

Submission Form (Form 5)

Submission on Proposed Kaipara District Plan

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

Return your signed submission by Monday 30 June 2025 via:

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

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

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

If you would prefer to complete your submission online, from 28 April 2025 please visit:

www.kaipara.govt.nz/kaipara-district-plan-review/proposed-district-plan

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

Full name: Wayne Anthony Birt

Phone: 0272091940

Organisation:

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

Birt & Currie Surveyors Ltd

Email: info@landsurveyors.co.nz

Postal address: P.O. Box 120 Paparoa 0543

Postcode: 0543

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

As 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:

WABirt

Date: 30/6/2025

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

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

☐

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

☒

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

☒

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

Submission on Proposed Kaipara District Plan

30th June 2025.

By Wayne Birt,

Licensed Cadastral Surveyor,

BSurv, RPSurv,

Director of Birt & Currie Surveyors Ltd.

Preamble:

I recognise and appreciate the front-end work that Council has put into the Proposed District Plan. This submission has been prepared in haste because of other commitments I have recently had. I would have preferred to put more time into it and provided specifics in this submission.

I have practised in the Kaipara District as a professional surveyor since my Registration in 1995. My interest has generally been with land use & development, and land subdivision. I am also a drystock farmer, with family ties to the Otamatea since the mid 1870's. My great great grandfather was one of the Councillors on the first Otamatea County Council.

The Issues I Raise:

Overall, I am in support of the Proposed District Plan. Much of it is good, and I would not like to see these parts changed.

Follows are some issues I have had with the application of the District Plan, and which would be very much appreciated if the new District Plan was more favourably written.

1. The definition of the term Site, and its use in the application of various rules:

Where a flooding hazard is identified on a property, this triggers the need for assessments as to the hazard as it relates to the land use or subdivision. Where the property involved is large, the flooding hazard might have absolutely no relevance to the activity being sought. The Rule needs to trigger when there is a need for the flooding hazard to be recognised, examined, avoided, remedied or mitigated. It should not be triggered when the flooding hazard is hundreds of metres away, and possibly even in a completely different catchment. On the flip side, the flooding hazard may be located on a neighbouring property, but the activity being dealt with at the time is in quite close proximity, and should perhaps be considered. This issue was a problem with the former Plan and should be ironed out this time.

In a similar vein, the application of the National Policy Statement for Highly Productive Land imposes certain restrictions on subdivision where Land Use Classes 1-3 soils are found on the property. It is appreciated that Central Government is looking at the cut off line where such restrictions should sit, and that Class 3 soils might drop out of this. A key purpose of this National Policy Statement is to prevent high quality soils being lost to highly productive purposes by way of subdivision. But the LUC1-3 soils might sit very well separated from rural-residential development on a site. When this is the case, we should not need to enter into rigorous considerations of the effects where they simply do not exist. But, there should still be protections of these elite soils from inappropriate

development codified into the District Plan. We should not be covering elite soils in concrete, asphalt and housing.

The term 'site' could have its meaning modified where such provisions are codified in Rules.

2. Esplanade Reserves:

Sub-S8 rule appears to not be written correctly:

Where [allotments](#) less than 4ha are created adjacent to:

- a. The coast;
- b. The bank of any [river](#) where the [bed](#) has an average width of 3m or more; or
- c. A [lake](#) with a [bed](#) of 8ha or more; or
- d. A 20m wide [esplanade reserve](#) or [esplanade strip](#) shall be created along the mark of mean high water springs or along the margin of the [lake](#) or [river](#).

(delete clause lettering, d. It is what happens if a, b or c is true). The same for Clause 2.

But, Does Council actually want to acquire esplanade reserves or strips along all qualifying waterways (options a, b or c)? If the block adjacent the waterway is greater than four hectares, then Council is required to pay for the land and reimburse the cost of the surveying. It has been my experience that Council's do not acquire esplanade reserves adjacent to blocks that are greater than 4Ha.

Esplanade reserves or strips should only be acquired where it is along a water body identified as an esplanade reserve priority area that is shown on the District Plan maps. There are 3 purposes for esplanades. In some cases all 3 are relevant/desired. In others, it is not desirable to include all 3. One case might be where a qualifying water margin had very high conservation/ecological values and it was not appropriate for the area to be used for recreation purposes. Some of the esplanade priority areas identified in the planning maps may need to have their purpose truncated.

As a ratepayer, I would want my Council to put its resourcing into the esplanade priority areas rather than a piecemeal & ad-hoc series of likely disjointed esplanades. As a surveyor I prefer to put my time into aspects of the development that are actually important to the site & its context rather than having to deal with check-box treatment of a possible esplanade area that nobody wants.

3. Building & Structure Height – Commercial Zone

I think that we should not overly restrict building height. We should be making an allowance for up to five story buildings (above ground) as a permitted activity in the Commercial Zone. This will hopefully enable/promote development in the Commercial zone. Strength of the commercial sector can be enhanced with mixed uses. Having a greater permitted height can allow for some residential use to mix in with other commercial activities. It can allow for a greater density of land use where buildings sit, and then to allow for greater space to be allocated for other things such as vehicle parking, manoeuvring and loading, as well as being able to fit in some landscaping/green space.

4. Building & Structure Height – Industrial Zone

Fifteen metres is not very high. We should not put unnecessary impediments in the way of industrial development, particularly where they do not really mitigate anything. Industrial zoned land is for industry. Let it be used as such. One thing that is important is that the structure is stable. Stability should be adequately covered under building control oversight.

5. Renewable Energy Land Use in Rural Zone.

I support the Permitted Activity status set in the plan.

For REG-R6 The solar panels should be allowed to be higher than 2.5m above the ground level. The building and structure height for the zone is more than this. It is overly restrictive, without any perceptible benefit to the restriction. The height should be set to the maximum building and structure height for the zone. 200 m² coverage is also overly restrictive. I think that the coverage should be controlled by way of the impermeable surface coverage rule. Set back provisions should match the set back rules of the zone.

6. Rural Lifestyle Zone Mapping.

I agree with the implementation of a Rural Lifestyle Zone. For too long we have only had the Rural zone, which can create potential conflicts in land use and in the outlook of the landowners. I note there are several areas where the Rural Lifestyle Zone has been applied. Where areas are characterised with sites having a density that is higher than expected in a Rural production zone, then these areas should be allocated to the Rural Lifestyle Zone. (The horse has already bolted in these areas).