

## 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](mailto: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](http://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:**

**Phone:**

**Organisation:**

*(\*the organisation that this submission is made on behalf of)*

**Email:**

**Postal address:**

**Postcode:**

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

### 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

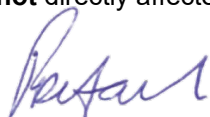
I **could** gain an advantage in trade competition through this submission.

***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:**

*(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 Overview

Tappenden Holdings Limited (**Tappenden**) presents this submission in relation to the property it owns at Bream Tail Farm, Mangawhai (**Bream Tail**), being 15 Tuaraki Road, Mangawhai (LOT 6 DP 400385).

This property is identified on the map of Bream Tail at **Attachment 1** to this submission with the notation “15”.

Bream Tail is a substantial conservation and farm estate. It comprises some 459 hectares of coastal land, including 273ha of farmland and 186ha of native forest and revegetation. The property is comprised of 40 separate parcels, with 38 identified house sites.

The maintenance and enhancement of amenity is core to Bream Tail, with extensive controls on building, landscaping, roading and common facilities for this purpose, including Bream Tail Residents Association (**BTRA**) bylaws, instruments on titles and Design Guidelines, with their associated approval process.

Each owner has the exclusive use over their nominated area, with the remainder of their land in either native vegetation or grazing for sheep and beef farming.

The site owned by Tappenden is zoned General Rural Zone in the Proposed Kaipara District Plan 2025 (**the Proposed Plan**). It is subject to the Outstanding Natural Landscape (**ONL**), High Natural Character (**HNC**) and Coastal Environment overlays.

In respect to the provisions which directly apply to Bream Tail, the Proposed Plan, if approved, will directly affect Tappenden by imposing undue restrictions on the construction and alteration of a residential dwelling, including associated earthworks particularly through the application of overlays and their provisions.

The proposed default to non-complying activity status for the construction of residential dwellings and earthworks where both the ONL and coastal environment overlays apply, is particularly problematic as it would require a wholesale reassessment of the appropriateness to build on an approved building platforms and access to these platforms. This imposes considerable unnecessary cost and risk to Tappenden which has purchased this lot in reliance on the consented Bream Tail scheme.

The lots created through the Bream Tail subdivision consents establish the limited residential entitlements and protect and enhance the landscape and ecological values of the site. The location of house sites and design of future dwellings were fully investigated and peer reviewed at subdivision stage from a landscape and visual perspective and are also subject to a range of consent notice obligations on their titles. These conditions include requirements to locate according to a nominated building

area, be accompanied by a landscape and visual mitigation plan, adhere to design controls and guidelines, maximum height limits, specifications on appropriate materials and reflectivity appropriate to a coastal environment and obligations to be a member of the BRTA.

The submission aligns with that of the BRTA and also seeks the application of a new Precinct for Bream Tail (**the Bream Tail Precinct**), with an associated overview, objectives, policies and rules.

The submission also seeks changes to the maps and spatial layers as they apply to the submitter's site. These changes seek to reduce the mapped extent of the Coastal Environment, ONL and HNC Area so that they accurately follow characteristics and features of the properties in accordance with the mapping criteria from the RPS.

Tappenden therefore opposes and seeks amendments to the provisions of the Proposed Plan as specified in the table in **Attachment 2** for the specific reasons set out therein and including:

- a. That they do not represent the most appropriate way of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions, and in particular the assessment of the benefits and costs of the environmental, economic and social effects that are anticipated from the implementation of the provisions; and
- b. That they will not promote the sustainable management of natural and physical resources and are not the most appropriate way to achieve the purpose of the Resource Management Act 1991.

The decision from Council sought in respect of each of the submission points is as set out in **Attachment 2** and includes in each case any consequential amendments or alternative relief to address the matters raised in this submission.



Attachment 1

Bream Tail Farm, Mangawhai (properties denoted with numbered references)



(1) The specific provisions of the Proposed Plan that this submission relates to are:		(2) The submission is that:		(3) The submitter seeks the following decisions from Kaipara District Council.
Chapter/Appendix/ Schedule/Maps	objective/policy/rule / standard/overlay	Oppose/support (in part or full)	Reasons	In each case this relief includes any consequential amendments or alternative relief to address the matters raised in this submission. Where specific drafting is provided, additions shown <u>underlined</u> , deletions shown as <del>strikethroughs</del> .
<b>Part 1 Introduction and general provisions</b>  <b>How The Plan Works</b>  <b>General Approach</b>	Additional matters of control and matters of discretion	Oppose	These are stated as being additional matters over which control is reserved for all controlled activities, and to which discretion is restricted for all restricted discretionary activities and will also apply with respect to discretionary and non-complying activities. They summarise s108 RMA 1991 matters, but do not replicate the specific details of s108, with the risk being that conditions imposed with reference to this District Plan section will be out of step with the requirements of the RMA, and unnecessary in relation to the specific matters of control and discretion otherwise set out in the Proposed Plan.	<b>Delete</b> the section titled “Additional matters of control and matters of discretion”, including matters 1-12.
<b>Part 1 Introduction and general provisions</b>  <b>How The Plan Works</b>  <b>Relationship Between Spatial Layers</b>	Determining the relationship between rules for different spatial layers	Oppose in part	This section states that “ <i>Rules for one spatial layer may [sic] stricter than rules in another spatial layer. The strictest rule will apply in these cases. For example....</i> ”. Reference to “stricter” in this clause may be subject open to interpretation depending on the circumstances of the proposal. It should be replaced with a reference to the activity status of a proposal being determined on the basis of all rules which apply to the proposal, to avoid an evaluation of the strictest rule.	Amend “Determining the relationship between rules for different spatial layers” and follows:  <i>Rules for one spatial layer may <u>be</u> stricter than rules in another spatial layer. <del>The strictest rule will apply in these cases.</del> <u>The overall activity status of a proposal will be determined on the basis of all rules which apply to the proposal....</u></i>  Retain the remainder of the clause.
<b>Part 1 – Introduction and general provisions</b>  <b>Tangata Whenua Mana Whenua</b>	Statutory Acknowledgements and Overlays	Oppose	This section specifies that “Statutory acknowledgements within the Kaipara District <u>can be located</u> on the planning maps and may be listed as a site or area of significance to Māori as identified in SCHED 3 - Sites and Areas of Significance to Māori:..”.	Amend Statutory Acknowledgements and Overlays as follows:  <i>Statutory acknowledgements within the Kaipara District <del>can be located are</del> on the planning maps and may be listed as a site or area of significance to Māori as identified in SCHED 3 - Sites and Areas of Significance to Māori:..”.</i>



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Tangata Whenua Mana Whenua			Given the statutory obligations in respect to these areas, the clause should be clear that they <u>are on</u> the planning maps, rather than <u>can be</u> located there (implying some may and some may not be).	Consequential amendment if required to the planning maps and Spatial Layers to ensure these accurately map Statutory acknowledgement areas.
Part 2 – District-wide matters  Strategic Direction  Vision for Kaipara	SD-VK-O2 Enabling and driving economic growth and development	Support	The guiding principles to support development are supported.	Retain SD-VK-O2
Part 2 – District-wide matters  Strategic Direction  Vision for Kaipara	SD-VK-O3 Primary production and protection of highly productive land	Support	The recognition for primary production activities to operate efficiently and effectively is supported.	Retain SD-VK-O3
Part 2 – District-wide matters  Strategic Direction  Vision for Kaipara	SD-VK-04 Rural lifestyle development	Oppose	“Concentration” of rural lifestyle development as directed in this objective does not acknowledge that rural lifestyle development may be appropriate in a diverse range of locations across the district, particularly where that is achieved through conservation benefits, with the benefit only able to be realised in a particular location. Bream Tail is an example of such an appropriate use of land.	Amend SD-VK-04 to acknowledge that rural lifestyle development may be appropriate in a diverse range of locations across the district, particularly where that is achieved through conservation benefits.  Without limiting the generality of the above, amend SD-VK-04 as follows:  <i>Rural lifestyle development is <del>concentrated</del> located in appropriate locations to contribute to the distribution of population growth in the District without compromising primary production activities, loss of highly productive land whilst recognising the need for urban areas to grow.</i>

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Part 2 – District-wide matters  Strategic Direction  Natural Environment	SD-NE-01	Support	SD-NE-01 is supported	Retain SD-NE-01
Part 2 – District-wide matters  Strategic Direction  Natural Environment	SD-NE-02	Support	SD-NE-01 is supported	Retain SD-NE-02
Part 2 – District-wide matters  Strategic Direction  Natural Environment	SD-NE-03	Support	SD-NE-01 is supported	Retain SD-NE-03
Part 2 – District-wide matters  Strategic Direction  Financial Contributions		Oppose	Under the RMA 1991, a financial contribution must be in accordance with the purposes specified in the district plan.  Proposed Rule FC-R1 Conditions on resource consents, specifies that the financial contribution rule applies to all activities requiring resource consent which have adverse effects in the circumstances states in Standard FC-S2.1.a-f.	Delete Chapter FC - Financial Contributions and its associated objectives, policies, rules and standards.

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			<p>The circumstances set out in FC-S2.1.a-f. lack the necessary specificity and are a list of positive potential outcomes that may occur with development rather than potential adverse effects that might need to be avoided, remedied, mitigated or off-set through financial contributions.</p> <p>As such, the scope of the matters for which financial contributions can be sought is case too wide and, in any event, incorrectly pitched towards positive rather than adverse effects of development. By way of example, the list of circumstances include "<i>a. protecting and or enhancing significant ecological features likely to be adversely affected by the activity proposed;...</i>". This is a matter by which direct conditions can be placed on the resource consent for protection, fencing, on-going pest and predator control etc, rather than a circumstance by which a financial contribution can be imposed.</p> <p>This is in part reflected in proposed policies FC-P4 and FC-P8 which seek to ensure that the amount of Financial Contributions required for each subdivision or land use activity reflects the nature and degree of actual adverse environmental effects as well as any positive environmental benefits, as well as offsetting through positive effects. Positive environmental effects of land use and development can be secured by way of</p>	



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			<p>consent conditions requiring certain works or requirements to be constructed and maintained. Requiring a financial contribution in addition to such obligations is in effect double-dipping.</p> <p>Not all of the circumstances listed in FC-R1 include the method of calculation as required by 77E(2)(b), With only methods provided for transport, reserves and network utilities meaning that the rule lacks the certainty required by the RMA.</p> <p>For these reasons, the proposed rule and its associated objectives, policies and standards does not meet the requirements of s77E of the RMA 1991. There is insufficient section 32 analysis for the scope of matters for which a financial contribution can be taken under the Proposed Plan, or the costs of financial contributions being taken into addition to matters resulting in positive effects which can be secured through regular consent conditions.</p>	
<b>Part 2 – District-wide matters</b>  <b>Natural Environment Values</b>	Objectives ECO-O1 ECO-O2 ECO-O3 ECO-O4	Support	Objectives ECO-O1 to ECO-O4 appropriately seek to protect, promote and enable the restoration of indigenous biodiversity and that landowners act as stewards in the protection, maintenance and restoration of indigenous biodiversity.	Retain Objectives ECO-O1, ECO-O2, ECO-O3 and ECO-O4

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<b>Ecosystems and Indigenous Biodiversity</b>				
<b>Part 2 – District-wide matters</b>  <b>Natural Environment Values</b>  <b>Ecosystems and Indigenous Biodiversity</b>	Policies ECO-P1 ECO-P2 ECO-P3 ECO-P4 ECO-P5	Support	Policies ECO-P1 to ECO-P5 appropriately give effect to the requirements of the NZCPS and the RPS and recognise the role of landowners as stewards in the restoration of indigenous biodiversity; enabling the removal or management of pest plant and animal species and the application also of non-regulatory methods to encourage the protection, maintenance and restoration of indigenous biodiversity.	Retain Policies ECO-P1 to ECO-P5
<b>Part 2 – District-wide matters</b>  <b>Natural Environment Values</b>  <b>Ecosystems and Indigenous Biodiversity</b>	Rule ECO-R1 Indigenous vegetation clearance and any associated land disturbance for specified activities	Support in part	Rule ECO-R1 f. allows for up to 1000m2 of indigenous vegetation clearance and any associated land disturbance as a permitted activity where this is to allow for the construction of a single residential unit on an existing Record of Title, including essential associated on-site infrastructure and access. The rule should also provide for other buildings ancillary to residential buildings within this specified threshold, which can establish without any further impact on the amount of indigenous vegetation cleared than that already provided for.	Amend Rule ECO-R1 f. to allow also the construction of buildings ancillary to a single residential unit (including garages and minor dwellings) as a permitted activity with the 1000m2 threshold.
<b>Part 2 – District-wide matters</b>  <b>Natural Environment Values</b>	Rule ECO-R2 Indigenous vegetation clearance and any associated land disturbance not	Oppose in part	Rule ECO-R2 4. Specifies that the activity status when compliance with ECO-R2.2 not achieved is a Discretionary Activity.  Rule ECO-R2 4. Specifies that the activity status when compliance with ECO-R2.1 is not achieved	Amend Rule ECO-R2 2. As follows:  a. Delete the requirement than a restricted discretionary activity application for indigenous vegetation clearance and any associated land disturbance, includes an

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<b>Ecosystems and Indigenous Biodiversity</b>	provided for under ECO-R1.		<p>is a Restricted Discretionary, but only where the application includes an assessment, carried out by a suitably qualified ecologist, of whether or not any of the indigenous vegetation proposed to be cleared meets the criteria in Appendix 5 of the Northland Regional Policy Statement 2016 (Areas of significant indigenous vegetation and significant habitats of indigenous fauna).</p> <p>This provision imposes an unnecessary and unfair burden on landowners to prove that the indigenous vegetation meets the criteria in Appendix 5. That should be the role of the District Council to undertake on a district-wide basis, rather than on an individual application basis, which risks inconsistent application of the criteria. In any event, the criteria in Appendix 5 of the RPS pre-date the NPS: Indigenous Biodiversity (amended October 2024) and its methods should be adopted, including being managed in an integrated way (policy 5) and identified using a consistent approach (policy 6).</p> <p>The matters of discretion already provided under the rule ECO-R2 provide ample scope for the Council to assess the effects of the clearance on indigenous biodiversity values.</p>	<p>assessment, carried out by a suitably qualified ecologist, of whether or not any of the indigenous vegetation proposed to be cleared meets the criteria in Appendix 5 of the Northland Regional Policy Statement 2016 (Areas of significant indigenous vegetation and significant habitats of indigenous fauna); and</p> <p>b. Delete the discretionary activity status at ECO-R2 4.</p>
<b>Part 2 – District-wide matters</b>	Objective NFL-O1 Objective NFL-O2	Support	Objectives NFL-O1 and NFL-O2 correctly give effect to the NZCPS and the RPS.	Retain Objectives NFL-O1 and NFL-O2

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Natural Environment Values  Natural Features and Landscapes				
Part 2 – District-wide matters  Natural Environment Values  Natural Features and Landscapes	Policy NFL-P1 Policy NFL-P3 Policy NFL-P4	Support in part	<p>Policies NFL-P1, NFL-P3 and NFL-P4 are generally supported because they enable activities that maintain, restore or enhance the characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes, including conservation activities. They also 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. Bream Tail is an example of a lawfully established land use and one that has restored and enhanced the characteristics, qualities and values of the Outstanding Natural Features and Outstanding Natural Landscapes which apply over the property.</p> <p>The policies should however be amended to ensure accurate inclusion in Schedule 4 or Schedule 5 of the descriptions used in the evaluation sheets which informed the RPS mapping, including a full description of the characteristics, qualities and values of the outstanding natural landscapes in each case, as is sought elsewhere in this submission. This</p>	Amend Policies NFL-P1, NFL-P3, and NFL-P4 to ensure a cross reference to the accurate inclusion and description of the characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes is cross referenced in Schedule 4 and Schedule 5.

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			information is not included in Schedule 4 and Schedule 5 as notified.	
<b>Part 2 – District-wide matters</b>  <b>Natural Environment Values</b>  <b>Natural Features and Landscapes</b>	Policy NFL-P2	Support in part	<p>The policy appropriately recognises that lawfully established land use and development are located within Outstanding Natural Features and Outstanding Natural Landscapes and allows them to continue without undue restriction.</p> <p>The policy should also recognise that lawfully established subdivision, with sites as yet unbuilt, are also located within Outstanding Natural Features and Outstanding Natural Landscapes. Bream Tail is an example of this, whereby some lawfully established lots have building platforms confirmed at the time of subdivision as appropriate by expert landscape analysis, that are as-yet unbuilt and which detailed controls on building location, design and height, with associated mitigation. The policy should recognise these circumstances also through the addition of the word “subdivision” as sought in the relief.</p>	<p>Amend Policy NFL-P2 as follows:</p> <p><i>Policy NFL-P2</i>  <b><i>Existing <u>subdivision</u>, use and development</i></b></p> <p><i>Recognise that lawfully established <u>subdivision</u>, land use and development are located within Outstanding Natural Features and Outstanding Natural Landscapes and allow them to continue without undue restriction.</i></p>
<b>Part 2 – District-wide matters</b>  <b>Natural Environment Values</b>  <b>Natural Features and Landscapes</b>	Policy NFL-P6	Oppose in part	<p>Policy NFL-P6 seeks to have regard to a range of of matters when considering an application for land use and development, but not subdivision.</p> <p>Specific recognition should be given to the existence of consented building platforms and access to those platforms when considering resource consent applications under Policy NFL-P6. This is particularly so given than the matters in</p>	<p>Amend Policy NFL-P6 as follows:</p> <ol style="list-style-type: none"> <li>Apply the policy to assessing resource consent applications for <u>subdivision</u>, land use and development; and</li> <li>Have regard to whether land use and development is on a previously approved building platform or necessary to provide</li> </ol>



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			the policy are cross referenced in other rules in this chapter as matters of discretion. This aligns with the policy NFL-P2 recognition of existing use and development, which would otherwise not come into play when considering these restricted discretionary activity matters.	access to a previously approved building platform.
<b>Part 2 – District-wide matters</b>  <b>Natural Environment Values</b>  <b>Natural Features and Landscapes</b>	Rule NFL-R1  External additions and alterations to existing buildings or structures	Oppose in part	External additions and alterations to existing buildings or structures should not be limited as to gross floor area to achieve permitted activity status as rule NFL-R1 as the Proposed Plan requires under this rule. The standards as otherwise included on height and exterior colour and reflectivity appropriate control the effects of additions and alterations within the context of the ONL and OFL overlays. The reference to gross floor area might for example better replaced with a reference to the standard NFL-S6 Minor upgrading.	Amend Rule NFL-R1 to delete reference to and requirement to comply with NFL-S2 Gross Floor Area.
<b>Part 2 – District-wide matters</b>  <b>Natural Environment Values</b>  <b>Natural Features and Landscapes</b>	Rule NFL-R2 New buildings and structures  ONL and ONF outside the coastal environment	Oppose in part Support in part	Rule NFL-R2 only applies permitted activity status to new buildings and structures in ONL and ONF to that area outside the coastal environment, and not for these within the coastal environment.  The only provision for permitted activity buildings and structures in ONL and ONF within the coastal environment is made at NFL-R2.6 for regionally significant infrastructure.  A number of approved defined exclusive use areas and nominated buildable areas on lots at Bream Tail are within the coastal environment and within	Amend NFL-R2 so that the permitted activity status therein applies to new buildings and structures in the ONL and ONF, irrespective of whether they are inside or outside of the coastal environment as follows:  <i>NFL-R2 New buildings and structures</i>  <i>ONL and ONF <del>outside the coastal environment</del></i>  Amend Rule NFL-R2.1 to delete reference to and requirement to comply with NFL-S2 Gross Floor Area.  Amend Rule NFL-R2.1 a. ii as follows:

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			<p>an ONL. The existence of these lots was taken into account and recognised in the NRCs evaluation of the applicable ONL.</p> <p>The default to non-complying activity would require a wholesale reassessment of the appropriateness to build on these already approved exclusive use areas and nominated buildable areas. It imposes considerable unnecessary cost and risk to current and future owners of these lots, both at Bream Tail and in other similar situations in the district.</p> <p>For these reasons, the rule is sought be amended to apply the same permitted activity provisions whether the building or structure is inside or outside the coastal environment.</p> <p>The same restricted discretionary activity status and matters of discretion from NFL-R2 3. and NFL-R2 4. (as sought to be amended elsewhere in this submission) can apply to both inside and outside the coastal environment. Noting, with reference to the matters in policy NFL-P6 which this submission seeks are incorporated into the rule, that they are wide in their scope and include: <i>“Adverse and positive effects on identified characteristics, qualities and values”</i>. The recognition in this rule that a new building or structure on a building platform identified in an</p>	<p>ii. On a building platform identified in an <del>existing</del> approved subdivision consent and/or land use consent <del>lodged with Council prior to 30 April 2025</del></p>

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			<p>existing approved subdivision consent and/or land use consent is supported.</p> <p>Permitted activity status is an efficient and effective way of recognising existing expectations to build under the terms of consents and avoids the costs associated with new consent for buildings on locations already confirmed as appropriate by way of previous consents.</p> <p>As set out in the rule, this permitted activity status is dependent on compliance with NFL-S1 Building and Structure Height and NFL-S3 Exterior Colour and Reflectivity (apart from the exception for Bream Tail under Rule NFL-R2.2 sought elsewhere in this submission).</p> <p>The requirement to comply with NFL-S2 Gross Floor Area is opposed on the basis that the limitation of 150m<sup>2</sup> for any residential unit and 100m<sup>2</sup> for any accessory building is too low to accommodate many residential dwellings including the average size of a dwelling in New Zealand (excluding terrace houses etc) and in any event, unnecessary in terms of managing effects on the characteristics, qualities and values of ONL and ONF, having regard to the other rules and standards which apply.</p> <p>The reference to building platforms identified in an existing subdivision consent “approved prior to 1</p>	

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			April 2025” is unnecessary as the rule should also provide permitted activity status to building platforms approved after that date (where appropriate controls through consent notices will have invariably been placed and landscape assessment taken place to confirm their appropriateness).	
<b>Part 2 – District-wide matters</b>  <b>Natural Environment Values</b>  <b>Natural Features and Landscapes</b>	Rule NFL-R2.2 New buildings and structures  ONL and ONF outside the coastal environment	Support in part	<p>The outcome sought in Rule NFL-R2.2 to exclude the defined Exclusive Use Areas shown on the Survey Plan for lots 1-29, 32,34,40,41 and 45 DP 348513 consented by RM050086 (Bream Tail) is supported (subject to the amendments otherwise sought to Rule NFL-R2 in this submission), however the drafting and execution of the rule requires improvements to achieve its intended outcome.</p> <p>It is noted in this regard that the rule is carried over from the Operative Plan (rule 12.10.3c); however its placement and drafting in the Proposed Plan will not achieve the same outcome as that rule.</p> <p>The rule is intended to specifically recognise the particular circumstances of the Bream Tail subdivision, including the detailed requirements of the consent notices that exist on the titles in respect to the location, height and design of new buildings, the design review process required to be in place, and the extensive landscape and ecological mitigations established and ongoing.</p>	<p>Amend NFL-R2.2 to retain the exclusion to defined exclusive use areas at Bream Tail, amended to ensure the permitted activity rules does apply to Bream Tail and without reference to the consent notice, previous consents or Operative District Plan. This can be achieved by the following amendments, or similar:</p> <p><i>2. This rule does not apply to:</i></p> <p><i>a. <del>The defined Exclusive Use Areas shown on the Survey Plan for lots 1-29, 32,34,40,41 and 45 DP 348513 consented by RM050086 (Bream Tail) provided that the other conditions of the Consent Notices (dated 2 February 2004) on these titles are complied with, which shall rely on Rule 12.10.3c.2 in Chapter 12 of the Kaipara Operative District Plan.</del></i></p> <p><b><u>2. Activity Status: Permitted</u></b></p> <p><i>a. <u>Where the building or structure is on a defined exclusive use area as shown on the survey plan for Lots 1-4, 6-8, 10, 12-17, 22-29, 34 and 40-45 DP348513, Lot 1 DP493396.</u></i></p>

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			<p>This subdivision consent encompassed an extensive proposal for landscape restoration and enhancement, encompassing coastal management, reforestation of existing farmland sections, preservation of historically and culturally significant sites, establishment of substantial conservation zones covering wetlands, coastal regions, and current and future reforested areas. Furthermore, the plan involved the allocation of building sites for each new parcel, specifying guidelines for the design, location, and structure of forthcoming residences and accompanying structures, alongside a comprehensive planting-driven mitigation strategy. A Residents Association was established to manage collective responsibilities and Residents Association rules, including a process for design approval for future dwellings in accordance with Design Guidelines.</p> <p>The original Bream Tail subdivision was provided under resource consent RM050086.</p> <p>A subsequent resource consent RM050276 approved a subdivision of lots 18, 19, 20 and 21 to create an additional four lots at the northeastern end of Bream Tail (being lots 1 and 2 DP 408561, lots 3 and 4 DP 404524, lots 5 and 6 DP 400385 and Lots 7 and 8 DP 400385).</p> <p>The rule as drafted refers to lots consented by resource consent RM050086 (lots 1-29,</p>	<p><u>Lots 5 and 9 DP435202, Lots 101 and 102 DP528288, Lots 1 and 2 DP408561, Lots 3 and 4 DP404524, Lots 5 and 6 DP400385, and Lots 7 and 8 DP404525 (Bream Tail), or a nominated buildable area or a building platform otherwise approved on those properties.</u></p>



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			<p>32,34,40,41 and 45 DP 348513). This single reference does not take into account this subsequent subdivision (or variations), including the additional lots created under resource consent RM050276.</p> <p>These additional lots created were also fully investigated and peer reviewed from a landscape and visual perspective and are also subject to a range of consent notice obligations on their titles. These conditions include requirements to locate according to a nominated building area, be accompanied by a landscape and visual mitigation plan, adhere to design controls and guidelines, maximum height limits, specifications on appropriate materials and reflectivity appropriate to a coastal environment and obligations to be a member of the Bream Tail Residents Association.</p> <p>Important to the outcomes at Bream Tail is certainty to build, with the risks and costs associated with subsequent resource consent processes either avoided or minimised. From a s32 RMA perspective, unnecessary consenting costs are avoided in recognition of the considerable safeguards that already exist on the titles by way of ongoing obligations under the consent notices. The permitted activity status is therefore an efficient and effective mechanism.</p>	

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			<p>Therefore, while the intent of the rule is supported, Rule NFL-R2.2 amendments are sought to implement the following:</p> <ol style="list-style-type: none"> <li>The header words “<i>This rule does not apply to:...</i>” mean that that the permitted activity rule NFL-R2 does not apply to Bream Tail. This has the opposite effect of what is intended because it leaves no permitted activity status for new buildings and structures in the ONL and ONF outside the coastal environment. With no permitted activity rule applying, then the default activity status is unclear under the current drafting structure. The rule should be redrafted so that it is clear that the specific exclusion does in fact apply to Bream Tail, and that meeting this exclusion is a permitted activity.</li> <li>The lot references need to be updated to reflect those currently at Bream Tail.</li> <li>Rule NFL-R2.2 as drafted refers only to “<i>defined exclusive use areas</i>” as shown on the survey plan referred to.</li> </ol> <p>That term is applicable to those lots at Bream Tail that are subject to consent notice 6432389.3 (dated 18 May 2005), whereby all dwellings are required to be</p>	

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			<p>constructed within the “<i>defined exclusive use areas surrounding the house site markers depicted on Survey Plan 348513</i>”.</p> <p>The equivalent consent notice conditions in relation to lots 1 and 2 DP 408561 (9641701.3), lots 3 and 4 DP 404524 (9707894.6), lots 5 and 6 DP 400385 (8090109.3) and Lots 7 and 8 DP 400385 (8900107.6) that were subsequently subdivided are similar, however are expressed differently. These consent notices (as referenced in brackets) require residential development to be restricted to the “<i>nominated buildable areas denoted</i>” on the particular survey plan referenced.</p> <p>The reference used therefore on the rule does not capture consent notices imposed under the subsequent subdivision at Bream Tail. The exclusions for “<i>defined exclusive use areas</i>” and “<i>nominated buildable areas</i>” should be applied at Bream Tail to reflect the words used in the applicable consent notices.</p> <p>d. References to the need to comply with specified consents and the Operative District Plan is poor drafting practice.</p>	

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			<p>The rule refers to Rule 12.10.3c.2 in Chapter 12 of the Kaipara Operative District Plan which will have no status once the Proposed Plan becomes operative. Relying on another document not incorporated by reference to the District Plan and having the effect of tying these conditions to the District Plan. Compliance with the particular consent notice conditions that exist in relation to these titles is a matter of law and need not be repeated in the District Plan. Protection is offered by the fact that any changes to these consent notices requires a full discretionary consent application under s127 of the RMA, allowing a full assessment of relevant objectives and policies.</p> <p>e. Consistency is also sought with the Proposed Plan rule CE-R2 for the coastal environment where buildings and structures are permitted if <i>"on a building platform identified in an existing subdivision consent approved prior to 1 April 2025"</i>. That circumstance is also usefully applicable to Bream Tail as a catch all provision.</p>	

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			f. Application of the rule to lots both inside and outside the coastal environment as sought elsewhere in this submission.	
<b>Part 2 – District-wide matters</b>  <b>Natural Environment Values</b>  <b>Natural Features and Landscapes</b>	NFL-R3 Indigenous vegetation clearance  ONL outside the coastal environment	Oppose in Part	<p>Rule NFL-R3 only applies permitted activity status to indigenous vegetation clearance in ONL outside the coastal environment, and not for ONL within the coastal environment. In addition, no provision is made for Indigenous vegetation clearance in the ONF, leaving the activity status for that uncertain.</p> <p>The only provision for permitted activity Indigenous vegetation clearance in ONL within the coastal environment is made at NFL-R3.6 for regionally significant infrastructure.</p> <p>For indigenous vegetation clearance in the ONL (for any other purpose, including if of minor effect required or required for the health and safety of people), this defaults to a non-complying activity under rule NFL-R3.6.</p> <p>The maximum area allowances in standard NFL-S5 and the limited range of permitted activities for indigenous vegetation clearance (as sought to be amended by this submission) provide sufficient protection for the characteristics, qualities and values of the ONL and ONF and appropriately give effect to the RPS and NZCPS in respect to the coastal environment.</p>	<p>Amend NFL-R3 so that the permitted activity status therein applies to indigenous vegetation clearance in the ONL, irrespective of whether they are inside or outside of the coastal environment, and to also provide for the ONF as follows:</p> <p><i>NFL-R3 Indigenous vegetation clearance</i>  ONL <u>and</u> <del>ONF outside the coastal environment</del></p>
<b>Part 2 – District-wide matters</b>	NFL-R3	Oppose in Part	Rule NFL-R3 should be amended to make additional allowances for indigenous vegetation	Amend NFL-R3 to add as permitted activities indigenous vegetation clearance for the following



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<b>Natural Environment Values</b>  <b>Natural Features and Landscapes</b>	Indigenous vegetation clearance  ONL outside the coastal environment		<p>clearance which by its nature will have minor effects on the ONL (whether inside or outside the coastal environment), is required to enable positive effects, or is required for the health and safety of people. As activities required for these purposes, they should not be subject to the area limitations under standard NFL-S5 and should also be in addition to the repair and maintenance allowances in the rule as proposed.</p> <p>Reference is made here to similar permitted activity allowances in rule ECO-R.</p>	<p>purposes (without a requirement for these to comply with the area limitation standards under NFL-S5 and in addition to the repair and maintenance allowances in the rule as proposed):</p> <ol style="list-style-type: none"> <li>To address an immediate risk to the public safety or damage to property;</li> <li>The formation of walking tracks less than 1.5m wide;</li> <li>The construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation, provided that the clearance does not exceed 3.5m in width either side of the fence line;</li> <li>To remove pest species in accordance with any approved pest management plan or biosecurity operational plan;</li> <li>To create or maintain a 20m setback from an area of indigenous vegetation to a residential unit (excluding accessory buildings);</li> <li>The removal or clearance of indigenous vegetation from land that was previously cleared and where the indigenous vegetation to be cleared is less than 10 years old; and</li> <li>Creation and maintenance of firebreaks to manage fire risk.</li> </ol>
<b>Part 2 – District-wide matters</b>	NFL-R4 Earthworks  ONL outside the coastal environment	Oppose in Part	Rule NFL-R4 only applies permitted activity status to earthworks in ONL and ONF outside the coastal environment, and not for ONL and ONF within the coastal environment.	Amend NFL-R4 so that the permitted activity status therein applies to earthworks in the ONL and ONF, irrespective of whether they are inside or outside of the coastal environment, as follows:

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Chapter/Appendix/ Schedule/Maps	objective/policy/rule / standard/overlay	Oppose/support (in part or full)	Reasons	In each case this relief includes any consequential amendments or alternative relief to address the matters raised in this submission. Where specific drafting is provided, additions shown <u>underlined</u> , deletions shown as <del>strikethroughs</del> .
<b>Natural Environment Values</b>  <b>Natural Features and Landscapes</b>			<p>The only provision for permitted activity earthworks in ONL and ONF within the coastal environment is made at NFL-R4.4 for regionally significant infrastructure.</p> <p>For earthworks in the ONL and ONF (for any other purpose, this defaults to a non-complying activity under rule NFL-R3.4.</p> <p>The maximum volume and cut face allowances in standard NFL-S4, the limited range of permitted activities and the restricted discretionary activity status for earthworks above these limits provide sufficient protection for the characteristics, qualities and values of the ONL and ONF and appropriately give effect to the RPS and NZCPS in respect to the coastal environment.</p> <p>A restricted activity status (as is the effect of the Proposed Plan rule as sought to be amended by this submission) is appropriate for earthworks on approved building platforms and the access driveways to them inside and outside the ONL and ONF, noting that the appropriateness of construction on approved building platforms has already been determined at subdivision stage.</p>	<p><i>NFL-R4 Earthworks</i>  <del>ONL and ONF outside the coastal environment</del></p>
<b>Part 2 – District-wide matters</b>	<p>NFL-R7</p> <p>Indigenous vegetation clearance and earthworks associated</p>	Support	Rule NFL-R7 is supported, noting the relief sought elsewhere in this submission for other indigenous vegetation clearance as a permitted activity in the limited circumstances sought.	Retain NFL-R7

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<b>Natural Environment Values</b>  <b>Natural Features and Landscapes</b>	with conservation activities  ONL and ONF			
<b>Part 2 – District-wide matters</b>  <b>Natural Environment Values</b>  <b>Natural Features and Landscapes</b>	NFL-S1  Building and structure height	Support in part	<p>The maximum height for buildings or structures in the ONL or ONF provided under this rule is 5.5m, with a restricted discretionary consent required under rule NFL-R2 to exceed that.</p> <p>Additional allowances should be made for roof top projections within specified parameters. In particular, modern house design provides for chimney structures, various architectural features, solar and water heating components and satellite dishes above the roof line of the building. Within the specified height limits as sought in the submission, these features will have no or negligible impact on the on the characteristics, qualities and values of the ONL or ONF. Requiring resource consents for the placement of such features where they exceed the height is inefficient and adds costs which do not outweigh the benefits. Providing for solar and water heating components to be placed on the roof of a building without breaching the height control promotes the sustainable use of energy and resources.</p>	<p>Amend NFL-S1 to exempt the following from maximum height:</p> <ul style="list-style-type: none"> <li>a. Chimney structures not exceeding 1.2m in width and 1m in height on any elevation.</li> <li>b. Architectural features (e.g. finials, spires) that do not exceed 1m in height.</li> <li>c. Solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation.</li> <li>d. Satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation.</li> </ul>
<b>Part 2 – District-wide matters</b>	NFL-S2  Gross floor area	Oppose	Standard NFL-S2 Gross floor area unnecessarily limits residential units to 150m <sup>2</sup> and accessory buildings to 100m <sup>2</sup> . With reference to the	Delete NFL-S2

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<b>Natural Environment Values</b>  <b>Natural Features and Landscapes</b>			amendments to rules NFL-R1 and NFL-R2, the requirement in the standard the limitation of 150m2 for any residential unit and 100m2 for any accessory building is opposed because it is too low to accommodate many residential dwellings Including the average size of a dwelling in New Zealand, excluding terrace houses etc) and in any event, unnecessary in terms of managing effects on the characteristics, qualities and values of the ONL or ONF, having regard to the balance of other rules and standards which apply.	
<b>Part 2 – District-wide matters</b>  <b>Natural Environment Values</b>  <b>Natural Features and Landscapes</b>	NFL-S3  Exterior colour and reflectivity	Oppose in part	Standard NFL-S3 should allow for the use of natural materials (stone, wood cladding etc) as a permitted activity, within such materials being visually suitable in ONL and ONF areas, including in the coastal environment.	Amend NFL-S3 to allow for natural materials as follows: <ol style="list-style-type: none"> <li>1. <i>The building and structure exteriors must:</i> <ol style="list-style-type: none"> <li>a. <i>Not utilise mirror glazing; and</i></li> <li>b. <i>Be <u>constructed of natural materials</u> or if the <u>exterior surface is</u> coloured or painted <del>with</del> <u>then be</u> a colour with a reflectance value no greater than 35% (provided that 2% of each exterior elevation is exempt) and with a roof colour with a reflectance value no greater than 30%.</i></li> </ol> </li> </ol>
<b>Part 2 – District-wide matters</b>  <b>General District-Wide Matters</b>  <b>Coastal Environment</b>	CE-O1  Preservation of the natural character of the coastal environment	Oppose in part	Amendments are sought to give better effect to the RPS objective 3.14 in respect to the coastal environment, which requires the protection of the qualities and characteristics that make up the natural character of the coastal environment from inappropriate subdivision, use and development.	Amend objective CE-O1 as follows  <i>The characteristics, <u>and</u> qualities and values of the natural character of the coastal environment are <del>preserved and are</del> protected from inappropriate subdivision, use and development.</i>

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<b>Part 2 – District-wide matters</b>  <b>General District-Wide Matters</b>  <b>Coastal Environment</b>	CE-O2  Enhancement and restoration of the coastal environment	Support	Objective CE-O2 is supported which seeks the enhancement and restoration of the natural character of the coastal environment is promoted and enabled as it properly gives effect to the RPS and NZCPS.	Retain CE-O2
<b>Part 2 – District-wide matters</b>  <b>General District-Wide Matters</b>  <b>Coastal Environment</b>	CE-P1  Managing adverse effects on the natural character of the coastal environment	Support in part	The policy is supported, subject to the accurate inclusion and description of the characteristics, qualities and values that make an area a High or Outstanding Natural Character Area in Schedule 6 - Natural Character Areas, as sought elsewhere in this submission.	Amend CE-P1 to ensure a cross reference to the accurate inclusion and description of the characteristics, qualities and values that make an area a High or Outstanding Natural Character Area in Schedule 6 - Natural Character Areas, as sought elsewhere in this submission.
<b>Part 2 – District-wide matters</b>  <b>General District-Wide Matters</b>  <b>Coastal Environment</b>	CE-P2  Enabling appropriate development	Support	Policy CE-P2 is supported as it properly gives effect to the RPS and NZCPS and recognises that appropriate use and development in the coastal environment can preserve and restore the natural character and qualities of the coastal environment.	Retain CE-P2
<b>Part 2 – District-wide matters</b>  <b>General District-Wide Matters</b>	CE-P3  Restoration and enhancement of the coastal environment	Support	Policy CE-P3 is supported as it properly gives effect to the RPS and NZCPS and appropriately promotes ways to ensure the restoration and enhancement of the natural character of the coastal environment.	Retain CE-P3



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<b>Coastal Environment</b>				
<b>Part 2 – District-wide matters</b>  <b>General District-Wide Matters</b>  <b>Coastal Environment</b>	CE-P6  Assessment of resource consents	Oppose in Part	<p>Policy CE-P6 seeks to have regard to a range of matters when considering an application for subdivision, land use and development.</p> <p>Specific recognition should be given to the existence of consented building platforms and access to those platforms when considering resource consent applications under Policy CE-P6. This is particularly so given that the matters in the policy are cross referenced in other rules in this chapter as matters of discretion. This aligns with the new policy sought in this submission seeking recognition of existing use and development, which would otherwise not come into play when considering these restricted discretionary activity matters.</p>	Amend Policy CE-P6 to have regard to whether land use and development is on a previously approved building platform or necessary to provide access to a previously approved building platform.
<b>Part 2 – District-wide matters</b>  <b>General District-Wide Matters</b>  <b>Coastal Environment</b>	New policy in Chapter CE-Coastal Environment	Oppose in part	<p>A new policy is sought in the coastal environment chapter to mirror NFL-P2 to recognise existing subdivision, use and development. This aligns with the recognition of existing uses in policy 4.6.1(3)(b) of the RPS.</p> <p>The new policy should recognise that lawfully established subdivision, land use and development are located within the coastal environment, including High Natural Character Areas and Outstanding Natural Character Areas, and allow them to continue without undue restriction.</p>	<p>Add a new policy in Chapter CE-Coastal Environment as follows:</p> <p><b><u>Existing subdivision, use and development</u></b></p> <p><u>Recognise that lawfully established subdivision, land use and development are located within the coastal environment, including High Natural Character Areas and Outstanding Natural Character Areas and allow them to continue without undue restriction</u></p>

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Chapter/Appendix/ Schedule/Maps	objective/policy/rule / standard/overlay	Oppose/support (in part or full)	Reasons	In each case this relief includes any consequential amendments or alternative relief to address the matters raised in this submission. Where specific drafting is provided, additions shown <u>underlined</u> , deletions shown as <del>strikethroughs</del> .
			Bream Tail is an example of this, whereby some lawfully established lots have building platforms confirmed at the time of subdivision as appropriate by expert landscape analysis, that are as-yet unbuilt and which detailed controls on building location, design and height, with associated mitigation.	
<b>Part 2 – District-wide matters</b>  <b>General District-Wide Matters</b>  <b>Coastal Environment</b>	CE-R1  External additions and alterations of buildings or structures  All coastal environment	Oppose in part	External additions and alterations to existing buildings or structures should not be limited as to gross floor area to achieve permitted activity status as rule CE-R1 as the Proposed Plan requires. The standards as otherwise included on height and exterior colour and reflectivity appropriate control the effects of additions and alterations within the context of the coastal environment.	Amend Rule CE-R1 to delete reference to and requirement to comply with CE-S3 Gross Floor Area.
<b>Part 2 – District-wide matters</b>  <b>General District-Wide Matters</b>  <b>Coastal Environment</b>	CE-R2  New buildings and structures  All coastal environment (excluding ONCA)	Support in part Oppose in part	<p>The recognition in this rule that a new building or structure on a building platform identified in an existing approved subdivision consent and/or land use consent lodged with Council prior to 30 April 2025 is supported and implements the new policy for the Coastal Environment sought elsewhere in this submission. The exclusion for ONCA is accepted in this instance given that these apply to very few and discrete parts of the district which, by their nature, are unbuilt.</p> <p>There are subdivisions in the district, including in coastal environments as discussed elsewhere in this submission, where resource consents have</p>	<p>Amend Rule CE-R2 to delete reference to and requirement to comply with NFL-S2 Gross Floor Area.</p> <p>Amend Rule CE-R2 1.a.ii. ii. as follows:</p> <p><i>ii. On a building platform identified in an <del>existing</del> approved subdivision consent and/or land use consent <del>lodged with Council prior to 30 April 2025</del></i></p> <p>Amend Rule CE-R2 to add the following additional permitted activity:</p> <p><b><u>2. Activity Status: Permitted</u></b></p>

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Chapter/Appendix/ Schedule/Maps	objective/policy/rule / standard/overlay	Oppose/support (in part or full)	Reasons	In each case this relief includes any consequential amendments or alternative relief to address the matters raised in this submission. Where specific drafting is provided, additions shown <u>underlined</u> , deletions shown as <del>strikethroughs</del> .
			<p>been granted and/or titles issued specifying controls on the location and size of building platforms, and controlling these through legally binding instruments.</p> <p>Such forms of subdivision were encouraged under the Operative Plan.</p> <p>Bream Tail is an example where the subdivision has been carefully designed, mitigation planting established and controls imposed through consent notices to manage the effects of buildings. Owners have purchased lots on the understanding that their entitlement to build on them is protected. designed and have detailed controls imposed by way of consent condition and consent notices on the titles.</p> <p>Permitted activity status is an efficient and effective way of recognising these existing expectations to build under the terms of consents and avoids the costs associated with new consent for buildings on locations already confirmed as appropriate by way of previous consents.</p> <p>The requirement to comply with CE-S3 Gross Floor Area is opposed on the basis that the limitations in this standard, particularly un the HNCA and ONCA are too low to accommodate many residential dwellings Including the average size of a dwelling in New Zealand (excluding terrace houses etc) and</p>	<p><u>c. Where the building or structure is on a defined exclusive use area as shown on the survey plan for Lots 1-4, 6-8, 10, 12-17, 22-29, 34 and 40-45 DP348513, Lot 1 DP493396, Lots 5 and 9 DP435202, Lots 101 and 102 DP528288, Lots 1 and 2 DP408561, Lots 3 and 4 DP404524, Lots 5 and 6 DP400385, and Lots 7 and 8 DP404525 (Bream Tail), or a nominated buildable area or a building platform otherwise approved on those properties.</u></p>

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Chapter/Appendix/ Schedule/Maps	objective/policy/rule / standard/overlay	Oppose/support (in part or full)	Reasons	In each case this relief includes any consequential amendments or alternative relief to address the matters raised in this submission. Where specific drafting is provided, additions shown <u>underlined</u> , deletions shown as <del>strikethroughs</del> .
			<p>in any event, unnecessary in terms of managing effects on the characteristics, qualities and values of HNCA and ONCA, having regard to the other rules and standards which apply. At 50m<sup>2</sup>, these size limits effectively nullify the permitted activity status under the rule for dwellings. In respect to HNCA, this is out of step with the policy settings in the NZCPS and RPS.</p> <p>The reference to building platforms identified in an existing subdivision consent “approved prior to 1 April 2025” is unnecessary as the rule should also provide permitted activity status to building platforms approved after that date (where appropriate controls through consent notices will have invariably been placed and landscape assessment taken place to confirm their appropriateness).</p> <p>Specific provision is sought in the rule for Bream Tail, including to recognise that it has both defined exclusive use areas and nominated buildable areas conferred through previous subdivision consents.</p> <p>The rule is intended to specifically recognise the particular circumstances of the Bream Tail subdivision, including the detailed requirements of the consent notices that exist on the titles in respect to the location, height and design of new buildings, the design review process required to</p>	

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			be in place, and the extensive landscape and ecological mitigations established and ongoing.	
<b>Part 2 – District-wide matters</b>  <b>General District-Wide Matters</b>  <b>Coastal Environment</b>	CE-R3  Indigenous vegetation clearance  All coastal environment (excluding ONCA)	Oppose in Part	<p>Rule CE-R3 should be amended to make additional allowances for indigenous vegetation clearance which by its nature will have minor effects on the coastal environment and HNCA, is required to enable positive effects, or is required for the health and safety of people. As activities required for these purposes, they should not be subject to the area limitations under standard CE-S6 and should also be in addition to the repair and maintenance and other allowances in the rule as proposed.</p> <p>Reference is made here to similar permitted activity allowances in rule ECO-R.</p> <p>As proposed to be drafted in this submission, these exclusions apply only to the HNCA and not the ONCA, noting that the ONCA is applied much more discretely than the HNCA.</p>	<p>Amend CE-R3 to add as permitted activities, indigenous vegetation clearance for the following purposes (without a requirement for these to comply with the area limitation standards under NFL-S5 and in addition to the repair and maintenance allowances in the rule as proposed):</p> <ol style="list-style-type: none"> <li>To address an immediate risk to the public safety or damage to property;</li> <li>The formation of walking tracks less than 1.5m wide;</li> <li>The construction of a new fence where the purpose of the new fence is to exclude stock and/or pests from the area of indigenous vegetation, provided that the clearance does not exceed 3.5m in width either side of the fence line;</li> <li>To remove pest species in accordance with any approved pest management plan or biosecurity operational plan;</li> <li>To create or maintain a 20m setback from an area of indigenous vegetation to a residential unit (excluding accessory buildings);</li> <li>The removal or clearance of indigenous vegetation from land that was previously cleared and where the indigenous vegetation to be cleared is less than 10 years old; and</li> <li>Creation and maintenance of firebreaks to manage fire risk.</li> </ol>

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<b>Part 2 – District-wide matters</b>  <b>General District-Wide Matters</b>  <b>Coastal Environment</b>	CE-R4  Earthworks  All coastal environment (excluding ONCA)	Support	<p>The rule appropriately provides for restricted discretionary activity status for earthworks not meeting the permitted activity standards.</p> <p>A restricted activity status (as is the effect of the Proposed Plan rule) is appropriate for earthworks on approved building platforms and the access driveways to them inside the coastal environment and HNCA, noting that the appropriateness of construction on approved building platforms has already been determined at subdivision stage.</p>	Retain CE-R4
<b>Part 2 – District-wide matters</b>  <b>General District-Wide Matters</b>  <b>Coastal Environment</b>	CE-S1  Maximum building height	Support in part	<p>Additional allowances should be made for roof top projections within specified parameters. In particular modern house design provides for chimney structures, various architectural features, solar and water heating components and satellite dishes above the roof line of the building. Within the specified height limits as sought in the submission, these features will have no or negligible impact on the on the characteristics, qualities and values of the ONL or ONF. Requiring resource consents for the placement of such features where they exceed the height is inefficient and adds costs which do not outweigh the benefits. Providing for solar and water heating components to be placed on the roof of a building without breaching the height control promotes the sustainable use of energy and resources.</p>	<p>Amend CE-S1 to exempt the following from maximum height:</p> <ol style="list-style-type: none"> <li>Chimney structures not exceeding 1.2m in width and 1m in height on any elevation; and</li> <li>Architectural features (e.g. finials, spires) that do not exceed 1m in height.</li> <li>Solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation.</li> <li>Satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation.</li> </ol>
<b>Part 2 – District-wide matters</b>	CE-S2	Oppose in part	Standard CEL-S2 should allow for the use of natural materials (stone, wood cladding etc) as a	<p>Amend CE-S2 to allow for natural materials as follows:</p> <ol style="list-style-type: none"> <li><i>The building and structure exteriors must:</i></li> </ol>

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General District-Wide Matters  Coastal Environment	Exterior colour and reflectivity		permitted activity, within such materials being visually suitable in coastal areas.	<p>a. <i>Be <u>constructed of natural materials</u> or if the exterior surface is coloured or painted <del>with</del> then be a colour with a reflectance value no greater than 35% (provided that 2% of each exterior elevation is exempt) and with a roof colour with a reflectance value no greater than 30% and</i></p> <p>b. <i>Not utilise mirror glazing.</i></p>
Part 2 – District-wide matters  General District-Wide Matters  Coastal Environment	CE-S3  Gross Floor Area	Oppose	Standard CE-S3 Gross floor area is opposed because it is too low to accommodate many residential dwellings Including the average size of a dwelling in New Zealand, excluding terrace houses etc) and in any event, unnecessary in terms of managing effects on the characteristics, qualities and values of the natural character of the coastal environment, having regard to the balance of other rules and standards which apply.	Delete CE-S3
Part 3 – Area-specific matters Zones  Rural Zones  General Rural Zone	GRUZ-O1  Purpose of the General rural zone	Oppose in part	The objectives seeks to restrict a functional or operational need test for non-rural activities to locate in the General rural zone. While ‘restrict’ does not direct ‘avoid’ as is sought to be implemented by proposed policy GRUZ-P5, it nevertheless applies an inappropriate test for activities that may not necessarily be rural productive activities themselves, but are either supportive of such activities or otherwise compatible. These activities will not necessarily have a functional or operational need as those terms are defined in the Proposed Plan and National Planning Standards.	<p>Amend GRUZ-O1 as follows:</p> <p><i>The purpose of the General rural zone is to:</i></p> <ol style="list-style-type: none"> <li><i>1. Enable primary production activities;</i></li> <li><i>2. Provide for ancillary activities that support primary production; and</i></li> <li><i>3. Restrict activities <u>that are incompatible with primary production activities</u> <del>incompatible activities that do not have a functional or operational need to be in a rural environment.</del></i></li> </ol>



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<b>Part 3 – Area-specific matters Zones</b>  <b>Rural Zones</b>  <b>General Rural Zone</b>	GRUZ-O2  Primary production activities	Support	The outcome to protect primary production activities from reverse sensitivity effects that may constrain their effective or efficient operation is supported and gives effect to the RPS.	Retain GRUZ-O2
<b>Part 3 – Area-specific matters Zones</b>  <b>Rural Zones</b>  <b>General Rural Zone</b>	GRUZ-O4  Rural character and amenity values	Support	Maintenance of rural character and amenity values is supported.	Retain GRUZ-O4
<b>Part 3 – Area-specific matters Zones</b>  <b>Rural Zones</b>  <b>General Rural Zone</b>	GRUZ-P3  Reverse sensitivity effects	Support in Part	The policy directs the avoidance where practicable, or otherwise mitigation, of reverse sensitivity effects on primary production activities, including through methods such as no-complaints covenants, landscaping, screening or siting of buildings. The RPS directs the avoidance of reverse sensitivity effects on rural production activities and amendments are sought accordingly.	Amend Policy GRUZ-P3 to refocus to avoidance of reverse sensitivity effects in accordance with the RPS, as follows:  <i>Manage the establishment, design and location of new sensitive activities and other non-productive activities in the General rural zone to avoid <del>where practicable, or otherwise mitigate,</del> reverse sensitivity effects on primary production activities, including through methods such as no-complaints covenants, landscaping, screening or siting of buildings.</i>
<b>Part 3 – Area-specific matters Zones</b>  <b>Rural Zones</b>	GRUZ-P5  Non-rural activities	Oppose in part	The policy applies a functional or operational need test for non-rural activities to locate in the General rural zone, and directs that such activities are otherwise avoided.	Amend Policy GRUZ-P5 to delete the requirement for activities to have a functional or operational need, but retain the requirement for compatibility, as follows:  <i>Avoid non-rural activities in the General rural zone unless they:</i>

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Chapter/Appendix/ Schedule/Maps	objective/policy/rule / standard/overlay	Oppose/support (in part or full)	Reasons	In each case this relief includes any consequential amendments or alternative relief to address the matters raised in this submission. Where specific drafting is provided, additions shown <u>underlined</u> , deletions shown as <del>strikethroughs</del> .
General Rural Zone			<p>Functional and operational need is an inappropriate test here for activities that may not necessarily be rural productive activities themselves, but are either supportive of such activities or otherwise compatible.</p> <p>An overview of the activities provided for in the General Rural Zone shows a range of activities that may not necessarily have a functional or operational need to locate in the zone, but are otherwise compatible with rural production activities. These include rural-residential activities as at Bream Tail, where internal controls maintain compatibility between the residential and the farm operation.</p>	<p><del>1. Have a functional or operational need to locate in the General rural zone;</del></p> <p><del>2. 1. Are compatible with primary production activities; and</del></p> <p><del>3. 2. Do not result in the loss of availability and productive capacity of highly productive land, including consideration of the cumulative effects of such losses.</del></p>
<b>Part 3 – Area-specific matters Zones</b>  <b>Rural Zones</b>  <b>General Rural Zone</b>	GRUZ-R2  Agricultural, pastoral or horticultural activities, or forestry activities not regulated by the NES-CF (excluding greenhouses and intensive indoor primary production)	Support	The rule appropriately provides for agricultural, pastoral or horticultural activities as a permitted activity in the zone.	Retain GRUZ-R2
<b>Part 3 – Area-specific matters Zones</b>  <b>Rural Zones</b>	GRUZ-R3  Residential unit (excluding minor residential units)	Support	The ability to construct as a permitted activity one residential unit on a site less than 24ha is supported.	Retain GRUZ-R3

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<b>General Rural Zone</b>				
<b>Part 3 – Area-specific matters Zones</b>  <b>Rural Zones</b>  <b>General Rural Zone</b>	GRUZ-R4  Minor residential unit	Oppose in part	<p>The requirement for the separation distance between the minor residential unit and the principal residential unit to be no greater than 50m is unnecessary. In some part, the requirement runs counter to the benefit created by the rule.</p> <p>There are many varied reasons for minor residential units in the rural environments. These include housing for extended family through to housing for property caretakers (where separation for privacy reasons or in fact just to maintain a degree of independence between occupants is desirable). In addition, on large properties, minor residential units, can sometimes be located at entranceways for security, and not necessarily close to the primary dwelling.</p>	Amend rule GRUZ-R4 to delete the requirement for the separation distance between the minor residential unit and the principal residential unit to be no greater than 50m
<b>Part 3 – Area-specific matters Zones</b>  <b>Rural Zones</b>  <b>General Rural Zone</b>	Rules  New Activity  Recreational Activity	Oppose in part	Providing for the use of buildings and land for recreation or leisure is an accepted and desirable part of rural life, and as exhibited by the common facilities at Bream Tail, desirable for social and community well-being. In a wider context many such recreation activities (as that term is defined in the Proposed Plan) benefit from and require a rural location.	Insert “Recreation Activity” as a new permitted activity in the General Rural Zone, as that activity is defined in the Proposed Plan.
<b>Part 3 – Area-specific matters Zones</b>  <b>Rural Zones</b>	GRUZ-S1  Height - building and structures	Support in part	Additional allowances should be made for roof top projections within specified parameters, specifically, solar and water heating components and satellite dishes above the roof line of the building. Requiring resource consents for the	Amend GRUZ-S1 to also exempt the following from maximum height:

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General Rural Zone			placement of such features where they exceed the height is inefficient and adds costs which do not outweigh the benefits. Providing for solar and water heating components to be placed on the roof of a building without breaching the height control promotes the sustainable use of energy and resources.	<ul style="list-style-type: none"> <li>a. Solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation.</li> <li>b. Satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation.</li> </ul>
Part 3 – Area-specific matters			<p>The submission seeks that a new Precinct be applied to Bream Tail (<b>the Bream Tail Precinct</b>), with an associated overview, objectives, policies and rules.</p> <p>A Precinct for Bream Tail is appropriate because:</p> <ul style="list-style-type: none"> <li>a. Bream Tail presents a large landholding with a complex arrangement of land uses and ownership structure not practically managed by simply its General Rural Zone and overlays alone;</li> <li>b. Bream Tail is different from other rural-residential lifestyle developments, with its scale, very low density of residential development, land reserved for conservation purposes, and farm operating over the balance of the property. These characteristics warrant an integrated and comprehensive resource management approach for Bream Tail as a whole; and</li> </ul>	<p>Insert a new “Bream Tail Precinct” in Part 3 – Area-specific matters</p> <p>Include the following in the new “Bream Tail Precinct”:</p> <ul style="list-style-type: none"> <li>(a) Appropriate overview, objectives, policies and rules to enable residential activities, common facilities, recreational activities, conservation activities, farming and other rural production activities as a permitted activity, where the building or structure for the residential activity is located on a defined exclusive use area or nominated buildable area, or on a building platform otherwise approved.</li> <li>(b) Include appropriate permitted activity rules and standards, including but not limited to the following: <ul style="list-style-type: none"> <li>(i) Buildings or structures for residential activity to be located on the defined exclusive use area, nominated buildable areas or on a building platform otherwise approved.</li> </ul> </li> </ul>

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			<p>c. Bespoke planning provisions provide appropriate recognition of the existing and consented environment at Bream Tail, including that established through the previous subdivision consents and conditions to be complied with as required by instruments on the titles. They allow certain Proposed Plan provisions to be tailored to reduce consenting burden and risk.</p> <p>The submission seeks that that the Precinct enables residential activities, common facilities, recreational activities, conservation activities, farming and other rural production activities at Bream Tail, where the building or structure for the residential activity is located on a defined exclusive use area or nominated buildable areas denoted as shown on the relevant survey plan for the lots, or on a building platform otherwise approved.</p> <p>In section 32 RMA 1991 terms a Precinct approach of bespoke planning provisions is the most efficient and effective way to achieve the objectives of the Proposed Plan, having regard to the natural and physical resources at Bream Tail, the particular characteristics and values of the place, the current and anticipated activities, and the existing management structures at Bream Tail (including consents, instruments on the title,</p>	<p>(ii) Alterations and additions as a permitted activity.</p> <p>(iii) Maximum height limits aligning with those allowed under the consent notices applicable to a site.</p> <p>(iv) Earthworks and vegetation clearance residential activity where associated with residential activity located on the defined exclusive use area or nominated buildable areas, and the access drives to those areas.</p> <p>(v) The construction and alteration of buildings for common facilities and recreation activities within identified areas a permitted activity.</p> <p>(c) Apply the objectives, policies and rules as sought to the whole of the Precinct, including land in overlays (including the Outstanding Natural Landscape, Outstanding Natural Features, High Natural Character, Outstanding Natural Character and Coastal Environment overlays). Specify the instances where the precinct provisions prevail over certain provisions in the Outstanding Natural Features and Landscapes and the Coastal Environment chapters and other relevant chapters of the Proposed Plan.</p> <p>(d) Amend the objectives, policies and rules of Outstanding Natural Features and</p>

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			existing infrastructure and private roads, Resident's Association Rules etc).	<p>Landscapes and the Coastal Environment chapters to recognise and provide for the Bream Tail Precinct, and other relevant chapters of the Proposed Plan.</p> <p>(e) Include a Bream Tail Precinct Plan, showing the boundary of the precinct and such other information necessary to spatially define the provisions sought in this submission and apply it to all the properties at Bream Tail identified on the map at Attachment 1 to this submission.</p> <p>(f) Provide for the subdivision of land around common facilities and infrastructure at Bream Tail as a controlled activity.</p> <p>(g) Any other consequential relief required to give effect to this submission.</p> <p>In the alternative to providing for the Bream Tail Precinct as a standalone section in Part 3 – Area-specific matters, provide for the Bream Tail Precinct in the General Rural Zone and Subdivision chapters, and any other relevant chapters of the Proposed Plan, in a manner that gives full effect to the relief sought above.</p>
<b>Part 4 – Schedules</b>  <b>Schedules</b>  <b>SCHED5 – Outstanding Natural Landscapes</b>	<p>SCHED5 – Outstanding Natural Landscapes</p> <p>Link: Access to full report on Outstanding Natural Landscapes</p>	Oppose in part	<p>SCHED5 – Outstanding Natural Landscapes has the following link: “Access to full report on Outstanding Natural Landscapes”</p> <p>This links to a 2010 Landscape Technical Report which is the incorrect basis for the evaluation and determination of outstanding natural landscapes</p>	<p>Amend SCHED5 as follows:</p> <ol style="list-style-type: none"> <li>Replace the link to the 2010 Landscape Technical Report with the evaluation sheets which informed the maps adopted from the Northland Regional Policy Statement 2016 (RPS); and</li> <li>The descriptions are amended to follow that used in the evaluation sheets which informed</li> </ol>

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Chapter/Appendix/ Schedule/Maps	objective/policy/rule / standard/overlay	Oppose/support (in part or full)	Reasons	In each case this relief includes any consequential amendments or alternative relief to address the matters raised in this submission. Where specific drafting is provided, additions shown <u>underlined</u> , deletions shown as <del>strikethroughs</del> .
			<p>in the district. The correct reference is the evaluation sheets which informed the maps adopted from the RPS and the mapping criteria are outlined in Appendix 1 of the RPS (Appendix 1 - Mapping methods).</p> <p>The use of the correct descriptions in Schedule 5 of outstanding natural landscapes is important because related policies in the Proposed Plan require. For example, the avoidance of adverse effects from land use and development on the characteristics, qualities and values of Outstanding Natural Features and Outstanding Natural Landscapes as set out in Schedule 5 is directed by Proposed Plan policy NFL-P3. It is important that these descriptions are either accurately linked in this Schedule, or that Schedule includes a full description of the characteristics, qualities and values of the outstanding natural landscapes.</p>	the RPS mapping, including a full description of the characteristics, qualities and values of the outstanding natural landscapes in each case.
<b>Part 4 – Schedules</b>  <b>Schedules</b>  <b>SCHED6 – Natural Character Areas</b>	SCHED6 – Natural Character Areas	Oppose in part	No information is provided in SCHED6 – Natural Character Areas on the characteristics, qualities and values of natural character areas as is specified is set out in SCHED6 – Natural Character Areas by policy CE-P1. A link or inclusion of the correct descriptions of characteristics, qualities and values of identified natural character areas in Schedule 6 is important because related policies in the Proposed Plan require an assessment against those.	Amend SCHED6 – Natural Character Areas to include a full description (or link to a full description) of the characteristics, qualities and values of natural character areas mapped in the Proposed Plan.



(1) The specific provisions of the Proposed Plan that this submission relates to are:		(2) The submission is that:		(3) The submitter seeks the following decisions from Kaipara District Council.
Chapter/Appendix/ Schedule/Maps	objective/policy/rule / standard/overlay	Oppose/support (in part or full)	Reasons	In each case this relief includes any consequential amendments or alternative relief to address the matters raised in this submission. Where specific drafting is provided, additions shown <u>underlined</u> , deletions shown as <del>strikethroughs</del> .
Map Layers	High Natural Character Area	Oppose in part	<p>High Natural Character areas should not apply to building platforms and house sites, their curtilage areas and access driveways, with such areas not exhibiting natural character values as they have been determined and assessed in the RPS and Proposed Plan.</p> <p>A number of such areas are identified at Bream Tail as being either fully or partly within a High Natural Character area and should properly be excluded.</p> <p>Method 4.5.4(2) of the RPS allows for the mapped areas to be changed at any time (using the Schedule 1 process).</p>	<p>Reduce the mapped extent of the High Natural Character from the following properties at Bream Tail so that it is removed from building platforms and house sites, their curtilage areas and access driveways:</p> <ol style="list-style-type: none"> <li>1. 15 Tuaraki Road, Mangawhai (LOT 6 DP 400385); and</li> <li>2. 17 Tuaraki Road, Mangawhai (LOT 5 DP 400385).</li> </ol>
Map Layers	Coastal Environment	Oppose in part	<p>The mapped extent of the Coastal Environment at Bream Tail Farm follows a simplified straight-line form and an approximation of key features set out in the Coastal Environment Assessment Criteria of the RPS, including for example an inaccurate and simplified depiction of the first prominent ridge line or contour from the coast.</p> <p>Method 4.5.4(2) of the RPS allows for the mapped areas to be changed at any time (using the Schedule 1 process).</p>	<p>Reduce the mapped extent of Coastal Environment from the following properties at Bream Tail so that it accurately follows characteristics and features, including the first prominent ridge line or contour from the coastal marine area:</p> <ol style="list-style-type: none"> <li>1. 15 Tuaraki Road, Mangawhai (LOT 6 DP 400385); and</li> <li>2. 17 Tuaraki Road, Mangawhai (LOT 5 DP 400385).</li> </ol>
Map Layers	Outstanding Natural Landscape	Oppose in part	<p>The mapped extent of the Outstanding Natural Landscape at Bream Tail Farm follows a simplified straight-line form and an approximation of key features set out in the Landscape Assessment Criteria of the RPS, including for example an inaccurate and simplified depiction of the inland</p>	<p>Reduce the mapped extent of Outstanding Natural Landscape from the following properties at Bream Tail so that it accurately follows characteristics and features according to the Landscape Assessment Criteria of the RPS:</p>

(1) The specific provisions of the Proposed Plan that this submission relates to are:		(2) The submission is that:		(3) The submitter seeks the following decisions from Kaipara District Council.
Chapter/Appendix/ Schedule/Maps	objective/policy/rule / standard/overlay	Oppose/support (in part or full)	Reasons	In each case this relief includes any consequential amendments or alternative relief to address the matters raised in this submission. Where specific drafting is provided, additions shown <u>underlined</u> , deletions shown as <del>strikethroughs</del> .
			boundary line as it relates to house sites and other modified areas on the property.  Method 4.5.4(2) of the RPS allows for the mapped areas to be changed at any time (using the Schedule 1 process).	1. 15 Tuaraki Road, Mangawhai (LOT 6 DP 400385); and 2. 17 Tuaraki Road, Mangawhai (LOT 5 DP 400385).
<b>Map Layers</b>	New Precinct	Oppose in part	Insert a new Bream Tail Precinct for the reasons set out elsewhere in this submission.	Insert a new map layer for the Bream Tail Precinct and apply it to all of the land within the Bream Tail Farm as shown on the map at <b>Attachment 1</b> to this submission.