



Kaipara te Orangahui • Two Oceans Two Harbours

Submission on Proposed Kaipara District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Kaipara District Council - District Plan Review

Date received: 27/06/2025

Submission Reference Number #:67

This is a submission on the following proposed plan (the **proposal**): Proposed Kaipara District Plan

Submitter:

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I wish to be heard: Yes

I am willing to present a joint case: Yes

Could you gain an advantage in trade competition in making this submission?

- **No**

If you have answered yes to the above question, are you directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

- **Yes**

Submission points

Point 67.1

Section: Notable Trees

Sub-section: Rules

Provision:

TREE-R7	Removal of a scheduled notable tree
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Support / Amend / Oppose: Amend

Submission:

This allows as a permitted activity to remove any scheduled notable tree.

Relief sought

Amendment of activity status to Discretionary

Point 67.2

Section: Ecosystems and Indigenous Biodiversity

Sub-section: Rules

Provision:

All zones	<p>1. Activity status: Permitted</p> <p>Where: The indigenous vegetation clearance is for the following purposes:</p> <ul style="list-style-type: none">a. To address an immediate risk to the public safety or damage to property;b. The formation of walking tracks less than 1.5m wide;c. 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;d. To remove pest species in accordance with any approved pest management plan or biosecurity operational plan;e. To create or maintain a 20m setback from an area of indigenous vegetation to a residential unit (excluding accessory buildings);f. To allow for the construction of a single residential unit on an	<p>2. Activity status when compliance not achieved: Not Applicable - proposed indigenous vegetation clearance is to be assessed under ECO-R2.</p>
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	<p>existing Record of Title, including essential associated on-site infrastructure and access, where the total clearance does not exceed 1,000m²;</p> <p>g. Clearance provided for in a covenant or order under the Queen Elizabeth II National Trust Act 1977, a Ngā Whenua Rahui Kawenata, or the Reserves Act 1977;</p> <p>h. Clearance on land held or managed under the Conservation Act 1987 and in accordance with any applicable conservation management strategy, conservation management plan, or management plan established under that Act;</p> <p>i. 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;</p> <p>j. Creation and maintenance of firebreaks to manage fire risk;</p> <p>k. The harvesting of indigenous timber carried out in accordance with a forest management plan or permit under Part IIIA of the Forests Act 1949; or</p> <p>l. Clearance for the operation, repair or maintenance of the following activities where they have been lawfully established:</p> <ol style="list-style-type: none"> Fences; Infrastructure; Buildings; Driveways and access; Walking tracks; Cycling tracks; Farming tracks; and Farm drains. 	
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Support / Amend / Oppose: Support

Submission:

I support the provision for clearance to form a building site on a property, and the ability to maintain clearance between dwellings and vegetation.

Relief sought

NA

Point 67.3

Section: Natural Hazards

Sub-section: Coastal erosion and coastal flood hazard areas

Provision:

All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>For new buildings not containing sensitive activities:</p> <ul style="list-style-type: none">a. The building is not in a High-Risk Coastal Hazard Area; andb. The building has a minimum finished floor level of 300 mm above the level of the Coastal Flood Hazard Area 2 (100-year ARI + 1.2m sea level rise). <p>For new buildings containing sensitive activities:</p> <ul style="list-style-type: none">c. The building is not in a High-Risk Coastal Hazard Area; andd. The building has a minimum finished floor level of 500 mm above the level of the Coastal Flood Hazard Area 2 (100-year ARI + 1.2m sea level rise).	<p>2. Activity status when compliance not achieved with NH-R8.1.a or NH-R8.1.b: Discretionary</p> <p>3. Activity status when compliance not achieved with NH-R8.1.c or NH-R8.1.d: Non-Complying</p> <p>4. Matters over which discretion is restricted:</p> <ul style="list-style-type: none">a. The effects of coastal hazards on the building;b. The purpose of the building and its vulnerability or resilience to coastal hazards;c. Hazard risks to people or property;d. The effectiveness and durability of any mitigation, including the ability to relocate the building in response to future changes in hazard risk;e. The storage and use of hazardous substances and any management/ mitigation requirements; andf. Methods to manage activities and uses within the site, including safe egress from buildings and structures or the site and the management of people and property.
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Support / Amend / Oppose: Support

Submission:

I support the ability to build in the hazard areas as long as the height requirements as specified are met.

Relief sought

N/A

Point 67.4

Section: Natural Hazards

Sub-section: Earthworks

Provision:

All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The area of earthworks does not exceed:</p> <p>i. 50m² or volume of 50m³ in a High-Risk Hazard Area; or</p> <p>ii. 100m² in the Coastal Flood or River Flood Hazard Area in any 12 month period;</p> <p>and</p> <p>b. The earthworks do not:</p> <p>i. raise the level of the land in a High-Risk Hazard Area in a way that results in the loss of any flood storage volume; and</p> <p>ii. divert flood flow, coastal inundation or overland flow path onto another property.</p>	<p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <p>a. The effects of the works on flood and coastal hazards;</p> <p>b. The hazard risks to people or property;</p> <p>c. Cumulative effects and the potential for the addition/alteration to create, transfer or intensify hazard risks on adjoining sites; and</p> <p>d. Any measures proposed to mitigate the effects of the hazard.</p>
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Support / Amend / Oppose: Oppose

Submission:

I oppose this rule on the basis that the Northland Regional Council already has rules around earthworks in this scenario, and they should be the controlling authority with regard to this. an additional rule will require an additional resource consent application to be made, costing applicants upward of \$10,000, and for no good reason. The Regional Council provides adequate oversight of the earthworks in its statutory area. The double up of consents required is unnecessary.

Relief sought

Remove the rule.

Point 67.5

Section: Subdivision

Sub-section: Rules

Provision:

General rural zone	<p>1. Activity status: Controlled</p> <p>Where:</p> <p>a. The record of title to be subdivided must be dated prior to 28 April 2025;</p>	<p>3. Activity status when compliance with SUB-R4.1.a, b, d and e not achieved: Discretionary</p> <p>4. Activity status when compliance with SUB-R4.1.c not achieved: Non-Complying</p>
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- b. The [subdivision](#) must create no more than five additional [allotments](#) from the Record of Title being subdivided;
- c. The [subdivision](#) must not be located in the Mangawhai/Hakaru Managed Growth Area;
- d. The [allotments](#) (the new lots) must each have a minimum [net site area](#) (excluding access legs) of 4,000m², except where the proposed [allotment](#) is an access [allotment](#), utility [allotment](#) or [road](#) to vest in [Council](#);
- e. The [land](#) to be subdivided into the additional small lots is not [highly productive land](#) (as determined by either the New Zealand Land Resource Inventory maps or a property scale [site](#) specific assessment Land Use Capability Classification prepared by a suitably qualified person and accepted by [Council](#)); and
- f. The [subdivision](#) complies with [SUB-S2 – S15](#).

2. Control is reserved over the following matters:

- a. The ability of the [allotments](#) to accommodate a [residential unit](#) as a permitted [activity](#);
- b. The provision of suitable physical and legal access to each [allotment](#) and the extent to which the access complies with the **Kaipara District Council Engineering Standards 2011**;
- c. The extent to which services for water supply, [wastewater](#), [stormwater](#) and electricity comply with the **Kaipara District Council Engineering Standards 2011**;
- d. The location of [building](#) platforms in relation to mapped [river](#) flood or [coastal hazard areas](#) or an area subject to [land](#) instability;
- e. The provision of esplanade

5. Activity status when compliance with SUB-R4.1.f not achieved:
Refer to relevant Standard

	<p>reserves or strips, and the design and provision of associated access;</p> <p>f. Measures to mitigate potential reverse sensitivity effects on existing land uses, such as the use of no-complaints covenants or siting of building platforms.</p>	
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Support / Amend / Oppose: Oppose

Submission:

I oppose the creation of the Mangawhai/Hakaru Managed Growth Zone. I feel it is short sighted to include this within the plan. I have had Council planners tell me for over 30 years now where the growth is going to happen in Mangawhai, and it has never panned out as they stated. It is the market that will decide where people want to live.

The inclusion of development contributions within subdivision consents will provide the relief that council needs to assist in the upgrade in infrastructure as demand arises. The development contributions are not insignificant, and I hope that Council has set them at a level that will provide the inputs needed for infrastructure upgrades in the future.

But hampering development through this rule will not generate any development contributions, and thereby Council will not have the funds to undertake any future infrastructure upgrades.

The current scenario will result in stymieing growth in the district, driving up property prices as the wealthy move into the area, as is happening at the moment, when there is limited supply in housing, which will in turn increase rates and rental costs in the area. None of this is an ideal result.

I agree the growth has to happen in a controlled manner, haphazard development will not result in good outcomes. But shutting off development potential in Mangawhai is not the answer.

I have seen other Councils include rules within Restricted Discretionary Subdivision Rules whereby the subdivision is allowed for, provided the future development potential of the site and adjoining sites is not affected by the subdivision. This often included draft future development plans to show how the site might be developed further, if it is ever rezoned residential and connected to wastewater infrastructure.

In this instance, I believe the best outcome for our district is to remove the restriction of the Mangawhai/Hakaru Managed Growth Zone. I believe the funds raised for the Council from the development contributions are necessary, and that the Council does not have the financial ability to provide for future infrastructure upgrades in any other way.

Alternately, if the Managed Growth Zone is retained, then any subdivision within the zone should be a Restricted Discretionary Activity, with the Council Discretion limited to the matters for Control, and the adequate servicing of the subdivision sites with appropriate infrastructure. The amendment to a RD status is a significant change from Discretionary, but will still allow the council the ability to push back on developments that are not adequately serviced, and are not within areas that are planned for infrastructure upgrades.

Relief sought

Remove the reference to the Mangawhai/Hakaru Managed Growth Zone from the plan entirely. Alternately, amend the subdivision status within the zone to Restricted Discretionary.

Point 67.6

Section: Earthworks

Sub-section: Standards

Provision:

1. [Earthworks](#) must not exceed the following total volume and area thresholds in any 12-month period per [site](#) as per the table below.
2. **This standard does not apply to:**
 - a. [Earthworks](#) for septic tanks and associated drainage fields;
 - b. [Earthworks](#) for the operation, [maintenance and repair](#) of existing walking tracks, farm tracks, [driveways](#), [roads](#) and accessways;
 - c. [Earthworks](#) for the operation, [maintenance and repair](#) of existing [infrastructure](#); and
 - d. [Earthworks](#) for the maintenance of drains.
3. **Activity status when compliance not achieved:** Restricted Discretionary
4. **Matters over which discretion is restricted:**
 - a. Refer to [EW-R1](#).

Support / Amend / Oppose: Oppose

Submission:

As I stated earlier, I feel that any earthworks rules are unnecessary, and that earthworks in the district can be overseen by the NRC.

However, should the rule remain, I believe the volumes and areas listed in the table for the rule are unreasonable.

200m³ is often insufficient to build a new dwelling on a slightly sloping section. My experience would be that 50% of all dwellings constructed would require earthworks exceeding 200m³. This would mean that at least half of any new dwellings would require a separate consent for earthworks. This is unnecessary, given the controls that the remainder of the rule require. If the controls are adhered to, what does the volume matter at all? The effects created by 400m³ of earthworks and those of 200m³ of earthworks will be of a similar scale. It is unnecessary to require property builders to continually get a resource consent to build a house.

A simple thought experiment is to envisage someone building a 200m² dwelling. They have to dig out 500mm of topsoil, replace it with 500mm of metal, instantly that is 200m³ of earthworks. If they then want to build a parking area, that will trigger a resource consent application. This is not fair, and will cost upward of \$10,000 in total fees.

Given the controls listed in EWS2-S7, the volume and area restriction does not need to be included within the Rule. Good outcomes can be achieved by simply including EWS2-S7, and removing EWS1.

Relief sought

The removal of all earthworks rules within the plan.

Alternately, the removal of EWS1 from the plan.

Point 67.7

Section: Signs

Sub-section: Rules

Provision:

All zones	1. Activity status: Permitted Where: <ol style="list-style-type: none"> The sign complies with SIGN-S1 Traffic safety for signs. 	2. Activity status when compliance not achieved: Refer to relevant standard.
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Support / Amend / Oppose: Support

Submission:

I support these rules and standards

Relief sought

N/A

Point 67.8

Section: General Residential Zone

Sub-section: Rules - General residential zone

Provision:

1. Activity status: Permitted Where: <ol style="list-style-type: none"> No more than two residential units occupy the site; Residential units not connected to a reticulated wastewater system shall not exceed one per 2,000m² of net site area; Outside Dargaville, residential units connected to a reticulated wastewater system shall not exceed one residential unit per 600m² of net site area ; and In Dargaville, residential units connected to a reticulated wastewater system shall not exceed one residential unit per 400m² of net site area. <p>Note: <i>This does not apply to multi-unit developments managed under GRZ-R12.</i></p>	2. Activity status when compliance not achieved: Restricted Discretionary 3. Matters over which discretion is restricted: <ol style="list-style-type: none"> The matters in GRZ-MAT1.
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Support / Amend / Oppose: Support

Submission:

I support the ability to have two or more units on the same freehold title.

Relief sought

N/A

Point 67.9

Section: General Residential Zone

Sub-section: Standards - General residential zone

Provision:

1. The maximum [building coverage](#) is 50%.

2. Activity status when compliance not achieved: Restricted Discretionary

3. Matters over which discretion is restricted:

- a. Amenity and character of the surrounding area;
- b. The bulk and scale of the [buildings](#), [structures](#), and [impervious surfaces](#);
- c. The provision of [landscaping](#) and trees; and
- d. [Stormwater](#) management including [site-specific stormwater](#) design.

Support / Amend / Oppose: Oppose

Submission:

I support the 50% site coverage.

I oppose the Matters for Discretion including the Amenity and Character of the surrounding area. My experience with this phrase is that people processing consent applications take this phrase to mean whatever they choose. It is very ambiguous and ill defined, and I feel that it does not belong within Matters for Discretion for Restricted Discretionary Activities.

Including Amenity within RDA's essentially means that there is not any restriction at all on the Council discretion.

I am happy with it being included for Discretionary Activities, but I genuinely feel that it should not be included within any Restricted Discretionary Activity Matters for Discretion.

Relief sought

The removal of Amenity and Character as a Matter for Discretion within any RDA rule in the plan.