry out an on-site inspection and discussion with the landowner;

(c) registration of areas which are to be voluntarily protected. The register will be held by the Council. Any offer from a landowner to register an area for voluntary protection should include the following information, which will be included on the register:

(i) the name and postal address of the owner of the property;

(ii) the terms of the voluntary protection, including the length of time for which the protection will exist;

(iii) willingness to sell land for the purpose of having it protected;

(iv) location of the area (an aerial photograph is preferable);

(v) the area to be registered;

(vi) description of the topography;

(vii) description of the vegetation or the habitat which is to be protected;

(viii) assessment of the resource management significance of the area;

(ix) description of the management measures which are proposed for the property (e.g. fencing, weed and pest control);

(x) description of the land use activities which are proposed (e.g. grazing/shelter for stock, watering of stock, harvesting of firewood, harvesting of timber for personal use in accordance with the provisions of the Forests Act 1949, revegetation);

(xi) any measures to restrict or exclude dogs and cats;

(xii) any proposals for the relocation of threatened species;

(xiii) any assistance which is sought from the Council in respect of the creation and management of the protected area;

(d) giving advice on land management to landowners and recommending to them how development of their land can be achieved while protecting areas of significant indigenous vegetation and habitats of indigenous species;

(e) making recommendations for allocating any money that is available to the Council from time to time for active management of protected areas;

(f) reporting to the Council from time to time concerning the success of any voluntary protection.

In carrying out an evaluation of the significance of indigenous vegetation and habitats, the SNA Committee or its representative will have regard for the criteria listed in Appendix III of the Northland Regional Policy Statement and in ***Method 12.2.5.6***.

The SNA Committee or its representative will use the opportunity provided by site visits to update the Council's records of the aerial extent and ecological value of indigenous vegetation and habitats in the District.

12.2.5.11 The Council will progressively develop a database on indigenous vegetation areas and habitat. The database will include, but not be restricted to:

(a) sites under statutory protection outside of the Act, e.g. covenanted areas, Nga Whenua Rahui, Queen Elizabeth II Trust covenants;

(b) sites where legal protection has been secured under the Act, e.g. consent notices, conditions on resource consents;

(c) sites volunteered by landowners for protection;

(d) further potential sites, by reference to published information and surveys undertaken by qualified personnel;

(e) areas covered by Plans and Permits granted under the Forests Act 1949;

(f) known high density kiwi habitat.

Council will progressively develop maps of the District's significant indigenous vegetation and significant habitats of indigenous fauna, including confirmed high density kiwi habitat, as allowed for in the Long Term Council Community Plan and in collaboration with other key agencies, in particular the Department of Conservation and the Northland Regional Council.

12.2.5.12 Education is an important method. The Council will provide information to landowners and the public generally about the existence and value of indigenous vegetation and habitats and the management of them. Information on management practices that protect kiwi and other indigenous fauna in exotic forests will be provided.

12.2.5.13 The Council will postpone or remit rates where an area is afforded permanent legal protection through a covenant or reserves status where Council's Rates Remission Policy is met.

12.2.5.14 The Council will waive fees for resource consents, in full or in part, where an applicant offers to legally protect an area deemed to be significant under ***Method 12.2.5.6*** through a covenant or reserve status and may do so where the conditions of a consent achieve protection of indigenous vegetation and habitats of indigenous species.

12.2.5.15 The Council will make available incentives to private landowners for protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna.

12.2.5.16 Where appropriate Council will plant indigenous species on Council controlled land particularly where it involves riparian areas or degraded natural areas.

12.2.5.17 Council will liaise with relevant agencies when developing strategies, research proposals, making acquisitions or undertaking investigations relating to the management and protection of habitats of indigenous fauna and areas of indigenous vegetation.

12.2.5.18 The Council will approach those landowners who have participated in previous reviews to see whether formal protection can be achieved on a voluntary basis.

12.2.5.19 Council will give advice to landowners on sources of assistance available such as the Northland Regional Council Environment Fund, the Nature Heritage Fund, QE II National Trust and Nga Whenua Rahui.

12.2.5.20 Council will promote awareness of the adverse effects of introduced species on indigenous ecosystems and the role of the Biosecurity Act, Wild Animal Control Act and the Hazardous Substances and New Organisms Act in their management and control.

12.2.5.21 Where appropriate, Council may impose conditions on subdivision and land use consents to address the adverse effects of introduced species on indigenous ecosystems resulting from the subdivision or land use activity.

12.2.5.22 Council will ensure that any landscape plan approved as a condition of consent does not include any plant included in the *"National Pest Plant Accord" (August 2001)* administered by the Ministry of Agriculture and Forestry.

12.2.5.23 In community pest control areas where the Northland Regional Council is funding control operations, the Far North District Council will consider through its Annual Plan process contributing to those operations where they are carried out on Far North District Council property and within the community pest control areas.

COMMENTARY

*The mandate for protection of significant indigenous vegetation and the habitats of significant indigenous fauna is set out in s6(c) of the Act, and supported by s6(a) and s6(b). This mandate is more fully explained in the Northland Regional Policy Statement and particularly relevant are the criteria for assessing "significance" which are adopted in this Plan for consistency (refer to **Policy 12.2.4.2** and **Method 12.2.5.6**).*

Given the exceptional biodiversity and large areal extent of habitats, achieving both the protection and sustainable management of these resources requires an ongoing commitment from the whole community. The need for this ongoing commitment explains the choice of both a voluntary and regulatory system of protection and provision for incentives within and outside the Plan.

*Landowners in the Rural Production Zone were concerned that the imposition of rules relating to vegetation clearance would prevent otherwise normal land use activities and result in economic losses. As ongoing stewardship depends on landowner co-operation, it became clear that focussing the rules to protect areas of significant indigenous vegetation or habitats, remnant forest and riparian margins combined with education, incentives and partnerships for encouraging voluntary protection, was more likely to gain acceptance in this particular community than would rules applying to any vegetation clearance, and therefore would be more likely to promote the goal of sustainable management. To assist landowners within the Rural Production and Minerals Zones identify and protect areas of significance whilst allowing normal land uses and activities to continue, **Rule 12.2.6.3.1** provides for a site specific assessment by an approved ecologist to identify those areas requiring protection (i.e. where any of the criteria in **Method 12.2.5.6** are met).*

*An important non-regulatory component is the compilation of a comprehensive database recording identified sites, their significance and measures for protection. In time, this database will provide accurate information on which to base future environmental policy and, when compared to aerial photography, the means to monitor its effectiveness (refer to **Method 12.2.5.11**).*

*For several reasons, general clearance rules have been chosen as the preferred method in all zones and in Outstanding Landscapes and Outstanding Landscape Features. First, there is a degree of certainty about the effectiveness of rules compared to voluntary systems, and greater certainty is preferable where the protection of the natural character of the coastal environment, and of outstanding landscapes and features, is sought. Second, by and large there has been community acceptance of rules in these areas due in part to the provisions of the Transitional District Plans. Third, the lack of reliable data limits the ability to target rules to areas which have been mapped, and therefore changes in land use or subdivision must be relied upon to trigger a site evaluation and, possibly, an application for resource consent. Finally, applications for resource consent enable the Council to consider applying incentives or approval to bonus lots where legal protection is achieved, both being integral to the policy of promoting active management (refer to **Policies 12.2.4.5** & **12.2.4.9**, and **Methods 12.2.5.1**, **12.2.5.2** and **12.2.5.3**).*

*Incentives for protection and support for the ongoing management of significant indigenous vegetation and significant habitats of indigenous fauna are an important part of a comprehensive approach to sustainable management. Not only will the Council take the lead by planting indigenous species on riparian margins in public ownership but it will facilitate co-ordinated action by all interested parties and practical support where protection is assured (refer to **Policies 12.2.4.6** and **12.2.4.8** and **Methods 12.2.5.4**, **12.2.5.13**, **12.2.5.14**, **12.2.5.15**, **12.2.5.16** and **12.2.5.17**).*

12.2.6 RULES

Activities affected by this section of the Plan must comply not only with the rules in this section, but also with the relevant standards applying to the zone in which the activity is located (refer to ***Part 2 Environment Provisions***), and with other relevant standards in ***Part 3 – District Wide Provisions***.

Particular attention is drawn to:

(a) ***Chapters 7-10*** in ***Part 2***;

(b) Other sections within ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);

(c) ***Chapter 13 Subdivision***;

(d) ***Chapter 14 Financial Contributions***;

(e) ***Chapter 17 Designations and Utility Services*** (and the ***Zone Maps***).

Where relevant, refer to other sections of the plan such as Part 2 – Environmental Provisions and other parts of Part 3 – District Wide Provisions as there may be other provisions that need to be considered.

12.2.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity if:

(a) it complies with the standards for permitted activities set out in ***Rules 12.2.6.1.1*** to ***12.2.6.1.4*** below; and

(b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(c) it complies with the other relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

Note: Where clearance involves land on one site but in more than one zone, each part of the clearance shall comply with the zone rules applying to the zone in which that particular part of the clearance in located.

12.2.6.1.1 INDIGENOUS VEGETATION CLEARANCE PERMITTED THROUGHOUT THE DISTRICT

Notwithstanding any rule in the Plan to the contrary but subject to ***Rules 12.5.6.1.1***, ***12.5.6.1.3*** and ***12.5.6.2.2*** in the Heritage section of this Plan, indigenous vegetation clearance is permitted throughout the District where the clearance is for any of the following purposes:

(a) clearance of indigenous vegetation 10 years old or less to establish new exotic plantation forest;

(b) to provide clearance for existing overhead power and telephone lines, provided that no more vegetation is cleared or trimmed than is necessary for the safe operation of the utility service; or

(c) the removal of trees and other vegetation which, as a result of old age or a natural event such as a storm or erosion, are a risk to the safety of people or property; or

(d) the maintenance of existing roads, and private accessways and walkways including for the purposes of visibility and road safety; or

(e) the formation and maintenance of walking tracks less than 1.2m wide using manual methods which do not require the removal of any tree over 300mm in girth; or

(f) the maintenance of existing open space within 20m of an existing building; or

(g) the removal of dead trees, provided that no more vegetation is cleared or trimmed than is necessary for safe removal; or

(h) the sustainable harvest of plant material for rongoa Maori (customary medicine); or

(i) the maintenance of existing fence lines, provided that the clearance does not exceed 3.5m in width either side of the fence line; or

(j) normal gardening activities which result from the maintenance of lawn and gardens; or

(k) the removal is in accordance with an existing use right; or

(l) the removal is for a new fence where the purpose of the new fence is to exclude stock and/or pests from the area provided that the clearance does not exceed 3.5m in width either side of the fence line; or

(m) creation and maintenance of firebreaks provided that no more vegetation is cleared than is necessary to achieve the practical purpose of the firebreak; or

(n) vegetation clearance of land which has been previously cleared and where the vegetation to be cleared is less than 10 years old.

(o) it involves the felling, trimming, damaging or removal of a tree or group of trees in an **urban environment** unless the tree or group of trees is—

  (A) specifically identified in the plan (refer to Chapter 12.5 and Appendix 1D); or

  (B) located within an area in the district that—

    (i) is a reserve (within the meaning of section 2(1) of the Reserves Act 1977); or

    (ii) is subject to a conservation management plan or conservation management strategy prepared in accordance with the Conservation Act 1987 or the Reserves Act 1977.

Where ***urban environment*** means an allotment no greater than 4000 m^2—

(a) that is connected to a reticulated water supply system and a reticulated sewerage system; and

(b) on which is a building used for industrial or commercial purposes, or a dwellinghouse.

Note 1: Plan users should refer to Regulations 93 and 94 of the National Environmental Standards for Plantation Forestry that provide for permitted activities for the removal of indigenous vegetation. .

Note 2: For the purposes of part (g) above, it should be noted that the milling of fallen trees is subject to the provisions of the Forests Act 1949.

Note 3: For the purpose of part (o) above, reference can be made to ***Chapter 3 Definitions***, which provides a definition of 'sewered'.

12.2.6.1.2 INDIGENOUS VEGETATION CLEARANCE IN THE RURAL PRODUCTION AND MINERALS ZONES

Clearance of indigenous vegetation in the Rural Production and Minerals Zones which is more than 10 years old is a permitted activity where:

(a) it is not in a remnant forest, not within 20m of a lake (as scheduled in ***Appendix 1C***), indigenous wetland or continually flowing river, and the clearance does not exceed 2ha per site existing as at 1 February 2005 in any 10 year period while this rule is in force; or

(b) if in a remnant forest, it is not within 20m of a lake (as scheduled in ***Appendix 1C***), indigenous wetland or continually flowing river, and the clearance does not exceed 500m^2 per site existing as at 1 February 2005 in any 10 year period while this rule is in force.

Note 1: Refer also to ***Rule 12.1.6.1.2***, which applies to vegetation clearance in Outstanding Landscapes and ***Rule 12.1.6.1.1(d)***, which applies to Outstanding Landscape Features.

Note 2: Refer also to Regulations 93 and 94 of the National Environmental Standards Plantation Forestry which prevail over this rule.

12.2.6.1.3 INDIGENOUS VEGETATION CLEARANCE IN THE GENERAL COASTAL ZONE

The clearance of indigenous vegetation is a permitted activity in the General Coastal Zone, provided that:

(a) the vegetation is less than 6m in height or 600mm in girth (measured at a height of 1.5m); and

(b) the clearance is not within 20m of a lake (as scheduled in ***Appendix 1C***), coastal marine area, indigenous wetland or continually flowing river; and

(c) any clearance involving remnant forest does not exceed 500m^2 ; and

(d) in relation to the total area of any site existing as at 1 February 2005 which has more than 50% of that area in indigenous vegetation, the total clearance does not exceed 1ha or 15% of that area, whichever is the lesser, in any 10 year period; or

(e) in relation to the total area of any site existing as at 1 February 2005 which has less than 50% of that area in indigenous vegetation, the total clearance does not exceed 1,000m^2 of that area in any 10 year period.

Note 1: Refer also to ***Rule 12.1.6.1.2***, which applies to vegetation clearance in Outstanding Landscapes and ***Rule 12.1.6.1.1(d)***, which applies to Outstanding Landscape Features.

Note 2: This rule prevails over the National Environmental Standards Plantation Forestry as it gives effect to Policy 11 of the New Zealand Coastal Policy Statement.

12.2.6.1.4 INDIGENOUS VEGETATION CLEARANCE IN OTHER ZONES

The clearance of indigenous vegetation is a permitted activity if the site meets the definition of an "urban environment" site as specified in **Rule 12.2.6.1.1(p**) above. On all other sites in other zones, the clearance of indigenous vegetation is a permitted activity, provided that the clearance does not increase the total area of cleared land on the site above 500m^2.

Note 1: Refer also to **Rule 12.1.6.1.2**, which applies to vegetation clearance in Outstanding Landscapes and **Rule 12.1.6.1.1(d)**, which applies to Outstanding Landscape Features.

Note 2: This means that if a site not meeting the definition in **Rule 12.2.6.1.1(p)** already has 500m^2 of cleared land, any further clearance involving indigenous vegetation will require resource consent under this Rule.

Note 3: Refer also to Regulations 93 and 94 of the National Environmental Standards Plantation Forestry which prevail over this rule.

12.2.6.2 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity if:

(a) it does not comply with ***Rule 12.2.6.1.1 Indigenous Vegetation Clearance Permitted Throughout the District***; ***Rule 12.2.6.1.3 Indigenous Vegetation Clearance in the General Coastal Zone*** or ***Rule 12.2.6.1.4 Indigenous Vegetation Clearance in Other Zones*** for permitted activities above; but

(b) it complies with ***Rules 12.2.6.2.1 Indigenous Vegetation Clearance in the General Coastal Zone*** and ***12.2.6.2.2 Indigenous Vegetation Clearance in Other Zones*** below; and

(c) it complies with the relevant standards for permitted, controlled or restricted discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(d) it complies with the other relevant standards for permitted, controlled or restricted discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

Note: Where clearance involves land on one site but in more than one zone, each part of the clearance shall comply with the zone rules applying to the zone in which that particular part of the clearance in located.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the matters specified in the relevant rule. The Council will take account of the Assessment Criteria applicable in the relevant zone and in ***Section 12.2.7***.

12.2.6.2.1 INDIGENOUS VEGETATION CLEARANCE IN THE GENERAL COASTAL ZONE

The clearance of indigenous vegetation in the General Coastal Zone that does not comply with ***Rule 12.2.6.1.3*** is a restricted discretionary activity, if:

(a) the clearance is not within 20m of a lake (as scheduled in ***Appendix 1C***), coastal marine area, indigenous wetland or continually flowing river; and

(b) any clearance involving remnant forest does not exceed 500m^2; and

(c) in relation to the total area of any site existing as at 1 February 2005 which has more than 50% of that area in indigenous vegetation, the total clearance does not exceed 1ha or 15% of that area, whichever is the lesser, per site in any 10 year period; or

(d) in relation to the total area of any site existing as at 1 February 2005 which has less than 50% of that area in indigenous vegetation, the total clearance does not exceed 1,000m^2 of that area in any 10 year period.

The Council will restrict the exercise of its discretion to:

(i) the significance of the area assessed using the criteria listed in ***Method 12.2.5.6***; and

(ii) the extent to which adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated; and

(iii) the extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area; and

(iv) the extent to which the activity may adversely impact on visual and amenity values; and

(v) the extent to which the activity may restrict the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, other taonga and the exercise of kaitiakitanga over these; and

(vi) the extent to which the activity may adversely affect the natural character of the coastal environment.

12.2.6.2.2 INDIGENOUS VEGETATION CLEARANCE IN OTHER ZONES

In all zones other than Rural Production, Minerals and General Coastal, the felling, injuring or removal of indigenous vegetation is a restricted discretionary activity if it does not comply with ***Rules 12.2.6.1.1*** or ***12.2.6.1.4***.

The Council will restrict the exercise of its discretion to:

(a) the significance of the area assessed using the criteria listed in ***Method 12.2.5.6***; and

(b) the extent to which adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated; and

(c) the extent to which any proposed measures will result in the protection and enhancement of the ecological values of the area; and

(d) the extent to which the activity may adversely impact on visual and amenity values; and

(e) the extent to which the activity may restrict the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, other taonga and the exercise of kaitiakitanga over these.

Note: Refer also to ***Rule 12.1.6.1.2***, which applies to vegetation clearance in Outstanding Landscapes and ***Rule 12.1.6.1.1(d)***, which applies to Outstanding Landscape Features.

12.2.6.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity if:

(a) it does not comply with ***Rule 12.2.6.1.1 Indigenous Vegetation Clearance Permitted Throughout the District*** or ***Rule 12.2.6.1.2 Vegetation Clearance in the Rural Production and Minerals Zones***; or

(b) it does not comply with one or more of the other standards for restricted discretionary activities as set out under ***Rules in 12.2.6.2***; and/or

(c) it complies with ***Rules 12.2.6.3.1 Indigenous Vegetation Clearance in the Rural Production and Minerals Zone*** or ***12.2.6.3.2 Development Bonus*** below; and

(d) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(e) it complies with the other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

Note: Where clearance involves land on one site but in more than one zone, each part of the clearance shall comply with the zone rules applying to the zone in which that particular part of the clearance in located.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under ***Section 12.2.7***.

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying activity unless it is a prohibited activity.

12.2.6.3.1 INDIGENOUS VEGETATION CLEARANCE IN THE RURAL PRODUCTION AND MINERALS ZONES

Subject to ***Rule 12.2.6.1.2***, the clearance of indigenous vegetation that has not been previously cleared in the past 10 years in the Rural Production and Minerals Zones is a discretionary activity. However, the clearance of indigenous vegetation is a permitted activity where the area to be cleared does not contain significant indigenous vegetation or habitat, as assessed under ***Method 12.2.5.6*** and in accordance with ***Notes 1*** to ***3*** below.

Note 1: An area not containing significant indigenous vegetation or habitat must be certified in a report prepared by an approved ecologist, applying the criteria in ***Method 12.2.5.6*** of this Plan. The contents of the report shall include a scaled map and/or aerial photography showing any areas of significant indigenous vegetation or significant habitat of indigenous fauna and the assessment of the area, and shall be lodged with the Council.

Note 2: A certificate confirming satisfaction of ***Rule 12.2.6.3.1 Note 1*** will be issued by the SNA Committee – see ***Method 12.2.5.10***.

Note 3: An approved ecologist is one who is on a list held by the Council for the purposes of ***Chapter 12.2***. The CEO of the Council will confirm a list of approved ecologists from time to time after consultation with representatives of Department of Conservation, Iwi and the farming community, taking into account professional qualification, experience within Northland and membership of professional bodies.

Note 4: As this rule covers indigenous vegetation over 10 years old, it manages a matter not covered by the National Environmental Standards Plantation Forestry (NES PF) as clearance of of vegetation prior to afforestation is not covered by the NES PF as per Regulation 5(3).

12.2.6.3.2 DEVELOPMENT BONUS

Where a site contains one or more areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, and:

(a) Where any or all of the area(s) and/or habitat(s) on the site is/are proposed by the applicant to be permanently protected, or where revegetation or enhancement is proposed but not where this is required by the Plan or as a condition of consent, either:

(i) the residential intensity on the site may be increased by up to a maximum level that corresponds with the level provided for restricted discretionary activities (in the case of urban zones), and discretionary activities (in the case of non-urban zones). Where

necessary, to give practical effect to this development bonus, the Council will not require compliance with the following rules: ***Traffic Intensity***, ***Scale of Activities*** and ***Impermeable Surfaces***; or

(ii) the Council may grant consent to an application to subdivide one or more bonus lots. The new lot(s) may be created in addition to the rights to subdivide which otherwise apply, and may include the area to be protected, revegetated or enhanced. The minimum area of a bonus lot shall be the minimum area provided for as a discretionary subdivision activity in the relevant zone. If the site is located within the Rural Production Zone the minimum discretionary lot size of any bonus lot shall be 4.0 ha. This bonus lot provision cannot apply to the General Coastal Zone as there is no discretionary minimum lot size (management plan subdivision is the only option provided).

(b) Where there is an ongoing comprehensive pest control programme within that area of significant indigenous vegetation or significant habitat of indigenous fauna, the Council may allow a bonus of up to 20% more open space and impermeable surface than is allowed as a restricted discretionary standard or alternatively increase the ***Scale of Activities*** rule up to the lower level that corresponds with that provided for under a discretionary activity in the relevant zone.

The Council will require that a covenant or other legal instrument be registered against the Certificate of Title to record the commitment to protection, revegetation, or enhancement before any bonus can be given effect to.

In deciding whether or not to grant a development bonus, Council will ensure that the adverse effects on the areas of significant indigenous vegetation and/or significant habitats of indigenous fauna that may result from the increased residential intensity or subdivision are avoided.

The Council may impose, as a condition of consent to any application for a development bonus, a requirement that a bond be paid, to be refunded when the Council is satisfied that the conditions of that resource consent have been complied with.

The Council may provide assistance in respect of any such application by waiving resource consent charges and reserve contributions. It may also provide assistance with fencing and fees associated with achieving formal protection.

12.2.6.4 PROHIBITED ACTIVITIES

12.2.6.4.1 PEST SPECIES

An activity is a prohibited activity if it involves the introduction, keeping, running, farming, propagating or breeding of the following species anywhere in the District, other than for the purposes of controlling or eradicating that species:

(a) any possum; and

(b) any mustelid species including ferret (*Mustela furo*), stoat (*Mustela ermina*) and weasel (*Mustela vulgari*); and

(c) any wallaby species (*Macropus spp*); and

(d) any rook (*Corvus frugilegus*) or magpie (*Gymnorhina tibicen*); and

(e) any plant included in the *"National Pest Plant Accord" (August 2001)* administered by the Ministry of Agriculture and Forestry.

12.2.7 ASSESSMENT CRITERIA

The matters set out in s104 and s105, and in Part II of the Act, apply to the consideration of all resource consents for land use activities.

In addition to these matters, the Council shall also apply the relevant assessment matters set out below:

(a) the significance of the area assessed using the criteria listed in ***Method 12.2.5.6***;

(b) the location and scale of any activity and its potential to adversely affect the natural functioning of the ecosystem;

(c) the potential effects on the biodiversity and life supporting capacity of the area;

(d) the extent to which the activity may adversely affect cultural and spiritual values;

(e) the extent to which the activity may impact adversely on visual and amenity values;

(f) the extent to which adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna are avoided, remedied or mitigated;

(g) the extent to which any proposed measures will result in the permanent protection of the area, and the long term sustainability of revegetation and enhancement proposals;

(h) whether a voluntary agreement by a landowner to protect indigenous vegetation and/or habitats is registered with the Council;

(i) whether dogs, cats or mustelids will be excluded;

(j) proposals for the re-establishment of populations of threatened species, either in areas where the species previously inhabited or other suitable habitat, and/or replanting or restoration of habitats and indigenous vegetation;

(k) the environmental effect of the increase in residential intensity and/or extra lots in relation to the benefits of achieving permanent legal protection of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;

(l) the value of vegetation in protecting the life supporting capacity of soil, maintaining or improving water quality and reducing the potential for downstream siltation and flooding;

(m) the extent to which the activity may adversely affect areas of known high density kiwi habitat;

(n) the environmental effects of a proposed development in relation to the benefits of achieving permanent protection and/or management of areas of significant indigenous vegetation or significant habitats of indigenous fauna;

(o) the extent to which there are reasonable alternatives to provide for sustainable management;

(p) the extent to which the habitat policies of any national policy statement, the Regional Policy Statement for Northland and the District Plan are implemented;

(q) the extent to which other animals or plants that will be introduced as a result of the application and may have a significant adverse effect on indigenous ecosystems are excluded or controlled;

(r) the effectiveness of any proposed pest control programme.

12.3 SOILS AND MINERALS

Te Oneone Me Te Papa

Ahakoa he iti, he kaupapa ta te whenua. Me ka tiakina te whenua me ona taonga e te iwi, ka whakahoki mai te tiaki o te iwi, e te whenua me ona taonga.

Soils and Minerals

Earth nurtures us with its richness and fertility. Let us sustain the earth and its treasures, so that the earth and its treasures will sustain us.

CONTEXT

The Far North District has a great variety of soil types, with widely varying suitability for productive purposes. Soils suitable for horticultural use have been identified near Kaitaia and up to Pukenui, and in the vicinity of Kerikeri, Kaikohe and Waimate North. However, versatile soils are a very small proportion, by area, of the total soil resource.

While loss of versatile soils to urban development should generally be avoided, the more important risk to manage in the Far North is the loss of soil due to erosion, particularly in vulnerable hill country and in coastal areas. Uncontrolled earthworks (excavation and filling) can exacerbate this risk. In addition, earthworks can detrimentally affect the amenity of the landscape by causing scarring, vegetation removal and loss of natural character. Damage to Sites of Cultural Significance to Maori and archaeological sites is also a risk to be avoided.

The protection of the soil resource, including soil quality and quantity, from degradation or loss as a result of unsustainable land use and land use practices is the responsibility of both the Northland Regional Council through any Regional Water and Soil Plan currently in force, and the Far North District Council. While the Regional Council's role is fairly specific, relating primarily to soil conservation, mitigation of natural hazards, control of contaminant discharges and associated water quality management, it also has a general role in identifying and setting policy in relation to any effects of the use, development or protection of land which is of regional significance. The Far North District Council has the major responsibility for controlling the environmental effects of land use, subdivision and development.

The District has a wide variety of minerals, some of which are currently being extracted in quantities suitable for commercial use. Common minerals are aggregates, clay and limestone. Quarries, both large and small, are located throughout the District, extracting a range of rock resources primarily for roading purposes.

Minerals are a special case in resource management because they occur only in particular places and must be extracted in order to be used. Given their vital contribution to the economic and social well-being of the community, the key role of the Plan is to enable the utilisation of both existing and potential resources and to manage any adverse environmental effects arising from mineral extraction e.g. noise and vibration, traffic, dust, loss of visual amenity and reverse sensitivity matters.

Controlling adverse effects is especially important where quarrying and mining takes place near residential activities but conversely residential or other activities can give rise to reverse sensitivity effects on mineral extraction activities. The Minerals Zone has been applied to existing mineral extraction activities registered with the Ministry of Economic Development in order to enable effective management of these valuable resources. Other large scale mineral extraction activities can seek to have the zone applied by means of a Plan Change or can apply for resource consent through the rules in this section. Small scale farm and forest quarries obtaining roading material for use on the farm or forest production unit on which they are located are included in the definition of normal rural practices and are exempt from the rules on excavation and filling and on mining and quarrying. (Refer also to ***Section 8.8 – Minerals Zone***).

12.3.1 ISSUES

12.3.1.1 Unless carefully managed, excavation and filling may lead to adverse effects such as erosion, loss of soil structure due to disturbance or compaction, water logging and loss of visual amenity.

12.3.1.2 Efficient mineral extraction and processing is necessary for the well-being of people and communities but has the potential to cause adverse effects on the environment.

12.3.2 ENVIRONMENTAL OUTCOMES EXPECTED

12.3.2.1 Retention and enhancement of the life supporting capacity of soil resources of the District.

12.3.2.2 A reduced rate of loss of soil through erosion.

12.3.2.3 Adverse effects arising from mineral extraction on other activities and natural and physical resources are avoided, remedied or mitigated.

12.3.3 OBJECTIVES

12.3.3.1 To achieve an integrated approach to the responsibilities of the Northland Regional Council and Far North District Council in respect to the management of adverse effects arising from soil excavation and filling, and minerals extraction.

12.3.3.2 To maintain the life supporting capacity of the soils of the District.

12.3.3.3 To avoid, remedy or mitigate adverse effects associated with soil excavation or filling.

12.3.3.4 To enable the efficient extraction of minerals whilst avoiding, remedying or mitigating any adverse environmental effects that may arise from this activity.

12.3.4 POLICIES

12.3.4.1 That the adverse effects of soil erosion are avoided, remedied or mitigated.

12.3.4.2 That the development of buildings or impermeable surfaces in rural areas be managed so as to minimise adverse effects on the life supporting capacity of the soil.

12.3.4.3 That where practicable, activities associated with soil and mineral extraction be located away from areas where that activity would pose a significant risk of adverse effects to the environment and/or to human health. Such areas may include those where:

(a) there are people living in close proximity to the site or land in the vicinity of the site is zoned Residential, Rural Living, Coastal Residential or Coastal Living;

(b) there are significant ecological, landscape, cultural, spiritual or heritage values;

(c) there is a potential for adverse effects on lakes, rivers, wetlands and the coastline;

(d) natural hazards may pose unacceptable risks.

12.3.4.4 That soil excavation and filling, and mineral extraction activities be designed, constructed and operated to avoid, remedy or mitigate adverse effects on people and the environment.

12.3.4.5 That soil conservation be promoted.

12.3.4.6 That mining tailings that contain toxic or bio-accumulative chemicals are contained in such a way that adverse effects on the environment are avoided.

12.3.4.7 That applications for discretionary activity consent involving mining and quarrying be accompanied by a Development Plan.

12.3.4.8 That as part of a Development Plan rehabilitation programmes for areas no longer capable of being actively mined or quarried may be required.

12.3.4.9 That soil excavation and filling in the National Grid Yard are managed to ensure the stability of National Grid support structures and the minimum ground to conductor clearances are maintained.

12.3.4.10 To ensure that soil excavation and filling are managed appropriately, normal rural practices as defined in Chapter 3 will not be exempt when determining compliance with rules relating to earthworks, except if the permitted standards in the National Grid Yard specify that activity is exempt.

12.3.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

12.3.5.1 All excavation and filling that exceeds a certain minimum volume requires a resource consent (refer to ***Rules*** under ***12.3.6***). The thresholds which trigger an application for resource consent complement the standards in any Regional Water and Soil Plan currently in force. There are different thresholds for urban and non-urban zones.

12.3.5.2 Where necessary information on soil properties will be required to be submitted with resource consent applications and will be taken into account in assessing the environmental effects of such applications on the life supporting capacity of soils.

12.3.5.3 The subdivision rules identify minimum lot sizes in rural areas (see ***Chapter 13***).

12.3.5.4 Rules controlling the extent of impermeable surfaces are included in all zones (refer to ***Chapters 7 – 10*** inclusive).

12.3.5.5 Existing areas where quarrying and mining activities occur are included in the Minerals Zone (refer to ***Section 8.8***) so as to provide for this activity.

12.3.5.6 New quarries and mines, and extensions to existing quarries and mines, will be included in the Minerals Zone by way of a Plan Change as required by ***Policy 8.8.4.2*** (Minerals Zone). Alternatively, an application for a resource consent may be lodged as a discretionary activity pursuant to ***Rule 12.3.6.3.1*** or as a non complying activity pursuant to ***Rule 12.3.6.4***.

12.3.5.7 Additional rules controlling excavation and filling apply in areas identified as Coastal Hazard 1 and Coastal Hazard 2 Areas as shown on the ***Coastal Hazard Maps***.

12.3.5.8 Excavation and filling is not permitted within an Outstanding Landscape Feature as listed in ***Appendix 1B*** in ***Part 4***, or an Outstanding Natural Feature as listed in ***Appendix 1A*** in ***Part 4***, and as shown on ***Resource Maps*** (refer to rules in ***Section 12.1***).

12.3.5.9 Where an application is made for an activity, breaching ***Rule 12.3.6.1.5*** Transpower New Zealand Limited shall be considered an affected party, due to the national significance of the National Grid line.

OTHER METHODS

12.3.5.10 Rules in any Regional Water and Soil Plan for Northland currently in force control the effects of activities that could create or exacerbate erosion. The Council will work with the Northland Regional Council to ensure that joint applications are made where appropriate.

12.3.5.11 The Council's bylaws control excavation and/or filling within 20m of any road, private road or adjoining properties.

12.3.5.12 The Council's Engineering Infrastructure Standards, and Roading Policies specify good practice in respect to avoiding, remedying or mitigating the adverse effects of excavation and filling on roads.

12.3.5.13 When notices of requirement are received seeking the designation of new roads, the Council will consider the adverse effects of excavation and filling and may recommend to the requiring authority that alternative methods be used, volumes be reduced and such other measures be taken as necessary to avoid, remedy or mitigate those adverse effects.

12.3.5.14 Best management practices in regard to soil conservation may be required as conditions of consent on resource applications, especially subdivisions.

12.3.5.15 In conjunction with the Northland Regional Council, explore the feasibility of setting up a register of contractors who are specially trained in good environmental practices and licensed to carry out their work in accordance with approved codes of practice. Work undertaken by a licensed contractor that complies with the relevant code of practice would not require a property – specific resource consent.

COMMENTARY

In regard to soils, the principal reason for adopting the objectives, policies and methods is that safeguarding the life supporting capacity of soils and sustaining their potential to meet the reasonably foreseeable needs of future generations is one of the fundamental resource management functions of regional and district councils. Many land use activities can adversely affect soil quality and quantity, particularly where they cause erosion or exacerbate the risks of natural hazards. The Council has assessed the risks to the soil resource arising from land use activities and has concluded that the significant risks are mostly addressed by the provisions of the Regional Water and Soil Plan. Accordingly, the volume of excavation or filling which triggers a resource consent in the Rural Production Zone is pitched at a level that minimises unnecessary administrative duplication. However, there are some effects which are clearly the responsibility of the District Council and, given overlapping jurisdictions, for major developments an application for resource consent is also required under this plan in order that those effects can be evaluated (***Objectives 12.3.3.1, 12.3.3.2*** and ***12.3.3.4, Policies 12.3.4.1*** and ***12.3.4.4*** and ***Methods 12.3.5.1, 12.3.5.2, 12.3.5.3*** and ***12.3.5.4***).

In regard to minerals, the principal reason for the objectives, policies and methods is to recognise the importance of mineral resources and provide for the continued operation of existing quarries and mines through the application of the Minerals Zone. This approach ensures that people choosing to live near existing quarries and mines will be forewarned of the activity. Equally, it provides a degree of security for quarry operators. When new quarries and mines, or extensions to existing operations are proposed, the Plan Change process can be used to apply the Minerals Zone to the activity. Alternatively a resource consent can be sought under ***Rule 12.3.6.3.1*** (***Objectives 12.3.3.3*** and ***12.3.3.4, Policies 12.3.4.3*** and ***12.3.4.4*** and ***Methods 12.3.5.5*** and ***12.3.5.6***).

12.3.6 RULES

Activities affected by this section of the Plan must comply not only with the rules in this section, but also with the relevant standards applying to the zone in which the activity is located (refer to ***Part 2 Environment Provisions***), and with other relevant standards in ***Part 3 – District Wide Provisions***.

Particular attention is drawn to:

(a) ***Chapters 7-10*** in ***Part 2***;

(b) Other sections in ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);

(c) ***Chapter 13 Subdivision***;

(d) ***Chapter 14 Financial Contributions***;

(e) ***Section 15.1 Traffic, Parking and Access***;

(f) ***Chapter 17 Designations and Utility Services*** (and the ***Zone Maps***).

Where relevant, refer to other sections of the plan such as Part 2 – Environmental Provisions and other parts of Part 3 – District Wide Provisions as there may be other provisions that need to be considered.

Note 1: Attention is also drawn to any Regional Water and Soil Plan for Northland currently in force. Consent may also be required in terms of the rules in this document.

Note 2: Where soil sampling and soil disturbance is proposed on land where a hazardous activity or industry has been, is more likely than not to have been or is currently operating, then the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 apply.

12.3.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity if:

(a) it complies with the standards for permitted activities set out in ***Rules 12.3.6.1.1*** to ***12.3.6.1.1 to 12.3.6.1.5*** below; and

(b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(c) it complies with the other relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

12.3.6.1.1 EXCAVATION AND/OR FILLING, EXCLUDING MINING AND QUARRYING, IN THE RURAL PRODUCTION ZONE OR KAURI CLIFFS ZONE

Excavation and/or filling, excluding mining and quarrying, on any site in the Rural Production Zone or Kauri Cliffs Zone is permitted, provided that:

(a) it does not exceed 5,000m^3 in any 12 month period per site; and

(b) it does not involve a continuous cut or filled face exceeding an average of 1.5m in height over the length of the face i.e. the maximum permitted average cut and fill height may be 3m.

Exemptions: Forestry quarrying is subject to the provisions of Regulations 93 and 94 of the National Environmental Standards for Plantation Forestry (NES PF) .

Note 1: When undertaking any excavation (including cellar construction), or filling, compliance with Council's earthworks bylaw (Bylaw 22) is required.

Note 2: Where a site is within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (as listed in ***Appendices 1A*** and ***1B*** and/or shown on the ***Resource Maps***), more restrictive excavation and/or filling thresholds apply (refer to rules in ***Section 12.1***).

Note 3: Some normal rural practices that involve excavation or filling, such as the maintenance of rural tracks, dams, fences and fence lines; land cultivation; clearing of drains; and obtaining of roading material for use on the same production unit, are excluded from the definitions of excavation and filling (refer to ***Chapter 3 Definitions***).

Note 4: When excavation and/or filling, including mining and quarrying is within the National Grid Yard, more restrictive excavation and/or filling thresholds apply (refer to ***Rule 12.3.6.1.5***).

12.3.6.1.2 EXCAVATION AND/OR FILLING, INCLUDING OBTAINING ROADING MATERIAL BUT EXCLUDING MINING AND QUARRYING, IN THE RURAL LIVING, COASTAL LIVING, SOUTH KERIKERI INLET, GENERAL COASTAL, RECREATIONAL ACTIVITIES, CONSERVATION, WAIMATE NORTH AND POINT VERONICA ZONES

Excavation and/or filling, excluding mining and quarrying, on any site in the Rural Living, Coastal Living, South Kerikeri Inlet Zone, General Coastal, Recreational Activities, Conservation, Waimate North and Point Veronica Zones is permitted, provided that:

(a) it does not exceed 300m³ in any 12 month period per site; and

(b) it does not involve a cut or filled face exceeding 1.5m in height i.e. the maximum permitted cut and fill height may be 3m.

Exemptions:

(i) The normal rural practice of obtaining roading material for use on the same production unit, where the volume does not exceed 5,000m^3 in any 12 month period and the activity is not visible from a public viewing point, public reserve, or a part of the coastal marine area that is within 2km of the activity.

(ii) Forestry quarrying is subject to the provisions of Regulations 93 and 94 of the National Environmental Standards for Plantation Forestry (NES PF)

Note 1: When undertaking any excavation (including cellar construction), or filling, compliance with Council's earthworks bylaw (Bylaw 22) is required.

Note 2: Where a site is within an Outstanding Landscape Feature or Outstanding Natural Feature *(*as listed in ***Appendices 1A*** and ***1B*** and/or shown on the ***Resource Maps****)*, more restrictive excavation and/or filling thresholds apply (refer to ***Rules*** in ***Section 12.1***).

Note 3: Where a site is within a Coastal Hazard 1 or Coastal Hazard 2 Area (as shown on the ***Coastal Hazard Maps***), more restrictive excavation and filling rules apply (refer to ***Rules*** in ***12.4***).

Note 4: When excavation and/or filling, including mining and quarrying is within the National Grid Yard, more restrictive excavation and/or filling thresholds apply (refer to ***Rule 12.3.6.1.5***).

12.3.6.1.3 EXCAVATION AND/OR FILLING, EXCLUDING MINING AND QUARRYING, IN THE RESIDENTIAL, INDUSTRIAL, HORTICULTURAL PROCESSING, COASTAL RESIDENTIAL AND RUSSELL TOWNSHIP ZONES

Excavation and/or filling, excluding mining and quarrying, on any site in the Residential, Industrial, Horticultural Processing, Coastal Residential or Russell Township Zones is permitted, provided that:

(a) it does not exceed 200m^3 in any 12 month period per site; and

(b) it does not involve a cut or filled face exceeding 1.5m in height i.e. the maximum permitted cut and fill height may be 3m.

Note 1: When undertaking any excavation (including cellar construction), or filling, compliance with Council's earthworks bylaw (Bylaw 22) is required.

Note 2: Where a site is within a Coastal Hazard 1 or Coastal Hazard 2 Area (as shown on the ***Coastal Hazard Maps***), more restrictive excavation and filling rules apply (refer to rules in ***12.4***).

Note 3: Some normal rural practices that involve excavation or filling, such as the maintenance of rural tracks, dams, fences and fence lines; land cultivation; clearing of drains; and obtaining of roading material for use on the same production unit, are excluded from the definitions of excavation and filling (refer to ***Chapter 3 Definitions***).

12.3.6.1.4 NATURE OF FILLING MATERIAL IN ALL ZONES

Filling in any zone shall meet the following standards:

(a) the fill material shall not contain putrescible, pollutant, inflammable or hazardous components; and

(b) the fill shall not consist of material other than soil, rock, stone, aggregate, gravel, sand, silt, or demolition material; and

(c) the fill material shall not comprise more than 5% vegetation (by volume) of any load.

Exemptions: The foregoing limits shall not apply to plantation forestry. Refer to Regulation 30 of the National Environmental Standards for Plantation Forestry (NES PF).

12.3.6.1.5 EXCAVATION AND/OR FILLING, INCLUDING MINING AND QUARRYING WITHIN THE NATIONAL GRID YARD IN ALL ZONES

Excavation and/or filling, including mining and quarrying in the National Grid Yard in all zones shall meet the following standards:

Anywhere in the National Grid Yard:

(a) does not create an unstable batter that will affect a National Grid support structure; and/or

(b) does not result in a reduction in the ground to conductor clearance distances as required by Table Four of the New Zealand Electrical Code of Practice 34 (NZCEP34:2001)

Around Towers:

(a) Is no deeper than 300mm within 6m of the outer visible edge of a National Grid support tower structure; and/or

(b) Is no deeper than 3m when between 6m to 12m of the outer visible edge of a National Grid support tower structure.

Exemptions:

(i) vertical holes not exceeding 500mm in diameter beyond 1.5m from the outer edge of a National Grid pole support structure or stay wire;

(ii) vertical holes not exceeding 500mm in diameter more than 5m from the visible outer edge of a National Grid tower support structure foundation and for a post holed for a farm fence or horticulture structure;

(iii) Excavation and/or filling, excluding mining and quarrying undertaken by a Network Utility Operator or territorial authority in accordance with New Zealand Electrical Code of Practice 34 (NZECP34:2001); or

(iv) Excavation and/or filling, excluding mining and quarrying undertaken as part of agricultural or domestic cultivation, or the repair, sealing or resealing of a road (including farm / forestry track), footpath or driveway.

If an activity does not comply with the above permitted standard ***Rule 12.3.3.1.5*** it will be a non-complying activity in accordance with Rule 12.3.6.4 (set out in Part 3 of the Plan – District Wide Provisions)

Note 1: When undertaking any excavation (including cellar construction), or filling, compliance with Council's earthworks bylaw is required.

Note 2: Vegetation planted near, the National Grid Yard should be selected and/or managed to ensure that it complies with the Electricity (Hazards from Trees) Regulations 2003.

Note 3: Structures and activities located near transmission lines must comply with the safe distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001). Compliance with this plan does not ensure compliance with NZECP34:2001.

Note 4: Normal rural practices as defined in Chapter 3 will not be exempt when determining compliance with this rule, unless provided for in the listed exemptions of the rule.

Note 5: This rule still applies to plantation forestry activities under the NES PF (except for the sealing or resealing of forestry tracks under Exemption (iv)).

12.3.6.2 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity if:

(a) it does not comply with any one of the following ***Rules 12.3.6.1.1 Excavation and/or Filling, Excluding Mining and Quarrying in the Rural Production Zone or Kauri Cliffs Zone***; ***12.3.6.1.2 Excavation and/or Filling, Including Obtaining Roading Material but Excluding Mining and Quarrying, in the Rural Living, Coastal Living, General Coastal, Recreational Activities, Conservation, Waimate North and Point Veronica Zones***; and ***12.3.6.1.3 Excavation and/or Filling in the Residential, Industrial, Horticultural Processing, Coastal Residential and Russell Township Zones*** for permitted activities above; but

(b) it complies with ***12.3.6.1.4 Nature of Filling Material in All Zones***; and

(c) it complies with ***Rules 12.3.6.2.1 Excavation and/or Filling in the Rural Living, Coastal Living, General Coastal, Recreational Activities, Conservation, Waimate North and Point Veronica Zones***; and ***12.3.6.2.2 Excavation and/or Filling in the Residential, Industrial, Horticultural Processing, Coastal Residential and Russell Township Zones*** and ***Rule 12.3.6.2.3 Excavation and/or Filling, Excluding Mining and Quarrying in the Rural Production Zone or Kauri Cliffs Zone*** below; *and*

(d) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in ***Part 2 of the Plan – Environment Provisions***; and

(e) it complies with the relevant standards for permitted, controlled or restricted discretionary activities set out in ***Part 3 of the Plan – District Wide Provisions***.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the matters specified in the relevant rule. The Council will, where appropriate, take account of the Assessment Criteria applicable in the relevant zone and in ***Section 12.3.7***.

12.3.6.2.1 EXCAVATION AND/OR FILLING, EXCLUDING MINING AND QUARRYING, IN THE RURAL LIVING, COASTAL LIVING, SOUTH KERIKERI INLET, GENERAL COASTAL, RECREATIONAL ACTIVITIES, CONSERVATION, WAIMATE NORTH AND POINT VERONICA ZONES

Excavation and/or filling, excluding mining and quarrying, on any site in the Rural Living, Coastal Living, South Kerikeri Inlet Zone, General Coastal, Recreational Activities, Conservation, Waimate North and Point Veronica Zones is a restricted discretionary activity, provided that:

(a) it does not exceed 2,000m^3 in any 12 month period per site; and

(b) it does not involve a cut or filled face exceeding 1.5m in height i.e. the maximum permitted cut and fill height may be 3m.

Note 1: When undertaking any excavation (including cellar construction), or filling, compliance with Council's earthworks bylaw (Bylaw 22) is required.

Note 2: Where a site is within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (as listed in ***Appendices 1A*** and ***1B*** and/or shown on the ***Resource Maps***), rules ***in Section 12.1*** apply.

Note 3: Where a site is within a Coastal Hazard 1 or Coastal Hazard 2 Area (as shown on the ***Coastal Hazard Maps***), more restrictive excavation and filling rules apply (refer to rules in ***12.4***).

Note 4: Some normal rural practices that involve excavation or filling, such as the maintenance of rural tracks, dams, fences and fence lines; land cultivation; clearing of drains; and obtaining of roading material for use on the same production unit, are excluded from the definitions of excavation and filling (refer to ***Chapter 3 Definitions***).

Note 5: When excavation and/or filling, including mining and quarrying is within the National Grid Yard, more restrictive excavation and/or filling thresholds apply (refer to ***Rule 12.3.6.1.5***).

The Council will restrict the exercise of its discretion to:

(i) the effects of the area and volume of soils and other materials to be excavated; and

(ii) the effects of height and slope of the cut or filled faces; and

(iii) the time of the year when the earthworks will be carried out and the duration of the activity; and

(iv) the degree to which the activity may cause or exacerbate erosion and/or other natural hazards on the site or in the vicinity of the site, particularly lakes, rivers, wetlands and the coastline; and

(v) the extent to which the activity may adversely impact on visual and amenity values; and

(vi) the extent to which the activity may adversely affect cultural and spiritual values; and

(vii) the extent to which the activity may adversely affect areas of significant indigenous vegetation or significant habitats of indigenous fauna; and

(viii) the number, trip pattern and type of vehicles associated with the activity; and

(ix) the location, adequacy and safety of vehicular access and egress; and

(x) the means by which any adverse environmental effects of the activity will be avoided, remedied or mitigated.

12.3.6.2.2 EXCAVATION AND/OR FILLING, EXCLUDING MINING AND QUARRYING, IN THE RESIDENTIAL, INDUSTRIAL, HORTICULTURAL PROCESSING, COASTAL RESIDENTIAL AND RUSSELL TOWNSHIP ZONES

Excavation and/or filling, excluding mining and quarrying, on any site in the Residential, Industrial, Horticultural Processing, Coastal Residential or Russell Township Zones is a restricted discretionary activity provided that:

(a) it does not exceed 500m^3 in any 12 month period per site; and

(b) it does not involve a cut or filled face exceeding 1.5m in height i.e. the maximum permitted cut and fill height may be 3m.

Note 1: When undertaking any excavation (including cellar construction), or filling, compliance with Council's earthworks bylaw (Bylaw 22) is required.

Note 2: Where a site is within a Coastal Hazard 1 or Coastal Hazard 2 Area (as shown on the ***Coastal Hazard Maps***), more restrictive excavation and filling rules apply (refer to rules in ***12.4***).

Note 3: Some normal rural practices that involve excavation or filling, such as the maintenance of rural tracks, dams, fences and fence lines; land cultivation; clearing of drains; and obtaining of roading material for use on the same production unit, are excluded from the definitions of excavation and filling (refer to ***Chapter 3 Definitions***).

The Council will restrict the exercise of its discretion to:

(i) the effects of the area and volume of soils and other materials to be excavated; and

(ii) the effects of height and slope of the cut or filled faces; and

(iii) the time of the year when the earthworks will be carried out and the duration of the activity; and

(iv) the degree to which the activity may cause or exacerbate erosion and/or other natural hazards on the site or in the vicinity of the site, particularly lakes, rivers, wetlands and the coastline; and

(v) the extent to which the activity may adversely impact on visual and amenity values; and

(vi) the extent to which the activity may adversely affect cultural and spiritual values; and

(vii) the number, trip pattern and type of vehicles associated with the activity; and

(viii) the location, adequacy and safety of vehicular access and egress; and

(ix) the means by which any adverse environmental effects of the activity will be avoided, remedied or mitigated.

12.3.6.2.3 EXCAVATION AND FILLING, EXCLUDING MINING AND QUARRYING, IN THE RURAL PRODUCTION ZONE OR KAURI CLIFFS ZONE.

Excavation and/or filling, excluding mining and quarrying, on any site in the Rural Production Zone or Kauri Cliffs Zone is a restricted discretionary activity, provided that it does not exceed 20,000m^3 in any 12 month period per site.

Note 1: When undertaking any excavation (including cellar construction), or filling, compliance with Council's earthworks bylaw (Bylaw 22) is required.

Note 2: Where a site is within an Outstanding Landscape, Outstanding Landscape Feature or Outstanding Natural Feature (as listed in ***Appendices 1A*** and ***1B*** and/or shown on the Resource Maps), more restrictive excavation and/or filling thresholds apply (refer to rules in ***Section 12.1***).

Note 3: Some normal rural practices that involve **e**xcavation or filling, such as maintenance of rural tracks, dams, fences and fence lines, land cultivation, clearing of drains and obtaining roading material for use on the same production unit, are excluded from the definition of excavation and filling (refer to ***Chapter 3 Definitions***).

Note 4: When excavation and/or filling, including mining and quarrying is within the National Grid Yard, more restrictive excavation and/or filling thresholds apply (refer to ***Rule 12.3.6.1.5***).

The Council will restrict the exercise of its discretion to:

(i) the effects of the area and volume of soils and other materials to be excavated; and

(ii) the effects of height and slope of the cut or filled faces; and

(iii) the time of the year when the earthworks will be carried out and the duration of the activity; and

(iv) the degree to which the activity may cause or exacerbate erosion and/or other natural hazards on the site or in the vicinity of the site, particularly lakes, rivers, wetlands and the coastline; and

(v) the extent to which the activity may adversely impact on visual and amenity values; and

(vi) the extent to which the activity may adversely affect cultural and spiritual values; and

(vii) the extent to which the activity may adversely affect areas of significant indigenous vegetation or significant habitats of indigenous fauna and

(viii) the number, trip pattern and type of vehicles associated with the activity; and

(ix) the location adequacy and safety of vehicular access and egress; and

(x) the means by which any adverse environmental effects of the activity will be avoided, remedied or mitigated.

12.3.6.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity if:

(a) it does not comply with one or more of the standards for permitted or restricted discretionary activities as set out under ***Rules 12.3.6.1*** and ***12.3.6.2*** above; or

(b) The excavation and/or filling is for the purposes of mining or quarrying, other than a quarry covered by definition of 'normal rural practices', and a Development Plan is part of the application as provided for in ***Rule 12.3.6.3.1*** below; but

(c) it complies with the relevant standards for permitted, controlled, restricted discretionary and discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(d) it complies with the other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions.***

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under ***Section 12.3.7*** and, where appropriate, ***Chapter 11***.

Note: Quarrying is defined in ***Chapter 3*** and Mining is defined in the ***Glossary*** to ***Chapter 3***.

12.3.6.3.1 MINING AND QUARRYING ACTIVITIES OUTSIDE THE MINERALS ZONE

All activities associated with mining and/or quarrying other than quarries covered by the definition of normal rural practices shall be conducted in accordance with a Development Plan, prepared in accordance with the provisions of ***Rule 8.8.5.3.3 Development Plans***.

Except that this rule does not apply to a quarry or mine defined by "normal rural practice" (refer ***Chapter 3 Definitions***).

12.3.6.4 NON COMPLYING ACTIVITIES

An activity is a non complying activity if:

(a) It does not comply with the standards as set out under Rule 12.3.6.1.5.

Where an application is made for development within the National Grid Yard, Transpower New Zealand Limited will be considered an affected party and if associated with mining and/or quarrying a Development Plan, shall be submitted detailing the information required by ***Rule 8.8.5.3.3 Development Plans***.

12.3.7 ASSESSMENT CRITERIA

The matters set out in s104 and s105, and in Part II of the Act, apply to the consideration of all resource consents for land use activities.

In addition to these matters, the Council shall also apply the relevant assessment matters set out below:

(a) the degree to which the activity may cause or exacerbate erosion and/or other natural hazards on the site or in the vicinity of the site, particularly lakes, rivers, wetlands and the coastline;

(b) any effects on the life supporting capacity of the soil;

(c) any adverse effects on stormwater flow within the site, and stormwater flow to or from other properties in the vicinity of the site including public roads;

(d) any reduction in water quality;

(e) any loss of visual amenity or loss of natural character of the coastal environment;

(f) effects on Outstanding Landscape Features and Outstanding Natural Features (refer to ***Appendices 1A*** and ***1B*** in ***Part 4***, and ***Resource Maps***);

(g) the extent to which the activity may adversely affect areas of significant indigenous vegetation or significant habitats of indigenous fauna;

(h) the extent to which the activity may adversely affect heritage resources, especially archaeological sites;

(i) the extent to which the activity may adversely affect the cultural and spiritual values of Maori, especially Sites of Cultural Significance to Maori and waahi tapu (as listed in ***Appendix 1F*** in ***Part 4***, and shown on the ***Resource Maps***);

(j) any cumulative adverse effects on the environment arising from the activity;

(k) the effectiveness of any proposals to avoid, remedy or mitigate any adverse effects arising from the activity;

(l) the ability to monitor the activity and to take remedial action if necessary;

(m) the criteria in ***Section 11.20 Development Plans*** in ***Part 2***.

(n) the criteria (p) in ***Section 17.2.7 National Grid Yard***.

12.4 NATURAL HAZARDS

Morea Tuturu

Me ako tatou ki te noho ora ki waenganui i nga mahi morea - me ka whakarereketia te taiao, me ka kore tatou e tuku kino haere enei mahi morea.

Natural Hazards

Nature constantly challenges us to cope with natural hazards. Let us try to modify our environment only in ways that do not in themselves create further and greater hazards.

CONTEXT

Processes which form, shape and change the natural environment become natural hazards when in conflict with human activities or development. Accordingly, the key to managing the effects of natural hazards is risk assessment. In other words, the need for intervention must be judged relative to the risk posed by the natural hazard to human life, property and the environment.

Risk management depends firstly on the identification and quantification of the natural hazard, and secondly on mapping precisely land which "is or is likely to be" subject to natural hazards in relation to public and private property and assets. Coastal hazard mapping, for example, is an ongoing process requiring frequent revision of identified hazards as new techniques become available or risks are re-evaluated e.g. aerial photography providing better base data is made available or fresh forecasts of the effects of sea-level change alter the assessment of risk in a particular area. Safety factors representing uncertainties in the data are also incorporated in any risk assessment. Consequently, the Plan indicates the extent of the land likely to be affected by natural hazards in terms of the best information available at the time. It follows that there will always be a need to re-consider the risk arising from natural hazards when major changes in land use are mooted throughout the District.

In the Far North District three types of risk arising from natural hazards have been identified as requiring intervention.

First, coastal erosion and inundation in a number of coastal settlements is a problem e.g. Opononi-Omapere, Hihi, Coopers Beach. A planning horizon of 50 years has been adopted for those areas where, based on available data including current forecasts of Climate Change from an enhanced Greenhouse Effect, there is considerable certainty as to the extent and nature of the risk. These are identified as Coastal Hazard 1 Areas on the Coastal Hazard maps (***Maps CH 1 - 17***). Coastal Hazard 2 Areas (also shown on the Coastal Hazard maps) apply where the extent and nature of the risk is less certain and the planning period is 100 years. Again, current forecasts of Climate Change from an enhanced Greenhouse Effect have been taken into account. Both coastal hazard areas are subject to rules ensuring that human activity does not exacerbate the risks arising from natural hazards.

Second, parts of the District are vulnerable to flooding. Information about the susceptibility of the District to flooding is held by the Council on its hazard register. This information is used in connection with building consent applications and is included in Land Information Memoranda (LIMs). Ongoing information gathering and re-assessment of risk will improve the quality of information on the hazards register and will therefore increase its usefulness.

Third, the retention of indigenous vegetation and increased planting of exotic forests, allied with subdivision and development of rural living blocks, means that many houses are being built within, or very close to, large areas of inflammable trees. There is a significant risk of fire and therefore to life, property and the environment.

Activities such as excavation and filling, which may increase the risk of land instability or subsidence, are also subject to rules in this Plan (refer to ***Section 12.3***).

Guarding against the effects of natural hazards is an individual as well as a Council responsibility. The Council has exercised this responsibility by sourcing information about hazards and using this information as the basis for the controls in the Plan. Improvements to the information will become available from time to time and will be used to update the controls. Individuals should be aware that the level of detail of the information that the Council has available for the whole District will never substitute for a detailed site by site analysis. The controls are therefore conservative in that they are based largely on general rather than site specific information. If individuals wish to develop land to a level greater than the Plan provides for they are allowed, and should be prepared, to commission the more detailed work on natural hazards that is necessary.

12.4.1 ISSUES

12.4.1.1 Human activities and development can increase the risk to life, property and the environment when they occur in or near areas prone to natural hazards.

12.4.1.2 Certain natural features (such as sand dunes and wetlands) function to absorb the effects of natural hazards but may lose their protective role due to human intervention, thereby exacerbating the risks from natural hazards e.g. draining wetlands may lead to increased downstream flooding.

12.4.1.3 The risk to life, property and the environment from flooding in low lying areas, coastal erosion, landslips and storm damage. These events are unpredictable and their impacts are intense and highly localised, making it difficult for communities to avoid the risk.

12.4.1.4 The risk of fire causing loss of life, severe damage to property and loss of indigenous vegetation and habitats of indigenous fauna is increasing due to the practice of building homes within or close to inflammable vegetation and/or in isolated areas remote from fire fighting services.

12.4.1.5 Coastal erosion is a natural process that can be initiated or exacerbated by human activities. Coastal hazards can arise when communities have constructed buildings too close to the coastal marine area, especially on dunes, spits or near wetlands. Sea level rise is occurring, and dunes and wetlands will provide an increasingly important natural hazard buffer as this occurs. There are areas of known coastal hazard which affects existing development. Subdivision, use and development require management, and natural ecosystems require protection in a coastal situation.

12.4.1.6 The maps (***Maps FL 1 - 5***) in Volume 2 of the Far North District Plan denote areas of floodplain and alluvial soil that are considered susceptible to flooding. Due to the scale of mapping, there will be some land within the areas so defined which may well be free from flooding, just as there will be land outside of the areas defined as flood-susceptible that is subject to flooding. The objective of publishing these indicative maps is to alert people to a potential hazard, enabling any decisions on the development or use of the land to be made having due regard to the risks involved.

Some of the areas so defined are on the floodplains of rivers for which more detailed information is available or will become available over the next five to ten years. This data is held on a Hazards Database and may be inspected at the offices of the Far North District Council or the Northland Regional Council.

The data from which these maps have been derived has been surveyed and recorded at a scale of 1:50,000. These maps should not be enlarged or used at any more detailed scale.

12.4.2 ENVIRONMENTAL OUTCOMES EXPECTED

12.4.2.1 Reduced risk to life, property and the environment from natural hazards.

12.4.2.2 Appropriate control of new development in locations where there is a high risk of significant damage from natural hazards.

12.4.2.3 Increased public awareness of the risks of natural hazards and the role of natural features in natural hazard mitigation.

12.4.2.4 A reduction in the damage caused to the environment by inappropriate protection works.

12.4.3 OBJECTIVES

12.4.3.1 To reduce the threat of natural hazards to life, property and the environment, thereby to promote the well being of the community.

12.4.3.2 To ensure that development does not induce natural hazards or exacerbate the effects of natural hazards.

12.4.3.3 To ensure that natural hazard protection works do not have adverse effects on the environment.

12.4.3.4 To ensure that the role in hazard mitigation played by natural features is recognised and protected.

12.4.3.5 To improve public awareness of natural hazards as a means of helping people to avoid them.

12.4.3.6 To take into account reasonably foreseeable changes in the nature and location of natural hazards.

12.4.3.7 To avoid fire risk arising from the location of residential units in close proximity to trees, or in areas not near fire fighting services.

12.4.4 POLICIES

12.4.4.1 That earthworks and the erection of structures not be undertaken in areas where there is a significant potential for natural hazards unless they can be carried out in such a way so as to avoid being adversely affected by the natural hazards, and can avoid exacerbating natural hazards.

12.4.4.2 That the natural character of features, such as beaches, sand dunes, mangrove areas, wetlands and vegetation, which have the capacity to protect land values and assets from natural coastal hazards, is protected and enhanced.

12.4.4.3 That protection works for existing development be allowed only where they are the best practicable option compatible with sustainable management of the environment.

12.4.4.4 That the sea level rise, as predicted by the Intergovernmental Panel of Climate Change or Royal Society of NZ, be taken into account when assessing development in areas potentially affected.

12.4.4.5 That information on known natural hazards be made available in order that the public can make informed resource management decisions.

12.4.4.6 That the adverse effects on people, property and the environment from coastal hazards in Coastal Hazard Areas, as identified by the Northland Regional Council, are avoided.

12.4.4.7 That the risk to adjoining vegetation and properties arising from fires be avoided.

12.4.4.8 That the location, intensity, design and type of new coastal subdivision, use and development be controlled so that the need for hazard protection works is avoided or minimised.

12.4.4.9 That the role of riparian margins in the mitigation of the effects of natural hazards is recognised and that the continuing ability of riparian margins to perform this role be assured.

12.4.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

12.4.5.1 Policies on natural hazards are given effect through the rules in this section and ***Section 12.3***.

12.4.5.2 Restriction of excavation and filling, and the erection of new buildings/structures in Coastal Hazard 1 Areas (as identified on the Coastal Hazard ***Maps CH 1 - 17***).

12.4.5.3 Controls on the extent of allowable excavation and filling, and buildings/structures in Coastal Hazard 2 Areas (as identified on the Coastal Hazard ***Maps CH 1 - 17***).

12.4.5.4 Controls on excavation and filling above prescribed thresholds (these thresholds having been selected to complement the provisions of the Regional Water and Soil Plan) wherever these activities occur (refer to ***Section 12.3***).

OTHER METHODS

12.4.5.5 To the extent that information is available on the nature and location of natural hazards, the Council will make this available to the public. This will be achieved through:

(a) providing this information in Land Information Memoranda and Project Information Memoranda;

(b) using the information in processing resource consents and building consents;

(c) providing this information in revisions to the Plan;

(d) the distribution of information on hazards and studies related to hazards.

12.4.5.6 The Council will review the effectiveness of flood control schemes from time to time and will take action where necessary to maintain the effectiveness of the schemes (refer to Management Plans for the Kaitaia, Kaikino, Waiharara and Motutangi Drainage Districts).

12.4.5.7 The Council controls the erection of buildings on hazard prone land through the building consent process (under the Building Act 2004).

12.4.5.8 The Northland Regional Council also has a responsibility, under the Act, to control the use of land for the purpose of the avoidance or mitigation of natural hazards. The Northland Regional Council addresses this responsibility through its Regional Policy Statement, Regional Coastal Plan and Regional Water and Soil Plan.

12.4.5.9 The Council will jointly establish a monitoring programme with Northland Regional Council to monitor both the effects of identified natural hazards and the effectiveness of policies applying to Coastal Hazard Areas aimed at reducing risk to life, property and the environment within such Areas.

12.4.5.10 A precautionary approach to the erection of residential units in Flood Susceptible Areas (as identified on the Council's Hazards Register). When undertaking any excavation (including cellar construction), or filling, compliance with Council's earthworks bylaw (Bylaw 22) is required

COMMENTARY

*The availability of reliable information that is constantly updated in light of changing circumstances, is fundamental to risk assessment. Therefore, it is important that the Council maintains a database on natural hazards and also consults the community when re-evaluating environmental risk so that its values are taken into account when intervention is considered (**Objective 12.4.3.5**, **Policies 12.4.4.4** and **12.4.4.5**, **Method 12.4.5.1** and **12.4.5.10**).*

*Under the Act, both the Northland Regional Council and the Far North District Council have responsibilities to avoid or mitigate the effects of natural hazards. Having discussed their respective responsibilities, it has been agreed that the Regional Council will concentrate on risks of regional significance, principally coastal erosion, flooding in major catchments, and drought, whereas the District Council will focus on more localised erosion, flooding, land instability and subsidence threats. In the latter regard, rules relating to the use of hazard prone land are to be incorporated into the District Plan. This approach is seen as the most appropriate, given the District Council's duties under the Building Act 2004 to control the erection of buildings on hazard prone land through the building consent process (refer to s21/2 of the Regional Policy Statement for Northland). Accordingly, areas known to be at risk from coastal hazards have been identified on the Coastal Hazard maps (**Maps CH 1 - 17**) and suitable rules adopted to ensure that these risks are avoided or mitigated (**Objectives 12.4.3.1**, **12.4.3.2**, **12.4.3.4** and **12.4.3.6**; **Policies 12.4.4.1**, **12.4.4.2**, **12.4.4.4** and **12.4.4.6**; and **Methods 12.4.5.1**, **12.4.5.2**, **12.4.5.3**, **12.4.5.4**, **12.4.5.7**, **12.4.5.8**, **12.4.5.9** and **12.4.5.10**).*

*Areas susceptible to flooding are identified on the Council's hazard register. This means that the information is made available as part of a request for a Land Information Memorandum (LIM). The information is also used by the Council when checking a building consent application (**Method 12.4.5.10**).*

*In accordance with the New Zealand Coastal Policy Statement, works which are intended to provide protection from natural hazards e.g. groynes, are discouraged because they have the potential to adversely affect the environment, especially the natural functioning of coastal processes (**Objective 12.4.3.3**; **Policies 12.4.4.1**, **12.4.4.2** and **12.4.4.3**; and **Methods 12.4.5.1**, **12.4.5.2**, **12.4.5.3** and **12.4.5.7**).*

*The risks from fire are greatest in rural areas where fire fighting services are less assured, and therefore it is important to ensure that human life is safeguarded by separating houses from trees and by requiring an on-site water supply. Equally, a separation distance from trees helps to safeguard indigenous vegetation and habitats, and to protect exotic forests (**Objective 12.4.3.7**, **Policy 12.4.4.7** and **Method 12.4.5.1**).*

12.4.6 RULES

Activities affected by this section of the Plan must comply not only with the rules in this section, but also with the relevant standards applying to the zone in which the activity is located (refer to ***Part 2 Environment Provisions***), and with other relevant standards in ***Part 3 – District Wide Provisions***.

Particular attention is drawn to:

(a) ***Chapters 7-10*** in ***Part 2***;

(b) Other sections within ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);

(c) ***Chapter 13 Subdivision***;

(d) ***Chapter 14 Financial Contributions***;

(e) ***Section 15.1 Traffic, Parking and Access***;

(f) ***Chapter 17 Designations and Utility Services*** (and the ***Zone Maps***).

Where relevant, refer to other sections of the plan such as Part 2 – Environmental Provisions and other parts of Part 3 – District Wide Provisions as there may be other provisions that need to be considered.

Rules in this section continue to apply to plantation forestry activities in addition to National Environmental Standards for Plantation Forestry (NES PF) requirements.

12.4.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity if:

(a) it complies with the standards for permitted activities set out in ***Rules 12.4.6.1.1*** to ***12.4.6.1.2*** below; and

(b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(c) it complies with the other relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

12.4.6.1.1 COASTAL HAZARD 2 AREAS

On land identified on the Coastal Hazard maps (***Maps CH 1 - 17***) as lying within a Coastal Hazard 2 Area, excavation and filling, and alterations to existing buildings/ structures, may be carried out as a permitted activity if they are associated with:

(a) the maintenance of flood protection works or existing drains, buildings/structures; or

(b) the establishment, repair or replacement of any permitted utilities; or

(c) the erection of fences; or

(d) the planting of trees and plants.

Provided that, in the case of buildings/structures, no changes are made to the external dimensions.

Note: The erection of new buildings/structures, and alterations and additions to existing buildings/structures that increase the external dimensions, are controlled activities in Coastal Hazard 2 Areas (refer to ***Rule 12.4.6.2.1***).

12.4.6.1.2 FIRE RISK TO RESIDENTIAL UNITS

(a) Residential units shall be located at least 20m away from the drip line of any trees in a naturally occurring or deliberately planted area of scrub or shrubland, woodlot or forest;

(b) Any trees in a deliberately planted woodlot or forest shall be planted at least 20m away from any urban environment zone, Russell Township or Coastal Residential Zone boundary, excluding the replanting of plantation forests existing at July 2003.

12.4.6.2 CONTROLLED ACTIVITIES

An activity is a controlled activity if:

(a) it does not comply with ***Rule 12.4.6.1.1 Coastal Hazard 2 Areas*** above; but

(b) it complies with ***Rule 12.4.6.1.2 Fire Risk to Residential Units*** above; and

(c) it complies with ***Rule 12.4.6.2.1 New Buildings in Coastal Hazard 2 Areas*** below; and

(d) it complies with the relevant standards for permitted and controlled activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(e) it complies with the other relevant standards for permitted and controlled activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council must approve an application for a land use consent for a controlled activity but it may impose conditions on that consent.

12.4.6.2.1 NEW BUILDINGS & ADDITIONS TO EXISTING BUILDINGS IN COASTAL HAZARD 2 AREAS

The erection of new buildings/structures and additions to existing buildings/ structures that increase the external dimensions, on land identified on the Coastal Hazard maps (Maps CH 1-17) as lying within a Coastal Hazard 2 Area, are controlled activities provided a report from a person suitably qualified in coastal processes is lodged with the Council in respect of the proposed development. In order for the activity to be regarded as a controlled activity, the report shall specify that the design of the new building/structure or addition will not increase the risk to people, property or the environment.

Note: If no report is provided with the application, or if the report cannot state that the design of the new building/structure or addition will not increase the risk to people, property or the environment, then the activity becomes a discretionary activity, under ***Rule 12.4.6.3*** below.

In considering an application under this provision the Council will restrict the exercise of its control to the following matters:

(a) the adequacy of the design in light of the environmental risks;

(b) the measures proposed to mitigate adverse effects of the proposed development.

12.4.6.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity if:

(a) it does not comply with one or more of the standards for permitted or controlled activities as set out under ***Rules 12.4.6.1*** and ***12.4.6.2***; but

(b) it complies with Rule ***12.4.6.3.1 Coastal Hazard 1 Areas*** below; and

(c) it complies with the relevant standards for permitted, controlled, restricted discretionary and discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(d) it complies with the other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under ***Section 12.4.7***.

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying activity.

12.4.6.3.1 COASTAL HAZARD 1 AREAS

Development, including building works, excavation and filling, and works to protect existing development or coastal features on land identified on the Coastal Hazard maps (Maps CH 1-17) as lying within a Coastal Hazard 1 Area will be considered as a discretionary activity if a report by a person suitably qualified in coastal processes specifying the likely effects that the development and/or earthworks will have on coastal hazard processes, including risk to people, property or the environment is provided as part of the application.

Buildings may be established in the Coastal Hazard 1 Area, under this discretionary activity rule, where they are designed, constructed and located so as to be able to be transported off the site in the event of a natural hazard causing the building site to become untenable.

Note 1: A resource consent granted for a building or earthworks within a Coastal Hazard 1 Area does not automatically permit protection works at a later date. A further resource consent may be necessary.

Note 2: If no report is provided with the application then the application is a non complying activity.

12.4.7 ASSESSMENT CRITERIA

The matters set out in s104 and s105, and in Part II of the Act, apply to the consideration of all resource consents for land use activities.

In addition to these matters, the Council shall also apply the relevant assessment matters set out below:

(a) the degree to which the activity may cause or exacerbate natural hazards or may be adversely affected by natural hazards, and therefore increase the risk to life, property and the environment;

(b) the extent to which the activity may adversely affect cultural and spiritual values;

(c) the degree to which any proposed activity is compatible with the maintenance of the natural character of the environment;

(d) the effects on amenity values, landscape values, heritage features and indigenous habitats and ecosystems, especially in the coastal environment and associated with rivers, lakes, wetlands and their margins;

(e) the effects on natural features, such as beaches, sand dunes, mangrove areas, wetlands and vegetation, which have the capacity to protect land and structures from natural hazards;

(f) any adverse effects on water quality;

(g) any adverse effects of the activity on any archaeological sites;

(h) any effect on the life supporting capacity of soil;

(i) the potential impact of sea level rise;

(j) in respect of fire risk to residential units:

  (i) the degree of fire risk to dwellings arising from the proximity of the woodlot or forest and vice versa; and

  (ii) any mitigation measures proposed to reduce the fire risk; and

(iii) the adequacy of the water supply; and

(iv) the accessibility of the water supply to fire service vehicles.

(k) any cumulative adverse effects on the environment arising from the activity;

(l) the potential need for ongoing maintenance and the potential effects of such maintenance;

(m) the effects of any proposed option to either avoid, remedy or mitigate the effects of identified natural hazards;

(n) the ability to monitor the effects of the activity and take remedial action (e.g. removal) if necessary;

(o) the extent to which any proposed activity or works intended to provide protection from natural hazards will result in the effects of the natural hazard being transferred to another location.

12.5 HERITAGE

Taonga Tuku Iho

He wahi hirahira, he hangaanga, me nga rakau o te ngahere kei tenei rohe. He nui te mana o nga taonga nei; ahakoa he mana tikanga, mana wairua, mana korero tuturu, mana mahi huakanga ranei. Whakanuia, tiakina hoki te whanuitanga me te mana motuhake o nga taonga tuku iho, hei painga mo nga tamariki, mokopuna, o nga ra kei te haere mai.

Heritage

There are special sites, places, structures and trees which are treasured by us as a heritage passed into our care. Let us be good caretakers of our diverse and unique heritage that we in turn may pass it on to the care of future generations.

CONTEXT

Historically and archaeologically, the Far North District is richly endowed with a wealth of assets, many of which are nationally important, e.g. the Treaty House at Waitangi. This is because the Far North has a lengthy history of both Maori and European settlement. Archaeological evidence points to settlement by Maori possibly as far back as 1,000 years ago. Sites that have so far been recorded illustrate a range of activities such as intensive gardening, habitation, middens, defended places and waahi tapu. Some of these activities have dramatically modified the landscape, especially coastal ridges and volcanic cones, e.g. Pouerua.

A diverse range of European archaeological sites and historic places also exist in the District. Early European settlers arrived to exploit the natural resources of the area, mainly seals, whales, timber, kauri gum and minerals. Then came the missionaries, and many mission stations were established around Maori settlements and trade routes, especially in the Bay of Islands through to the Hokianga Harbour. Many historic buildings, notable trees and archaeological sites date from this period e.g. the Stone Store and pear tree at Kerikeri, and the King Paddock at Te Waimate. Associations of historic buildings, objects, trees and archaeological sites in a particular area increase their historic importance e.g. Christ Church Heritage Precinct in Russell.

The Bay of Islands is unique as the “Birthplace of the Nation” with the signing of the Treaty of Waitangi in 1840 and the first seat of Government located at Okiato from 1840 to 1842.

Heritage resources are scattered throughout the District and illustrate the continuity of settlement from first Maori occupation until today. There are few places in New Zealand which maintain such strong continuous social and cultural links to the past.

For the purposes of this Plan, heritage resources include:

- Notable Trees (***Appendix 1D***);
- Historic Sites, Buildings and Objects (***Appendix 1E***);
- Sites of Cultural Significance to Maori (***Appendix 1F***);
- Registered Archaeological Sites (refer to ***Rule 12.5.6.1.3*** and ***Appendix 1G*** and the New Zealand Historic Places Register); and
- Heritage Precincts (refer to ***Section 12.5A***).

Other provisions in the Plan also address heritage resources, directly or indirectly. For example, ***Appendices 1A*** and ***1B Outstanding Natural Features*** and ***Outstanding Landscape Features*** include landscapes and natural features that are already identified as being historically important e.g. Pouerua. The Conservation Zone (refer ***Section 9.7***) primarily applies to all of the land in the Conservation Estate thereby providing protection for heritage resources. In addition, rules controlling excavation and filling and visual amenity support their protection. Finally, Waimate North is recognised as a special zone (refer to ***Section 18.3***) because of its visual amenity and heritage, thus complementing the objectives of the Te Waimate Heritage Precinct.

Notwithstanding the extensive provisions of the Plan, there are many heritage resources, especially archaeological sites and Sites of Cultural Significance to Maori, that are yet to be identified and therefore can only be protected if they are identified. However, the Historic Places Act 1993 requires that all archaeological sites, whether recorded or unrecorded, are protected.

Public awareness and appreciation for the value of historic heritage is the primary means of safeguarding these resources in the circumstances. Hence there is a need for education, which in turn requires good information. However, information on heritage resources is of variable quality and completeness and therefore there is a need to compile and maintain a comprehensive database in order to better manage this

resource. As this work progresses, the already extensive heritage inventory will be greatly expanded, inviting parallels with the position in which the Far North District finds itself with regard to the protection of significant natural vegetation and habitat of indigenous fauna offered in the Plan.

12.5.1 ISSUES

12.5.1.1 Land use activities can destroy or reduce the heritage values of heritage resources. This can occur through altering the heritage site, removing or altering the structure or object, altering the visual setting or appearance, and sometimes by altering the function of the heritage site, structure or object.

12.5.1.2 Heritage values can be affected by historic buildings being removed, added to, remodelled or redecorated. Their value can be diminished by alteration of their setting such as the encroachment of new buildings.

12.5.1.3 Several settlements in the District retain a strong colonial character in their architecture and the relationship of buildings with the environment, which adds significantly to their charm and amenity values. These values can be affected adversely by inappropriate development in the vicinity.

12.5.1.4 Historic, scientific and cultural (including spiritual) values can be affected by the excavating or filling of archaeological sites, tree planting or felling, removing artefacts, destroying information, and altering the location of objects.

12.5.1.5 The archaeological record for the District is incomplete. While several extensive surveys have been undertaken, other surveys have only recorded the major sites. There are still large areas that remain un-surveyed. This does not mean that there are no archaeological sites in these areas, but that the lack of prior identification makes such unknown archaeological sites particularly vulnerable to destruction. Many parts of the District have a high density of archaeological sites indicating a long period of occupation. These include the northern tip of the Aupouri Peninsula, land surrounding harbours, the Bay of Islands coast and inland areas with fertile soils.

12.5.1.6 Cultural and spiritual values can be affected through places of cultural significance to Maori being used for inappropriate activities or physically altered through building, grading, removing or planting vegetation. It is also possible that access to these places can be blocked. Ignorance of the existence of these places and lack of understanding of their significance is often the cause of such degradation.

12.5.1.7 Historic and amenity values can be affected by notable trees being cut down or improperly pruned causing disfigurement, or through poor care, allowing the tree to become diseased and die.

12.5.1.8 Some of the population are unaware of the importance of heritage sites, their economic value as visitor attractions and for tourism, and of how land use activities and subdivision affect them and of the role of the NZ Historic Places Trust.

12.5.2 OUTCOMES EXPECTED

ENVIRONMENTAL

12.5.2.1 Recognition and retention of the heritage values of identified historic buildings, objects, or features.

12.5.2.2 An improved level of knowledge and understanding of heritage resources.

12.5.2.3 No unnecessary loss of identified notable trees.

12.5.2.4 No unnecessary modification of archaeological sites.

12.5.2.5 Recognition and retention of the heritage values of specified areas of Russell, Kohukohu, Mangonui, Kerikeri Basin and Rawene (which are coastal settlements with related values), and Waimate North and Pouerua, (which are inland areas with heritage values).

CULTURAL

12.5.2.6 Knowledge and understanding of sites of cultural significance to Maori.

12.5.2.7 Recognition and retention of the Maori values relating to sites of cultural significance.

12.5.2.8 No unnecessary damage, destruction or modification of archaeological sites.

12.5.2.9 Active involvement by Maori in decision making about, and management of, Sites of Cultural Significance to Maori.

12.5.3 OBJECTIVES

12.5.3.1 To protect and retain the heritage values of resources, such values to include those of an archaeological, architectural, cultural, historic, scientific, and technological nature.

12.5.3.2 To protect waahi tapu and other sites of spiritual, cultural or historical significance to Maori from inappropriate use, development and subdivision.

12.5.3.3 To protect the notable trees of the District.

12.5.3.4 To conserve the historic and amenity values of settlements with significant historic character.

12.5.3.5 To protect the cultural, spiritual, scientific and historic values of archaeological sites from inappropriate use, development and subdivision.

12.5.3.6 To assist landowners' understanding and appreciation of the heritage resources located on their land.

12.5.3.7 To ensure that subdivision and land use management practices avoid adverse effects on heritage values and resources.

12.5.3.8 To support landowners who protect heritage resources by providing financial relief and incentives.

12.5.4 POLICIES

12.5.4.1 That a heritage resource be recognised as a complete entity whose surrounds or setting may have an important relationship with the values of the resource. For instance the coastal setting of places like Kohukohu, Rawene, Mangonui and The Strand in Russell is an important part of the heritage value of these Precincts.

12.5.4.2 That the heritage values of any building, object, vegetation or heritage site shall not be adversely affected by subdivision or land use activities.

12.5.4.3 That notable trees be provided protection, except where it can be demonstrated that they pose a hazard to people or habitable buildings.

12.5.4.4 That land use activities in the vicinity of Sites of Cultural Significance to Maori shall not compromise their spiritual, cultural or historical values and that the effect on cultural, spiritual and historical values is taken into account in the assessment of applications.

12.5.4.5 That the Council consult with whanau, hapu and iwi to develop appropriate and acceptable consultation processes for Maori.

12.5.4.6 That maintenance, repairs or redecoration of historic buildings or objects shall retain their historic value and character.

12.5.4.7 That activities on any archaeological sites shall be managed in order to avoid or minimise any adverse effects.

12.5.4.8 That where areas have significant historic character, their heritage values are not compromised by inappropriate activities.

12.5.4.9 That where there is evidence demonstrating support for heritage values attributed to a place by individuals, groups and agencies, these values shall be taken into account in considering applications to alter or destroy such places.

12.5.4.10 That landowners shall be encouraged to protect and enhance heritage sites on their land through the provision of information and incentives.

12.5.4.11 That settlements that contain a high degree of heritage value be protected from subdivision, use and development that would adversely affect these values and their landscape setting.

12.5.4.12 That the Council will utilise, where appropriate, its heritage protection authority status under s187 of the Act, to protect any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua for spiritual, cultural or historical reasons and such area of land (if any) surrounding that place as is reasonably necessary for the purpose of ensuring the protection and reasonable enjoyment of the place.

12.5.4.13 That landowners be assisted financially where heritage resources are protected.

12.5.4.14 That Council will ensure that, before seeking to include within the Plan any heritage resource that occurs on private land, consultation will be undertaken with the landowner affected.

12.5.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

12.5.5.1 The Plan includes schedules of notable trees, historic buildings and objects, Sites of Cultural Significance to Maori, and registered archaeological sites and the items listed in these schedules (refer to ***Appendices 1D*** – ***1G*** in ***Part 4***) are shown on the ***District Plan Maps***. While activities that will have minor effects, or, in certain circumstances, emergency works and in the case of notable trees trimming, maintenance and, in limited circumstances felling, will be permitted, an application for resource consent will be required for significant modifications to those items/places that are scheduled and/or mapped.

12.5.5.2 The Council may add to the schedules of notable trees, historic buildings and objects, and Sites of Cultural Significance to Maori, when it is advised of new items, provided that:

(a) there is proof of consultation with the owner of the land on which the heritage resource is located;

(b) a written narrative about the heritage resource is provided;

(c) adequate mapping is carried out.

New heritage resources will be added to the Plan only by a Variation or Plan Change.

12.5.5.3 Those parts of the District which have a concentration of heritage resources within a relatively small locality are identified in this Plan as Heritage Precincts (refer to ***Section 12.5A***). Rules in this section and in the Heritage Precinct section, will apply to assist in the preservation of the heritage values of these Heritage Precincts.

12.5.5.4 Where subdivision or a land use activity may lead to a greater risk of inappropriate change to a heritage item, the Council may require a protective covenant, or other means of achieving permanent protection, as a condition of subdivision or land use activity.

12.5.5.5 Where excavation or filling, subdivision or other land use activities may lead to adverse effects on archaeological sites, the Council will require an archaeological assessment of effects on identified sites by a qualified archaeologist as provided by rules in ***Chapter 4.3*** (***Processing of Resource Consents***) as well as in this section.

12.5.5.6 Where an application is made to modify a Site of Cultural Significance to Maori, the tangata whenua and the relevant iwi authority for whom the site has significance shall be considered an affected party in terms of s93 and s94 of the Act.

12.5.5.7 Where an application is made for an activity which may modify an Archaeological Site listed in ***Appendix 1G*** or an Historic Site, Object or Building listed in ***Appendix 1E*** (or included in the Historic Places Register), or a Site of Cultural Significance to Maori listed in ***Appendix 1F*** the New Zealand Historic Places Trust, the Department of Conservation and/or the requesting party and the relevant iwi authority for whom the site has cultural significance shall be considered to be affected parties in terms of s93 and s94 of the Act.

12.5.5.8 Subdivision of land will be controlled to prevent the separation of any land that is closely associated with the significance or value of a heritage resource.

OTHER METHODS

12.5.5.9 The Council will make available to the public, whatever information it has on the conservation of historic buildings and objects.

12.5.5.10 The Council will advocate the identification of archaeological sites in areas that have not been surveyed, and continue to update its inventory of heritage resources. Information from whanau, hapu and iwi heritage management plans, where they are available, will be included in this inventory.

12.5.5.11 The Council will collect and make available information on closed cemeteries.

12.5.5.12 The Council will hold an up to date copy of the NZAA database and will make this information available to the public.

12.5.5.13 Where any person wishes to protect, maintain or upgrade heritage resources, or to obtain a heritage order or a Plan Change to the schedule of historic buildings and objects, and in doing so is required to make application to the Council, consideration will be given to the waiving of application fees (pursuant to s36 of the Act).

12.5.5.14 Where heritage resources are afforded permanent legal protection through means such as a covenant, an application may be made to the Council for rates relief according to Council policy.

12.5.5.15 Section 10 of the Historic Places Act 1993 makes it an offence for anyone to destroy, damage or modify, or cause to be destroyed, damaged or modified, the whole or any part of any archaeological site, knowing or having reasonable cause to suspect it is an archaeological site. Sections 11 and 12 of the Historic Places Act 1993 allow an application to be made to "destroy, damage or modify" any archaeological site.

12.5.5.16 In assessing an application for resource consent, the Council may reduce or waive the requirement to comply with rules in the Plan where this will assist in protecting the heritage resource and the values for which it has been scheduled or protected.

12.5.5.17 The Council may operate a District Heritage Assistance Fund to provide grants and low interest loans for resource consents required under the District Plan and to encourage other conservation work.

12.5.5.18 Where significant works are proposed to be carried out in relation to a heritage resource, the Council may require the preparation of a Conservation Plan as part of the assessment of effects for a resource consent application.

12.5.5.19 Where appropriate, the Council may make provision or contingency within the Annual Plan to enable it to carry out the regulatory procedures of s189 of the Act.

12.5.5.20 The Council will work with interested parties to develop a protocol for the suitable protection of archaeological sites during afforestation projects and their subsequent harvesting.

12.5.5.21 Council will encourage the use of predictive modelling techniques to determine where archaeological sites are likely to occur.

COMMENTARY

The mandate for heritage protection derives from ss5 and 7 of the Act generally and, for Maori heritage, ss6 (e), 7 and 8 specifically. In addition to the Council's responsibilities under the Act, the Department of Conservation and New Zealand Historic Places Trust also have responsibilities that are defined under their respective legislation (refer ***Method 12.5.5.15****).*

The responsibility for protecting New Zealand's historic heritage is shared among several agencies. The NZ Historic Places Trust is responsible for identifying and assessing historic heritage on lands not administered by the Department of Conservation as provided for by the Historic Places Act 1993. In doing so, it has a duty to recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. Before an archaeological site may be destroyed, damaged or modified, a consent must be obtained from the Trust. However, the Trust does not grant consents to destroy, damage or modify items on the Register of Historic Places as these are managed through the District Plan.

The Department of Conservation has an advocacy role under the Conservation Act 1987 and is responsible for heritage protection within the Conservation Estate which it must carry out in accordance with the Crown's duty as a Treaty partner. Where land is within the Conservation Estate and there is an approved Conservation Management Plan, that land is not subject to the District Plan.

The Far North District Council is responsible for general land management under the RMA. The Act requires that councils recognise the relationship of Maori and their culture and traditions with their ancestral lands, sites, waahi tapu, and other taonga. District Plans contain provisions designed to avoid, remedy or mitigate the adverse effects of activities on historic and cultural heritage resources. In some instances, consent may be required to undertake work from both the Trust and the District Council. The Northland Regional Council also has a role in heritage protection through regional policy statements, regional plans and other methods.

All of these agencies may identify heritage resources that warrant protection in the District or Regional Plan, may issue heritage orders seeking the protection of a specific historic resource, purchase land and buildings, and take an active part in promoting heritage protection through grants, education and other methods.

The Northland Regional Policy Statement explains the value of heritage protection and sets out four main issues, including the lack of comprehensive information. It is a requirement of the Regional Policy Statement that a register of heritage features be established by all district councils (Chapter 24.4, p24.3). Rules may be adopted in district plans, but these rules need to be framed to complement the general requirement relating to the protection of archaeological sites and historic buildings in the Historic Places Act 1993. The provisions of this Plan have been designed accordingly.

Heritage resources are important to the social, economic and cultural well being of a community because they provide continuity with the past, enjoyment in the present, and opportunities for the future. These resources are at risk from human activities that modify or destroy the building, site or place unthinkingly. Changes in land use, subdivision and development that can threaten heritage values need to be managed to promote heritage protection and conservation. Where change is unavoidable, there is a need to manage that change in order to minimise adverse effects on historic heritage. Given that heritage resources are irreplaceable, the preferred method for achieving protection must have a high degree of certainty with

*respect to the outcomes. Hence, the Council has adopted rules as the primary method (refer **Objectives 12.5.3.1** - **12.5.3.8**, **Policies 12.5.4.1** - **12.5.4.11**, **Methods 12.5.5.1** - **12.5.5.8**).*

*The Council has chosen rules because those items that are listed in the schedules have been accurately identified and landowners have been consulted. At this time, the list is relatively confined but items can be added by way of Plan Change or Variation, processes that require early consultation (refer **Method 12.5.5.2**). Also, the practice of protecting heritage through district plans is long established in the Far North.*

*The District has many trees which have been identified as having significant amenity, cultural and historic values and, for this reason, the most highly valued trees are given protection from indiscriminate removal or life threatening work (refer **Objective 12.5.3.3**, **Policy 12.5.4.3** and **Method 12.5.5.1**). These trees are shown on the **Zone Maps** and listed in **Appendix 1D**, which also sets out the criteria and process for identification.*

*Historic Sites, Buildings and Objects are similarly shown on the **Zone Maps** and listed in **Appendix 1E**, which relies heavily on the Register kept by the New Zealand Historic Places Trust. The heritage values of these buildings and objects must be protected from inappropriate use, subdivision or development (refer **Objectives 12.5.3.1** and **12.5.3.7**, **Policies 12.5.4.2**, **12.5.4.6** and **12.5.4.9** and **Method 12.5.5.1**).*

*Registered Archaeological Sites are listed in this Plan (**Appendix 1G**) and shown on the **Resource Maps**. These sites are registered by the New Zealand Historic Places Trust but are nevertheless subject to protection under the Plan because, as well as having scientific and historical values, they may also be of special spiritual, cultural or historical significance to Maori. Modification due to the effects of human action should be avoided (refer **Objective 12.5.3.5**, **Policy 12.5.4.7** and **Method 12.5.5.5**).*

*Similarly, Sites of Cultural Significance to Maori should not be unnecessarily disturbed or modified (refer **Objective 12.5.3.2**, **Policies 12.5.4.4** and **12.5.4.5**, **Methods 12.5.5.1**, **12.5.5.7** and **12.5.5.8**). These sites are shown on the **Resource Maps** and listed in **Appendix 1F** and the criteria for listing are explained. The information required in order to add waahi tapu to the list is set out and the procedure will be by way of a Plan Change or Variation.*

*Some settlements in the District have clusters of historic buildings that, in association with the immediate environment, have special amenity and character in addition to their historical values. This character can be adversely affected by inappropriate use, subdivision and development. These parts of settlements are identified as Heritage Precincts and special provisions have been included that are tailored specifically for the purpose of protecting their particular heritage values and character (refer **Objective 12.5.3.4**, **Policies 12.5.4.1**, **12.5.4.2**, **12.5.4.8**, **12.5.4.9** and **12.5.4.11**, **Methods 12.5.5.3** and **12.5.5.8**).*

*The provision of information raises community awareness of the spiritual, cultural and historical values of heritage resources and is an effective means of promoting an active commitment to conservation (refer **Objective 12.5.3.6**, **Policy 12.5.4.10** and **Methods 12.5.5.9-12.5.5.12**).*

*Changes in land use or subdivision offer an opportunity to secure the permanent protection of heritage resources and the Council will consider imposing conditions to this end in such cases (refer **Method 12.5.5.4**). In recognition of this protection, the Council may also waive resource consent fees or grant a rates postponement (refer **Policy 12.5.4.13**, **Methods 12.5.5.13** and **12.5.5.14**).*

*In addition, a development bonus may be granted where permanent protection and/or enhancement is achieved (refer **Policy 12.5.4.10**).*

*In assessing applications for resource consent, the Council will take into account the views of individuals, iwi, groups and agencies whom have an interest in the particular issue (refer **Policy 12.5.4.9**). The Plan also specifies those parties who are considered to be affected in certain circumstances (refer **Method 12.5.5.7**).*

*As a last resort, the Council will use its powers as a Heritage Protection Authority to assure the protection of a threatened heritage resource (refer **Policy 12.5.4.12**).*

12.5.6 RULES

Activities affected by this section of the Plan must comply not only with the rules in this section, but also with the relevant standards applying to the zone in which the activity is located (refer to ***Part 2 Environment Provisions***), and with other relevant standards in ***Part 3 – District Wide Provisions***.

Particular attention is drawn to:

(a) ***Chapters 7-10*** in ***Part 2***;

(b) Other sections in ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);

(c) ***Chapter 13 Subdivision***;

(d) ***Chapter 14 Financial Contributions***;

(e) ***Section 15.1 Traffic, Parking and Access***;

(f) ***Chapter 16 Signs and Lighting***;

(g) ***Chapter 17 Designations and Utility Services*** (and the ***Zone Maps***).

Where relevant, refer to other sections of the plan such as Part 2 – Environmental Provisions and other parts of Part 3 – District Wide Provisions as there may be other provisions that need to be considered.

Rules in this section continue to apply to plantation forestry activities in addition to National Environmental Standards for Plantation Forestry (NES PF) requirements.

12.5.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity if:

(a) it complies with the standards for permitted activities set out in ***Rules 12.5.6.1.1*** to ***12.5.6.1.3*** below; and

(b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(c) it complies with the other relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

12.5.6.1.1 NOTABLE TREES

(a) The trimming and maintenance of a Notable Tree listed in ***Appendix 1D*** and shown on the ***Zone Maps***, or the felling of a Notable Tree which has died, is a permitted activity, provided that the activity is carried out by, or under the supervision of, a member of the New Zealand Arboricultural Association who has advised the Council in advance of the work to be carried out; and/or

(b) A Notable Tree listed in ***Appendix 1D*** and shown on the ***Zone Maps*** may be limbed or felled:

(i) where this is required as emergency work to safeguard life or habitable buildings from immediate danger; or

(ii) where this is required as emergency work to maintain or restore utilities, including networks for energy, telecommunications and transport;

provided that such work is done to the minimum extent required to protect human life, habitable property or the network.

Note: The felling or destruction of a Notable Tree as listed in ***Appendix 1D*** and shown on the ***Zone Maps***, other than provided for in (a) or (b) above is a discretionary activity.

(c) Excavation, filling and impermeable surfaces (including buildings) shall not occur within the area covered by the crown periphery (drip line) of any Notable Tree listed in ***Appendix 1D*** and shown on the ***Zone Maps,*** but the planting and weeding of garden plants is permitted.

12.5.6.1.2 ALTERATIONS TO/AND MAINTENANCE OF HISTORIC SITES, BUILDINGS AND OBJECTS

No person shall alter, remove or destroy any site, building or object listed in ***Appendix 1E*** and shown on the ***Zone Maps*** and ***Heritage Precinct Maps*** without a resource consent. This provision shall not apply to minor repairs and maintenance of such historic sites, buildings and objects.

For the purpose of this rule:

(a) “Minor repairs” means the repair of materials by patching, piecing-in, splicing and consolidating existing materials, and including minor replacement of minor components, such as individual bricks, cut stone, timber sections, tiles and slates, where these have been damaged beyond reasonable repair or are missing. The replacement should be of the original or similar material, colour, texture, form and design as the original it replaces, and the number of components replaced should be substantially less than the existing components.

(b) “Maintenance” means the painting of previously painted surfaces, plumbing and/or guttering maintenance work, water washing and such similar work, excluding abrasive or high pressure cleaning, as is required to keep the building clean, safe and weatherproof.

Note 1: The demolition or removal of some historic buildings is a prohibited activity (refer to ***Rule 12.5A.6.4.1***).

Note 2: In respect of the Paihia Village Green, listed in ***Appendix 1E***, "to alter" includes the placing of any building on the site and for the purposes of this rule "building" bears a slightly different meaning to that shown in ***Chapter 3 Definitions***, and for this purpose means "any structure, or part of a structure, whether temporary of permanent, moveable or immoveable, which would require a building consent under the Building Act 2004".

12.5.6.1.3 REGISTERED ARCHAEOLOGICAL SITES

Activities involving the alteration of land, including building, excavation, filling, planting of trees and disturbance of ground, shall not disturb, modify, damage or destroy a registered archaeological site (as listed in ***Appendix 1G*** and shown on the ***Resource Maps***), unless an Authority to Destroy, Damage or Modify an Archaeological Site has been issued by the New Zealand Historic Places Trust.

For the purpose of this rule a registered archaeological site is one that is included on the New Zealand Historic Places Register pursuant to the Historic Places Act 1993.

Where an application is required because of non-compliance with this rule, the New Zealand Historic Places Trust, Department of Conservation and where appropriate, the tangata whenua for whom the archaeological site has significance, shall be considered an affected party.

12.5.6.2 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity if:

(a) it complies with ***Rules 12.5.6.1.1 Notable Trees***; ***12.5.6.1.2 Alterations to/and Maintenance of Historic Sites, Buildings and Objects*** and ***12.5.6.1.3 Registered Archaeological Sites*** for permitted activities above; and

(b) it complies with ***Rule 12.5.6.2.1 Heritage Resources – Permanent Protection*** and/or ***12.5.6.2.2 Activities Which Could Affect Sites of Cultural Significance to Maori*** below; and

(c) it complies with the relevant standards for permitted, controlled or restricted discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(d) it complies with the other relevant standards for permitted, controlled or restricted discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the matters specified in the relevant rule. The Council will, where appropriate, take account of the Assessment Criteria applicable in the relevant zone and in ***Section 12.5.7***.

12.5.6.2.1 HERITAGE RESOURCES – PERMANENT PROTECTION

Where, in any zone, an activity is subject to a rule described as ***Scale of Activity***, and the site contains one or more heritage resources listed in ***Appendices 1D***, ***1E***, ***1F*** and ***1G*** and shown on the ***District Plan Maps***, the scale of activity may be increased by up to 100% of that permitted by the zone rule where a covenant is registered on the title of the site permanently protecting all of those heritage resources.

The Council will require that the covenant is registered on the title before this rule can be given effect to.

The Council will restrict the exercise of its discretion to:

(a) the environmental effects, including those on the cultural, spiritual and heritage values, of the increase in Scale of Activity to be allowed;

(b) the adequacy of the covenant in achieving the purpose of this provision.

Where an application is made in terms of this rule, the New Zealand Historic Places Trust and, where appropriate, the tangata whenua and the relevant iwi authority for whom the heritage resource has significance and the Department of Conservation, shall be considered an affected party.

12.5.6.2.2 ACTIVITIES WHICH COULD AFFECT SITES OF CULTURAL SIGNIFICANCE TO MAORI

Building, excavating, filling, planting of trees or clearance of vegetation within any Site of Cultural Significance to Maori, as listed in ***Appendix 1F*** and shown on the ***Resource Maps***, is a restricted discretionary activity, unless the activity is proposed by the requesting party, in which case this rule does not apply.

The Council will restrict the exercise of its discretion to:

(a) the extent to which the activity may adversely affect cultural and spiritual values; and

(b) whether the activity will have an adverse effect on any historic site, building or object, notable tree, or archaeological site; and

(c) the means by which any adverse effects on cultural, spiritual and heritage values can be avoided, remedied or mitigated.

Where an application is made in terms of this rule, the requesting party and the relevant iwi authority and the New Zealand Historic Places Trust shall be considered an affected party.

12.5.6.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity if:

(a) it does not comply with one or more of the standards for permitted or restricted discretionary activities as set out under ***Rules 12.5.6.1*** and ***12.5.6.2***; and/or

(b) it complies with ***Rule 12.5.6.3.1 Development Bonus*** below; and

(c) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan – Environment Provisions***; and

(d) it complies with the other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in ***Part 3 of the Plan – District Wide Provisions***.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under ***Section 12.5.7***.

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying activity, unless it is prohibited (refer to rules within ***Section 12.5A***).

Where an application is made in terms of this rule, the New Zealand Historic Places Trust and, where appropriate, the tangata whenua for whom the heritage resource has significance shall be considered an affected party.

12.5.6.3.1 DEVELOPMENT BONUS

Where a site contains a heritage resource, and where this resource is proposed to be permanently protected, and/or where restoration or rehabilitation of the heritage resource is proposed, the Council may grant consent to an application to subdivide one or more bonus lots. The new lot(s) can be either from the parent title on which the area to be protected, restored or rehabilitated is located, or on another title. The new lot(s) may be created in addition to the rights to subdivide which would otherwise apply, and may include the area to be protected, restored or rehabilitated. The minimum area of a bonus lot shall be the minimum area provided for as a discretionary subdivision activity in the relevant zone. If the site is located within the Rural Production Zone the minimum discretionary lot size of any bonus lot shall be 4.0 ha. This bonus lot provision cannot apply to the General Coastal Zone as there is no discretionary minimum lot size (management plan subdivision is the only option provided).

The Council will require that a covenant or a consent notice or other legal instrument records the commitment to protection, restoration or rehabilitation before any bonus can be given effect to.

The Council may impose, as a condition of consent to any application for a development bonus, a requirement that a bond be paid, to be refunded when the Council is satisfied that the conditions attached to that consent have been complied with.

The Council may provide assistance in respect of any such application by waiving resource consent charges and reserve contributions. It may also provide assistance with fencing and fees associated with achieving formal protection.

Where an application is made in terms of this rule, the New Zealand Historic Places Trust and, where appropriate, the tangata whenua and the relevant iwi authority for whom the heritage

resource has significance, and the Department of Conservation shall be considered an affected party.

12.5.6.4 PROHIBITED ACTIVITIES

12.5.6.4.1 DEMOLITION OR REMOVAL OF SPECIFIED BUILDINGS

The demolition or removal of the following buildings is a prohibited activity:

(a) Christ Church – Lot 3, Blk XI, Russell Township;
(b) Church of St John the Baptist – Pt OLC 48;
(c) Four Square Store – Part Lot 2 Russell Township;
(d) Holy Trinity Church (Anglican) – Pt OLC 54, adjacent to Pakaraka Township, Blk X Kawakawa SD;
(e) Kerikeri Mission House – Pt Lot 1, DP29562, Blk XI Kerikeri SD;
(f) Mangungu Mission House – Pt OLC 78, Blk XI, Mangamuka SD.
(g) Police Station – Lots 7, 8, 17, 18 Blk V Russell Township;
(h) Pompallier – Allot 13, Sec 1, 13 Town of Russell SD;
(i) Pouerua Homestead Store and Stables – Lot 2, DP128244, Blk X Kawakawa SD;
(j) St James Church – Pt OLC 39, Blk XI Kerikeri SD;
(k) Stone Store – Lot 1, DP32468, Blk XI Kerikeri SD;
(l) Sunday School – Pt Lots 10 & 11 of OLC 48, Blk VIII Omapere SD;
(m) Clendon Cottage – Allot 13, Sec 1, 13, Russell Township;
(n) The Gables – Lot 25, DP21359, Allot 12 Town of Russell Section 9;
(o) The Moorings – DP18744;
(p) The Retreat – Pt OLC 54 adjacent to Pakaraka Township, Blk X Kawakawa SD;
(q) Waimate Mission House – Lot 1, DP49136; Lot 1, DP65273; OLC 48, Blk VII Omapere SD.

12.5.7 ASSESSMENT CRITERIA

The matters set out in s104 and s105, and in Part II of the Act, apply to the consideration of all resource consents for land use activities.

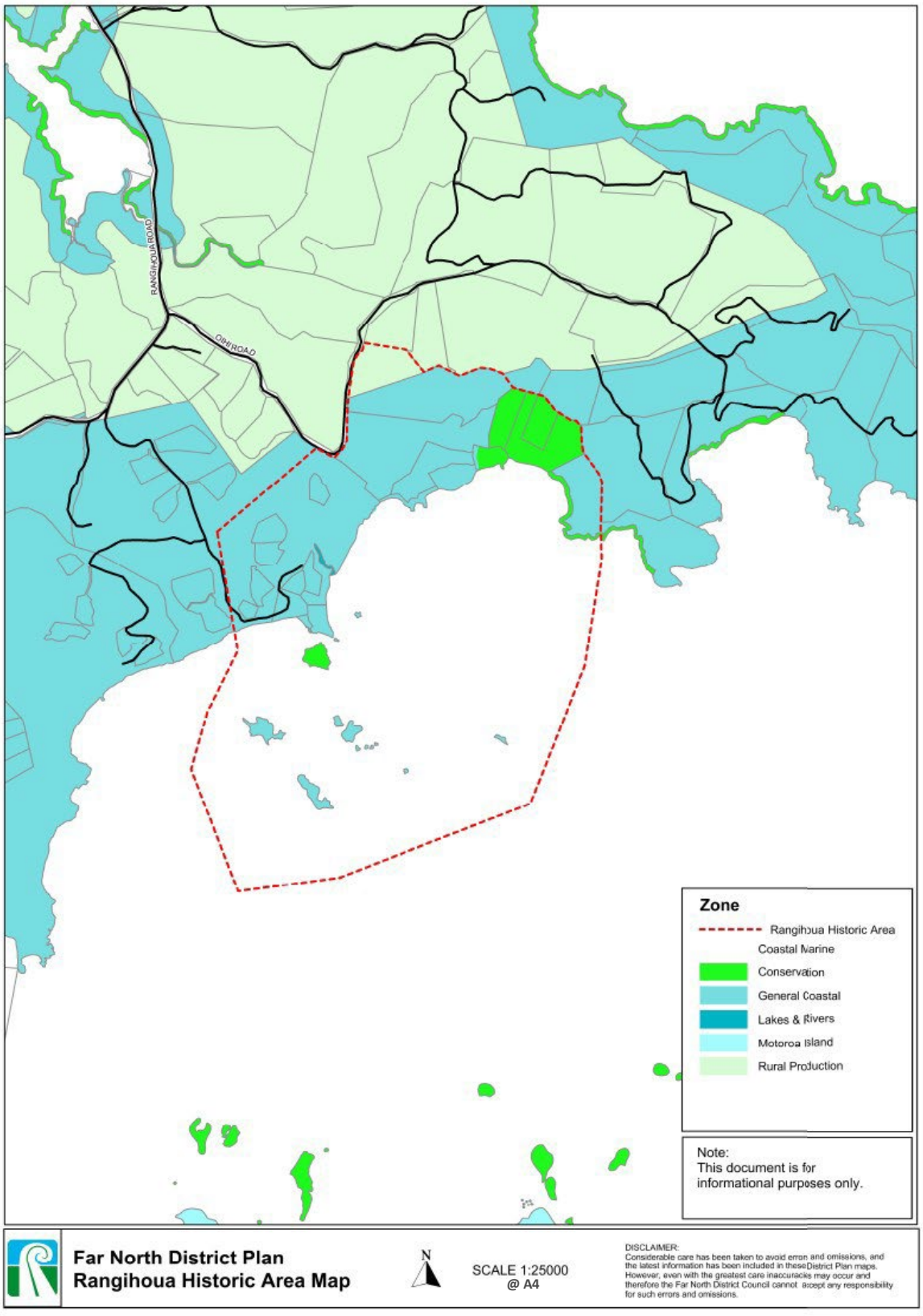
In addition to these matters, the Council shall apply the relevant assessment matters set out below:

(a) whether an assessment by a qualified archaeologist has been carried out;
(b) whether the requesting party for the Site of Cultural Significance have been consulted, and whether the consultation supports the application;
(c) whether the proposal is consistent with the objectives of any hapu or iwi management plan relating to the area;
(d) whether the New Zealand Historic Places Trust has been consulted and whether an Authority to Modify an archaeological site has been obtained under the Historic Places Act 1993;
(e) whether the activity will have any adverse effect on an archaeological site;
(f) the extent to which the activity may adversely affect cultural and spiritual values;
(g) the extent to which the activity may adversely affect design and appearance of the building or object;
(h) the extent to which the activity will adversely affect any cemetery;
(i) the extent to which heritage values can be permanently protected and enhanced;
(j) the effect of the proposed activity on the integrity or heritage values associated with the resource;
(k) the significance of heritage values associated with the heritage resource;
(l) the registration (if applicable), and the reasons for this registration, of the heritage resource under the Historic Places Act 1993;
(m) the purpose of the proposed activity and whether there are other means of achieving the same or similar ends;
(n) the policies of any conservation plan and heritage inventory relating to the heritage resource;
(o) the importance (if any) of land surrounding the heritage resource;
(p) the importance attributed to the heritage resource by tangata whenua and the wider community;
(q) the recommendations made by the New Zealand Historic Places Trust and any other person or organisation with recognised expertise in heritage conservation issues;
(r) in considering any proposal the Council shall also have regard to the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value;
(s) the extent to which restoration and rehabilitation of heritage resources is likely to be achieved.

Note: ***Section 12.5A*** refers to several Heritage Precincts identified within the District. These precincts are shown on the District Plan Maps and enlargements are provided on ***Maps HP1 – HP5***.

12.5.8 RANGIHOUA HERITAGE AREA

The Rangihoua Historic Area – Information document has been incorporated in the District Plan for information purposes only. It is recommended that any activities undertaken within the Rangihoua Historic Area acknowledge the highly significant heritage values of this area. It is also recommended that any modification, destruction or removal of historic landscapes and features is first discussed with the New Zealand Historic Places Trust.



12.5A HERITAGE PRECINCTS

CONTEXT

Nine Heritage Precincts have been identified in the District as having clusters of historic buildings that, in association with the immediate environment, have special amenity and character in addition to their heritage values. Each Precinct is described in more detail below.

The Strand: (refer to ***Map HP4*** in ***Part 5***)

The historic character of Russell derives principally from its exceptional buildings of great quality and known historic interest, for example, the Bungalow and Pompallier House. The maintenance of the special character within The Strand Heritage Precinct is essential to the protection of the heritage values of Russell as a whole. In addition, the entire area is an archaeological site in terms of the Historic Places Act 1993, and therefore it is important to ensure that valuable information on New Zealand's earliest historic period of European settlement is not lost. The Strand Heritage Precinct's commercial focus is on The Strand and Cass Street, and their extension onto the wharf and beach. This is the scene of most activity. The Strand has a strong association with the waterfront and is characterised by the massing of larger, older buildings and the strong identity at intersections that gives a distinct "corner quality". The residential component at the north end of The Strand Heritage Precinct is characterised by closely aligned buildings of generally older single storey style of modest scale, with a few two storey buildings evident. While the buildings differ in style, scale, form and proportion, there is considerable use of veranda, roof forms and materials that reflect an earlier architectural style.

Wellington Street: (refer to ***Map HP4*** in ***Part 5***)

The maintenance of the special character within the Wellington Street Heritage Precinct is essential to the protection of the heritage values of Russell as a whole. The Wellington Street Heritage Precinct's focus is the Wellington-York Street intersection, the principal feature of which is the Kororareka Domain, giving the area an open space quality. The residential character of the Wellington Street Precinct is low key with informal siting of buildings. The style is predominantly villas or bungalows that have an historic value and contribute to the distinctive character of the area. A bush backdrop extends around to the coastal edge of the Precinct, where the cottages located within it have a feeling of detachment from the Russell Village proper.

Christ Church: (refer to ***Map HP4*** in ***Part 5***)

The maintenance of the special character within the Christ Church Heritage Precinct is essential to the protection of the heritage values of Russell as a whole. The Christ Church Precinct's focus is, of course, the Christ Church itself, being the oldest church in New Zealand. The open space of the church yard provides a valuable foreground and informal area on entry into the Russell village.

Mangonui: (refer to ***Map HP5*** in ***Part 5***)

The township of Mangonui, with its historical past, is a physical link with the early days of the District's development when shipping was the main form of transport. This is expressed in a number of buildings or groups of buildings with historical significance and visual character. The special heritage character of the Mangonui Heritage Precinct derives from the external appearance of the historic buildings, and their association with the waterfront. The Mangonui Precinct covers the old business area of Mangonui in which worthwhile examples of the township's early commercial and public buildings remain, such as the courthouse, the Post Office, and the Store. Today, the Mangonui waterfront is a mix of busy commercial, tourist orientated ventures and residential uses.

Kohukohu: (refer to ***Map HP3*** in ***Part 5***)

Like Mangonui, the Kohukohu township is a physical link with the early days of the District's development when shipping was the main form of transport. The special heritage character of the Kohukohu Heritage Precinct derives from the external appearance of the historic buildings, and their association with the waterfront. The main residential area of Kohukohu is of colonial architectural significance, the buildings being of varied colonial style.

Rawene: (refer to ***Map HP3*** in ***Part 5***)

Again, Rawene is a physical link to the early days when shipping was the main form of transport. Like Kohukohu, the special heritage character of the Rawene Heritage Precinct derives from the external appearance of the historic buildings, and their association with the waterfront. The Rawene Precinct covers

the old business area of Rawene in which worthwhile examples of the township's early commercial and public buildings remain, such as the Masonic Hotel and Clendon House.

Kerikeri Basin: (refer to ***Map HP2*** in ***Part 5***)

The Kerikeri Basin Heritage Precinct is a Registered Historic Area with the Historic Places Trust. The historic character of the Kerikeri Basin derives from its outstanding historic significance as one of the first areas in New Zealand characterised by contact between Maori and European colonial settlement. The Kerikeri Basin Precinct contains several Category 1 historic buildings and features, an historic pa site, and is located in a largely undeveloped landscape setting, with most land in the Precinct being in public ownership. The area contains archaeological and historic sites of critical importance to the nation's heritage.

Historic values of the Kerikeri Basin Heritage Precinct can be adversely affected by the nature and scale of development within the visual buffer around this precinct. The Kerikeri Basin Heritage Precinct Visual Buffer is therefore identified and a rule applying to any buildings within this zone included in the Plan to provide the ability to control the form, colour and location of development in order to avoid visual dominance in relation to the Kerikeri Mission Station buildings and to Kororipo Pa.

Te Waimate: (refer to ***Map HP2*** in ***Part 5***)

Te Waimate Heritage Precinct is a pre-eminent historic landscape of national significance. It is the core area of a visual entity of historic buildings, archaeological sites and historic trees, being the Te Waimate Mission Village of the 1830's and later. The most significant buildings are the Church of St John the Baptist, the Mission House, the Sunday School, the Bedggood Cottage and the Blacksmith Shop. The King Paddock is also significant because of its intrinsic value as an unploughed archaeological site in the central part of the Mission Village. The wider Waimate North area is recognised for its landscape, heritage and visual amenity by special provisions designed to complement and reinforce the uniqueness of Te Waimate Heritage Precinct (refer to ***Section 18.3***).

Pouerua (Pakaraka): (refer to ***Map HP1*** in ***Part 5***)

The Pouerua Heritage Precinct is distinguished from other New Zealand historic landscapes and waahi tapu by the number and diversity of heritage values that are attached to it, by its size and by the degree of its integrity. It embodies the mana of Ngapuhi, the historic engagements of Maori and Pakeha in war and peace, and has been preserved to date by the separate and collective effects of iwi and others. There are major Maori fortifications on the rim of the Pouerua volcanic cone, hundreds of terraces on the flanks, and intensive evidence of pre-European and 19th century gardens and settlements on the lava field. The Pouerua Precinct is considered to contain the best remaining example of a large group of field systems, settlements and fortifications surviving as an integrated whole. All archaeological evidence within the Pouerua volcanic system, therefore, gains significance through association with the total complex, and merits recognition.

Note: A helpful piece of documentation relevant to development within the Pouerua Heritage Precinct is *"Pouerua Pa Northland: Archaeological Report"* prepared by *New Zealand Historic Places Trust (1993)*.

12.5A.1 ISSUES

These issues supplement those set out in ***Section 12.5.1***.

12.5A.1.1 The potential loss of valuable archaeological information through modifications to landforms.

12.5A.1.2 The potential loss of heritage values and character associated with landform, settlement patterns and architectural styles in the various heritage precincts due to inappropriate subdivision, development and use.

12.5A.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 12.5.2***.

12.5A.2.1 Recognition and retention of the heritage values of specified areas of Russell, Kohukohu, Mangonui, Kerikeri Basin and Rawene (which are coastal settlements with related values), and Waimate North and Pouerua (which are inland areas with heritage values).

12.5A.3 OBJECTIVES

These objectives supplement those set out in ***Section 12.5.3***.

12.5A.3.1 To recognise and protect retain the heritage values of the various heritage precincts derived from the sites, buildings and objects of historic significance, and to protect such sites, buildings and objects from inappropriate subdivision, use and development.

12.5A.3.2 To recognise and protect the heritage values of the various heritage precincts derived from the archaeological sites of the precincts and to retrieve and record archaeological evidence where appropriate.

12.5A.3.3 To recognise and protect the special character of the various heritage precincts that derives from the built form in combination with the landforms.

12.5A.3.4 To retain The Strand Heritage Precinct as predominantly a pedestrian area.

12.5A.4 POLICIES

These policies supplement those set out in ***Section 12.5.4***.

12.5A.4.1 That the type, scale and nature of alterations to existing buildings be limited so as to ensure the retention of the heritage character of the various heritage precincts and of buildings of historic significance within those heritage precincts.

12.5A.4.2 That the removal or demolition of buildings be restricted to those of little or no historic significance which do not contribute significantly to the streetscape values of the various heritage precincts.

12.5A.4.3 That the location, scale and nature of new buildings and structures be controlled so as to not adversely affect the historic character, streetscape or landscape values of the various heritage precincts and of buildings of historic significance within those heritage precincts.

12.5A.4.4 That archaeological sites are protected from damage or destruction, and that archaeological information is retrieved whenever appropriate.

12.5A.4.5 That the heritage values of The Strand and Kerikeri Basin Heritage Precincts are not adversely affected by inappropriate outdoor advertising.

12.5A.4.6 That activities which conflict with pedestrian use of The Strand be restricted.

12.5A.4.7 That further subdivision in the Pouerua Heritage Precinct does not result in adverse effects on historic heritage values from the construction of buildings and development (refer to ***Chapter 13***).

12.5A.4.8 That normal farm practices do not adversely affect the historic heritage and Maori heritage values of the Pouerua Heritage Precinct.

12.5A.5 METHODS

DISTRICT PLAN

12.5A.5.1 All policies are given effect to by rules in the Plan.

OTHER METHODS

12.5A.5.2 The use of speed limits on The Strand to reduce the potential for conflict between vehicles and pedestrians.

12.5A.5.3 Traffic issues associated with the Kerikeri Basin Heritage Precinct are addressed in the Council's Annual and Strategic Plans.

12.5A.5.4 Council may develop design guidelines for the different Heritage Precincts to provide guidance on development that is in keeping with the heritage character of those precincts.

COMMENTARY

*Changes to historic buildings should retain their heritage values and the historic character of the various Heritage Precincts as a whole. Controlling alterations to buildings, their removal or demolition and the erection of new buildings, while taking into account their association with other historic resources, will ensure that this aim is achieved (refer **Objectives 12.5A.3.1** and **12.5A.3.2**; **Policies 12.5A.4.1-12.5A.4.3**, **Method 12.5A.5.1**).*

*Avoiding disturbance or loss of archaeological evidence is also important in the various Heritage Precincts where there is a risk that development will result in the loss of a valuable historic record unless it is suitably controlled (refer **Objective 12.5A.3.2**; **Policies 12.5A.4.3** and **12.5A.4.4**; **Method 12.5A.5.1**).*

*Outdoor advertising that could potentially detract from the historic ambience and amenity of The Strand is also controlled (refer **Objective 12.5A.3.1**; **Policy 12.5A.4.4**; **Method 12.5A.5.1**).*

*The Strand is pedestrian-friendly, which is one of its many pleasant aspects. The exclusion of service vehicles and the imposition of speed limits is designed to retain this emphasis, which is in character with the historic role of The Strand as a waterfront commercial area (refer **Objective 12.5A.3.4**; **Policy 12.5A.4.5** and **Methods 12.5A.5.1** and **12.5A.5.2**).*

*A principal concern in the Pouerua Heritage Precinct is that land use activities associated with farming, and the development that tends to accompany more intensive subdivision, may lead to the disturbance or loss of one of the most archaeologically and culturally important landscapes in New Zealand. New buildings should be carefully sited to avoid disturbing archaeological evidence or giving offence to tikanga Maori and taking into account the heritage values of the landscape. Rules in the Plan are therefore essential to ensure that adequate protection is achieved (refer **Objective 12.5A.3.1**; **Policies 12.5A.4.3**, **12.5A.4.7** and **12.5A.4.8**; **Method 12.5A.5.1**).*

*The Kerikeri Basin is a Precinct in which the association of historic buildings, notable trees and archaeological sites combine to create a heritage landscape that warrants both protection of the individual elements, and active enhancement of the whole. New buildings and tree plantings are controlled in light of the need to protect the character of the Basin as a whole (refer **Objectives 12.5A.3.1** to **12.5A.3.3** inclusive, **Policies 12.5A.4.1** to **12.5A.4.5** inclusive, **Methods 12.5A.5.1** and **12.5A.5.3**).*

*One of the key environmental issues in the Kerikeri Basin Heritage Precinct is the possible construction of a new highway that would bypass the historic Stone Store, thereby reducing the potential for damage due to vibration or accidents, and improving the amenity by eliminating much of the traffic from the vicinity (refer **Method 12.5A.5.3**). The risk of flooding, which is caused by the existing bridge, would also be eliminated.*

12.5A.6 RULES

12.5A.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity if:

(a) it complies with the standards for permitted activities set out in ***Rules 12.5A.6.1.1*** to ***12.5A.6.1.5*** below; and

(b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(c) it complies with the other relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

12.5A.6.1.1 MAINTENANCE OF BUILDINGS

Maintenance of existing buildings is a permitted activity provided that:

(a) the building is in the Pouerua Heritage Precinct; or

(b) the existing visual appearance of the building is not changed; and

(c) the structure of the building is not altered; and

(d) in the case of The Strand and Christ Church Heritage Precincts, heritage colours are used for any repainting. For the purpose of this rule heritage colours are taken from the 5252 and 2660 British Standard colour ranges which are considered to be heritage colours, and are set out under ***Section 12.5A.8***.

Note: Buildings listed in ***Appendix 1E*** are controlled by ***Rule 12.5.6.1.2***.

12.5A.6.1.2 SIGNS IN THE STRAND AND KERIKERI BASIN HERITAGE PRECINCTS

Signs are permitted in The Strand and Kerikeri Basin Heritage Precincts provided they are limited to a description of the activity on the site and do not exceed 0.2m² in area. See also rules in ***Chapter 16 – Signs and Lighting***.

12.5A.6.1.3 PARKING AND ACCESS IN THE STRAND

Car parking and vehicle access is permitted, provided that it is not accessed off The Strand, or located between any building and The Strand.

12.5A.6.1.4 ALTERATIONS TO LAND IN THE STRAND, POUERUA AND KERIKERI BASIN HERITAGE PRECINCTS

Activities involving the alteration of land are permitted in The Strand, Pouerua and Kerikeri Basin Heritage Precincts, provided that they do not involve the excavation of more than 2m³ of soil or the disturbance of vegetation, ground cover and soil of an area greater than 5m².

Note: This does not restrict normal gardening or landscaping which does not involve the excavation or deposition of soil or fill.

12.5A.6.1.5 PLANTING OF TREES IN THE KERIKERI BASIN HERITAGE PRECINCT

The planting of exotic trees and shrubs is permitted in the Kerikeri Basin Heritage Precinct, provided that these are of species that do not exceed 3m in height on maturity.

12.5A.6.2 CONTROLLED ACTIVITIES

An activity is a controlled activity if:

(a) it does not comply with ***Rule 12.5A.6.1.1 Maintenance of Buildings*** for permitted activities; but

(b) it complies with ***Rules 12.5A.6.1.2*** to ***12.5A.6.1.5*** inclusive for permitted activities above; and

(c) it complies with ***Rules 12.5A.6.2.1*** to ***12.5A.6.2.3*** below; and

(d) it complies with the relevant standards for permitted or controlled activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(e) it complies with the other relevant standards for permitted or controlled activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council must approve an application for a land use consent for a controlled activity but it may impose conditions on that consent.

12.5A.6.2.1 MAINTENANCE OF BUILDINGS

Maintenance of buildings other than those listed in ***Appendix 1E*** is a controlled activity where the standards set out in ***Rule 12.5A.6.1.1*** are not complied with, excluding in the case of The Strand and Christ Church Heritage Precincts, where heritage colours are not used for any repainting, this is a restricted discretionary activity.

12.5A.6.2.2 ALTERATIONS TO BUILDINGS IN ALL HERITAGE PRECINCTS EXCEPT KERIKERI BASIN

Alterations to the exterior of an existing building that are not visible from any public place in all Heritage Precincts except the Kerikeri Basin and the Kerikeri Basin Heritage Precinct Visual Buffer, is a controlled activity, provided that the building is not a building listed in ***Appendix 1E***, to which ***Rule 12.5.6.1.2*** applies.

12.5A.6.2.3 NEW BUILDINGS WHICH ARE NOT VISIBLE TO THE PUBLIC

The construction of a new building in any of the Heritage Precincts, except The Strand and Kerikeri Basin Heritage Precincts and the Kerikeri Basin Heritage Precinct Visual Buffer, is a controlled activity provided that it is not visible from a public place.

In considering an application under ***Rules 12.5A.6.2.1*** to ***12.5A.6.2.3*** inclusive above, the Council will restrict the exercise of its control to the following matters:

(a) the location of buildings or structures in relation to buildings on adjacent sites, particularly so as to maintain a consistent relationship between buildings and the street;

(b) the exterior design and appearance of the building;

(c) the colour of all exterior surfaces, so as to ensure the appropriate use of colours;

(d) the materials used;

(e) the heritage value of the building and the effect of the activity on the heritage value of the Precinct;

(f) the effect of the activity on the heritage and archaeological values of the Precinct;

(g) the location of the buildings in respect of the landscape and archaeological sites.

12.5A.6.3 RESTRICTED DISCRETIONARY

An activity is a restricted discretionary activity if:

(a) it does not comply with one or more of the standards for permitted or controlled activities as set out under ***Rules 12.5A.6.1*** and ***12.5A.6.2***; but;

(b) it complies with ***Rules 12.5A.6.3.1*** to ***12.5A.6.3.4*** below: and

(c) It complies with the relevant standards for permitted, controlled or restricted discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan – Environment Provisions***; and

(d) It complies with the other relevant standards for permitted, controlled, or restricted discretionary activities set out in ***Part 3 of the Plan – District Wide Provisions***.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the matters specified in the relevant rule. The Council will, where appropriate, take account of the Assessment Criteria applicable in the relevant zone and in ***Section 12.5A.7***.

12.5A.6.3.1 ALTERATIONS TO BUILDINGS IN ALL HERITAGE PRECINCTS

Alterations to the exterior of an existing building that are visible from any public place in all Heritage Precincts, and any alteration of an existing building within the Kerikeri Basin Heritage Precinct, is a restricted discretionary activity, provided that the building is not a building listed in ***Appendix 1E***, to which ***Rule 12.5.6.1.2*** applies.

Council will restrict the exercise of its discretion to:

(a) the location of buildings or structures in relation to buildings on adjacent sites, particularly so as to maintain a consistent relationship between buildings and the street;

(b) the exterior design and appearance of the building;

(c) the colour of all exterior surfaces, so as to ensure the appropriate use of colours;

(d) the materials used;

(e) the heritage value of the building and the effect of the activity on the heritage value of the precinct;

(f) the effect of the activity on the heritage and archaeological values of the Precinct;

(g) the location of the buildings in respect of the landscape and archaeological sites.

12.5A.6.3.2 NEW BUILDINGS WITHIN HERITAGE PRECINCTS

The construction of a new building in any of the Heritage Precincts that is visible from a public place, and the construction of any new building within the Kerikeri Basin Heritage Precinct, is a restricted discretionary activity, provided that, in the case of The Strand Heritage Precinct, new buildings shall not be erected to seaward of the boundary of properties fronting onto The Strand.

Council will restrict the exercise of its discretion to:

(a) the location of buildings or structures in relation to buildings on adjacent sites, particularly so as to maintain a consistent relationship between buildings and the street;

(b) the exterior design and appearance of the building;

(c) the colour of all exterior surfaces, so as to ensure the appropriate use of colours;

(d) the materials used;

(e) the heritage value of the building and the effect of the activity on the heritage value of the Precinct;

(f) the effect of the activity on the heritage and archaeological values of the Precinct;

(g) the location of the buildings in respect of the landscape and archaeological sites.

12.5A.6.3.3 ALTERATIONS AND/OR NEW BUILDINGS WITHIN THE KERIKERI BASIN HERITAGE PRECINCT VISUAL BUFFER

Alterations and/or new buildings within the Kerikeri Basin Heritage Precinct Visual Buffer are a restricted discretionary activity.

The Council will restrict the exercise of its discretion to:

(a) the form of the building and colour of all exterior surfaces, so as to ensure the appropriate use of colour and to avoid visual dominance in relation to the Kerikeri Mission Station buildings (the Stone Store and Kerikeri Mission House) and Kororipo Pa; and

(b) the location of the buildings in respect of the Kerikeri Mission Station, Kororipo Pa and other archaeological sites.

Provided that this rule does not apply to alterations and/or new buildings which comply with the consent notice conditions of RC 2020231 and RC 2100390 (Alderton Park, Hone Heke Road, Kerikeri) or subsequent extensions or variations where the consent notice conditions remain unchanged from those of RC 2020231 and RC 2100390.

12.5A.6.3.4 MAINTENANCE OF BUILDINGS

Maintenance of buildings is a restricted discretionary activity where:

(a) buildings within The Strand and Christ Church Heritage Precincts are not painted in Heritage colours (refer to ***12.5A.8***).

The Council will restrict the exercise of its discretion to:

(i) the colour of all exterior surfaces, so as to ensure the appropriate use of colours;

(ii) the heritage value of the building and the effect of the activity on the heritage value of the Precinct;

(iii) the effect of the activity on the heritage and archaeological values of the Precinct.

12.5A.6.4 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity if:

(a) it does not comply with one or more of the standards for permitted, controlled or restricted discretionary activities, as set out under ***Rules 12.5A.6.1***, ***12.5A.6.2*** and ***12.5A.6.3***; but

(b) it complies with ***Rule 12.5A.6.4.1 Demolition of Buildings*** below; and

(c) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(d) it complies with the other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under ***Section 12.5A.7***.

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying or prohibited activity.

12.5A.6.4.1 DEMOLITION OF BUILDINGS

The demolition of a building, except for buildings listed in ***Rule 12.5A.6.5.1*** below, is a discretionary activity.

12.5A.6.5 PROHIBITED ACTIVITIES

12.5A.6.5.1 DEMOLITION OR REMOVAL OF SPECIFIED BUILDINGS

The demolition or removal of the following buildings is a prohibited activity:

(a) Christ Church – Lot 3, Blk XI, Russell Township;

(b) Church of St John the Baptist – Pt OLC 48;

(c) Four Square Store - Part Lot 2 Russell Township;

(d) Holy Trinity Church (Anglican) – Pt OLC 54, adjacent to Pakaraka Township, Blk X Kawakawa SD;

(e) Kerikeri Mission House – Pt Lot 1, DP29562, Blk XI Kerikeri SD;

(f) Mangungu Mission House – Pt OLC 78, Blk XI, Mangamuka SD;

(g) Police Station - Lots 7, 8, 17, 18 Blk V Russell Township;

(h) Pompallier- Allot 13, Sec 1, 13 Town of Russell SD;

(i) Pouerua Homestead Store and Stables – Lot 2, DP128244, Blk X Kawakawa SD;
(j) St James Church – Pt OLC 39, Blk XI Kerikeri SD;
(k) Stone Store – Lot 1, DP32468, Blk XI Kerikeri SD;
(l) Sunday School – Pt Lots 10 & 11 of OLC 48, Blk VIII Omapere SD;
(m) Clendon Cottage - Allot 13, Sec 1, 13, Russell Township;
(n) The Gables - Lot 25, DP21359, Allot 12 Town of Russell Section 9;
(o) The Moorings - DP18744;
(p) The Retreat – Pt OLC 54 adjacent to Pakaraka Township, Blk X Kawakawa SD;
(q) Waimate Mission House – Lot 1, DP49136; Lot 1, DP65273; OLC 48, Blk VII Omapere SD.

12.5A.6.5.2 ALTERATIONS TO LAND WITHIN TE WAIMATE HERITAGE PRECINCT

The disturbance of the land surface by excavation or the depositing of fill within the King Paddock, as shown on Te Waimate Heritage Precinct Map (***HP2***) which is not an archaeological investigation authorised by the New Zealand Historic Places Trust, is a prohibited activity.

12.5A.6.6 AFFECTED PERSONS

Where any resource consent application is required under ***Rules 12.5A.6.2***, ***12.5A.6.3*** and ***12.5A.6.4*** and the written approval of the New Zealand Historic Places Trust and the Department of Conservation has been obtained, the application will be dealt with as non-notified under s94 of the Act.

12.5A.7 ASSESSMENT CRITERIA

The matters set out in s104 and s105, and in Part II of the Act, apply to the consideration of all resource consents for land use activities.

In addition to these matters, the Council shall also apply the relevant assessment matters set out below:

(a) the extent to which any work adversely affects the existing character of the various Heritage Precincts as a whole;
(b) the extent to which any proposed work uses similar materials and is of similar design to the existing building or buildings on the same site;
(c) the extent to which any demolition or removal of a major building on a site adversely affects the existing streetscape or destroys a building of historical or architectural significance;
(d) the extent to which landscaping is appropriate to the character of the buildings on site;
(e) the extent to which work or an activity adversely affects or destroys any archaeological site;
(f) effects on landforms, including effects on stone walls and archaeological sites;
(g) in the case of The Strand Heritage Precinct, the extent to which Heritage colours are used for all external surfaces;
(h) in the case The Strand Heritage Precinct, the effects of any use or development on pedestrian access to and along The Strand;
(i) in the case of the Kerikeri Basin Heritage Precinct, the extent to which the planting of trees affects the heritage values of sites, either visually or because of disturbance of archaeological sites.

Note: The Council may impose a bond to ensure that, where a building is demolished or removed, the building is replaced with another sympathetic in design, scale and materials to the surrounding built-forms and landscape.

12.5A.8 HERITAGE COLOURS – THE STRAND AND CHRIST CHURCH HERITAGE PRECINCTS

The following colours, from the BSS 5252 and BSS 2660 ranges, are heritage colours for The Strand and Christ Church Heritage Precincts. Paint manufacturers and distributors are familiar with the Standards and can provide examples of the colours.

BSS 5252 Range				**BSS 2600 Range**					
10 A 03	08 B 15	12 B 21	10 C 31	1-015	2-029	3-041	4-051	6-068	9-094
10 A 07	08 B 17	12 B 25	10 C 39	1-016	2-030	3-042	4-052	6-073	9-095
10 A 11	08 B 21	12 B 29	14 C 39	1-017	3-033	3-043	5-058	6-074	9-096
00 A 01	08 B 25	18 B 21	18 C 39	1-018	3-034	3-044	5-059	7-076	9-097
00 A 05	08 B 29	18 B 25	04 D 45	1-019	3-035	3-045	5-060	7-077	9-098
00 A 09	10 B 15	18 B 29	10 D 45	1-024	3-036	4-046	5-061	7-078	9-102
00 A 13	10 B 17	08 C 37	12 D 45	1-025	3-037	4-047	5-064	7-085	9-103
04 B 17	10 B 21	08 C 31		2-026	3-038	4-048	5-065	7-086	
04 B 21	10 B 25	08 C 35		2-027	3-039	4-049	6-066	8-089	
04 B 25	12 B 15	06 C 39		2-028	3-040	4-050	6-067	9-093	

12.5B PAIHIA MISSION HERITAGE AREA

CONTEXT

Paihia Mission Heritage Area: (refer to ***Map HP5*** in ***Part 5***)

One Heritage Area has been identified in the District as having several resources of historic importance located within a setting that is distinguished from the wider commercial waterfront environment of Paihia. These resources have heritage values related to the "mission settlement" established by Henry Williams and the Church Missionary Society (CMS) in 1823. The area identified does not cover all the sites and places of heritage importance but is an integral component of a network of heritage resources contained within the Bay of Islands and identified in the Plan, including the Waitangi Treaty Grounds and the Russell Township. These combine to contribute to the appreciation and understanding of the places and events associated with a nationally significant period of Paihia's heritage.

Paihia has a long history associated with early European contact with Maori and early Missionary life. For example, the "Church Missionary Society" (CMS) mission at Paihia played a central part in the development of a range of activities in early colonial New Zealand, including the first ship building, printing (Colenso's press), schools and pre-Treaty interaction and negotiations with Maori leaders**,** and was also a site visited by many prominent Europeans in the 1820's and 30's.

The Paihia Mission Heritage Area contains the following registered Historic Sites heritage resources:

(a) St Paul's Church, the third church on the site since 1823;

(b) the oldest consecrated cemetery in New Zealand;

(c) the Maori people's memorial dedicated to Henry Williams;

(d) the ruins of the stone house built by William Williams, brother of Henry first bishop of Waiapu; and

In addition there are several large trees, including the Norfolk Pine (refer to ***Appendix 1D***, Site #123) planted by the Williams family in the 1870's to mark the site of "the beehive", Henry Williams' first house built in the 1820's.

While many of the physical remnants of this era are no longer present, the area still retains a strong historic association with this period. Since this time, Paihia generally has developed from a 'family bach' community into a thriving tourist destination. The Paihia Mission Heritage Area applies to commercially zoned land within Paihia that has retained a unique combination of spatial, built, coastal landscape and amenity characteristics throughout that evolution, and overlying or containing the heritage resources within the Area. It recognises and provides for appropriate commercial development and subdivision, while protecting these resources and sustaining the opportunities for their continued understanding and appreciation. No one heritage era is the sole focus of the Heritage Area, which is a current reflection of a number of past and remaining practices that have created the unique and special place it is today.

The identified area contains development that is well spaced, residential in character with expansive lawned areas, retaining some of the character of the early mission station. These surroundings are further complemented by views to the bush clad hills of the Paihia Scenic Reserve, which forms a backdrop to the Heritage Area, and their overall place within a coastal environment setting.

12.5B.1 ISSUES

These issues supplement those set out in ***Section 12.5.1***.

12.5B.1.1 The potential loss of valuable archaeological information through redevelopment.

12.5B.1.2 The potential loss of heritage values and character associated with the Paihia Mission Heritage Area due to inappropriate subdivision, development and use.

12.5B.1.3 The potential conflict where commercial development is in proximity to a number of registered heritage items.

12.5B.1.4 The need to manage the unique character setting of this part of the commercial environment in order that a better understanding of its heritage values is achieved.

12.5B.2 ENVIRONMENTAL OUTCOMES EXPECTED

These outcomes supplement those set out in ***Section 12.5.2***.

12.5B.2.1 Recognition and protection of the heritage values of the Paihia Mission Heritage Area while providing for appropriate development within this area.

12.5B.3 OBJECTIVES

These objectives supplement those set out in ***Section 12.5.3***.

12.5B.3.1 To recognise and protect the heritage values of the Paihia Mission Heritage Area derived from the sites, notable trees, buildings and objects of historic significance, and to protect such sites, buildings and objects from inappropriate subdivision, use and development.

12.5B.3.2 To recognise and protect the heritage values and special character of the Paihia Mission Heritage Area that derive from the built form, coastal setting and natural landforms that contribute to an appreciation and understanding of its heritage resources.

12.5B.3.3 To enable land in the Paihia Mission Heritage Area to be developed for commercial activities while recognising and, protecting the heritage values that exist.

12.5B.4 POLICIES

These policies supplement those set out in ***Section 12.5.4***.

12.5B.4.1 That the location, scale and nature of development be managed so as to not adversely affect the special character and heritage values of the Paihia Mission Heritage Area.

12.5B.4.2 That archaeological sites are protected from damage or destruction, and that archaeological information is retrieved whenever appropriate.

12.5B.5 METHODS

DISTRICT PLAN

12.5B.5.1 All policies are given effect to by rules in the Plan.

OTHER METHODS

12.5B.5.2 Council will develop guidelines for the Paihia Mission Heritage Area in conjunction with landowners and other parties to provide guidance on how development can positively contribute towards recognising and protecting the heritage values of the area.

12.5B.6 RULES

The rules contained in this section shall take precedence over the rules in ***Part 2 – Environment Provisions*** if there is overlap between the rules in this section and those contained in ***Part 2***. Where there is no overlap the rules in ***Part 2*** shall apply as well as the rules in this section, unless specifically stated to the contrary. Activities affected by this section of the Plan ***(Chapter 12.5B)*** must, however, comply with other relevant standards in ***Part 3 – District Wide Provisions***.

Particular attention is drawn to:
(a) ***Chapter 7.7 Commercial Zone***;
(b) ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);
(c) ***Chapter 13 Subdivision***;
(d) ***Chapter 14 Financial Contributions***;
(e) ***Chapter 15 Transportation***;
(f) ***Chapter 16 Signs and Lighting***;
(g) ***Chapter 17 Designations and Utility Services.***

12.5B.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity if:

(a) it complies with the standards for permitted activities set out in ***Rules 12.5B.6.1.1*** to ***12.5B.6.1.5*** below; and

(b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions,*** except where these standards overlap (refer ***12.5B.6*** above); and

(c) it complies with the other relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

12.5B.6.1.1 BUILDING HEIGHT

The maximum height of any building shall be 8.5m except for a distance of 20m from the road boundary where the maximum height shall not exceed a recession plane extending from 3.5m height at 15m setback from the road boundary to 8.5m height at 20m setback from the road boundary.

12.5B.6.1.2 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 2m vertically above ground level on any site boundary which adjoins;

(a) a Residential, Coastal Residential, Russell Township, Rural Living, Coastal Living or Conservation zone;

(b) a site containing a notable tree, historic buildings or objects listed in Schedule 1D- 1E in Part 4.

Note: (refer to definition of Recession Plane in ***Chapter 3 – Definitions***).

12.5 B.6.1.3 SETBACKS FROM BOUNDARIES

(a) All buildings shall be set back from the road boundary a minimum of 15m.

(b) Where a site has a road frontage of less than 25m width, all buildings shall be set back a minimum of 3m from any one side boundary.

(c) Where site has a road frontage of 25m or more, all buildings shall be set back a minimum of 3m from both side boundaries.

12.5B.6.1.4 VISUAL AMENITY

(a) Outdoor areas providing for outdoor activities such as parking, outdoor storage and other outdoor activities associated with non-residential activities on the site shall be set back 15m from the road boundary.

(b) At least 50% of that part of a site between the road boundary and a parallel line 15m therefrom, not occupied by buildings or driveways shall be landscaped. Any landscaping required by this rule shall:

(i) predominantly consist of lawn and specimen trees;

(ii) remain on site for the duration of the activity and be maintained, and if such landscaping dies or becomes diseased or damaged, shall be replaced.

(c) Any fencing on the road boundary or on a side boundary (for a distance of 10m from the road boundary) shall not exceed a height of 1 metre.

12.5B.6.1.5 BUILDING COVERAGE

(a) The maximum net ground floor area of all the buildings on the site shall not exceed 50% of the gross site area.

12.5B.6.2 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity if:

(a) it does not comply with one or more of the standards for permitted activities as set out under ***Rule 12.5B.6.1;*** but

(b) it complies with the relevant standards for permitted, controlled or restricted discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions,*** except where these standards overlap (refer ***12.5B.6*** above); and,

(c) it complies with the other relevant standards for permitted, controlled, restricted discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

12.5B.6.2.1 BUILDING HEIGHT

The maximum height of any building shall be 8.5m except for a distance of 20m from the road boundary where the maximum height shall not exceed a recession plane extending from 3.5m height at 10m setback from the road boundary to 8.5m height at 20m setback from the road boundary.

Council will restrict the exercise of its discretion to:

(a) the extent to which adjacent properties will be adversely affected in terms of visual domination;
(b) the extent to which the building(s) intrudes into the street scene or reduces the views available to and from registered heritage items;
(c) the location of the building(s) in respect of the landforms and heritage resources;
(d) the extent to which the building reduces the views available to the Paihia Scenic Reserve.

12.5B.6.2.2 SUNLIGHT

No part of any building shall project beyond a 45 degree recession plane as measured inwards from any point 3m vertically above ground level on any site boundary which adjoins;

(a) a Residential, Coastal Residential, Russell Township, Rural Living, Coastal Living or Conservation zone;
(b) a site containing a notable tree, historic buildings or objects listed in ***Schedule 1D- 1E in Part 4***.

Council will restrict the exercise of its discretion to:

(i) the extent to which the buildings and their use will impact on the use and enjoyment of the adjoining Scenic Reserve;
(ii) the extent to which adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight;
(iii) the location of buildings or structures in relation to heritage items and notable trees.

Note: (refer to definition of Recession Plane in ***Chapter 3 – Definitions***).

12.5B.6.2.3 SETBACKS FROM BOUNDARIES

(a) all buildings shall be set back from the road boundary a minimum of 10m.
(b) where a site has a road frontage of less than 25m width, all buildings shall be set back a minimum of 1.2m from any one side boundary.
(c) where site has a road frontage of 25m or more, all buildings shall be set back a minimum of 1.2m from both side boundaries.

Council will restrict the exercise of its discretion to:

(i) where there is a reduced setback, the extent to which the proposal is in keeping with the existing character and form of the street or road, in particular with the external scale, proportions and buildings on the site and on adjacent sites;
(ii) the extent to which the exterior design, appearance, colour, and materials of the proposed building is in keeping with other buildings including heritage in the area;
(iii) the extent to which the building(s) intrudes into the street scene or reduces outlook and privacy of adjacent properties;
(iv) the location of the building(s) in respect of the landforms and heritage resources;
(v) the extent to which the building reduces the views available to the Paihia Scenic Reserve;
(vi) the extent to which vegetation and lawns are retained as landscape elements, especially for those areas having frontage to Marsden Road.

12.5B.6.2.4 VISUAL AMENITY

In assessing an application resulting from a breach of the ***Rule 12.5B.6.1.3 Visual Amenity*** the matters to which the Council will restrict its discretion are:

(a) the location and design of associated vehicle access and parking areas;
(b) the location of buildings or structures in relation to heritage items and notable trees;

(c) the extent to which vegetation and lawns are retained as landscape elements, especially for those areas having frontage to Marsden Road;
(d) the extent to which the design of perimeter fences remain residential in scale and character and does not dominate the appearance of the site;
(e) the extent to which access and parking are integrated within the site so as not to dominate the site frontage.

12.5B.6.2.5 BUILDING COVERAGE

The maximum net ground floor area of all the buildings on the site shall not exceed 60% of the gross site area.

Council will restrict the exercise of its discretion to:
(a) the location and design of associated vehicle access and parking areas;
(b) the location of buildings or structures in relation to heritage items and notable trees;
(c) the extent to which the proposal retains vegetation and lawns as landscape elements, especially for those areas having frontage to Marsden Road;
(d) the extent of the building area and the scale of the buildings and the extent to which they are compatible with both the built and natural environment within the vicinity.

12.5B.6.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity if:

(a) it does not comply with one or more of the standards for permitted or restricted discretionary activities as set out under ***Rules 12.5B.6.1*** and ***12.5B.6.2***; but

(b) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions*****,** except where these standards overlap (refer ***12.5B.6*** above);

(c) it complies with Rule 12.5B.6.3.1 Comprehensive Development Plan below; and

(d) it complies with the other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application.

When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under ***Section 12.5B.7***.

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying or prohibited activity.

12.5B.6.3.1 COMPREHENSIVE DEVELOPMENT PLAN

New development on a site or sites within the Paihia Mission Heritage Area which does not comply with any or all of the previous rules may be developed by means of a Comprehensive Development Plan to be submitted as a resource consent application as a Discretionary Activity. The plan is to contain the following information:

(a) the internal design of the site including location of any proposed lots, appearance, design, use of materials and scale of all buildings;
(b) internal access ways, car parking, vehicle circulation and storage areas;
(c) location of all infrastructure and services including stormwater;
(d) a landscape plan prepared by suitably qualified persons showing the nature of all landscaping including planting implementation, fencing, maintenance, bonding and formal protection mechanisms (such as vesting in Council or covenanting) to achieve the historic heritage objectives for the Paihia Mission Heritage Area;
(e) details of all requirements for earthworks including the management of identified and potential archaeological sites during construction;
(f) signage and illumination;
(g) requirements for any vegetation clearance;
(h) proposals for any staging of development within the zone;
(i) details of the types of activities to be permitted within the zone;
(j) the methods to be employed to ensure that the Comprehensive Development Plan applies to and binds any other owner of the land or part thereof.

In assessing an application under this provision, the Council may require more detail to be

provided and will have regard to:

(i) the adequacy of the Comprehensive Development Plan;
(ii) whether an archaeological survey has been undertaken and whether the siting and design of buildings and other impermeable surfaces minimises the potential for damage or destruction of archaeological sites;
(iii) the extent to which the Comprehensive Development Plan incorporates measures to ensure that effects upon historic heritage values including the surrounds to registered items are managed particularly in relation to the blend of built and natural elements
(iv) relevant assessment matters contained in ***Section 12.5B.7.***

12.5B.7 ASSESSMENT CRITERIA

The matters set out in s104 and s105, and in Part II of the Act, apply to the consideration of all resource consents for land use activities.

In addition to these matters, the Council will have regard to the relevant assessment matters set out below:

(a) the extent to which the proposal incorporates views to the bush clad slopes of the Paihia Scenic Reserve and St Paul's Church;
(b) the extent to which the proposal retains vegetation and lawns as landscape elements, especially for those areas having frontage to Marsden Road;
(c) the extent to which access and parking is integrated within the site so as not to dominate site frontages;
(d). the extent to which larger structures are articulated to reduce their apparent bulk;
(e) the extent to which boundary fences are of an open style and moderate in scale;
(f) the extent to which areas not occupied by buildings are landscaped with lawn, minimum hard surfacing and appropriate specimen trees;
(g) the extent to which existing trees are retained;
(h) the ability to mitigate any adverse effects by way of increased separation distances between buildings or the provision of landscaping;
(i) the location of buildings or structure in relation to heritage items and notable trees;
(j) the extent to which the buildings and their use will impact on the use and enjoyment of the adjoining Scenic Reserve;
(k) the extent to which proposals recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

12.6 AIR

Deleted subject to Plan Change 14 – Removal of Chapter 12.6 (Air).

12.7 LAKES, RIVERS, WETLANDS AND THE COASTLINE

Wai

Ma te wai, ka ora ai nga mea katoa. Kia tupato te whakahaere mahi o tena, kia u tonu ki te mauri.

Water

Water has a vital quality that nourishes all living things. Let us ensure its purity to retain that essential life force - the mauri of the water

CONTEXT

Note: For the purposes of this chapter "lakes" include the Waingaro and Manuwai Reservoirs.

The Far North District has an extensive coastline, eight harbours, estuaries, many rivers and streams, lakes and wetlands. The health of these water bodies is vital to sustaining all kinds of life. Human activity, however, can lead to contamination of the water, reduced water quantity and consequential loss of habitats. For example, Lake Omapere and a number of small west coast dune lakes have been contaminated by nutrients and other material in rural run-off to the extent that they are no longer suitable for their indigenous aquatic ecosystems, contact recreation or water supplies, and have degraded aesthetic values. Also, there are several inner harbours and estuaries which, due to contamination from rivers, do not meet the very high standards for shellfish gathering, cultivation, or human consumption e.g. Kawakawa estuary, some areas of the inner Bay of Islands and inner Whangaroa harbour (refer to s17/4 of the Regional Policy Statement for Northland). Maintaining water quality and quantity is therefore fundamental if sustainable management of natural and physical resources is to be achieved.

The District has a surprising scarcity of high quality water resources, despite its large land area. Most of the rivers and streams are relatively short with small catchments which means that sources of potable water are limited. Conserving water quantity is therefore very important, particularly in catchments near to settlements that have the capacity to be utilised as potable water supplies.

Pollution by rural and urban run-off contaminated from non-point source discharges and stormwater is a major cause of deteriorating water quality. Degradation of water quality can have an adverse impact on visual and amenity values. The Northland Regional Council and Far North District Council jointly share responsibility for ensuring that pollution from this, and all other sources, is minimised. While the Northland Regional Council is responsible for the control of discharges of contaminants to air, land and water, and for the use of land and water for the maintenance and enhancement of water quality, Far North District Council has primary responsibility for the subdivision, use and development of land, and for the control of activities on the surface of water. Thus, Far North District Council can manage the location of buildings, impervious surfaces and effluent disposal in relation to riparian margins as one method of addressing the effects of activities on water quality. The Council can also, through its own Strategic and Annual Plans, set priorities for the public provision of stormwater systems and adopt best management practices when implementing its works programme. Accordingly, the Plan provisions are designed to complement those of the Regional Policy Statement and Regional Water and Soil Plan.

Public access to the margins of rivers, lakes and the coastline is highly sought after. In particular, tangata whenua have an interest in gaining access, via traditional paths, to food-gathering areas. Also, there is considerable demand for residential properties with beach frontage and/or sea views, especially along the eastern coastline. As a result, subdivision offers many opportunities to acquire riparian margins and to secure public access where appropriate. This includes the opportunity to have unformed legal road vested as esplanade reserve. However, it will not always be wise to facilitate public access because of conservation, amenity, landscape, heritage, cultural and spiritual values, or topography or safety reasons. In such cases, public acquisition of the riparian margins may be justified in order to protect and preserve those special values.

Historically, some settlements have developed close to, or over, the coast e.g. Mangonui and Rawene. These are recognised as having a special character and are therefore identified as heritage precincts. Some activities also have a need to be located close to, or over, the boundary of the coastal marine area. Where there is a functional need of this kind, the Plan recognises and provides for the circumstances in which development can occur.

Where development occurs within the coastal marine area (under the jurisdiction of the Northland Regional Coastal Plan) there may be adverse effects that occur on the land i.e. within the District. For example, parking associated with marinas can cause traffic problems and loss of amenity in coastal settlements. Co-operation between the two Councils is essential to ensure that all of the adverse effects of an activity located in the coastal marine area are adequately addressed when resource consents are considered. This is one of several cross-boundary issues which need to be resolved.

12.7.1 ISSUES

12.7.1.1 Land use and subdivision activities adjoining or on lakes, rivers, wetlands or the coastline can reduce their amenity and natural values, including the quality and quantity of water. However, there is significant opportunity to restore, rehabilitate and revegetate these areas through the application of methods set out in this Plan.

12.7.1.2 Wetlands can be adversely affected by land drainage, modification of the natural water levels, vegetation clearances, filling, polluted run-off and stock, reducing the effectiveness of their natural functions of buffering water flows and providing habitat.

12.7.1.3 Some activities depend on being located right next to the water, such as port facilities, shore-based facilities for marine farming, jetties and boatyards, and there is a need to provide for these activities in a way which minimises adverse effects on the natural character of lakes, rivers and the coastline.

12.7.1.4 Recognising and providing for the historic pattern of settlement in some towns whereby buildings are located very close to, or even over, the water.

12.7.1.5 Access to lakes, rivers and the coastline is generally inadequate compared to demand from tangata whenua, residents and visitors. An important way this can be addressed at the time of subdivision as for example in a management plan but, at the same time, there are some places which are inappropriate for public access because of conservation, cultural, heritage, and spiritual values, or topography or safety reasons.

12.7.1.6 Impervious surfaces increase run-off to natural water bodies which can alter their habitat values and physical form through scour and sediment deposition, adversely affect water quality and reduce water quantity in ground and surface water bodies.

12.7.1.7 The degradation of the mauri and wairua of water bodies and adverse effects on kaimoana due to pollution.

12.7.1.8 Human activities can create and exacerbate the risk of erosion and other natural hazards in riparian areas.

12.7.1.9 Vehicles on beaches can have adverse effects, impacting on dune stability, and dune and coastal flora and fauna. Domestic pets, particularly dogs, can have adverse effects on species dependent on riparian areas and the coastal margin. Stock grazing in riparian margins can have adverse effects on habitat values, natural hazards and on water quality.

12.7.2 ENVIRONMENTAL OUTCOMES EXPECTED

12.7.2.1 Use of lakes and rivers which is appropriate in terms of the preservation of the natural character and values of these areas.

12.7.2.2 Riparian margins are enhanced.

12.7.2.3 Activities on, or adjoining, the surface of water bodies are carried out in a way which avoids, remedies or mitigates adverse effects on the environment.

12.7.2.4 Buildings and other impervious surfaces generally set back far enough from riparian margins including from the coastal marine area, so that esplanade reserves, strips or other forms of protection can be achieved in the future if required, except in locations where the types of activity or historic patterns demand otherwise.

12.7.2.5 Enhanced public access to and along lakes, rivers and the coastal marine area.

12.7.2.6 A reduction in the rate of loss or adverse modification of indigenous wetlands.

12.7.3 OBJECTIVES

12.7.3.1 To avoid, remedy or mitigate the adverse effects of subdivision, use and development on riparian margins.

12.7.3.2 To protect the natural, cultural, heritage and landscape values and to promote the protection of the amenity and spiritual values associated with the margins of lakes, rivers and indigenous wetlands and the coastal environment, from the adverse effects of land use activities, through proactive restoration/rehabilitation/revegetation.

12.7.3.3 To secure public access (including access by Maori to places of special value such as waahi tapu, tauranga waka, mahinga kai, mahinga mataitai, mahinga waimoana and taonga raranga) to

and along the coastal marine area, lakes and rivers, consistent with ***Chapter 14 - Financial Contributions***, to the extent that this is compatible with:

(a) the maintenance of the life-supporting capacity of the waterbody, water quality, aquatic habitats, and

(b) the protection of natural character, amenity, cultural heritage, landscape and spiritual values; and

(c) the protection of public health and safety; and

(d) the maintenance and security of authorised activities (but acknowledging that loss of privacy or fear of trespass are not valid reasons for precluding access).

In some circumstances public acquisition of riparian margins may be required and managed for purposes other than public access, for example to protect significant habitats, waahi tapu or historic sites, or for public recreation purposes.

12.7.3.4 To provide for the use of the surface of lakes and rivers to the extent that this is compatible with the maintenance of the life supporting capacity of the water body, water quality, aquatic habitats, and the protection of natural character, amenity, cultural heritage, landscape and spiritual values.

12.7.3.5 To avoid the adverse effects from inappropriate use and development of the margins of lakes, rivers, indigenous wetlands and the coastline.

12.7.3.6 To protect areas of indigenous riparian vegetation:

(a) physically, by fencing, planting and pest and weed control; and

(b) legally, as esplanade reserves/strips.

12.7.3.7 To create, enhance and restore riparian margins.

12.7.4 POLICIES

12.7.4.1 That the effects of activities which will be generated by new structures on or adjacent to the surface of lakes, rivers and coastal margins be taken into account when assessing applications.

12.7.4.2 That land use activities improve or enhance water quality, for example by separating land use activities from lakes, rivers, indigenous wetlands and the coastline, and retaining riparian vegetation as buffer strips.

12.7.4.3 That adverse effects of land use activities on the natural character and functioning of riparian margins and indigenous wetlands be avoided.

12.7.4.4 That adverse effects of activities on the surface of lakes and rivers in respect of noise, visual amenity of the water body, life supporting capacity of aquatic habitats, on-shore activities, the natural character of the water body or surrounding area, water quality and Maori cultural values, are avoided, remedied or mitigated.

12.7.4.5 That activities which have a functional relationship with waterbodies or the coastal marine area be provided for.

12.7.4.6 That public access to and along lakes, rivers and the coastline be provided as a consequence of development or as a result of Council (see ***Method 10.5.19***) or pubic initiatives except where it is necessary to restrict access or to place limits on the type of access, so as to:

(a) protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna or

(b) protect cultural values, including Maori culture and traditions; or

(c) protect public health and safety;

to the extent that is consistent with policies in ***Chapter 14***.

12.7.4.7 That any adverse effects on the quality of public drinking water supplies from land use activities, be avoided, remedied or mitigated. (Refer to ***Commentary*** and ***Methods 12.7.5.6*** and ***12.7.5.7***.)

12.7.4.8 That the Council acquire esplanade reserves, esplanade strips and access strips in accordance with ***Chapter 14 - Financial Contributions*** and ***Method 10.5.10*** of the Plan.

12.7.4.9 That riparian areas in Council ownership be managed so as to protect and enhance the water quality of surface waters.

12.7.4.10 That historic buildings erected close to, or over, water bodies be protected and provision be made for new buildings where this form of development is in keeping with the historic pattern of settlement.

12.7.4.11 That the extent of impervious surfaces be limited so as to restore, enhance and protect the natural character, and water quantity and quality of lakes, rivers, wetlands and the coastline.

12.7.4.12 That provision be made to exempt activities on commercial or industrial sites from the need to be set back from the coastal marine area, and from the need to provide esplanade reserves on subdivision or development, where the location of the commercial or industrial site is such as to be particularly suited to activities that cross the land-water interface, or have a close relationship to activities conducted in the coastal marine area. Refer also to ***Rule 14.6.3***.

12.7.4.13 That provision be made to exempt activities on particular sites as identified in the ***District Plan Maps*** as adjacent to an MEA from the need to be set back from the coastal marine area where those activities on that site have a functional relationship with marine activities and cross the line of Mean High Water Springs (MHWS).

12.7.4.14 That the efficient use of water and water conservation be encouraged.

12.7.4.15 To encourage the integrated protection and enhancement of riparian and coastal margins through:

(a) planting and/or regeneration of indigenous vegetation;

(b) pest and weed control;

(c) control (including, where appropriate, exclusion) of vehicles, pets and stock.

Note: The Regional Coastal Plan for Northland and Regional Water and Soil Plan for Northland contain policies, rules and other methods to protect and enhance wetlands, lakes, rivers and the coastal marine area. Vehicle, pet and stock control is particularly important in areas and at times when birds are nesting.

12.7.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

12.7.5.1 Objectives and policies will be implemented through rules in this Section and through minimum site sizes and other provisions specified in ***Chapter 13 Subdivision*** and ***Chapter 14 Financial Contributions***.

12.7.5.2 Through provisions in this section, and elsewhere in ***Chapter 12***, encourage the planting of vegetation and particularly indigenous vegetation on the margins of lakes, rivers, wetlands and the coastal marine area.

12.7.5.3 Identify areas in the Plan where development up to the land-water interface will be provided for. The types of development anticipated to be provided for in this manner include:

(a) river crossings and activities associated with their construction;

(b) pump houses;

(c) legally formed and maintained roads;

(d) buildings and impermeable surfaces associated with utility services;

(e) activities associated with maintenance, replacement and upgrading of network utilities;

(f) other activities (including structures) which cross the land/water interface; and

(g) activities (including structures) which have a close relationship to activities conducted within the coastal marine area.

The areas identified as Maritime Exemption Areas are generally those that are zoned Commercial and/or Industrial in the District Plan and where the adjoining coastal marine area is zoned in the Regional Coastal Plan for Northland as Marine 6 (Wharves) Management Area.

OTHER METHODS

12.7.5.4 Improve physical access to, and along existing esplanade reserves and strips, and marginal strips where appropriate. This will be achieved through the Council setting priorities for expenditure from reserves accounts in its Annual and Strategic Plans.

12.7.5.5 The Council may require (under s77 and s229 of the Act and/or fund the purchase of (under s237F of the Act) esplanade reserves and/or access strips where new sites are created adjacent to lakes, rivers, indigenous wetlands and the coastal marine area. To this end, Council has identified some riparian areas in the Kerikeri area that, because of their high recreational or conservation value, will be given priority when determining requirements for esplanade reserves or strips (shown as ***Esplanade Priority Areas*** on the ***Zone Maps***). Refer also to ***Method 10.5.19***.

12.7.5.6 Water catchments utilised for public potable water supply purposes will be identified (these catchment areas are not identified in this Plan, but are contained in separate documentation outside the Plan, and have also been provided to the Northland Regional Council).

12.7.5.7 The Council will monitor and, if necessary, make submissions on Water and Discharge permit applications to the Northland Regional Council, particularly where such applications are for activities which may affect public drinking water supplies.

12.7.5.8 Bylaws will be adopted to control vehicular and animal access to the coastal environment where necessary to protect the natural character, amenity, cultural heritage, landscape, habitat and spiritual values.

COMMENTARY

Section 6 states that, in achieving the purpose of the Act, the following matters of national importance shall be recognised and provided for:

(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;

(b) the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers;

(c) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

In addition s7 requires that particular regard be had to, among other things, kaitiakitanga, the maintenance and enhancement of amenity values, intrinsic values of ecosystems and the maintenance and enhancement of natural and physical resources.

The direction provided by these matters of national importance strongly influences the objectives, policies and methods adopted in this Plan. These values have also influenced the New Zealand Coastal Policy Statement, Northland Regional Policy Statement, the Regional Water and Soil Plan and the Regional Coastal Plan. As the District Plan must not be inconsistent with these documents, the national mandate for environmental policy concerning the coastline and riparian margins is carried right through the hierarchy of policy documents and plans.

Given the primary role of the Regional Council in both water and coastal management, this section of the Plan contains complementary objectives, policies and methods regarding those matters which are within the Council's jurisdiction, namely the control of land uses in close proximity to water bodies (including wetlands), activities on the surface of water and riparian margins.

Existing and possible future water catchments need to be protected from land use activities which may have adverse effects on the quantity and quality of water available for potable supply. Point sources of abstraction and discharge will require resource consents from the Northland Regional Council and therefore it is a policy to assess such applications in terms of the risk they pose to water quantity and quality with a view to lodging submissions, if necessary. Non-point sources of contaminants are more difficult to control under a district plan. Therefore the Council is relying, in the first instance, on the best practice, educational and training methods promoted by the Regional Council to address problems such as those which occur in regard to the application of agrichemicals. These are complemented by the objectives, policies and methods that result in setback rules separating potentially incompatible activities from water bodies (refer to ***Objectives 12.7.3.1*** and ***12.7.3.2***; ***Policy 12.7.4.7*** and ***Methods 12.7.5.6*** and ***12.7.5.7***).

As pollution due to rural and urban run-off is a major cause of water quality degradation, controlling the subdivision, use and development of land adjoining these water bodies is important. In particular, setbacks reduce the likelihood of erosion, allow for planting to act as a filter and/or buffer, and ensure that development does not pre-empt opportunities for public acquisition at a later date. Setbacks also help to retain natural character (refer to ***Objectives 12.7.3.1***, ***12.7.3.2*** and ***12.7.3.5***; ***Policies 12.7.4.1***, ***12.7.4.2 12.7.4.3*** and ***12.7.4.11*** and ***Method 12.7.5.1***). *The Council will manage riparian margins in its ownership so as to protect water quality* (***Policy 12.7.4.9***).

Activities occurring near indigenous wetlands are subject to more stringent control because such wetlands are especially vulnerable to adverse effects arising from, for example, changes in natural water levels. They also serve a vital function in moderating water flows and as habitats (***Policy 12.7.4.3***).

Activities on the surface of water may have adverse environmental effects on water quality and quantity, habitats, amenity, heritage, landscape, cultural and spiritual values. Accordingly, the Plan contains objectives, policies and methods which provide the framework for managing these activities (***Objective 12.7.3.4***; ***Policy 12.7.4.4*** and ***Method 12.7.5.1***).

Securing public access to lakes, rivers and the coastline requires a long term strategy, as the acquisition of esplanade reserves takes place over an extended period of time. Further, the purchase of land in order to

complete a link or to secure public access to key locations is limited by available finance. Therefore the Council will use a variety of means in order to provide public access whenever such opportunities occur during subdivision and development of land near lakes, rivers and the coastline. However, there will be circumstances where public access is not desirable and, in these cases, the Council will consider conservation measures to be a priority (refer to ***Objective 12.7.3.3***; ***Policies 12.7.4.6*** and ***12.7.4.8*** and ***Methods 12.7.5.2***, ***12.7.5.4***, ***12.7.5.5*** and ***12.7.5.8***).

To enable development that is functionally related to the water, the Plan identifies Maritime Exemption Areas in parts of the coast where riparian margins are not required (***Objective 12.7.3.5***; ***Policy 12.7.4.5*** and ***Method 12.7.5.3***). *In conjunction with Heritage Precincts* (refer to ***Section 12.5***)*, this same approach is used to recognise historic patterns of development.*

Activities such as earthworks and land clearance close to water bodies can adversely affect the stability of their margins, water quality and ecosystem viability. Rules in ***Section 12.3*** *together with the provisions of the Regional Water and Soil Plan control excavation and filling. These controls are complemented by rules which limit building and impervious surfaces near riparian margins and by assessment criteria. The restoration and enhancement of riparian areas by stock exclusion and planting can reduce the risk of natural hazards and improve natural character. Proposals to undertake restoration and enhancement initiatives will be taken into account when assessing applications to reduce the required setbacks.*

12.7.6 RULES

Activities affected by this section of the Plan must comply not only with the rules in this section, but also with the relevant standards applying to the zone in which the activity is located (refer to ***Part 2 Environment Provisions***), and with other relevant standards in ***Part 3 – District Wide Provisions***.

Particular attention is drawn to:

(a) ***Chapters 7-10*** in ***Part 2***;

(b) Other sections within ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);

(c) ***Chapter 13 Subdivision***;

(d) ***Chapter 14 Financial Contributions***;

(e) ***Section 15.1 Traffic, Parking and Access***;

(f) ***Chapter 17 Designations and Utility Services*** (and the ***Zone Maps***).

Where relevant, refer to other sections of the plan such as Part 2 – Environmental Provisions and other parts of Part 3 – District Wide Provisions as there may be other provisions that need to be considered.

12.7.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity if:

(a) it complies with the standards for permitted activities set out in ***Rules 12.7.6.1.1*** to ***12.7.6.1.6*** below; and

(b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(c) it complies with the other relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

12.7.6.1.1 SETBACK FROM LAKES, RIVERS AND THE COASTAL MARINE AREA

For the purposes of this rule, lakes include the Manuwai and Waingaro Reservoirs.

Any building and any impermeable surface must be set back from the boundary of any lake (where a lake bed has an area of 8ha or more), river (where the average width of the riverbed is 3m or more) or the boundary of the coastal marine area, except that this rule does not apply to man-made private water bodies other than the Manuwai and Waingaro Reservoirs.

The setback shall be:

(a) a minimum of 30m in the Rural Production, Waimate North, Rural Living, Minerals, Recreational Activities, Conservation, General Coastal, South Kerikeri Inlet and Coastal Living Zones;

(b) a minimum of 26m in the Residential, Coastal Residential and Russell Township Zones;

(c) a minimum of 20m in the Commercial and Industrial Zones.

Provided that these setbacks do not apply:

(i) to activities in a Maritime Exemption Area; or

(ii) to river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings; or

(iii) to activities related to the construction of river crossings; or

(iv) to pumphouses utilised for the drawing of water from the lake, river or wetland, provided such pumphouse covers less than 25m^2 in area; or

(v) to buildings and impermeable surfaces associated with utility service structures, provided that they do not exceed 2m in height or 5m in area; or

(vi) to activities associated with the maintenance, replacement and upgrading of existing linear network utilities; or

(vii) where there is a legally formed and maintained road between the property and the coastal marine area, lake or river; or

(viii) to activities associated with marine farming shore facilities on Lot 1 DP197240 (Orongo Bay), Lot 1 DP155347 (Waikare Inlet) and Lot 1 DP190467 (Waikare Inlet); or

(ix) to Doug's Opua Boatyard's existing uses and/or resource consents applicable over Sec 1, 2, 3, & 4 SO68634 (esplanade reserve) CT 121C/187; NRC Plan Map 3231B; and pt Lot 1, Lot 2 & Sec 3 Town Block of Opua XXXII CT 21C/265; or

(x) to activities, buildings and impermeable surfaces associated with the operation of a commercial boatyard on Part Allotment 6, Section 13, Town of Russell.

Note 1: Attention is also drawn to the rules applying in the Coastal Hazard 1 Area (***Rule 12.4.6.3.1***) and Coastal Hazard 2 Area (***Rules 12.4.6.1.1*** and ***12.4.6.2.1***).

Note 2: A schedule of Lakes is provided in ***Appendix 1C***.

12.7.6.1.2 SETBACK FROM SMALLER LAKES, RIVERS AND WETLANDS

Any building and any impermeable surface must be set back from the boundary of lakes (where the lake bed has an area of less than 8ha) smaller continually flowing rivers (where the average width of the river bed is less than 3m) and wetlands except that this rule does not apply to man-made private water bodies.

The setback shall be:

(a) 3 x the area (ha) of the lake (e.g. if the lake is 5ha in area, the setback shall be 15m); and/or

(b) 10 x the average width of the river where it passes through or past the site;

provided that in both cases the minimum setback shall be 10m and the maximum setback shall be no more than the minimum required by ***Rule 12.7.6.1.1*** above;

(c) 30m for any wetland of 1ha or more in area.

Provided that these setbacks do not apply:

(i) to river crossings, including but not limited to, fords, bridges, stock crossings and culvert crossings; or

(ii) to activities related to the construction of river crossings; or

(iii) to pumphouses utilised for the drawing of water from the lake, river or wetland, provided such pumphouse covers less than 25m^2 in area; or

(iv) to buildings and impermeable surfaces associated with utility service structures, provided that they do not exceed 2m in height or 5m in area; or

(v) to activities associated with the maintenance, replacement and upgrading of existing linear network utilities; or

(vi) where there is a legally formed and maintained road between the property and the coastal marine area, lake or river.

These setbacks do not apply to river crossings or activities related to the construction of river crossings, or to access for the maintenance of existing utility service structures, linear network utilities or pump houses permitted by this rule.

Note 1: Attention is also drawn to the rules applying in the Coastal Hazard 1 Area (***Rule 12.4.6.3.1***) and Coastal Hazard 2 Area (***Rules 12.4.6.1.1*** and ***12.4.6.2.1***).

Note 2: A schedule of Lakes is provided in ***Appendix 1C***.

12.7.6.1.3 PRESERVATION OF INDIGENOUS WETLANDS

Any land use activity within an indigenous wetland of 200m^2 or more that does not change the natural range of water levels or the natural ecosystem or flora and fauna it supports is a

permitted activity, provided that the harvesting of plantation forestry that existed prior to 28 August 2004 is permitted where it is provided for by a rule in a Regional Plan for Northland or by a resource consent granted by Northland Regional Council.

Note 1: Attention is drawn to any Regional Water and Soil Plan for Northland currently in force, which also contains provisions relating to indigenous wetlands.

Note 2: An inability to meet this rule results in the need for a resource consent as a discretionary activity.

Note 3: Northland Regional Council is undertaking work to identify indigenous wetlands in Northland.

Note 4: This rule prevails over the National Environmental Standards for Plantation Forestry (NES PF) pursuant to Regulation 6(2)(a).

12.7.6.1.4 LAND USE ACTIVITIES INVOLVING DISCHARGES OF HUMAN SEWAGE EFFLUENT

Land use activities which produce human sewage effluent (including grey water) are permitted provided that:

(a) the effluent discharges to a lawfully established reticulated sewerage system; or

(b) the effluent is treated and disposed of on-site such that each site has its own treatment and disposal system no part of which shall be located closer than 30m from the boundary of any river, lake, wetland or the boundary of the coastal marine area.

Note: The discharge may also require consent under the Regional Water and Soil Plan.

12.7.6.1.5 MOTORISED CRAFT

Motorised craft are permitted on lakes and rivers except on the following:

(a) Lake Ngatu (excluding the part of the lake set aside for recreational power boat use);

(b) Lake Owhareiti;

(c) Lake Heather;

(d) Lake Rotorua;

(e) Far North Dune Lakes;

(f) Waitangi River (above Haruru Falls);

(g) Waingaro Reservoir;

(h) Manuwai Reservoir.

Provided that motorised craft used for scientific or safety purposes are permitted throughout the District, and in the case of the Waingaro and Manuwai Reservoirs, motorised craft are permitted for the purpose of maintenance of the irrigation network.

The use of motorised craft, other than for scientific or safety purposes, on the lakes, rivers and reservoirs named above is a discretionary activity.

12.7.6.1.6 NOISE

All activities on the surface of lakes and rivers shall be conducted so as to ensure that noise from the site shall not exceed the following noise limits as measured at or within the boundary of any site or at or within the notional boundary of any dwelling:

0700 to 2200 hours	50 dBA L_{10}
2200 to 0700 hours	45 dBA L_{10} and
	65 dBA L_{max}

Noise Measurement and Assessment:

Sound levels shall be measured in accordance with *NZS 6801:1991 "Measurement of Sound"* and assessed in accordance with *NZS 6802:1991 "Assessment of Environmental Sound"*.

The notional boundary is defined in *NZS 6802:1991 "Assessment of Environmental Sound"* as a line 20m from any part of any dwelling, or the legal boundary where this is closer to the dwelling.

Construction Noise:

Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with, *NZS 6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work"*.

12.7.6.2 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity if:

(a) it complies with ***Rule 12.7.6.2.1 Development Bonus*** below; and

(b) it complies with the relevant standards for permitted, controlled or restricted discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan – Environment Provisions***; and

(c) it complies with the other relevant standards for permitted, controlled or restricted discretionary activities set out in ***Part 3 of the Plan – District Wide Provisions***.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the matters specified in the relevant rule and will, where appropriate, take account of the Assessment Criteria applicable in the relevant zone and in ***Section 12.7.7***.

12.7.6.2.1 DEVELOPMENT BONUS

Where in any zone an activity is subject to a discretionary activity standard limiting building coverage or impermeable surface coverage, the maximum coverage set by that discretionary activity standard may be increased by up to 100% where a 20m wide margin for the length of the surface waterbody that lies within or adjacent to the site, is permanently protected from all stock intrusion by fencing or other means and is planted and maintained in indigenous vegetation suitable for that location.

12.7.6.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity if:

(a) it complies with ***Rule 12.7.6.1.6 Noise*** above; but

(b) it does not comply with one or more of the other standards for permitted activities set out under ***Rule 12.7.6.1*** above; and

(c) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(d) it complies with the other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***; and

(e) it is not a non-complying activity as described in ***Rule 12.7.6.4***.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under ***Section 12.7.7***.

Where an application is made in terms of this rule for any activity that relates to significant indigenous wetlands the Northland Regional Council and the Department of Conservation shall be considered an affected party.

If an activity does not comply with the standards for a discretionary activity, it will be a non complying activity.

12.7.6.4 NON-COMPLYING ACTIVITIES

Any new building within 20m of the boundary of a lake greater than 8ha in area, any continually flowing river wider than 3m or the coastal marine area which is not a permitted, restricted discretionary or discretionary activity under ***Rules 12.7.6.1***, ***12.7.6.2*** or ***12.7.6.3*** is a non-complying activity.

12.7.7 ASSESSMENT CRITERIA

The matters set out in s104 and s105, and in Part II of the Act, apply to the consideration of all resource consents for land use activities.

In addition to these matters, the Council shall also apply the relevant assessment matters set out below:

(a) the extent to which the activity may adversely affect cultural and spiritual values;

(b) the extent to which the activity may adversely affect wetlands;

(c) the extent to which the activity may exacerbate or be adversely affected by natural hazards;

(d) the potential effects of the activity on the natural character and amenity values of lakes, rivers, wetlands and their margins or the coastal environment;

(e) the history of the site and the extent to which it has been modified by human intervention;

(f) the potential effects on the biodiversity and life supporting capacity of the water body or coastal marine area or riparian margins;

(g) the potential and cumulative effects on water quality and quantity, and in particular, whether the activity is within a water catchment that serves a public water supply;

(h) the extent to which any proposed measures will mitigate adverse effects on water quality or on vegetation on riparian margins;

(i) whether there are better alternatives for effluent disposal;

(j) the extent to which the activity has a functional need to establish adjacent to a water body;

(k) whether there is a need to restrict public access or the type of public access in situations where adverse safety or operational considerations could result if an esplanade reserve or strip were to vest.

12.8 HAZARDOUS SUBSTANCES

Hanga Morearea

He mea hanga ha te tangata, he mea iti i raro i te mana o te tangata, ko te tikanga ra hoki o tena, kei a tatou te mauri, kia kore ai te iwi me te taiao e whakapa e nga mahi kino me nga hanga morearea I hangaia e te tangata.

Hazardous Substances

What man has created man must control. Let us ensure that people and the environment are not harmed in any way by the unwise use and disposal of dangerous substances created by man.

CONTEXT

The control of the use, storage, transport and disposal of hazardous substances involves several pieces of legislation and agencies. Under the Resource Management Act 1991, the Far North District Council has a responsibility, through controls on the use of land, to manage the effects of the storage, use, disposal and transport of hazardous substances at the District level. These controls must take into account the fact that adverse effects can arise, either from one facility that has significant effects, or a number of facilities which individually present a low risk of adverse effects but collectively constitute a risk to people or the environment. The Northland Regional Council has a similar responsibility at a regional level and exercises this responsibility through the Northland Regional Policy Statement.

At the national level, the Hazardous Substances and New Organisms Act 1996 (HSNO), sets minimum performance requirements for managing the life cycle of hazardous substances, irrespective of location. These minimum requirements apply also to any activities involving hazardous substances under the Resource Management Act 1991. The Environmental Risk Management Authority (ERMA) is responsible for the implementation of HSNO and delegates enforcement to a number of agencies. The Land Transport Act 1993 and associated Land Transport Act 1999, together with NZS 5433:1999 *"Transport of Dangerous Goods on Land'* specify requirements for the transport of hazardous substances on land. Other pieces of legislation also broadly relate to the management of hazardous substances, including the Building Act 1991, the Fire Service Act 1965, the Health Act 1956, the Radiation Protection Act 1965, and the Health and Safety in Employment Act 1992.

12.8.1 ISSUES

12.8.1.1 The use, storage, transport and disposal of hazardous substances has the potential for highly adverse effects on people and the environment.

12.8.1.2 Spray drift is an issue for organic growers who have stringent requirements for obtaining/maintaining certification to organic growers standards.

12.8.1.3 There are a number of sites in the District which are contaminated from past use of hazardous substances. These sites present a potential risk to human health and the environment, unless they are remediated, or the contaminants contained on site, so that they no longer pose a threat.

12.8.2 ENVIRONMENTAL OUTCOMES EXPECTED

12.8.2.1 Avoidance of contamination of the environment from the use, storage, transport and disposal of hazardous substances.

12.8.2.2 Avoidance of unacceptable risk to people and the environment arising from the use, storage, transport and disposal of hazardous substances.

12.8.2.3 Adoption of better site management and operational practices, including containment of spillages of contaminants where they could potentially enter stormwater drains and watercourses.

12.8.2.4 Improved community and industry awareness of risks posed by activities using, storing, transporting or disposing of hazardous substances.

12.8.2.5 Appropriate siting and control of hazardous facilities.

12.8.2.6 The identification of potentially contaminated sites, and the dissemination of information on their location and potential hazard in conjunction with the Northland Regional Council.

12.8.3 OBJECTIVES

12.8.3.1 To avoid or mitigate adverse environmental effects and to minimise the risks presented by activities involving the use, storage, transport and disposal of hazardous substances.

12.8.3.2 To protect people and the environment from the adverse effects of hazardous substances.

12.8.4 POLICIES

12.8.4.1 That activities and facilities involving the use of hazardous substances be designed, located, constructed and operated so as to avoid adverse effects on people and the environment and to minimise risk to people and the environment.

12.8.4.2 That where the Council deems it necessary, spill response contingency plans will be developed and operated on sites where hazardous substances are stored, used, transported or disposed of.

12.8.4.3 That hazardous substances are disposed of only at specifically designed hazardous substance disposal facilities using techniques which avoid adverse environmental effects.

12.8.4.4 That the cumulative effects of activities involving the use of hazardous substances, do not pose unacceptable risks to the environment and people.

12.8.4.5 That contaminated areas are used, managed and redeveloped in a manner which prevents or mitigates any adverse environmental effects and risks.

12.8.4.6 That a strategy be developed to help businesses and communities to better understand the risks associated with the storage, use, transport and disposal of hazardous substances.

12.8.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

12.8.5.1 Assess the potential effects of activities involving hazardous substances and ensure that the level of potential risk is acceptable for a given zone. This will be achieved by adopting the Hazardous Facilities Screening Procedure (refer to ***Appendix 2*** in ***Part 4***) as part of the Plan and identifying maximum levels for the Effects Ratio for specific zones.

12.8.5.2 Require the provision of information about on site production processes in applications for resource consents.

12.8.5.3 Allow activities using low-risk hazardous substances to occur as of right.

12.8.5.4 That, where Council deems it necessary, spill response contingency plans to prevent spills of hazardous substances from entering stormwater drains or natural waterways will be required on sites where hazardous substances are used, stored, transported or disposed of.

12.8.5.5 The use of contaminated sites will be controlled until the sites have been remediated, or the contaminants treated or contained on the site.

OTHER METHODS

12.8.5.6 The Council will disseminate information about known contaminated sites and the historical use of sites in the District to the public via Land Information Memoranda (LIM) reports. It will base this information on internal sources and on information obtained in collaboration with the Northland Regional Council.

12.8.5.7 Co-ordinate with the Regional Council on managing hazardous substances and controlling effects of their use, transport, storage and disposal. This will be achieved through each agency implementing its statutory requirements and through inter-agency communication and co-ordination where there are overlapping responsibilities.

12.8.5.8 The Environmental Risk Management Authority has a national responsibility for the management of environmental risk, including the risk from the use, storage, transport and disposal of hazardous substances. Although it has yet to develop the full range of its activities the Environmental Risk Management Authority will be an important agency in managing the risk posed by hazardous substances.

12.8.5.9 The transport of hazardous substances is controlled by land transport legislation and regulations.

12.8.5.10 The Council could establish a register of organic growers and could enter into agreements with organic growers relating to weed control along road sides. As part of this the Council could provide appropriate road signs and instructions to contractors.

12.8.5.11 Promotion of educational materials, information sheets and pamphlets, newspaper articles, training courses, site visits etc.

12.8.5.12 Liaise with the Northland Regional Council, the Ministry for the Environment and Waste Operators/Agencies in the District to define landfill acceptance criteria for hazardous waste, and develop a system to monitor and report on potentially hazardous waste entering the landfills of the District.

COMMENTARY

While the Far North is not perceived as having a significant problem with hazardous substances, the reality is that there are more potentially hazardous substances in the Far North than is realised. Every farm, for example, is likely to store agricultural chemicals. Electricity and sewage can be hazardous, and even milk can be hazardous to the environment. The objectives, policies and methods therefore, provide a regulatory framework to ensure that adverse environmental effects from hazardous substances do not exceed acceptable limits.

While the regulations may seem to be quite sophisticated and perhaps more than a mainly rural District needs, they are now reasonably standard throughout the country. Also, there is no way to predict whether or when an industry, with potentially adverse effects from the use of hazardous substances, will be proposed in the Far North. It is better that the regulatory framework is in place before the event, as opposed to attempting to control effects through ad hoc conditions of consent.

12.8.6 RULES

Activities affected by this section of the Plan must comply not only with the rules in this section, but also with the relevant standards applying to the zone in which the activity is located (refer to ***Part 2 Environment Provisions***), and with other relevant standards in ***Part 3 – District Wide Provisions***.

Particular attention is drawn to:

(a) ***Chapters 7-10*** in ***Part 2***;
(b) Other sections within ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);
(c) ***Chapter 13 Subdivision***;
(d) ***Chapter 14 Financial Contributions***;
(e) ***Chapter 15 Transportation***;
(f) ***Chapter 16 Signs and Lighting***;
(g) ***Chapter 17 Designations and Utility Services*** (and the ***Zone Maps***).

Where relevant, refer to other sections of the plan such as Part 2 – Environmental Provisions and other parts of Part 3 – District Wide Provisions as there may be other provisions that need to be considered.

12.8.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity if:

(a) it complies with the standards for permitted activities set out in ***Rule 12.8.6.1.1*** below; and
(b) it complies with the relevant standards for permitted activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and
(c) it complies with the other relevant standards for permitted activities set out in ***Part 3 of the Plan - District Wide Provisions***.

12.8.6.1.1 CONSENT STATUS INDICES FOR PERMITTED ACTIVITIES

(a) The Indices (calculated using the HFSP in ***Appendix 2*** of ***Part 4***) for permitted activities, shall not exceed the following:

Zone	Indices
Coastal Residential, Residential, Russell Township, Conservation	≤ 0.02
Commercial, Recreational Activities, Orongo Bay Special Purpose	≤ 0.1
Rural Living, Coastal Living, Point Veronica, South Kerikeri Inlet	≤ 0.2
Industrial, Horticultural Processing	≤ 0.5
Rural Production, General Coastal, Minerals, Waimate North, Moturoa Island, Carrington Estate	≤ 0.75

Note that ≤ = less than or equal to

Note 1: Activities involving the storage and sale of petrol, diesel and LPG for retail sale purposes are exempt from the HFSP and associated Indices.

Note 2: Where an activity exceeds the indices below, it shall be a discretionary activity (refer to ***Rule 12.8.6.3.1***).

(b) Provided that the activities in ***Table 12.8.6.1*** are deemed to have an Indices within the parameters set out above and are therefore permitted activities also.

Table 12.8.6.1: ACTIVITIES WHICH ARE PERMITTED ACTIVITIES BECAUSE THEY ARE DEEMED TO COMPLY WITH THE CONSENT STATUS INDICES FOR PERMITTED ACTIVITIES

	Activity	**Explanation**
(i)	Road and private way construction and improvements with related storage.	The spreading of asphalt and related activities and storage are exempt from the Dangerous Goods Regulations.
(ii)	Temporary military training.	The use and storage of explosives is covered by military codes.
(iii)	Milk storage provided that emergency storage on the site for 2 days' production, in addition to normal storage facilities, is established to cater for situations when milk is not being able to be collected, or spillage of milk from the normal milk storage system occurs.	The intention of controls over hazardous substances is not to restrict milk production. However, safeguards for water quality are needed because of the adverse effects of milk in water.
(iv)	Any approved trade waste in a sewage and waste treatment facility.	The difficulty of identifying the quantity and nature of the substances involved.
(v)	Storage and use of hazardous consumer products for private domestic purposes.	The degree of hazard is generally below the scale of potential effects covered by the HFSP.
(vi)	Retail outlets for the domestic usage of hazardous substances (e.g. supermarkets, hardware shops, pharmacies).	Storage of hazardous substances is generally in small packages.
(vii)	Facilities using genetically modified or new organisms.	Controlled by other legislation.
(viii)	Fuel in motor vehicles, boats and small engines such as weedeaters, lawnmowers, chainsaws, etc.	The degree of hazard is generally below the scale of potential effects covered by the HFSP.
(ix)	Oil and gas pipelines, gas regulator stations, sales gates, compressor stations and mixing stations.	Control by other legislation and industry codes.
(x)	Dust explosions.	Controlled by rules relating to discharge of contaminants to the air.
(xi)	Any use or storage of radioactive materials with an activity level below that specified as an exempt activity in the Radiation Protection Regulations 1982 (including smoke detection) and below 100 terabequerel in activity	Controlled by Radiation Protection Regulations.
(xii)	Electricity, transformers, capacitators, and switches up to 600 litres.	Electricity transformers, capacitators and switches are used extensively throughout the District.
(xiii)	Storage of up to 5,000l of diesel and/or up to 2,000l of petrol in any single storage facility in the Rural Production, General Coastal and Minerals Zones, provided that there is a 30m separation distance between each storage facility and any buildings or the margins of lakes, rivers, wetlands and the coastline.	The intention of controls over hazardous substances is not to restrict normal farming, forestry or contracting activities. However, controls are needed to safeguard life and property and the margins of lakes, rivers, wetlands and the coastline.
(xiv)	Use and application (but not storage) of agrichemicals provided the activity is carried out in compliance with applicable regional policies and rules, and in accordance with accepted codes of practice.	Controlled by regional policies and rules for the discharge of contaminants to the environment. Storage of agrichemicals is not a permitted activity if the indices in ***Rule 12.8.6.1.1*** are exceeded.

Exemptions: The foregoing limits shall not apply to plantation forestry activities which are controlled by Regulation 104 of the National Environmental Standards for Plantation Forestry (NES PF)

12.8.6.2 CONTROLLED ACTIVITIES

An activity is a controlled activity if:

(a) it does not comply with the standards for permitted activities set out in ***Rule 12.8.6.1.1 Consent Indices for Permitted Activities***;

(b) but it complies with the following ***Rule 12.8.6.2.1 Storage and Sale of Petrol, Diesel, Oil and LPG for Retail Purposes (Service Stations)***; and

(c) it complies with the relevant standards for permitted and controlled activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(d) it complies with the other relevant standards for permitted and controlled activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council must approve an application for a land use consent for a controlled activity, but it may impose conditions on that consent.

Note: While the storage and sale of petrol, diesel and LPG for retail sale purposes are exempt from the HFSP, they are assessed as controlled activities if they comply with the standards for controlled activities in ***Rule 12.8.6.2.1***.

12.8.6.2.1 STORAGE AND SALE OF PETROL, DIESEL, OIL AND LPG FOR RETAIL PURPOSES (SERVICE STATIONS)

Activities involving the storage and retail sale of petrol, diesel, oil and LPG, are controlled activities provided that they comply with the following standards:

(a) that part of a site where hazardous substances are stored or used (including underground storage tanks) and where a substance is hazardous to land or water shall be sealed with impervious materials and protected by suitable systems such as bunds, diversion drains, sumps or oil/water interceptors to prevent the discharge of any spills of hazardous substances or contaminated stormwater to the stormwater system or natural waterways;

(b) all stormwater intake points shall be clearly marked;

(c) areas of the facility which are used for washing equipment or trucks contaminated with hazardous substances shall be sealed or bunded and drained to either a sewerage treatment plant or another facility approved by the Council;

(d) all hazardous facilities where flammable hazardous substances are either used or stored shall have adequate fire safety equipment in place;

(e) hazardous substances will be stored on-site in containers that meet the requirements of the Hazardous Substances and New Organisms Act 1996 in terms of design and labelling, and that are suitable for existing storage conditions;

(f) any part of the facility that generates stormwater potentially contaminated with hazardous substances shall be protected by suitable systems to prevent the discharge of contaminated stormwater to the stormwater system;

(g) hazardous substances disposal in the District may only be to facilities which are lawfully established and operated in terms of the Act and relevant hazardous substances legislation.

12.8.6.3 DISCRETIONARY ACTIVITIES

An activity is a discretionary activity if:

(a) it does not comply with one or more of the permitted or controlled activity standards listed under ***Rules 12.8.6.1*** and ***12.8.6.2*** above; but

(b) it complies with ***Rules 12.8.6.3.1 Consent Status Indices for Discretionary Activities***; ***12.8.6.3.2 Disposal of Hazardous Substances*** and ***12.8.6.3.3 Facilities Involving Radioactive Materials*** below; and

(c) it complies with the relevant standards for permitted, controlled, restricted discretionary or discretionary activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(d) it complies with the other relevant standards for permitted, controlled, restricted discretionary or discretionary activities set out in ***Part 3 of the Plan - District Wide Provisions***.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council will have regard to the assessment criteria set out under ***Section 12.8.7***.

If an activity does not comply with the standards for a discretionary activity, it will be a non-complying activity.

12.8.6.3.1 CONSENT STATUS INDICES FOR DISCRETIONARY ACTIVITIES

The indices (calculated using the HFSP in ***Appendix 2*** of ***Part 4***), for a discretionary activity are as follows:

Zone	Indices
Coastal Residential, Residential, Russell Township, Conservation	> 0.02
Commercial, Recreational Activities, Orongo Bay Special Purpose	> 0.1
Rural Living, Coastal Living, Point Veronica, South Kerikeri Inlet	> 0.2
Industrial, Horticultural Processing	> 0.5
Rural Production, General Coastal, Minerals, Waimate North, Moturoa Island, Carrington Estate	> 0.75

Note that > = greater than

Note: Activities involving the storage and sale of petrol, diesel and LPG for retail sale purposes are exempt from the HFSP and associated Indices.

12.8.6.3.2 DISPOSAL OF HAZARDOUS SUBSTANCES

Facilities for the disposal of hazardous substances, including those for the recycling of hazardous wastes, incineration of hazardous substances, and hazardous waste landfills.

12.8.6.3.3 FACILITIES INVOLVING RADIOACTIVE MATERIALS

Facilities with a radioactivity level of greater than 100 terabequerel.

12.8.7 ASSESSMENT CRITERIA

The matters set out in s104 and s105, and in Part II of the Act, apply to the consideration of all resource consents for land use activities. In addition to these matters, the Council shall also apply the relevant assessment matters set out below.

The extent to which the proposed activity and the proposed site poses a risk to human health and the environment, in particular:

(a) the nature and the probability of the risk;

(b) the sensitivity of the surrounding natural and physical environment with regard to the scale of the proposal, including any need for separation distances from activities which result in high concentrations of people (e.g. schools, rest homes, marae, hospitals, residential areas, shopping centres) or to sensitive natural resources (e.g. aquifers, water bodies, wetlands);

(c) the number of people potentially at risk from the use of hazardous substances;

(d) the risk to adjacent property;

(e) cumulative effects of the use, storage, transport and disposal of hazardous substances in the area and other hazardous substances in the vicinity;

(f) site drainage and off-site infrastructure (e.g. stormwater and sewer type and capacity);

(g) transportation safety, including the suitability of the site with regard to methods of transportation, quantities and types of hazardous substances to be transported, and proposed transport routes, including access and egress to and from the site;

(h) the extent to which the proposed activity can avoid or mitigate any undue risk, including site layout, site management, spill contingency planning, transport methods and routes, monitoring and maintenance schedules;

(i) the adequacy of an emergency and evacuation plan to deal with possible on-site accidents involving hazardous substances;

(j) the ability of the proposed activity to be established at an alternative location, or to use alternative methods, when it is likely that an activity will result in any significant adverse effects on the environment;

(k) the extent to which the proposed site is accessible from the major roading network to avoid heavy traffic volumes on local roads (particularly residential local roads) and the extent to which the proposed site's entry and exit points may pose a problem with existing intersections;

(l) any risks posed by natural hazards;

(m) the extent to which the activity may adversely affect cultural and spiritual values;

(n) the adequacy of proposed record keeping and audits regarding quantities of hazardous substances stored on-site and taken away to disposal.

EXPLANATION OF RULES

Consent Status Indices and HFSP:

In order to assess the hazards posed by various substances and the risks they present, the Council has adopted the Hazardous Facility Screening Procedure for assessing hazardous activities or facilities. This procedure was developed in 1995 and reviewed in 1999, by the Ministry for the Environment, in association with a number of regional and district councils.

*Using the Hazardous Facilities Screening Procedure (HFSP) (refer to **Appendix 2** in **Part 4**), potential effects are categorised into three groups:*

- *fire/explosion effects: concerned with damage to property, the built environment and the safety of people;*
- *human health effects: concerned with the well-being, health and safety of people;*
- *environmental effects: concerned with damage to ecosystems and natural resources.*

*To determine the status of any facility using or storing hazardous substances, the HFSP, which is set out in **Appendix 2** in **Part 4**, should be followed. The HFSP provides a method of separating low-risk from high-risk hazardous facilities by allocating (after analysis) a "Consent Status Indices" to a proposed facility.*

*The Indices is then compared with the maximum Indices in **Rule 12.8.6.1.1** and **Rule 12.8.6.2.1**. Each zone has cut-off values for the Indices, which enables permitted and discretionary activities to be identified.*

12.9 RENEWABLE ENERGY AND ENERGY EFFICIENCY

Mātāpuna Hiko

Ko te mau tonu ki tētahi mātāpuna hiko tētahi tino tikanga o te nohoanga hou. Me tino akiaki tātou i ngā tūmomo āhua hakamahi punahiko hakahou me te toko ake i te hakamahi tika i te pūngao kia mau tonu te rohe pōtae o te raki ki tōna motuhaketanga.

Renewable Energy and Energy Efficiency

A secure energy supply is an essential element of modern society.

Let us encourage renewable energy generation and use, and promote energy efficiency with the aim of being energy self sufficient in the Far North District.

CONTEXT

In the context of the Far North District Council's responsibilities under the Act particularly sections 7(ba) and (j), "renewable energy" in this Plan refers primarily to renewable electricity generation.

A secure, reliable and sustainable energy supply is vital to modern society. It enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. The path to creating a more sustainable energy future is through using energy more efficiently and by generating more energy from renewable sources. This has the potential to empower communities to move towards self-sufficiency in the use of energy for the benefit of the whole community and to encourage economic development within the District.

The current trend in the District is a continuing rise in energy use. Nationally, energy demand is increasing by 2% annually. Traditionally the District has had a heavy reliance on energy produced outside the area, although this has changed with the recent commissioning of the extension to the Ngawha geothermal plant. Communities, businesses and individuals in the District face a number of issues in relation to energy consumption, production and transmission. Without an increase in locally produced electricity, Transpower has identified that by about 2013 it is likely that demand for electricity in Northland will exceed the capacity of the power system. This could result in restrictions at times of peak demand (morning and early evening) and at times of high system load. Transpower is planning significant upgrading in the future to meet government objectives of security of supply and the government objective for a renewable energy future.

As the availability of extractive fuel energy sources such as coal and gas becomes restricted and demand for electricity continues to increase, electricity generated from renewable sources is becoming increasingly important as a way of meeting future demand in an environmentally sustainable manner. The Far North District is rich in renewable energy resources; wind, solar, geothermal, biomass, marine energy and (to a lesser extent) hydro. A significant opportunity exists to evaluate the use of biomass, within a community or the District, including identifying the components of the waste stream and waste from forestry logging and processing that can be reused as fuel for energy generation. The District includes industry operators who may, in future, look to include waste material or waste from forestry logging in their combustion processes. The use of some of these resources (water – fresh, coastal and geothermal, steam and the use of coastal space), is managed and allocated by Northland Regional Council. Structures on land to harness the energy from these resources and from the other renewable resources, such as wind, solar, biomass fall to FNDC to manage. There is no allocation process for wind or solar resources, making them a freely available resource.

Council wishes to make it as easy and as cost effective as possible for households and communities to achieve energy self sufficiency using renewable resources.

Geothermal energy (producing electricity) is a significant resource for the District and there is also some potential for the direct use of geothermal heat. In addition, electricity generation from wind power is one of the fastest-growing energy generation technologies worldwide and can be developed at a range of scales. The quality of the wind resource in the District as determined by NIWA and NZWEA, decreasing development costs, and rising electricity prices mean that large scale, as well as small scale, renewable electricity generation from wind is now economically viable and, as such, is very important to the future proofing of the District's energy supply. Other options such as large scale solar or biomass electricity generation may become more viable in the future. Wind energy facilities need to be located in those places best suited to harnessing the wind resource. Many of the areas that are potentially viable for commercial electricity generation lie within the rural and coastal environments, principally on the "windy" west coast. In these areas the lack of urban settlements combined with the focus on primary production make the rural environment particularly suitable for harnessing wind energy as wind energy development is compatible with most primary production activities, particularly open pastoral farming.

Wind energy also provides significant potential at the community scale. This type of development is ideally suited to the District as electricity can be generated where it will be used, avoiding the costs and lost electricity associated with transmission over longer distances and maintaining a supply for smaller isolated communities. Distributed renewable energy generation can provide opportunities for communities to have a sustainable and self sufficient energy future.

There is a range of renewable energy technologies which can be adopted at a domestic/household scale. The most common of these are solar thermal (including water heating), solar photovoltaics, small scale wind and micro-hydro. These are generally fitted to, on or near to buildings and could be used throughout the District provided that adverse effects can be avoided, remedied or mitigated.

Utility scale renewable electricity generation does not occur in isolation. Such developments have operational needs and constraints that need to be considered, including pre-development investigations, suitable site layout configurations, having regard to both the site and the resource, and transmission to the national grid or local distribution networks. It may necessitate roading upgrades or traffic management outside the site. For example, the suitability of a site for utility scale wind generation is usually determined through a 1 - 5 year period of assessment using meteorological monitoring equipment on masts which may be up to 80m high. Utility scale electricity generation and its associated infrastructure can create effects on the environment that compete with other values. Potential conflicts need to be carefully managed and assessed on a case by case basis so that the use and development of renewable energy is promoted and provided for, while the effects and benefits of any application are given full consideration. Overseas experience suggests that community acceptance and successful utility scale renewable electricity generation depend not only on the extent, appearance and location of structures but also on who develops them and the process by which they are developed. The involvement of the community by the developer in the early stages of a project can be critical to achieving community acceptance.

There are a variety of passive energy approaches that can be taken in relation to the built environment. These include orientation of buildings towards the sun to assist passive heating, cooling and natural lighting. Reductions in overall energy use can be made through provision of hot water through solar water heating. The success of these approaches is dependent on the initial layout of a subdivision or building development making it easy for individuals to incorporate these principles into their designs.

Energy efficiency and conservation go hand in hand with renewable energy. The use and development of a local renewable energy resource combined with its efficient use assists greater levels of self-sufficiency and results in direct links to health and social wellbeing (by providing warmer, drier homes and reduced energy costs to consumers). Renewable energy also contributes to mitigating against climate change by increasing the proportion of electricity that is generated from renewable resources. There are a variety of energy efficiency approaches that can be taken including orientation of buildings towards the sun to assist passive heating, cooling and natural lighting.

The principal international policy driving national energy policy is the Kyoto Protocol[1] ratified in 2002 and subsequent international agreements. The Kyoto Protocol requires New Zealand to reduce carbon dioxide (CO_2) emissions (the major contributor to greenhouse gases) to 1990 levels by 2012 or otherwise take responsibility for surplus emissions. To reduce New Zealand's CO_2 emissions, any new electricity generation must be from renewable sources which do not emit greenhouse gases and generation facilities that do emit greenhouse gases must be replaced over time.

There are a number of national policy documents, including the New Zealand Energy Strategy (NZES) and the New Zealand Energy Efficiency and Conservation Strategy (NZEECS) that provide direction in terms of how we should respond to the challenges of providing enough energy to meet the needs of a growing economy, maintaining security of supply, and reducing greenhouse gas emissions. These policy documents include a target of 90% of electricity being from renewable sources by 2025 (except to the extent necessary to maintain security of supply).

Further to this, the District Plan must give effect to Part 2 of the Act, as well as National Policy Statements, including the New Zealand Coastal Policy Statement. The requirement to have particular regard to these matters must be seen in the light of the overarching purpose of the Act, (s5) of Part 2, which is "to promote the sustainable management of natural and physical resources." This includes enabling people and communities to provide for their social, economic and cultural wellbeing, provided that any adverse effects of activities on the environment are avoided, remedied or mitigated. Part 2 of the Act also sets out matters of national importance to be recognised and provided for (s6), matters which must be given particular regard (s7) and the requirement to take into account the Treaty of

[1] In recognition of the bigger issue of climate change Council has begun preparation of a Climate Change Strategy which will be Council's leading document in identifying the issues and appropriate actions required.

Waitangi (s8). These matters have influenced the development of the objectives, policies and rules in relation to renewable energy and energy efficiency.

Under s7 of the Act, Council is required to have particular regard to the efficiency of the end use of energy [s7(ba)], the effects of climate change s7(i), and the benefits to be derived from the use and development of renewable energy [s7(j)]. Sections 7(a) kaitiakitanga and 7(aa) the ethic of stewardship are also relevant in recognising the links between renewable energy and future generations. Renewable energy is defined in the Act as "energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave, and ocean current sources". The benefits of renewable energy can be national, regional or local.

The Regional Policy Statement (RPS) addresses issues of Northland's dependence on imported energy, public support for using the renewable resources of the region, and the desire for greater energy efficiency and associated conservation measures. The RPS addresses these issues through policy that:

(a) encourages the use of environmentally acceptable energy resources; and

(b) promotes the consideration of alternatives to non-renewable energy sources in resource management decision making; and

(c) ensures energy efficiency is considered in the development and use of natural and physical resources. The RPS recognises that an appropriate mechanism to implement this is through provisions in district plans; and

(d) ensures that energy generation and transmission facilities are sited, designed and operated safely and efficiently and to avoid, remedy, or mitigate any adverse effects on the environment.

(e) states that councils should not have any resource management policies that restrict the use of renewable and environmentally sound energy resources that are not well justified in terms of other desired environmental outcomes.

As well as meeting government policy directives, including the renewable electricity target and international climate change commitments there is a range of potential benefits and positive effects of greater energy efficiency and renewable energy development and use including:

- increased electricity generation capacity creating greater self-sufficiency in electricity generation and reduced dependence on electricity imported into the District;
- reduction in greenhouse gas emissions
- improved health, safety and wellbeing of the community from warmer, drier and efficiently powered homes and workplaces;
- improved security of energy supply and a greater resilience of the local network through adding to and diversifying the District's generating base (the type, scale and/or location of electricity generation), particularly in times of need such as civil defence emergencies;
- reduction in dependence on the national grid and transmission losses for delivery of electricity creating a more efficient local network;
- benefits through local industry development, profitable business opportunities including research, manufacturing, installation, distribution, and maintenance of facilities and development of expertise in energy efficiency solutions and renewable energy systems;
- improving security of supply using and developing domestic renewable energy resources to reduce exposure to electricity generation using costly fuels and reduce dependency on overseas supplies;
- opportunities for local income generation through joint ventures and community renewable energy generation schemes; and
- enhanced economic development potential because of security of energy supply.

Whilst the plans and policies considered as relevant by iwi authorities[2] assessed during the preparation of this Chapter do not include specific reference to renewable energy or energy efficiency they all have overall goals of self determination, self sufficiency, wise use and management of resources, and recognition and protection of taonga and cultural relationships and responsibilities. Council recognises that being energy self sufficient will assist in achieving the long term sustainable use of remaining Maori land and will support and strengthen marae and papakainga in line with iwi and hapu environmental

[2] See s.74(2A)a of the Act.

policy and plans. Council also recognises the importance of the role and responsibilities of kaitiaki and the need for their empowerment and the requests for early and effective engagement.

There are actual and potential adverse effects associated with renewable energy and energy efficiency including noise, landscape, amenity value, natural character, ecological, traffic and other effects and it is recognised that the protection of site specific values may conflict with the development of a site for renewable energy or associated infrastructure.

Further objectives and policies in other chapters in the District Plan, including Chapter 10 Coastal Environment, have been considered in the preparation of this chapter on renewable energy and energy efficiency. When resource consent is sought under this Chapter, the objectives and policies are to be considered in conjunction with the objective and policy provisions for the underlying zone in which the development is proposed to take place and the features identified on the Resource Maps of the District Plan.

12.9.1 ISSUES

12.9.1.1 The District is reliant on energy transported into the District and this raises issues related to supply including security, quality and priority of supply and cost.

12.9.1.2 The population of the Far North is scattered widely throughout the District in small rural and coastal settlements, with no single dominant urban area. There is increasing demand for settlement of Maori ancestral land, which tends to be in the more isolated and remote areas. Ensuring a secure energy supply to these areas is vital and there is potential for distributed renewable electricity generation to be located close to demand.

12.9.1.3 New Zealand's greenhouse gas emissions have been increasing and carbon dioxide electricity related emissions have escalated. There is significant potential to reduce electricity related greenhouse gas emissions and meet future energy demand through maximising renewable electricity generation at the domestic, community and utility scale levels, using the substantial, freely available solar and good wind resource available in the District. There is also potential for small scale hydro generation, bio energy, geothermal energy (including the direct use of geothermal heat) and marine energy resources. The use and development of renewable energy resources is essential to the wellbeing of communities within the District and offers significant local and regional benefits.

12.9.1.4 Wind energy development is expected to provide a greater share in electricity generation in the future. It has a range of benefits and positive effects and is important to future energy supply in the District. Wind energy development is one of the more environmentally sustainable forms of renewable electricity generation as overall wind energy projects are simple, clean and cheap to maintain. Wind electricity generation facilities must be located where the resource exists; and because of where the good wind resource is found, there is potential that such developments can cause adverse effects on the environment [amenity, landscape, ecology, culture and heritage values].

12.9.1.5 Regulation of renewable energy resources is split between the Far North District Council (land-based activities related to all harnessing/processing of resources with particular responsibility for wind, solar and bio energy) and Northland Regional Council (water and air based activities, and resource use and allocation relating to geothermal, hydro and ocean energy, and discharges associated with bio energy production or wind energy facility activities). This requires carefully integrated management.

12.9.1.6 Renewable electricity generation facilities, once established, represent an important physical resource and inappropriate subdivision, land use or development in close proximity has the potential to adversely affect their safe and efficient operation due to the creation of reverse sensitivity effects.

12.9.1.7 Energy can be produced, transported / transmitted and used much more efficiently when it is closer to the source of generation. Electricity imported from outside the District is not as efficient due to transmission losses, compared with electricity generated within the District closer to the source of demand. Energy can be used much more efficiently including in the built environment and transportation systems.

12.9.1.8 The Far North District Council supports the sustainable development of freehold land, including Maori Freehold Land and will consider the benefits and implications for landowners when developing energy related policy.

12.9.1.9 Energy generation activities can have adverse effects on sites of significance to Maori, and the mauri of natural resources.

12.9.1.10 There are actual and potential adverse effects associated with renewable energy and energy efficiency that need to be addressed.

12.9.1.11 While most renewable electricity generation sources are site specific, the associated infrastructure will traverse land between the generation site and the area of demand. Unless all the effects of construction and operation of utility scale renewable electricity generation, including the effects relating to access and transmission, are assessed as a single package of effects, the viability of renewable energy projects could be compromised.

12.9.2 ENVIRONMENTAL OUTCOMES EXPECTED

12.9.2.1 Energy efficiency is improving and the District's towns and communities are self sufficient in energy and meets the majority of their electricity needs from a diverse range and scale of renewable energy resources.

12.9.2.2 Domestic and community based distributed renewable energy becomes a significant part of the electricity generated and used in the District.

12.9.2.3 Sustainable renewable energy facilities and activities are established in locations that recognise the overall appropriateness of the site and any associated line route required to transmit electricity from the source to the area of demand.

12.9.2.4 All new land use, subdivision and development in the District incorporates energy efficiency design, technologies and initiatives as appropriate.

12.9.2.5 An efficient and effective integrated resource management framework which enables individuals and communities to generate their own electricity from renewable energy resources.

12.9.2.6 To avoid reverse sensitivity, new subdivisions, uses or developments do not occur in a location or in a manner that adversely affects the full and efficient operation of an existing lawfully established renewable energy use or development or associated infrastructure.

12.9.2.7 Initiatives to support renewable energy provision and greater levels of energy efficiency within the community and meaningful community involvement in planning for utility scale developments.

12.9.2.8 To achieve the objectives, policies and outcomes of Chapter 2 - Tangata Whenua the following outcomes are expected:

- Energy efficiency and greater use of renewable energy are encouraged during the establishment of papakainga on Maori Freehold Land.
- Initiatives to support renewable energy provision and greater levels of energy efficiency within Maori communities are facilitated through partnership between Iwi and other agencies.
- Engagement and involvement of local Maori occurs at the early stages of development of renewable energy proposals.

12.9.3 OBJECTIVES

12.9.3.1 To become among the most energy self-sufficient local authorities in New Zealand through encouraging and promoting the efficient use of energy and the greater use and development of renewable energy while having appropriate regard to the special values of the District identified in the Plan.

12.9.3.2 To recognise that some utility scale renewable energy resources of the District are restricted to specific locations and to encourage the use and development of these where positive effects can be optimised and adverse effects can be appropriately managed, through avoidance, remediation or mitigation as appropriate.

12.9.3.3 To enable people, especially the remote and isolated communities of the District, to provide for their own energy needs in a sustainable manner, including through the use and development of renewable energy resources.

12.9.3.4 To encourage and promote renewable energy use and development proposals that provide significant local community benefit as well as regional and/or national benefit.

12.9.3.5 To achieve an integrated approach in terms of the responsibilities of the Far North District and Northland Regional Councils' management of renewable energy generation and energy efficiency.

12.9.3.6 To ensure that the people of the Far North are able to identify and plan for a sustainable energy future within their communities.

12.9.3.7 To manage activities that adversely affect renewable energy infrastructure including reverse sensitivity effects.

12.9.3.8 To ensure actual and potential adverse effects associated with renewable energy and energy efficiency are avoided, remedied or mitigated.

12.9.4 POLICIES

12.9.4.1 That the efficient use of energy and the greater use and development of renewable energy resources, including electricity generation and transmission, and the operation, maintenance and upgrading of existing and future renewable energy activities, is promoted, particularly where there is potential for national, regional or local community benefits, including increased security of supply and reduced greenhouse gas emissions.

12.9.4.2 That renewable energy use and development is facilitated in locations where significant adverse effects on the environment can be appropriately avoided, remedied or mitigated while also having regard to the local, regional and national benefits and positive effects (particularly any local benefits) associated with the proposed development.

12.9.4.3 That in assessing any specific renewable energy development proposal, the Council will consider the appropriateness of the proposal in terms of location, scale, and type of proposal and in terms of the effects of any supporting infrastructure.

12.9.4.4 That the Council discourages the location of activities associated with utility scale renewable electricity generation within areas identified on the District Plan Resource Maps; within urban and semi-urban zones; and within heritage precincts.

12.9.4.5 That the Council encourages early consultation and will work supportively with applicants in the planning stages for utility scale developments with the aim of identifying broader social and community benefits that can be considered early in the proposal development.

12.9.4.6 That domestic and community scale renewable energy use and development, including electricity generation, is encouraged throughout the District where there will be significant local benefits and the adverse effects are avoided, remedied or mitigated.

12.9.4.7 That subdivision and land use activities, undertaken in terms of Chapter 13 of the District Plan avoid, remedy or mitigate adverse effects on the efficient operation of consented or lawfully established renewable electricity generation activities and their supporting infrastructure.

12.9.4.8 That the Council encourages early engagement with the community, including Maori in the planning stages for energy developments with the aim of identifying community energy goals and objectives and any potential effects on Maori sacred sites and mauri around sites of significance to Maori.

12.9.4.9 That the technical and operational requirements for locating utility scale renewable energy electricity generation facilities and associated transmission works are recognised including by encouraging a rural location where appropriate.

12.9.5 METHODS OF IMPLEMENTATION

DISTRICT PLAN METHODS

12.9.5.1 Rules in the Plan provide for residential, community and utility scale renewable energy generation and use and there are different thresholds for urban and non-urban zones.

12.9.5.2 Renewable energy use or development is not permitted as of right within an Outstanding Landscape Feature or Outstanding Natural Feature as listed in ***Appendices 1A*** and ***1B*** and as shown on the ***Resource Maps***.

12.9.5.3 Small land-based structures to support in-stream domestic hydro or ocean generation are permitted where the activity is permitted by a Regional Plan and the structure is not in an

Esplanade Priority Area or a Hazard Area identified in the District Plan ***Resource Maps***. Note: These may be the subject of separate Reserves Act and Local Government Act processes and may also be subject to any Iwi Treaty Settlement within the Far North District with regard to river and ocean generation.

12.9.5.4 Monitoring masts are permitted in specified zones where the relevant rules and requirements of this section and other sections in ***Chapter 12, Appendix 4 [Airport Site Plans and Protection Surfaces]*** are complied with. Where the permitted standards are not met a resource consent is required. **Note:** These may be the subject of separate Civil Aviation Determinations.

12.9.5.5 Utility scale renewable electricity generation and its supporting infrastructure is facilitated in areas where it can be demonstrated that there is a 'suitable' resource, there is the capacity to absorb or accommodate the level of development required, adverse effects can be appropriately avoided, remedied or mitigated and there is demonstrable national, regional, and in particular, local benefits.

12.9.5.6 Subdivision objectives, policies and rules encourage all new subdivision and development to include consideration of provisions for achieving energy efficiency and opportunities for renewable energy use and development within the built environment. Rules require that when new lots are created for the purposes of building consideration is given to good solar orientation to maximise the buildings ability to provide light, heating, ventilation and cooling through passive design strategies and clustering to facilitate a standalone renewable energy system.

OTHER METHODS

12.9.5.7 Council may use available opportunities to advocate to electricity network providers for appropriate protocols for feeding surplus energy produced by household and/or community scale renewable electricity developments into the local network where this is an option.

12.9.5.8 Council may encourage the efficient use of energy at the household level as well as throughout the wider community, in public buildings and workplaces by:

(a) facilitating community education and the provision of information and advice regarding energy efficient technologies and practices through a range of actions, including:

(i) ensuring that the community has easy access to relevant information on achieving energy efficiency and conservation, including the ways of achieving the maximum efficiencies, costs, payback times, and qualified installers; and

(ii) having readily available information on appropriate funding options including grants, loans and other opportunities for achieving energy efficiency gains; and

(iii) focussing on the benefits of energy efficiency, including improved health outcomes, financial savings, environmental improvements, and carbon credits; and

(iv) working with architects, designers and the construction industry to train contractors as advocates in energy efficiency matters; and

(v) ensuring that Council staff assessing applications have access to guidelines, acceptable practices, practice notes; and

(vi) investigating energy efficiency projects, funding opportunities, partnerships and joint ventures with a range of stakeholders, including energy companies, energy organisations, government departments and other appropriate agencies.

(b) leading by example, and where appropriate, making changes to Council's own operations, services and assets e.g. undertaking energy audits of Council operations, investigating use of solar street lighting, car pooling, and mobile council services;

(c) advocating for central and regional government support and/or resources for:

(i) ongoing grants, subsidies, interest free loans and tax relief for implementing and retrofitting energy efficiency tools and technologies; and

(ii) changes to the Building Code to strengthen the concept of 'sustainable and energy efficient building design'.

(iii) provision of appropriate public transport facilities.

12.9.5.9 Council may investigate joint approaches to renewable energy development and use, including the possible Transfer of Power or Joint Management Agreements, between itself

and Northland Regional Council or other authorities, including Recognised Iwi Authorities and Mandated Iwi Authorities.

12.9.5.10 Council will encourage applicants to actively engage with Maori, including Recognised Iwi Authorities and Mandated Iwi Authorities, through early dialogue to ensure that adverse effects on the relationship of Maori with their culture, traditions and taonga are avoided, remedied or mitigated and will look for opportunities to encourage kaitiaki involvement in monitoring.

12.9.5.11 Council may encourage applicants for utility scale developments to begin consultation early in the planning process so that both community impacts and benefits can be identified and evaluated.

12.9.5.12 Council may encourage fitting or retrofitting of energy efficiency provisions including an assessment of suitable solar orientation and design in all new building work and renovation work that increases the building net floor area by more than 20%.

12.9.5.13 Council may initiate, through the LTCCP process, amendments to its Rating Policies to provide for relief or postponement for community scale renewable energy developments.

12.9.5.14 Council may consider waiving fees, in full or in part, for resource consents for community scale renewable energy developments, particularly where that development supports remote or isolated communities,

12.9.5.15 Council may evaluate its own landholdings with a view to entering into joint venture renewable energy development which could benefit the Far North District community through improved security of supply and/or through income earned from the sale of electricity.

12.9.5.16 Council recognises the aspirations of Maori in electricity demand reduction and conservation targets and will advocate/lobby for achieving this through home energy audits, a community load analysis, installation of appropriate energy saving measures and creation of education opportunities at the community and household level. [The Waipoua Settlement development is an example of this approach.]

12.9.5.17 Council may assist Maori to identify relevant agencies / information holders for energy efficiency opportunities to improve cost savings and help Maori communities analyse options for renewable energy projects.

COMMENTARY

The mandate for renewable energy and energy efficiency is set out in s7 (ba) (i) and (j) of the Act and is addressed in the Northland Regional Policy Statement. Energy development or generation based on renewable resources can occur at either the domestic, community or utility scales. All of these are recognised and provided for in this section. Some renewable energy developments such as the growing of bio energy crops are already provided for in other sections of the Plan as farming and forestry are permitted activities (refer ***Section 12.2****). Facilities to convert the crops into usable energy are covered by this chapter.*

The principal reason for adopting the objectives, policies and methods is to enable individuals and communities to provide for their own energy needs through the adoption of appropriate energy efficiency and generation initiatives based on the abundant renewable energy resources of the District. The objectives, policies and methods also recognise that utility scale renewable energy developments have a role to play in securing a sustainable energy future for the District. Such developments are encouraged and supported by Council provided that they can be achieved in a way which recognises the special values of the District through avoiding, remedying or mitigating significant adverse effects on the environment and where there is demonstrated local community benefit. This is fundamental to achieving Central Government targets for energy efficiency and accessing the benefits to be derived from the use and development of renewable energy.

As a renewable energy resource typically needs to be harnessed in situ, Council considers that short term research or monitoring of the resource should be an easy process. As there is a range of other issues to be considered in identifying suitable sites, including access, transmission and natural hazards, there are a limited number of sites likely to be considered suitable for development at a utility scale. Where utility scale development is proposed Council considers that impacts on and possible benefits for the affected communities should be considered early in the planning process.

The allocation of some of the natural resources used for renewable energy production is the responsibility of Northland Regional Council (hydro, geothermal, tidal, wave and ocean current sources) As Council's own role is in respect of any structures or activities required to support the use of the

natural resource the triggers for resource consent are pitched to, as far as possible, provide an integrated approach to harnessing these natural resources.

Council has assessed the risks at a general level to the environment from the various scales of renewable energy use and electricity generation and has considered these against the risk of an "energy deficit" for people and communities of the District. Council has concluded that the objectives, policies and methods are appropriate to meet the requirements of both the community and Central Government in terms of s7(b), (ba), and (j) of the Act.

12.9.6 RULES

Activities affected by this section of the Plan must comply with the rules in this section, and where this section requires it, the relevant standards applying to the zone in which the activity is located (refer to ***Part 2 Environment Provisions***) and, where this section requires it, with other relevant standards in ***Part 3 – District Wide Provisions***. The rules in this Chapter take precedence over the rules in ***Part 2 Environment Provisions and Part 3 – District Wide Provisions.***

Particular attention is drawn to:

(a) ***Chapter 3 Definitions*** in ***Part 1***:

(b) ***Chapters 7-10*** in ***Part 2***;

(c) Other sections in ***Chapter 12 Natural and Physical Resources*** (and the ***District Plan Maps***);

(d) ***Chapter 13 Subdivision***;

(e) ***Chapter 14 Financial Contributions***;

(f) ***Section 15.1 Traffic, Parking and Access***;

(g) ***Chapter 17 Designations and Utility Services*** (and the ***Zone Maps***).

Where relevant, refer to other sections of the plan such as Part 2 – Environmental Provisions and other parts of Part 3 – District Wide Provisions as there may be other provisions that need to be considered.

Note: Attention is also drawn to any Regional Coastal and Water and Soil Plans for Northland currently in force. Consent may also be required in terms of the rules in this document.

12.9.6.1 PERMITTED ACTIVITIES

An activity is a permitted activity if it complies with the permitted activity standards set out in **Part 2** and **Part 3** of the Plan or set out in the rules for permitted activities provided for in ***Rules 12.9.6.1.1*** to ***12.9.6.1.5*** below.

The applicant will also need to ensure that the proposed activity complies with all permitted activity standards in the Regional Water and Soil Plan for Northland and/or the Regional Coastal Plan for Northland, if not a resource consent will be required from the Northland Regional Council.

12.9.6.1.1 DOMESTIC SCALE RENEWABLE ENERGY DEVICES

Any domestic scale renewable energy device mounted on a building is a permitted activity in any zone if:

(a) it is not on a Historic Building or Object listed in ***Appendix 1E*** or within a Heritage Precinct identified on the ***Zone Maps***; and

(b) it does not exceed the height limit for permitted activities in the zone in which it is located by more than 3m; and

(c) it complies with the relevant noise standards for permitted activities in the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***.

Any domestic scale renewable energy device mounted on a building which does not comply with one or more of these standards is a restricted discretionary activity.

12.9.6.1.2 IN-STREAM HYDRO OR OCEAN ENERGY INVESTIGATION AND ELECTRICITY GENERATION

The construction, operation and maintenance of in-stream hydro or ocean energy investigation and/or electricity generation facilities, including all related and ancillary structures and activities is a permitted activity if:

(a) it is in the Rural Production, General Coastal, Conservation, Rural Living or Coastal Living Zones; and

(b) any building, structure or impermeable surface within the setback required by ***Rule 12.7.6.1.1*** or ***Rule 12.7.6.1.2*** does not exceed a footprint of 25 m^2; and

(c) any building or structure does not exceed 3 m in height; and

(d) it is not in an existing esplanade reserve or strip or marginal strip or any Esplanade Priority Area identified on the ***Zone Maps***; and

(e) it is not on any unformed legal road; and

(f) all structures erected under this rule have a footprint of no more than 50m^2 in total; and

(g) it is not in an area identified on the ***Resource Maps*** as an Outstanding Landscape Feature, Outstanding Natural Feature, Archaeological Site, Historic Building, Site or Object, Site of Cultural Significance to Maori, or within a Heritage Precinct or a hazard area identified on the ***Coastal Hazard Maps*** or ***Flood Hazard Maps***; and

(h) operational noise of any structure complies with the relevant noise standard for the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(i) it complies with the other relevant standards for permitted activities set out in other sections of ***Chapter 12.***

Any activity that does not comply with one or more of the following standards is a restricted discretionary activity

- Rule 12.9.6.1.2(b) [water body setback] provided that it does not exceed this by more than 50%.
- Rule 12.9.6.1.2 (c) [height] provided that it does not exceed this by more than 50%.
- Rule 12.9.6.1.2(d) [location on an esplanade reserve or strip]
- Rule 12.9.6.1.2(e) [location on an unformed legal road]
- Rule 12.9.6.1.2 (f) [total footprint of all structures] provided that it does not exceed this by more than 50%.
- Rule 12.9.6.1.2(h) [noise]
- Rule 12.9.6.1.2(i) [other relevant standards in ***Chapter 12 – Natural and Physical Resources***]

Any activity which does not comply with any other standards in 12.9.6.1.2 or which exceeds 12.9.6.1.2(b), (c) or (f) by more than 50% is a discretionary activity.

Note: Attention is drawn to the fact that an activity may also be subject to any Iwi Treaty Settlement within the Far North District with regard to river and ocean generation.

12.9.6.1.3 INSTALLATION, ACCESS TO, MAINTENANCE, OPERATION AND UPGRADE OF TEMPORARY MONITORING MASTS

The installation, maintenance and operation of monitoring mast(s) and the provision of access to the mast location is a permitted activity if:

(a) it is in the General Coastal, Coastal Living, Rural Production, Rural Living or Conservation Zones; and

(b) the height of the mast does not exceed 80m; and

(c) no more than three masts are installed at any one time within a site; and

(d) the structure is setback at least a distance equal to the height of the mast from the boundary of any other site and subject to any guy wires being anchored outside the yard requirement along the boundary of the site; and

(e) the activity is not within an Outstanding Natural Feature or Outstanding Landscape Feature or an Outstanding Landscape listed in ***Appendices 1A*** and ***1B*** and shown on the ***Resource Maps***; and

(f) the activity is not within a Heritage Precinct, an Archaeological Site, Historic Building, Site or Object or Site of Cultural Significance to Maori listed in ***Appendices 1E***, ***1F*** and ***1G*** and shown on the ***Plan Maps***; and

(g) construction noise complies with the limits recommended in *NZS 6803:1999 Acoustics – Construction Noise*; and

(h) the activity complies with all other relevant rules for a permitted activity in ***Chapter 12***; and

(i) the structure is removed and the site returned to its pre installation state within 5 years of erection through the removal of all access tracks, structures and materials including any concrete pads associated with the monitoring programme, and

(j) Council is notified of:

(i) the location of the proposed mast site(s) 1 month prior to initial installation of the area to be monitored;

(ii) any subsequent relocation of any mast within the monitoring area; and

(iii) mast removal and site rehabilitation at the end of the five year monitoring period.

Note 1: Any use and development of land administered and managed by the Department of Conservation may require a concession from the Department of Conservation.

Note 2: A Notice of Determination from Civil Aviation Authority under Rule 77 of the Civil Aviation Rules may be required

Note 3: A Building Consent will be required.

Any activity which does not meet one or more of the above standards is a restricted discretionary activity Except that any activity which does not comply with 12.9.6.1.3(a) [zones] is a discretionary activity.

12.9.6.1.4 INSTALLATION, MAINTENANCE, OPERATION AND UPGRADE OF FREE STANDING RENEWABLE ENERGY DEVICES AND ASSOCIATED STRUCTURES EXCLUDING THOSE ASSOCIATED WITH IN-STREAM HYDRO OR OCEAN INVESTIGATION OR ELECTRICITY GENERATION

The installation, maintenance, operation and upgrade of free standing renewable energy devices supplying at least 50% of the energy produced to activities occurring within the site on which it is located, and including access and transmission, is a permitted activity if:

(a) it is in the Rural Production, Rural Living, General Coastal or Coastal Living Zone; and

(b) no structure, including any attachments or turbine blades, exceeds the permitted building height for the underlying zone plus 3m; and

(c) all structures occupy no more than a total of 50m^2 where the lot size is 3000m^2 or less, or 100m^2 where the lot size is greater than 3000m^2; and

(d) any structure is setback at least three times the height of the generating structure from the boundary of any other site and is not within the notional boundary of any other site; and

(e) the setback from a public road or above ground communication or electrical lines is at least three times the height of the generating structure or 20m, whichever is the greater distance; and

(f) the activity is not within an Outstanding Natural Feature or Outstanding Landscape Feature or an Outstanding Landscape listed in ***Appendices 1A*** and ***1B*** and identified on the ***Resource Maps***; and

(g) the activity is not within a Heritage Precinct, an Archaeological Site, Historic Building, Site or Object, Site of Cultural Significance to Maori listed in ***Appendices 1E***, ***1F*** and ***1G*** or shown on the ***Plan Maps***; and

(h) construction noise complies with the limits recommended in *NZS 6803:1999 Acoustics – Construction Noise* or any subsequent similar standard; and

(i) operational noise of any structure complies with the relevant noise standard for the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(j) the activity complies with all other relevant rules for a permitted activity in ***Chapter 12, - Natural and Physical Resources***; and

(k) for monitoring purposes the Council is to be notified at least 10 working days prior to the installation of the structure, or the upgrade of an existing structure setting out the nature and location of the activity.

Note 1: A Notice of Determination from Civil Aviation Authority under Rule 77 of the Civil Aviation Rules may be required.

Any activity which does not meet one or more of the following standards is a restricted discretionary activity:

- Rule 12.9.6.1.4(b) [height] provided that it does not exceed this standard by more than 50%
- Rule 12.9.6.1.4(c) [area coverage] provided that it does not exceed this standard by more than 50%.
- Rule 12.9.6.1.4(d) or (e) [setbacks]
- Rule 12.9.6.1.4(h) or (i) [noise]
- Rule 12.9.6.1.4(j) [relevant standards in ***Chapter 3 – Natural and Physical Resources***]

Any activity which does not comply with any other standards in 12.9.6.1.4 or which exceeds 12.9.6.1.4(b) or (c) by more than 50% is a discretionary activity.

12.9.6.1.5 CONSTRUCTION, OPERATION, MAINTENANCE AND UPGRADE OF COMMUNITY SCALE RENEWABLE ELECTRICITY GENERATION DEVICE(S) AND ASSOCIATED STRUCTURES

Construction, operation, maintenance and upgrade of community scale renewable electricity generation device(s), including supporting structures, access and transmission, is a permitted activity if:

(a) it is in the Rural Production Zone or General Coastal Zone; or

(b) it is in the Coastal Living, Rural Living or Waimate North Zones where it supports an Integrated Development Plan under ***Rules 8.7.5.4.2, 10.7.5.4.3*** or ***18.3.6.4.2***; or

(c) it is in the Coastal Living or Waimate North Zones where it supports a Management Plan under ***Rule 13.9.2;*** *and*

(d) installed electricity generation capacity does not exceed 1.5MW; and (e)(a)

(e) no less than 50% of the energy generated on site is used to supply capacity to the local network (within 10km from the site of generation); and

(f) no structure or device, including any attachments or turbine blades, exceeds the permitted building height for the underlying zone plus 3m;

(g) all devices and supporting structures attached to the land cover a total area of no more than 300m^2 (excluding any supporting wires) within the total community scale renewable energy development project, and

(h) any structure is setback at least three times the height of the generating device (including supporting structure) from the boundary of any other site and is not within the notional boundary of any other site; and

(i) the setback of any structure from a public road, or above ground communication or electrical lines is at least three times the height of the generating structure or 20m, whichever is the greater distance; and

(j) the activity is not within an Outstanding Natural Feature or Outstanding Landscape Feature or an Outstanding Landscape listed in ***Appendices 1A*** and ***1B*** and identified on the ***Resource Maps***; and

(k) the activity is not within a Heritage Precinct, an Archaeological Site, Historic Building, Site or Object, or Site of Cultural Significance to Maori listed in ***Appendices 1E***, ***1F*** and ***1G*** and shown on the ***Plan Maps***; and

(l) construction noise complies with the limits recommended in *NZS 6803:1999 Acoustics – Construction Noise*; and

(m) operational noise of any device complies with the relevant noise standard for the zone in which it is located, set out in ***Part 2 of the Plan - Environment Provisions***; and

(n) the activity complies with all other relevant rules for a permitted activity in ***Chapter 12 - Natural and Physical Resources.***

Note: A Notice of Determination from Civil Aviation Authority under Rule 77 of the Civil Aviation Rules may be required.

Any activity which does not meet one or more of the following standards is a restricted discretionary activity,

- Rule 12.9.6.1.5(d) [electricity generation capacity] provided that the installed electricity generation capacity does not exceed the generation capacity provided for in the National Policy Statement.
- Rule 12.9.6.1.5(f) [height]
- Rule 12.9.6.1.5(g) [area coverage]
- Rule 12.9.6.1.5(h) or (i) [setbacks]
- Rule 12.9.6.1.3(j) [outstanding natural features an landscapes]
- Rule 12.9.6.1.5(k) [significant sites and objects].
- Rule 12.9.6.1.5(l) or (m) [noise].
- Rule 12.9.6.1.5(n) [relevant standards in ***Chapter 12 – Natural and Physical Resources***].

Any activity which does not comply with any other standards in 12.9.6.1.5 is a discretionary activity.

Note: For monitoring purposes Council will be advised at least 1 month prior to the installation of the structures, or the upgrade of an existing structure setting out the nature and location of the activity, details of ownership and management responsibilities and the community of interest or catchment to be served by the structures.

12.9.6.2 RESTRICTED DISCRETIONARY ACTIVITIES

An activity is a restricted discretionary activity if:

(a) it does not comply with any one of the following ***Rules 12.9.6.1.1 Domestic Scale Renewable Energy Devices; 12.9.6.1.2 Erection and Operation of Structures Related to In-Stream Hydro or Ocean Energy Investigation or Electricity Generation***; ***12.9.6.1.3 Installation, Access to, Maintenance, Operation and Upgrade of Temporary Monitoring Masts***; ***12.9.6.1.4 Installation, Maintenance, Operation and Upgrade of Free Standing Renewable Energy Devices And Associated Structures***; ***12.9.6.1.5 Construction, Operation, Maintenance and Upgrade of Community Scale Renewable Electricity Generation Devices(s) and Associated Structures*;** but

(b) it is one of the activities which the Council has restricted its discretion in accordance with ***Rules 12.9.6.2.1 to 12.9.6.2.5*** below.

Except that in assessing an application for a restricted discretionary activity in the General Coastal or Coastal Living Zone Council will also restrict the exercise of its discretion to the matters set out in the relevant ***Visual Amenity rules 10.6.5.1.1 and 10.7.5.1.1***.

The Council may approve or refuse an application for a restricted discretionary activity, and it may impose conditions on any consent.

In assessing an application for a restricted discretionary activity, the Council will restrict the exercise of its discretion to the specific matters listed for each rule below, or where there is no rule, to the specific matters listed below under the appropriate heading.

The applicant will also need to ensure that the proposed activity complies with all permitted activity standards in the Regional Water and Soil Plan for Northland and/or the Regional Coastal Plan for Northland, if not a resource consent will be required from the Northland Regional Council.

12.9.6.2.1 DOMESTIC SCALE RENEWABLE ENERGY DEVICE(S)

In assessing a breach of ***Rule 12.9.6.1.1*** the Council will restrict the exercise of its discretion over the following matters:

(a) the extent to which the adjacent properties will be adversely affected in terms of visual domination, overshadowing, loss of privacy and loss of access to sunlight and daylight, and the ability to mitigate any adverse effects; and

(b) the character, level and duration of noise as received at the boundary, or notional boundary of another site; and

(c) the extent to which the device may adversely affect the heritage values for the Historic Building or Object, or Heritage Precinct as identified in the Plan.

12.9.6.2.2 IN-STREAM HYDRO OR OCEAN ENERGY INVESTIGATION OR ELECTRICITY GENERATION

(a) In assessing a breach of the standards in ***Rule 12.9.6.1.2(b), (c), (d), (e), (f), (h)or (i)*** the Council will restrict the exercise of its discretion over the following matters:

(b) In considering a breach of 12.9.6.1.2(c) or (f) Council will consider any adverse effects resulting from the increase in the scale of the structure(s) [height, site coverage, bulk etc], including effects on the natural character of the coastal environment; and

(c) In considering a breach of 12.9.6.1.2(b) Council will consider the relevant assessment criteria of ***Rule 12.7.7 (a) – (k)*** [Assessment Criteria – Lakes, Rivers, Wetlands and the Coast]; and

(d) In considering a breach of 12.9.6.1.2(d) Council will consider the effect on the values and purpose for which the esplanade area is held; and

(e) In considering a breach of 12.9 6.1.2(e) Council will consider the effect on any existing or proposed public use of the unformed public road.

(f) In considering a breach of 12.9.6.1.2(h) Council will consider the following:

  (i) the character, level, duration of noise received at the boundary or notional boundary of another site;

  (ii) the hours of operation;

  (iii) the effectiveness of noise mitigation proposed.

(g) In considering a breach of 12.9.6.1.2(i) Council will consider the relevant Restricted Discretionary Activity standards set out in ***Chapter 12 – Natural and Physical Resources.***

Note: Attention is drawn to the fact that an activity may also be subject to any Iwi Treaty Settlement within the Far North District with regard to river and ocean generation.

12.9.6.2.3 INSTALLATION, ACCESS TO, MAINTENANCE, OPERATION AND UPGRADE OF TEMPORARY MONITORING MASTS

In assessing a breach of the standards in ***Rule 12.9.6.1.3*** the Council will restrict the exercise of its discretion over the following matters:

(a) In considering a breach of 12.9.6.1.3(b) or (c) Council will consider any adverse effects resulting from the increase in the scale of the proposed activity including any supporting ancillary structures, [height, site coverage, number of masts etc] including any effects on the natural character of the coastal environment, and

(b) In considering a breach of 12.9.6.1.3(d) Council will consider the effects on neighbouring properties and existing structures; and
NOTE: *Views from neighbouring properties cannot be taken into account. For further information refer to Operative plan \| Far North District Council.*

(c) In considering a breach of 12.9.6.1.3(e) Council will consider the effects on Outstanding Natural Features, Outstanding Landscape Features or Outstanding Landscapes listed in ***Appendices 1A and 1B*** and identified on the ***Resource Maps*****;** and

(d) In considering a breach of 12.9.6.1.3(f) Council will consider the effects on any Heritage Precinct, Archaeological Site, Historic Building, Site or Object, or Site of Cultural Significance to Maori listed in ***Appendices 1E, 1F and 1G*** and shown on the ***Resource Maps*****;** and

(e) In considering a breach of 12.9.6.1.3(g) Council will consider the character, level and duration of noise received at the boundary or notional boundary of another site; and

(f) In considering a breach of 12.9.6.1.3(h) Council will consider the relevant Restricted Discretionary Activity Standards set out in ***Chapter 12 – Natural and Physical Resources***, including:

(i) the nature and scale of indigenous vegetation and revegetation proposed;

(ii) the nature and scale of soil disturbance and earthworks proposed; and

(iii) the duration of the activity and any plans for removal.

(g) Council will consider the extent to which any adverse effects can be avoided or mitigated by the following:

(i) alternative siting of the mast(s) and ancillary structure(s); and

(ii) alternative design of the mast(s) and ancillary structure(s); and

(iii) alternative colour of the mast(s) and ancillary structure(s).

Any activity which does not comply with ***Rule 12.9.6.1.3(a)*** [zones] is a discretionary activity.

Note: A Notice of Determination from Civil Aviation Authority under Rule 77 of the Civil Aviation Rules may be required.

12.9.6.2.4 INSTALLATION, MAINTENANCE, OPERATION AND UPGRADE OF FREE STANDING RENEWABLE ENERGY DEVICES AND ASSOCIATED STRUCTURES

In assessing a breach of ***Rule 12.9.6.1.4*** the Council will restrict the exercise of its discretion over the following matters:

(a) In considering a breach of (b) or (c) Council will consider any adverse effects resulting from the increase in the scale of the proposed activity, including any effects on the natural character of the coastal environment; and

(b) In considering a breach of 12.9.6.1.4(d) or (e) Council will consider the effects on neighbouring properties, existing structures, facilities or public roads, including shadow flicker and glare; and
NOTE*: Views from neighbouring properties cannot be taken into account. For further information refer to Operative plan | Far North District Council.*

(c) In considering a breach of 12.9.6.1.4(h) or (i) Council will consider the character, level and duration of noise received at the boundary or notional boundary of another site; and

(d) In considering a breach of 12.9.6.1.4(j) Council will consider the relevant Restricted Discretionary Activity Standards set out in ***Chapter 12 – Natural and Physical Resources;*** and

(e) Council will consider the extent to which any adverse effects can be avoided or mitigated by the following:

(i) alternative siting of the structure(s) including any ancillary structure(s); and

(ii) alternative design of the structure(s) including any ancillary structure(s); and

(iii) alternative colour of the structure(s) including any ancillary structure(s).

Note: A Notice of Determination from Civil Aviation Authority under Rule 77 of the Civil Aviation Rules may be required.

12.9.6.2.5 CONSTRUCTION, OPERATION, MAINTENANCE AND UPGRADE OF COMMUNITY SCALE RENEWABLE ELECTRICITY GENERATION DEVICES AND ASSOCIATED STRUCTURES

In assessing an application for a breach of ***Rule 12.9.6.1.5(d), (f), (g), (h), (i), (j), (k), (l), (m) or (n)*** the Council will restrict the exercise of its discretion over the following relevant matters:

(a) In considering a breach of 12.9.6.1.5(d), (f) or (g) Council will consider any adverse effects resulting from the increase in the scale of the proposed activity including any effect on the natural character of the coastal environment; and

(b) In considering a breach of 12.9.6.1.5(h) or (i) Council will consider the effects on neighbouring properties, existing structures, facilities or public roads, including shadow flicker and glare; and
***NOTE**: Views from neighbouring properties cannot be taken into account. For further information refer to Operative plan | Far North District Council.*

(c) In considering a breach of 12.9.6.1.5(j) Council will consider the effects on Outstanding Natural Features, Outstanding Landscape Features or Outstanding Landscapes listed in ***Appendices 1A*** and ***1B*** and identified on the ***Resource Maps***; and

(d) In considering a breach of 12.9.6.1.5(k) Council will consider the effects on any Heritage Precinct, Archaeological Site, Historic Building, Site or Object, or Site of Cultural Significance to Maori listed in ***Appendices 1E***, ***1F*** and ***1G*** and shown on the ***Plan Maps***; and

(e) In considering a breach of 12.9.6.1.2(l) or (m) Council will consider the character, level and duration of noise received at the boundary or notional boundary of another site; and

(f) In considering a breach of Rule 12.9.6.1.5(n) Council will consider the relevant Restricted Discretionary Activity standards set out in ***Chapter 12 – Natural and Physical Resources***; and

(g) Council will also consider the effects on migratory birds using any identified and scientifically established flight path.

(h) Council will consider the extent to which any adverse effects can be avoided or mitigated by the following:

(i) alternative siting of the structure(s) including any ancillary structure(s); and

(ii) alternative design of the structure(s) including any ancillary structure(s); and

(iii) alternative colour of the structure(s) including any ancillary structure(s).

Note: A Notice of Determination from Civil Aviation Authority under Rule 77 of the Civil Aviation Rules may be required.

12.9.6.3 DISCRETIONARY ACTIVITIES

An activity related to the use and development of renewable energy is a discretionary activity if:

(a) it complies with ***Rules 12.9.6.3.1 Any Wind Energy Facility (Wind Farm)*** and/or ***12.9.6.3.2 Any Other Renewable Energy Generation Activity*** below;

(b) it does not comply with one or more of the other standards for permitted or restricted discretionary activities as set out under ***Rules 12.9.6.1*** and ***12.9.6.2*** above.

The Council may impose conditions of consent on a discretionary activity or it may refuse consent to the application. When considering a discretionary activity application, the Council may take into account any matter considered relevant. As a guide to applicants Council may have regard to the following matters:

(i) the matters set out in s104 and Part 2 of the Act; and

(ii) the objectives and policies for the underlying zone; and

(iii) the assessment criteria set out under ***Chapter 11***.

(iv) the assessment criteria set out under ***Part 3 of the Plan - District Wide Provisions***

The Council may impose, as a condition of consent to any application that a bond be paid, to be refunded when the Council is satisfied that the conditions attached to that consent have been complied with (refer ***4.3.4 Bonds***).

Note: Where mitigation is proposed which involves protection or enhancement of any feature or item listed in ***Appendices 1A***, ***1B***, ***1E*** or ***1F*** and identified on the ***Plan Maps*** the Council will require that a covenant or other legal instrument be registered against the Certificate of Title to record the commitment to protection, re-vegetation, or enhancement.

12.9.6.3.1 ANY WIND ENERGY FACILITY (WIND FARM)

Construction, maintenance, operation and upgrade of any wind energy facility (wind farm), including transmission to the national grid or local distribution network, is a discretionary activity.

12.9.6.3.2 ANY OTHER RENEWABLE ELECTRICITY GENERATION OR RENEWABLE ENERGY DEVELOPMENT AND USE ACTIVITY

The construction, operation and maintenance of any other renewable electricity generation or renewable energy use and development activity not meeting the standards for permitted or restricted discretionary activities as set out under ***Rules 12.9.6.1*** and ***12.9.6.2*** or any activity not otherwise provided for elsewhere in the plan is a discretionary activity.