



Submission on Proposed Kaipara District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Kaipara District Council - District Plan Review

Date received: 30/04/2025

Submission Reference Number #:4

This is a submission on the following proposed plan (the **proposal**): Proposed Kaipara District Plan

Submitter:

Mina Henare Henare

Contact person and address for service:

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Attachments:

Submission to Kaipara District Council - Supporting Document.docx

Before and After Photos - 99 Komiti Road.pdf

High Tide 2017 99 Komiti Road.jpg

30.12.2024 Photo of site 99 Komiti.jpg

I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- No

If you have answered yes to the above question, are you directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- Yes

Submission points

Point 4.1

Address:

99 Komiti Road, Tinopai

Mapping layer:

Coastal Environment, High Natural Character Areas

Submission:

The subject property, known as Lot 21 DP 12065 (CT 665/60), sits entirely within the Puapua Creek estuary system and falls below the mean high tide mark in parts. It has historically been a tidal wetland and is acknowledged in public records, local knowledge, and mapping as part of the Komiti Road Recreation Reserve system.

We request that Kaipara District Council initiate a plan change under the Resource Management Act 1991 to rezone this property as Natural Open Space for the following reasons:

a. Environmental Sensitivity

- The property is subject to tidal inundation and is unsuitable for onsite wastewater disposal, creating risks of contamination into the Kaipara Moana.
- An eDNA assessment of Puapua Creek undertaken in 2024 revealed high biodiversity values, including species such as inanga, shortfin eel, and threatened bird species including the Australasian bittern and Banded Rail.
- Policy 11 and Policy 13 of the NZCPS direct territorial authorities to avoid adverse effects on indigenous biodiversity and preserve natural character in coastal areas.

b. Climate and Coastal Hazards

- The site is at risk of sea level rise and flooding due to climate change. Policy 25 of the NZCPS explicitly discourages development in areas exposed to coastal hazard risk over a 100-year timeframe.
- Natural defences such as wetlands should be protected and restored as per Policy 26 of the NZCPS.

c. Cultural Significance and Treaty Obligations

- This land is of cultural and spiritual significance to mana whenua, and lies within the Marine and Coastal Area. Under the MACA Act and Policy 2 of the NZCPS, tangata whenua rights and interests must be recognised and provided for.
- Development of this land without recognition of mana whenua's role as kaitiaki is a breach of tino rangatiratanga and mana tuku iho rights.

d. Proximity to Significant Ecological and Bird Areas

The site lies immediately adjacent to areas classified as:

- Significant Bird Area – Critical Bird Habitat (including habitat for the Australasian Bittern),
- Significant Ecological Area within the North Kaipara Harbour region, and
- High Natural Character zone, which spans much of the North Kaipara Harbour.

These designations trigger the applicability of Policy D.2.20 of the PRP, which requires a precautionary approach to managing the effects of development where adverse effects on the coastal environment and significant biodiversity are uncertain or potentially significant.

e. Biodiversity and Indigenous Habitat Protection

Under Policy D.2.18, development must avoid adverse effects on threatened species and significant ecological values. The presence of inanga, shortfin eel, and coastal wetland species identified through eDNA testing, and community knowledge of threatened birdlife, reinforce the ecological sensitivity of this site.

f. Coastal Hazards Risk

NRC hazard maps confirm that 99 Komiti Road is within:

- Coast Flood Hazard Zones 0 and 1 (including projections over 50 years),
- The Tsunami Inundation Zone.

These designations highlight the unsuitability of the site for residential development under Policy 25 of the New Zealand Coastal Policy Statement (NZCPS), and controlled activity rules under the PRP such as C.8.3.3 which apply to earthworks in flood hazard zones.

g. Wetlands and Water Quality

Activities on the site risk impacting natural wetlands, with potential breaches of Rules C.2.3 and C.2.2.4 of the PRP, relating to disturbance and contamination of wetland areas. Earthworks and stormwater discharge on such a site are not permitted without strict compliance and may trigger discretionary consent requirements.

h. Inconsistency with the Marine and Coastal Area (Takutai Moana) Act 2011

Under sections 22 and 23 of the MACA Act, land within the common marine and coastal area should not be held in private title. Given evidence that the property sits below the mean high water mark, the legal basis of private ownership and any development rights must be reviewed and, where necessary, rectified.

i. Visual, Cultural and Natural Character Impacts

Policy F.1.12 of the PRP directs protection of areas with High Natural Character and values of significance to tangata whenua. Any development on this site risks compromising the natural character, scenic values, and mana whenua relationships with the whenua and moana.

j. Legal and Planning Anomalies

- There are no known records of how Lot 21 was subdivided into private title despite its recreational and coastal context.
- KDC's own engineers previously advised that significant volumes of soil would be required to stabilise the land for development, indicating its unsuitability for residential use.
- It is part of a cluster of sites (including Lots 20, 22 and 12) which logically form part of the wider Komiti Road Reserve and wetland system.

Relief sought:

That Kaipara District Council:

1. Initiate a plan change to rezone 99 Komiti Road, Tinopai (Lot 21 DP 12065) from Residential to Natural Open Space;
2. Commission an independent ecological and cultural values assessment to inform the zoning review;
3. Investigate the original subdivision and title history of Lot 21 in relation to the adjacent Komiti Road Recreation Reserve;
4. Formally recognise the area as a site of ecological, cultural, and recreational significance;
5. Place a moratorium on any further development or subdivision until this zoning review is complete.

In addition to the zoning change requested, we ask that Kaipara District Council:

Place an immediate restriction on all development activities at 99 Komiti Road pending further legal and ecological review;

I. Work with Northland Regional Council to reassess the site under the PRP and apply appropriate restrictions to align with regional coastal and biodiversity policies;

II. Consult mana whenua and initiate a process for formal recognition of this site as an Area of Significance to Māori under the district and regional planning frameworks.

Submission to Kaipara District Council

Request for District Plan Change – 99 Komiti Road, Tinopai (Lot 21 DP 12065, CT 665/60)

From: Tinopai Resource Management Unit Ltd

Date: [Insert Date]

1. Introduction

Tinopai Resource Management Unit Ltd (TRMU), acting on behalf of mana whenua and in partnership with the Tinopai community, respectfully submits this request for a rezoning of 99 Komiti Road, Tinopai from *Residential* to *Natural Open Space*. The current zoning does not reflect the ecological, cultural, and legal significance of the site, nor its position within the Marine and Coastal Area. We believe the continued residential designation is inappropriate, inconsistent with the New Zealand Coastal Policy Statement 2010 (NZCPS), and presents ongoing environmental risks.

2. Background and Context

The subject property, known as Lot 21 DP 12065 (CT 665/60), sits entirely within the Puapua Creek estuary system and falls below the mean high tide mark in parts. It has historically been a tidal wetland and is acknowledged in public records, local knowledge, and mapping as part of the Komiti Road Recreation Reserve system.

Despite strong objections from TRMU and the Tinopai Ratepayers and Residents Improvement Society (TRRIA), the land was sold and marketed as a residential development opportunity. In 2022 and 2024, we wrote to Kaipara District Council, Northland Regional Council, and Roper & Jones real estate, warning of the environmental sensitivity and legal complexities associated with this land. In November 2024, construction began without appropriate consents and was subsequently halted following intervention by Council.

3. Conclusion

We submit this request as mana whenua, kaitiaki, and community members with deep and enduring relationships to this whenua and moana. The future of 99 Komiti Road should reflect the environmental values, cultural history, and community aspirations that define this special place. We urge Kaipara District Council to act in the public interest and restore the natural and legal integrity of this wetland by rezoning it accordingly.

Nā mātou noa, nā

Mikaera Miru – Kaumatua, Kaitiaki

Mina Henare – Kuia, Kaitiaki

Tinopai Resource Management Unit Ltd

www.tinopairmu.co.nz

TINOPAI RMU LIMITED

Mangroves have been cleared:



Wetlands have been destroyed:





