

BEFORE THE HEARING PANEL

Under **The Resource Management Act 1991**

And

In the matter of **The Proposed Kaipara District Plan, Ecosystems
and Indigenous Biodiversity chapter**

By Kaipara District Council

**Statement of Rebuttal Evidence of Ronan Matthew Whitelock (Planning)
on behalf of the Director-General of Conservation / Tumuaki Ahurei**

Submitter Number: 304

Dated: 28 May 2026

Counsel for the Director-General of Conservation

Department of Conservation *Te Papa Atawhai*

Lisa Sutherland
Senior Solicitor *Rōia Mātāmua*
P O Box 842
Raumaunga
Whangārei 0140
Phone *waea*: 027 275 0826
Email *īmera*: lsutherland@doc.govt.nz

Ellieda Komene
Solicitor *Rōia*
Private Bag 3072
Hamilton 3240
Phone *waea*: 027 210 9704
Email *īmera*: ekomene@doc.govt.nz

Introduction

1. My full name is Ronan Matthew Whitelock.
2. My qualifications and experience are set out in paragraphs 3–7 of my primary evidence dated 22 May 2026.
3. I reconfirm that I have read and am familiar with the Code of Conduct for expert witnesses as contained in clause 9 of the Environment Court's Practice Note 2023 and I have complied with the code when preparing this written statement of rebuttal evidence.

Scope

4. In this statement of rebuttal evidence, I cover the following topics in relation to the evidence of Mr David Badham (Mr Badham) for Northpower Limited and Northpower Fibre Limited¹, the evidence of Mr Geoffrey England (Mr England) for Atlas Quarries Limited²:
 - Infrastructure provisions (Mr Badham); and
 - Quarrying and mineral extraction provisions (Mr England).

Infrastructure provisions (Evidence of Mr Badham)

5. The evidence of Mr Badham recommends the inclusion of two new objectives, two new policies, an amendment to Policy ECO-P3, and an amendment to Rule ECO-R1 to give effect to the National Policy Statement for Infrastructure 2025 (NPS-I). I am not opposed to the implementation of these provisions, as this gives effect to s75(3) of the Resource Management Act 1991 (RMA).
6. In addition, I note Mr Badham states that the Ecosystems and Indigenous Biodiversity (EIB) chapter requires an integrated approach between

¹ Primary Evidence of David Badham, Ecosystems and Indigenous Biodiversity chapter, 22 May 2026.

² Primary Evidence of Geoffrey England, Ecosystems and Indigenous Biodiversity chapter, 21 May 2026.

Whitelock Evidence, 28 May 2026, Rebuttal Evidence on Proposed Kaipara District Plan, Ecosystems and Indigenous Biodiversity chapter.

enabling infrastructure under the NPS-I and protecting indigenous biodiversity under the National Policy Statement for Indigenous Biodiversity 2023 (as amended 2025) (NPS-IB)³. I consider this illustrates a strong level of alignment between submitters on how the EIB chapter should give effect to national direction, particularly the implementation of the NPS-IB provisions.

7. To assist the Panel, I consider there are some minor amendments required to ensure the effects management language within the chapter is succinct and consistent. The effects management language set out in Mr Badham's recommendations uses the "avoid, remedy or mitigate" framework, whereas the language used in my recommended amendments follow the effects management hierarchy in the NPS-IB, i.e. "avoid, minimise remedy, offset, or compensate". I consider this approach will most appropriately implement clauses 3.10, 3.11, and 3.16 of the NPS-IB.
8. My recommended amendments are set out below (orange text):

ECO-PX New Policy

Provide for the establishment of new infrastructure within areas of significant indigenous vegetation and significant habitats of indigenous fauna, where the following apply:

1. There is a functional need or operational need for its establishment;
2. There is no practicable alternative; and
3. The significant adverse effects are avoided, and any other adverse effects on significant indigenous vegetation and significant habitats of fauna are managed through the effects management hierarchy.

ECO-PX New Policy

Provide for the operation, maintenance, upgrading and repair of existing infrastructure within areas of significant indigenous vegetation and significant habitats of indigenous fauna in accordance with the effects management hierarchy. in a manner that avoids, remedies or mitigates adverse effects on the values of these areas.

Quarry and mineral extraction provisions (Evidence of Mr England)

³ Primary Evidence of David Badham, Ecosystems and Indigenous Biodiversity chapter, 22 May 2026, paras [4.3-4.4].
Whitelock Evidence, 28 May 2026, Rebuttal Evidence on Proposed Kaipara District Plan, Ecosystems and Indigenous Biodiversity chapter.

4. Mr England's evidence recommends the inclusion of a specific quarry zone, map overlays and a Minerals Chapter that provides for all quarrying activities within a single chapter, overriding other provisions in respect of quarrying activities. It also recommends provisions within the EIB chapter provide for indigenous vegetation clearance and land disturbance for regionally significant mineral resources⁴.
9. My preferred approach would be for the plan to map areas of mineral extraction and provide a minerals specific chapter with bespoke objectives, policies and rules. I note this approach has been adopted in other District Plans⁵.
10. The Northland Regional Policy Statement 2016 (RPS) provides direction in Method 5.1.5, which requires district councils to show regionally significant mineral resources on district plan maps in accordance with Policy 5.1.4. A mineral chapter could then be included under the 'area-specific-matters' section, with specific provisions for those mapped areas.
11. In relation to the inclusion of a mineral resource specific rule in the EIB chapter, I do not consider this appropriate, as it would create an inconsistent approach to enabling activities within this chapter compared to other activities, such as mining.
12. Importantly, there is no national direction which requires district plans to implement bespoke provisions for mineral resource activity. In comparison with other activities provided for in the plan, such as infrastructure associated for electricity networks or renewable electricity generation. These provisions are subject to national direction, specifically, the National Policy Statement for Electricity Networks 2008 (Amended December 2025), and the National Policy Statement for Renewable Electricity Generation 2011 (Amended December 2025).

⁴ Primary Evidence of Geoffrey England, Ecosystems and Indigenous Biodiversity chapter, 21 May 2026, para [6.1 and 6.3].

⁵ Proposed Waitaki District Plan – Area Specific Matters – Zones - Special Purpose Zone MacRae's Mining Zone, Te Tai o Poutini Plan – Part 3 – Area-Specific-Matters – Zones – Special Purpose Zones – Mineral Extraction Zone. Whitelock Evidence, 28 May 2026, Rebuttal Evidence on Proposed Kaipara District Plan, Ecosystems and Indigenous Biodiversity chapter.

13. Therefore, I consider the inclusion of a mineral chapter with corresponding district plan map overlays the most appropriate pathway for the plan from a planning perspective.
14. Regardless of the approach taken by the Panel, my primary recommendation is the effects associated with these activities on ecosystems and indigenous biodiversity will need to be managed in accordance with the provisions of the NPS-IB and RPS. Further, if a mineral chapter were to be included in the plan, cross-references in the overview section to the EIB chapter would be required to ensure adverse effects of mineral extraction on indigenous biodiversity are appropriately managed.



Ronan Matthew Whitelock

DATED this 28th day of May 2026