

17 February 2026

Meagan Walters
Hearings Administrator
Private Bag 1001, Dargaville, 0340
mwalters@kaipara.govt.nz

Tēnā koe Meagan,

WITHDRAWAL OF RIGHT TO BE HEARD IN RESPECT OF KAIPARA DISTRICT PLAN – HEARING 7 – PART 2 – DISTRICT-WIDE-MATTERS / HAZARDS AND RISKS / CONTAMINATED LAND

The submission by the Director-General of Conservation (DG, submission no: 304), dated 30 June 2025, included submission points on the Contaminated Land (CL) chapter of the Proposed Kaipara District Plan (PDP).

This letter provides the DG's position in response to the s42a Reports that were released on 21 January 2026.

The DG provided submission points on policies of the chapter including:

- CL-P2 (submission no: 304.58) – seeking to ensure earthworks do not have the potential to create adverse effects associated with kauri dieback.
- CL-P3 (submission no: 304.59) – seeking to ensure effects of kauri dieback are avoided, remedied, or mitigated using the rules in the National PA Pest Management Plan¹.

The s42A report recommends rejection of these submission points within the CL chapter. The reasons for this include²:

113. I acknowledge and support the efforts to reduce the effects of kauri dieback. Soil that may be affected by kauri dieback is not recorded under the HAIL list or on the SLUR, therefore there is no corresponding mechanism to identify kauri dieback areas as contaminated land. The contaminated land provisions only activate when land is known or suspected to be contaminated, and without a corresponding kauri dieback record for specific sites on the HAIL list or SLUR, Council could not reliably enforce this. The risk associated with kauri dieback arises whenever earth is moved, universally across the district.

114. I note Director-General of Conservation [304.122] has included a request for provisions to be included in the earthworks chapter. I consider this is a more appropriate approach and that the reporting planner consider the submission point via the s42A for the earthworks chapter.

¹ [Biosecurity \(National PA Pest Management Plan\) Order 2022 \(SL 2022/208\) \(as at 23 December 2023\) Contents – New Zealand Legislation](#)

² Section 42A Report – Contaminated Land, 21 January 2026, page 21, para [113-114]

In response to the s42A officer, it is agreed that there is no corresponding mechanism to identify kauri dieback as contaminated land, as the criteria for HAIL are clear and require detailed assessment by a contaminated land specialist. Further, the chapter is set up to require assessment of its provisions when consent is required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES-CS).

In relation to para [114] of the s42A Report, the DG concurs that kauri dieback is best addressed in the Earthworks chapter, as its application would be applied more generally and effectively.

The DG also provided a further submission point on submission 311.20, which sought to join policies CL-P2 and CLP3. The s42A officer confirms that joining these policies would narrow the scope, reduce clarity, undermine statutory and best-practice requirements, and fail to meet the council's RMA s31(1)(b) function. The DG endorses this recommendation.

For completeness, the DG's submission on this chapter stands for the panel's consideration; however, it is considered that there is nothing further the DG would add by appearing at the hearing. As such, the DG does not wish to be heard at Hearing 7, but requests that this letter be made available to the Hearing Panel. Additionally, if it would please the Panel Chair, the DG via the personnel below, will be available to answer any questions the Panel may have in relation to the DG's submission and further submission points.

Thank you for considering these comments. Please contact Ronan Whitelock (Resource Management Planner, rwhitelock@doc.govt.nz) or Lisa Sutherland (Legal Counsel, lsutherland@doc.govt.nz) if you wish to discuss any of the matters raised in this letter.

Nāku noa, nā



Trevor Ellis
RM Regulatory Delivery Manager
Department of Conservation
Te Papa Atawhai