



15 December 2025

Further submission on the proposed Kaipara District Plan

To: Kaipara District Council

by email: districtplanreview@kaipara.govt.nz

From: Royal Forest and Bird Protection Society of New Zealand Incorporated

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Forest & Bird represents a relevant aspect of the public interest, and has an interest greater than the public generally. Forest & Bird is Aotearoa New Zealand's largest non-governmental conservation organization representing its members and supporters, and made a submission on the proposed Kaipara District Plan.

Forest & Bird could not gain an advantage in trade competition through this submission.

Forest & Bird wishes to be heard in support of this submission and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

Forest & Bird is concerned that some of the decisions sought in submission on the proposed Kaipara District Plan would result in loss of indigenous biodiversity, are inconsistent with the National Policy Statement on Indigenous Biodiversity (NPSIB) and Northland Regional Policy Statement (RPS) and the New Zealand Coastal Policy Statement (NZCPS), among other issues. Forest & Bird also supports a number of submissions which seek to retain or amend provisions of the plan to protect, maintain and enhance the indigenous biodiversity of the region. Our further submissions are set out in the table below.

Forest & Bird's further submissions

	submitter	Submission/ point	Oppose or support	Reasons	I seek that the submission be allowed/disallowed
FS91.1	Chorus New Zealand Ltd, Connexa Ltd, Spark NZ Trading Ltd, Fortysouth Group LP and One NZ	26.24	oppose	INF-P5 Not appropriate bases to limit and assessment of options	Disallow
FS93.2	Chorus (as above)	26.25	oppose	INF - PX Needs to also avoid, remedy or mitigate adverse effects on the environment	Disallow
FS93.3	Chorus (as above)	26.65	oppose	NATC-R4 It is not clear from the amendment sought whether indigenous vegetation with significant values could be adversely effected	Disallow
FS93.4	Chorus (as above)	26.66	oppose	NFL-P4 Not needed and inappropriate in the context of protection ONFLs	Disallow
FS93.5	Chorus (as above)	26.68	oppose	NFL-R2 Not appropriate to include RSI in this rule	Disallow
FS93.6	Chorus (as above)	26.72	oppose	NFL-R3.1 Not appropriate to include new RSI in this rule	Disallow

FS93.7	Chorus (as above)	26.72	support	NLF-R3.4 – requiring compliance with the Standard NFL-S5 is consistent with Forest & Bird's original submission.	Allow
FS93.8	Chorus (as above)	26.71	oppose	NFL-R4 Not appropriate to include new RSI in ONLFs in the EC as permitted activities	Disallow
FS93.9	Chorus (as above)	26.76	oppose	CE-R2 the amendment sought is not appropriate within the coastal environment	Disallow
FS93.10	Aggregate and Quarry Association (AQA)	65.5	oppose	Earthworks chapter A separate quarry chapter is not appropriate	Disallow
FS93.11	Aggregate and Quarry Association (AQA)	65.6	oppose	New Quarries in the General Rural Zone While Forest & Bird agreed that “appropriate locations” provides discretion. EW-P3 should not be considered as a comprehensive basis for a consenting pathway. Until the identification and mapping of SNA's the RPS significance criteria should also be applied to determine appropriate locations to protect s6(c) matters.	Disallow
FS93.12	Aggregate and Quarry Association	65.7	oppose	EW-R4 It is not clear from the submission that appropriate conditions will be set on a Restricted	Disallow

	(AQA)			Discretionary Rule classification. For example, to avoid locating quarries in areas which meet the RPS significance criteria for significant indigenous biodiversity.	
FS93.13	Aggregate and Quarry Association (AQA)	65.9	oppose	Ecosystems and Indigenous Biodiversity chapter It is not appropriate to delay changes to this chapter where there is current NPS and RPS direction to be given effect to.	Disallow
FS93.14	Aggregate and Quarry Association (AQA)	65.10	oppose	Sand dredging It is not clear that sand dredging would ever fall under the District plan (as activities in the beds of lakes and rivers and the CMA are regional council functions), however both dredging and sand mining can have significant adverse effects on indigenous biodiversity. without the identification of SNA's in Kaipara a precautionary approach should be taken to any sand mining activities.	Disallow
FS93.15	Aggregate and Quarry Association (AQA)	65.12	oppose	As for submission point 65.6 EW-P3 should not be considered as a comprehensive basis for a consenting pathway. Enabling quarry development in other zones as a general approach is not appropriate. It is likely that some areas would not be appropriate, for	Disallow

			example in the Opens Space zone and the coastal environment. Until the identification and mapping of SNA's the RPS significance criteria should also be applied to determine appropriate locations and to protect s6(c) matters.		
FS93.16	Federated Farmers of New Zealand (Inc) – Northland Province	136. 1	oppose	Provision for farm infrastructure and other assets. While we agree the use of these terms could be more consistent and clearer, however some of the activities listed may be more appropriately address separately in plan provisions. Consistency in drafting may not always appropriate across provisions/chapters.	Disallow
FS93.17	Federated Farmers (as above)	136. 2	oppose	Earthworks Earthworks provisions are more focused on erosion and land stability. This may not be the appropriate place for rules to manage adverse effects on natural character, landscape and features or the coastal environment. The ECO rules should remain in the ECO chapter as the land disturbance component relates to effects on indigenous biodiversity.	Disallow
FS93.18	Federated Farmers (as above)	136. 6	oppose	Definitions – relationship of infrastructure and structures	Disallow

				While there is room for improves clarity, the submission uses the term specific infrastructure, however “specified infrastructure” is determined under the NPSIB and would not be expected to include the matters set out.	
FS93.19	Federated Farmers (as above)	136. 11	oppose	Farm quarrying The amendments to the definition could have implications on the scale of farm quarries. if this change is made then limits may need to be added to rules for this activity.	Disallow
FS93.20	Federated Farmers (as above)	136.29	oppose	Reducing the margin would be inadequate for purposes of s6(a) RMA	Disallow
FS93.21	Federated Farmers (as above)	136.35		SD-NE-OX (new) Creates uncertainties for protection of s6(c) matters and inconsistent with the s6(c), the RPS, and NZCPS	
FS93.22	Federated Farmers (as above)	136.37	Oppose	INF-Overview Even with the amendment sought, the provisions in Part 2 - District-wide Matters need to apply to this chapter	Disallow
FS93.23	Federated Farmers (as above)	136.41	oppose	SASM-P3, it is not appropriate to add new activities to the policy. It is not clear that other provisions in Part 2 - District-wide Matters apply to this chapter	Disallow
FS93.24	Federated Farmers (as above)	136.55	oppose	ECO rules note	Disallow

				This may not be the appropriate place for rules to manage adverse effects on natural character, landscape and features or the coastal environment. Particularly where this applies to overlays and a plan user may expect to find the relevant rules in the overlay chapter.	
FS93.25	Federated Farmers (as above)	136.56	oppose	ECO-R1 The ECO chapter is the correct location for this rule	Disallow
FS93.26	Federated Farmers (as above)	136.58	oppose	NATC general comments Reducing the margin would be inadequate for purposes of s6(a) RMA	Disallow
FS93.27	Federated Farmers (as above)	136.59	oppose	NATC-P2 The amendments sought are inconsistent with s6(a) and s6(c) RMA	Disallow
FS93.28	Federated Farmers (as above)	136.70	oppose	NATC-P5 The amendments sought are not appropriate	Disallow
FS93.29 to FS93.34	Federated Farmers (as above)	136.71 to 76	oppose	NATC-Rules and standards The amendments sought are inconsistent with s6(a) and s6(c) RMA and would give effect to the RPS, NPSIB or the NZCPS	Disallow
FS93.35 to FS93.36	Federated Farmers (as above)	136.78 and 79	oppose	NFL-O2 and NFL-P1 The amendments sought add uncertainty and are not consistent with protection of ONF and ONLs	Disallow

FS93.37	Federated Farmers (as above)	136.82	Support	NFL-P4 the amendments need to ensure that the wording for clause 2. retains “including by: (a) In...; and (b) In...”	Allow
FS93.38	Federated Farmers (as above)	136.83	oppose	NFL-P6 The addition of clause X1 is inappropriate.	Disallow
FS93.39 to FS93.42	Federated Farmers (as above)	136.84 to 87	oppose	NFL rules The amendments sought are inconsistent with s6(a) and s6(c) RMA and would give effect to the RPS, NPSIB or the NZCPS	Disallow
FS93.43	Federated Farmers (as above)	136.93	oppose	SUB-P8 Limiting consideration to specific policies could result in perverse outcomes. particularly where natural values have not been incorporated into the character descriptions of zone.	Disallow
FS93.44 to FS93.47	Federated Farmers (as above)	136.98 to 136.101	oppose	SUB-R5 and R6 The amendments sought are not entirely clear and could result in loss of indigenous biodiversity values	disallow
FS93.48	Federated Farmers (as above)	136.106	oppose	SUB-S5 The changes could result in loss if indigenous biodiversity values	Disallow
FS93.49	Federated Farmers (as above)	136.107	oppose	CE-O1 The amendments sought are inappropriate, do not give effect to the RPS or NZCPS	Disallow

FS93.50	Federated Farmers (as above)	136.109	oppose	CE-P2 The wording proposed is uncertain and subjective.	Disallow
FS93.51 to FS93.53	Federated Farmers (as above)	136.113 to 115	oppose	CE-R2, R3 and R4 The wording suggested is uncertain as to activities which could be undertaken.	Disallow
FS93.54	Federated Farmers (as above)	136.128	oppose	EW The amendments do not ensure that other Part 2 – District wide matters chapters are considered where relevant. For example, where earthworks would also remove indigenous vegetation or habitats	Disallow
FS93.55	Federated Farmers (as above)	136.131	oppose	EW-P1 The wording proposed is uncertain and subjective.	Disallow
FS93.56	Federated Farmers (as above)	136.133	oppose	EW-P3 The amendments sought may result in the loss of biodiversity values in the existing environment	Disallow
FS93.57	Federated Farmers (as above)	136.134	oppose	EW-P4 While a detailed plan may not be necessary for all farm quarries, rehabilitation should be required.	Disallow
FS93.58	Federated Farmers (as above)	136.133	oppose	EW-P3 There is a risk the changes could result in loss of significant biodiversity values at the permitted level given the lack of SNA identification.	Disallow

FS93.59	Federated Farmers (as above)	136.163	oppose	GRUZ-O1 It is not appropriate to enable activities which could result in loss of significant indigenous biodiversity	Disallow
FS93.60	Federated Farmers (as above)	136.173	Oppose	New GRUZ policy Any new policy should include a requirement to avoid, remedy and mitigate adverse effects on the environment	Disallow
FS93.61	Federated Farmers (as above)	136.174	oppose	GRUZ-R1 For any restricted discretionary rule, matters need to include adverse effects on indigenous biodiversity	Disallow
FS93.62	Federated Farmers (as above)	136.180	support	GRUZ-R7 Agree that these matters should be clarified, this should include that the scope of what is considered in the rule and any definition should be limited to activities for the purpose of biodiversity restoration.	Allow
FS93.63	Federated Farmers (as above)	136.181	oppose	GRUZ-R8 The matters for restriction of discretion are inadequate	Disallow
FS93.64 to FS93.73	Environmental Defence Society Incorporated	265 in full	support	The submission seeks to improve provisions and improve outcomes for indigenous biodiversity	Allow
FS93.74 to FS93.76	NZ Agricultural Aviation Association	146.8, 9 and 27	Oppose	The amendments relating to improved pasture and maintenance of improved	Disallow

				pasture are not appropriate given the lack of SNA identification. In addition, the maintenance of improved pasture should not be enabled where clause 3.17(2)(a) to (e) have not been met.	
FS93.77	NZ Agricultural Aviation Association	146.29	Oppose	NATC-R4 Greater certainty is required on what is “biosecurity purposes”.	Disallow
FS93.78	NZ Agricultural Aviation Association	146.33	Oppose	NFL-S5 The amendment is not appropriate and could result in unrestricted loss of indigenous vegetation and habitats	Disallow
FS93.79	Transpower NZ Ltd.	292.17	oppose	New definition for national grid. The proposed wording includes “other works”. The definition should be clarified so that it is clear that earthworks and vegetation clearance are not within the definition.	Disallow
FS93.80	Transpower NZ Ltd.	292.26	oppose	REG-P2. “provide for” is the more appropriate wording.	Disallow
FS93.81	Transpower NZ Ltd.	292.28	oppose	INF overview Part 2 - District-wide Matters also need to apply to the National Grid	Disallow
FS93.82 to FS93.83	Transpower NZ Ltd.	292.38 and 39	oppose	INF-P6 and P7 The amendments sought are not appropriate as they would reduce the rigor of these policies which apply very broadly to all infrastructure.	Disallow
FS93.84	Transpower NZ Ltd.	292.42	oppose	INF-P10	Disallow

			The amendments sought are no appropriate to protect indigenous biodiversity values in the coastal environment. As set out in Forest & Bird's original submission adverse effects should be avoided in accordance with Policy 11 of the NZCPS. The matters of that policy should be included in ECO-P1. Importantly the NPS-ET does not override the NZCPS.		
FS93.85	Transpower NZ Ltd.	292.60	oppose	ECO-P1 The amendments sought do not provide for s 6 of the RMA of give effect to the RPS and NZCPS.	Disallow
FS93.86	Transpower NZ Ltd.	292.62	oppose	ECO-R1 The amendments sought are not appropriate generally or without limits on the extent of clearance.	Disallow
FS93.87	Transpower NZ Ltd.	292.64	oppose	The National Grid should not be excluded from the application of NATC-P1, P2 and P3. Any amendments to these provisions will also need to recognise and provide for s6(a) and the NZCPS within the coastal environment.	Disallow
FS93.88	Transpower NZ Ltd.	292.66	oppose	NATC-R4 The amendments sought are not appropriate generally or without limits on the extent of clearance.	Disallow
FS93.89	Transpower NZ Ltd.	292.67	oppose	NFL-P5	Disallow

			The amendments sought are not appropriate to provide for s6(b) or the NZCPS.		
FS93.90	Transpower NZ Ltd.	292.68	oppose	Rules NFL-R2 – NFL-R4 The amendments sought are not appropriate to provide for s6(b) or the NZCPS.	Disallow
FS93.91	Transpower NZ Ltd.	292.71	oppose	CE-P5 The amendments sought are not appropriate to provide for s6 or the NZCPS.	Disallow
FS93.92	Transpower NZ Ltd.	292.72	oppose	Rules CE-R2 – CE-R4 The amendments sought are not appropriate to provide for s6 or the NZCPS.	Disallow
FS93.93	Horticulture NZ Ltd	140.1	oppose	New definition - Ancillary rural earthworks The definition is uncertain; it is not clear what else it could include.	Disallow
FS93.94	Horticulture NZ Ltd	140.5	oppose	Seasonal worker accommodation It is not clear whether this activity would include indigenous vegetation clearance.	Disallow
FS93.95	Horticulture NZ Ltd	140.6	oppose	Shelterbelt The definition needs to be exclusive, to be certain. Consider whether the definition should also include the purpose of reducing wind erosion.	Disallow
FS93.96	Horticulture NZ Ltd	140.7	oppose	Flood tolerant horticultural buildings and structures	Disallow

			The definition and its use in the plan may not be appropriate as could result in flood debris adversely affecting other property and the natural environment.		
FS93.97	Horticulture NZ Ltd	140.20	oppose	Trans-S5 On-site loading The matters set out are subjective/require assessment and are not appropriate as a permitted activity standard.	Disallow
FS93.98	Horticulture NZ Ltd	140.24	oppose	HS-R3 Fertiliser storage The matters as set out require assessment and are not appropriate as a permitted activity standard. This could result in adverse effects on indigenous biodiversity.	Disallow
FS93.99	Horticulture NZ Ltd	140.33	oppose	NH-R2 Additions may not be appropriate as could result in flood debris adversely affecting other property and the natural environment	Disallow
FS93.100	Horticulture NZ Ltd	140.34	oppose	NH-R3 Additions May not be appropriate as could result in flood debris adversely affecting other property and the natural environment	Disallow
FS93.101	Horticulture NZ Ltd	140.35	oppose	NH-R4 Additions May not be appropriate as could result in flood debris adversely affecting	Disallow

			other property and the natural environment		
FS93.102	Horticulture NZ Ltd	140.36	oppose	NH-R5 May not be appropriate as could result in flood debris adversely affecting other property and the natural environment. The examples set out in the reasons eg drainage and stop banks may not be intended to be restricted by this rule, the definition “flood tolerant horticultural buildings and structures” used as a pathway for “non-sensitive” activities in the amendment proposed is appropriate.	Disallow
FS93.103	Horticulture NZ Ltd	140.38	oppose	NH-R9 The addition of "significance" makes the standard uncertain. changes in dimensions could have adverse effects requiring case by case assessment.	Disallow
FS93.104	Horticulture NZ Ltd	140.39	oppose	NH-R10 If installed, upgraded or extended in the wrong location, at the wrong time or at the wrong scale these structures have adverse effects requiring case by case assessment.	Disallow
FS93.105	Horticulture NZ Ltd	140.40	oppose	NH-R11 It is not clear if earworts are limited to that necessary for maintenance of lawfully established structures. The inclusion of earthworks to establish	Disallow

				new activities is opposed in flood/hazard areas.	
FS93.106	Horticulture NZ Ltd	140.55	oppose	NATC-R4 As the provision relates to indigenous vegetation clearance it is not clear what is meant by "biosecurity clearance"	Disallow
FS93.107	Horticulture NZ Ltd	140.56	oppose	NATC-S3 The amendment is not appropriate. If greater clearance is required a consent is process is appropriate.	Disallow
FS93.108	Horticulture NZ Ltd	140.66	oppose	CE-P6 The policy sets out appropriate direction on matters to consider in terms of adverse effect on the coastal environment. Rather than deleting the policy the first sentence could be amended so that the matters are considered in terms of adverse effects.	Disallow
FS93.109	Horticulture NZ Ltd	140.68	oppose	CE-R3 As the provision relates to indigenous vegetation clearance it is not clear what is meant by "biosecurity clearance"	Disallow
FS93.110	Horticulture NZ Ltd	140.69	oppose	CE-R4 Not clear what "biosecurity clearance" means	Disallow
FS93.111	Horticulture NZ Ltd	140.70	oppose	CE-S6	Disallow

				The amendment is not appropriate. If a greater area is to be an assessment as part of consent process is appropriate.	
FS93.112	Horticulture NZ Ltd	140.95	oppose	GRUZ-R1 It is not appropriate to remove 1.b. where larger buildings are to be constructed a consent process is appropriate to ensure adverse effects are appropriately considered and addressed.	Disallow
FS93.113 to FS93.232	Director General of Conservation	304 all	support	The submission seeks to improve provisions and improve outcomes for indigenous biodiversity	Allow
FS93.233	Fuel Companies (BP, Mobil and Z Energy)	311.9	oppose	SD-VK-O7 The amendment sought would more greatly weight to the purpose of zones. The purpose of a zone helps to distinguish between zones and activities most appropriate to the zone but is not an approval for an activity within the Zone. The amendment is also not appropriate as it could be read over other matters such as protection of values in overlays and indigenous biodiversity meeting the RPS significance criteria.	Disallow
FS93.234 to FS93.257	Mercury NZ Ltd	326 all	oppose	The amendments sought are inappropriate or uncertain and could result in the loss of indigenous biodiversity.	Disallow

FS93.258
to
FS93.262

NZ Fairy Tern Trust	333 all	support	The submission seeks to improve provisions and improve outcomes for indigenous biodiversity	Allow
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