

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: Nicola Margaret Puharich

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Organisation:

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

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Postcode: 0340

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:



Date:

30/6/25

(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

(1) The specific provisions of the Proposed Plan that my submission relates to are:		(2) My submission is that: <i>(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)</i>		(3) I seek the following decisions from Kaipara District Council. <i>(Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)</i>
Chapter/Appendix/ Schedule/Maps	objective/policy/rule/ standard/overlay	Oppose/support (in part or full)	Reasons	
EW-Earthworks	EW-R1 mainly	Oppose in part	See supporting information	See supporting information
EW-Earthworks	EW-S2	Support in part	See supporting information	See supporting information
EW-Earthworks	EW-S3	Support and Oppose in parts	See supporting information	See supporting information

Add further pages as required – please initial any additional pages

Supporting Information
for submission by Nicola Puharich
on KDC's Proposed District Plan

I am concerned that the earthworks provisions in the Plan may lead to issues with sediment and stormwater management both during and after earthwork activities – particularly in residential areas. This concern is based on both personal experience over the last 4 years with issues my parents have had with a development next door to their home in Charlotte Street, and other developments in Dargaville which have caused similar issues for their neighbours.

My main reasons for concern are:

- **More detail required from applicants:** While the matters over which discretion are restricted in EW – R1 are OK as far as they go, and similar to those in the existing Plan, the Proposed Plan seems to have done away with the existing requirement to provide something similar to an Excavation and Fill Management Plan when applying for consents for earthworks beyond those listed as permitted. The Plan should make it clear that such a plan is needed (i.e. not just list matters over which discretion is restricted). I would note that in my parents' case, EVEN WITH the requirement in the current plan, a consent was issued for around 6x the permitted earthwork activity WITHOUT all of the information required by the District Plan. This was the start of what is to date 4 years of stormwater issues from the neighbours.)
- **Need to consider changes to hydrological performance of the land:** While there is discretion proposed over stormwater controls, there is nothing to specifically cover changes to the hydrological performance associated with earthworks. The report from the specialised stormwater engineer I engaged for my parents' situation is clear this wasn't done for the earthworks that affected them. If it had been, my parents' may not have suffered the damage and distress they have been going through.
- **Monitoring of depth, height and volume of earthworks is needed:** I believe there should be a standard monitoring condition around earthworks – to cover depth, height and volume at least. Again, there was no such condition imposed on my parents' neighbours – and even though we believe they greatly exceeded the earthworks allowed for in their consent, the lack of a monitoring condition meant the Council will not look at this
- **Contours of land should also be considered:** There is no mention of changes to the existing contours of the land. This should be required as part of an Excavation and Management Plan – or similar.
- **Qualified stormwater engineering advice is needed:** The KDC claims to employ qualified stormwater engineers when needed for peer reviews etc. However, to my

knowledge, while those people are engineers, they are not specialist stormwater engineers. They therefore do not provide the advice needed to ensure that stormwater is properly managed for any significant earthworks. While this is not strictly speaking a matter for the Plan, I raise it as I believe that this lack of specialist advice costs ratepayers. In my parents' case, for example, the Council engaged at least 2 engineers – one twice. I don't know what this cost, but hiring one person with the relevant qualifications would have been much more cost-effective – and resulted in accurate and usable advice (as I was able to receive very quickly by hiring a specialist).

- **Council has acknowledged improvement is required:** I have been trying to get the issues my parents are facing addressed for 4 years now. The Council has acknowledged that it could have done some things better. For example, the CEO (Jason Marris) wrote to me on 27 July 2023 saying that some changes would be made. For example, that consents above a threshold of earthworks of 500m³ would have 'stricter requirements through conditions' and that the KDC would 'review future CMPs to ensure the relevance of the site and surrounding environment is appropriately addressed in the CMP or in an excavation and fill management plan.' He also noted that 'sites under construction over winter will be required to have temporary or permanent drains installed. This can include stormwater diversions created from building site works.' It is not clear to me that the Proposed Plan covers any of these points. I have low confidence these improvements will occur therefore, especially given the very high turnover of staff in the Council.

If the matters I have raised are not addressed, I believe more people will suffer, as my parents are.

In addition to the points above around EW-R1:

- I support in part, EW-S2 around cut height and fill depth. But I note that without the changes I have requested above, the Council won't know whether this standard is met either in what is proposed, or what is executed
- I support, and oppose, in part EW-S3 around setbacks. I support there being a setback from the boundary of a site in separate ownership. But I believe 1.5m is too narrow – and a wider setback of 3m would be more effective. In addition, I don't agree with the exemption for approved driveways or crossings without at least some consultation being required with the neighbours. This is particularly so if this involves construction of a secondary driveway when an adequate one already exists. This standard would have helped my parents' situation, where the neighbours even placed fill right against the boundary wall without any consultation or notice, and the

lack of monitoring conditions meant the Council claimed they couldn't do anything about this.

Decisions requested:

I ask therefore for decisions along the following lines:

- That EW-R1 be amended to require:
 - Consideration of hydrological changes caused by earthworks
 - An excavation and fill plan – or similar – covering the matters over which discretion is retained
 - That such a plan also include the existing contours of the land
- The District Plan make it clear that monitoring conditions for earthworks will include monitoring depth, height and volume of earthworks
- The Council retain a qualified specialist stormwater engineer, rather than using engineers who also do some stormwater work
- That EW-S2 be retained in terms of cut height and fill depth
- That EW-S3 be retained in intent – but amended to require both a wider setback of 3m from the boundary of a site in separate ownership, and to remove the exemption for the formation of at least secondary approved driveways and crossings.

Thank you for the chance to make this submission

I do want to be heard in support of it.