
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 #:73

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

Submitter:

PF Olsen Ltd

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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

- **No**

Submission points

Point 73.1

Address:

Ari Ari Road, Pouto Peninsula

Mapping layer:

Coastal Environment, Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character Areas

Submission:

Point 1 - Amend the Outstanding Natural Landscapes Mapping (Schedule 5) – ONL23 (North Head Coast & Western Dune Lakes)

Introduction

This submission opposes the inclusion of specific areas within ONL23, as mapped in the Proposed Kaipara District Plan (PDP). The objection relates to land that has been significantly altered the character of the landscape, such that it no longer meets the criteria for classification as an Outstanding Natural Landscape (ONL), as outlined in the Section 32 (s32) evaluation report, the New Zealand Coastal Policy Statement (NZCPS), and relevant case law^[1].

Grounds for Submission

A. Inaccuracy of ONL Mapping

- The ONL23 boundaries encompass areas that either had pasture landscape or have been planted in commercial forestry. These areas now exhibit characteristics typical of managed production landscapes, rather than the predominantly natural, unmodified, or indigenous-dominated values required of ONLs.

- The Section 32 Report and supporting landscape criteria require ONLs to be “conspicuous,” “remarkable,” and representative of outstanding natural values. Inclusion of recently modified areas undermines this standard[2].
- The defining values of ONLs—such as minimal human modification, aesthetic coherence, and ecological integrity[3]—are compromised where there is different land use other than original landscape.

B. Failure to Meet ONL Criteria

- The s32 report confirms that ONLs must be identified using criteria such as natural science factors, aesthetic values (including naturalness), and experiential factors (such as lack of modification and predominance of indigenous vegetation)[4].
- The s32 report references accepted criteria for ONL identification, including:
 - Natural science factors (geological, ecological, and hydrological features)
 - Aesthetic values (including naturalness and coherence)
 - Expressive and associative values (including shared cultural perceptions)
- These criteria are aligned with the widely accepted Pigeon Bay and Wakatipu case law principles[5].
- ONL assessments must be supported by a robust, transparent methodology, including professional landscape evaluation, site-specific analysis, and meaningful public and tangata whenua input.
- The specific area within the ONL23 is now completely modified with no indigenous vegetation. Please see on map below:



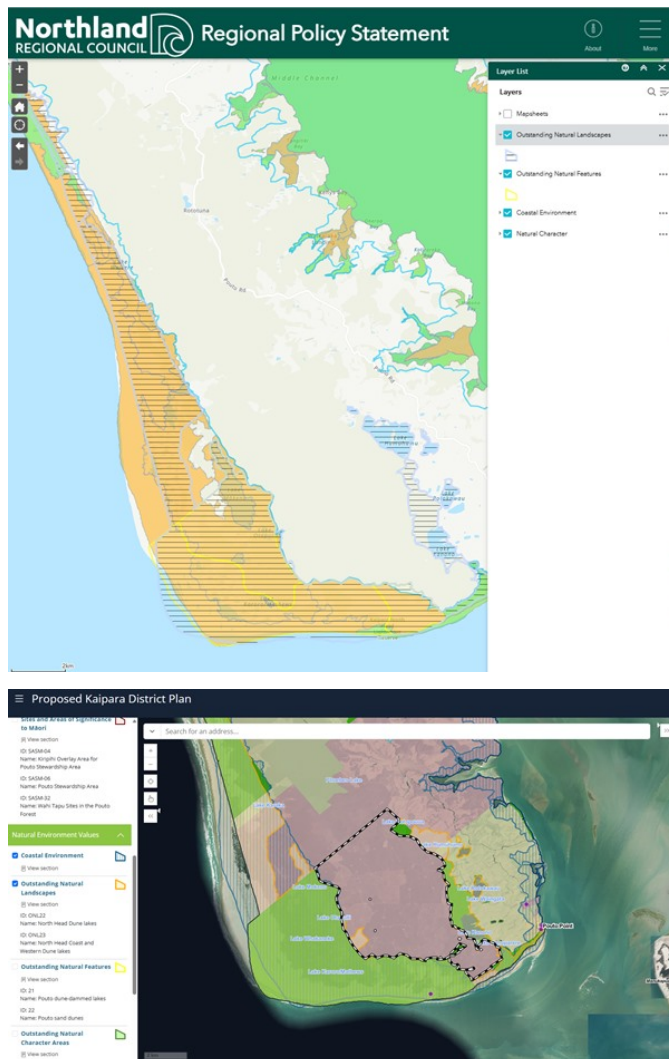
- The area in question clearly fail to meet key criteria, particularly:
 - Naturalness: Pasture land underlying modified landscape and introduce visually dominant grass pattern.
 - Modification: Pasture constitutes a significant and deliberate land use change, inconsistent with the low-modification expectations of ONLs.

C. Temporal Gaps in Assessment

- The Section 32 Report states that Kaipara District Council conducted ground-truthing and further work on ONFs in 2019[6]. However, the PDP was not notified until 2025.
- Given this six-year delay, the ONL mapping no longer reflects current land use and conditions. During this period, afforestation and other landscape modifications have occurred, invalidating the assumptions underpinning the ONL delineation made in 2019.
- As such, a reassessment using recent aerial imagery and land use data is warranted to confirm whether affected areas still meet ONL thresholds.
- All areas of existing commercial forestry or other land use that do not correspond to an ONL need to be removed from the ONL mapping extent.

D. Inconsistencies with Higher-Order Documents

- Councils are required to “give effect to” national and regional policy documents, such as the NZCPS and the Northland Regional Policy Statement (NRPS)^[7].
- The NRPS (operative 6 May 2016) identifies the Poutō Sand Dunes—encompassing parts of ONL23—as an Outstanding Natural Feature (ONF), primarily based on their geomorphological and ecological significance^[8].
- The PDP mapping expands the ONF classification into broader ONL overlays. In this case, the extended ONL23 boundaries appear to include areas planted in commercial forestry—an expansion not justified by the original ONF values or updated ONL criteria.
- This raises questions around consistency with policy intent and the evidentiary basis for such mapping.
- Please see the comparison maps below.



E. Practical and Legal Implications of Incorrect Mapping

- Including recently planted commercial forestry or pasture land within ONL boundaries undermines the integrity and credibility of the ONL overlay creating uncertainty for landowners.
- Mapping active commercial forestry or pasture land as ONL may:
 - Lead to unnecessarily restrictive provisions for landowners operating within working forestry environments.
 - Create inconsistencies in how landscape values are recognised and managed across the district.
- Maintaining the credibility and enforceability of ONL overlays depends on ensuring they reflect actual land characteristics and align with planning principles.

^[1] Kaipara District Council. (2025). *Natural Features and Landscapes Section 32 Evaluation. Proposed Kaipara District Plan, 28 April 2025*

^[2] Wakatipu Environmental Society Inc v Queenstown Lakes District Council C180 / 99,[para 82]

^[3] Above, n.1,p. 3.

^[4] Above n.1, p. 4.

^[5] Pigeon Bay Aquaculture Ltd v Canterbury Regional Council [1999] NZCA 283; [2001] NZLR 468 (CA).

^[6] Kaipara District Council. (2025). *Natural Features and Landscapes Section 32 Evaluation. Proposed Kaipara District Plan, 28 April 2025, p. 3.*

^[7] RMA, s 75 (3).

^[8] Hayward, B.W. FRSNZ PhD (2015, updated May 2016). Outstanding Natural Features: Identifying and Mapping Additional Sites in Northland. Methodology Report. Unpublished Report BWH 176/16.

Relief sought:

- Amend the boundaries of ONL23 to exclude areas that do not exhibit Outstanding Natural Landscape (ONL) characteristics, including land currently used for existing commercial forestry, pasture, or other modified land uses that are inconsistent with the identified ONL values.
- Undertake a site-specific review of these ONL boundaries using recent aerial imagery and land use records to ensure that only areas meeting the ONL criteria (high natural character, predominantly indigenous vegetation, minimal modification) are included in the Schedule 5.

Point 73.2

Address:

Omana Road, Omana

Mapping layer:

Outstanding Natural Landscapes

Submission:

Point 2 - Amend the Outstanding Natural Landscapes Mapping (Schedule 5) – ONL9 (Tangihua Range)

Introduction

This submission opposes the inclusion of specific areas within ONL9 as mapped in the Proposed Kaipara District Plan (PDP). The objection relates to land that has been significantly altered the character of the landscape, such that it no longer meets the criteria for classification as an Outstanding Natural Landscape (ONL), as outlined in the Section 32 (s32) evaluation report, the New Zealand Coastal Policy Statement (NZCPS), and relevant case law^[1].

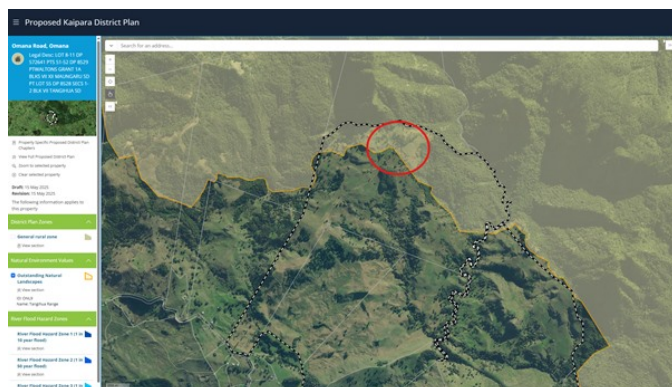
Grounds for Submission

A. Inaccuracy of ONL Mapping

- The ONL9 boundaries encompass areas that either had pasture landscape or have been planted in commercial forestry. These areas now exhibit characteristics typical of managed production landscapes, rather than the predominantly natural, unmodified, or indigenous-dominated values required of ONLs.
- The Section 32 Report and supporting landscape criteria require ONLs to be “conspicuous,” “remarkable,” and representative of outstanding natural values. Inclusion of recently modified areas undermines this standard^[2].
- The defining values of ONLs—such as minimal human modification, aesthetic coherence, and ecological integrity^[3]—are compromised where there is different land use other than original landscape.

B. Failure to Meet ONL Criteria

- The s32 report confirms that ONLs must be identified using criteria such as natural science factors, aesthetic values (including naturalness), and experiential factors (such as lack of modification and predominance of indigenous vegetation)^[4].
- The s32 report references accepted criteria for ONL identification, including:
 - Natural science factors (geological, ecological, and hydrological features)
 - Aesthetic values (including naturalness and coherence)
 - Expressive and associative values (including shared cultural perceptions)
- These criteria are aligned with the widely accepted Pigeon Bay and Wakatipu case law principles^[5].
- ONL assessments must be supported by a robust, transparent methodology, including professional landscape evaluation, site-specific analysis, and meaningful public and tangata whenua input.
- From Council mapping we can clearly that some areas within ONL9 are covered in pasture. Map areas below:



- The areas in question clearly fail to meet key criteria, particularly:
 - Naturalness: Pasture land underlying modified landscape and introduce visually dominant grass pattern.
 - Modification: Pasture constitutes a significant and deliberate land use change, inconsistent with the low-modification expectations of ONLs.

C. Temporal Gaps in Assessment

- The Section 32 Report states that Kaipara District Council conducted ground-truthing and further work on ONFs in 2019^[6]. However, the PDP was not notified until 2025.
- Given this six-year delay, the ONL mapping no longer reflects current land use and conditions. During this period, afforestation and other landscape modifications have occurred, invalidating the assumptions underpinning the ONL delineation made in 2019.
- As such, a reassessment using recent aerial imagery and land use data is warranted to confirm whether affected areas still meet ONL thresholds.
- All areas of existing commercial forestry or other land use that do not correspond to an ONL need to be removed from the ONL mapping extent.

D. Practical and Legal Implications of Incorrect Mapping

- Including recently planted commercial forestry or pasture land within ONL boundaries undermines the integrity and credibility of the ONL overlay creating uncertainty for landowners.

- Mapping active commercial forestry or pasture land as ONL may:
 - Lead to unnecessarily restrictive provisions for landowners operating within working forestry environments.
 - Create inconsistencies in how landscape values are recognised and managed across the district.
- Maintaining the credibility and enforceability of ONL overlays depends on ensuring they reflect actual land characteristics and align with planning principles.

[1]Kaipara District Council. (2025). *Natural Features and Landscapes Section 32 Evaluation. Proposed Kaipara District Plan, 28 April 2025*

[2] Wakatipu Environmental Society Inc v Queenstown Lakes District Council C180 / 99,[para 82]

[3] Above, n.1,p. 3.

[4] Above n.1, p. 4.

[5] Pigeon Bay Aquaculture Ltd v Canterbury Regional Council [1999] NZCA 283; [2001] NZLR 468 (CA).

[6]Kaipara District Council. (2025). *Natural Features and Landscapes Section 32 Evaluation. Proposed Kaipara District Plan, 28 April 2025, p. 3.*

[7] RMA, s 75 (3).

[8] Hayward, B.W. FRSNZ PhD (2015, updated May 2016). Outstanding Natural Features: Identifying and Mapping Additional Sites in Northland. Methodology Report. Unpublished Report BWH 176/16.

Relief sought:

- Amend the boundaries of ONL9 to exclude areas that do not exhibit Outstanding Natural Landscape (ONL) characteristics, including land currently used for existing commercial forestry, pasture, or other modified land uses that are inconsistent with the identified ONL values.
- Undertake a site-specific review of these ONL boundaries using recent aerial imagery and land use records to ensure that only areas meeting the ONL criteria (high natural character, predominantly indigenous vegetation, minimal modification) are included in the Schedule 5.

Point 73.3

Address:

Tangowahine Valley Road, Avoca

Mapping layer:

Outstanding Natural Landscapes

Submission:

Point 3 -Amend the Outstanding Natural Landscapes Mapping (Schedule 5) – ONL8 (Maungaru Range)

Introduction

This submission opposes the inclusion of specific areas within ONL8 as mapped in the Proposed Kaipara District Plan (PDP). The objection relates to land that has been significantly altered the character of the landscape, such that it no longer meets the criteria for classification as an Outstanding Natural Landscape (ONL), as outlined in the Section 32 (s32) evaluation report, the New Zealand Coastal Policy Statement (NZCPS), and relevant case law^[1].

Grounds for Submission

A. Inaccuracy of ONL Mapping

- The ONL8 boundaries encompass areas that either had pasture landscape or have been planted in commercial forestry. These areas now exhibit characteristics typical of managed production landscapes, rather than the predominantly natural, unmodified, or indigenous-dominated values required of ONLs.
- The Section 32 Report and supporting landscape criteria require ONLs to be “conspicuous,” “remarkable,” and representative of outstanding natural values. Inclusion of recently modified areas undermines this standard^[2].
- The defining values of ONLs—such as minimal human modification, aesthetic coherence, and ecological integrity^[3]—are compromised where there is different land use other than original landscape.

B. Failure to Meet ONL Criteria

- The s32 report confirms that ONLs must be identified using criteria such as natural science factors, aesthetic values (including naturalness), and experiential factors (such as lack of modification and predominance of indigenous vegetation)^[4].
- The s32 report references accepted criteria for ONL identification, including:
 - Natural science factors (geological, ecological, and hydrological features)
 - Aesthetic values (including naturalness and coherence)
 - Expressive and associative values (including shared cultural perceptions)
- These criteria are aligned with the widely accepted Pigeon Bay and Wakatipu case law principles^[5].
- ONL assessments must be supported by a robust, transparent methodology, including professional landscape evaluation, site-specific analysis, and meaningful public and tangata whenua input.
- From Council mapping we can clearly that some areas within ONL8 is covered in pasture. Map areas below:





- The areas in question clearly fail to meet key criteria, particularly:
 - Naturalness: Pasture land underlying modified landscape and introduce visually dominant grass pattern.
 - Modification: Pasture constitutes a significant and deliberate land use change, inconsistent with the low-modification expectations of ONLs.

C. Temporal Gaps in Assessment

- The Section 32 Report states that Kaipara District Council conducted ground-truthing and further work on ONFs in 2019^[6]. However, the PDP was not notified until 2025.
- Given this six-year delay, the ONL mapping no longer reflects current land use and conditions. During this period, afforestation and other landscape modifications have occurred, invalidating the assumptions underpinning the ONL delineation made in 2019.
- As such, a reassessment using recent aerial imagery and land use data is warranted to confirm whether affected areas still meet ONL thresholds.
- All areas of existing commercial forestry or other land use that do not correspond to an ONL need to be removed from the ONL mapping extent.

D. Practical and Legal Implications of Incorrect Mapping

- Including recently planted commercial forestry or pasture land within ONL boundaries undermines the integrity and credibility of the ONL overlay creating uncertainty for landowners.
- Mapping active commercial forestry or pasture land as ONL may:
 - Lead to unnecessarily restrictive provisions for landowners operating within working forestry environments.
 - Create inconsistencies in how landscape values are recognised and managed across the district.
- Maintaining the credibility and enforceability of ONL overlays depends on ensuring they reflect actual land characteristics and align with planning principles.

^[1]Kaipara District Council. (2025). *Natural Features and Landscapes Section 32 Evaluation. Proposed Kaipara District Plan, 28 April 2025*

^[2]Wakatipu Environmental Society Inc v Queenstown Lakes District Council C180 / 99,[para 82]

^[3]Above, n.1,p. 3.

^[4]Above n.1, p. 4.

^[5]Pigeon Bay Aquaculture Ltd v Canterbury Regional Council [1999] NZCA 283; [2001] NZLR 468 (CA).

^[6]Kaipara District Council. (2025). *Natural Features and Landscapes Section 32 Evaluation. Proposed Kaipara District Plan, 28 April 2025, p. 3.*

^[7]RMA, s 75 (3).

^[8]Hayward, B.W. FRSNZ PhD (2015, updated May 2016). Outstanding Natural Features: Identifying and Mapping Additional Sites in Northland. Methodology Report. Unpublished Report BWH 176/16.

Relief sought:

- Amend the boundaries of ONL8 to exclude areas that do not exhibit Outstanding Natural Landscape (ONL) characteristics, including land currently used for existing commercial forestry, pasture, or other modified land uses that are inconsistent with the identified ONL values.
- Undertake a site-specific review of these ONL boundaries using recent aerial imagery and land use records to ensure that only areas meeting the ONL criteria (high natural character, predominantly indigenous vegetation, minimal modification) are included in the Schedule 5.

Point 73.4

Section: Coastal Environment

Sub-section: Rules

Provision:

CE-R5	Afforestation for commercial forestry
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Support / Amend / Oppose: Oppose

Submission:

Point 4 - Opposition to rule CE – R5

Introduction

This submission opposes Rule CE–R5 particularly its application of more stringent controls on afforestation activities under the National Environmental Standards for Commercial Forestry (NES-CF). The rule imposes discretionary status on commercial afforestation in the coastal environment without satisfying the statutory stringency test under regulation 6 of the NES-CFCF and section 32(4) of the RMA. In particular, there is no clear evidence that:

- The NES-CF regulations are inadequate to achieve the relevant Coast Environment objectives and policies.
- The CE-R5 in relation to commercial forestry will achieve the relevant PDP objectives in a more effective and efficient way.
- It also fails to recognise the critical role that commercial forestry can play in reducing sedimentation and stabilising erosion-prone land within the Kaipara catchment.

Grounds for Submission

- Definition of Commercial Forestry

· Under the NES-CF, *commercial forestry* includes both plantation forestry and **exotic continuous cover forestry**, sometimes referred to as carbon forestry. This encompasses exotic forests established for commercial purposes, with at least 1 hectare of continuous exotic tree cover, which may be managed with low-impact harvesting regimes or not harvested at all^[1].

· These forests fall within the regulatory scope of the NES-CF, and unless justified under the NES-CF's stringency provisions, local rules should not impose more restrictive provisions than those provided for in the national standard.

B. Erosion and Sedimentation Issues in the Kaipara Catchment

· Sedimentation of the Kaipara Harbour is a long-standing and well-documented issue. The state of the harbour's physical and ecological values has been declining, with increased sediment loads from the surrounding catchment identified as a primary cause. The Kaipara Hill Country Erosion Project—a four-year, \$3.5 million initiative funded by central government, Northland Regional Council, and landowners—was specifically aimed at reducing this sedimentation^[2] and has focussed on farm land

· Key facts:

- Hill slope erosion is a major problem within the catchment, with 23% of the land area identified as high erosion risk hill country.
- These high-risk areas cover more than 102,000 hectares and is estimated to contribute approximately 72% of the annual sediment load entering the harbour.
- Modelling and monitoring confirm that catchment-derived sediment is the main source of accumulation in the harbour, leading to infilling and ecological decline.

C. The Role of Commercial Forests in Mitigation Sedimentation

· Commercial forests offer considerable benefits for erosion control in steep and sensitive catchments. Their canopy reduces surface runoff and protects soil structure, which is essential in coastal hill country where sediment loss has direct ecological and cultural impacts downstream. These forests:

- Stabilise steep and erosion-prone land.
- Provide long-term canopy cover.
- Contribute to water quality improvements by reducing sediment loads entering waterways and estuaries.

· Given these benefits, commercial forests are consistent with the broader environmental objectives of the New Zealand Coastal Policy Statement (NZCPS) particularly in relation to Policy 22 and the Northland Regional Policy Statement (NRPS), especially in the context of coastal resilience and catchment management.

D. Failure to Meet the NES-CF and the RMA Stringency Test

· The NES-CF provides a nationally consistent framework for regulating commercial forestry activities. Councils may only apply more stringent rules under limited circumstances specified in regulation 6.

· Where a local authority proposes a rule that is more stringent than a National Environmental Standard (including the NES-CF), section 32(4) of the Resource Management Act 1991 (RMA) requires that the rule be evaluated to determine whether it is justified in the context of the specific region or district in which it would apply. Section 32(4) states:

"If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect."

· Section 32(4) sets out a necessary statutory test. While Regulation 6 of the NES-CF allows local authorities to adopt more stringent rules, it does not, on its own, provide justification for doing so. Justification must be established through the section 32 evaluation process and must relate specifically to the local context in which the rule would apply.

· While Rule CE–R5 appears to rely on Policy 13 and Policy 4.6.1 of the NRPS to justify discretionary status for afforestation in the coastal environment, it does not adequately consider other relevant NZCPS policies—particularly Policy 22, which requires control of sedimentation and promotes integrated catchment management to reduce sediment inputs into the coastal environment.

· The failure to balance these relevant policies and provide a robust, evidence-based justification for applying stricter controls renders Rule CE–R5 non-compliant with the stringency test. In its current form, the rule is ultra vires the NES-CF.

^[1] NES-CF, Regulation 3.

^[2] <https://www.nrc.govt.nz/environment/land/our-soils/erosion-and-soils/soil-conservation>

Relief sought

- **Delete Rule CE-R5 All coastal environment (excluding ONCA).** This amendment would mean that commercial forests are permitted for erosion control purposes, recognising their proven effectiveness in stabilising soils and protecting coastal environments.
- Ensure the PDP explicitly recognises and provides for the role of both plantation forestry and exotic continuous cover forestry as erosion control tools in the coastal environment, and that any rules do not unduly restrict these important land management practices.

Point 73.5

Section: Definitions

Provision:

Definitions

Support / Amend / Oppose: Support

Submission:

Point 5 – Support the definition of Commercial Forestry

· This submission supports the Kaipara Proposed District Plan (PDP) definition of commercial forestry as meaning *exotic continuous-cover forestry or plantation*

forestry. The definition is clear, robust, and aligns with the National Environmental Standards for Commercial Forestry (NES-CF), providing certainty for landowners, the forestry sector, and the community.

Relief sought

Retain as notified.

Point 73.6

Section: Definitions

Provision:

Definitions

Support / Amend / Oppose: Support

Submission:

Point 6 – Support the definition of plantation forestry

· The PDP’s approach to plantation forestry replicates the NES-CF, which defines plantation forestry as the deliberate establishment and management of exotic or native tree species for commercial purposes.

Relief sought

Retain as notified.

Point 73.7

Section: Definitions

Provision:

Definitions

Support / Amend / Oppose: Support

Submission:

Point 7 – Support the definition of afforestation

· The definition of *afforestation* replicates the NES-CF, ensuring consistency and clarity. It supports sustainable land use and effective compliance.

Relief sought

Retain as notified.

Point 73.8

Section: National Environmental Standards

Provision:

National Environmental Standards

Support / Amend / Oppose: Support

Submission:

Point 8 - Support the reference to NES-CF noted throughout the document.

· This submission supports the inclusion of direct NES-CF references throughout the PDP. These references promote national consistency and regulatory certainty.

Relief sought

Retain and strengthen where appropriate

Point 73.9

Section: Coastal Environment

Sub-section: Rules

Provision:	
CE-R4	Earthworks

Support / Amend / Oppose: Amend

Submission:

Point 9 – Amend the rule CE-R4

Introduction

· This submission opposes in part Rule CE-R4 of the Kaipara District Plan (PDP) as it applies to commercial forestry activities in the Coastal Environment. The requirement for permitted activities to meet additional standards beyond those specified in the National Environmental Standards for Commercial Forestry (NES-CF) represents a deviation from the national regulatory framework and lacks clear justification.

Basis for Opposition

A. Deviation from NES-CF

· The NES-CF provides a nationally consistent set of rules for managing the environmental effects of commercial forestry activities, including afforestation, replanting, harvesting, earthworks, and related operations. Under Regulation 29(2), earthworks are not permitted within 30 metres of the Coastal Marine Area, ensuring that sensitive coastal environments are already protected through nationally applied standards.

· Rule CE-R4, as currently drafted, requires permitted activities in the Coastal Environment to meet additional standards not required by the NES-CF. This approach undermines the intent of the NES-CF and creates unnecessary regulatory complexity and potential inconsistency for forestry operators.

B. Lack of Justification in Section 32 Report

· The Section 32 report for the Coastal Environment chapter evaluates the appropriateness of the proposed provisions against the purpose of the Resource Management Act (RMA) and assesses the efficiency and effectiveness of the rules^[1]. The report notes that the proposed rules in the Coastal Environment are intended to preserve natural character and manage adverse effects, but it does not provide a robust analysis or justification for why additional standards are necessary for permitted forestry activities that already comply with the NES-CF.

· Specifically, the Section 32 report does not demonstrate that the NES-CF standards are insufficient to manage the effects of permitted forestry activities in the Coastal Environment, nor does it identify any unique local circumstances that warrant a more restrictive approach^[2]. The report's evaluation focuses on the general objectives of preserving natural character and managing effects, but does not address the specific issue of whether the NES-CF standards are inadequate for permitted activities, as per s 32 (4) of the RMA requires.

C. Economic and Operational Implications

· Imposing additional standards on permitted activities creates unnecessary regulatory burden and uncertainty for forestry operators. This can result in increased compliance costs, delays, and reduced investment in sustainable land management practices. The Section 32 report does not assess these economic and operational impacts in relation to the deviation from the NES-CF.

^[1]Kaipara District Council. (2025). *Costal Environmental Section 32 Evaluation. Proposed Kaipara District Plan, 28 April 2025*

^[2] Above 12, p. 27.

Relief sought

- Amend Rule CE-R4 to align with the NES-CF, to **insert a clarification note** confirming that CE–R4 does not apply to commercial forestry-related earthworks. The aim is to ensure that permitted commercial forestry activities in the Coastal Environment are not subject to additional standards beyond those required by the NES-CF.
- Request a detailed justification from the Council, supported by robust evidence, for any deviation from the NES-CF in relation to permitted forestry activities.
- Review the Section 32 report to ensure that any proposed deviation from the NES-CF is fully evaluated and justified in terms of efficiency, effectiveness, and necessity.

Point 73.10

Section: Sites and Areas of Significance to Maori

Sub-section: Rules

Provision:	
SASM-R3	Land disturbance (excluding earthworks) and cultivation within scheduled sites

Support / Amend / Oppose: Amend

Submission:

Point 10 – Amend the Rule SAM-R3

A. Support in Principle

· The intent of Rule SASM-R3 is supported, as it appropriately seeks to protect sites and areas of significance to Māori (SASM) while enabling essential land management activities. Providing for minor land disturbance activities—such as the installation of fence posts and the maintenance of existing farm infrastructure (including tracks and drains)—as permitted activities is appropriate and offers certainty to landowners.

B. Requested Amendment – Inclusion of Forestry Infrastructure

· A minor amendment is sought to explicitly include commercial forestry infrastructure within the scope of the rule. The current reference to “farm infrastructure” should be amended to read: “farm and commercial forestry infrastructure.”

· This change is necessary to:

- Ensure consistent terminology and application across the Plan, where both farming and forestry infrastructure are recognised under similar permitted activity rules.
- Avoid ambiguity and improve clarity for plan users, including commercial forestry operators.
- Align with the principle of equitable treatment of primary production sectors in planning provisions.

Relief sought

- Amend Rule SASM-R3 to replace “farm infrastructure” with “farm and commercial forestry infrastructure” to ensure consistency with other provisions in the Plan and to support clear and effective implementation.

Point 73.11

Section: Natural Features and Landscapes

Sub-section: Rules

Provision:

NFL-R3	Indigenous vegetation clearance
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Support / Amend / Oppose: Amend

Submission:

Point 11 – Amend the references to Forestry tracks

- The Proposed District Plan (PDP) includes numerous references to “*forestry tracks*” across multiple rules, including but not limited to CE-R3, NFL-R3, NFL-R4, and NATC-R4. However, the term “*forestry tracks*” is imprecise and risks inconsistent interpretation and implementation.

- To improve clarity and ensure alignment with other plan provisions, the terminology should be standardised to “*commercial forestry tracks*”. This terminology more accurately reflects the scope and intent of the rules, which are designed to manage the environmental effects of tracks associated with commercial plantation forestry rather than informal or private-use tracks in rural or indigenous forest areas.

Relief sought

- Amend all references to “*forestry tracks*” within the PDP to read “commercial forestry tracks”, including (but not limited to) Rules CE-R3, NFL-R3, NFL-R4, and NATC-R4. This amendment will ensure consistency across the Plan, improve clarity for plan users, and support effective and enforceable rule implementation

Point 73.12

Section: Natural Features and Landscapes

Sub-section: Rules

Provision:

NFL-R4	Earthworks
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Support / Amend / Oppose: Amend

Submission:

Point 12 – Amend the references to Forestry tracks

- The Proposed District Plan (PDP) includes numerous references to “*forestry tracks*” across multiple rules, including but not limited to CE-R3, NFL-R3, NFL-R4, and NATC-R4. However, the term “*forestry tracks*” is imprecise and risks inconsistent interpretation and implementation.

- To improve clarity and ensure alignment with other plan provisions, the terminology should be standardised to “*commercial forestry tracks*”. This terminology more accurately reflects the scope and intent of the rules, which are designed to manage the environmental effects of tracks associated with commercial plantation forestry rather than informal or private-use tracks in rural or indigenous forest areas.

Relief sought

- Amend all references to “*forestry tracks*” within the PDP to read “commercial forestry tracks”, including (but not limited to) Rules CE-R3, NFL-R3, NFL-R4, and NATC-R4. This amendment will ensure consistency across the Plan, improve clarity for plan users, and support effective and enforceable rule implementation

Point 73.13

Section: Coastal Environment

Sub-section: Rules

Provision:

CE-R3	Indigenous vegetation clearance
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Support / Amend / Oppose: Amend

Submission:

Point 13 – Amend the references to Forestry tracks

- The Proposed District Plan (PDP) includes numerous references to “forestry tracks” across multiple rules, including but not limited to CE-R3, NFL-R3, NFL-R4, and NATC-R4. However, the term “forestry tracks” is imprecise and risks inconsistent interpretation and implementation.
- To improve clarity and ensure alignment with other plan provisions, the terminology should be standardised to “commercial forestry tracks”. This terminology more accurately reflects the scope and intent of the rules, which are designed to manage the environmental effects of tracks associated with commercial plantation forestry rather than informal or private-use tracks in rural or indigenous forest areas.

Relief sought

- Amend all references to “forestry tracks” within the PDP to read “commercial forestry tracks”, including (but not limited to) Rules CE-R3, NFL-R3, NFL-R4, and NATC-R4. This amendment will ensure consistency across the Plan, improve clarity for plan users, and support effective and enforceable rule implementation

Point 73.14

Section: Natural Character

Sub-section: Rules

Provision:

NATC-R4	Indigenous vegetation clearance in wetland, lake and river margins
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Support / Amend / Oppose: Amend

Submission:

Point 14 – Amend the references to Forestry tracks

- The Proposed District Plan (PDP) includes numerous references to “forestry tracks” across multiple rules, including but not limited to CE-R3, NFL-R3, NFL-R4, and NATC-R4. However, the term “forestry tracks” is imprecise and risks inconsistent interpretation and implementation.
- To improve clarity and ensure alignment with other plan provisions, the terminology should be standardised to “commercial forestry tracks”. This terminology more accurately reflects the scope and intent of the rules, which are designed to manage the environmental effects of tracks associated with commercial plantation forestry rather than informal or private-use tracks in rural or indigenous forest areas.

Relief sought

- Amend all references to “forestry tracks” within the PDP to read “commercial forestry tracks”, including (but not limited to) Rules CE-R3, NFL-R3, NFL-R4, and NATC-R4. This amendment will ensure consistency across the Plan, improve clarity for plan users, and support effective and enforceable rule implementation

