

Submission Form (Form 5)

Submission on Proposed Kaipara District Plan

Form 5: Submissions on a Publicly Notified Proposed District Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by Monday 30 June 2025 via:

Email: districtplanreview@kaipara.govt.nz (subject line: Proposed District Plan Submission)

Post: District Planning Team, Kaipara District Council, Private Bag 1001, Dargaville, 0340

In person: Kaipara District Council, 32 Hokianga Road, Dargaville; or
Kaipara District Council, 6 Molesworth Drive, Mangawhai

If you would prefer to complete your submission online, from 28 April 2025 please visit:
www.kaipara.govt.nz/kaipara-district-plan-review/proposed-district-plan

All sections of this form need to be completed for your submission to be accepted. Your submission will be checked for completeness, and you may be contacted to fill in any missing information.

Full name: Stuart Broughton

Phone: 0210401168

Organisation: Broughton Family Trust
(*the organisation that this submission is made on behalf of)

Email: stuartbroughton@xtra.co.nz

Postal address: 49 Ardmore Rd
Ponsonby Auckland

Postcode: 1011

Address for service: name, email and postal address (if different from above):

*FOR PROPERTIES
62 HURNORR ST 81060 S112*

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☒ I could not gain an advantage in trade competition through this submission; or

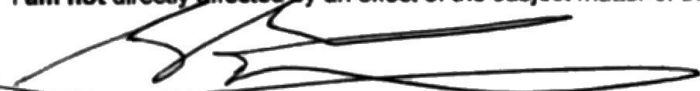
☐ I could gain an advantage in trade competition through this submission.

If you have ticked this box please select one of the following:

☐ I am directly affected by an effect of the subject matter of the submission

☐ I am not directly affected by an effect of the subject matter of the submission

Signature:



Date: 29 June 2025

(Signature of person making submission or person authorised to sign on behalf of person making the submission.)

Please note: all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

☐ I do not wish to be heard in support of my submission; or

☒ I do wish to be heard in support of my submission; and if so,

☒ I would be prepared to consider presenting my submission in a joint case with others making a similar submission at any hearing

Submission on the Proposed Kaipara District Plan 2025

Submitter

Name: The Broughton Family Trust (owner of 1060 State Highway 12, Maungatūroto – legal description: cross-lease title, Otamatea/Central)

Primary contact / address for service:

Stuart Broughton 021 040 1168,

stuartbroughton@xtra.co.nz

49 Ardmore Rd, Ponsonby, Auckland 1011

1. Specific provisions this submission relates to

Chapter / Map	Provision	Position	Reason (summary)
Planning Map – Maungatūroto	Zoning of 1060 SH 12 (shown as General Residential / Medium-Density 400 m ²)	Oppose in part	Cross-lease site includes mixed on-site wastewater servicing; higher density risks over-loading communal septic and undermining heritage cottages.
Residential Zones chapter	Medium-Density Residential minimum lot size (400 m ²)	Oppose	400 m ² standard enables more dwellings than current water and wastewater infrastructure can sustain.
Subdivision chapter	Controlled two-lot subdivision rules for “serviced” sites	Seek amendment	Treat cross-lease conversions that depend on on-site systems as un-serviced until reticulation is available.

If Council maps the property as Settlement or Large-Lot Residential, treat the table above as applying to that zone instead of Medium-Density.

2. Reasons for submission

1. Cross-lease complexity and mixed servicing – The parent title has 11 cross-lease units. Seven dwellings share a communal septic tank; the remaining four—including 1060 SH 12—operate individual on-site systems. Any intensification enabled by a medium-density zone would require a coordinated upgrade of both the communal and individual systems, a logistical hurdle because legal ownership of underlying land is co-owned.
2. On-site wastewater capacity already stretched – Existing systems were designed for low-density residential loading. Permitting additional dwellings without reticulated services risks public health and groundwater quality.
3. Historic heritage at risk – Six of the railway cottages on the cross-lease block are historically valuable. Introducing commercial or industrial-scale activity, or enabling higher-density redevelopment, would compromise their historic setting and conflict with Council’s objective to “protect historic heritage from activities that will compromise heritage values.”
4. Loss of existing residential and papakāinga rights – If the block were rezoned Light Industrial in future, rule LIZ-R16 would render residential activities non-complying, removing present rights such as visitor accommodation and papakāinga housing.
5. Fragmented titles and unanimous-consent barrier – The cross-lease requires agreement from all 11 owners for any material land-use change. This legal structure means the site cannot realistically deliver the industrial-land supply objectives the Light-Industrial or Commercial zones seek.
6. Residential-scale infrastructure – Water supply, roading, lighting and the school-bus stop are designed for housing. Upgrading these networks for heavier commercial traffic or denser housing would impose disproportionate costs on existing owners.
7. Council spatial-plan evidence of servicing constraints – The Maungatūroto Spatial Plan identifies the need for staged wastewater upgrades before further growth. Rezoning ahead of funded upgrades would exacerbate existing capacity issues.

See **Point 5** for a detailed assessment against Policy LIZ-P1.

3. Relief sought

Rezoning should be denied, at least until 1. The development connects to a public wastewater network, ****or****

2. A comprehensive wastewater upgrade, consented by all co-owners, demonstrates capacity for cumulative loading.

4. Hearing

- The Trust wishes to be heard.
- If others present similar submissions, we are open to presenting a joint case.

5. Detailed Assessment Against Policy LIZ-P1

<u>LIZ-P1 policy driver</u>	<u>Reality on the cross-lease site</u>	<u>Consequence</u>
Need for contiguous, amalgamable lots	The underlying fee-simple parcel has already been partitioned into 11 cross-lease flats plans of ~400–450 m ² . Amalgamation or boundary adjustment requires unanimous agreement, or a costly conversion to freehold.	Land fragmentation makes it virtually impossible for an industry needing larger footprint to establish or expand—contradicting the policy’s “efficient operation” aim.
Avoid reverse-sensitivity constraints	Six of the 11 dwellings are heritage interest railway cottages - arguably they all are, especially as a collective - at very least the other five remain occupied homes, i.e. sensitive receivers exist within the zone footprint.	Any industrial tenant would immediately face tighter noise, vibration and hours-of-operation limits, the very outcome LIZ-P1 is supposed to avoid.
Prevent erosion of industrial land	The land is already residential and heritage-protected; there is no realistic pathway to relocate or remove the dwellings.	Rezoning would create only a paper supply of industrial land that cannot be used for industry—undermining the policy objective of maintaining an effective industrial land bank.
Servicing suitable for industrial uses	The title relies on an individual on-site septic tank and has a narrow residential driveway unsuited to heavy vehicles. Reticulated sewer and upgraded access are unavailable.	Many as-of-right LIZ activities (panel-beating, food production, spray booths) require trade-waste and truck access—services the site lacks, so the zone cannot function as intended.

Provide a zone where businesses are “not unreasonably constrained by surrounding activities”

The site fronts State Highway 12, includes a school-bus stop, and is flanked by residential properties whose amenity is protected by Plan objectives.

Any future industrial consent would likely attract residential-style conditions (restricted hours, stringent noise limits), negating the flexibility LIZ-P1 is designed to deliver.

6. Conclusion

Because the site is fragmented, residential/heritage in character, un-serviced for trade waste, and surrounded by sensitive receivers, rezoning it Light Industrial would frustrate—rather than advance—the outcomes sought by Policy LIZ-P1. A residential-serviced or large-lot residential zone remains the only zoning that aligns with the Plan’s strategic objectives.

7. Signature

A handwritten signature in black ink, appearing to read 'Stuart Broughton', with a long horizontal flourish extending to the right.

Stuart Broughton, Trustee

Date: 28 June 2025

Meagan Walters

From: Stuart Broughton <stuartbroughton@xtra.co.nz>
Sent: Sunday, 29 June 2025 7:16 pm
To: District Plan Review
Subject: Two Submissions on Proposed Kaipara District Plan - 62 Hurndall Street East, Maungatūroto/1060 SH 12
Attachments: Form 5 Cover Page - Broughton Family Trust - 2 Sumbmissions.pdf; Submission - BroughtonFamilyTrust - 62 Hurndall St .docx; Submission - BroughtonFamilyTrust - 1060 SH12.docx

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You don't often get email from stuartbroughton@xtra.co.nz. [Learn why this is important](#)

To Whom It May Concern

Attached are submissions on each of our properties at the following addresses, and concerning the following proposals...

62 Hurndall Street East, Maungatūroto

Proposed Schedule of Historic Heritage – “Former Courthouse, 62 Hurndall Street East, Maungatūroto” (proposed Category A/B).

1060 SH 12

Zoning of 1060 SH 12 (shown as General Residential / Medium-Density 400 m²)

I have attached one Submission Form cover page which is applicable for both properties, and each Submission, each as a separate Word Document.

Please don't hesitate to contact me regarding the attached two submissions and cover note, I look forward to a positive response.

Regards

Stuart Broughton
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(021) 040 1168