

## SUBMISSION ON PROPOSED KAIPARA DISTRICT PLAN

To Kaipara District Council – [districtplanreview@kaipara.govt.nz](mailto:districtplanreview@kaipara.govt.nz)

Submitter - *This submission is made on behalf of*

### PIROA CONSERVATION TRUST

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### Trade Competition

Piroa Conservation Trust could not gain an advantage in trade competition through this submission

### BACKGROUND

#### PIROA CONSERVATION TRUST

The **Piroa Conservation Trust** (PCT) is a community-led conservation organisation based in Northland, New Zealand, focused on protecting and enhancing the **ecological health and biodiversity of the Brynderwyn Range**, traditionally known as **Piroa**. Our conservation activity involves our people across 22,000 hectares. The Trust brings together local hapū, landowners, community members, and conservation partners to achieve long-term restoration outcomes in this ecologically significant area.

Most recently our activity has been recognised by the Northern Regional Council with PCT being awarded the supreme award for conservation activity across Northland.

The Piroa/Brynderwyn Range forms a **natural corridor between the east and west coasts of Northland**. It is a critical area for indigenous flora and fauna, including some rare and threatened species such as the **Hochstetter's frog, NI fernbird, Northland brown kiwi, grey duck, Australasian bittern, geckos, and recovering populations of NZ pigeon and NI tomtit**. The forests include a diverse flora of kauri and podocarp-broadleaf species, shrubland and stream environments and many regionally significant plant species.

#### What PCT supports:

1. **Protection, restoration and enhancement of indigenous biodiversity**

Conservation efforts help **preserve threatened native species** and restore habitat connectivity. The PCT's pest control network supports the survival of ground-nesting birds

and forest dwellers, including kiwi, whose populations are making a comeback due to coordinated predator trapping and monitoring.

2. **Cultural and Community Wellbeing**

The Trust supports **mana whenua relationships with the land**, working closely with local hapū such as **Patuharakeke** and **Te Uri o Hau**. Conservation activities provide a platform for rangatahi engagement, mātauranga Māori (Māori knowledge) sharing, and **inter-generational learning** about kaitiakitanga (guardianship).

3. **Water Quality and Erosion Control**

Restoring native forest cover in the Piroa/Brynderwyn hills helps **stabilise soils**, reduce sedimentation in downstream rivers and estuaries, and **improve water quality** in sensitive marine environments such as the Ruakākā and Mangawhai harbours.

4. **Climate Resilience and Carbon Sequestration**

Regenerating native bush in the Brynderwyn Range acts as a **carbon sink**, contributing to climate change mitigation and helping **build ecosystem resilience** in the face of more extreme weather events.

5. **Recreation and Eco-tourism**

A healthy and accessible Piroa Range supports local **walking, cycling, and nature-based tourism opportunities**. Conservation enhances the natural beauty and recreational appeal of the region, which benefits local communities and businesses.

6. **Partnership and Education**

The PCT provides a **collaborative model for conservation**, involving landowners, schools, councils, and national organisations like **Kiwi Coast and DOC**. It supports **hands-on learning, citizen science, and volunteer involvement** that builds community capacity and pride.

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**SPECIFIC PROVISIONS IN THE PROPOSED DISTRICT PLAN THIS SUBMISSION RELATES TO.**

Requested amendments/additions are underlined and deletions are shown by ~~strikeout~~

**A NFL – NATURAL FEATURES AND LANDSCAPES**

The inclusion of this chapter with its aim to protect Outstanding Natural Features (ONF) and Outstanding Natural Landscapes (ONL) from inappropriate subdivision, use, and development as a matter of national importance under the RMA s.6(b) is supported. The boundary of ONL14 Bream Tail / Brynderwyn Ranges as shown on the planning map is supported.

**1 OVERVIEW**

Given the maps are adopted from the Northern Regional Policy Statement 2016 the referencing of the NRPS *Appendix 1: Mapping Methods* is supported. It is considered that reference should also be made to the NRPS Landscape Assessment Worksheets (2014) which contain comprehensive

details on each identified ONL and ONF. They are more detailed and recent than Kaipara's Landscape Technical Report (2010).

## **2 OBJECTIVES**

### **NFL-02 Maintenance and enhancement of Outstanding Natural Features and Outstanding Natural Landscapes**

#### Amend/Add

"The conservation, maintenance and enhancement of the characteristics....."

Conservation should be a prime objective in addition to maintenance and enhancement.

## **3. POLICIES**

### **NFL-P1 Activities that maintain, restore or enhance characteristics, qualities and value**

#### Amend/Add

"Enable activities that protect, maintain, restore or enhance the characteristics, ....."

This addition reflects the emphasis on protection in RMA s.6(b).

### **NFL-P4 Adverse effects outside the coastal environment**

#### Amend/Add

1. "Avoid significant adverse effects of subdivision, land use and development on the characteristics, qualities ....."

2. "Avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, land use and development ....."

These additions reflect the inclusion of subdivision in clause 2. b. below and in RMA s.6(b)

a. "In Outstanding Natural Features, ~~ensuring~~ requiring that the scale and intensity ...."

b. "In Outstanding Natural Landscapes, ~~ensuring~~ requiring that the location and intensity of subdivision, use and ...."

The amendments in a. and b. replacing 'ensuring' with 'requiring' give effect to and are consistent with the NRPS on ONLs in its Policy 4.6.1.

c. "Having regard to:

i. Integration of development into the Outstanding Natural Feature or Outstanding Natural Landscape, maintenance of low development density, and retention of predominant vegetation cover, particularly indigenous vegetation;

ii. The location, design, scale, prominence and visibility of any buildings, structures, and access, and the extent of earthworks and indigenous vegetation clearance"

### **NFL-P6 Assessment of resource consents**

#### Amend/Add

"Have regard to the following matters when assessing resource consent applications for subdivision, land use and development ....."

Addition reflects RMA s.6(b)

#### Delete

- ~~3. The intensity of buildings, structures or infrastructure in the locality and the landscape values of surrounding land and established activities;~~

This is largely a repeat of clause 4. and therefore not needed. Nor should the intensity of buildings, structures and infrastructure in the area surrounding an ONL determine the density of the same within an ONL.

#### Replace with new 3.

3. The extent of the area affected and whether adverse effects are minor, more than minor or transitory;

#### Delete

- ~~6. The need for, extent, design, location and visibility of earthworks and vegetation clearance;~~

#### Replace with new 6

6. The degree of modification, damage, loss or destruction that will result from the activity in terms of vegetation clearance and earthworks;

The emphasis should be on the effects rather than on the need for these two activities.

#### Add new criteria

The maintenance of established areas and patterns of indigenous vegetation cover;

## **4 RULES**

The rules are divided into activities either outside or within the 'coastal environment' (CE).

PCT's focus is on **ONL14 Bream Tail / Brynderwyn Ranges** which is outside the coastal environment. Amendments requested below reflect the need for Council to give full consideration to its obligations under s.6(b) and s.6(c) of the RMA and apply the activity status which best achieves the levels of protection required for such a significant area.

### **NFL-R2 New buildings and structures**

Activity status when compliance not achieved.

Delete Restricted Discretionary. Replace with Non-Complying

This status requires adverse effects to be minor and not contrary to the Plan's objectives and policies.

Delete 4. b. ~~The positive effects of the activity.~~

This is unnecessary as NFL-P6, assessment criteria 2, refers to both adverse and positive effects.

### **NFL-R3 Indigenous vegetation clearance**

#### Amend/delete

1. Activity status: Delete ~~Permitted~~ replace with Discretionary

Activity status when compliance not achieved.

Delete ~~Restricted Discretionary.~~ Replace with Non-Complying

This status requires adverse effects to be minor and not contrary to the Plan's objectives and policies. This is important given the significance of indigenous vegetation in the Piroa Brynderwyn Range and other ONLs and the requirement for its protection under s.6(c) of the RMA. Its vital contribution to indigenous biodiversity cannot be overstated in the face of the recorded and acknowledged loss and modification of significant indigenous vegetation in Kaipara District.

Delete 3. b. ~~The positive effects of the activity.~~

This is unnecessary as NFL-P6, assessment criteria 2, refers to both adverse and positive effects.

#### **NFL-R4 Earthworks**

##### Amend/delete

1. Activity status: Delete ~~Permitted~~ replace with Discretionary

Activity status when compliance not achieved.

Delete ~~Restricted Discretionary~~. Replace with Non-Complying

This status requires adverse effects to be minor and not contrary to the Plan's objectives and policies.

Delete 3. b. ~~The positive effects of the activity.~~

This is unnecessary as NFL-P6, assessment criteria 2, refers to both adverse and positive effects.

## **5. STANDARDS**

#### **NFL-S2 Gross floor area**

##### Amend

1. The gross floor area of any new building or existing building plus addition must not exceed:

a. ~~100m<sup>2</sup>~~ 50m<sup>2</sup> for any accessory building; and

b. ~~150m<sup>2</sup>~~ 100m<sup>2</sup> for any residential unit.

The GFAs for both 1.a and 1.b are excessive, particularly for an accessory building. The scale and size of buildings has the capacity to generate adverse effects and the reduced sizes are considered more appropriate in the context of protecting ONLs, such as the Piroa Brynderwyn Range, and ONFs.

#### **NFL-S4 Earthworks**

##### Amend/delete

1. The earthworks must not exceed 150m<sup>3</sup> ~~in any 12-month period~~ per site; and

2. The maximum cut height or fill depth must not exceed 2m.

Repeated earthworks at this scale would have a cumulative adverse effect on the ONL, ONF.

#### **NFL –S5 Indigenous vegetation clearance**

Standards are required that reflect the significance of indigenous vegetation, the habitat it provides for flora and fauna, and afford it sufficient and appropriate protection, The inclusion of just one standard is inadequate

##### Amend/add

1. The indigenous vegetation clearance must:

- a. Maintain established areas and patterns of indigenous vegetation cover.
- b. Not exceed 150m<sup>2</sup> in any 12 month period per site.
- c. Not take place in a continuous area of predominantly indigenous vegetation over 1ha in area.
- d. Take account of the ecological significance of indigenous vegetation and the presence of rare or endangered flora and fauna
- e. Not take place in an area identified by the Department of Conservation as having high kiwi density.

Clearance or disturbance of vegetation should not be permitted more than once on a site, ie. not every 12 months. Over time repeated annual clearance of 150m<sup>2</sup> would result in the removal of considerable areas of significant indigenous vegetation, generating a cumulative adverse effect.

For example, this would be extremely detrimental to the Brynderwyn Hills Forest Complex which is identified in the Waipu Ecological District PNAP report as being the most ecologically diverse site in terms of forest and shrubland diversity. It contains 10 threatened and 5 regionally significant fauna species and 3 threatened and 11 regionally significant plant species.

A map showing areas of high kiwi density should be available from DoC and should be included as an appendix in the plan.

## **B SUBDIVISION**

### **1 OVERVIEW**

Add in 2<sup>nd</sup> paragraph

“It is important that the design and layout of a subdivision responds to any constraints on the ability of the allotments to be developed. This is particularly so in sensitive environments such as the coastal environment, outstanding natural landscapes and outstanding natural features, Constraints may include significant natural, cultural, historical or ecological features within or adjoining the allotments, the potential impact of development on, or effects of, strategic infrastructure, or risks from natural hazards”

### **2 POLICIES**

#### **SUB-P2 Infrastructure servicing requirements**

Support: These requirements are supported as it is essential that appropriate infrastructure is in place or provided for to cope with any future development proposed.

#### **SUB-P12 Subdivision in the Mangawhai/Hakaru Managed Growth Area**

ONL14 Bream Tail / Brynderwyn Ranges is within the Growth Area.

Support: PCT supports the restriction on further subdivision within the identified Mangawhai/Hakaru Managed Growth Area for the reasons given in the chapter.

### 3. RULES

#### **Within the Mangawhai/Hakaru Managed Growth Area**

##### Support

11. Activity status: Discretionary

12. Activity status when compliance with SUB-R3.11.a not achieved: Non-Complying

This gives Council full discretion in its decision making.

#### **SUB-R4 Small lot subdivision**

##### Support

##### **General rural zone**

1. Activity status: Controlled

c. The subdivision must not be located in the Mangawhai/Hakaru Managed Growth Area;

4. Activity status when compliance with SUB-R4.1.c not achieved: Non-Complying

This will minimise fragmentation within the Growth Area and maintain a more open rural character and amenity. It will also serve to protect ONL 14 Bream Tail / Brynderwyn Ranges which falls within the Growth Area.

#### **SUB-R6 Environmental benefit subdivision**

##### **General rural zone**

##### Add

##### **Environmental benefit lots are not available in Outstanding Natural Landscapes**

There is no justification for granting EBLs in an ONL as it has already met the criteria for its classification as being Outstanding. Enabling the creation of multiple lots will degrade the quality and values of the ONL. The activity status should be Prohibited.

##### Additions/amendments

##### **1. Activity status: Controlled**

##### **Where:**

Environmental benefit subdivision must comply with the following:

a. SUB-S2 to SUB-S16;

b. The significant indigenous vegetation or habitat, natural wetland or duneland to be protected must not be subject to an existing conservation covenant pursuant to the Reserves Act 1977; or the Queen Elizabeth II National Trust Act 1977; or consent notices;

c. It is essential that all the areas be subject to protection by a conservation covenant in perpetuity.

d. "Each separate area of significant indigenous vegetation or habitat, natural wetland or duneland proposed to be covenanted must be assessed by a suitably qualified and experienced ecologist ~~as satisfying at least one~~ against the criteria in Appendix 5 of the Northland Regional Policy Statement (Criteria for determining significance of indigenous biodiversity). The Section 32 evaluation refers to this, which implies that satisfying just one criteria is insufficient.

e. It is also considered that the use of ecosourced plants is preferable and should be specified in the proposed planting plan (e iii).

Under the controlled activity status an environmental benefit subdivision must be granted consent if it complies with clauses SUB-R6 a. to h. If it cannot comply with a. SUB-S2 to SUB-S16 then it becomes discretionary.

Similarly if it cannot comply with SUB-R6.1.b-h it also becomes discretionary. This is too liberal. These are vital requirements which will determine the success of the environmental activity in the area to be protected.

If compliance cannot be achieved then the activity status should be Non-complying.

Amend

4. Activity status when compliance with SUB-R6.1.b-h not achieved:  
~~Discretionary~~ Non-complying

The minimum net site area for new EBLs of 4000m<sup>2</sup> is supported.

#### 4. STANDARDS

##### **SUB-S4 Allotments containing existing or proposed buildings**

Add new c.

3. Matters over which discretion is restricted:

- c. Adverse effects on Outstanding Natural Landscapes and existing areas of indigenous vegetation

##### **SUB-S14 Subdivision of a site within a natural character, coastal environment, outstanding natural feature (ONF) or outstanding natural landscape (ONL) overlay**

1. Any proposed building platform must be located entirely outside of the following areas:

- c. Outstanding natural character area;
  - d. Outstanding natural landscape; and
  - e. Outstanding natural feature.

Amend

4. Activity status when compliance with SUB-S14.1.c-e not achieved: ~~Discretionary~~  
Change to Non-Complying

If a site contains an area within an ONL, such as the Piroa Brynderwyn Range, or within an ONF and the remainder of the site is outside those features then any building platform should be located **entirely outside** of an ONL or an ONF. There is no justification for building within them with all the associated disturbance via earthworks, vegetation clearance, access, etc. generating adverse effects and degrading their quality and values. The status should be **Non-complying** if compliance is not achieved.

Add

There appear to be no standards if compliance with SUB-S14.1.c-e not achieved. At the very least they should include

- a. The proposed location and design of the subdivision; and
  - b. Integration of potential building platforms into the landscape including:



- siting in relation to ridgelines
- effect on indigenous vegetation
- extent of earthworks and fill material
- accessways and circulation,
- mitigation planting
- effect on landscape and amenity.

## **SUB-S16 Environmental benefit subdivision lot entitlement**

Table 1: Maximum number of lots that can be created from an individual Record of title: ~~5~~

Reduce to maximum of 3 EBL lots per site. The balance of the site should not be available for further applications for EBLs.

To enable the creation of 5 lots on an individual title seems to contradict the general purpose of the General Rural Zone to provide for primary production activities, particularly on productive land. It also seems to contradict GRUZ-P4 seeking to maintain low site coverage and density of buildings and structures.

2. Activity status when compliance not achieved: ~~Discretionary~~

Change status to Non-complying

EBS lots have been very popular in the past and have benefited the applicant but have not necessarily benefited the environment as they are intended to do. If the areas to be protected under this provision are genuinely significant, compliance should not be difficult to achieve.

## **C. ECOSYSTEMS AND INDIGENOUS BIODIVERSITY**

### **1. OBJECTIVES**

Amend

#### **ECO-02 Maintenance of indigenous biodiversity**

Adverse effects on indigenous biodiversity are managed to maintain ~~it's~~ the extent and diversity of indigenous ecosystems and habitats. ~~in a way that provides for the social, economic and cultural well-being of people and communities.~~

The emphasis should be on maintaining indigenous biodiversity for its own intrinsic values, ie. having particular regard to the “intrinsic values of ecosystems” as per RMA s.7(d)

Amend

#### **ECO-03 Restoring and enhancing indigenous biodiversity ecosystems and habitats**

The restoration and enhancement of indigenous biodiversity is promoted and enabled to reduce the threat status of threatened and at risk species.

This aligns with the objectives in the Northland Regional Policy Statement (NRPS) and with PCT's own goals.

## 2 POLICIES

### **ECO-P2 Indigenous biodiversity outside the coastal environment**

This policy is supported.

### **ECO-P4 Restoring and enhancing indigenous biodiversity**

Promote and enable activities that restore and enhance indigenous biodiversity, including by:

Add

4. Controlling the introduction or keeping of species with recognised pest potential.

This is a method the NRPS states should be included in district plans. It may include pest species, including terrestrial, aquatic and marine pest plants, animals and organisms, and some domestic cats and dogs.

## 3. RULES

### **ECO-R1 Indigenous vegetation clearance and any associated land disturbance for specified activities**

#### **All zones**

- f. To allow for the construction of a single residential unit on an existing Record of Title, including essential associated on-site infrastructure and access, where the total clearance does not exceed 1,000m<sup>2</sup>

The 1000m<sup>2</sup> extent is not small scale and if it applies in a zone underlying an ONL such as the Piroa Brynderwyn Range it would be excessive and have significant adverse effects on its ecosystem. It is noted that rules on such clearance are more stringent in the Coastal Environment, Natural Character, ONFs, ONLs chapters and priority should be given to applying those.

Signed: 

30 June 2025

The Piroa Conservation Trust does wish to be heard in support of its submission;