

Submission by the Native Forest Restoration Trust to the Proposed Kaipara District Plan

My full name is Geoffrey Ronald Davidson Phone: 09 8130229, Mob.021 764967

I am submitting on behalf of the New Zealand Native Forests Restoration Trust (The Restoration Trust), of which I am a Trustee.

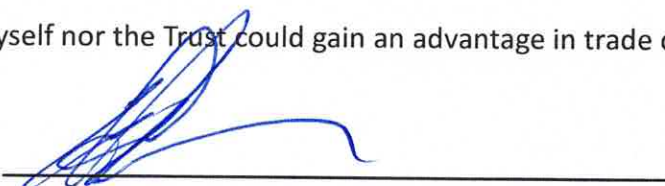
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Neither myself nor the Trust could gain an advantage in trade competition through this submission.

Signature



Date

27/6/2025

The Restoration Trust wishes to submit on the issue of Environmental Benefits Subdivision.

We wish to attend the hearings and to be heard in support of our submission.

About the [NZ Native Forests Restoration Trust](http://www.nfrrt.org.nz) <http://www.nfrrt.org.nz>

The Restoration Trust is a charitable community organisation (CC30320) founded in 1980 and dedicated to protecting New Zealand's native forests and wetlands for today, and for generations to come. The Restoration Trust relies to a large extent on voluntary labour and funding from donations, bequests and grants. (One full time paid manager, and a number of part-time employees).

Over the past 45 years the Restoration Trust has purchased and managed 10,000 hectares of New Zealand native forest and wetland, established 35 nature reserves and every year oversees the planting of thousands of trees, shrubs, dune or wetland plants on these reserves, as appropriate. 3 of these reserves are located within the Kaipara District, being:

1985 Professor W R McGregor Reserve	343 hectares adjacent to Waipoua Forest. Zoning ONL 1
1991 Elvie McGregor Reserve	141 hectares adjacent to Waipoua Forest. Zoning ONL 1
2022 Michael Taylor Reserve	<u>128 hectares</u> adjacent to Tutamoe Forest. Zoning ONL 3
<u>2025 Total Reserves in Kaipara D.C.</u>	<u>612 hectares</u>

The Restoration Trust acquires land to protect important species, restore their habitats and/or improve the quality of the waterways. Each piece of land purchased by the Trust has been assessed on its ecological significance, viability for ensuring the long-term sustainability of that particular type of habitat and capacity to naturally regenerate. Once purchased, the **entire property** is generally placed under a covenant for permanent protection through the Queen Elizabeth II National Trust, ensuring that the land can never be harvested, cleared or developed. An honorary ranger is appointed and a management plan established for



the area, often working with local volunteers to carry this out. This management plan includes, where appropriate, fencing of the property to keep stock out, predator-control, weed management, a planting programme, and where appropriate, the creation of paths and information boards for visitors.

The reserves adjacent to the Waipoua Forest were purchased specifically to protect the upper catchments of the Waipoua River, converting the dairy farms back to native forest. The streams in the Michael Taylor Reserve at the end of Jones Road, Mangatu, drain out of the Tutamoe/Marlborough Forest and thence into the Mangatu Stream and on to the Kaihu River which joins the Wairoa in central Dargaville.

The Restoration Trust wishes to point out that other Trust reserves in Northland total about 1,600 hectares, of which 877 hectares, beyond the Kaipara District Council boundaries, also function to protect water qualities in rivers that eventually drain into the Kaipara Harbour. Two reserves on the upper reaches of the Mangakahia River, and one within the Russell State Forest at the headwaters of the Waiotu River, all flow into the Wairua and then the Wairoa Rivers. By ensuring these properties remain in native vegetation the Restoration Trust not only protects the local biodiversity on the sites, but provides better quality water to the lower catchments and eventually the Kaipara Harbour also benefits from the improved water quality.



The specific provisions of the Proposed Kaipara District Plan that our submission relates to are:

Part 2 District Wide Matters/Subdivision

Rules: SUB-R6 Environmental Benefit Subdivision, SUB-R7 Restoration or enhancement Planting

Standards: SUB-S1/7 Minimum Allotment Sizes, SUB-S16 Environmental Benefit Subdivision Lot entitlements

Our submission is that:

We support in part the provisions to apply Environmental Benefit Subdivision, but seek a number of amendments as follows:

Reasons and Relief Sought

The concept of Environmental Benefits subdivision to reward and incentivise protection and restoration of wetland, dune and forest areas of significant natural value, is strongly supported by the Restoration Trust.

However, there are a number of changes that the Restoration Trust would wish to see in the rules and standards.

As with most community organisations, funding is a challenge for the Trust, especially with the high cost of land. If the Restoration Trust could rely on proceeds from the sale of Environmental Benefit Allotments, it could afford to covenant, protect and restore more ecologically significant land in New Zealand for this and future generations – surely an outcome in line with the intent of these provisions. However, as it stands the Trust would be unlikely to benefit, due to the two issues addressed in a and b below.

1) Environmental Benefit Subdivision Allotments not Transferable

The proposed rules (SUB-R6 Environmental Benefit Subdivision, SUB-S16 Standards – Lot Entitlements – Environmental Benefits and SUB-R7 Restoration or Enhancement Planting) require the new 'Environmental Benefit Subdivision Allotment(s)' to be located on the same site where the protection/restoration work has been undertaken. This is despite clause 18.7.1, bullet point 4 in the Operative Kaipara District Plan which provides for the Council to 'Undertake further investigation and investigate a plan change relating to transferable development rights, to provide for Environmental Benefit and Preservation of Natural and Cultural Heritage subdivision ...'

Nearly all of the land purchased by the Native Forests Restoration Trust is quite remote, and although not highly productive land, contains natural values of such sensitivity as to be considered by the Trustees an inappropriate location for subdivision with its associated adverse effects such as earthworks, service provision, runoff, garden escapes, dogs, cats and so forth. Thus, the only ways that the Restoration Trust could benefit from the 'Environmental Benefit' provisions in the Proposed Plan is if the Environmental Benefit Allotment(s) could be transferred to another property in the General Rural zone – one that does not contain highly productive land or highly sensitive natural values, or alternatively they could be transferred to subdivisions within the Rural Lifestyle zone. Here, Environmental Benefit Allotments could provide an option for rural lifestyle development, as envisaged by the Proposed Plan (Pt 2 Overview/ District – Wide Matters/subdivision).

The Restoration Trust seeks The Following Decision from the Kaipara District Council

- a) *That an addition to the Proposed District Plan (SUB-R6 Environmental Benefit Subdivision - Controlled Activity provisions, and SUB S16 /Standards/Lot Entitlements – Environmental Benefits), to allow for the transfer of Environmental Benefit Allotments where the subject land is not capable of absorbing further development, or the natural values on that land are of such significance as to render it an inappropriate location for subdivision.*
- b) *That amendments be made to such others of the objectives, policies and rules or the Plan as appropriate to implement the above provision.*

2) Conservation covenants (SUB-R6 c and d and SUB-R7 a and b)

The Proposed District Plan (SUB-R6 c and d and SUB-R7 a and b) provides that in order for Environmental Benefit subdivision Allotments to be applied as a controlled activity, the significant natural values to be protected must not be already subject to a conservation covenant pursuant to the Reserves Act 1977; or the Queen Elizabeth II National Trust Act 1977; or consent notices. Rather, the conservation covenant must be put in place at the time of the subdivision.



The Restoration Trust recognises that this proposed rule is in place to prevent landowners who have legally protected their land as a condition of consent or other legal requirement, from gaining further unwarranted benefit. However, the rule as it stands gives no recognition to landowners who have already voluntarily legally protected their significant natural areas, with no obligation to do so or material benefit to themselves - as is the case with the Restoration Trust reserves. It does not seem fair that such landowners would be thus disadvantaged. The distinction does not serve to better achieve the relevant objectives and policies of the Proposed Plan; in fact it could be argued that such landowners deserve greater benefit for providing this environmental service for longer, combined with their on-going commitment to maintain it into the future, with consequent greater improvement to the quality of the natural values.

The Restoration Trust seeks The Following Decision from the Kaipara District Council

- a. *That SUB-R6/ 1 /b and c and SUB-R7/ a and b be amended to allow application for environmental benefit subdivision to be made as a controlled activity or restricted discretionary activity respectively, where landowners have already legally protected significant natural area or restoration area via a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977, with no obligation to do so or material benefit to themselves - that is, there has been no consent process or other requirement that the land be so protected.*
- b. *That amendments be made to such others of the objectives, policies and rules or the Plan as appropriate to implement the above provision.*

3) SUB-S16 — Environmental Benefit Subdivision Lot Entitlements

This clause provides as a Controlled Activity, one Environmental Benefit Allotment for every total area of natural values greater than 0.5ha (5,000 square metres) to be protected on an individual title, to a maximum of 5 lots.

The Restoration Trust believes that the grouping together of vegetation protection and wetland protection results in appropriate reward for the protection of wetlands, an increasingly rare and valuable ecosystem, but over-rewards those landowners protecting small patches of native forest. The rules should be nuanced enough to acknowledge that wetlands are inevitably on the small side whether it be protecting remnant wetlands or creating new ones, while indigenous vegetation protection is not so constrained. The Restoration Trust believes that this difference should be reflected in the SUB-S16. For example, the Auckland Unitary Plan, Table E39.6.4.4.1 identifies indigenous vegetation and wetland sites separately, providing a graduated scale of benefits, with 2 hectares of vegetation protection required to achieve 1 new site, and 20-30 hectares for 4 new sites. On the other hand, 0.5 – 0.9999ha of wetland protection is required to achieve 1 new site and 4-9 hectares of wetland protection achieves 4 new sites.

In addition, the Restoration Trust is of the opinion that the number of incentive lots provided for in SUB-S16 for protection of indigenous vegetation is rather too generous, and should be pulled back more akin to the provisions of Table E39.6.4.4.1 in the Auckland Unitary Plan, which also provides incremental incentives for protecting larger blocks e.g. over 100 hectares.

The Restoration Trust seeks The Following Decision from the Kaipara District Council

- a. *That Clause SUB-S16 of the Proposed Kaipara District Plan be amended to provide for a graduated scale of benefits, with more subdivision benefit per hectare of wetland protection than per hectare of indigenous vegetation protection, and to amend the subdivision yield for protection of indigenous vegetation, to achieve a more graduated scale to encourage protection of larger areas of forest/bush, more in line with the Auckland Unitary Plan Table E39.6.4.4.1.*
- b. *That amendments be made to such others of the objectives, policies and rules or the Plan as appropriate to implement the above provisions.*

4) Bare Land Restoration (Rule SUB-R7)

Proposed District Plan Rule SUB-R7 – Restoration or Enhancement Planting in the General Rural Zone provides that where an area of existing indigenous vegetation or natural wetland does not comply with the minimum area requirements for Environmental Subdivision (in SUB-S16) and is therefore not a controlled activity under SUB-R6, revegetation or enhancement planting may be undertaken as a Restricted Discretionary Activity in order to enable an existing area to meet the minimum area requirement, where the planting complies with certain conditions. This provision is supported by the Restoration Trust.

However, the Trust submits that revegetation or enhancement planting on an area of General Rural land which has no existing native vegetation or natural wetland, but indigenous revegetation and wetland restoration has

been undertaken to reinstate these natural features, should also be eligible for environmental subdivision as a restricted discretionary activity, subject to similar conditions as apply in SUB-R7, as appropriate. Such restoration work would contribute greatly to the natural and landscape values of an area, and a landowner who successfully undertakes such a significant project should surely be incentivised and rewarded.

The Trust seeks The Following Decision from the Kaipara District Council

- a. *That Rule SUB-R7 be amended, or a new rule created, to make provision as a Restricted Discretionary activity for Environmental Benefit subdivision in situations where indigenous revegetation and wetland restoration has been undertaken to reinstate these important natural features on an area of General Rural land which has no existing native vegetation or natural wetland, subject to appropriate conditions*
- b. *That amendments be made to such others of the objectives, policies and rules or the Plan as appropriate to implement the above provisions.*

5) Transfer of Environmental Benefit Allotments

If the Council decides in favour of allowing Environmental Benefit Subdivision Allotments to be transferred to an area away from the site where protection of the natural values has earned this incentive/reward, as sought in the Trust's submission a) above, then the question arises of where the Allotments should be transferred to.

A. Transfer of Environmental Benefit Subdivision elsewhere in the General Rural Zone

Part 2, District Wide Matters, sets out that in the parts of the General Rural Zone that do not contain highly productive land, Environmental Benefit Subdivision opportunities are seen as providing a rural lifestyle option. Thus SUB-P8/5 enables smaller rural lifestyle lots in the General Rural Zone where appropriate and consistent with the requirements for different types of subdivisions in this chapter. The minimum net site area in the General Rural Zone is 12 hectares, and the minimum net site area (excluding access legs) of a new environmental allotment is 4,000m². An Environmental Benefit allotment could therefore readily be absorbed into a General Rural site (excluding highly productive land), should the Council decide that this is appropriate.

The Trust seeks The Following Decision from the Kaipara District Council

- a. *That provision be made within the following clauses or as a separate rule or standard, (as appropriate) for Environmental Subdivision earned on a site in the General Rural Zone, to be transferred to a site elsewhere in the General Rural Zone.*
 - i. *Part 2 District Wide matters*
 - ii. *SUB-R6 Environmental Benefit Subdivision*
 - iii. *SUB-R7 Restoration or Enhancement Planting, and*
 - iv. *SUB-S16 Environmental Benefit Subdivision Lot Entitlement*
- b. *That amendments be made to such others of the objectives, policies and rules or the Plan as appropriate to implement the above provisions.*

B. Transfer of Environmental Benefit Subdivision into the Rural Lifestyle Zone

Part 2 of the Proposed Plan, District Wide Matters identifies that the most appropriate location for rural lifestyle sized lots (such as the 4,000m² Environmental Benefit lots), is generally in the Rural Lifestyle Zone, which covers areas in close proximity to urban centres where the demand for small rural lots is highest, and where the land is close to services and commercial activities, with good access to the state highway network. Many of these areas are also suitable for further rural lifestyle development because they are already fragmented and are not anticipated to be needed (or are not suitable) for urban growth in the future.

The difficulty when considering transfer of Environmental Benefit Allotments is that the minimum net site area within most of the Rural Lifestyle Zone is 4,000m² (SUB-S1/7), which means that Rural Lifestyle properties under the current subdivision standards would be unable to absorb an Environmental Benefit allotment, also of 4000m².

However, the Proposed Plan states that using a Rural Lifestyle Zone to accommodate the demand for rural lifestyle sized sites down to 4,000m² in size, supports the objectives of the General Rural Zone to reduce pressure for rural lifestyle subdivision on the most productive rural land in the district. 'This will concentrate rural lifestyle development away from most primary production activities'. RLZ-O1 could also state in relation to the Rural Lifestyle zone that 'Smaller lots to 2,000m² may be permitted if Environmental Benefit entitlements are transferred from the General Rural Zone'.

There would likely be high demand for the smaller lifestyle properties as people who live on lifestyle blocks often hold down full-time jobs and find it challenging to maintain a 4,000m² property.

The Restoration Trust submits that, if the Council considers that the Rural Lifestyle Zone is indeed the most appropriate location for lifestyle-size blocks, and wishes to further incentivise and reward natural area protection and restoration efforts in the rural areas of the district, then the transfer of Environmental Benefit Subdivision into the Rural Lifestyle Zone needs to be enabled by **one or both** of the following options:

- Decreasing the minimum lot size of Environmental Benefit Subdivision to be transferred to the Rural Lifestyle zone to 2,000m², subject to any other conditions considered by the council to be important for ensuring that the function and desired outcomes for the Rural Lifestyle Zone are not undermined, and/or
- Increasing the normal minimum net site area within the Rural Lifestyle zone to 8,000m²

Such provisions would not only ensure that Environmental Subdivision lots are being absorbed into the most appropriate locations but would also serve to provide a strong market within the Rural Lifestyle zone for purchase of transferred Environmental Benefit Allotments.

The Trust seeks The Following Decisions from the Kaipara District Council

- a. *That provision be made within the following clauses or as separate rules / standards, (as appropriate) for Environmental Subdivision allotments earned on a site in the General Rural Zone, to be transferred to a site in the Rural Lifestyle Zone.*
 - i. *Part 2 District Wide matters*
 - ii. *SUB-R6 Environmental Benefit Subdivision*
 - iii. *SUB-R7 Restoration or Enhancement Planting, and*
 - iv. *SUB-S16 Environmental Benefit Subdivision Lot Entitlement*
- b. *That SUB-S16 'Environmental Benefit Subdivision Lot entitlements' be amended to reduce the minimum site size of Environmental Benefit subdivision to be transferred from the General Rural zone into the Rural Lifestyle zone from 4,000m² to 2,000m², subject to such further conditions as the Council believes necessary to ensure that the function and desired outcomes for the Rural Lifestyle zone are not undermined.*

Alternatively:

- c. *That SUB-S1/7 Minimum Allotment Sizes in the Rural Lifestyle Zone be amended to read 'Allotments must have a minimum net site area of 8,000m²,' which could be reduced to 4,000m² by the transfer of Environmental Benefits from the General Rural Zone.*
- d. *That amendments be made to such others of the objectives, policies and rules or the Plan as appropriate to implement the above provisions.*

The N.Z. Native Forests Restoration Trust thanks the Kaipara District Council for their attention to these matters.

Meagan Walters

From: Geoff & Bev Davidson <oratia@oratiadavidsons.onmicrosoft.com>
Sent: Friday, 27 June 2025 4:43 pm
To: District Plan Review
Cc: Sandy Crichton; Jake Goonan; ed@nfirt.org.nz; Geoff & Bev Davidson; Helen Lindsay (helenlindsay3@gmail.com); hinau@outlook.co.nz; louis@nfirt.org.nz; Rosemary Davison (rkmgdavison@xtra.co.nz); Sarah Ongley; Tim Oliver
Subject: Proposed District Plan Submission
Attachments: Scan_20250627_145003_001436.pdf

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The Planners
Kaipara District Council.

Please find our submission to the Proposed District Plan.
Our submission is of a general nature and not site specific.
However, we do own land in the Council's district.
The specific properties we have an interest in total 612 hectares.
They are:

Parcel ID 5084459		Appellation	Section 9 Block VII Waipoua SD
Parcel ID 4946853		Appellation	Section 8 Block VII Waipoua SD
Parcel ID 4836917		Appellation	Part Section 7 Block VII Waipoua SD
Parcel ID 5029654		Appellation	Lot 1 DP 124043
Parcel ID 5103267		Appellation	Lot 1 DP 186654
Parcel ID 4929539		Appellation	Part Section 15 Block VII Waipoua SD
Parcel ID	4955520	Appellation	Lot 2 DP 145049
Parcel ID	4904240	Appellation	Section 25 Block V Tutamoe SD

Sincerely
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Trustee
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09 8130229
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Parcel ID	4955520
Appellation	<div>Lot 2 DP 145049</div>
Parcel ID	4904240
Appellation	<div></div>