

4 May 2026

Kaipara District Council
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Via email: districtplanreview@kaipara.govt.nz

Attention: Hearings Panel

Proposed Kaipara District Plan (Hearing Stream 12 – Public Access)

1. The New Zealand Defence Force (NZDF) (submitter 284) has reviewed the section 42A Report for Hearing Stream 12 – Public Access and determined that it will not attend this hearing, but requests that this letter be tabled with the Hearings Panel.
2. It is important that the Proposed Kaipara District Plan recognises and provides for temporary military training activities (TMTA) which are undertaken by NZDF as part of meeting statutory Defence purposes under section 5 of the Defence Act 1990, and NZDF is pleased that it does so.
3. At times, TMTA may require temporary restriction of public access for health and safety reasons or where public access could conflict with TMTA. In its submission, NZDF seeks that the policy framework in the Public Access chapter specifically provide for public access restrictions where appropriate (submission point 284.20), and considers this could be achieved through an amendment to the wording of PA-P1 or the addition of a new policy.
4. The section 42A report recommends accepting NZDF's submission in part and including a new policy (PA-P4) to clarify when public access to, along or adjacent to the coastal marine area (CMA) can be restricted. The proposed policy appropriately includes restrictions for health and safety reasons and where access would conflict with Defence activities/TMTA.
5. NZDF generally supports the recommendations made by the Reporting Officer. NZDF recognises the wording of PA-P4 as recommended in the section 42A report is as per Policy 19(3) of the New Zealand Coastal Policy Statement (NZCPS). However, to better fit the context of the policy in the District Plan, NZDF requests an amendment to the wording to clarify the application of the policy, as Council would not necessarily be the party imposing restrictions for Defence purposes (or for other listed activities such as temporary activities or events or for the purposes of a resource consent). Rather, the District Plan should enable NZDF to restrict public access where necessary.
6. NZDF included suggested wording in its submission to reflect that intent (or wording to similar effect and any necessary further alternative consequential relief as necessary to

give effect to its submission). However, NZDF seeks further amendments to the wording to better give effect to its submission and to remove the suggestion of an additional Council approval process or the need for a mechanism to restrict public access. NZDF considers these amendments meet the intent of the relevant policy in the NZCPS while being more specific to the District Plan context.

7. The amendments to PA-P4 NZDF seeks are as follows (additions are underlined in bold, deletions shown as strikethrough):

PA-P4 Restriction of public access

*Only ~~impose a restriction~~ **restrict** ~~on~~ public walking access to, along or adjacent to the coastal marine area and waterbodies where such a restriction is necessary to:*

- 1. Protect threatened indigenous species; or*
- 2. Protect dunes, estuaries and other sensitive natural areas or habitats; or*
- 3. Protect sites and activities of cultural value to Māori; or*
- 4. Protect historic heritage; or*
- 5. Protect public health or safety; or*
- 6. Avoid or reduce conflict between public uses of the coastal marine area and its margins; or*
- 7. For temporary activities or special events; or*
- 8. For defence purposes in accordance with the Defence Act 1990; or*
- 9. Ensure a level of security consistent with the purpose of a resource consent; or*
- 10. In other exceptional circumstances sufficient to justify the restriction.*

*Before **restricting public access** ~~imposing any restriction for the purposes~~ listed above, consider and where practicable provide for alternative routes that are available to the public free of charge at all times.*

If the Hearings Panel considers it useful for NZDF to appear before the Panel to explain or answer any questions on the matters above, it would be happy to do so.

Yours faithfully,



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