

**BEFORE THE INDEPENDENT HEARING COMMISSIONERS APPOINTED BY KAIPARA
DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of the Proposed Kaipara District Plan

OPENING PLANNING SUBMISSIONS FOR KAIPARA DISTRICT COUNCIL

25 August 2025



Kaipara te Orahauhi • Two Oceans Two Harbours

Contents

Introduction	3
Purpose of the District Plan Review.....	3
Initiation of the District Plan Review (2018)	4
Key Issues to be Addressed by the District Plan Review.....	5
Statutory Considerations in Preparation of the Proposed District Plan	6
Consultation and Engagement.....	12
Designations.....	15
Technical Assessments.....	15
Section 32 Evaluation.....	16
Adoption of the Proposed District Plan	16
Immediate effect.....	17
Consultation Following Notification	18
Key Differences Between the Operative and Proposed District Plans	18
Submissions.....	23
Hearings	25
Section 42A hearing reports	26

MAY IT PLEASE THE COMMISSIONER:

Introduction

1. My name is Katherine Overwater and I appear as the Planning and Policy Manager for the Kaipara District Council ("Council"), which is the proponent of the Proposed Kaipara District Plan ("PDP").
2. These submissions provide an overview of the PDP, including the process followed in preparing it and an overview of the key issues that the Council anticipates the subsequent hearings will need to address. As such, these submissions are intended to be non-contentious and are factual. I will not be addressing any of the substantive matters raised by submitters.
3. An overview of the legal framework within which decisions on the PDP are to be made is provided by Ms Bridget Parham, Council's legal counsel, and will follow the presentation of these planning submissions.

Purpose of the District Plan Review

4. The district plan review was motivated by a number of considerations. Section 79(1) of the Resource Management Act ("RMA") requires councils to commence a review of their district plan provisions if they have not been subject to a review or change during the previous 10 years. Regardless of whether the council wishes to alter a provision or retain it, the provisions must still be notified as if they are amended. The Operative Kaipara District Plan was notified in 2009 and made operative in 2013, hence a 10 year review of the plan was required by 2023.
5. In addition to the statutory requirement to review the district plan provisions, the pressures faced within the district have evolved over time. Growth pressures have manifested that the District Plan needs to respond to. A number of plan changes have been undertaken (mostly privately promulgated) over the intervening time to provide for individual areas where those pressures were being felt around the District and particularly in Mangawhai. This approach risks ad-hoc development and Council considered that a more comprehensive planning approach for the District was needed.
6. Given the age of the plan and the bespoke provisions that have arisen through the

multiple plan changes, it was important that a new District Plan achieves consistency and alignment where possible across the District.

7. In addition, in 2019 the National Planning Standards were introduced which standardised:
 - a. Zone names;
 - b. The legend for mapping zones and overlays;
 - c. The structure of district plans; and
 - d. Defined terms.
8. Unsurprisingly, the Operative District Plan did not comply with the National Planning Standards and neither did the various plan changes which had been promulgated.

Initiation of the District Plan Review (2018)

9. The Operative District Plan is an “effects-based” plan. Research on RMA Plan-user Experience 2017 undertaken by Colmar Brunton and 4SIGHT Consulting found that the Operative Kaipara District Plan was in the extreme a “One-stop shop” Plan and confirmed it as having an effects-based approach. The report identified that the lay person would prefer an “activity-based plan” and also prefer a “one-stop-shop plan”, although a “streamlined plan” with cross-references was also acceptable.
10. Staff received direction to commence a review of the Operative District Plan in late 2017. Three workshops were held with elected members to discuss the future of the District Plan and initiation of a review; being 7 May 2018, 4 February 2019 and 19 February 2019. During this initiation phase, it became clear that Central Government would at some time legislate an alternative framework that would replace the RMA although there was no certainty as to timeframes or the content of the replacement act(s). Council officers recommended continuing with the review as Council functions continue even if there were proposed amendments or amalgamations, and this would place Council in a more strategic position by having a current District Plan that was more responsive to the challenges and opportunities of the District. The district plan review was also seen as an opportunity to give effect to the Regional Policy Statement and the various national policy statements, which had changed significantly since the plan became Operative in 2013.

11. The process outlined was that:
 - a. An audit of the Operative District Plan would be undertaken, identifying current issues and identifying the provisions which were not meeting the needs of the District or were having unintended consequences;
 - b. Engagement with local communities;
 - c. Councillor workshops;
 - d. Engagement with iwi;
 - e. Workshops with elected members to confirm the key issues and policy directions;
 - f. Drafting provisions that implemented the National Planning Standards;
 - g. Release of a draft PDP for comment;
 - h. Consideration of the feedback and redrafting of the provisions as appropriate;
 - i. Direction from the working group;
 - j. Consultation with iwi authorities in accordance with clauses 3B and 4A of Schedule 1 of the RMA; and
 - k. Notification of the PDP under clause 5 of Schedule 1 of the RMA.
12. Bearing in mind the change in the composition of elected members over the duration of the District Plan Review, at the outset of the review process the Council adopted the following principles to guide the development of the PDP. The PDP should:
 - a. Contain clear and simple provisions;
 - b. Be enabling, whilst providing balance to environmental values;
 - c. Recognise that there are alternative methods outside the RMA that may be more effective in achieving desired outcomes, rather than trying to accommodate all activities through the PDP;
13. Under the current Council the emphasis has been more on alignment with Central Government's directives, including making provision for growth and development to occur in a more simple and enabling way by providing the appropriate zoning to achieve more growth across the District and less "red tape" within the rules of the plan.

Key Issues to be Addressed by the District Plan Review

14. In addition to the statutory requirements to review district plans, perhaps the most

significant outcome of the district plan review was the requirement to incorporate the National Planning Standards. In considering issues facing the district, the higher-order planning documents such as the Regional Policy Statement and National Policy Statements were used as principal documents which guided the preparation of the review (and were indeed given effect to as required by section 75(3) of the RMA). The issues reflected in the higher-order planning documents were transposed into the local context.

15. Key issues included:

- a. The need to provide for strategic growth that is co-ordinated with infrastructure provision and well- timed managed growth.
- b. Demographic and economic analysis is needed to understand how to appropriate zone areas and provide for growth.
- c. The Plan needs to better respond to and address climate change and natural hazards.
- d. Provisions need to be designed to enable and support Council to take stronger positions on important issues, such as enabling housing growth and urban development.
- e. Additional zoning needs to open up more land for development in some locations across the District.
- f. Provide more enabling provisions to encourage growth and development.
- g. Simplifying the Plan and improving its ease of use and clarity. The current District Plan is 'clunky' and has lots of red tape that is not enabling for landowners/developers.
- h. The interface between and activities provided for within rural versus urban environments need to be more clearly set out which includes a Rural-living zone distinct from the Rural-production.
- i. The protection of historical heritage.
- j. The protection of sites and areas of significance to Māori.
- k. The protection of ecological biodiversity, including vegetation, habitat and fauna.
- l. The protection of natural environment values, particularly in respect to the coastal environment.

Statutory Considerations in Preparation of the Proposed District Plan

16. Ms Parham will be setting out the legislative requirements and planning framework within which a district plan must be developed. I will outline some of the key documents and their importance in framing the PDP. The fundamental purpose of preparing, implementing and administering a district plan is to assist the Council to carry out its

functions in order to achieve the purpose of the RMA (section 72).

17. The purpose and principles are set out in Part 2 of the RMA, and comprise:
 - a. the purpose of the RMA (section 5);
 - b. Matters of National Importance (section 6);
 - c. Other Matters that require particular regard be given to in achieving the purpose of the Act (section 7); and
 - d. Treaty of Waitangi (section 8.)
18. The starting point is Council's functions as set out in section 31 of the RMA. The Council's Operative District Plan satisfied the "establishment" under section 31(1)(a), whilst the "implementation" role is delivered through Council's regulatory planning and enforcement channels. The third requirement is to "review" the provisions of the district plan - a task that is further reinforced by section 79(1)(c) of the Act. The PDP assists the Council in meeting both the section 31(1)(a) and 79(1)(c) obligations.
19. Section 75(1) and (2) of the RMA sets out the contents of the district plan and outlines matters which a district plan *must* state, and those which a district plan *may* state. Section 74 RMA sets out the matters that must be considered in preparing or changing a district plan, including the documents that a plan must give effect to (section 75(3)) and the documents that a plan must not be inconsistent with (section 75(4)).
20. Both Section 75(5) and Clause 34 of Schedule 1 to the RMA allow for documents to be incorporated by reference in the district plan. The PDP contains a number of documents incorporated by reference, mainly New Zealand Standards, such as standards for development and noise issues. The full list of documents proposed to be incorporated by reference was publicly notified on 7 April 2025 and has been included on the Council's website.

National Policy Statements

21. Section 75(3) of the RMA requires that the District Plan gives effect to any national policy statement and any New Zealand coastal policy statement. There are eight documents which are currently in place, of which seven are relevant for district plans:
 - a. National Policy Statement on Electricity Transmission 2008;
 - b. New Zealand Coastal Policy Statement 2010;

- c. National Policy Statement on Renewable Electricity Generation 2011;
 - d. National Policy Statement on Freshwater Management 2020;
 - e. National Policy Statement on Urban Development 2020;
 - f. National Policy Statement for Highly Productive Land 2022; and
 - g. National Policy Statement for Indigenous Biodiversity 2023.
22. A number of amendments are proposed to various national policy statements and an additional two national policy statements¹ have been proposed but these are currently not gazetted and thus have not been considered in drafting the PDP.
23. A key matter for consideration by the Hearings Panel will be to what extent the PDP provisions give effect to the national planning standards.

National Environmental Standards

24. Every local authority and consent authority must observe national environmental standards and must enforce them to the extent that their powers enable them to. Section 44A of the RMA requires district plans to not duplicate a national environmental standard or conflict with it. There are ten national environmental standards in force, but the following standards are most relevant to district plans:
- a. Resource Management (National Environmental Standards for Freshwater) Regulations 2020;
 - b. Resource Management (National Environmental Standard for Commercial Forestry) Regulations 2023;
 - c. Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016;
 - d. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011;
 - e. Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009; and
 - f. National Environmental Standard for Storing Tyres Outdoors 2021.
25. Two new national environmental standards have been proposed and consulted on by the

¹ Proposed National Policy Statement for Infrastructure and National Policy Statement for Natural Hazards.

Government but are not yet gazetted and have therefore not been taken into account when drafting the PDP.²

National Planning Standards

26. National Planning Standards were approved by the Minister for the Environment and published in April 2019. The PDP has been drafted to be consistent with the National Planning Standards.

Northland Regional Policy Statement

27. Section 75(3) of the RMA requires district plans to give effect to any regional policy statement. The Northland Regional Policy Statement was made fully operative 14 June 2018. The issues included in the Regional Policy Statement are targeted at a high level and focus on fresh and coastal water, indigenous ecosystems and species, economic wellbeing, regional form, issues of significance to tangata whenua, natural hazards, and natural character, landscapes and historic heritage. The methods statements make numerous references to district plans, requiring district plans to give effect to relevant policies.

Regional Plans

28. Section 75(4) of the RMA requires district plans to not be inconsistent with a regional plan for matters specified in section 30(1). Northland Regional Plan has also been under review and was made operative in part on 31 August 2023. Northland Regional Council is now taking steps to make the Proposed Regional Plan fully operative.
29. The PDP is not inconsistent with the Northland Regional Plan.

Neighbouring Territorial Authorities

30. A Council is required by section 75(2)(c) of the RMA to have regard to the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities. Kaipara District adjoins Auckland, Far North District and Whangarei District Council. Opportunities for alignment of provisions or plan structure were considered. All adjacent territorial authorities were notified as part of the district plan

² Proposed Resource Management (National Environmental Standards for Granny Flats (Minor Residential Units)) Regulations and Resource Management (National Environmental Standards for Papakāinga).

review.

31. No specific cross-boundary issues were raised. Part 1 Cross Boundary Matters of the PDP provides a process to address cross-boundary issues emerging in future.
32. The PDP is considered sufficiently consistent with the operative or proposed district plans of neighbouring territorial authorities. Differences in approach or content do not reflect a conflict with neighbouring authorities, but provide a locally informed, context-sensitive, Kaipara-based planning framework.

Iwi Management Plans

33. Section 74(2A) of the RMA states that a territorial authority must “take into account” any planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.
34. To date there are four iwi planning documents that have been prepared and lodged with the Council:
 - a. Te Uri o Hau Kaitiakitanga o te Taiao (Te Uri o Hau);
 - b. Nga Ture Mo Te Taiao O Te Roroa (Te Roroa);
 - c. Te Kawerau ā Maki Iwi Management Plan (Te Kawerau ā Maki Iwi Tribal Authority); and
 - d. Patuharakeke Hapū Environmental Management Plan 2014 (Patuharakeke).
35. These documents have been considered in the preparation of the PDP.

Other Plans and Strategies

36. The RMA also requires a Council preparing a district plan to have regard to any management plans and strategies prepared under other Acts (section 74(2)(b)(i)). The PDP takes into account several Council strategies including:
 - a. Kaipara District Spatial Plan – Ngā Wawata 2050 – Our Aspirations (December 2020) brings together the spatial planning and economic development projects in

the district. It identifies the elements that influence development and management of the district's physical environment. It sets a framework for future growth in the district's towns and villages and to help leverage growth and development. Urban Spatial Plans for Dargaville, Maungatūroto, Kaiwaka and Mangawhai are included, supplemented with the development potential of smaller settlements and villages, especially along the coast and the Kaipara Harbour.

- b. Kaipara Infrastructure Strategy 2021 - the 30 Year Infrastructure Strategy contains several goals and actions relating to the transport network. Part of the overarching goal to "grow a better Kaipara" is to have an efficient transport network, which is supported by the proposed provisions in the Transport chapter of the PDP.
- c. Northland Regional Land Transport Plan 2021-2027 – outlines the key projects for this time period as:
 - i. Road maintenance and renewals
 - ii. SH1 Whangarei to Auckland RONS corridor
 - iii. Far North state highway resilience
 - iv. Brynderwyns detour route upgrades
 - v. Kaipara resilience programme
 - vi. Local road improvements and resilience
 - vii. Upgrade of SH1 between Whangarei and the mid north
- d. Kaipara Spaces & Places Plan 2021 – 2030, is a facility focused plan that helps support the regional strategy for play, active recreation and sport. The regional strategy provides the high-level strategic framework to guide future decision making, with the district level plan providing more detailed guidance for the Kaipara area.
- e. Kaipara Walking and Cycling Strategy 2017, provides a framework to increase walking and cycling participation in the Kaipara District. The Strategy also includes initiatives to develop and expand walking and cycling networks for both

local and long-distance journeys to support economic growth.

- f. Reserve Management Plans (RMP) made under the Reserves Act 1977 and Master Plans, which includes plans for:
 - i. Kai Iwi Lakes (Taharoa Domain) RMP
 - ii. Mangawhai Coastal and Harbour RMP
 - iii. Mangawhai Reserve Concept Plan
 - iv. Mangawhai Community Park Master Plan
 - v. Northern Wairoa Memorial Park RMP
 - vi. Pou Tu o Te Rangi and Harding Park RMP
 - g. Arts, culture and Heritage Strategy for the Kaipara District 2022 – 2032, provides the vision, goals and objectives of what the partners; Kaipara District Council, Creative Northland and the creative sector want to achieve.
37. While consultation on these documents did not explicitly link them to the district plan, the Council has considered the community input that shaped them. During the review process, collaboration within Council has ensured that appropriate methods are included for rules or alternative methods to implement the strategies. Care has been taken to ensure that the PDP does not duplicate requirements within a bylaw.
38. The strategies given regard to are not limited to Kaipara District Council strategies. It should be noted that not all of these strategies were made and prepared under other legislation and thus do not fall within the scope of section 74(2)(b)(i) of the RMA.

Consultation and Engagement

39. In developing the PDP, a significant amount of engagement and consultation was undertaken. Council engaged with key stakeholders and with local communities as to how the Plan should reflect all the individual as well as community aspirations.
40. Elected members were deeply involved in the development of the PDP, with workshops

being held on specific topics between 2018 and 2023. For every topic, the elected members participated in workshops which addressed firstly the policy framework (i.e. the statutory basis for the approach, as well as the draft objectives and policies), and secondly the draft rules.

41. Many of the wider issues identified in the PDP are also managed and influenced by other organisations through their respective planning documents. A collaborative partnership approach, with ongoing and frequent consultation was held with adjacent Councils and stakeholders such as New Zealand Historic Places Trust and New Zealand Transport Agency Waka Kotahi.
42. Council made a draft PDP available for public feedback in August 2021. In association with the draft PDP, Council held open days, webinars and chat to a planner sessions, which enabled the community to talk to the planners and examine the draft plan. 6 open days were held within the District in varying locations on the draft PDP between 16 August 2021 and 23 August 2021.
43. A total of 277 responses were provided on the draft PDP which then influenced the preparation of the PDP.
44. A working party was formed by Council in May 2023 comprising of primarily elected members to dive deeper into areas of the District Plan where further work and refinement of the Plan was required and provided guidance on the development of the PDP.

Iwi Consultation

45. Council has obligations under Clause 3 of Schedule 1 to the RMA, which sets out the requirements for local authorities to consult with Tangata whenua through iwi authorities. Clause 3 also requires Local Authorities to consult with any person, group or ministry that may be affected by changes made to the district plan. Council used the following methods to engage with iwi:
 - a. Partnerships;
 - b. Collaboration;
 - c. Meetings and hui held both in person and online, as follows:

First PDP hui (in person)	Monday 2 December 2024
Second PDP hui & Sites and Areas of	Friday 21 February 2025

Significance Hui (in person)	
Meeting with Ngātiwai Trust Board (in person)	Monday 3 March 2025
Meeting with Ngāti Whatua and Te Uri o Hau (in person)	Wednesday 19 March 2015
Meeting with Ngāti Manuhiri (online)	Monday 24 March 2025
Meeting with Ngāpuhi (in person)	Wednesday 2 April 2025

46. There were a number of matters raised through these forums, including:

- a. General inability to utilise Māori land;
- b. Need for whanau, kaumatua and papakainga housing;
- c. The ongoing destruction of Māori sites;
- d. Identification of Māori sites and areas of significance;
- e. Environmental values, particularly in relation to water, indigenous vegetation, fauna and habitats;
- f. Protection and celebration of sites with cultural value.

47. Clause 4A of Schedule 1 of the RMA also requires local authorities to consult with iwi authorities before notifying a proposed plan. Clause 4A(1)(b) requires Council to have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.

48. The iwi authorities are set out below:

Iwi/Hapu	Iwi Authority	Legislation
Te Uri o Hau	Te Uri o Hau Settlement Trust	Te Uri o Hau Claims Settlement Act 2002
Te Roroa	Te Roroa Whatu Ora Trust	Te Roroa Claims Settlement Act 2008
Te Kawerau ā Maki	Te Kawerau ā Maki Iwi Tribal Authority	Te Kawerau ā Maki Claims Settlement Act 2015
Ngāti Manuhiri	Ngāti Manuhiri Settlement Trust	Ngāti Manuhiri Claims Settlement Act 2012
Ngāti Whātua Rūnanga	Te Rūnanga o Ngāti Whātua	Te Runanga o Ngāti Whatua Act

		1988
Ngātiwai	Ngātiwai Trust	Charitable Trusts Act 1957
Ngāpuhi	Te Rūnanga Ā Iwi Ō Ngāpuhi	Māori Fisheries Act 2004

49. Section 32(4A)(a) requires Council to include in the Evaluation Report a summary of all advice received from iwi authorities on the PDP. Section 32(4A)(b) requires Council to include in the Evaluation Report a summary of how Council has responded to the advice received from iwi authorities on the District Plan Review, including any provisions included in the proposed plan that are intended to give effect to their advice. This section should also document how the advice has been used in the section 32 evaluation process. This was covered in each of the section 32 evaluation reports where feedback was received and sets out not only the advice provided by iwi authorities, but also how the draft PDP was amended to respond to those issues.

Designations

50. Under Clause 4 of Schedule 1 to the RMA, requiring authorities with existing designations in the Operative District Plan are invited to give notice to Council that their designations are to be:
- a. Rolled over into the PDP without modification;
 - b. Rolled over into the PDP with modification; or
 - c. Withdrawn.
51. The designations proposed in the PDP are not new. 7 current designations are not required and have been uplifted. All others are to be “rolled over” (carried forward) from the Operative Kaipara District Plan, with or without modifications. In each case, the relevant Requiring Authority has issued a requirement for the designation to be included in the PDP. All of these Designations include minor presentational changes to align with the requirements of the National Planning Standards and in some cases boundary re-alignments. All notices received from the requiring authorities under Clause 4 of Schedule 1 to the RMA were included in the PDP when it was notified. All landowners and occupiers directly affected by any notice were notified separately.

Technical Assessments

52. Many technical assessments have underpinned the development of the draft provisions

for the PDP and these were made available to the public at time of notification (appended to the relevant section 32 evaluation report).

Section 32 Evaluation

53. In the development of the PDP and prior to notification, Council was acutely aware of the obligations of section 32 of the RMA. Section 32(1)(c) of the RMA requires that the evaluation report of the proposal contains a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated as a result of the implementation of the proposal. For this reason, a section 32 evaluation was undertaken for every chapter of the PDP that contained provisions (with the exception of Definitions and Tangata Whenua/Mana Whenua Process Chapter).
54. The section 32 evaluation reports were robust and included an evaluation of 'blue sky' options that were considered in the development of provisions, an assessment of the objectives against the purpose of the RMA, and evaluation of the specific provisions as the most appropriate way to achieve the objectives. Even though section 32 does not expressly require it, each report contains a broad assessment of the provisions against the higher-order documents, such as the Regional Policy Statement and any relevant National Policy Statements.
55. The section 32 evaluation reports also catalogue all of the consultation processes, feedback and responses for each part of the PDP.
56. In order to keep each of the section 32 evaluations focused on the main topic, an overarching section 32 report was written³, which catalogues the statutory framework within which the PDP (and the section 32 evaluations) was prepared. It also outlines the broader consultation processes and the community feedback from these.

Adoption of the Proposed District Plan

57. Council adopted the Proposed District Plan on 26 March 2025 and approved PDP for notification:

That the Kaipara District Council:

³ Section 32 Overview Report, 28 April 2025.

- a) Approves the Proposed Kaipara District Plan and section 32 evaluation reports under Clause 5 of Schedule 1 of the Act for public notification, which will commence on 28th April 2025; and
- b) Delegates authority to the Mayor and Chief Executive to undertake any minor amendments to the Proposed Kaipara District Plan, including, typos, formatting and any final text changes as directed by Elected Members; and
- c) Confirms (for the purposes of the Proposed District Plan) the previous decision made by Council on 29 March 2023, which determined that Kaipara was not an “urban environment” and therefore not a tier 3 local authority, as defined by the National Policy Statement on Urban Development.
- d) Notes that public consultation on the Proposed District Plan will run until 30th June 2025.

58. The PDP was accordingly notified on 28 April 2025 with a closing date for submissions of 30 June 2025.

Immediate effect

59. A number of rules have a red dashed box around them with a gavel on the right of the rule in the PDP. This is for easy identification of rules with immediate effect under section 86B(3) of the RMA. As the Commissioner will be aware, a rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified (RMA section 86B.) Exceptions are rules that deal with particular subjects.

Immediate legal effect from the notification date is given to any rule that:

- a. protects or relates to water, air, or soil (for soil conservation); or
- b. protects areas of significant indigenous vegetation; or
- c. protects areas of significant habitats of indigenous fauna; or
- d. protects historic heritage; or
- e. provides for or relates to aquaculture activities.

60. Council had options to vary this approach. It could seek earlier legal effect from the Environment Court for other rules, or resolve that rules only have legal effect once the proposed Plan has been made operative. Council did not exercise either of these options in relation to the proposed district plan.

61. This means that rules relating to setbacks from waterbodies, sites and areas of significance to Māori and historic heritage have had legal effect since the date of notification of the PDP.

Consultation Following Notification

62. Following public notification of the PDP, Council held nine open days around the district to ensure that the community could easily access information on what the PDP meant for their property and their community. Open days were held between Tuesday 20 May 2025 and Wednesday 11 June in the following locations:
- a. Kaihu Rugby Club
 - b. Southern Rugby Club
 - c. Dargaville Lighthouse Function Centre
 - d. Ruawai Tokatoka Hall
 - e. Paparoa War Memorial Hall
 - f. Tangiteroria Community Complex
 - g. Kaiwaka War Memorial Hall
 - h. Maungaturoto Centennial Hall
 - i. 1C Molesworth Drive, Mangawhai (KDC Offices)
63. Council also held an online webinar for consultants and developers to hear about the District Plan, as well as some online explainer videos to provide an overview of the topics to the public.
64. To assist submitters, Council contracted Neil Taylor as an independent planner who could help people to craft their submissions, and to perform the role of 'friend of the submitter'. This meant that the submissions were clear, and people could effectively express their views of the PDP.

Key Differences Between the Operative and Proposed District Plans

Structure

65. There are some significant differences between the Operative District Plan and the PDP. The structure and arrangement of the two documents are quite different. The PDP has been structured in accordance with the National Planning Standards.
66. The Operative District Plan contains issues and reasons and anticipated environmental results, however Council wanted an "easy to read and enabling" plan with all unnecessary information removed making the Plan shorter. Section 75 of the RMA

outlines what a district plan *must* state and what it *may* state, and the decision was made to focus the PDP on the mandatory requirements.

Zone framework

67. The zoning framework largely⁴ matches those set out in the National Planning Standards along with the legend for mapping them on the planning maps. The following zones have been included in the PDP:

- a. General residential zone;
- b. Rural zones:
 - i. General rural zone;
 - ii. Rural lifestyle zone;
- c. Commercial zone;
- d. Industrial zones:
 - vii. Heavy industrial zone;
 - viii. Light industrial zone;
- e. Open space and recreation zones:
 - ix. Natural open space zone;
 - x. Open space zone;
 - xi. Sport and active recreation zone
- f. Special purpose zones:
 - xii. Estuary Estates (Mangawhai Central);
 - xiii. Hospital Zone;
 - xiv. Māori Purpose Zone;
 - xv. Mangawhai Hills Special Purpose Zone; and
 - xvi. Trifecta Special Purpose Zone.

⁴ Standard 8(3) of the National Planning Standards sets out three criteria which must be satisfied for Special purpose zones. Mangawhai Hills Special Purpose Zone, Trifecta Special Purpose Zone and Estuary Estates (Mangawhai Central) do not meet the criteria.

Natural Environment

68. While the PDP gives effect to the Regional Policy Statement and New Zealand Coastal Policy Statement in terms of protecting indigenous biodiversity, Council has decided not to give effect to any provisions in the National Policy Statement for Indigenous Biodiversity in the PDP. This is for a number of reasons including the direction to map significant natural areas does not currently apply (these requirements have been paused for three years) and the Government has signalled potentially significant changes to the National Policy Statement for Indigenous Biodiversity. The intention is to undertake a plan change at a later date.
69. Approximately 33,349 hectares has been identified as an Outstanding Natural Landscape and 4,547 hectares as Outstanding Natural Features. These areas were identified through the regional mapping project undertaken by the Northland Regional Council as part of the Northland Regional Policy Statement in 2016. Kaipara District Council also carried out further work and ground-truthing of Outstanding Natural Features in 2019. While the provisions in the Operative District Plan are of a similar nature to those proposed in the PDP, a more stringent framework is now required to give effect to key policies in the New Zealand Coastal Policy Statement and the Northland Regional Policy Statement.
70. The Operative District Plan identifies six valued environments, including the Northern Wairoa River and Kai Iwi Lakes overlays. The Operative District Plan predates the Regional Policy Statement and therefore is not entirely consistent with the key directions in the Regional Policy Statement in terms of avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of the natural character of freshwater bodies.

Development in the Rural Environment

71. The National Policy Statement on Highly Productive Land and Regional Policy Statement has guided the PDP approach to managing the Kaipara rural environment through two separate zones – a General rural zone and a Rural lifestyle zone. It has also resulted in the introduction of land use and subdivision provisions that protect highly productive land, manage reverse sensitivity effects and direct rural lifestyle development opportunities to

appropriate locations.

72. The subdivision provisions proposed in the PDP are comparable to the Operative District Plan, in that General subdivision, Environmental Benefit Lot Subdivision and Small Lot subdivision has been provided for and new provisions for Reserve Incentive Lots.
73. Rural lifestyle zone is a new zone and has a minimum lot size of 4,000m². It applies to 3,500 hectares of land in areas surrounding Kaihu, Tangiteroria, Pouto, Dargaville, Matakohe, Tinopai, Pahi, Paparoa, Maungaturoto and Kaiwaka. Rural Lifestyle zoning has been excluded from the Mangawhai-Hakaru Managed Growth area.

Managing Growth

74. The PDP responds to and manages growth by limiting urban development in the smaller settlements and villages, including in and around Mangawhai, using the Mangawhai-Hakaru Managed growth area overlay. New zoning for urban growth is proposed across several new areas, including: Dargaville, Te Kopuru, Maungaturoto and Kaiwaka.
75. The minimum lot size for the General residential zone is 600m² or 400m² if reticulated water supply and wastewater services are available (excluding Mangawhai). This provides more flexibility for lot sizes when compared to the 600m² provided for in the Operative District Plan. The PDP enables a wider range of living options and housing typologies for the General residential zone through minor residential units and a maximum of two residential dwellings on each site as permitted activities. Multi-unit developments and retirement villages are Restricted Discretionary activities. Other zones also enable residential development such as the Commercial zone to encourage more mixed use developments.
76. The special purpose zones of Mangawhai Hills Special Purpose Zone, Trifecta Special Purpose Zone and Estuary Estates (Mangawhai Central) reflect recent plan changes.
77. There are two precinct areas included in the PDP, which have been rolled over from the Operative District Plan. They are: Awakino Precinct in Dargaville and Cove Road North Precinct in Mangawhai. Both precinct areas rely on the Residential Zone chapter rules but include specific provisions for Transport and Subdivision.

Tangata Whenua

78. The scheduled sites and areas (mapped as Sites and Areas of Significance to Māori) comprise all Statutory Acknowledgement Areas, Nohoanga Sites and Cultural Redress Areas recognised in settlement legislation to give effect to the Deeds of Settlement entered into between the Crown and Te Uri o Hau and Te Roroa respectively, to achieve a final settlement of their historical claims against the Crown. While there are more provisions than in the Operative District Plan, they provide a greater level of protection while still allowing customary activities to occur.
79. Approximately 16,016ha or 5% of the Kaipara's District is Māori Land and Treaty Settlement Land. The Māori Purpose Zone applies to Treaty Settlement Land, and land with Māori Freehold, Māori Reservation and Māori Customary Land status under Te Ture Whenua Māori Act 1993. The Operative District Plan currently manages this land across two chapters. While the provisions in the PDP are similar to those in the Operative District Plan, the PDP consolidates and simplifies the provisions into a single comprehensive chapter.

Historic Heritage

80. The protection of historic heritage from inappropriate subdivision, use, and development is a Matter of national importance under s6(f). The PDP has placed more significance on protecting historic heritage recognising heritage in all areas of the district. There are 109 historic items proposed for registration all of which have updated assessment sheets and information, as opposed to the ODP which had 85 items registered with limited supporting documentation.
81. There is a new and more directive framework of objectives and policies supporting heritage. The ability for an owner to maintain their property is acknowledged and supported with rules that manage the effects land use in regards to these important resources such as:
- a. maintenance or repairs, or works within a heritage setting,
 - b. earthquake strengthening and accessibility access.
 - c. Additions and alterations, demolitions or removal.
82. By contrast the ODP has 3 rules:
- a. Maintenance or Repair to a Category A
 - b. Demolition or Removal of a Category B

c. Development in the vicinity of a Category A

83. The new provisions ensure that there is a positive effect on protecting heritage and ensuring that heritage is more widely valued and understood.

Infrastructure

84. The Infrastructure chapter in the PDP is more nuanced than the Operative District Plan and contains sections for each type of infrastructure, recognising that each one has a different form and function and therefore effects. For example, electricity transmission lines are quite different from the management of stormwater, but both are critical for the health and wellbeing of the District's communities.

Management of activities around regionally and nationally significant infrastructure

85. The PDP takes a more proactive approach to managing land use activities and development in close proximity to regionally significant infrastructure such as electricity transmission lines, state highways, gas transmission lines and railway lines. This is to minimise the potential for reverse sensitivity effects to arise as well as ensuring the security of the network.

Temporary Activities

86. The PDP provides rules for temporary activities, which are a departure from the Operative District Plan, given it was an effects based plan.

Submissions

Submissions received

87. In order to fulfil Clause 7(1) of Schedule 1 to the RMA, Council is summarising the decisions requested by persons making submissions on a proposed policy statement or plan. 365 submissions were received. There were two main focuses of the summarising process:
- a. A summary of the decision requested; and
 - b. The reasons for the decision requested.
88. To ensure consistency with summarising submissions, Council developed guidelines for summarising submissions. Although this could not be applied to all submissions, the

guidelines adopted an approach of starting each summary of the decision requested with the following terms:

- a. Retain
- b. Add
- c. Amend
- d. Delete

89. Where submitters sought specific amendments to text, the additions are shown as underlined, and deletions are shown as struckthrough. Where large sections of text were sought to be added (such as an entirely new chapter to the Plan), the summary of decisions requested summarises the addition and refers readers to the primary submission, rather than copying the entire text.
90. Where a submission has multiple parts to it that are interrelated and could not be separated without losing the intent of the submission, these are reflected as a single submission point with “AND” or “OR”.
91. Many of the points by lay submitters stated “support” for a provision or “opposition” to a provision. The requirement of Clause 7 of Schedule 1 to the RMA focuses on the “summary of the *decision requested*”. In scenarios like these, no decision was requested by the submission. The team summarising the submissions therefore assumed that if a submitter supported a submission, then this amounted to seeking to retain the provision. However, those submissions that opposed a provision cannot be converted to the standard approach so easily, and it would have been inaccurate to assume that the submitters wished to ‘delete’ or ‘amend’ the provision. Therefore, submissions that opposed a provision are summarised as:

No specific decision sought, but submission opposed Rule x

92. Where a submission sought unspecified consequential amendments, for completeness this was reflected in each of the submission points for that submission.
93. Council prepared its own submission to address identified errors and omissions and to provide scope to consider any signaled changes to national direction. The development of Council’s submission was informed by feedback from a number of sources, including internal Council teams. Matters raised in these conversations contributed to Council’s submission. The key matters in the proposed Council submission include:

- a. Minor amendments for clarity;
- b. Incorporation of Private Plan Changes into the PDP as Development Areas;
- c. Definitions;
- d. Provisions (to make rules more workable);
- e. Engineering Standards; and
- f. Zoning Changes

94. Council approved the submission to the PDP at the Council meeting on 25 June 2025.

Further submissions

95. The Commissioner will be aware that to date further submissions have not been called for, however the notification of decisions requested by submissions will occur shortly.

Hearings

Appointment of the Hearings Panel

96. Given the importance of the PDP in guiding the development of the District, it was important to appoint an independent and experienced Hearings Panel. While the Hearings Panel will be aware of this part of my submission, the purpose of this section is more for completeness of outlining the process for submitters.

97. In accordance with section 34A(1) of the RMA, the Council appointed Commissioner Mark Farnsworth as the independent chair at the Extra-ordinary meeting held on 14 August 2025.

Organisation of hearings

98. There are many ways to organise the hearings, but the most important factor is that every submitter be given the opportunity to be heard. Although yet to be finalised, it is likely that each hearing will focus on a particular PDP chapter. Areas where this approach may be departed from are:

- a. Definitions - submissions on certain defined terms will be considered in the most appropriate hearing to which the term relates;
- b. Subdivision – the subdivision rules and provisions that are specific to a

particular zone are likely to be heard with that zone to allow comprehensive consideration of the zone. The subdivision rules are often integral to the purpose and objectives of the zone.

99. The order of the hearings is yet to be determined.
100. Each submission point will be allocated to the most appropriate hearing. Because of the way the submissions are summarised (particularly those that have two points which were interrelated as an “and” or an “or”), these may need to be allocated to two hearings. For example, if the submissions sought changes to the rule for daylight admission in the General residential zone and amendments to the definition of daylight admission in Chapter 13 Definitions, this submission point would be allocated to two hearings.
101. While some submission points can easily be allocated to a particular hearing, some could arguably be addressed in a number of hearings. The important consideration is that each submission point is allocated to a hearing. Because of the general nature of some submissions, there may need to be a “miscellaneous” hearing to ensure that all submissions that do not fit logically against any of the PDP chapters are considered.
102. In addition, there may be need for an “integration hearing” at the end of the hearing process to ensure a comprehensive and consistent set of recommended provisions.

Section 42A hearing reports

103. Section 42A of the RMA relates to preparation of a report on information provided on any matter described in section 39(1) by the applicant or any person who made a submission. Section 42A(1AA) outlines who may prepare such a report:

The local authority may—

- (a) require an officer of the local authority to prepare the report; or
- (b) commission a consultant or any other person employed for the purpose to prepare the report.

104. The purpose of the section 42A reports in the context of the PDP will be to evaluate each of the primary and further submission points and make a recommendation. Each of the hearings will have at least one section 42A report, which will be written by a suitably-qualified and experienced planner and make a recommendation on each primary submission point and further submission point relevant to the topic. While these are written by a planner, the section 42A reports will often have technical evaluations appended to them, upon which the planner has relied. As the Commissioner is aware,

the opinions expressed in the section 42A reports are those of the author and may not necessarily be those of Council or elected members. This is entirely appropriate, as all authors are required to confirm that they have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2023, and that they have complied with it when preparing their report. The role of the section 42A report author is that of an independent expert. Other than when they state that they are relying on the advice of another person, the evidence must be within the author's area of expertise. Material facts known to the author cannot be omitted that might alter or detract from the opinions that are expressed in the report.

105. The authors of each section 42A report must declare all perceived or real conflicts of interest.
106. Section 32AA of the RMA requires that a further evaluation in accordance with section 32(1) to (4) be carried out for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed. It is good planning practice for any recommended amendments in the section 42A reports to be subject to the rigour of a section 32AA evaluation to help inform the Hearings Panel. Accordingly, each section 42A report will contain an evaluation of any recommended changes in accordance with section 32, but at a level of detail that corresponds to the scale and significance of the changes recommended.
107. It would be helpful if any evidence on behalf of submitters is also accompanied by a supporting section 32AA evaluation.