

IN THE MATTER of the Resource Management Act
1991 (“the Act”)

AND
IN THE MATTER of a submission pursuant to Clause
6 of Schedule 1, of the Act in
respect of the Proposed Kaipara
District Plan

SUBMISSION ON THE PROPOSED KAIPARA DISTRICT PLAN

To: District Plan Team
Kaipara District Council
Private Bag 1001
DARGAVILLE 0340

Email: districtplanreview@kaipara.govt.nz

1. Details of persons making the submission

Windcrest Ltd
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C/- Reyburn and Bryant
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2. General statement

- 2.1 The submitter cannot gain an advantage in trade competition through this submission. They are directly affected by the proposed plan change. The effects are not related to trade competition.

3. Background and context

- 3.1 Windcrest Ltd own 35.7530ha of land north of Dargaville at 244 Waihue Road. It is legally described as Lot 1 DP 461772 and is held in a single record of title referenced RT 607831.
- 3.2 The property is shown in Figure 1 below:



Figure 1: Property boundaries

- 3.3 This submission relates to this subject site, and the land positioned immediately north and west of the site, as shown in [Figure 3](#) below:



Figure 2: Submission area

- 3.4 The submission area comprises approximately 110.1629ha of land held in six titles:
- Lot 1 DP 461772 (RT 607831) – the submitter's site

- Lot 3 DP 581015 (RT 1091301)
- Lot 1 DP 77375 (NA33D/32)
- Pt Lot 3 DP 10667 (RT 376243)
- Pt Kaihu 2B and Lot 1 DP 125739 (NA73B/573)
- Lot 1 DP 108571 (NA67C/953)

3.5 Under the Operative Kaipara District Plan, the land is zoned Rural.

3.6 The Proposed Kaipara District Plan (PKDP) proposes to zone the land General Rural Zone (GRUZ). The land immediately adjoins land proposed to be rezoned General Residential Zone (GRZ) to the south-east.

3.7 There is also River Flood Hazard Zones 1, 2 and 3 affecting low lying areas in the north and east of Lot 3 DP 581015 and Lot 1 DP 77375.

3.8 The proposed new zones and overlay areas are shown in Figure 4 below:

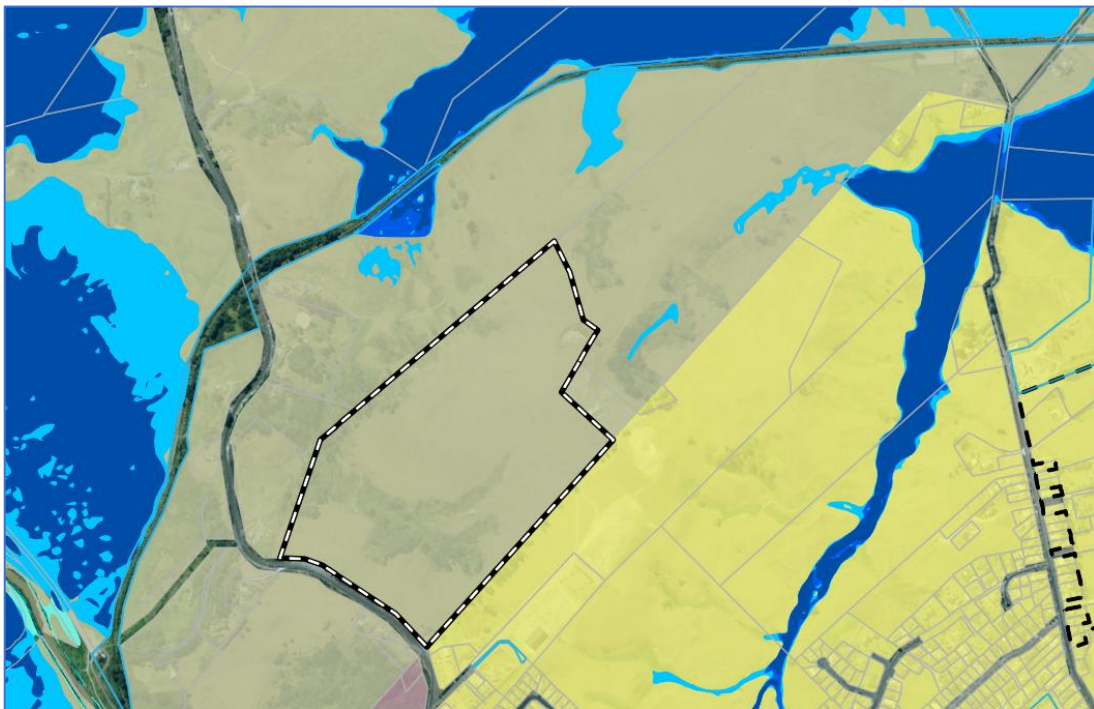


Figure 3: Proposed District Plan zones (yellow = GRZ, light green = GRUZ, blue = River Flood Hazard Areas)

4. The specific provisions of the Kaipara District Plan that this submission related to are:

4.1 The submission relates specifically to the proposed zoning of the six subject sites listed above.

5. The submitter seeks the following relief:

5.1 To rezone the six subject sites Rural Lifestyle Zone (RLZ), rather than GRUZ; or.

5.2 Alternative relief with similar effect.

6. The reasons for the relief sought are as follows:

- 6.1 The site is located on the fringe of the proposed GRZ. Rezoning to RLZ would provide an appropriate transition and help avoid reverse sensitivity effects arising from incompatible uses at the interface with the GRUZ.
- 6.2 The railway line on the northern boundary offers a clear and defensible edge to the RLZ, buffering the area from surrounding agricultural land to the north.
- 6.3 Several significant wetlands exist on-site (identified on the **enclosed** site plan). The proposed rezoning offers an opportunity to preserve these areas through esplanade reserves and long-term ecological management.
- 6.4 Setting aside land encumbered by wetlands and sloping land unsuitable for development, there is approximately 68.7ha of land available for subdivision and development. See [Figure 5](#) below:

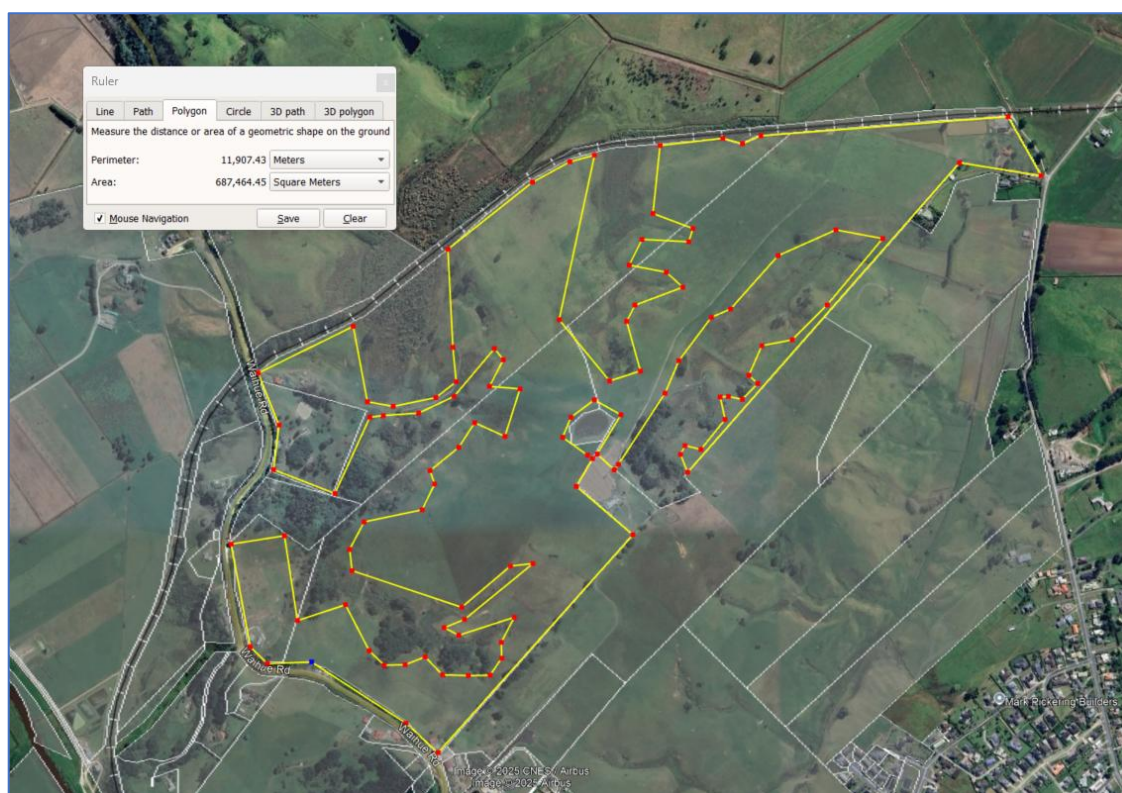


Figure 4: Developable area

- 6.5 Assuming 30% of this land will be used for infrastructure, the land will be capable of accommodating approximately 120 lots¹
- 6.6 KDC has recently released its Development Contributions Policy Consultation Document for 2025 (attached). KDC are looking at introducing some significant increases to contributions for subdivisions – particularly those involving residential development where connections to council services are required. Below are comparison tables that indicate potential increases for the Dargaville area.

¹ Based on the minimum lot size of 4,000m² set out for subdivision in the Rural Lifestyle Zone under Rule SUB-S1 of the PKDP.

Table 1: Current development contribution charges

Current DC charges						
Location	Community	Roading	Stormwater	Wastewater	Water Supply	Total \$
Baylys Beach	1,239	139	27,183	0	0	28,561
Dargaville	1,239	139	1,064	8,119	1,389	11,950
Kaiwaka	1,239	12,739	3,490	1,698	0	19,166
Maungatūroto	1,239	139	9,237	7,347	4,133	22,095
Mangawhai	1,239	12,739	1,827	41,897	0	57,702
Te Kōpuru	1,239	139	0	0	0	1,378
Glinks Gully	1,239	139	0	0	0	1,378
Ruawai	1,239	139	0	0	0	1,378

Table 2: Proposed development contribution charges

Proposed DC charges						
Location	Community	Roading	Stormwater	Wastewater	Water Supply	Total \$
Baylys Beach	1,554	342	12,476	0	5,264	19,636
Dargaville	1,554	342	436	24,939	5,264	32,535
Kaiwaka	1,554	16,289	5,281	21,416	124	44,664
Maungatūroto	1,554	342	0	4,308	45,080	51,284
Mangawhai	1,554	16,289	222	46,397	124	64,586
Te Kōpuru	1,554	342	0	0	124	2,020
Glinks Gully	1,554	342	0	0	124	2,020
Ruawai	1,554	342	0	0	124	2,020

- 6.7 The most notable cost increase for subdivision in Dargaville applies to lots requiring connection to the wastewater and water supply networks, which will directly impact the viability of residential subdivisions. Based on this, it is identified that there is a risk that the residential yield enabled through the PKDP will not feasibly be realised through actual development. To counteract this potential issue, there is a clear need to supply land for additional housing outside of the serviced area – specifically in locations where properties can be fully serviced on-site. The proposed rezoning of additional RLZ land supports this approach and provides a viable solution to address the current limitations.
- 6.8 As concluded in section 9 of this submission, the proposed GRUZ for the land is not the most appropriate zone for the land to achieve the purpose of the RMA in the context of Section 32 of the RMA.

7. Consistency with District Plan provisions

Strategic direction provisions

- 7.1 The Strategic Direction chapter sets out the overarching direction for the sustainable management of growth, land use, and development in the Kaipara District. Relevant objectives and policies that have relevance to this proposal are as follows:

Vision for Kaipara Chapter

- *SD-VK-O2 Enabling and driving economic growth and development*
- *SD-VK-O3 Primary production and protection of highly productive land*
- *SD-VK-O4 Rural lifestyle development*
- *SD-VK-O6 Reverse sensitivity*

7.2 The proposed rezoning to RLZ is well aligned with the overarching direction of the Strategic Direction Chapter of the PKDP. The proposal responds directly to the need for flexible and proactive planning to support growth and housing choice near urban centres, as envisaged by Objective SD-VK-O2. By enabling appropriately scaled lifestyle development in a fringe area with good access to transport infrastructure, the proposal supports economic development and community well-being while recognising infrastructure constraints associated with fully serviced residential zoning.

7.3 The RLZ proposal also aligns with the intention to protect highly productive land (SD-VK-O3), as the land contains only minor areas of LUC Class 3 soils, with the balance being of lower productive value. Rezoning the site to RLZ consolidates lifestyle development in a location where productive agricultural use is already constrained and avoids pressure on more viable rural production land elsewhere in the District. Importantly, the proposed RLZ also provides a logical transition between the GRZ to the south-east and the GRUZ to the north, assisting in managing reverse sensitivity (SD-VK-O6) and integrating land use in a compatible and efficient manner.

Natural Environment

- *SD-NE-01 Indigenous biodiversity*

7.4 The rezoning supports the natural environment objectives of the plan (SD-NE-01) by enabling long-term protection of wetlands riparian features, including opportunities for esplanade reserves and wetland restoration. It avoids development in ecologically sensitive areas and ensures building platforms can be located outside of regulated setbacks.

7.5 Overall, the rezoning of this site to RLZ will assist in meeting the District's strategic growth objectives, avoiding reverse sensitivity conflicts, and focusing lifestyle development in appropriate locations with existing service and transport links.

8. Relevant higher order direction assessment

8.1 The alignment of the proposed rezoning against relevant higher order planning documents is assessed as follows:

National Policy Statement for Highly Productive Land (NPS-HPL)

8.2 Aside from two small areas of land in the north-east of the site which are identified as containing LUC class 3 soils under the New Zealand Land Resource Inventory (NZLRI) mapping systems, the land is predominantly mapped as containing both class 4 and 6 soils, which are not classified as HPL under the NPS-HPL. See [Figure 6](#) below:

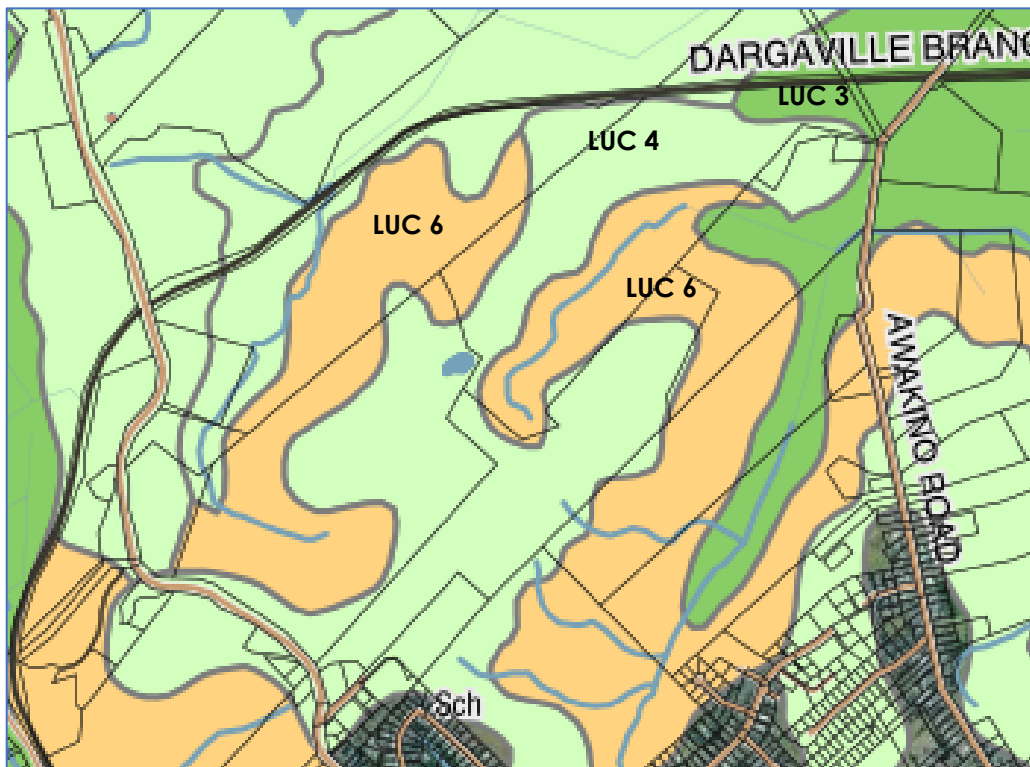


Figure 5: LUC maps (Source: Our Environment mapping system)

8.3 With regards to the two areas within the site containing LUC class 3 soils, which are identified as HPL under the NPS-HPL, an assessment of section 3.7 of the NPS-HPL is provided as follows:

8.4 Section 3.7(1) of the NPS-HPL states the following:

(1) Territorial authorities must avoid rezoning of highly productive land as rural lifestyle, except as provided in clause 3.10.

8.5 Section 3.10 states the following:

(1) Territorial authorities may only allow highly productive land to be subdivided, used, or developed for activities not otherwise enabled under clauses 3.7, 3.8, or 3.9 if satisfied that:

(a) there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and

(b) the subdivision, use, or development:

(i) avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and

(ii) avoids the fragmentation of large and geographically cohesive areas of highly productive land; and

(iii) avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and

(c) the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.

8.6 It is concluded that the proposal aligns with the above criteria for the following reasons:

- The 2.4ha area of land in the north-east of the site that is mapped as containing productive soils in the NZRLI mapping system is largely encumbered by existing buildings, curtilage vegetation and ponds. This land is not currently used for productive purposes:

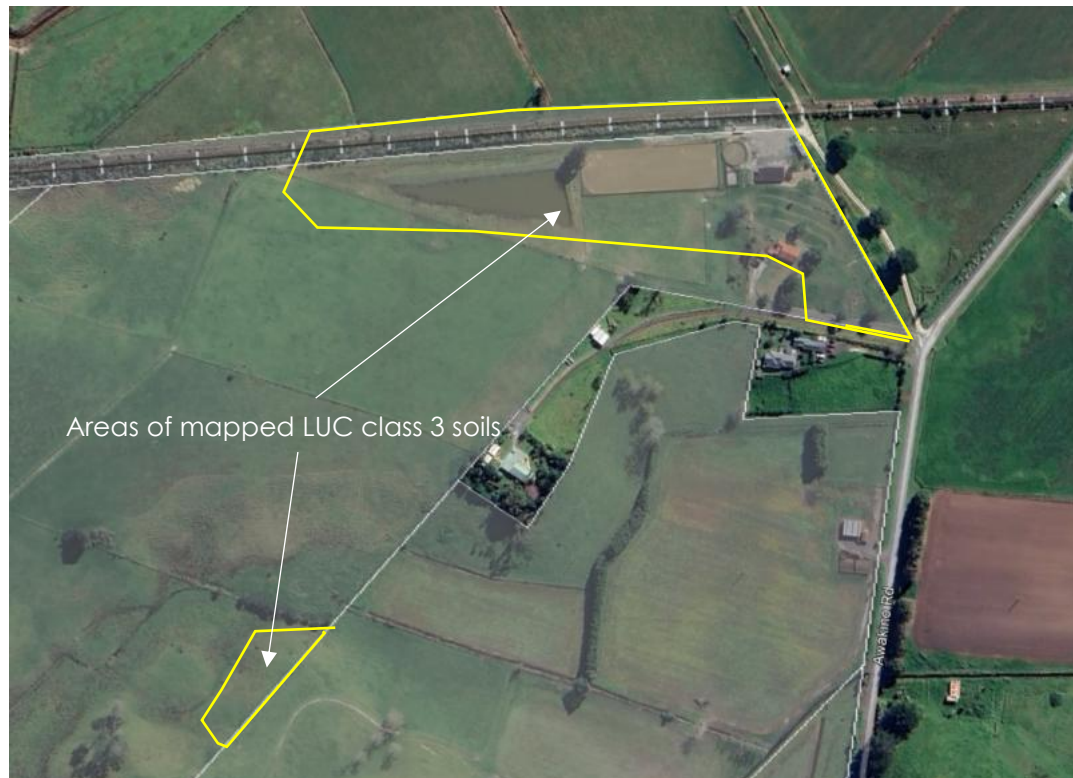


Figure 6: Aerial photograph showing locations containing mapped HPL

- The fact that the mapped HPL only encompasses 2.6ha of land (approximately 2.36% of the wider area of land being rezoned) means that the land is not economically viable to be retained as productive land. For the same reason, the proposed rezoning avoids the fragmentation of large and geographically cohesive areas of highly productive land.
- The site is located on the fringe of the GRZ as proposed in the Proposed Kaipara District Plan (PKDP). The proposed RLZ would help avoid potential reverse sensitivity effects from arising from incompatible land uses at the interface between the GRZ and the GRUZ.
- The benefits associated with the proposed rezoning outweigh the limited environmental, social, cultural and economic costs associated with the loss of such small areas of HPL for land-based primary production.

8.7 Overall, the proposed rezoning is assessed to align well with the policy direction in the NPS-HPL.

National Environmental Standard for Freshwater (NES-FW)

- 8.8 The National Environmental Standard for Freshwater (NES-FW) aims to protect and manage freshwater resources, including wetlands. Given that there are wetlands in the low-lying gullies across the sites, compliance will need to be achieved with the NES-FW at future development stage, particularly clause 54, which sets out a 10m setback from wetlands for any earthworks or vegetation removal activities.
- 8.9 Notwithstanding this, the identified wetlands on the sites are confined to low-lying gullies only and building sites are available outside the 10m setback required by clause 54 of the NES-FW.
- 8.10 Overall, the proposed zoning aligns with the NES-FW, ensuring that building activities will not encroach upon the protected wetland areas.

Conclusion

- 8.11 The proposed rezoning from the GRUZ to the RLZ aligns with the objectives and policies of the above relevant higher order planning documents. The rezoning will facilitate rural residential living while protecting environmental values and ensuring sustainable land use.

9. Section 32 analysis

- 9.1 This section presents an evaluation under Section 32 of the RMA in relation to the proposed submission. The evaluation has been prepared to assist the KDC in determining whether the rezoning proposed is the most appropriate way to achieve the purpose of the RMA and the objectives of the PKDP.
- 9.2 Section 32 of the RMA requires a council evaluate the purpose of the proposal along with the proposed policies and methods, including rules. The evaluation must:
- Examine whether the objectives of the plan change are the most appropriate way to achieve the purpose of the RMA;²
 - Examine whether the proposed approach is the most appropriate way of achieving the objective, including identifying other reasonably practicable options;³
 - Examine the efficiency and effectiveness of the provisions (including identifying and assessing the benefits and costs of new provisions);⁴
 - Assess the risks of acting or not acting if there is uncertain or insufficient information.⁵
- 9.3 A Section 32AA evaluation is provided in the following tables:

² s32(1)(a)

³ s32(1)(b)(i)

⁴ s32(1)(b)(ii) and s32(2)

⁵ S32(2)(c)

Table 3: Assessment against Part 2 of the RMA

Section	Alignment
Section 5 – Purpose of the Act	<p>In this case, the proposed rezoning to RLZ aligns with promoting social and economic well-being by providing opportunities for rural living close to Dargaville, enhancing the community's quality of life.</p> <p>The proposed rezoning also supports the need for further housing in the Dargaville area. Given financial constraints associated with connections to council services, there is a clear need to supply land for additional housing outside of the serviced area – specifically in locations where properties can be fully serviced on-site.</p> <p>The site is not suitable for productive agricultural use due to it largely containing LUC class 4 and 6 soils. The only areas identified as LUC 3 soils are limited to 2.36% of the wider site and are also encumbered by existing buildings, curtilage vegetation and ponds. Therefore, the removal of this land from productive uses will not affect the availability of productive land from a cumulative perspective.</p>
Section 6 – Matters of National Importance	<p>In this case, the proposed rezoning of this land presents opportunities for wetland rehabilitation and the setting aside of land for esplanade reserves. The proposal therefore is likely to have positive effects on natural character and ecological values (relative to the GRUZ proposed by the PKDP).</p>
Section 7 – Other Matters	<p>The proposal promotes efficient land use, amenity enhancement, and rural character retention. The proposed rezoning would enhance amenity values by providing rural lifestyle living with large setbacks from boundaries, extensive vegetation, and low building coverage, maintaining rural character.</p>
Section 8 Treaty of Waitangi	<p>The proposal does not identify any sites of significance to Māori or archaeological sites. As such, there are no identified effects on Treaty principles.</p>

- 9.4 The proposed RLZ rezoning to enable rural lifestyle development of the land strongly aligns with the purpose and principles of Part 2 of the Resource Management Act. It promotes sustainable management, enables efficient and appropriate development, and gives effect to Treaty principles.

- 9.5 For the reasons stated in section 7, the proposed rezoning is also the most appropriate way to achieve the objectives of the District Plan. It is concluded that the RLZ will have better alignment with the Strategic Direction Chapter of the PKDP than the notified GRUZ zoning.

Table 4: Costs and benefits

Option	Benefits	Costs
Status quo (retain notified GRUZ)	Retains consistency with rural zoning; Retention of small area of HPL in rural zoning.	Missed opportunity for residential capacity in a strategic location; Potential for land to remain underutilised; Potential undersupply of land that is able to be serviced on site.
RLZ (proposed)	Provides for lifestyle living close to Dargaville; Reduces pressure on GRUZ land; aligns with accessibility and urban containment principles; Enables development in an area with low HPL impact; Higher rates and development contributions takes for KDC; Opportunities for wetland protection/enhancement and esplanade reserves (encouraging public access to natural features)	Minor loss of LUC 3 soils (approx. 2ha); Increase roading infrastructure demands (no increase in servicing demands as sites will be serviced on-site).

Table 5: Efficiency and effectiveness

Matter	Assessment
Efficiency	<p>Rezoning the land from GRUZ to RLZ provides a more efficient use of the land. The land contains only minor areas of LUC Class 3 soils which (for the most part) are already encumbered by existing buildings, curtilage vegetation and ponds, with the balance being of lower productive value. Rezoning the site to RLZ consolidates lifestyle development in a location where productive agricultural use is already constrained and avoids pressure on more viable rural production land elsewhere in the District.</p> <p>The potential allotments able to be created through subdivision can be serviced independently with onsite wastewater, water, and stormwater infrastructure. This will assist with avoiding the significant costs associated with infrastructure installation (and the associated development contributions), which is a significant financial barrier to residential growth.</p>
Effectiveness	<p>The proposal will effectively implement the relevant Strategic Direction objectives and policies by providing for low density residential activities and small-scale farming activities in close proximity to central Dargaville. The proposal also supports economic development and community well-being while recognising infrastructure constraints associated with fully serviced residential zoning.</p>

Risk of Acting or Not Acting

- 9.6 There is sufficient information to determine the potential effects of the rezoning. Not acting may result in the continued underutilisation of the land, and a missed opportunity to provide needed housing options in the Dargaville area where properties can be fully serviced on-site. Also, there will be a missed opportunity to take advantage of significant wetlands on the properties, which could be enhanced through development conditions and buffered with esplanade reserves. The risk of acting is low, given the site's capacity, accessibility, and the consistency of the proposal with planning objectives. Additionally, the site's current use as agricultural land is limited due to poor soil quality in locations where grazing currently occurs, which further supports the need for rezoning to better utilize the land.

Overall Conclusion

- 9.7 Relative to the GRUZ, the RLZ is a more appropriate zoning given the site's soil composition and the existing and consented development pattern. The submission responds directly to the need

to supply land for additional housing outside of the serviced area – specifically in locations where properties can be fully serviced on-site.

10. Conclusion and relief sought:

- 10.1 Considering the analysis required under Section 32 of the RMA, and the outcomes sought for the RLZ, the RLZ is a more suitable zone for the site rather than the proposed GRUZ.
- 10.2 Accordingly, the submitter seeks to rezone the land RLZ or alternative relief with similar effect.

11. The submitter wishes to be heard in support of their submission at a hearing.



Joseph Henehan

Planning Consultant

Dated this 30th day of June 2025.

Attachments – Proposed rezoning plan

Development Contributions Policy Consultation Document for 2025