

29 January 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 3 – PART 1 INTRODUCTION AND GENERAL PROVISIONS (EXCLUDING DEFINITIONS, ABBREVIATIONS, AND GLOSSARY) & HEARING 4 – TEMPORARY ACTIVITIES

The submission by the Director-General of Conservation (DG, submission no: 304), dated 30 June 2025, included a submission point on the introduction and general provisions, and the Temporary Activities Chapter (TA) of the Proposed Kaipara District Plan (PDP).

This letter provides the DG's position in response to the s42a Reports that were released on 15 January 2026. For clarity, each hearing topic is separated with its own heading below.

Hearing 3 – Part 1 Introduction and General Provisions (excluding Definitions, Abbreviations, and Glossary):

The DG provided a submission in relation to the statutory context section of the PDP (submission point: 304.1), particularly to record that the report prepared by Wildland's was considered in the development of the PDP. Further, the areas identified through the Wildland's report are used as a useful guide in the PDP to recognise and provide for section 6(c) of the RMA.

The s42A officer confirms that Council has not given effect to the provisions of the National Policy Statement on Indigenous Biodiversity (NPS-IB) within the PDP, given the requirement to map Significant Natural Areas (SNAs) has been suspended until October 2027. As such, the officer also confirms that, if SNAs are recommended for inclusion in the PDP through the consideration of submissions, the s42A officer will revisit their recommendation¹. On this basis, it is considered appropriate for this to be addressed in the Ecosystems and Indigenous Biodiversity Chapter hearing scheduled later this year.

¹ Section 42A Report – Part 1 Introduction and general provisions (excluding Definitions, Abbreviations and Glossary), dated 15 January 2026, para [41].

The further submission by the DG supported introductory amendments sought by the Royal Forest & Bird Society (F&B), so the PDP recognises the natural values found in the district.

The s42A officer recommends that this recognition would be more appropriately located in the description of the district section, which currently does not provide recognition to the district's natural values. The DG considers this recommendation appropriate, and supports the proposed wording provided in Appendix B of the s42a Report².

Hearing 4 – Temporary Activities

Within the Temporary Activities (TA) chapter, the DG provided a submission point regarding the management of effects from TA on indigenous vegetation or fauna.

The relevant submission point includes:

- Inserting a new clause into TEMP-O2 for managing effects on ecological values including indigenous vegetation or fauna (submission point: 304.117).

The above submission point has been rejected by the S42a officer, for the following reasons:

- The impacts of TA are generally not permanent, as sites are required to be returned to their previous condition once the TA is complete³.
- While there is potential for some consequential damage to indigenous vegetation resulting from TA, the TEMP rules do not exempt TA from the need to comply with other relevant Part 2 – District Wide rules e.g. vegetation clearance and land disturbance rules in the Ecosystems and Indigenous Biodiversity Chapter⁴.

In response to the s42A officer, it is agreed that the TEMP rules do not exempt TA from the need to comply with the controls within the Ecosystems and Indigenous Biodiversity Chapter. Notwithstanding this, as notified, the Ecosystems and Indigenous Biodiversity Chapter does not provide specific controls for managing the effects of TA. The DG considers that the chapter should include provisions to ensure the effects on indigenous biodiversity are appropriately managed, and this matter can be addressed at the Hearing for the Ecosystems and Indigenous Biodiversity Chapter.

For completeness the DG's submission on this chapter stands for the panel's consideration, however it is considered there is nothing additional DoC would add by speaking at the hearing. As such, the DG does not wish to be heard at Hearings 3 & 4, but requests this letter be made available to the panel. Additionally, if it would please the panel chair, DoC will be available to any questions the panel may have in relation to the DG's submission points.

² Appendix B: Officer's Recommended Amendments to Description of the District

³ Section 42A Report – Temporary Activities, dated 15 January 2026, para [30]

⁴ Section 42A Report – Temporary Activities, dated 15 January 2026, para [30(c)]

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