



THE **PLANNING**
COLLECTIVE

Submission on Proposed Kaipara District Plan

Clause 6 of Schedule 1, Resource Management Act 1991 (Form 5)

To: **Kaipara District Council** (via email: districtplanreview@kaipara.govt.nz)

1. SUBMITTER DETAILS

Name of Submitter: KMA IQ Trustee Limited, owners of 99-101 Komiti Road, Tinopoi (legally described as Lot 21 DP 12065)

This is a submission on the Proposed Kaipara District Plan ("PKDP").

KMA IQ Trustee Limited could not gain an advantage in trade competition through this submission.

2. HEARING OF SUBMISSION

KMA IQ Trustee Limited do wish to be heard in support of its submission and will consider presenting a joint case at a hearing with others if they make a similar submission.

Yours sincerely

Diana Bell
The Planning Collective Limited
(*person authorised to sign on behalf of submitter*)

Date: 30 June 2025

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SUBMISSION

The following submission relates to the Proposed Kaipara District Plan (PKDP) as a whole. As such, in terms of scope we reserve the right to provide further submissions or evidence on additional matters as necessary given the issues of interest to our clients and the interrelationships with submission points on behalf of our client.

(1) The specific provisions of the Proposed Plan that my submission relates to are:		(2) My submission is that: (include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)		(3) I seek the following decisions from Kaipara District Council. (Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)
Chapter / Appendix / Schedule / Maps	Objective / policy / rule / standard / overlay	Oppose / support (in part or full)	Reasons	
Maps	General Residential Zone	Support	The General Residential zone of the property, namely 99-101 Komiti Road, Tinopoi (legally described as Lot 21 DP 12065) is supported. The property is currently being developed for residential purposes and has previously had building consents issued for residential development. While it sits between two Natural Open Space zoned portions of land and adjoins the Coastal Marine Area it is ultimately a residential property that is privately owned and as such the General Residential zoning is	Retain the General Residential zone.

			appropriate.	
General Residential Zone	Standard GRZ-S1 Building coverage 50%	Support	This standard provides the ability to appropriately develop a site for residential purposes while at the same time ensuring an open space character and high level of amenity for occupants is provided.	Retain the provision as notified
General Residential Zone	Standard GRZ-S2 Height	Oppose in Part	The maximum height of buildings and structures at 10m above ground level is supported. The maximum height of an accessory building is 5m above ground level is opposed; there is no reason to restrict the height of accessory buildings to 5m.	Increase the maximum height of accessory buildings to 10m.
General Residential Zone	GRZ-S5 Building setbacks from road boundaries and shared accessways	Oppose	There appears to be an error in sub-section (2) which should be corrected – see tracked change below: Where a garage, carport or part of a building includes a vehicle entrance facing a road boundary or shared accessway to another site , the vehicle entrance garage, carport or part of a building shall be setback a minimum of 5.5m from the road boundary or accessway.	Amend the error.
General Residential Zone	GRZ-S9 Building setbacks from a coastal marine area	Oppose	The 25m setback should be reduced to 20m to be consistent with that required to be vested as an esplanade reserve should the site be subdivided. The matters of discretion should be amended as follows: <ul style="list-style-type: none"> a. <i>The design and siting of the building or structure with respect to effects on the natural character of the coastal marine area. landscape, ecological, public access and cultural values of the waterbody;</i> b. <i>The impacts on existing and future esplanade reserves, esplanade strips, and public access to the coastal margins;</i> c. <i>screening, planting and landscaping on the site; and</i> d. <i>Natural hazard risks.</i> 	Reduce the width of the setback from the CMA and amend the assessment criteria as recommended.

			Landscape and ecological matters have been deleted as landscape is covered by ONL's and public access is covered by (b).	
District wide matters – Hazards and Risks – Natural Hazards	Policy NH-P3 - Avoid locating sensitive activities in areas of high hazard risk	Oppose in Part	<p>A High Risk Hazard Area is defined as means <u>land</u> that has been assessed to be at relatively high or extreme risk from the <u>effects</u> of coastal hazards over a planning horizon of 50 years. This <u>land</u> is identified in the <u>Planning Maps</u> as: <u>Coastal Erosion Hazard Area 1</u> and <u>Coastal Flood Hazard Area 1</u>.</p> <p>The subject site is largely covered by the Coastal Flood Hazard Area 1 – refer to planning maps in Appendix 1. The hazard area is not able to be avoided when developing the site for its intended residential purpose. The policy needs to reflect this and the following amendment is proposed:</p> <p>Avoid <u>Ensure that new subdivision and land use that will result in a sensitive activity being in High Risk Hazard Areas is designed to be resilient to natural hazards.</u></p>	Amend as suggested.
District wide matters – Hazards and Risks – Natural Hazards	Policy NH-P6 Manage subdivision and development in that may be affected by flood hazards and overland flow	Oppose in Part	<p>A High Risk River Flood Hazard Area is defined as means land indicated on the Planning Maps that has been assessed as having at least a 10 percent chance of river flooding occurring annually (10% AEP). This land is identified in the Planning Maps as: River Flood Hazard Area 1.</p> <p>The subject site is largely covered by the High Risk River Flood Hazard Area. The hazard area is not able to be avoided when developing the site for its intended residential purpose. The policy needs to reflect this and the following amendment (<u>underlined</u>) is proposed:</p> <p><i>Manage new subdivision, land use and development to avoid or mitigate the risks of flood hazards by requiring:</i></p> <ol style="list-style-type: none"> 1. <i>New subdivision to identify building platforms that:</i> <ol style="list-style-type: none"> a. <i>Are located outside the spatial extent of a High-Risk River Flood Hazard Area <u>where practicable</u>;</i> b. <i>Will not be subject to flooding in a 1 in 100-year flood event; and</i> c. <i>Are designed and engineered to be resilient to flood hazards;</i> 2. <i>New buildings that will accommodate sensitive activities to be located outside of a High-</i> 	Amend as suggested.

			<p><i>Risk River Flood Hazard Area <u>where practicable</u>;</i></p> <p>3. <i>Within a River Flood Hazard Area:</i></p> <ul style="list-style-type: none"> <i>a. All new buildings designed to accommodate sensitive activities to have a minimum freeboard of at least 500mm above the 1 in 100-year flood height;</i> <i>b. New commercial and industrial buildings to have a minimum freeboard of at least 300mm above the 1 in 100-year flood event or alternatively are designed and constructed so they will be resilient to flood hazards having regard to matters including the frequency, depth and velocity of flood waters;</i> <i>c. Areas for storage and containment of hazardous substances to be designed so that they are not inundated in a 1 in 100-year flood event;</i> <i>d. Earthworks (other than earthworks associated with flood control works) are assessed as not diverting flood flow onto surrounding properties and not reducing flood plain storage capacity within the 1 in 10-year flood hazard area;</i> <i>e. Buildings, building platforms, access and services to be located and designed to minimise the need for hazard protection structures;</i> <i>f. The provision of safe vehicle access within the site during a flood event; and</i> <p>4. <i>The capacity and function of overland flow paths to convey stormwater flows safely to be retained without causing damage to property or the environment.</i></p>	
District wide matters – Hazards and Risks – Natural Hazards	Policy NH-P7 Manage subdivision and development in coastal erosion hazard areas and coastal	Oppose in Part	<p>The subject site is entirely covered by the Coastal Flood Hazard Areas. The hazard area is not able to be avoided when developing the site for its intended residential purpose. The policy needs to reflect this and the following amendment is proposed:</p> <p><i>Manage new subdivision, land use and development in Coastal Erosion Hazard Areas and Coastal Flood Hazard Areas by requiring:</i></p> <ul style="list-style-type: none"> <i>1. New buildings and building platforms to be located outside the spatial extent of a High-Risk Coastal Hazard Area, unless there is a functional need or operational need for a building to be located in this area <u>where practicable</u>;</i> <i>2. New buildings and building platforms located within the spatial extent of a Coastal Erosion</i> 	Amend as suggested.

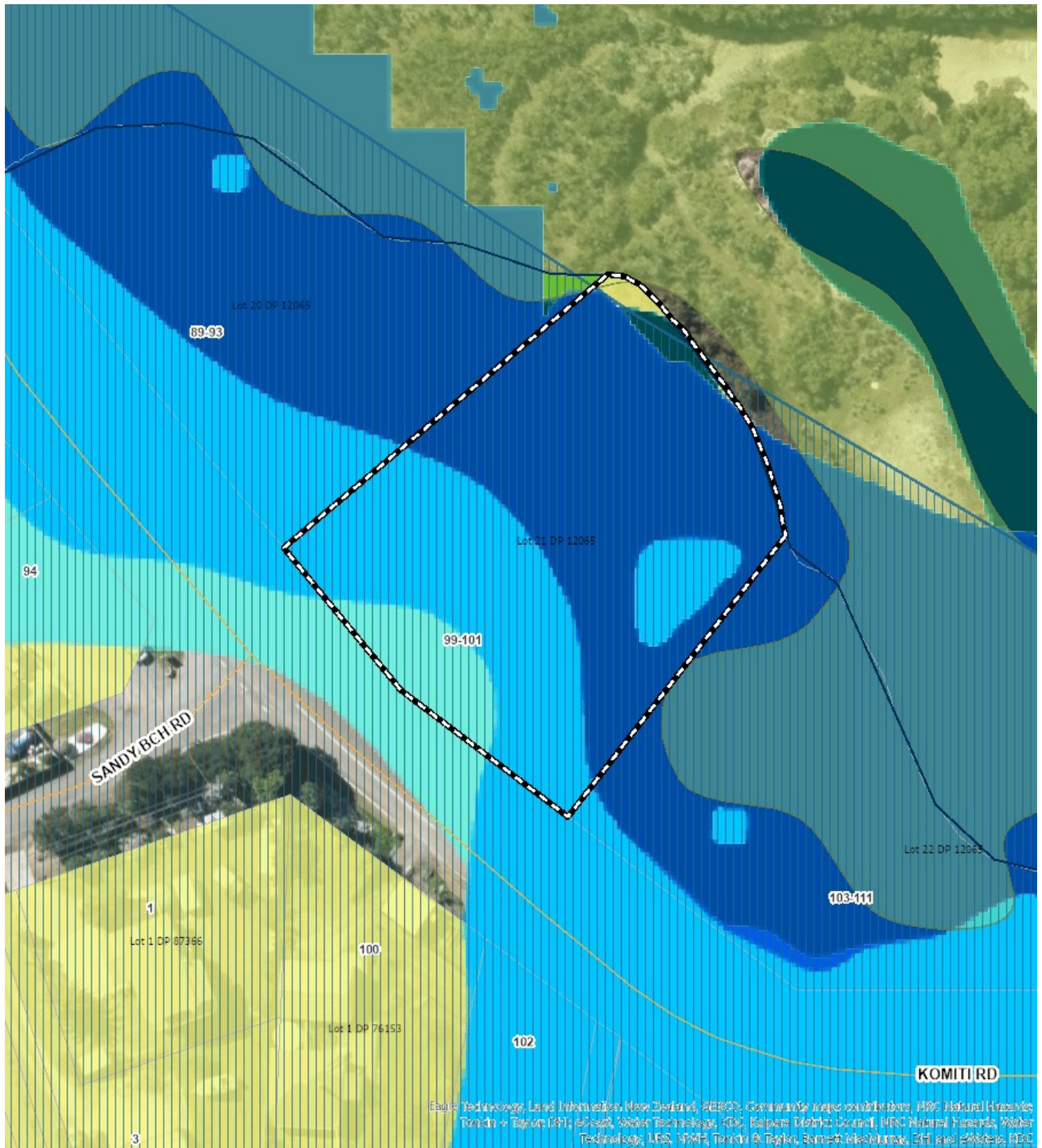
	flood hazard areas		<p><i>Hazard Area and Coastal Flood Hazard Area are designed and constructed so that:</i></p> <ol style="list-style-type: none"> <i>a. The building platform height is set above the level of the Coastal Flood Hazard Area 2 (100-year ARI + 1.2m sea level rise);</i> <i>b. The building platform is located and engineered to protect against erosion;</i> <i>c. The finished floor level of any building accommodating a sensitive activity is at least 500mm above the level of the Coastal Flood Hazard Area 2 (100-year ARI + 1.2m sea level rise); and</i> <i>d. The finished floor level of any building for commercial or community use is at least 300mm above the level of the Coastal Flood Hazard Area 2 (100-year ARI + 1.2m sea level rise).</i> <ol style="list-style-type: none"> <i>3. Provision is made, where relevant, for the safe storage and containment of hazardous substances so that they are not inundated in a 1 in 100-year flood event;</i> <i>4. Buildings, building platforms, access and services to be located and designed to minimise the need for hazard protection structures; and</i> <i>5. The provision of vehicle access within the subject site that is resilient to coastal flooding and erosion.</i> 	
District wide matters – Hazards and Risks – Natural Hazards	Rule NH-R3 New accessory buildings in a river flood hazard area	Oppose in Part	<p>This rule provides for accessory buildings within a river flood hazard area as a permitted activity where:</p> <ol style="list-style-type: none"> <i>a. The accessory building does not result in the diversion or transfer of flood water onto, or increase the potential impact of a flood event on any adjoining site in a 1 in 100-year ARI flood event; and</i> <i>b. The gross floor area of the accessory building does not exceed the following in a High-Risk River Flood Hazard Area:</i> <ol style="list-style-type: none"> <i>i. 110 m2 in the General rural zone, Rural lifestyle zone, or Māori purpose zone; and</i> <i>ii. 10m2 in all other zones.</i> <p>There is no effects based reason to limit accessory buildings in all other zones to 10m² and as such (b) should be amended to refer to a 110m² floor area in all zones.</p>	Amend as suggested.

District wide matters – Hazards and Risks – Natural Hazards	Rule NH-R4 New buildings (other than accessory buildings) in a river flood hazard area	Oppose in Part	<p>The Restricted Discretionary activity status provides for the following at subsections (b) and (c):</p> <p><i>For new buildings containing sensitive activities:</i></p> <p style="padding-left: 40px;"> <i>b. The building is not in a High-Risk River Flood Hazard Area; and</i> <i>c. The building has a minimum finished floor level of 500mm above the maximum water level in 1 in 100-year flood event.</i> </p> <p>If either of the above are not met then consent is required as a non complying activity. As set out above the subject site is nearly the entire site is covered by a River Flood Hazard area and this rule would make it a non complying activity to establish a dwelling on the property. This is unreasonable and it is recommended that subsection (b) is deleted and if subsection (c) is not met then consent is required as a Discretionary activity.</p>	Amend as suggested.
District wide matters – Hazards and Risks – Natural Hazards	NH-R7 New accessory buildings in a costal erosion hazard area or coastal flood hazard area	Oppose in Part	<p>This rule provides for accessory buildings within a coastal erosion hazard area or coastal flood hazard area as a permitted activity where:</p> <p style="padding-left: 40px;"> <i>a. The gross floor area of the accessory building does not exceed the following in a High-Risk Coastal Hazard Area:</i> <i>i. 110 m2 in the General rural zone, Rural lifestyle zone, or Māori purpose zone; and</i> <i>ii. 10m2 in all other zones.</i> </p> <p>There is no effects based reason to limit accessory buildings in all other zones to 10m² and as such (a)(ii) should be amended to refer to a 110m² floor area in all zones.</p>	Amend as suggested
District wide matters – Hazards and Risks	NH-R8 New buildings (other than accessory buildings) in	Oppose in Part	<p>The rule provides for the following as a permitted activity:</p> <p><i>For new buildings not containing sensitive activities</i></p> <p style="padding-left: 40px;"><i>a. The building is not in a High-Risk Coastal Hazard Area; and</i></p>	Amend as suggested

– Natural Hazards	a coastal erosion hazard area or coastal flood hazard area		<p><i>b. The building has a minimum finished floor level of 300 mm above the level of the Coastal Flood Hazard Area 2 (100-year ARI + 1.2m sea level rise).</i></p> <p><i>For new buildings containing sensitive activities</i></p> <p><i>c. The building is not in a High-Risk Coastal Hazard Area; and</i></p> <p><i>d. The building has a minimum finished floor level of 500 mm above the level of the Coastal Flood Hazard Area 2 (100-year ARI + 1.2m sea level rise).</i></p> <p>Where (a) or (b) are not met consent is required as a Discretionary activity. Where (c) or (d) are not met consent is required as a Non Complying activity.</p> <p>As set out above the subject site is nearly the entire site is covered by a Coastal Flood Hazard area and this rule would make it a non complying activity to establish a dwelling on the property or a discretionary activity to establish a building not containing a sensitive activity. This is unreasonable and it is recommended that subsection (a) and (c) are deleted and if subsection (b) and (d) are not met then consent is required as a Discretionary activity.</p>	
District wide matters – Coastal Environment	CE-P6 Assessment of resource consents	Oppose in Part	The Coastal Environmental Overlay extends over a large area of land. Policy CE-P6 sets out what matters should be assessed for resource consents in the Coastal Environment. CE-P6.7 requires the assessment of <i>the functional need or operation need for the activity or development to be in in the coastal environment</i> . Given the Coastal Environment Overlay extends over large areas of land which has a right to be development in accordance with its zoning this criteria is overreaching and should be deleted.	Amend as suggested.
District wide matters – Coastal Environment	CE-S2 Exterior colour and reflectivity	Oppose in Part	The standard should allow for the use of natural exterior materials to be used.	
District	CE-S3 Gross	Oppose	The 300m ² gross floor area total for all buildings on a site is too restrictive and should be deleted.	Delete












wide matters – Coastal Environment	floor area			
District wide matters – Coastal Environment	CE-S4	Oppose	The maximum area of earthworks must not exceed: a. 500m3 within any 10-year period outside the HNCA and ONCA is too restricted and should be deleted.	Delete
District wide matters – Coastal Environment	CE-R1 External additions and alterations of buildings and structures	Oppose in Part	The addition and alteration should simply have to comply with the maximum height standards rather than not increasing the height of the existing building.	Amend as suggested

APPENDIX 1 – Proposed District Plan Maps 99-101 Komiti Rd



Map Legend

PROPOSED DP Zones

-  General residential zone
-  General rural zone
-  Rural lifestyle zone
-  Commercial zone
-  Light industrial zone
-  Heavy industrial zone
-  Natural open space zone
-  Open space zone
-  Sport and active recreation zone
-  Māori Purpose Zone
-  Special purpose zone - Dargaville Hospital
-  Special purpose zone - Estuary Estates (Mangawhai Central)
-  Special purpose zone - Trifecta Development Area
-  Special purpose zone - Mangawhai Hills Development Area

PROPOSED DP Gas or Petroleum Pipeline Corridor



PROPOSED DP Coastal Environment



PROPOSED DP High Natural Character Areas



PROPOSED DP CEHZ2



PROPOSED DP Mangawhai Hakaru Managed Growth Area



PROPOSED DP CEHZ1



PROPOSED DP CEHZ0



PROPOSED DP Outstanding Natural Landscapes



PROPOSED DP Outstanding Natural Features



PROPOSED DP Outstanding Natural Character Areas












PROPOSED DP Sites and Areas of Significance to Maori



PROPOSED DP State Highway or Rail Corridor Noise Control Boundary



PROPOSED DP Pedestrian Frontages**PROPOSED DP Airport Runway****PROPOSED DP Airport Transitional Surface****PROPOSED DP Airport Approach and Takeoff Surface****PROPOSED DP Heritage Item Overlay Extent****PROPOSED DP Heritage Covenants****PROPOSED Maungaturoto Dairy Factory Noise Sensitive Area****Primary Land Parcels****PROPOSED DP Precinct Plan Boundaries****PROPOSED DP Esplanade Priority Areas****PROPOSED DP Designations****PROPOSED DP Maungaturoto Dairy Factory Wastewater Pipeline****PROPOSED DP Railways****PROPOSED DP Road Hierarchy**

-  Activity Streets
-  Civic Spaces
-  Interregional Connectors
-  Local Streets
-  Peri-urban Roads
-  Rural Connectors
-  Rural Roads
-  Stopping Places
-  Urban Connectors

PROPOSED DP State Highways**PROPOSED DP National Grid****PROPOSED DP Kaipara District Boundary****PROPOSED DP Heritage Buildings and Items**

PROPOSED DP Notable Trees

