



## Submission on the notified Proposed Kaipara District Plan

Clause 6 of the First Schedule, Resource Management Act 1991, Form 5

25 June 2025

**To:** Kaipara District Council

32 Hokianga Road

Dargaville 0310

By email: [districtplanreview@kaipara.govt.nz](mailto:districtplanreview@kaipara.govt.nz)

### 1. Submitter details

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(Forest & Bird)

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### 2. Trade competition declaration

Forest & Bird could not gain an advantage in trade competition through this submission

### 3. Hearing options

Forest & Bird wish to be heard in support of this submission.

If others make a similar submission, Forest & Bird will consider presenting a joint case with them at a hearing

### 4. Submission

Forest & Bird's submission relates to the whole Plan, as it deals with specific provisions and giving effect to National Direction Instruments.

## **1. Introduction**

**2.** Forest & Bird is New Zealand’s largest and longest-serving independent conservation organisation with over 100,000 members, supporters and volunteers. Our mission is to be a voice for nature – on land, in the sea, and in our fresh waters. Our constitutional purpose is to *“take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and the natural features of New Zealand.”*

**3.** Forest & Bird advocates for policy development and law reform, and represents nature in the Environment Court, at Environmental Protection Authority boards of inquiry, and in council planning processes. Nearly a century after establishment, we are still working just as hard for the protection and restoration of our wildlife and wild places on land, in freshwater, and at sea.

3.1. Forest & Bird has a particular interest in the Kaipara Proposed District Plan because of the need for increased protection and restoration of indigenous biodiversity in the district.

3.2. Forest & Bird welcomes the proposed Kaipara District Plan. We are supportive of the development of a new district plan for the Kaipara District as we recognise the opportunity it presents to improve the management and use of natural and physical resources. A well-constructed plan has a vital role to play in protecting and restoring indigenous biodiversity, ecosystems, habitats, species and the quality of the environment. Our submission is intended to assist in refining and strengthening the plan to ensure it delivers meaningful and enduring outcomes for the natural environment and communities of the Kaipara District.

3.3. Our submission is structured into two parts: the following paragraphs, which outline our overarching concerns and submission points Forest & Bird wishes to raise, and a second section, which includes a table detailing the specific relief sought for individual provisions of the plan.

## **4. Giving effect to the National Policy Statement for Indigenous Biodiversity (NPS-IB)**

4.1. Forest & Bird is concerned that the proposed district plan does not give effect to the NPS-IB.

In our view, this is inconsistent with the Council's statutory functions under the RMA, including:

- (a) Section 31 – the function of a territorial authority to control any or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biological diversity
- (b) Section 74 – a territorial authority must prepare its district plan in accordance with its functions under section 31, the provisions of Part 2, a national policy statement, and a regional policy statement
- (c) Section 75 – a district plan must give effect to any national policy statement

5. The Northland Regional Policy Statement 2016 includes criteria identifying areas of indigenous vegetation and habitats of indigenous fauna, that are significant, in Appendix 5. Under the NPS-IB a defined SNA, means any area that, on the commencement date, is already identified in a policy statement ... as an area of significant indigenous vegetation or significant habitat of indigenous fauna (regardless of how it is described); in which case it remains as an SNA unless or until a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna.

5.1. From this interpretation the proposed Kaipara District Plan should be protecting SNA's, being areas meeting the RPS significance criteria, in accordance with the NPS-IB.

6. However, as the plan has not clearly or fully given effect to the NPS-IB there is uncertainty whether the plan will achieve the purpose of the Act, including council responsibilities under:

- (a) Section 5 – safeguarding the life-supporting capacity of ecosystems and avoiding, remedying, or mitigating any adverse effects of activities on the environment
- (b) Section 6 – to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna when managing use and development

7. In addition to the point raised on the RPS significance criteria meeting the interpretation for SNA above, Forest & Bird respectfully disagree with the Council's decision not to give effect to the NPS-IB for the following reasons:

*Statutory obligations are clear and apply now*

- (a) Sections 74 and 75 of the RMA require that district plans give effect to national policy statements. While the NPS-IB allows timeframes for certain actions (e.g., SNA mapping by 2028), these are maximum deadlines, not an invitation to delay. Councils are expected to begin implementation progressively. There is no indication in either the RMA or the NPS-IB that implementation should be deferred due to the potential for future amendments.

*Potential amendments to high order documents do not justify delay*

- (b) While we acknowledge that amendments to the NPS-IB have been proposed, planning must proceed based on the current legal framework. Waiting for possible changes risks undermining the intent and effectiveness of national direction. A “wait and see” approach is not supported by the RMA and would set a concerning precedent for environmental governance.

- 8. In addition, a delay in the inclusion of mapped SNA into the plan could potentially put Kaipara ratepayers at a disadvantage when future Biodiversity and Carbon Credit rules are clarified. Forest & Bird is advocating that mapped SNAs should take priority and form part of the certification for entry into Biodiversity and Carbon Credit markets.

*Responsibilities apply even without SNA identification*

- 9. Although formal SNA mapping is not required to be finalised until 2028, the Council is still expected to give effect to the broader objectives and policies of the NPS-IB now. Provisions such as Policies 3, 4, 8, 12, 13 and 14 are not contingent on SNA identification and can be implemented in the interim. Delaying broader implementation until mapping is complete risks ongoing loss of indigenous biodiversity.

*Interim protections are needed now*

- (a) As described in the Council’s own section 32 report on the Ecosystems and Indigenous Biodiversity sections:

*“indigenous vegetation in the Kaipara District has suffered extensive loss and modification over many years, mainly due to land clearance for agricultural activities. Only a small area of indigenous cover (approximately 16%) remains throughout the Kaipara District”*

- (b) This context makes the need for interim protections clear and urgent. Delay in implementing appropriate controls risks further irreversible loss.

9.2. Forest & Bird seeks that the proposed plan be amended to give effect to the NPS-IB's objectives, policies, and implementation clauses. Where provisions relate to SNA identification, we ask that they be implemented in the context of the Council's section 6 obligations and the relevant provisions of the Northland Regional Policy Statement. Our specific submission points provide further detail on the relief sought.

9.3. Given the approach taken in the plan, we also suggest amendments on specific provisions (table below) to better give effect to the RPS and responsibilities under section 6(c) of the Act.

## **10. Responsibilities under Section 6 of the Act**

10.1. While we recognise that SNA identification requirements are paused under the NPS-IB, For the reasons we set out above, that does not prevent the council protecting SNAs identified under the RPS criteria.

10.2. In addition, the obligation under section 6(c) of the RMA to recognise and provide for significant indigenous biodiversity remains in force. The Northland RPS includes criteria for the identification of significant indigenous vegetation and the habitats of significant indigenous fauna.<sup>1</sup>

10.3. The plan should include a mechanism to identify these areas over time. The Northland Regional Policy Statement provides useful guidance,<sup>2</sup> and other councils (e.g., Napier City) are already moving forward with spatial identification and supporting rules. We encourage the Kaipara District Council to adopt a similarly proactive approach.

**11.** In addition, we understand that Kaipara District Council has a report commissioned by Wildlands which identifies areas meeting the criteria (significance criteria) identifying areas under s6 of the Act.<sup>3</sup> We seek that the areas identified as meeting significance criteria be referred to in the plan to support plan users. Even though we understand ground truthing has not yet been completed. This information would be a useful guide in the absence of specific SNA mapping. It could be used by ecologists as an indication of sensitive areas and ground truth on a case-by-case basis where required, and; it may reduce costs for the public if ecologists know roughly where to

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<sup>1</sup> Appendix 5, of the Northland RPS 2016

<sup>2</sup> For example Method 4.4.4 of the Northland RPS 2016

<sup>3</sup> The following link is to the 6 May 2020 Council Briefing Agenda, on this matter (page 47) and includes the report itself (from page 62): <https://pub-kaipara.escribemeetings.com/FileStream.ashx?DocumentId=1060>

start, using work already done by the Council. In addition, council could continue ground truthing to improve reliability of this information.

11.1. We acknowledge the proposed plan includes some biodiversity-related provisions but consider these insufficient considering the ongoing decline. Stronger management tools are needed. Forest & Bird seek that the plan is amended to provide the following relief:

- (a) improved effects management;
- (b) promoting restoration of indigenous biodiversity;
- (c) setting conservative vegetation removal limits;
- (d) applying the RPS significance criteria to identify areas for protection;
- (e) Reference to the Wildland report as guidance for the protection of areas with significant indigenous vegetation and habitats of indigenous fauna;
- (f) Ensuring that adverse effects on indigenous biodiversity are managed in accordance with the provisions of the ECO chapter.

12. If biodiversity offsetting or compensation are to be considered, then the principles and criteria for these measures needs to be included. This needs to include limits to offsetting and compensation in accordance with best practice and the NPSIB.

### **13. Giving effect to the New Zealand Coastal Policy Statement (NZCPS)**

14. The NZCPS contains objectives and policies in addition to those on preserving natural character. The plan, as proposed, does not give effect to them. For example, the NZCPS contains policy on protecting indigenous biological diversity and managing the adverse effects of activities on biodiversity. It also includes direction on allowing natural adjustments of ecosystems, habitats and species to occur as the effects of climate change occur. Sedimentation and discharges of stormwater also require management in line with the NZCPS. The Council must give effect to the full suite of objectives and policy direction in the NZCPS in the proposed plan.

### **15. Giving effect to the National Policy Statement for Freshwater Management (NPS-FM)**

16. The NPS-FM contains direction on maintaining and improving (where degraded) the health and well-being of water bodies and freshwater ecosystems, and managing land use and

development in an integrated way that considers effects on a whole of catchment basis. Subdivision, use and development rules in the District Plan must give effect to this direction. Stormwater infrastructure, for example, through flows and carrying contaminants, will undoubtedly influence the health and well-being of water bodies. As drafted, the plan does not fully reflect the NPS-FM, though.

**17. Cross-referencing to natural environment values and district-wide sections**

**18.** The integration of provisions across the plan is important to ensure clarity, integration and consistency in how objectives, policies and rules are applied. In reviewing the plan, we note no explicit cross-referencing to relevant district-wide provisions, particularly those relating to natural values (such as indigenous biodiversity and natural character). The General Rural Zone, for example, contains rivers, streams and wetlands, and likely pockets of indigenous vegetation, biodiversity and habitat. However, there is no explicit cross-reference back to the sections which manage the effects of land use and development on them. Stronger cross-referencing would help plan users understand the full set of requirements that may apply to an activity and ensure that natural values are consistently recognised and managed across the plan.

**19. Specific submissions and relief sought**

19.1. In addition to our submission on matters above, the following table contains our submissions specific provisions and relief sought on the Kaipara District Plan provisions.

19.2. Forest & Bird also seeks any consequential changes or alternative relief necessary to achieve the relief sought and address concerns set out in this submission.

	The specific provisions of the Proposed Plan that our submission relates to are:	Our submission is that		We seek the following decisions from Kaipara District Council
Chapter/Appendix/Schedule/Maps	Objective/policy/rule/standard/overlay	Oppose/Support (in part or full)	Reasons	Relief sought
<b>Part 1 – Introduction and general provisions / Introduction</b>	Foreword, Purpose and Description of the District	Oppose in part	<p>Whilst we appreciate that the district is growing and that Kaipara District Council seeks a simple and enabling District Plan, the current wording of the introductory sections emphasises enabling growth, development, and the use of natural and physical resources. While these are important aspects of enabling wellbeing in the district, the introductory content should also acknowledge and reflect the district’s intrinsic natural values—its landscapes, indigenous biodiversity, freshwater and coastal ecosystems, and other taonga that shape the district’s identity, amenity, and environmental wellbeing.</p> <p>Further, the purpose of a district plan is to promote sustainable management of natural and physical resources, and that involves not just enabling use and development, but also safeguarding the life-supporting capacity of air, water, soil, and ecosystems, and managing adverse effects on the environment by avoiding, remedying, or mitigating them. The introductory sections should align with both the purpose of the Act and national direction within the NPS-FM, NZCPS, and NPS-IB.</p> <p>Recognising these natural values and the requirement to protect them early in the plan would help ensure it reflects a more balanced and integrated approach—one that acknowledges both the need to enable development and the responsibilities under the Act and national direction to protect the environment.</p>	<p><b>Amend</b> the Foreword, Purpose, and Description of the District sections to:</p> <ul style="list-style-type: none"> <li>Describe the district’s natural values, including biodiversity, landscape character, and freshwater and coastal environments;</li> <li>Clearly express the context of the role of the plan in enabling appropriate use and development protecting and maintaining natural environment values by managing subdivision, use and development.</li> </ul>
	Vegetation clearance definition	Oppose in part	<p>As currently drafted, the definition of ‘vegetation clearance’ does not capture all impacts on indigenous vegetation that would result in its loss. This risks unintentionally enabling some vegetation alteration and removal, that may have adverse effects on indigenous biodiversity. Forest &amp; Bird submits that a more detailed definition is needed to avoid this.</p> <p>In addition, the term itself does not clearly convey that it covers vegetation alteration too. The term ‘vegetation clearance’ suggests complete removal and does not convey that alteration activities are also regulated. As a result, users may misinterpret the scope of the provisions and unintentionally undertake vegetation modification that adversely affects indigenous vegetation.</p> <p>To ensure clarity, the term should be changed from ‘vegetation clearance’ to ‘vegetation alteration and clearance’ so that it is explicit throughout the plan.</p>	<p><b>Change</b> term ‘vegetation clearance’ throughout plan to ‘vegetation alteration and clearance’.</p> <p><b>Amend definition as follows:</b> In relation to indigenous vegetation, <del>includes</del> means the pruning, trimming, clearance <del>and</del> removal, <u>damage or destruction</u> of any indigenous vegetation.</p>
<b>Part 1 – Introduction and general provisions / National Direction Instruments / National Policy Statements and New Zealand Coastal Policy Statement</b>	NPS Reviews text and table	Oppose in part	The national policy statement and New Zealand Coastal Policy statement table has not been provided in the form set out in the National Planning Standards. As a result, it is not clear to what extent the Proposed Kaipara District Plan has given effect to the relevant national direction.	<b>Include</b> the National Direction table in the format required by the National Planning Standards.
<b>Part 2 – District-wide matters / Strategic Direction</b>	Vision for Kaipara Objectives	Oppose in part	The ‘Vision for Kaipara’ objectives in the Strategic Direction section are currently focused on enabling growth, development, housing, and infrastructure. While these	<b>Insert additional objectives</b> in the ‘Vision for Kaipara’ objectives to include recognition of the district’s natural environment, its indigenous



			are important aspects of Kaipara’s future, the vision does not include reference to the natural environment or the protection and enhancement of environmental values. Forest & Bird acknowledges that environmental matters are addressed in later parts of the Strategic Direction section. However, because this section is specifically titled ‘Vision for Kaipara,’ it should present a holistic vision that includes the natural environment as a core component of the district’s identity and future. Omitting environmental objectives from this overarching vision risks sending an unbalanced signal about what the plan prioritises and values.	biodiversity, landscapes, waterways and bodies, and coastal ecosystems, the importance of protecting and enhancing these values and the role of nature-based solutions in enabling appropriate development.  See: <a href="https://www.forestandbird.org.nz/sites/default/files/2025-06/F%26B_NBS_Resource_Online.pdf">https://www.forestandbird.org.nz/sites/default/files/2025-06/F%26B_NBS_Resource_Online.pdf</a>
<b>Part 2 – District-wide matters / Strategic Direction / Natural Environment</b>	SD-NE-01 Indigenous biodiversity	Oppose in part	<p>Forest &amp; Bird supports the inclusion of an objective relating to indigenous biodiversity. However, we are concerned that the use of the word “or” in the phrase “protected, maintained or enhanced” inadvertently suggests that achieving just one of these outcomes is sufficient. This could undermine the intent of the objective and reduce clarity around the outcome sought.</p> <p>Additionally, for certainty, the objective should include the activities – subdivision, use and development – that indigenous biodiversity should be protected from. It should also set out the ‘things’ that contribute to indigenous biodiversity – indigenous vegetation, indigenous species, and the habitats of indigenous fauna.</p>	<b>Amend</b> objective SD-NE-01 to read: “Indigenous biodiversity, <u>including indigenous vegetation, ecosystems, indigenous species and their habitats, are</u> protected, maintained <del>and</del> or enhanced”
	SD-NE-02 Coastal environment	Oppose in part	<p>Section 6(a) requires the preservation of natural character to extend to wetlands, lakes, rivers and the margins of these water bodies and the Coastal Environment. As drafted, the objective only covers natural character in the coastal environment, which does not recognise and provide for the full suite of natural character included in section 6(a).</p> <p>Section 7(f) requires Council to have particular regard to the maintenance and enhancement of the quality of the environment. The NPS-FM and NZCPS seek that freshwater is managed to ensure the health and well-being of water bodies and freshwater ecosystems. Policy 14 of the NZCPS requires Council to promote restoration or rehabilitation of natural character in the Coastal Environment. As drafted, the objective is only covering preservation and protection.</p> <p>Therefore, the objective needs to be amended to give effect to section 6 and 7 of the Act, and the relevant national policy statements.</p>	<p><b>Amend</b> SD-NE-02 as follows: <b>Coastal environment, <u>water bodies and their margins</u></b> The natural character of the <u>coastal environment, wetlands, lakes and rivers and their margins are</u> <del>is</del> preserved, <u>restored</u> and protected from inappropriate <u>subdivision</u>, use and development.</p>
	New Strategic Direction objectives		<p>Additional natural environment objectives to give effect to the NPS-FM, NZCPS and NPS-IB and to recognise the interconnectedness of subdivision, use and development on health and wellbeing of freshwater bodies and ecosystems, coastal waters, and indigenous biodiversity are required.</p> <p>New objectives covering the following matters should be included in this chapter of the plan, including:</p>	<p><b>Insert SD objectives as follows:</b></p> <p><u>Subdivision, use and development is managed so the health and well-being of water bodies, freshwater ecosystems, and coastal water quality are maintained and improved (where degraded).</u></p> <p><u>Our indigenous vegetation cover increases in our urban and non-urban environments.</u></p> <p><u>Our indigenous species are resilient to the effects of climate change and natural adjustments of habitats,</u></p>

			<ul style="list-style-type: none"> <li>one covering health and wellbeing of water bodies and freshwater ecosystems</li> <li>one covering coastal water quality</li> <li>one covering increasing indigenous vegetation cover</li> <li>one covering the natural environment's resilience to climate change</li> </ul>	<a href="#">species and ecosystems to the changing climate are supported.</a>
	Urban Form and Development objectives	Oppose in part	The NPS-UD requires urban environments to be well-functioning and resilient to the effects of climate change. The NPS-IB seeks Councils to promote increase in vegetation cover in urban environments (policy 14). Well-functioning urban environments have access to natural spaces, and increasing vegetation cover can reduce heat island effects, and slow stormwater down in turn making urban environments resilient to the effects of climate change. Strategic direction should include this direction	<p><b>Insert</b> new urban form and development objectives as follows:</p> <p><a href="#">Our existing and new urban environments are well-functioning urban environments</a></p> <p><a href="#">Provide space for indigenous biodiversity by using nature based solutions and by increasing indigenous vegetation cover, as a key aspect of urban form and development.</a></p> <p><b>Define</b> 'well-functioning urban environments' consistent with the definition in policy 1 of the NPS-UD</p>
	Financial contributions objectives	Oppose in part	It is not clear if financial contributions are intended as to include biodiversity compensation. If this is the case then clear guidance is required to apply the offset and compensation principles and criteria within the The NPS-IB and NPS-FM and to recognise that there are limits to when biodiversity offsetting or compensation is appropriate.	<b>Add or amend policies</b> to recognise principles and criteria for biodiversity offsetting and compensation and the limits to when these measures can be applied. <b>Ensure</b> clear reference to the application of provisions in the Eco chapter is included should final contributions extent to biodiversity offsetting and compensation.
<b>Part 2 – District-wide matters / Energy, Infrastructure, and Transport / Renewable Electricity Generation</b>	Overview text	Oppose in part	<p>Maintenance, operations and upgrading of renewable electricity generation can result in adverse effects on the environment too. This should be reflected in the section's introductory text.</p> <p>To ensure the plan is clear and effective, a more detailed cross reference to the applicable section such as the Natural Environment Values and General District-Wide Matters is required.</p>	<p><b>Include</b> 'maintenance, operations and upgrading of renewable electricity generation' in introductory text section describing where potential adverse effects on the environment may arise.</p> <p><b>Retain</b> the explanation in the overview that other provisions in Part 2 apply.</p> <p><b>Insert</b> more detailed cross reference to other chapters in Part 2 in the note to plan users.</p>
	REG-O1 Benefits of renewable electricity generation  and  REG-O2 Enabling renewable electricity generation to support well-being	Oppose in part	These objectives must be moderated. In some instances, benefits and enabling of renewable electricity generation cannot be realised because of significant adverse environmental effects that must be avoided in accordance with achieving the purpose of the Act. Using recognised instead of realised would temper the objective and align it with the NPS-REG.	<p>Amend REG-O1 and REG-O2 as follows:</p> <p>The benefits of increasing <a href="#">renewable electricity generation activities</a> at all scales are <del>realised</del> <a href="#">recognised</a>.</p> <p><a href="#">Renewable electricity generation activities</a> are enabled at all scales <del>to where they</del> support the environmental, economic, social and cultural well-being of people and communities in the Kaipara District.</p>
	REG-P4 Managing adverse effects of renewable electricity generation activities	Oppose	<p>Clause 1 of the policy as currently drafted is inappropriate and risks undermining the effects management framework established under the Act and the NPS-REG. By stating that there <i>will be</i> unavoidable adverse effects, the clause may pre-emptively justify adverse outcomes that could otherwise be avoided, remedied, or mitigated. This approach is inconsistent with section 5(2)(c).</p> <p>Moreover, the NPS-REG explicitly supports the development of renewable electricity generation, but not at the expense of managing effects on the environment. Policy C2 requires decision-makers to have particular regard to offsetting measures and environmental compensation for any residual adverse effects that remain <i>after</i></p>	<p><b>Amend</b> REG-P4 as follows:</p> <p>"Manage the adverse effects of renewable electricity generation activities by:</p> <ol style="list-style-type: none"> <li>1. Recognising that there <del>will</del> <a href="#">may</a> be unavoidable adverse effects on the environment from renewable electricity generation activities;</li> <li>2. <a href="#">considering whether the proposed location is appropriate having regard to the scale of adverse effects</a></li> <li><del>2-3.</del> Implementing effective mitigation measures, which may include: <ol style="list-style-type: none"> <li>a. Appropriate <del>location and</del> design;</li> <li>b. Screening and setbacks from sensitive activities;</li> <li>c. Adaptive management measures;</li> <li>d. Rehabilitation of the site at the end of its operational life; and</li> </ol> </li> </ol>

			<p>avoidance, remediation, and mitigation have been applied.</p> <p>The policy needs to allow for consideration of sensitive environments such as riparian margins, Coastal Environment, Outstanding Natural Features and Landscapes, and indigenous vegetation and species' habitat where locating activities may not be appropriate.</p> <p>Regarding clause 3, the use of 'practicably' is inappropriate and inconsistent with the Act and the NPS-REG. Neither instrument uses this qualifier when managing adverse effects. Including "practicably" introduces ambiguity and may allow financial considerations to override proper application of the effects management set out in other chapters of the plan.</p> <p>Clause 3, as drafted, is not consistent with Policy C2 of the NPS-REG in other ways too. The policy should refer to <i>residual adverse effects</i>—those that remain after avoidance, remediation, and mitigation have been applied.</p>	<p><del>34</del>. Having regard to any proposed offsetting or compensation measures for <u>residual</u> adverse effects that cannot <del>practicably</del> be avoided, remedied or mitigated."</p> <p><b>Consider</b> deleting clause 3 (now 4) or <b>include</b> a reference to other relevant chapters such as ECO which set out how/which effects are to be avoided, remedied or mitigated.</p> <p><b>Clarify</b> what offsetting and compensation can be provided for i.e. is this intended to be biodiversity offsetting?</p>
	REG-P8 Repowering of existing wind and solar generation activities	Oppose in part	<p>Repowering often increases the scale of renewable electricity generation activities and potentially the level of effects. The policy must recognise this and provide direction.</p>	<p><b>Amend REG-P8 as follows:</b></p> <p>Recognise the benefits of enabling the repowering of existing wind and solar renewable electricity generation activities, including:</p> <ol style="list-style-type: none"> <li>1. Efficient use of existing infrastructure; and</li> <li>2. Potential for delivering increased renewable electricity generation output within an existing renewable electricity generation site.</li> </ol> <p><u>Where repowering increases the magnitude and scale of effects, avoid, remedy or mitigate any adverse effects on the environment in accordance with REG-P4.</u></p>
	REG-P10 Investigation of new renewable electricity generation sites and sources	Oppose	<p>Investigation of new sites and sources sets the scene for where renewable electricity generation activities may occur. In some areas such activities will not be appropriate, such as within outstanding natural features and landscapes, the Coastal Environment, and areas supporting significant indigenous vegetation and habitat of fauna. The policy needs to be amended to recognise this.</p> <p>The policy refers to the need for flexibility. It is not clear why flexibility is needed and on what matters flexibility is required.</p>	<p><b>Amend</b> reference to 'the need for flexibility' to be clearer.</p> <p><b>Amend REG-P10 as follows:</b></p> <p>Enable <u>activities</u> associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation (i.e. wind monitoring masts), recognising:</p> <ol style="list-style-type: none"> <li>1. <del>both</del> the need for flexibility <del>and</del></li> <li>2. the temporary nature of <del>any</del> adverse <u>effects</u> of these <u>activities</u>;</li> <li>3. <u>that in some sensitive locations and environments such activities will not be appropriate.</u></li> </ol>
	REG rules	Oppose	<p>Some renewable electricity generation activities rules apply in all zones, this is not appropriate in outstanding natural features and landscapes, the Coastal Environment, and areas supporting indigenous biodiversity as they must be protected from inappropriate subdivision, use and development.</p>	<p><b>Amend</b> REG rules so activities are not enabled in overlays and sensitive environments.</p>
	REG-R2	Oppose	<p>The rule should only apply to renewable electricity generation activities that are permitted or lawfully established—rather than those activities that are consented, where conditions will prevail over this rule.</p>	<p><b>Amend</b> the rule to apply only to permitted, and lawfully established, renewable electricity generation activities.</p> <p><b>Amend</b> the rule to include performance standards that:</p>

			<p>The rule permits operation, maintenance and repair of existing renewable electricity generation infrastructure in all zones without any associated standards or conditions. The complete absence of standards poses significant risks. These activities can result in adverse effects, particularly in sensitive environments such as sites with identified ecological, cultural, or landscape values.</p> <p>Without standards, there is no mechanism to manage or limit potential effects such as on natural character, or noise, traffic, access disruption, vegetation disturbance, ecological, water bodies and cultural effects.</p>	<ul style="list-style-type: none"> <li>Limit the intensity, nature and scale of effects that result from operation, maintenance and repair activities.</li> <li>Avoid or manage disturbance to sensitive environments or features.</li> <li>Require appropriate site reinstatement where land is disturbed.</li> </ul> <p><b>Include</b> a new rule assigning a restricted discretionary or discretionary activity status for any operation, maintenance, or repair activity that does not meet the permitted standards.</p> <p><b>Include</b> matters of discretion (if restricted discretionary) that relate to the nature and scale of the works, effects on environment and surrounding land uses, and any measures to avoid, remedy or mitigate effects.</p>
	REG-R1 and REG-R3, and REG-R4	Oppose in part	<p>Solar panels glare and glint and turbines can result in adverse effects on wildlife. New rule standards to manage these effects such as the use of non-reflective materials for solar generation are required.</p> <p>The matters of discretion should include consideration of effects on indigenous species.</p>	<p><b>Insert</b> standards in these rules relating to managing adverse effects on indigenous fauna including:</p> <ul style="list-style-type: none"> <li>Reflectiveness and angle of materials to manage glare and glint</li> <li>Height, blade length, colour and lighting to avoid attracting wildlife</li> </ul> <p><b>Add as</b> a matter of discretion ‘effects on indigenous biological diversity’</p>
<b>Part 2 – District-wide matters / Energy, Infrastructure, and Transport / Infrastructure</b>	Enabling INF policies (INF-P1 – INF-P4)	Oppose in part	<p>The enabling infrastructure policies lack sufficient recognition of site-and area-specific constraints and characteristics, including matters of national importance under section 6 of the Act.</p> <p>While infrastructure is essential, its development must protect significant values such as indigenous biodiversity and natural character. Unqualified enabling policies risks undermining these values that must be actively protected.</p>	<p><b>Amend</b> enabling infrastructure policies to explicitly recognise that infrastructure must be located and designed to avoid, remedy, or mitigate adverse effects on the environment and significant values. This may include additional policy clauses or qualifiers that require consideration and integration of site characteristics, constraints and values as part of enabling infrastructure.</p>
	INF-P5	Oppose	<p>The policy enables regionally significant infrastructure in sensitive environments such as the coastal environment and outstanding natural features and landscapes without meeting the protection requirements of section 6 of the Act.</p> <p>An overly enabling policy risks undermining protection requirements and could lead to significant adverse effects on natural character, landscape values, and indigenous biodiversity. The policy should be tempered to ensure that infrastructure is only enabled where it is appropriate and consistent with the strong protective direction of section 6, the NZCPS and NPS-IB.</p>	<p><b>Amend</b> the policy to clearly state that infrastructure will only be enabled in these sensitive areas where it does not result in inappropriate subdivision, use, or development and where it protects their values.</p>
	INF-P6	Oppose in part	<p>“Minimise” is not defined and introduces ambiguity, potentially allowing significant adverse effects to persist so long as they are minimised—rather than avoided, remedied, or mitigated in line with section 5 of the Act.</p>	<p><b>Replace</b> “minimise” with “avoid, remedy, or mitigate”</p>
	INF-P15 – INF-P17	Oppose in part	<p>Policies 22 and 23 of the NZCPS and Policies 3 and 5 of the NPS-FM require particular outcomes for stormwater and wastewater discharges. The policies need to reflect that direction, so the plan gives effect to them.</p>	<p><b>Amend</b> the policies to clearly state protection of values in relation to water bodies, freshwater ecosystems and the coastal water quality, and prioritising health and wellbeing of water and ecosystems.</p>
	INF-P18	Oppose	<p>The proposed flood management infrastructure policy does not fully give effect to section 6(a) and (c) of the RMA, the NPS-FM (Policies 1, 3, and 5), or the NPS-IB. These instruments require the</p>	<p><b>Amend</b> the flood management infrastructure policy to:</p> <ul style="list-style-type: none"> <li>Give effect to section 6(a) and (c) of the RMA, the NPS-FM, and the NPS-IB (particularly protection and prioritisation of</li> </ul>

			<p>preservation of natural character, protection of significant indigenous vegetation and habitats, and prioritisation of the health and wellbeing of water bodies and freshwater ecosystems.</p> <p>Historic flood management practices—such as channelisation, stop bank construction, and indigenous vegetation clearance—have degraded the natural character and ecological integrity of water bodies. While the continued operation of flood infrastructure is necessary, it also presents an opportunity to restore these values over time.</p> <p>Policy direction should ensure that both new and existing flood infrastructure adopts nature-based solutions, avoids further degradation, and supports progressive restoration of natural character and indigenous biodiversity.</p>	<p>water bodies/ecosystems health and wellbeing, and maintaining and enhancing indigenous biodiversity)).</p> <ul style="list-style-type: none"> <li>Require that new infrastructure preserves natural character, supports freshwater ecosystem health, and prioritises nature-based solutions.</li> <li>Require that maintenance and upgrading of existing infrastructure seeks to progressively restore natural character and indigenous biodiversity.</li> </ul>
	Rules note	Oppose in part	To ensure the plan is clear and effective, a more detailed cross reference to the applicable sections such as the Natural Environment Values and General District-Wide Matters is required.	<b>Insert</b> more detailed cross reference to other chapters in Part 2 in the note to plan users.
	INF Rules	Oppose in part	Infrastructure activities can have adverse effects on natural character, indigenous biodiversity, and other environmental and cultural values. As currently drafted, the rules—including the associated standards and matters of discretion—do not appear to fully recognise or respond to these potential effects. This may lead to outcomes where adverse effects are not appropriately avoided, remedied, or mitigated.	<b>Amend</b> the relevant rules, standards, and matters of discretion to explicitly recognise and manage the potential adverse effects of infrastructure on natural character, indigenous biodiversity, and other identified values.
<b>Part 2 – District-wide matters / Energy, Infrastructure, and Transport / Transport</b>	General submission point on section	Oppose in part	<p>Transport infrastructure corridors offer a valuable opportunity to contribute positively to environmental outcomes. In particular, they can be used to support an increase indigenous vegetation cover and maintain street trees in a way that implements the objectives of the NPS-IB. These spaces can also play an important role in managing and treating stormwater in a way that implements the NPS-FM and supports the achievement of Te Mana o te Wai.</p> <p>This should be recognised in the transport section introductory text, objectives, policies and rules.</p>	<b>Include</b> objectives, policies, and rules that recognise transport corridors as an opportunity to: <ul style="list-style-type: none"> <li>a) enhance indigenous vegetation and biodiversity in accordance with the NPS-IB; and</li> <li>b) manage stormwater through nature-based solutions that support Te Mana o te Wai.</li> </ul>
<b>Part 2 – District-wide matters / Historical and Cultural Values / Notable trees</b>	TREE-P2 Activities within the root protection zone of a notable tree	Oppose in part	Clause 1 currently requires activities to ensure the continuing ‘amenity value’ of a tree. However, as outlined in TREE-O1, the values associated with notable trees go beyond amenity alone, and include ecological, cultural, visual and historical. To ensure internal consistency and appropriate protection, this clause should refer to the full range of values identified in TREE-O1.	<b>Amend</b> Clause 1 to remove the reference to ‘amenity value’ and replace it with ‘values’.
	TREE-P3 Maintaining the values of a notable tree	Oppose in part	Maintenance and pruning of notable trees can affect the continuing health, structural integrity and values of the tree. Clause 1. from TREE-P2 (as amended by our submission above), should be inserted into TREE-P3 to reflect this.	<b>Insert</b> clause 1 of TREE-P2 (as amended by our submission above) into policy TREE-P3
	General point on section rules	Oppose in part	For several rules (TREE-R1, TREE-R3, TREE-R5, and TREE-R7), no activity status is specified where performance standards are not met. This creates ambiguity for plan	<b>Specify</b> an activity status for TREE-R1, TREE-R3, TREE-R5, and TREE-R7 where performance standards are not met.

			users and decision-makers and risks undermining the effectiveness of the rule framework. In addition, the listed matters of discretion do not currently include consideration of the <i>effects on the values of the tree</i> as outlined in TREE-O1. Without this, there is a risk that consent decisions may not fully account for the broader ecological, cultural, and amenity values associated with protected trees.	<b>Amend</b> the matters of discretion for rules to include: <u>“effects on the relevant values of the tree, as identified in TREE-O1.”</u>
<b>Part 2 – District-wide matters / Natural Environment Values / Ecosystems and Indigenous Biodiversity</b>	Not identifying areas containing significant indigenous vegetation and habitats of indigenous fauna	Oppose	<p>The Proposed Kaipara District Plan does not identify areas of significant indigenous vegetation or significant habitats of indigenous fauna. While Forest &amp; Bird acknowledges that recent amendments to the Act have temporarily paused the requirement to identify Significant Natural Areas (SNAs) under the NPS-IB, this pause does not remove the Council’s existing obligations under the Act, NPS-IB, and the operative RPS.</p> <p>The RPS provides clear direction on the need to safeguard significant indigenous vegetation and habitats of indigenous fauna, including Objective 3.4, which the district plan must give effect to under section 75(3)(c) of the Act. The Northland Regional Council’s Regional Policy Statement also contains Appendix 5, which sets out criteria for determining significance. Identifying SNAs in the district plan is critical to ensuring these areas are appropriately protected and to achieve the maintenance of indigenous biodiversity in the district.</p> <p>The absence of mapped SNAs reduces clarity for landowners and decision-makers, increases the risk of unintentional loss of biodiversity, and weakens the plan’s ability to give effect to higher-order instruments.</p>	<p><b>Identify</b> SNAs in the district plan using the criteria set out in Appendix 5 of the RPS.</p> <p><b>If areas</b> are not identified, insert objective around identifying areas through new subdivision, use and development proposals using the criteria in Appendix 5 of the RPS.</p> <p><b>Insert</b> method, with specified timeframe, for when significant areas will be identified district-wide and a schedule included in the plan and maps.</p> <p><b>Consider</b> using comparable approaches—such as Napier City Council’s Ecosystems and Indigenous Biodiversity Plan Variation—as a model.</p>
	ECO-O1 Protection of significant indigenous vegetation and significant habitats of indigenous fauna	Oppose in part	ECO-O1 requires the protection of significant indigenous vegetation and habitats of indigenous fauna. While this direction is supported, the objective would benefit from greater clarity. In particular, it is unclear what pressures or activities these values are to be protected from. Including reference to the types of activities or effects—such as land use change, clearance, fragmentation, or degradation—would ensure the objective is more certain and directive, and better aligned with the outcomes anticipated by the NPS-IB and the Act.	<p><b>Amend ECO-O1 to read:</b></p> <p>Areas of significant indigenous vegetation and significant habitats of indigenous fauna are protected from clearance, modification, degradation, fragmentation, and inappropriate use, subdivision, and development.</p>
	New objectives and related policies		If new objectives and related policies are included to effect to the NPS-IB as sought in our overarching submission points above, this must be a comprehensive package to ensure protection and maintenance of indigenous biodiversity is achieved as intended.	<p><b>Consider</b> inserting comprehensive new objectives and related policies to give effect to the NPS-IB, including:</p> <ul style="list-style-type: none"> <li>• Indigenous biodiversity that is not significant (to give effect to policy 8 of the NPS-IB)</li> <li>• Identifying areas supporting indigenous biodiversity – to give effect to Policy 6, 15 and 17 of the NPS-IB.</li> <li>• Resilience of indigenous biodiversity to the effects of climate change – to give effect to policy 4.</li> <li>• Increasing indigenous vegetation cover – to give effect to Policy 14.</li> <li>• Recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity – to give effect to the NPS-IB objective and policy 2</li> <li>• Specified highly mobile fauna to give effect to Policy 15</li> </ul>



				<ul style="list-style-type: none"> <li>Requiring application of the effects management hierarchy to manage effects on indigenous biodiversity and demonstration by applicants of the application of each step in accordance with clauses 3.10, 3.11, 3.15 and 3.16 of the NPS-IB.</li> <li>The requirement to apply biodiversity offsetting and compensation principles in Appendix 3 and 4 of the NPS-IB.</li> </ul>
	ECO-P1 Indigenous biodiversity in the coastal environment	Support in part	<p>Forest &amp; Bird is concerned that it may not be clear to plan users in the coastal environment to look beyond the Coastal Environment chapter. A clear explanation and reference in the Coastal Environment chapter/section to the ECO chapter is needed to ensure the plan is clear and effective.</p> <p>In addition the full scope of policy 11 of NZCPS needs to be included in the policy. As drafted, the policy does not contain the full suite of matters in the NZCPS policy nor effects management required by the NZCPS. This results in the policy not giving effect to the policy statement.</p>	<p><b>Include</b> a reference in the Coastal Environment section to look to the Eco section on Indigenous biodiversity matters within the coastal environment.</p> <p><b>Amend</b> policy ECO-P1.1 to include/list all matters under Policy 11(a) of the NZCPS</p> <p><b>Amend</b> Policy ECO-P1.2 to include/list all the matters under Policy 11(b) of the NZCPS.</p>
	ECO-P2 Indigenous biodiversity outside the coastal environment	Oppose	<p>The policy in its current form is too broad and does not give full effect to key provisions of the NPS-IB, particularly clauses 3.10 to 3.17. While it is acknowledged that the identification of SNAs is currently on hold, the broader direction of the NPS-IB remains in force and must still be implemented.</p> <p>In addition, sections 6(c) and 7(d) of the RMA continue to apply and require Kaipara District Council to recognise and provide for the protection of significant indigenous vegetation and habitats of indigenous fauna, and to have particular regard to the intrinsic values of ecosystems. Therefore, the policy framework should be revised to include additional ecological areas where a protection is important. .</p>	<p><b>Ensure</b> that the revised policies reflect the ongoing requirement to give effect to the RMA, including sections 6(c) and 7(d).</p> <p><b>Include</b> appropriate cross-referencing to other parts of the plan that support these outcomes, such as provisions that maintain biodiversity outside significant areas or promote increasing indigenous vegetation cover.</p> <p><b>Include</b> reference to criteria in the Northland RPS for identification of areas meeting s6 of the RMA, in clause 1(b)</p> <p><b>Retain</b> ECO-P2 1. as notified and <b>consider</b> adding additional ecological areas of importance for protection.</p> <p><b>Amend</b> ECO-P2 2. as follows:</p> <p>2. Avoid, remedy, or mitigate, <del>offset or compensate</del> adverse effects of subdivision, land use and development to ensure there are no significant adverse effects on:</p> <p>a. Areas of predominantly indigenous vegetation; and</p> <p>b. Indigenous species, habitats and ecosystems that are important for recreational, commercial, traditional or cultural purposes or are particularly vulnerable to modification.</p> <p><u>c. ecological corridors, and areas important for linking or maintaining biological values identified under this policy.</u></p> <p><u>3. where clauses 1 and 2 are met, ensure that any other adverse effects on indigenous biodiversity are avoided, remedied or mitigated as far as practicable, then consider biodiversity offsetting or if offsetting is not possible, biodiversity compensation of more than minor residual adverse effects.</u></p> <p><b>Ensure</b> that the revised policies reflect the ongoing requirement to give effect to the RMA, including sections 6(c) and 7(d).</p> <p><b>Include</b> appropriate cross-referencing to other parts of the plan that support these outcomes, such as provisions that maintain biodiversity outside significant areas or promote increasing indigenous vegetation cover.</p>

	ECO-P3 Protection and maintenance of indigenous biodiversity	Oppose	<p>The policy, while referencing the protection of significant indigenous vegetation and habitats of indigenous fauna, is primarily around accepted effects. The emphasis appears to be on enabling subdivision, land use and development—particularly for primary production, infrastructure, and broader wellbeing—rather than providing clear direction to protect and maintain indigenous biodiversity, as required by section 6(c) of the Act and the NPS-IB.</p> <p>This framing risks undermining the plan’s ability to give full effect to both the Act and the NPS-IB, which require adverse effects on biodiversity to be managed to protect significant indigenous biodiversity.</p>	<p><b>Reframe</b> the policy so its primary focus is on the protection and maintenance of this indigenous biodiversity. Rather providing for activities which could conflict with these outcomes.</p> <p><b>Ensure</b> any enabling provisions are clearly subordinate to the overarching protection and maintenance outcomes to give effect to the NPS-IB and RPS.</p> <p><b>Consider</b> splitting this policy into two or more distinct policies—one focused on setting out the biodiversity protection and maintenance outcomes in line with the NPS-IB and RPS and another dealing with specific circumstances where limited adverse effects may be acceptable, as set out in the NPS-IB, such as established activities or maintenance of improved pasture for farming.</p>
	ECO-P4 Restoring and enhancing indigenous biodiversity	Oppose	<p>The policy does not give full effect to clause 3.21 of the NPS-IB, which sets specific expectations around restoration. These include the reconstruction of degraded areas, prioritising restoration in key locations, and applying conditions on resource consents and designations to support restoration outcomes for priority areas.</p>	<p><b>Amend</b> the policy to:</p> <ul style="list-style-type: none"> <li>• Reflect the restoration direction in clause 3.21 of the NPS-IB;</li> <li>• Prioritise restoration in areas in accordance with clause 3.21 of the NPS-IB;</li> <li>• Provide for the use of consent or designation conditions to secure restoration where new use and development is proposed.</li> <li>• Encourage uses to refer to the identification of areas meeting the RPS significance criteria in the report prepared by Wildland for the Council.</li> <li>• Include councils intent to continue ground truthing the areas identified as meeting RPS significance criteria in the Wildlands report (see reference earlier in these submissions)</li> </ul>
	ECO-R1	Oppose	<p>The rule permits a broad range of indigenous vegetation clearance activities without any requirements to manage adverse effects. As drafted, the rule risks undermining the protection and maintenance of indigenous biodiversity. It effectively provides blanket permitted activity status for clearance in sensitive areas, without applying an effects management or considering whether the vegetation supports significant ecological values. This is particularly concerning given the plan does not include an overlay of mapped significant areas which could be excluded from this rule.</p> <p>There is no requirement to assess the significance of vegetation being cleared, nor are there limits based on ecological context, habitat types, or connection to SNAs. This approach could result in the incremental loss of ecologically important indigenous vegetation across the district.</p>	<p><b>Retain</b> the permitted rule approach being for specified purposes only.</p> <p><b>Delete b.</b> new walking tracks may not be appropriate within areas meeting RPS significance criteria and could result in spread of Kauri Dieback disease.</p> <p><b>Delete</b> purpose f.</p> <p><b>Add</b> a new Controlled rule for purpose f. with matter of control including:</p> <ul style="list-style-type: none"> <li>- An assessment applying the RPS significance criteria</li> <li>- the location of building platform/site and access requirements to minimise clearance of indigenous vegetation and protect areas of highest biodiversity values.</li> <li>- the need for any covenant to protect significant indigenous biodiversity values</li> </ul> <p><b>Delete</b> h. Council has responsibilities to protect and maintain biodiversity.</p> <p><b>Amend</b> j. to ensure this not abused, ie limit to functions under appropriate act or service.</p> <p><b>Amend</b> L. to include limits on extent of clearance, for example within 1m.</p> <p><b>Amend</b> the rule so that it does not enable unlimited total area clearance of vegetation or land disturbance by activities as a permitted activity or to a degree not intended by the NPS-IB.</p> <p><b>amend</b> the rule to apply area clearance limits over the lifetime of the plan (or where appropriate consider a 12-month period) to ensure permitted clearance and disturbance is appropriately managed</p>



				<p>to protect and maintain in accordance with Council's responsibilities and functions.</p> <p><b>Add</b> a new rule, to make any clearance and land disturbance that does not meet limit standards, as sought above, a Restricted Discretionary activity status that restricts discretion to:</p> <ul style="list-style-type: none"> <li>- Effects of vegetation clearance and associated land disturbance on indigenous biodiversity,</li> <li>- The extent of clearance proposed and any practicable alternative locations or methods to avoid or reduce the extent of indigenous vegetation clearance and associated land disturbance;</li> <li>- The proposed measures to avoid, remedy, mitigate, offset or compensate adverse effects on indigenous biodiversity values;</li> <li>- The reasons for the indigenous vegetation clearance and associated land disturbance; and</li> <li>- Any positive effects associated with the indigenous vegetation clearance and associated land disturbance.</li> </ul>
	ECO-R2	Oppose	<p>The rule applies only broad per-event thresholds (e.g., 1,000m<sup>2</sup> for clearance, 500m<sup>2</sup> for disturbance) and does not provide adequate safeguards to manage cumulative effects over time.</p> <p>Given that areas of significant indigenous biodiversity have not been identified in the plan, this is not appropriate,</p> <p>It is our view the current limits are set too high to ensure protection of indigenous biodiversity in line with the NPS-IB and RPS. For example, repeated clearance or disturbance events below the threshold could result in significant cumulative loss of habitat and ecological integrity over the life of the plan. This includes areas that contribute to ecological connectivity, buffering, and ecosystem resilience. This rule does not appear, from the section 32 report, to be based on advice from an ecologist.</p>	<p><b>Delete Rule ECO-R2</b></p> <p><b>Alternatively</b> ensure it only applies outside areas identified in the Wildlands report as meeting RPS significance criteria.</p>
	New rules		<p>The NPS-IB sets out that adverse effects on indigenous biodiversity from new subdivision, use and development must be avoided or managed too (see policy 7 and 8). As drafted the section does not give effect to this direction.</p>	<p><b>Insert</b> new rules to avoid and manage adverse effects from new subdivision, use and development, including:</p> <p><b>A rule</b> making subdivision that is in or affects significant indigenous fauna or habitat, or indigenous biodiversity a restricted discretionary activity with discretion restricted to:</p> <ul style="list-style-type: none"> <li>- Effects on of vegetation clearance and associated land disturbance on indigenous biodiversity,</li> <li>- The extent of clearance proposed and any practicable alternative locations or methods to avoid or reduce the extent of indigenous vegetation clearance and associated land disturbance;</li> <li>- The proposed measures to avoid, remedy, mitigate, offset or compensate adverse effects on indigenous biodiversity values;</li> <li>- The reasons for the indigenous vegetation clearance and associated land disturbance; and</li> <li>- Any positive effects associated with the indigenous vegetation clearance and associated land disturbance.</li> </ul>

				<b>Add</b> a catch all rule for any use or development not provided for in the ECO chapter a discretionary activity
<b>Part 2 – District-wide matters / Natural Environment Values / Natural Character</b>	NATC-P2 Indigenous vegetation clearance and earthworks	Oppose in part	Whilst not opposed to enabling clearance and earthworks for these activities, effects must be avoided, remedied and mitigated akin to clause 3 of NTC-P3. Clause 3 of NTC-P3 needs to be inserted into NATC-P2 to ensure this occurs.	<b>Insert</b> additional clause in the policy requiring any adverse effects to be avoided, remedied and mitigated.
	NATC-P5 Assessment of resource consents	Oppose in part	Given natural character of the coastal environment, water bodies and their margins support indigenous biodiversity, indigenous vegetation, habitat and species should be a matter had regard to when assessing effects.	<b>Insert</b> <u>‘indigenous biodiversity present – including indigenous vegetation, indigenous species habitat and indigenous species’</u> as matter to be had regard to in policy.
	NATC-R2	Oppose in part	Forest & Bird are concerned a new building or structure of up to 300m <sup>2</sup> could be built within riparian margins as a permitted activity. A building or structure of this size is likely to have significant adverse effects on natural character.	<b>Amend</b> NATC-R2 condition a. to reduce building and structure area to 10m <sup>2</sup> for the purpose of preserving natural character.
	NATC-R1 – NATC-R4	Oppose in part	<p>Across all these rules, where compliance is not achieved with the permitted rule, it is said to be a restricted discretionary activity and subject to performance standards (indicated by the ‘where:’). However, matters of discretion are not included in the rule nor are standards. This is likely a drafting error, which needs to be addressed.</p> <p>Another issue is that subdivision and establishment of accessways and tracks is not covered by the rules. Both these activities can be expected to be proposed in these areas, and section 6(a) requires Kaipara Council to protect natural character from inappropriate subdivision, use and development.</p>	<p><b>Insert</b> matters of discretion for where permitted performance standards are not met that address natural character effects.</p> <p><b>Insert</b> performance standards for restricted discretionary activities related to preserving natural character.</p> <p><b>Insert</b> new discretionary rule for subdivision in natural character areas.</p> <p><b>Insert</b> permitted and restricted discretionary rules covering establishment, maintenance and upgrade of accessways and tracks in natural character areas. Apply the earthworks and indigenous vegetation clearance standards. Apply new standard requiring formed width to be 1.5m.</p>
	Natural character standards	Oppose in part	<p>Whilst Forest &amp; Bird support standards for maximum height, earthworks and vegetation clearance within margins, the standards as proposed are likely to result in adverse effects on natural character.</p> <p>The maximum height of 5.5 metres coupled with the permitted area standard of 300m<sup>2</sup> is likely to result in a density of building and structures along riparian margins that will adversely affect natural character.</p> <p>The proposed standard enabling earthworks cuts of up to 2 metres is likely to result in adverse effects on natural character too. In many cases, average bank heights within riparian margins could be less than 2 metres, so such cuts could significantly alter the natural character. Additionally, due to the typically high water tables and hydrological conditions in riparian areas, earthworks at this scale are likely to encounter groundwater or surface water. This increases the risk of sediment-laden runoff entering adjacent waterbodies, adversely affecting natural character.</p> <p>Additionally, the proposed standard to stabilise earth worked areas within six months of disturbance is inappropriate for riparian margins, where seasonal changes—especially winter floods—can mobilise exposed soils creating a high risk</p>	<p><b>Amend</b> the maximum height standard to 2m or a lower threshold more appropriate to the landscape context</p> <p><b>Amend</b> the earthworks standard to:</p> <ul style="list-style-type: none"> <li>Reduce the maximum permitted cut depth from 2 metres to 0.5m or lesser to minimise changes to landform and hydrological effects.</li> <li>Require stabilisation of disturbed areas within one month to avoid sediment loss and associated effects on natural character.</li> <li>Include controls requiring erosion and sediment control measures to be installed and maintained during and after works.</li> </ul> <p><b>Amend the</b> vegetation clearance standard to:</p> <ul style="list-style-type: none"> <li>Manage both indigenous and exotic vegetation clearance within riparian margins to maintain ground cover, reduce erosion risk, and protect water quality.</li> <li>Introduce a 500m<sup>2</sup> cumulative threshold for vegetation clearance over time (e.g. measured over a 10-year period) to prevent ongoing incremental loss of riparian vegetation and natural character.</li> </ul>

			<p>of sediment entering waterbodies, again compromising natural character.</p> <p>Regarding the vegetation clearance standard, it does not manage cumulative clearance over longer time periods. This could lead to cumulative loss and effects on natural character within riparian margins. Further, by only managing indigenous vegetation clearance, protection of water quality (and by extension natural character) is not achieved as exotic vegetation may be present, and its removal may contribute to sediment entering water bodies.</p> <p>A more precautionary approach is required in the standards to preserve natural character and protect it from inappropriate use.</p>	
<b>Part 2 – District-wide matters / Natural Environment Values / Natural Features and Landscapes</b>	Overview text	Oppose in part	<p>Forest &amp; Bird are generally supportive of the overview text; however, the second paragraph should be reframed to more accurately reflect that the sensitivity of natural features and landscapes relates to their vulnerability to inappropriate subdivision, use, and development. Appropriate proposals are those that maintain or enhance the identified values of these areas. As currently drafted, the paragraph implies that subdivision, use, and development may be acceptable where features or landscapes are perceived as ‘less sensitive,’ which risks undermining the protective intent of the section and may enable degradation of values over time.</p> <p>The overview text must also include greater recognition that often these areas provide for indigenous biodiversity, with indigenous vegetation and habitat of indigenous fauna present, and that contributes to their values.</p>	<p><b>Amend</b> the second paragraph of the overview text to clearly state that natural features and landscapes are sensitive to inappropriate subdivision, use, and development, and that appropriate proposals are those that avoid adverse effects on the identified values of these areas.</p> <p><b>Remove or reframe</b> language that implies development may be acceptable in areas deemed ‘less sensitive,’ to avoid creating a permissive interpretation that could undermine the protection of natural character and landscape values.</p> <p><b>Amend</b> the overview text to explicitly acknowledge that areas frequently contain indigenous vegetation and habitat for indigenous fauna, and that these biodiversity values are a component of the area's ‘outstanding’ value.</p>
	NFL-P2 Existing use and development	Oppose	<p>As drafted, the policy could enable existing use and development without restriction. This could allow for incremental intensification of existing activity and use over time and adversely affect the values contributing to an area being outstanding. The policy needs to be amended so that the scale and intensity of existing use and development must not increase.</p>	<p><b>Amend NFL-P2 as follows:</b></p> <p>Recognise that lawfully established land use and development are located within Outstanding Natural Features and Outstanding Natural Landscapes and allow them to continue without undue restriction<sup>72</sup>, <u>provided that additional adverse effects on the characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes as set out in Schedule 4 and Schedule 5 are avoided.</u></p>
	NFL-P3 Adverse effects within the coastal environment	Oppose in part	<p>As set out elsewhere in our submission, for plan certainty and effectiveness, all Coastal Environment provisions should be included in the Coastal Environment section.</p> <p>In either case Policy 15 of the NZCPS includes direction on adverse effects that are not included in this policy. All of the NZCPS policy wording must be included for the District Plan to give effect to the NZCPS.</p>	<p><b>Move</b> this policy to the Coastal Environment section of the plan</p> <p><b>Amend</b> policy so it gives effect to Policy 15 of the NZCPS.</p>
	NFL-P4 Adverse effects outside the coastal environment	Oppose in part	<p>The policy does not cover indigenous vegetation alteration or clearance. Indigenous vegetation for almost all outstanding natural features and landscapes contribute to their value, quality, characteristics. Therefore, the policy should include direction on</p>	<p><b>Amend</b> policy so indigenous vegetation alteration and removal are considerations when avoiding, remedying and mitigating adverse effects on features and landscapes.</p>

			indigenous vegetation alteration and clearance.	
	NFL-P5 Regionally significant infrastructure	Oppose	The policy should include an alternatives location test. As currently drafted, the policy may enable the development of such infrastructure within ONFLS without sufficiently considering whether it could be feasibly located elsewhere. Including an alternatives test would help ensure that the protection of ONFLs is given appropriate weight in decision-making, consistent with higher order policy direction.	<b>Insert</b> additional clause in policy requiring demonstration that no other feasible alternative locations, outside of the ONFL, are available.
	NFL Rules	Oppose in part	The rules as currently drafted, do not require permitted activities to meet indigenous vegetation clearance and earthworks standards, which are set out later in the section. All rules should include a standard requiring compliance with NFL-S4 and NFL-S5, to ensure outstanding natural features and landscapes are protected in accordance with section 6(b).	<b>Insert compliance with NFL-S4 and NFL-S5 as standards all permitted activities must comply with.</b>
	NFL-S2	Oppose in part	Whilst we support the standard relating to gross floor area, buildings other than accessory buildings and residential units are likely to be proposed in ONFLs. The standard and associated rules do not cover such proposals.	<b>Ensure</b> all buildings and structures are covered by rule framework and associated gross floor area standard.
	NFL-S4	Oppose	As set out elsewhere in our submission, Forest & Bird are concerned that there are no cumulative limits to ensure cumulative adverse effects of earthworks are avoided over longer time periods (such as the lifetime of the plan). We are also concerned that enabling 2m high and wide cuts may result in adverse effects on ONFLs.	<b>Insert</b> lifetime of plan limit on earthworks per site of 500m <sup>3</sup> at the permitted or controlled activity level.  <b>Revise</b> NFL-S4 2. depth to 0.5m or a more conservative height to protect characteristics, values and qualities of identified ONFLs.
	NFL-S5	Oppose	As set out above and elsewhere in our submission an overall limit across the lifetime of the plan is required to avoid cumulative adverse effects of vegetation clearance. We are also concerned that 150m <sup>2</sup> of permitted vegetation clearance per site will result in adverse effects.	<b>Insert</b> lifetime of plan limit on indigenous vegetation clearance per site of 500m <sup>2</sup> and ensure this is outside areas meeting RPS significance criteria  <b>Revise</b> area limit of clearance to 50m <sup>2</sup> protect characteristics, values and qualities of ONFLs.
	NFL-S6	Oppose	Forest & Bird are concerned about a 20% increase in building and structure's gross floor areas. For some larger buildings and structures already existing, 20% would enable a large increase.	<b>Revise</b> percentage limit to 10% or a more conservative limit consistent with protecting ONFLs.
<b>Part 2 – District-wide matters / Natural Environment Values / Public Access</b>	Overview text		Policies 19 and 20 of the NZCPS anticipate that in some cases public access may need to be restricted. The overview text should include this recognition.	<b>Insert</b> text relating to restricting public access in the Coastal Environment where required in accordance with Policies 19 and 20 of the NZCPS.
	PA-O2	Support in part	Whilst we support the intent of the objective, it must be made clearer that access must, in some cases, be restricted to avoid adverse effects on these sensitive environments. This clarity is required to ensure the plan is effective.	<b>Add:</b> <u>'where it does, public access is restricted'</u> to the end of objective PA-O2.
	New public access policy		As set out above, in some cases public access must be restricted to protect indigenous threatened species or sensitive natural areas (for example). A new policy is required for these cases.	<b>Insert new</b> policy establishing where and under what circumstances public access will be restricted including: <ul style="list-style-type: none"> <li>- To protect indigenous biodiversity values</li> <li>- To protect threatened indigenous species</li> <li>- To protect sensitive natural areas or habitats</li> <li>- To avoid harm to ecological systems or to indigenous flora and fauna</li> </ul>
<b>Part 2 – District-wide matters / Subdivision / Subdivision</b>	Overview text	Oppose in part	The overview text must include recognition that in some cases subdivision may be inappropriate i.e. where it results in significant adverse effects and preservation and protection is required in accordance with section 6 of the Act, RPS, the NPS-IB	<b>Insert text into the overview section about when subdivision is inappropriate as follows:</b>  <u>In some cases, subdivision may be inappropriate. This includes situations where subdivision would result in significant adverse effects on indigenous</u>

			and NZCPS. As currently drafted, the overview text frames subdivision as acceptable in all instances and design and layout being the precursor to it being acceptable in sensitive environments.	<u>biodiversity by fragmenting habitats, for example. In such cases, the plan directs this type of subdivision to be avoided.</u>
	SUB-O1 All subdivision	Oppose in part	Areas containing natural character, outstanding natural features and landscapes, and indigenous biodiversity are often not contained within zones. As drafted, the objective neglects to cover overlays, and the values of the site, which also influence the outcomes anticipated.	<b>Amend SUB-O1 as follows:</b>  <u>Subdivision</u> enables efficient use of land and achieves patterns of development that are consistent with the anticipated <u>land</u> use outcomes for the zone, <u>overlay and site</u> .
	SUB-O3 Rural subdivision	Oppose in part	The Rural Zone often contains remnants of indigenous biodiversity and provides important habitat for specified highly mobile fauna. Subdivision within this zone can lead to the fragmentation of habitats and disruption of ecological processes, particularly when land is divided into separate property titles with differing management approaches. To address this, the rural subdivision objective should explicitly recognise the potential ecological impacts of subdivision and support the protection and enhancement of indigenous biodiversity and ecological connectivity.	<b>Insert additional clause in SUB-O3 as follows:</b> <u>Protects significant indigenous biodiversity from fragmentation and manages adverse effects in accordance with ECO section provisions.</u>
	SUB-P1 Subdivision design and location	Oppose in part	Subdivision can result in adverse effects on water bodies, freshwater ecosystems, and indigenous biodiversity if they are not considered in design and where subdivision is located. The policy should require subdivision design and location to recognise this and avoid, remedy and mitigate any adverse effects.	<b>Amend</b> clause 1 to insert ‘waterbodies’ and ‘habitat of indigenous species’.  <b>Insert</b> additional clause in the policy requiring subdivision design and location to maintain health and wellbeing of water bodies and freshwater ecosystems.
	SUB-P2 Infrastructure servicing requirements	Oppose in part	Subdivision introduces greater quantities of stormwater into waterways, which through increasing flows and contaminants contained within stormwater (if not treated), will affect the health and wellbeing of water bodies and freshwater ecosystems. The NZCPS includes direction on managing stormwater discharges. SUB-P2 needs to respond to direction in the NPS-FM and NZCPS relating to stormwater discharges.	<b>Amend SUB-P2</b> to include reference to infrastructure objectives, policies and rules in infrastructure section.  Amend SUB-P2 to include outcomes for stormwater quality and quantity management that: – maintain or improve freshwater health and the mauri of water bodies and receiving environments, – avoid or minimise adverse effects of stormwater discharges on the coastal environment, – incorporate provisions to achieve or contribute to the achievement of Te Mana o te Wai, – minimise changes to natural flow regimes and hydrological connectivity, – support the life-supporting capacity, ecosystem health, and natural character of freshwater and coastal receiving environments
	SUB-P3 Providing for recreation and public access	Oppose in part	The NPS-UD requires access to natural open spaces as part of delivering a well-functioning urban environment. This should be included in clause 1 of the policy and because well-functioning urban environments in New Zealand is an objective of the NPS-UD, the clause should require rather than encourage these spaces to be provided.	<b>Amend chapeau and clause 1 of SUB-P3 to read:</b>  Provide for recreation, <u>open spaces</u> and public access by: 1. <del>Encouraging</del> <b>Requiring</b> the provision of public open <u>and natural</u> spaces, that provide for various forms of recreation, within residential zones; and
	SUB-P8 Subdivision in the General rural zone outside the Mangawhai/Hakaru Managed Growth Area	Oppose in part	As set out elsewhere, the General Rural Zone contains remnants of indigenous biodiversity. The policy should provide direction on its protection, maintenance and enhancement through subdivision.	<b>Amend the policy to insert additional clause as follows:</b> <u>Protects areas of significant indigenous vegetation and the habitats of significant indigenous fauna, provides for ecological corridors to maintain and enhance indigenous biodiversity.</u>
	New subdivision objectives, policies and rules		As drafted the section does not cover subdivision in the Coastal Environment, and where indigenous vegetation and habitat, riparian margins, and outstanding	

			<p>natural features and landscapes are present. New objectives, policies and rules covering subdivision affecting these areas is required to recognise and provide for sections 6(a), (b), (c) and give effect to the NZCPS, NPS-FM and NPS-IB. Promoting increasing indigenous vegetation cover in urban and non-urban environments, in accordance with policy 14 of the NPS-IB should also be included in the subdivision provisions.</p> <p>New subdivision objectives should cover the outcomes sought for subdivision within these areas or resulting in adverse effects on them.</p>	
	Application of subdivision rules and standards	Oppose	For the most part subdivision is enabled across all zones. However, the rules and standards do not manage subdivision in areas that must be protected or maintained such as ONFLS, the Coastal Environment, and those containing indigenous biodiversity.	<b>Insert</b> rules and standards to ensure subdivision is appropriately managed in areas that require preservation and protection under section 6 of the Act.
Part 2 – District-wide matters / General District-Wide Matters / Coastal Environment	Overview text	Oppose in part	<p>A slight change is needed at the start the overview text, so it is clear the purpose of the section is to preserve and restore natural character not ‘aim to’ to do those things. Section 6(a) and the NZCPS requires preservation to be recognised and provided for. The plan must give effect to this direction.</p> <p>As drafted the overview text gives the impression the scope of the section is around natural character only. The NZCPS contains direction on other matters too including:</p> <ul style="list-style-type: none"> <li>• Safeguarding the integrity, form, functioning and resilience of the coastal environment</li> <li>• maintaining and enhancing public open space and recreation opportunities</li> <li>• coastal hazards and risk</li> <li>• enabling people and communities to provide for their wellbeing and health and safety</li> </ul> <p>These should be covered in the overview text.</p>	<p><b>Amend first line of overview text to read:</b> The purpose of this chapter is to preserve and restore the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.</p> <p><b>Insert additional</b> text into the Overview text covering the scope of the section not only covering natural character, but other matters as set out in the NZCPS and explaining where biodiversity matters within the coastal environment are addressed by the Plan.</p>
	CE-O1 Preservation of the natural character of the coastal environment	Support in part	Policy 13(2) sets out the elements of natural character in the coastal environment. For plan certainty and effectiveness, the policy should include these in CE-O1 so plan users and decision makers are provided with certainty when it comes to managing adverse effects on natural character.	<b>Insert</b> those elements contributing to natural character, as identified in Policy 13(2) of the NZCPS.
	CE-O3 Relationship of Tangata Whenua/Mana Whenua with the coastal environment	Support in part	Forest & Bird support the objective however there appears to be a drafting error in that the title of the objective is before the objective itself. This error will need to be corrected.	<b>Correct</b> the objective text to not include the title of the objective.
	New Coastal Environment objectives and policies		<p>New objectives are required to give effect to the other objectives of the NZCPS including objectives 1, 4, 5 and 6.</p> <p>New policies are also required to give effect to the additional objectives and policies of the NZCPS including:</p> <p>Policy 1 – extent and characteristics of the coastal environment</p>	<p><b>Insert new</b> objectives and policies that give effect to the following policies of the NZCPS:</p> <p>Policy 1 – extent and characteristics of the coastal environment</p> <p>Policy 2 – the Treaty of Waitangi, tangata whenua and Māori heritage</p> <p>Policy 3 – Precautionary approach</p> <p>Policy 4 – integration</p> <p>Policy 6 – activities in the coastal environment</p> <p>Policy 7 – strategic planning</p> <p>Policy 10 – reclamation and de-reclamation</p>



			<p>Policy 2 – the Treaty of Waitangi, tangata whenua and Māori heritage</p> <p>Policy 3 – Precautionary approach</p> <p>Policy 4 – integration</p> <p>Policy 6 – activities in the coastal environment</p> <p>Policy 7 – strategic planning</p> <p>Policy 10 – reclamation and de-reclamation</p> <p>Policy 11 – indigenous biological diversity</p> <p>Policy 12 – Harmful aquatic organisms</p> <p>Policy 17 – Historic heritage identification and protection</p> <p>Policy 18 – Public open space</p> <p>Policy 19 – Walking access</p> <p>Policy 20 – vehicle access</p> <p>Policy 21 – enhancement of water quality</p> <p>Policy 22(2) – (4) – Sedimentation</p> <p>Policy 23(4)</p> <p>Policy 24 – Identification of coastal hazards</p> <p>Policy 25 – Subdivision, use and development in areas of coastal hazard risk</p> <p>Policy 26 – Natural defences against coastal hazards</p> <p>Policy 27 – Strategies for protecting significant existing development from coastal hazard risk</p>	<p>Policy 11 – indigenous biological diversity (unless referred to in this section as being included fully in the ECO chapter)</p> <p>Policy 12 – Harmful aquatic organisms</p> <p>Policy 17 – Historic heritage identification and protection</p> <p>Policy 18 – Public open space</p> <p>Policy 19 – Walking access</p> <p>Policy 20 – vehicle access</p> <p>Policy 21 – enhancement of water quality</p> <p>Policy 22(2) – (4) – Sedimentation</p> <p>Policy 23(4)</p> <p>Policy 24 – Identification of coastal hazards</p> <p>Policy 25 – Subdivision, use and development in areas of coastal hazard risk</p> <p>Policy 26 – Natural defences against coastal hazards</p> <p>Policy 27 – Strategies for protecting significant existing development from coastal hazard risk</p>
	CE-P1 Managing adverse effects on the natural character of the coastal environment	Oppose in part	<p>Whilst we support a policy covering managing adverse effects on natural character, policy 13 requires the adverse effects of ‘activities’ to be managed, not only land use and development. Limiting the policy to only land use and development does not cover subdivision. The policy should replace these terms with ‘activities’ to give effect to the NZCPS.</p>	<b>Replace</b> references in policy to ‘land use and development’ with <u>‘activities’</u> .
	Rules CE-R2, CE-R3, CE-R4	Oppose in part	<p>Providing for new buildings and structures, earthworks and indigenous vegetation clearance for regionally significant infrastructure without standards could enable adverse effects on natural character and indigenous biological diversity in the coastal environment. Set standards are required under these rules to ensure effects are appropriately managed.</p>	<b>Insert</b> standards limiting gross floor area (10m <sup>2</sup> ) and height (2m), and area limits over the lifetime of the plan for earthworks and vegetation clearance (500m <sup>3</sup> and 500m <sup>2</sup> ) for regionally significant infrastructure
	CE-S4	Oppose in part	<p>Forest &amp; Bird are concerned about allowing 12 months between completion of earthworks and reinstatement. Over the course of 12 months, there is the potential for disturbed land to enter coastal waters, or become unstable as it is exposed to coastal environment conditions. This could result in adverse effects on the coastal environment.</p>	<b>Shorten</b> timeframe for reinstatement to as soon as practicable, and within 1 month or more conservative timeframe so exposed areas do not become unstable or enter coastal waters.
	New standard		<p>Like EW-S4, a dust, silt, sediment control standard is required for earthworks in the Coastal Environment to ensure effects of earthworks are appropriately managed.</p>	<b>Include</b> additional standard requiring dust, silt, and sediment control similar to EW-S4 for earthworks activities.
<b>Part 2 – District-wide matters / General District-Wide Matters / Earthworks</b>	Overview text	Oppose in part	<p>Earthworks can also result in adverse effects on indigenous biodiversity. This should be recognised in the overview text</p>	<b>Insert</b> recognition that earthworks have the potential to result in adverse effects on indigenous biodiversity in the overview text.
	EW-P1 Enable appropriate earthworks	Oppose in part	<p>This policy sets out what earthworks are ‘appropriate’, it should therefore include an additional clause stating ‘appropriate management of effects of the environment’</p>	<b>Insert</b> additional clause stating: <u>‘appropriate management of any adverse effects on the environment’</u>
	EW-P2 Manage the effects of earthworks	Oppose in part	<p>This policy should set out that best practice erosion and sediment control methods must be used when undertaking earthworks. This is to ensure earthworks are appropriately managed and do not</p>	<b>Insert additional clause stating:</b> <u>‘Earthworks are undertaken with an Erosion and Sediment Control Plan in place’</u>

			result in adverse effects on the environment.	
	EW-P3 Quarrying activities and mining activities	Oppose in part	<p>Clause 1, as currently drafted, accepts that adverse effects will occur. This is inconsistent with section 5, which requires effects to be avoided, remedied or mitigated.</p> <p>Further, the phrase “internalised as far as practicable” is vague, providing excessive discretion to operators and risking inconsistent implementation. This could lead to cumulative effects and undermine the protective intent of other environmental objectives and policies. Internalised effects are still effects and should be appropriately managed. Reliance on “industry best practice” and “management plans” as mitigation tools assumes a level of environmental performance that is not always achievable through these mechanisms alone. Even best practice may still result in significant adverse effects—especially in or near sensitive ecological, cultural, or recreational areas, where a more precautionary approach is warranted.</p>	<p><b>Amend</b> clause 1 so it reads:</p> <p><u>Any adverse effects generated by the quarrying activity or mining activity are avoided, remedied or mitigated</u></p>
	EW-P4 Rehabilitation	Support in part	Forest & Bird support this policy however the policy should set out the outcomes to be achieved for rehabilitation.	<p><b>Insert</b> additional clauses into the policy outlining what rehabilitation plans must cover and the outcomes sought from rehabilitation including:</p> <ul style="list-style-type: none"> <li>re-establishment of indigenous vegetation and ecosystems, and hydrological and landforms that reflect the natural character and biodiversity values of the area prior to disturbance.</li> <li>Provide for ongoing ecological monitoring</li> <li>Include clear, measurable targets and timeframes</li> <li>Require the use of locally-sourced indigenous plant species wherever possible</li> <li>Incorporate consultation requirements and opportunities for community and tangata whenua involvement</li> </ul>
	Application of rules EW-R1 and EW-R2	Oppose	The rules, as drafted, apply in all zones, however this is not the case for ONFLs, the Coastal Environment and other areas where protection is required. The rules should reflect that with these areas excluded from their application.	<b>Exclude</b> overlays and zones where protection is required such as the Coastal Environment, and ONFLs.
	EW-R2 Land disturbance	Oppose	Forest & Bird are concerned with ‘land disturbance’ being enabled as a permitted activity without any performance standards. It is not clear how effects from land disturbance and earthworks would differ and why a different approach to controls is required; Regardless of whether land disturbance changes the profile permanently, it is likely it would still expose soil which could enter waterways (if not appropriately managed) or disturb indigenous habitat.	<p><b>Delete</b> the rule or apply the permitted performance standards for earthworks to land disturbance activities.</p> <p><b>If not deleted</b>, apply restricted discretionary activity status when compliance is not achieved.</p>
	EW-R3 Farm quarrying	Oppose	The General Rural and Māori Purpose zones contain remnant areas of indigenous vegetation and likely habitat for indigenous species, including specified highly mobile fauna. Enabling a maximum volume of 1,000m <sup>3</sup> to be quarried without any dust, silt, sediment controls and setbacks from areas containing indigenous vegetation could result in adverse effects on indigenous biodiversity.	<p><b>Insert</b> standards relating to silt, sediment and dust control.</p> <p><b>Insert</b> setback standards for farm quarrying from areas of indigenous vegetation.</p>
	EW-R4	Oppose in part	As set out in our submission on the rehabilitation plan policy, particular requirements for the rehabilitation plan must be set out so it is clear what outcomes and sought from rehabilitation,	<p><b>For the rehabilitation plan, include</b> detailed requirements for outcomes. For outcomes include:</p> <ul style="list-style-type: none"> <li>re-establishment of indigenous vegetation and ecosystems, and hydrological and landforms that reflect the natural character</li> </ul>



			and what contents are required in the plans.	<p>and biodiversity values of the area prior to disturbance.</p> <ul style="list-style-type: none"> <li>the use of locally-sourced indigenous plant species wherever possible</li> <li>Ongoing ecological monitoring</li> <li>Identification of clear, measurable targets and timeframes for re-establishment</li> <li>consultation requirements for preparing the plan, particularly with tangata whenua, and identification of opportunities for community and tangata whenua involvement in rehabilitation.</li> </ul>
<b>Part 2 – District-wide matters / General District-Wide Matters / Light</b>	Overview text and objectives, policies and LIGHT-R1	Oppose in part	Artificial lighting can have adverse effects on natural environment values. As drafted, the overview text, objectives, policies and rules do not reflect this.	<p><b>Include</b> below text in Light section overview text:  <u>Artificial lighting, including spill and glare, can negatively affect indigenous biodiversity by disrupting natural patterns and behaviours. For example, excessive night lighting can interfere with the movement and feeding of nocturnal insects, which in turn affects species that rely on them for food.</u></p> <p><b>Insert</b> new objective as follows:  <u>The design and location of artificial lighting protects indigenous biodiversity from the effects of light spill and glare.</u></p> <p><b>Amend</b> LIGHT-P2 so an additional clause is inserted as follows:  <u>Avoid areas of significant indigenous biodiversity other than necessary for health and safety purposes.</u></p> <p><b>Insert</b> additional standard in LIGHT-R1 a. for artificial outdoor lighting in the Coastal Environment, ONFLs, natural character areas, and areas containing indigenous biodiversity so that adverse effects of lighting on indigenous biodiversity are avoided.</p> <p><b>Include in matters of discretion:</b></p> <ul style="list-style-type: none"> <li>The effect of the light on indigenous biodiversity values</li> <li>The extent of light and any practicable locations or methods to avoid or reduce the extent of effects on indigenous biodiversity values</li> <li>The proposed measures to avoid, remedy, mitigate, offset or compensate adverse effects on indigenous biodiversity values</li> </ul>
<b>Part 2 – District-wide matters / General District-Wide Matters / Noise</b>	Overview text, objectives, policies, rules, and standards	Oppose in part	Noise can also have adverse effects on natural environment values particularly indigenous fauna. For example, frost fans and helicopter landings, bird scaring devices may affect our indigenous birds. As drafted, the noise provisions do not reflect this.	<p><b>Include text in the overview text as follows:</b>  <u>Noise can adversely affect indigenous biodiversity by disturbing natural behaviours. For example, elevated noise levels may cause birds to abandon nests.</u></p> <p><b>Insert new objective as follows:</b>  <u>Noise is managed to protect indigenous biodiversity.</u></p> <p><b>Insert new policy as follows:</b>  <u>Manage adverse effects of noise on indigenous biodiversity in accordance with ECO section provisions.</u></p> <p><b>Include in NOISE-MAT1:</b></p> <ul style="list-style-type: none"> <li>The effect of the noise on indigenous biodiversity values</li> <li>The extent of noise and any practicable locations or methods to avoid or reduce the extent of effects on indigenous biodiversity values</li> <li>The proposed measures to avoid, remedy, mitigate, offset or compensate adverse effects on indigenous biodiversity values</li> </ul>

<b>Part 2 – District-wide matters / General District-Wide Matters / Temporary Activities</b>	Overview text, objectives, policies, rules and standards	Oppose in part	Like our submission points above, temporary activities can result in adverse effects on indigenous biodiversity too. For example, temporary military training activities in areas where indigenous vegetation and habitat is present could result in trampling and destruction. The section provisions need to recognise this and manage such effects appropriately.	<p><b>Amend the overview text</b>, include recognition that temporary activities have the potential to adversely affect natural environment values including indigenous biodiversity.</p> <p><b>Include</b> natural environment values in clause 1 of TEMP-O2.</p> <p><b>Remove</b> enabling standard of ancillary building and structures in TEMP-R2.</p> <p><b>Include</b> effects on natural values, the environment and indigenous biodiversity in matters of discretion.</p> <p><b>Amend rule</b> so temporary activities are not enabled in sites and overlays containing indigenous biodiversity.</p> <p><b>Insert standards</b> for temporary activities in natural environments, which protect them from adverse effects.</p>
<b>Part 3 – Area-specific matters / Zones / Rural Zones / General Rural Zone</b>	Overview text and rules notes	Oppose in part	Whilst we recognise the primary purpose of the General Rural Zone is to provide for rural production activities, throughout the zone there are areas of indigenous vegetation and habitat of indigenous fauna, and that natural character is present, including rivers, streams, wetlands. The overview text must include recognition of this and set out the management approach and higher order documents that apply. The NPS-IB requires Council to recognise and provide for the importance of maintaining indigenous biodiversity outside of SNAs.	<p><b>Insert</b> into the Overview text further recognition of the natural environmental values within the zone including natural character and indigenous biodiversity. Suggested text is:</p> <p><u>The General Rural Zone also contains important natural environment values, including areas of natural character and indigenous biodiversity. These values are expressed through natural features and indigenous vegetation that often provide habitat for indigenous fauna. The Council has responsibilities under the Resource Management Act 1991, National Policy Statement for Indigenous Biodiversity and Northland Regional Policy Statement, to preserve natural character and to protect, maintain, and where appropriate, restore indigenous biodiversity. Much of Kaipara’s indigenous biodiversity and natural character has been lost or degraded. In response, the management approach for the General Rural Zone places emphasis on the protection and enhancement of remaining natural areas and ensures that land use and development are undertaken in a manner that supports these outcomes.</u></p> <p><b>Insert cross reference</b> in rule note back to natural character and ecosystems and indigenous biodiversity sections of the plan.</p>
	New objective and policy and definition		A new objective and policy relating to maintaining, and promoting and providing for restoration of indigenous biodiversity in the General Rural Zone is required to give effect to the NPS-IB including policy 8, 13 and clauses 3.16 and 3.21.	<p><b>Insert objectives as follows:</b></p> <p><u>Indigenous biodiversity in the General Rural Zone is maintained</u></p> <p><u>Indigenous biodiversity in the General Rural Zone is restored.</u></p> <p><b>Insert policies as follows:</b></p> <p><u>To maintain indigenous biodiversity in the General Rural Zone, manage any adverse effects of new use and development in accordance with Eco section provisions.</u></p> <p><u>To restore indigenous biodiversity in the General Rural Zone, promote and provide for restoration with priority given to:</u></p> <ul style="list-style-type: none"> <li><u>Threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems</u></li> <li><u>Areas that provide important connectivity or buffering functions</u></li> <li><u>Natural inland wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna</u></li> </ul>

				<ul style="list-style-type: none"> <li><u>Areas of indigenous biodiversity on specified Māori land where restoration is advanced by the Māori landowners</u></li> </ul> <p><u>When new use or development is proposed on a site with a important ecosystem or significant indigenous biodiversity area, consider requiring conditions for restoration or enhancement of that area on resource consents.</u></p>
	GRUZ-P2 Adverse effects of primary production	Oppose	<p>Whilst we accept the effects described are common in the General Rural Zone, the policy is drafted in a way that requires those effects to be accepted, not appropriately managed in accordance with section 5 and 6 of the Act. As drafted, the policy directs a decision maker to accept adverse effects without any management, which is inappropriate.</p> <p>The policy should be amended so it sets out common effects and activities associated with primary production activities.</p> <p>An additional policy is required enabling primary production activities but requiring adverse effects to be managed.</p>	<p><b>Amend GRUZ-P2 as follows:</b></p> <p><del>Enable</del> <u>Recognise</u> primary production activities <u>generate</u> <del>adverse effects associated with a typical rural working environment, such as</del> odour, <u>noise</u>, <u>dust</u>, <u>and involve</u> heavy traffic movements, <u>fertiliser</u> application, crop spraying and <u>forestry</u> harvesting, <del>occur, and should be accepted, in the General rural zone.</del></p> <p><b>Insert</b> additional policy dealing with how adverse effects of primary production activities must be managed, such as:  <u>Enable primary production activities, where adverse effects are avoided, remedied or mitigated.</u></p>
	GRUZ-P5 Non-rural activities	Oppose in part	<p>Whilst we recognise productive land needs to be protected in accordance with the National Policy Statement on Highly Productive Land, parts of the General Rural Zone contain indigenous biodiversity as outlined in earlier submission points. The policy needs to be explicit about providing for maintenance and restoration activities and explicit that restoration and enhancement is a non-rural activity that does not need to be avoided.</p>	<p><b>Insert</b> additional clause into GRUZ-P5 as follows:  <u>Involve maintenance or restoration of indigenous biodiversity.</u></p> <p><b>Remove</b> application of clause 3 on the additional clause sought above.</p>
	New rule		<p>A new rule is required covering vegetation clearance and associated land disturbance within areas containing indigenous vegetation.</p>	<p><b>Insert</b> new permitted activity rule covering indigenous vegetation clearance and associated land disturbance with a standard allowing only up to 50m2 of area to be disturbed.</p> <p><b>Insert</b> restricted discretionary rule where indigenous vegetation clearance and associated land disturbance does not meet area standard. Include the following matters of discretion:</p> <ul style="list-style-type: none"> <li>- Effects on of vegetation clearance and associated land disturbance on indigenous biodiversity,</li> <li>- The extent of clearance proposed and any practicable alternative locations or methods to avoid or reduce the extent of indigenous vegetation clearance and associated land disturbance;</li> <li>- The proposed measures to avoid, remedy, mitigate, offset or compensate adverse effects on indigenous biodiversity values;</li> <li>- The reasons for the indigenous vegetation clearance and associated land disturbance; and</li> <li>- Any positive effects associated with the indigenous vegetation clearance and associated land disturbance.</li> </ul>
<b>Part 3 – Area-specific matters / Zones / Open Space and Recreation Zones /</b>	New rules and standards		<p>Given the presence of indigenous vegetation present and natural features likely providing habitat for indigenous fauna, earthworks and vegetation clearance rules and standards must be</p>	<p><b>Insert new</b> permitted activity rule covering indigenous vegetation clearance and associated land disturbance with a standard allowing only up to 50m2 of area to be disturbed.</p>

Natural Open Space Zone			included in this section. This is because any earthworks and vegetation clearance are likely to have adverse effects on indigenous biodiversity, the natural features and natural character.	<b>Insert</b> restricted discretionary rule where indigenous vegetation clearance and associated land disturbance does not meet area standard. Include the following matters of discretion: <ul style="list-style-type: none"> <li>- Effects on of vegetation clearance and associated land disturbance on indigenous biodiversity,</li> <li>- The extent of clearance proposed and any practicable alternative locations or methods to avoid or reduce the extent of indigenous vegetation clearance and associated land disturbance;</li> <li>- The proposed measures to avoid, remedy, mitigate, offset or compensate adverse effects on indigenous biodiversity values;</li> <li>- The reasons for the indigenous vegetation clearance and associated land disturbance; and</li> <li>- Any positive effects associated with the indigenous vegetation clearance and associated land disturbance.</li> </ul>
	NOSZ-R2	Oppose in part	To ensure activities do not result in adverse effects and that any activities are monitored and effects appropriately managed, additional standards must be inserted into the rule requiring: <ul style="list-style-type: none"> <li>• the Council to be notified prior to activities occurring</li> <li>• the activities to be in accordance with the Natural Open Space Zone standards</li> </ul>	<b>Insert</b> additional standards in the rule requiring: <ul style="list-style-type: none"> <li>• the Council to be notified prior to activities occurring</li> <li>• the activities to be in accordance with the Natural Open Space Zone standards</li> </ul>
	NOSZ-R3 and NOSZ-R4	Oppose in part	Whilst we recognise conservation and recreation activities are likely to occur in the zone, these activities, if not undertaken with appropriate controls in place, can result in adverse effects on indigenous biodiversity and other natural environment values. The rules must therefore include standards.	<b>Include standards for conservation and recreation activities that protect indigenous biodiversity such as limiting any buildings and structures to 10m<sup>2</sup>, and compliance with earthworks and vegetation clearance limits.</b>
Part 3 – Area-specific matters / Zones / Open Space and Recreation Zones / Open Space Zone	OSZ-P1 clause 3	Oppose in part	The section overview and objective OSZ-O1 establish this zone includes natural, ecological, cultural and heritage values. Therefore, this clause should manage effects on those values.	<b>Amend</b> the clause so it reads:  <u>Manage effects on the natural, ecological, cultural and heritage values in the zone, and effects on the character and amenity of any adjacent General residential zone and the surrounding area.</u>
	OSZ-P5 Incompatible activities	Oppose in part	Given the purpose, characteristics and values of the Open Space Zone, incompatible activities should be avoided rather than minimised. In addition, land use and activities that compromise the values of the zone, as set out in OSZ-O1 should be avoided too. Currently, this is not covered by the policy	<b>Amend</b> OSZ-P5 so it reads:  <u>Avoid land uses and activities that would compromise public use and enjoyment, access to and the natural, ecological, cultural and heritage values associated with the Open space zone.</u>
	Open space zone rules and standards	Oppose in part	Like our submission points on the Natural Open Space Zone, given the presence of indigenous vegetation and ecological values in the zone, the rules and standards should manage vegetation clearance, earthworks and potential effects on these values.	<b>Insert new</b> permitted activity rule covering indigenous vegetation clearance and associated land disturbance with a standard allowing only up to 50m <sup>2</sup> of area to be disturbed.  <b>Insert</b> restricted discretionary rule where indigenous vegetation clearance and associated land disturbance does not meet area standard. Include the following matters of discretion: <ul style="list-style-type: none"> <li>- Effects on of vegetation clearance and associated land disturbance on indigenous biodiversity,</li> <li>- The extent of clearance proposed and any practicable alternative locations or methods to avoid or reduce the extent of indigenous vegetation clearance and associated land disturbance;</li> </ul>

				<ul style="list-style-type: none"> <li>- The proposed measures to avoid, remedy, mitigate, offset or compensate adverse effects on indigenous biodiversity values;</li> <li>- The reasons for the indigenous vegetation clearance and associated land disturbance; and</li> <li>- Any positive effects associated with the indigenous vegetation clearance and associated land disturbance.</li> </ul>
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