

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: 26/06/2025

Submission Reference Number #:71

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

Submitter:

Bruce Fox

Contact person and address for service:

Bruce Fox n/a 605 Whakapirau Road RD1 RD 1, MAUNGATUROTO 0583 New Zealand

Electronic address for service: foxey106@gmail.com

Attachments:

Appendix 1.jpg

Appendix 2.jpg

Appendix 3.jpg

Appendix 4.jpg

Appendix 5.jpg

LTP Submission June 2025 (Final).pdf

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
- No

Submission points

Point 71.1

Section: Earthworks

Sub-section: Rules

Provision:

| Provision: | | |
|---------------------|--|--|
| General rural zone, | 1. Activity status: Permitted | 2. Activity status when compliance not achieved: Discretionary |
| | Where: | |
| Māori purpose | a. The maximum volume of | |
| zone | disturbance or removal of material extracted from the farm quarrying does not exceed 1,000m³ in any 12-month period; b. The maximum face height of any cut and/or batter face is 2m; c. The farm quarry is not located within 100m of a road boundary, or within 200m of an existing sensitive activity located on another site; and d. The material is not being transported off the property where it is extracted from. | |
| | | |

Support / Amend / Oppose: Support

Submission:

Below is my submission on the proposed KDC Long Term Plan ('LTP'). (I also attach it as a PDF file because it may be easier to read that way, plus that is how I preferred to submit it)

It focuses on Section EW-R3 (Farm Quarrying).

I fully support the adoption of **Section EW-R3** into the LTP and also fully support the adoption of all the other proposed additions listed under section **EW** as they relate to quarrying and earthworks.

As I understand it, **Section EW-R3** means farm quarrying will in future only be permitted if the owner of a farm quarry abides by the following conditions:

- a. The maximum volume of disturbance or removal of material extracted from the farm quarrying does not exceed 1,000m in any 12-month period;
- b. The maximum face height of any cut and/or batter face is 2m;
- c. The farm quarry is not located within 100m of a road boundary, or within 200m of an existing sensitive activity located on another site; and
- d. The material is not being transported off the property where it is extracted from.

I have searched through the current KDC Operative Plan but have been unable to find any similar rules or regulations relating to farm quarrying so can only assume the intention of **EW-R3** is to finally give clarity as to what can and cannot be done for both farm quarry owners and those living in their vicinity.

Reasons Behind This Submission

I accept any farming operation, especially dairy, needs to build and maintain cattle races and the like and the scope of works required no doubt varies from farm to farm and season to season. Clearly the most economically viable source of raw materials for such activities is an internal farm quarry.

I expect KDC has carefully assessed many farm quarries to arrive at these new limits, however there are farming operations in the district that have expanded well beyond the means to support their own weight and whom I expect will be less than happy with them.

I foresee KDC will receive submissions from these farms seeking changes or even exemptions to the new limits because they will want to quarry beyond them.

I have been unfortunate enough to experience firsthand one such farming operation whose quarrying practices have been at times been on a virtually commercial scale and up to now was under the impression I was powerless to do anything about it.

In anticipation of any challenges, I tender this submission so you can consider them against a firsthand account of what life is like living near such a farm quarry.

Tarakohe Farms

It is common knowledge Tarakohe Farms owns substantial land, perhaps 2000 acres or even more, in the Whakapirau Rd/Ford Rd area. Although made up of several separate titles the LINZ website suggests these have sufficient common boundaries to form at least two large blocks. Perhaps half the land is east of Ford Rd and the other to the west. Recently, an underground cattle tunnel was installed under Ford Rd and appears to connect the two.

The attached map provides an overview of the area showing the two relevant farm quarries situated on land owned by Tarakohe Farms, along with the connecting public roads highlighted in yellow. (See Appendix 1)

There are several smaller independently owned titles within the same area.

Our negative experience began in April 2023 when we noticed a major increase in truck traffic on Whakapirau Rd. We soon realised it was due to just one truck and one man.

This truck loaded about 6 cubic metres of limestone at a time from a quarry owned by Tarakohe Farms (situated diagonally opposite 721 Whakapirau Rd) using a front-end loader permanently stationed on site. It then transported each load about 3km east along Whakapirau Rd to another separate block of land owned by the director of Tarakohe Farms. The truck entered this block via one of two entrances; one midway along Ford Rd, the other opposite 430 Whakapirau Rd. Internal roading enabled the truck to enter at one entrance and exit the other.

After discharging each load onto the farm somewhere, the truck returned to the quarry for a refill.

Each round trip took perhaps 15 to 20 minutes on average and the truck worked from dawn to dusk which was effectively 13 hours, the maximum I think a truck driver can legally drive in one day.

There was no room for error as for any man driving 13 hours nonstop on narrow country roads for days the threat of a mishap was real. However, this man was on a mission and nothing was going to stop or slow him down. Not even lunch, weekends or public holidays. He was an automaton.

The trucks noise and nuisance factor was exacerbated by a loose tailgate which rattled like gunshots every time it hit any big bump (there are many) when empty as he thundered along the roads.

Slowly, the intervals between truck loads increased and I assumed the distance to its unloading point was also increasing. Some days it did not appear at all. However, whenever we dared hope it had finished it would make surprise random appearances. I vividly recall being rudely awoken at dawn on more than one occasion on a weekend and afterward it would resume the same routine. Sometimes for just half a day, sometimes for the whole weekend.

After some weeks he varied his route and began transporting the material down Huarau Rd instead. Obviously Tarakohe Farms had another farm down there somewhere.

On occasion the truck worked in tandem with a tractor/trailer ensemble which transported mega loads in its own right, albeit at a slower pace. Sometimes this tractor just worked alone.

I did make enquires with KDC at the time about the legality and possible duration of all this. The employee I dealt with then made contact with the owner of the farm on my behalf. The answer was promising. Apparently, the farm was just maintaining farm tracks which would possibly take another week or so and it was something they do every year.

I was also advised by KDC the farmer had 'existing rights use' so there was effectively nothing they or anyone could do to stop him. In other words, I had to learn to suck it up.

If my request to the truck driver to do something about his loose tailgate was ever passed on, it was completely ignored.

Well, this 'week' turned into nearly three months and it was not until the onset of winter 2023 the truck movements eventually tailed off. Never entirely though. The random appearances continued throughout the year and the next, until at some point in 2024 they stopped altogether. Around that time the front-end loader was moved from the Whakapirau Rd quarry to another quarry opposite 292 Huarau Rd, beside the one lane bridge. I later discovered this quarry was also owned by Tarakohe Farms.

Whatever happened at this quarry had little effect on us until around April 2025 when the truck began transporting material from the Huarau Rd quarry to Tarakohe Farms, just as before.

We went for a walk to see what exactly was going on at that quarry and were nearly run down by the truck in the process. We ended up speaking to the family living opposite who related their horrendous experiences of the Huarau Rd quarry operation, particularly during the construction of the Ford Rd cattle tunnel. We thought we had it bad, but it seemed nothing compared to what they had been put through. Apparently, there were major quarry works from predawn to well after dusk for days on end seemingly aimed at getting enough material to build the new cattle tunnel and races.

I did learn the family were instrumental, after numerous and persistent complaints to KDC, in stopping the quarry operation on the basis it had exceeded a 500 cubic metre limit rule, which was a new one on me. However, I applauded the result because it was something I had been unable to achieve and, in any event, after KDC's advice, I did not think it was even possible.

The truck movements have since ceased and I hope it stays that way.

The quarry operation has not stopped entirely though. After a welcome hiatus, on Sunday 8 June 2025 the farm tractor and trailer made a mid-morning reappearance and commenced transporting about three loads per hour of material from the Huarau Rd quarry to the Tarakohe Farms entrance opposite 430 Whakapirau Rd, before returning via Ford Rd. The tyre tracks were a dead giveaway of course. The last load went past just before 7pm.

Attached is a photo of that tractor and trailer. (See Appendix 2)

Attached is a photo of the brand-new digger used to load it. What happened to the front-end loader I do not know, perhaps it too had had enough and ran away. (See Appendix 3)

Attached is an aerial view of the Huarau Rd quarry. Note the circular farm road around the northern edge of the quarry which runs across the farm and leads to Ford Rd. Why is that not used? **(See Appendix 4)**

It is impossible to know how much material has been excavated and transported by Tarakohe farms prior to and post our arrival in the district but I will take a stab at estimating what just one man and his truck can achieve.

Estimate of Material Removal

If the truck carried 6 metres per load at 3 loads per hour for 13 hours, that would roughly equal **234 cubic metres per day**.

At that rate, it is possible for the truck to reach the threshold of 1000 cubic metres in just under 4 DAYS.

If it worked for a total of say 12 weeks for 5 days a week, this would equate to something like **14,000 cubic metres**.

What cannot be ignored is what the tractor/trailer is capable of. Given its size (6 cubes?) and frequency of trips, it is capable of moving up to **150 cubic metres in one 8-hour day** all by itself.

As I do not have access to any Tarahoke Farms business records I am unable to corroborate these figures but however incorrect they may be, it seems the new limits will be nowhere close to what Tarakohe Farms probably shifted just in the summer of 2024 alone.

And remember, the majority of that was **TRANSPORTED OFF THE PROPERTY WHERE IT WAS EXTRACTED FROM.**

Attached is a photo of That Truck. (See Appendix 5)

Ownership of Several Titles

Tarakohe Farms owns both the land where the quarries are situated and also the land where the material is being transported to.

Could Tarakohe Farms argue then that it is not, in a legal sense, transporting the material off the property from where it was extracted from?

I would disagree on the basis the titles, as far as I know, have not been merged and are not even contiguous. Their only legal relationship to each other is they are owned by the same person/entity and are in fact physically separated by legal public roads.

I have since been told Tarakohe Farms is using another quarry situated at what appears to be 62 Huarau Rd. I do not know who owns this land, but is material from there being excavated and then transported down Ford Rd to Tarakohe Farms?

Existing Use Rights

I was concerned some KDC staff I spoke to about this have referred to 'existing use rights' under s.10A or 10B of the Resource Management Act 1991 (RMA) which farmers may be able to rely on to circumvent any attempt to limit their quarrying operations.

If correct, will it remain valid as long as there is no break in the quarrying operation despite the introduction of **EW-R3** or any similar regulation? If so, I cannot help but wonder what will be the point in introducing the new limitations at all.

It would mean any farmer who has in the past quarried well in excess of the new regulations could conceivably continue to do so unchecked as long as he does not stop for longer than whatever this magical

time period may be.

I also wonder how would it be possible to produce sufficient evidence to prove the length of inactivity if it ever came into dispute.

In any event, having read sections **10A & 10B**, it appears to me the former relates to "the use of the surface of water in lakes and rivers" and the latter to "building work or intended use of a building" but makes no reference to activities such as farm quarrying.

I do not intend to go down the legal rabbit hole known as the Resource Management Act but could it be possible KDC staff have misinterpreted the 'existing use rights' loophole, at least in regard to farm quarrying?

I think though that KDC, or any council for that matter, may have a discretion under **s139A** whether or not to approve a resource consent for such continued activity or insist the farmer abide by the new regulations.

Further to that, from what date do existing use rights actually apply? To my mind it suggests it was brought into being to allow farmers with a long history of ownership some protection against unforeseen law changes and allow them time to make any necessary arrangements to comply, such as applying for a resource consent.

Also, what of the scenario where the original farm owner had existing use rights in the past, but then sold his farm to Tarakohe Farms? Are these existing use rights actually transferrable?

Summary

The scale and frequency of what Tarakohe Farms quarries has carried out is so far out of step with the norm it has times been staggering.

The emotional trauma caused by such intensive and prolonged heavy transport movements over such a very short stretch of roading cannot be underestimated and neither can the damage to the roading itself.

It has left me at a loss to understand why the residents living within this small community have had to needlessly suffer while one farmer with seemingly callous disregard for them builds his own private empire.

In other words, the needs of one should not outweigh the wellbeing of all and is why I am so grateful KDC has recognised the need for stricter controls on farm quarrying activities.

I urge you to adopt these new regulations into the Long Term Plan unchanged.

Thank you.

Bruce Fox

Whakapirau Rd

Ph 022 486 2077

Relief sought

Relief Sought (As I am unsure what is required here I have just reproduced my final paragraph from my submission above)

The scale and frequency of what Tarakohe Farms quarries has carried out is so far out of step with the norm it has times been staggering.

The emotional trauma caused by such intensive and prolonged heavy transport movements over such a very short stretch of roading cannot be underestimated and neither can the damage to the roading itself.

It has left me at a loss to understand why the residents living within this small community have had to needlessly suffer while one farmer with seemingly callous disregard for them builds his own private empire.

In other words, the needs of one should not outweigh the wellbeing of all and is why I am so grateful KDC has

recognised the need for stricter controls on farm quarrying activities.

I urge you to adopt these new regulations (Section EW-R3 - Farm Quarrying) into the Long Term Plan unchanged.











Below is my submission on the proposed KDC Long Term Plan ('LTP').

It focuses on Section EW-R3 (Farm Quarrying).

I fully support the adoption of **Section EW-R3** into the LTP and also fully support the adoption of all the other proposed additions listed under section **EW** as they relate to quarrying and earthworks.

As I understand it, **Section EW-R3** means farm quarrying will in future only be permitted if the owner of a farm quarry abides by the following conditions:

- a. The maximum volume of disturbance or removal of material extracted from the farm quarrying does not exceed 1,000m in any 12-month period;
- b. The maximum face height of any cut and/or batter face is 2m;
- c. The farm quarry is not located within 100m of a road boundary, or within 200m of an existing sensitive activity located on another site; and
- d. The material is not being transported off the property where it is extracted from.

I have searched through the current KDC Operative Plan but have been unable to find any similar rules or regulations relating to farm quarrying so can only assume the intention of **EW-R3** is to finally give clarity as to what can and cannot be done for both farm quarry owners and those living in their vicinity.

Reasons Behind This Submission

I accept any farming operation, especially dairy, needs to build and maintain cattle races and the like and the scope of works required no doubt varies from farm to farm and season to season. Clearly the most economically viable source of raw materials for such activities is an internal farm quarry.

I expect KDC has carefully assessed many farm quarries to arrive at these new limits, however there are farming operations in the district that have expanded well beyond the means to support their own weight and whom I expect will be less than happy with them.

I foresee KDC will receive submissions from these farms seeking changes or even exemptions to the new limits because they will want to quarry beyond them.

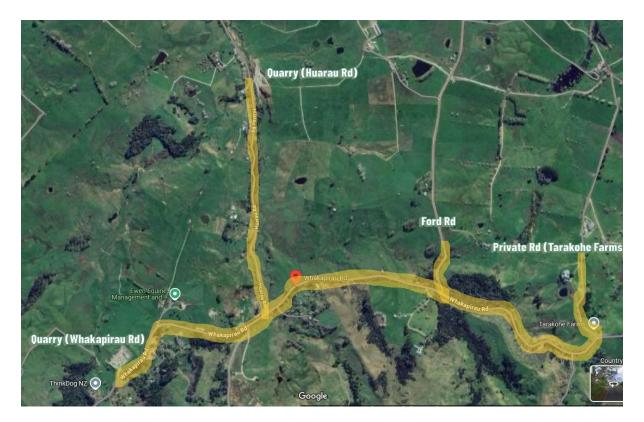
I have been unfortunate enough to experience firsthand one such farming operation whose quarrying practices have been at times been on a virtually commercial scale and up to now was under the impression I was powerless to do anything about it.

In anticipation of any challenges, I tender this submission so you can consider them against a firsthand account of what life is like living near such a farm quarry.

Tarakohe Farms

It is common knowledge Tarakohe Farms owns substantial land, perhaps 2000 acres or even more, in the Whakapirau Rd/Ford Rd area. Although made up of several separate titles the LINZ website suggests these have sufficient common boundaries to form at least two large blocks. Perhaps half the land is east of Ford Rd and the other to the west. Recently, an underground cattle tunnel was installed under Ford Rd and appears to connect the two.

The map below provides an overview of the area showing the two relevant farm quarries situated on land owned by Tarakohe Farms, along with the connecting public roads highlighted in yellow.



There are several smaller independently owned titles within the same area.

Our negative experience began in April 2023 when we noticed a major increase in truck traffic on Whakapirau Rd. We soon realised it was due to just one truck and one man.

This truck loaded about 6 cubic metres of limestone at a time from a quarry owned by Tarakohe Farms (situated diagonally opposite 721 Whakapirau Rd) using a front-end loader permanently stationed on site. It then transported each load about 3km east along Whakapirau Rd to another separate block of land owned by the director of Tarakohe Farms. The truck entered this block via one of two entrances; one midway along Ford Rd, the other opposite 430 Whakapirau Rd. Internal roading enabled the truck to enter at one entrance and exit the other.

After discharging each load onto the farm somewhere, the truck returned to the quarry for a refill.

Each round trip took perhaps 15 to 20 minutes on average and the truck worked from dawn to dusk which was effectively 13 hours, the maximum I think a truck driver can legally drive in one day.

There was no room for error as for any man driving 13 hours nonstop on narrow country roads for days the threat of a mishap was real. However, this man was on a mission and nothing was going to stop or slow him down. Not even lunch, weekends or public holidays. He was an automaton.

The trucks noise and nuisance factor was exacerbated by a loose tailgate which rattled like gunshots every time it hit any big bump (there are many) when empty as he thundered along the roads.

Slowly, the intervals between truck loads increased and I assumed the distance to its unloading point was also increasing. Some days it did not appear at all. However, whenever we dared hope it had finished it would make surprise random appearances. I vividly recall being rudely awoken at dawn on more than one occasion on a weekend and afterward it would resume the same routine. Sometimes for just half a day, sometimes for the whole weekend.

After some weeks he varied his route and began transporting the material down Huarau Rd instead. Obviously Tarakohe Farms had another farm down there somewhere.

On occasion the truck worked in tandem with a tractor/trailer ensemble which transported mega loads in its own right, albeit at a slower pace. Sometimes this tractor just worked alone.

I did make enquires with KDC at the time about the legality and possible duration of all this. The employee I dealt with then made contact with the owner of the farm on my behalf. The answer was promising. Apparently, the farm was just maintaining farm tracks which would possibly take another week or so and it was something they do every year.

I was also advised by KDC the farmer had 'existing rights use' so there was effectively nothing they or anyone could do to stop him. In other words, I had to learn to suck it up.

If my request to the truck driver to do something about his loose tailgate was ever passed on, it was completely ignored.

Well, this 'week' turned into nearly three months and it was not until the onset of winter 2023 the truck movements eventually tailed off. Never entirely though. The random appearances continued throughout the year and the next, until at some point in 2024 they stopped altogether. Around that time the front-end loader was moved from the Whakapirau Rd quarry to another quarry opposite 292 Huarau Rd, beside the one lane bridge. I later discovered this quarry was also owned by Tarakohe Farms.

Whatever happened at this quarry had little effect on us until around April 2025 when the truck began transporting material from the Huarau Rd quarry to Tarakohe Farms, just as before.

We went for a walk to see what exactly was going on at that quarry and were nearly run down by the truck in the process. We ended up speaking to the family living opposite who related their horrendous experiences of the Huarau Rd quarry operation, particularly during the construction of the Ford Rd cattle tunnel. We thought we had it bad, but it seemed nothing compared to what they had been put through. Apparently, there were major quarry works from predawn to well after dusk for days on end seemingly aimed at getting enough material to build the new cattle tunnel and races.

I did learn the family were instrumental, after numerous and persistent complaints to KDC, in stopping the quarry operation on the basis it had exceeded a 500 cubic metre limit rule, which was a new one on me. However, I applauded the result because it was something I had been unable to achieve and, in any event, after KDC's advice, I did not think it was even possible.

The truck movements have since ceased and I hope it stays that way.

The quarry operation has not stopped entirely though. After a welcome hiatus, on Sunday 8 June 2025 the farm tractor and trailer made a mid-morning reappearance and commenced transporting about three loads per hour of material from the Huarau Rd quarry to the Tarakohe Farms entrance opposite 430 Whakapirau Rd, before returning via Ford Rd. The tyre tracks were a dead giveaway of course. The last load went past just before 7pm.

Below is a photo of that tractor and trailer. Below that is the brand-new digger used to load it. What happened to the front-end loader I do not know, perhaps it too had had enough and ran away.



Below is an aerial view of the Huarau Rd quarry. Note the circular farm road around the northern edge of the quarry which runs across the farm and leads to Ford Rd. Why is that not used?



It is impossible to know how much material has been excavated and transported by Tarakohe farms prior to and post our arrival in the district but I will take a stab at estimating what just one man and his truck can achieve.

Estimate of Material Removal

If the truck carried 6 metres per load at 3 loads per hour for 13 hours, that would roughly equal **234** cubic metres per day.

At that rate, it is possible for the truck to reach the threshold of 1000 cubic metres in *just under 4 DAYS*.

If it worked for a total of say 12 weeks for 5 days a week, this would equate to something like **14,000** *cubic metres*.

What cannot be ignored is what the tractor/trailer is capable of. Given its size (6 cubes?) and frequency of trips, it is capable of moving up to **150** cubic metres in one 8-hour day all by itself.

As I do not have access to any Tarahoke Farms business records I am unable to corroborate these figures but however incorrect they may be, it seems the new limits will be nowhere close to what Tarakohe Farms probably shifted just in the summer of 2024 alone.

And remember, the majority of that was **TRANSPORTED OFF THE PROPERTY WHERE IT WAS EXTRACTED FROM.**

Here is a photo of That Truck.



Ownership of Several Titles

Tarakohe Farms owns both the land where the quarries are situated and also the land where the material is being transported to.

Could Tarakohe Farms argue then that it is not, in a legal sense, transporting the material off the property from where it was extracted from?

I would disagree on the basis the titles, as far as I know, have not been merged and are not even contiguous. Their only legal relationship to each other is they are owned by the same person/entity and are in fact physically separated by legal public roads.

I have since been told Tarakohe Farms is using another quarry situated at what appears to be 62 Huarau Rd. I do not know who owns this land, but is material from there being excavated and then transported down Ford Rd to Tarakohe Farms?

Existing Use Rights

I was concerned some KDC staff I spoke to about this have referred to 'existing use rights' under s.10A or 10B of the Resource Management Act 1991 (RMA) which farmers may be able to rely on to circumvent any attempt to limit their quarrying operations.

If correct, will it remain valid as long as there is no break in the quarrying operation despite the introduction of **EW-R3** or any similar regulation? If so, I cannot help but wonder what will be the point in introducing the new limitations at all.

It would mean any farmer who has in the past quarried well in excess of the new regulations could conceivably continue to do so unchecked as long as he does not stop for longer than whatever this magical time period may be.

I also wonder how would it be possible to produce sufficient evidence to prove the length of inactivity if it ever came into dispute.

In any event, having read sections **10A & 10B**, it appears to me the former relates to "the use of the surface of water in lakes and rivers" and the latter to "building work or intended use of a building" but makes no reference to activities such as farm quarrying.

I do not intend to go down the legal rabbit hole known as the Resource Management Act but could it be possible KDC staff have misinterpreted the "existing use rights" loophole, at least in regard to farm quarrying?

I think though that KDC, or any council for that matter, may have a discretion under **s139A** whether or not to approve a resource consent for such continued activity or insist the farmer abide by the new regulations.

Further to that, from what date do existing use rights actually apply? To my mind it suggests it was brought into being to allow farmers with a long history of ownership some protection against unforeseen law changes and allow them time to make any necessary arrangements to comply, such as applying for a resource consent.

Also, what of the scenario where the original farm owner had existing use rights in the past, but then sold his farm to Tarakohe Farms? Are these existing use rights actually transferrable?

Summary

The scale and frequency of what Tarakohe Farms quarries has carried out is so far out of step with the norm it has times been staggering.

The emotional trauma caused by such intensive and prolonged heavy transport movements over such a very short stretch of roading cannot be underestimated and neither can the damage to the roading itself.

It has left me at a loss to understand why the residents living within this small community have had to needlessly suffer while one farmer with seemingly callous disregard to them builds his own private empire.

The needs of one should not outweigh the wellbeing of all and is why I am so grateful KDC has recognised the need for stricter controls on farm quarrying activities.

I urge you to adopt these new regulations into the Long Term Plan unchanged.

Thank you.

Bruce Fox