

## 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

<b>(1)</b> The specific provisions of the Proposed Plan that my submission relates to are:		<b>(2)</b> 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>		<b>(3)</b> 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	

Add further pages as required – please initial any additional pages

## Submission on the Proposed Kaipara District Plan

**Attn:** District Planning Team  
Kaipara District Council  
[districtplanreview@kaipara.govt.nz](mailto:districtplanreview@kaipara.govt.nz)

**From:** Northland Regional Council

**NRC Contact:** Ingrid Kuindersma  
Senior Policy Planner  
[ingridk@nrc.govt.nz](mailto:ingridk@nrc.govt.nz)

---

1. Northland Regional Council (NRC) welcomes the opportunity to submit on the Proposed Kaipara District Plan (proposed plan). This feedback is made in the interests of sustainable management of natural and physical resources within the Kaipara district and the Northland region. We note that some of the issues have previously been raised in our feedback on the draft plan and they are repeated in this submission where they are still considered relevant.
2. NRC has reviewed the proposed plan against the following overriding principles:
  - The need for district plans to assist district councils to carry out their functions to achieve the purpose of the Resource Management Act 1991 (RMA), and
  - The need for district plans to 'give effect to' national and regional policy statements and to not be inconsistent with regional plans, and
  - NRC's statutory obligations, roles and functions under the RMA as well as other Acts, including the Local Government Act 2002.
3. The submission is also framed in the context of our strategic direction as set out in the NRC's 2024-2034 Long Term Plan:
  - Healthy waters land and air
  - Efficient, progressive and transparent council systems
  - Carbon neutral, resilient communities in a changing climate
  - Safe and resilient transport networks
  - Meaningful partnerships with tangata whenua
  - Protected and flourishing native life
  - A sustainable innovative and equitable economy

## Our Submission

### 4. Overall Structure

- 4.1 The draft plan appears to align well with the format set out in the National Planning Standards and the e-plan functionality is straightforward to navigate. The district plan view functions work well.

### 5. Cross Boundary Matters

- 5.1 Given the resource management reforms, we have suggested aligning generic district plan rules with those of adjoining councils. The detail of these changes is outlined in submission points below.

### 6. Substantive Matters

#### 6.1 Energy, Infrastructure and Transport

##### 6.1.1 Transport

We support the general direction of the Kaipara District Plan Transport chapter. The objective and policies are consistent with the Regional Policy Statement for Northland (RPS), subject to the following amendments.

**Objective TRAN-01** - Support objective TRAN-01 and seek amendments to clause 3 to accommodate micro mobility<sup>1</sup> within Kaipara's transport network alongside walking, cycling, public transport and private motor vehicles.

*Relief sought:* Retain objective TRAN-01 with amendments providing for micro mobility.

**Policy TRAN-P02** - This policy relates to the design of road infrastructure, however, clause 11 is specific to the regional rail network. As currently worded this policy only protects the rail network from impacts from the road network. We support the intent of clause 11 and seek that it be expanded to protect rail infrastructure and enable promotion of the [development](#) of the regional rail network.

We question whether it is necessary to narrow the effect of this clause to the transport of freight. We acknowledge that Northland's rail network is likely to be used for freight for the foreseeable future, however, over the very long term this infrastructure could also provide for passenger transport.

*Relief sought:*

Amend the policies as necessary to protect rail infrastructure and corridors from land use and development and enable promotion of the [development](#) of the regional rail network.

Make amendments to transport rules, as necessary to give effect to the amended policy. Options to give effect to this relief include:

- a) Amend Policy TRAN-P02 to refer to transport infrastructure function rather than "road function".
- b) Introduce a new clause, specific to rail infrastructure, in TRAN-P11.

**TRAN-P12** - We support the inclusion of this policy. Policy TRAN-P12 is consistent with Objective 3.6, Policy 5.1.1, 5.1.3 of the RPS.

*Relief sought:*

Retain as notified

---

<sup>1</sup> Micro mobility - A range of small, lightweight vehicles operating at speeds typically below 25 km/h and driven by users personally. Micromobility devices include bicycles, E-bikes, electric scooters, electric skateboards, shared bicycles, and electric pedal assisted (pedelec) bicycles.

### 6.1.2 Renewable Electricity Generation

We support the general direction of all the objectives and policies in the Kaipara District Plan Renewable Electricity Generation chapter as they are consistent with RPS Objective 3.9 and Policies 5.4.1 to 5.4.3. subject to the amendments outlined below.

**Policy REG-P1** - provides direction around the national significance and benefits of renewable electricity generation activities.

We support clauses 1 and 2 in the policy which outline the benefits of renewable energy rather than utilising finite resources and the goal to maintain and increase the security, resilience, independence, diversity and affordability of electricity supply in the district.

Clause 3, however does not include reference to the environmental benefits of renewable energy generation.

*Relief sought:*

Change clause 3 to include environmental benefits, as well as economic, social and cultural benefits to people and communities.

**Policy REG-P2** - Given the lifespan of the District Plan, it should enable a range of renewable energy activities not just wind and solar to recognise the rapid rate in which technology is evolving.

*Relief sought:*

Amend Policy REG-P2 as follows: "Provide for the effective and efficient development, operation, maintenance and upgrading of renewable electricity generation activities at a range of scales from renewable energy sources, e.g. solar and wind."

**Policy REG-P3** - As noted above the district plan policies should enable a range of renewable energy activities not just wind and solar as technology is rapidly evolving.

We therefore seek that Policy REG-P3 also include all possible renewable electricity sources which could become available and viable in next 10-year period. Renewable electricity generation that could also occur in space rather than just on land should also be provided for. For example, smaller scale generation may be roof mounted.

*Relief sought:*

Amend clause 1 to: "To be where the renewable energy resource is located, e.g. wind and solar."

Amend clause 3 to: "To have sufficient space to support all renewable electricity generation activities."

**REG-R5** - permits freestanding small-scale wind turbines. If the permitted activity conditions cannot be met the activity is a restricted discretionary activity. It is well known that wind turbines can present a risk to avifauna and bats, including threatened and at risk species. Appropriate siting of turbines and setbacks from key habitat areas should be used to mitigate this risk.

A condition should therefore be included in the permitted activity rule and an additional matter of discretion included for activities that do not meet the permitted activity conditions to manage the risk of freestanding small-scale wind turbines on indigenous biodiversity.

NRC has mapped habitat of White Heron, Australasian Bittern and New Zealand Fairy Tern habitat in the Proposed Regional Plan for Northland. These species have a threat classification of Nationally Critical, which is the most severe threat category in New Zealand's conservation status rankings, indicating that a species faces an immediate high risk of extinction. These species are known to inhabit both the Coastal Marine Area and land in the Kaipara district. These species are potentially at risk from wind turbines. The permitted activity rule should as a minimum seek a setback distance of 200m from these sites.

*Relief sought:*

Introduce a new permitted activity condition Rule REG-R5 requiring a 200m set back from "Significant Bird Area – Critical Bird Habitats", as mapped in the Proposed Regional Plan for Northland.

Introduce a new restriction of discretion to Rule REG-R5(3) around setback distances from key habitats of at risk or threatened species.

**REG-R7** - We support the intention of this rule to enable community-scale renewable energy generation while appropriately managing adverse effects. However, we consider it essential to assess adverse effects on indigenous biodiversity, particularly for threatened or at-risk species, under both the controlled activity and restricted discretionary rules.

The RPS requires district plans to implement measures to manage risks of land use and development on biodiversity. Notably, Policy 4.4.1 of the RPS mandates district plans to, in addition to other requirements, ensure land use and development do not result in more than minor adverse effects on indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists.

Wind turbines are known to have potential for adverse effects on some native bird and bat species.

*Relief sought:*

Insert additional matter of control and discretion to provide for the consideration and management of adverse effects on indigenous biodiversity.

Insert the following or similar words in REG-R7.2 & REG-R7.4: "Effects on ecosystem health and indigenous biodiversity".

## 6.2 Natural Environment Values

### 6.2.1 Ecosystems and Indigenous Biodiversity

The proposed plan states that "there continues to be cumulative loss of indigenous biodiversity on private land".<sup>2</sup> However, the proposed plan provisions generally take an enabling approach to managing activities with potential adverse effects on biodiversity values. Without additional measures to better manage these effects, the proposed plan will not meet the RPS objective of maintaining and where possible enhancing biodiversity values.

*Relief sought:*

Amend provisions to safeguard Northland's ecological integrity by protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna; maintaining the extent and diversity of indigenous ecosystems and habitats in the district; and where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.

**Objectives SD-NE-01 to 03** - We support the strategic objectives as to the extent they reflect the RPS policy direction. However, we seek amendments to achieve no net loss and, where practicable, net gain of biodiversity values in accordance with the RPS.

*Relief sought:*

Amend SD-NE-01 (as shown): Indigenous biodiversity is protected, maintained ~~or~~ and enhanced so that there is at least no overall loss in indigenous biodiversity.

**Objectives ECO-01 to 04** - The objectives do not currently reflect the overall biodiversity outcomes outlined in the RPS of maintaining and, where possible, enhancing biodiversity values.

*Relief sought:*

ECO-01 - Amend, by adding at the end of the sentence: '...for current and future generations.'

ECO-02 - To avoid duplication with subdivision provisions SD-VK-01 and SD-VK-02 and reflect the RPS direction of maintaining and where possible enhancing biodiversity values amend ECO-02 as follows: Adverse effects on indigenous biodiversity are managed to maintain its extent and diversity ~~in a way that provides for the social, economic and cultural well-being of people and communities.~~

ECO-03 - Amend to acknowledge the importance of preventing and managing pests, as follows: ECO-03 Restoring indigenous biodiversity and managing pests

The restoration of indigenous biodiversity and management of pest species is promoted and enabled.

ECO-04 - Amend to read: Landowners act as stewards and tangata whenua as kaitiaki in the protection, maintenance and restoration of indigenous biodiversity.

---

<sup>2</sup> PDP Ecosystems and Indigenous Biodiversity Overview

**Policies** - Amend Policies ECO-P1-P4 to better reflect RPS policy direction as noted above.

*Relief sought:*

Delete ECO-P3, as this does not provide any direction about how to manage indigenous biodiversity. The elements contained in the policy are also already addressed throughout the rest of the Plan provisions.

To accompany the relief sought for the subdivision discretionary activity we seek inclusion of a new policy to reflect RPS policy direction of no net biodiversity loss as follows: "Policy ECO-XX Protection and maintenance of indigenous biodiversity - Ensures no net loss of indigenous biodiversity by controlling: the disturbance of land, clearance of vegetation and introduction or keeping of species with recognised pest potential."

**Part 1** - Part 1 of the proposed plan includes additional matters of control and discretion that apply to all controlled and restricted discretionary activities. Point 5 is unclear regarding effects on ecosystem integrity and indigenous biodiversity.

*Relief sought:*

Provide a biodiversity specific matter of control / discretion consistent with the proposed regional plan, as follows: "Effects on ecological integrity, ecosystem health and indigenous biodiversity including threatened and at-risk species and their habitats, and any need for an assessment under Appendix 5 of the RPS."

**Rules**

The RPS seeks that biodiversity values be maintained and where possible enhanced. The proposed rules do not achieve this objective and will result in cumulative biodiversity loss. They do not recognise potential habitat of threatened species associated with regenerating indigenous vegetation less than 10 years old. The rules are also not consistent with adjoining district rules.

*Relief sought:*

Rule ECO-R1 - Deleted clause (i) that provides for the removal or clearance of [indigenous vegetation](#) from [land](#) that was previously cleared where the [indigenous vegetation](#) is less than 10 years old

Rule ECO-R2 - Amend points permitted activity conditions (a) and (b) so the permitted activity threshold is 500m<sup>2</sup> over a ten-year period instead of 1,000m<sup>2</sup> or 500m<sup>2</sup> annually

To highlight to plan users the requirement to give effect to the objective and policies of the National Policy Statement for Indigenous Biodiversity (NPS-IB), include a new advice note: "Advice Note on the application of objectives and policies: Regard must be had to the NPS-IB, when considering an application for a resource consent."

## **6.2.2 Natural Character**

**Objective 3.14** - Natural character, outstanding natural features, outstanding natural landscapes and historic heritage in the RPS sets the direction for managing these matters stating that they should be protected from inappropriate subdivision, use and development.

The drafting of NATC-R1-4 needs to be clarified to improve readability and include a definition or explanation of what is meant by "margin".

*Relief sought:*

Reword NATC-R1-4 to refer to "margins of wetlands, lakes and rivers".

Include definition or explanation of "margin"

## **6.2.3 Natural Features and Landscapes**

The wording of **CE-R3(4 and 5) ONCA** rules appear to apply a non-complying activity status to all indigenous vegetation clearance unless associated with regionally significant infrastructure.

This is onerous and it is recommended that the rules provide for maintenance of lawfully established activities, eg. removal of hazardous trees, maintenance of roads, tracks or buildings for example.

We recommend the same maintenance provisions also apply to earthworks in CE-R4 and ONFL rules NFL-R3(4) and R4(4).

*Relief sought:*

Provide for maintenance of lawfully established structures, roads and tracks and removal of hazardous trees as a permitted activity in CE-R3(4 and 5) CE-R4 and ONFL rules NFL-R3(4) and R4(4)

**Setbacks from waterbodies** - There are no rules included in the plan regarding setbacks from waterbodies (there is a 25m setback from the CMA). This is contrary to policy on esplanade reserves, public access and natural character.

*Relief sought:*

Add setbacks from lakes and rivers for all zones.

It is recommended that the Whangārei District Plan setbacks (or similar) are applied for cross boundary consistency. For example, setback of 20m from rivers greater than 3m wide and lakes with an exception for bridges, culverts, fences or similar structures. An exemption or reduction for regionally significant infrastructure should also be considered.

## 6.3 Hazards and Risks

### 6.3.1 Natural Hazards

The RPS seeks that the risks and impacts from natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and our regional economy are minimised. This chapter of the proposed plan is therefore supported, subject to the amendments set out below to ensure consistency with the RPS and adjoining districts.

**Climate Change and Sea Level Rise** - NRC supports the inclusion of climate change in the plan which is consistent with Objective 3.13 Natural hazard risk in the RPS. We note that this section does not include Sea-Level Rise. Sea-Level Rise is mentioned elsewhere in the plan.

*Relief sought:*

Include reference to sea level rise in this section.

**Hazard Maps** - We support the inclusion of NRC Hazard Maps in the Plan, these need to be the most recent version of NRC's hazard maps. We note there appear to be some discrepancies between the notified version of Proposed District Plan river flood map extents and recent flood mapping at Ruawai (completed by NRC in January 2025) - this is especially the case for the flood 100yr extents at Ruawai.

*Relief sought:*

Ensure the most recent version of the NRC hazard maps is being used in the District Plan maps, including updated flood maps for Ruawai.

**Objective NH-01** - Amend this objective to strengthen the management of hazard related risks. The objective should include identification and assessment of risk as this is a key step in the planning process, followed subsequently by management of the risks identified. The objective as it stands may mean risks are minimised, but residual risks remain unacceptable. Our relief also seeks to better align the objective with policy NH-P1 which says 'assess and manage' risk.

*Relief sought:*

Amend NH-01 as follows: NH-01 The risks from natural hazards are ~~minimised~~ identified, assessed and managed.

The risks from natural hazards to people, property, infrastructure and natural systems including the likely effects of climate change on natural hazard risk, are ~~minimised~~ identified, assessed and managed to provide for the health, safety and resilience of communities and the environment.

**New Objective and Policies** - Add an additional objective related to managing natural hazard risk and achieve consistency with Whangārei District Council (WDC) provisions and better reflects RPS Objective 3.13(c) and the intent in NH-P3.

Add policies consistent with WDC to address additional hazards relating to wildfire and tsunamis.



*Relief sought:*

Include the following new objective and policies:

“Objective NH X - Subdivision, land use and development

Manage, and where appropriate avoid, subdivision, land use and development, particularly vulnerable activities, in areas subject to natural hazards.”

“NHPX –Wildfire Threat

To ensure that subdivision, use, and development:

1. Has regard to the risk of wildfire, including consideration of:
  - a) Topographical features within the site and surrounding area.
  - b) The extent and location of fire fuels including, but not limited to, vegetation cover on all or part of the site.
  - c) The water system’s ability to meet firefighting requirements.
2. Incorporates measures to avoid or mitigate the risk of wildfire where appropriate”

“NHPX – Tsunami Hazards

To require subdivisions in areas at risk of coastal flooding/inundation to be designed to facilitate safe and efficient evacuation in the event of a tsunami, including through:

1. Installation of tsunami sirens in appropriate locations where practicable.
2. Transport network design that accounts for evacuation routes.”

**Definitions** - Definition of ‘sensitive activities’ it is not clear in the current wording whether this includes a single residential unit.

*Relief sought:*

Make the following changes to the definition of sensitive activities as follows:

Sensitive activity means all or any of the following:

- a) an educational facility, including a childcare facility, wananga and kohanga reo,
- b) a residential activity, including a residential unit/dwelling, papakainga building, rest home, retirement village, visitor accommodation, home stay;
- c) a healthcare activity; and
- d) a hospital.

**Rule NH-R4** - This rule is listed as applicable to ‘zone’ but does not specify which zone or whether it is all zones.

*Relief sought:*

Clarify the intention of this rule and what zones it applies to.

**Additional Rule** - The Plan does not include a rule consistent with WDC rules around the construction of fences and walls in flood hazard areas.

*Relief sought:*

Include an additional rule addressing the construction of Fences and Walls in Flood Hazard Area

“NH-RX – Fences and Walls in Flood Hazards Areas

All zones and development areas

Activity Status: Permitted Where:

1. A fence or wall is constructed with materials to allow for the passage of flood waters by using:
  - a) Post and wire; or
  - b) Wire mesh fences; or
  - c) Railings where at least 70% of the surface area of the fence is not solid; or
  - d) Solid fences and walls with an opening of sufficient size that can convey the 1% annual exceedance probability (AEP) flood flow without diversion or impedance.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion:

1. The design of the fence or wall.
2. The effects on flood depth and velocity from the blocking or channelling of water.
3. The effects of the flood hazard within the site and on other properties upstream or downstream of the site.
4. The level of detail required to assess natural hazard risk."

**Natural Hazard and permitted activity rules (and NH-R4)** - It is not clear how landowners confirm that a structure would not result in diversion or transfer of impact on to adjoining sites.

*Relief sought:*

Include information requirements for development in flood & coastal hazards similar to that required by WDC in NH-REQ4 of Plan Change 1.

**Overall** - Inconsistent terminology is used to describe hazard frequency (1 in 100-year flood, 1 in 100 ARI)

*Relief sought:*

Review terminology used to describe hazard frequency in the document and adopt consistent terminology.

## 6.4 Historical and Cultural Values

### 6.4.1 Sites and Areas of Significance to Tangata Whenua

Policy 4.6.2 in the RPS seeks that activities that compromise important spiritual or cultural values held by Māori / Mana Whenua and / or the wider community in association with particular heritage places or features are restricted.

The chapter in the proposed plan on sites and areas of significant to tangata whenua is therefore supported, subject to the amendments below.

**(SASM) SCHED3 – Sites and Areas of Significance to Māori** - Schedule 3 lists sites and areas of significance but does not identify whether these are wāhi tapu or mahinga kai sites or areas. The rules however refer to wāhi tapu or mahinga kai sites or areas.

*Relief sought:*

Replace "wāhi tapu or māhinga kai site or area" with "Schedule 3 sites" throughout all provisions or alternatively identify those sites of significance which are waahi tapu or mahinga kai sites or areas in Schedule 3 so that it is clear which sites the rules apply to.

**Rule SASM-R2** - Amend to refer to Scheduled 3 sites.

*Relief sought:*

Animal grazing, pasture management or pest management is not undertaken within a wāhi tapu or mahinga kai site or area. Schedule 3 site.

**Rule SASM-R3** - Retain with added condition to manage accidental discovery

*Relief sought:*

Add an accidental discovery condition to the permitted activity rule.

**Rule SASM-R4** - Amend to refer to Scheduled 3 sites.

*Relief sought:*

a. The earthworks are not located within a wāhi tapu or mahinga kai site. a Schedule 3 site.

Add an accidental discovery condition to the permitted activity rule.

**Rule SASM-R5** - Amend to refer to Scheduled 3 sites.

*Relief sought:*

a. The building or structure is not located within a wāhi tapu or mahinga kai site. Schedule 3 site.

**Rule SASM-R6** - does not have permitted activity status exceptions consistent with SASM-R3

*Relief sought:*

Amend SASM-R6 to have permitted activity status exceptions consistent with SASM-R3. For example, maintenance of existing structures, removal of hazardous trees and exercise of mahinga kai/cultural practices.

## 6.5 Subdivision

Subdivision is a critical component in guiding the long-term form and structure of the district. Provisions should be consistent with Objective 3.11 and Policy 5.1.1 of the RPS aiming to provide for development in appropriate locations and prevent inappropriate development.

### **Mangawhai / Hakaru Growth Area**

NRC supports the introduction of the Mangawhai/Hakaru Managed Growth Area and the intention in SUB-P12 to restrict further subdivision in this area unless there is appropriate provision of infrastructure. The scale of growth in this area raises concerns with regard to infrastructure capacity particularly regarding the lack of reticulated water supply. Rule SUB-R3 11 making subdivision discretionary within this area is supported as it allows for a full assessment of potential effects relating to subdivision within this area.

*Relief sought:*

Retain the Mangawhai / Hakaru Managed Growth Area and related Objectives, policies and rules.

### **Sub-R4 –Small lot subdivision**

The provision in this rule for up to five small allotments to be created per record of title has the potential to create adverse effects on the integrity of the General Rural Zone and is not consistent with SUB-01.

Subdivision at this scale may result in adverse effects on productive capacity due to fragmentation, reverse sensitivity effects and the loss of productive land. It could also lead to inefficient provision of infrastructure, particularly with regard to the transport network.

Creation of lots down to a minimum 4,000m<sup>2</sup> net site area will encourage a fragmented residential / lifestyle development with occupants largely unrelated to rural activities and need to travel for employment and schooling.

Small lots also have the potential to be impacted by dust nuisance from unsealed rural roads due to a lack of a buffer area available on site.

Policy 5.1.3 (a) in the RPS is relevant in directing the avoidance of adverse effects from subdivision:

*'Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:*

*(a) Primary production activities in primary production zones (including within the coastal marine area);*

This rule is also inconsistent with the subdivision requirements in the Whangārei District Plan that has a minimum net site area of 20ha. This disparity could lead to cross-boundary effects and a distortion in the development pattern for both districts.

This rule also provides an ability to create five allotments under Sub-R4 without the need to assess and protect any ecological features. This is inconsistent with RPS Objective 3.4 Indigenous ecosystems and biodiversity as it would result in less protection afforded to significant areas.

*Relief sought:*

Amend the activity status to discretionary or restricted discretionary activity to allow for all potential effects to be considered and applications declined if needed.

Include a new permitted activity condition to ensure proposed allotments can accommodate a building platform with a minimum setback from unsealed roads of 30m. This distance allowing for the settling of dust particles before they reach a dwelling and significantly reduce impacts on human health.

To support implementation of the discretionary or restricted discretionary activity status include a new policy to reflect RPS direction on no net loss of biodiversity as detailed in the Natural Environmental Values above to ensure these matters can be appropriately considered at the time of subdivision.

***Highly Productive Land***

In rule Sub-R3 Subdivision to create new allotments 1(b) references subdivision in the General Rural zone that does not contain land defined as Highly Productive Land (HPL) as a controlled activity. However, the clause also refers to the ability to discount the highly productive land based on a site-specific assessment.

HPL is defined under the National Policy Statement on Highly Productive Land.

Land falls under the transitional definition of HPL until maps are included in the RPS. The definition does not provide for a site-specific assessment to discount if land is considered HPL.

The reference to site specific assessments should, therefore, be removed from this rule and the other rules where it is included.

***Relief sought:***

Remove reference to site specific assessments of highly productive land from the subdivision rules.

***SUB-S1 Minimum allotment sizes***

The minimum net site area for the General Residential Zone is listed as 600m<sup>2</sup>, or 400m<sup>2</sup> if reticulated water supply and wastewater services are available, outside of Mangawhai.

The impact of 600m<sup>2</sup> sites without reticulated services will have a cumulative effect of on-site servicing and has the potential to impact on water supplies due groundwater contamination. Intensification at this density will also increase stormwater discharges due to increased impermeable areas.

To ensure services can be provided in a way that complies with regional discharge rules and do not create cumulative effects, a minimum site area of 2,000m<sup>2</sup> is required consistent with the RZ-R3. Sites smaller than this potentially require consent from the regional council and therefore would have no “as of right” development potential.

Following discussion with KDC staff it appears that that this was not the intention of the rule, and we request greater clarity in the drafting of the rule to reflect 600m<sup>2</sup> sites require wastewater connection and 400m<sup>2</sup> sites require wastewater and reticulated water supply connection.

***Relief sought:***

Clarify drafting to require 600m<sup>2</sup> sites have a wastewater connection and 400m<sup>2</sup> sites require wastewater and reticulated water supply. If necessary, clarify that any unserviced sites in the General Residential zone require a minimum net site area of 2,000m<sup>2</sup>.

***SUB-Prec1 Awakino Precinct-S1***

***Relief sought:***

Amend the rule to clarify minimum lots size and connection requirements as noted above

***SUB-PREC1- Awakino Precinct-S12 Archaeological sites***

This rule as currently written references ecological values rather than Archaeological sites

***Relief sought:***

Amend the rule to refer to Archaeological sites.

***Cove Road North Precinct***

***Relief sought:***

Amend the rule to clarify minimum lots size and connection requirements as noted above.

## 6.6 Genetically Modified Organisms

The plan as notified is silent on the issues of genetic modification, however, the RPS via Policy 6.1.2 directs a precautionary approach to GE/GMO use where the effects are scientifically uncertain, unknown, or little understood but potentially significant.

This is implemented in the Proposed Regional Plan by providing for research and trials within contained laboratories, medical applications or veterinary applications as a permitted activity. Field Trials require resource consent, as a discretionary activity, to provide for public participation in the process and to allow effects on the local environment to be assessed. General releases of GMO's are prohibited.

This issue is also of significance for many tangata whenua and iwi/hapū as recognised in Issue 2.6 of the RPS and they should be enabled to meaningfully participate in decision-making.

Given the direction in the RPS, concerns of tangata whenua and consistency with adjoining district plans it is considered appropriate to reference and control these matters in the district plan.

*Relief sought:* Include provisions in the district plan consistent with the RPS direction on Genetically Modified Organisms.

## Conclusion

We appreciate the effort and significant background work that goes into preparation of a new district plan, and we congratulate the Kaipara District Council on the progress made. We have attempted to highlight some areas where we see room to improve.

We look forward to seeing these addressed. We would also like to reiterate the benefits of working together and NRC's willingness to provide technical assistance where needed.



**Tami Woods**  
**Planning & Policy Manager**