

1 Structure and Tools of the Plan

1.1 Introduction - Purpose of Plan

The Kaipara District Plan (the District Plan) provides the means for the people of the Kaipara District to manage sustainably the effects of use, development and protection of the natural and physical resources of the District.

The Resource Management Act 1991 defines natural and physical resources to include land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

1.2 Statutory Framework

1.2.1 The Resource Management Act 1991

The District Plan is prepared by the Kaipara District Council in response to its obligations under the Resource Management Act 1991. The District Plan includes Objectives, Policies and Methods to achieve the integrated management of the effects of the use, development or protection (as appropriate), of land and associated natural and physical resources of the District.

The District Plan meets the statutory provisions of the Resource Management Act, particularly Part 2, Sections 31, 72 and 75, and Schedule 1. Section 31 sets out the functions that territorial authorities have in terms of how the Resource Management Act is put into effect. The Plan has been prepared in accordance with the process defined in Section 32 of the Act.

Section 1.2.2

Council is required to prepare a District Plan under the Resource Management Act 1991

1.2.2 Sustainable Management

The purpose, function and contents of the District Plan are directed towards achieving the purpose of the Resource Management Act (defined by Part 2), which is 'to promote the sustainable management of natural and physical resources'.

Section 5 defines sustainable management as:

'Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:

- a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment'.*

Sections 6, 7 and 8 of the Resource Management Act require specific duties of Council in sustainable management. Section 6 requires Council to recognise and provide for a range of matters of national importance, Section 7 identifies other matters which Council must have regard to, and Section 8 of the Resource Management Act requires Council to take into account the principles of the Treaty of Waitangi.

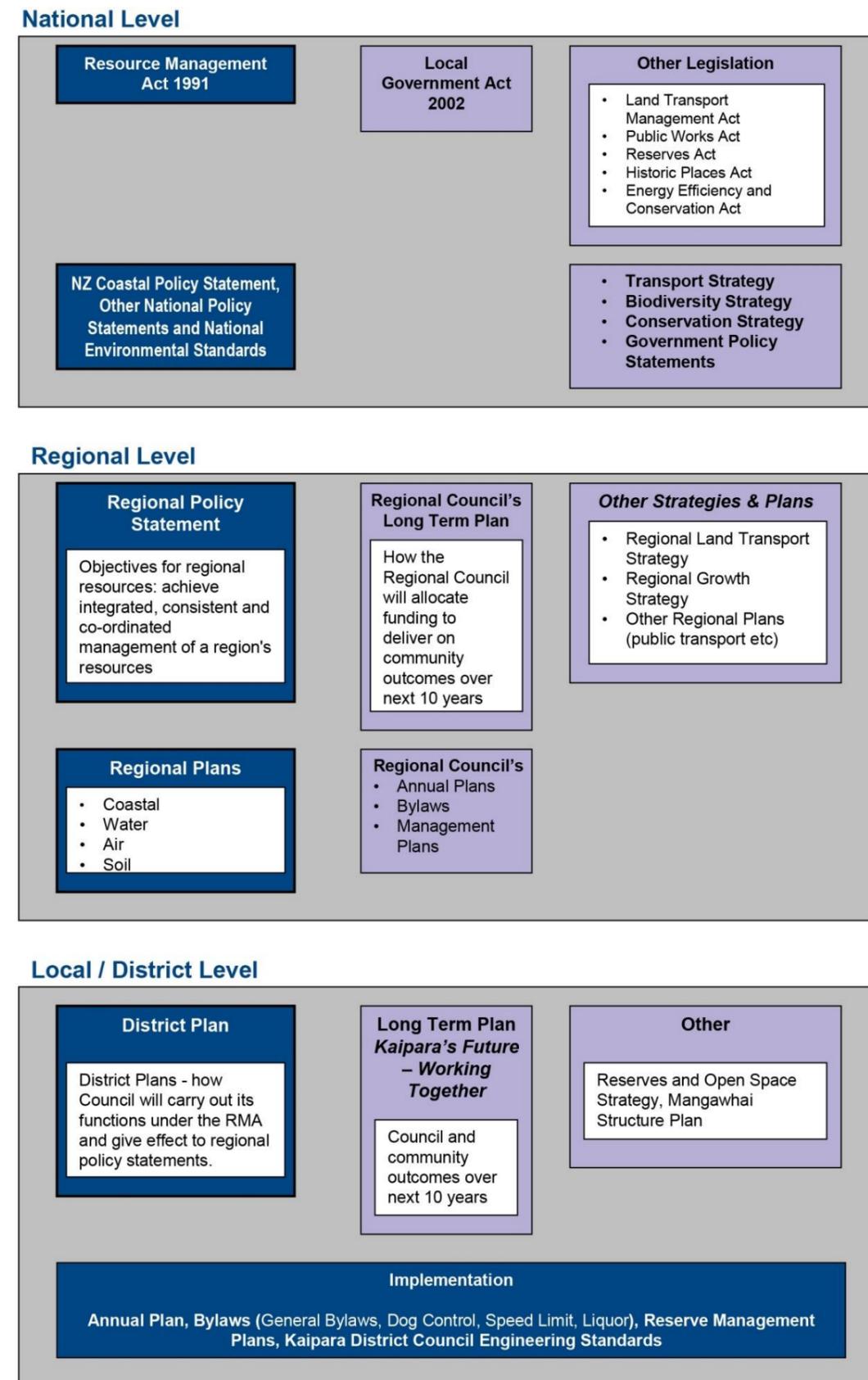
The District Plan sets out how Council will sustainably manage land use, development, protection and subdivision in the District

1.2.3 Integration of the Plan with other Plans and Documents

The Resource Management Act requires the integrated management of the environment. The District Plan is only one tool for the sustainable management of the Kaipara District and sits within a group of other plans and documents that work together to achieve the integrated management of natural and physical resources. Figure 1-1 demonstrates the relationships between the District Plan and other key documents. Each Plan or Policy document which deals with the management of natural and physical resources is highlighted in Figure 1-1 in blue. Other Plans and Strategies respond to other functions and services provided by Council.

The District Plan is one tool for Council to deliver its functions and services

Figure 1-1: Relationships between the District Plan and Other Key Documents



1.2.4 National Policy Statement(s) and National Standards

The New Zealand Coastal Policy Statement is required to be prepared under the Resource Management Act. In addition, the Resource Management Act provides for the preparation of other National Policy Statements. At the time of preparation of this District Plan, the New Zealand Coastal Policy Statement (2010), the National Policy Statement for Electricity Transmission (2008), the National Policy Statement for Freshwater Management (2011) and the National Policy Statement for Renewable Energy Generation (2011) were the only operative national Policy statements (with a number of other Policy statements having been made operative since the District Plan become operative in 2013 including The National Policy Statement on Urban Development Capacity and other that have been proposed and subject to hearing processes including Policy statements for Urban Design and Indigenous Biodiversity. There is a requirement under the Resource Management Act 1991 that District Plans must give effect to National Policy Statements and must not be in conflict with a National Environmental Standard.

There are a number of national Standards with regard to the use, development and protection of natural and physical resources (e.g. the National Environmental Standards for Sources of Human Drinking Water Regulations 2007), which have been considered and referenced throughout this District Plan. The District Plan has been amended in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2012) and The National Environmental Standard for Telecommunications Facilities (2016) and National Environmental Standard for Plantation Forestry (2017).

1.2.5 Regional Policy Statement and Plan(s)

At the regional level a number of documents are produced under the Resource Management Act, including:

- The Regional Policy Statement: provides an overview of the resource management issues of the region and Policies and Methods which address the whole region; and
- Regional Plans: focus on particular issues and areas and assist the Regional Council in carrying out its functions under the Resource Management Act.

The Kaipara District Plan must give effect to the Northland Regional Policy Statement and be consistent with Regional Plans.

The Northland Regional Council's Policy Statement (2002) has indicated matters of regional significance to which this District Plan has given effect. These include directions on both processes for resource management, and resource management issues, direction on Policy process includes integrated management, involvement of communities, involvement of Tangata Whenua and monitoring, direction of resource Policy relating to air and water quality, water quantity and flows, outstanding natural features and outstanding landscapes, soil conservation and land management, natural hazards, coastal management, ecosystems and biodiversity, heritage protection, waste management, hazardous substances, minerals, energy and transport.

The Regional Council also has specific plans to address the management of the Coastal Marine Area and receiving environments (the Regional Coastal, Air Quality and Water and Soil Plans). The District Plan has had regard to these plans and is not inconsistent with them.

1.2.6 Kaipara District Council Plans

In accordance with Section 74 of the Resource Management Act, Council has also had regard to other plans. These include the Regional Policy Statement and Regional Plans (discussed above), District Plans of adjoining territorial authorities (the Far North, Rodney and Whangarei District Councils), Management Plans and Strategies prepared under other legislation, entries in the Historic Places Register, and other regulations for fisheries management and management planning for foreshore and seabed reserves adjoining the District. Furthermore, Council has taken into account planning documents of the relevant Iwi Authorities and runanga (Te Iwi o Te Roroa and Te Uri o Hau).

Kaipara's Future – Working Together: Council's Long Term Plan 2009/2019

Prepared under the Local Government Act 2002, Kaipara's Future – Working Together sets a vision for the future of the District and the five communities identified within it (Dargaville, Kaipara Harbour, the West Coast, the Rural Heartland and Mangawhai). This document outlines the community's desired outcomes and describes how Council, and Council in partnership with Government agencies and other organisations, will work to achieve these. This document outlines how the District is planning for its future and the activities that are being advanced by Council to achieve this future. Council undertakes a review of the Long Term Plan every three years.

This document is seen as a key input to the District Plan – setting the direction and many of the environmental, social and economic outcomes being sought by Council and the community. This document has been integral in guiding the District Wide Strategy and the Overlay and Land Use and Development Chapters.

Chapter 2,
Section 2.1.3

Kaipara's Future
sets community
outcomes that
provide for the
District's social
and economic
wellbeing.

Chapters 2, 3 and
4

Annual Plan

The Annual Plan is concerned with identifying the nature, scope and financing of the activities which the Council will undertake in the next year. This allocation of Council's financial resources is undertaken within the framework of Kaipara's Future – Working Together, though the Annual Plan includes any annual amendments to the Long Term Plan. A number of the District Plan Methods recognise the role of the Annual Plan. In addition, a number of the District Plan's financial mechanisms are updated through the Fees and Charges review.

Reserves and Open Space Strategy

Adopted in 2006, the Reserves and Open Space Strategy identifies the Objectives for Council's reserves and open space and sets out an action plan to achieve the desired reserves and open spaces within the District. This Strategy has been considered in development of the District Plan, particularly Chapter 20. A number of the District Plan Methods recognise the role of the Reserves and Open Space Strategy.

Chapter 20

Structure Plans - Mangawhai Structure Plan 2005

The Mangawhai Structure Plan provides a means for the Kaipara District Council and Mangawhai communities to manage the effects of growth. The Structure Plan provides a strategic framework that will help guide decisions on development, infrastructural management, and environmental matters for Mangawhai over the next 20 years.

Chapter 3B

The District Plan
implements the
Mangawhai
Structure Plan

The Structure Plan document is a process implementation tool. It aims to address those issues relevant to the transition of Mangawhai from an isolated seasonal beach holiday and rural farming community to a rapidly growing East Coast urban centre within the Kaipara District. Key elements of this Structure Plan have been implemented in the District Plan.

Chapter 3A

Council intends to undertake further structure plans in growth areas of the District, as a key process in planning for growth (discussed in Chapter 3A).

Kaipara District Council Engineering Standards 2011

The Kaipara District Council Engineering Standards 2011 is an important document for the District as it sets Standards for the design and construction of public services and private infrastructure, associated with subdivision and development. Providing guidance allows for forward planning, a consistent approach to development and facilitates the level of service expected in Kaipara. In accordance with Section 75(5) of the Resource Management Act, the Council has identified those provisions of the Engineering Standards that address the potential for public and private infrastructure to generate impacts on the environment and incorporated those in the Performance Standards of Part B (the Zone Chapters) of this District Plan. In addition, the Standards provide guidance on matters that Council will exercise control over or consider as assessment criteria for Resource Consent applications.

The incorporation of relevant provisions from the Kaipara District Council Engineering Standards 2011 into the District Plan is intended to provide a more consistent approach to engineering design where such design contributes to achieving District Plan outcomes.

1.2.7 Other Plans

Iwi Management Plans

The development of Iwi Management Plans will be guiding documents that Council can refer to when administering activities located within areas of iwi and hapu influence. Drafts available of these Plans have also informed the preparation of this District Plan, particularly with respect to the identification of significant issues for the District and for the Objectives and Policies for 'Maori Land and Treaty Settlement Land'.

Chapter 2, Issues
2.3.2 and 2.3.3

Chapters 5, 15A
and 15B

Historic Places Register

Rarangi Taonga: the Register of Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu Areas is the national schedule of New Zealand's treasured heritage places. The Council has had regard to this register in developing the District Plan, in particular the Historic Heritage Chapter.

Chapter 2,
Section 2.1.2

Chapter 17

Northland Conservation Management Strategy

The Northland Conservation Management Strategy 1999 contains statements which give direction on the Department of Conservation's views on resource management issues and how the Department of Conservation anticipates these issues will be dealt with in other planning documents, including the District Plan. This document is currently being reviewed. Council has taken this Strategy into consideration.

Chapters 2 and 6

Biodiversity Strategy

In addition, the District Plan has given consideration to the Biodiversity Strategy, prepared in 2000. This Strategy meets New Zealand's obligations under the Convention of Biological Diversity. While it does not have any legal status under the Resource Management Act, case law has confirmed that it is a significant 'other matter' to be considered, particularly with respect to considering Section 6(C) and in light of Council's duties, e.g. under Section 31.

New Zealand Archaeological Association's Site Recording Scheme

The New Zealand Archaeological Association's Site Recording Scheme provides records on over 60,000 archaeological sites. The use of the Site Recording Scheme will enable Council to provide accurate information to landowners and will be used to guide Council in the administration of this plan.

1.3 The Kaipara District Plan

1.3.1 Philosophy of the Plan – Effects-Based

Section 31 of the Resource Management Act establishes the duty of Council to manage the effects of the use, development and protection of land and resources and how these effects or potential effects will be managed. The philosophy of this Plan is that it is the effects of an activity, rather than the activity itself, which will be managed. In response to this, the provisions of the District Plan seek to take an effects-based approach, particularly through the specification of Standards which are considered to define the acceptable level of potential environmental effect. Priority is given to managing (including monitoring) the effects of activities that have the greatest potential adverse effects on the environment. On this basis, the status of an activity is determined largely by either its compliance with the Standard or the level of non-compliance.

Notwithstanding this, it is highlighted that Chapter 16 – Estuary Estates has an activity-based approach rather than an effects-based approach described above; whereby a specific activity is managed rather than the activity's effects. Estuary Estates is a private plan change that was approved in 2007 and provides for a new town centre and associated residential and business development. Given the nature and extent of this Plan Change the approach that was approved of during the Plan Change process has been retained.

1.3.2 Structure of the District Plan

This District Plan is prepared in five parts:

Part A – District Wide Strategy

This Part introduces the Plan, comments on its structure and use, and identifies significant resource management issues responded to through the Plan. This Part contains Strategies which provide direction to enable future farming and forestry, residential and business development and recognise the importance of natural and physical resources. It also identifies the Objectives and Policies which apply to the use of natural and physical resources of District or national significance and provides for these across the District. It is intended that the Objectives and Policies of this Part of the Plan (particularly in respect of Chapters 2, 3, 4 and 5) provide a hierarchy of district-wide strategic considerations; these sit over the Objectives and Policies of specific Zones (Part B) and sites and features identified in the Plan (Part C). The Methods in these Chapters are implemented either by non-statutory mechanisms or by rules in Part B (the Zone Chapters) of this Plan.

Part B – Land Use

This Part identifies the Objectives, Policies and Rules which apply to the Zones (and Environmental Overlays) mapped in the District. The District has a number of Zones which are managed according to the different land use and environmental outcomes being sought. Management in these areas reflects this sensitivity, and the ability of the District Plan to avoid, remedy or mitigate potential adverse effects on these values.

Part C – Sites, Features and Units

This Part contains the Objectives, Policies and Rules which relate to specific sites or areas of the Kaipara District. These sites or areas may occur across Kaipara, irrespective of Zones. Generally the provisions of Part C modify the opportunity to generate particular effects, where these are likely to have a negative environmental impact on a particular value of a site or area scheduled in Part C.

The provisions and rules of this Part of the District Plan must be complied with, in addition to the relevant underlying Zone or Overlay rules. Furthermore, provisions specified in this Part have precedence over provisions in Part B.

Part D – Other

This Part contains information referred to throughout the Plan, including detail on other Methods such as financial contributions and monitoring. This Part includes information on Methods outside the Plan or other non-regulatory Methods, which have been identified to achieve the outcomes. This Part also provides definitions of terms used in the Plan and Appendices to the whole Plan (Chapter 24).

Part E - Maps

This Part provides two map series. Series 1 relates to Part B of the Plan (Land Use), and Series 2 relates to Part C (Sites, Features and Management Units). In addition to the two map series, this Part contains Appendices to the District Plan Maps, including maps which relate to all Parts of the District Plan.

An enabling District Plan that seeks to manage the effects from activities that pose the greatest potential threat to the environment

Chapters 1 – 9
Section 1.1

There are no Rules in Part A of the Plan

Chapters 10 – 16

There are Rules in Part B of the Plan

Chapters 17 – 21

There are Rules in Part C of the Plan but they only apply to mapped sites, features and areas (Map Series 2)

Chapters 22 - 24

Part E, Appendices

1.3.3 Structure of Each Chapter

The structure of the individual Chapters of the District Plan is generally summarised as follows:

Introduction / Resource Description

Briefly describes the resources and matters addressed in the Chapter of the District Plan.

Resource Management Act Requirements/Legislation

Briefly describes the legislative context of the Chapter, if this contributes to understanding the management direction of the Chapter.

How to Use this Chapter of the District Plan

Provides users of the District Plan with a guide to the Chapter and its relationship to other Chapters of the District Plan.

Growth Beyond Zoned Areas

Provides an overview of how Council envisages growth and development of residential and business zones in the District. This Section is only in the Zone Chapters.

Issues

Summarises the resource management issues facing the District, which are to be responded to in the District Plan. Issues within each Chapter of the Plan are presented in no particular order or importance.

Objectives

Sets the direction Council has taken in response to the management issues and the outcomes it is seeking through the District Plan. Objectives within each Chapter of the Plan are presented in no particular order or importance.

Policies

Defines the effects-based course of action that Council is taking to achieve the Objectives being sought by the District Plan. Policies within each Chapter of the Plan are presented in no particular order or importance.

Methods

Outlines how the Policies will be implemented. The Methods are explanatory only and are either regulatory (e.g. rules) or non-regulatory (e.g. guidelines and financial contributions).

Outcomes

Indicates the anticipated results of the District Plan. These outcomes are primarily to provide benchmarks by which Council can assess the effectiveness of the Plan.

Rules, Performance Standards and Assessment Criteria

Provides the mechanism to determine whether the effects of an activity make that activity permitted, controlled, restricted discretionary, discretionary or non-complying. Includes the Performance Standards and terms that must be complied with for land use and subdivision and relating to other resource matters (e.g. heritage, natural environment, transportation). Also includes Assessment Criteria which Council will consider to assess the effects of any activity requiring consent.

Linkages to Other Chapters of the Plan

Provides references to other Chapters that should be considered alongside this Chapter, particularly for Discretionary and Non-Complying Consent applications.

Chapter 16 – Estuary Estates

As discussed in Section 1.3.1 this Chapter is activity-based, whereby a specific activity is managed rather than the activity's effects. A number of activities are provided for in Estuary Estates and depending on which Sub Zone they are located have varying activity statuses and as such, the format differs from the other Chapters in Part B.

1.3.4 How to Use this District Plan

Throughout the District Plan, text has been provided in green with a distinctive type-face. This text is provided for explanation and commentary in plain, easy-to-understand language on the provisions of the District Plan. It is intended that this text provide a clearer understanding of the District Plan. However, it does not form the District Plan nor is it part of the mandatory requirements of the Plan. It is not intended to be used in place of District Plan itself. In any case of ambiguity between this text and the District Plan, the text of the District Plan takes precedence.

Each Chapter has the same general structure (apart from Chapter 16 Estuary Estates)

These are the 'controls' of the District Plan and determine whether you need a Consent

Text call-outs are provided to provide clearer understanding of this District Plan

The intention of this District Plan is that you can determine which Chapter of the District Plan is most relevant to you and then largely only refer to that Chapter. For example, if your property is in the 'Rural Zone' you should be able to look at that Chapter only, to determine whether your proposed activity is permitted or if you need a Resource Consent. All Policy elements and rules applying to that particular Zone (and any Overlays) are contained in each Chapter and these can be read without having to cross-reference to other parts of the District Plan (other than planning maps).

An exception to this will be if your property also has a specific site, feature or unit identified on it. In this case, Part C of the District Plan will also be relevant.

Another exception to this will be if you do require Resource Consent for a Discretionary or Non-Complying Activity or you are seeking a Change to the Plan. In these cases it may be appropriate to consider your proposal against the Objectives and Policies of the District Wide Section; Part A.

Remember that a District Plan needs to be considered if you are changing the use of land (or increasing intensity of activity on land) or if you are subdividing. In other words, land can continue to be used in a manner that is not provided for in this District Plan (or is only provided for by a Resource Consent) if that activity was lawfully established before the District Plan was notified (this is an existing use right under Section 10 of the Resource Management Act).

In determining if an activity for a property is provided for by this District Plan users should undertake the following steps (outlined overleaf in Figure 1-2):

1 - Confirm the Zone and Overlay Relevant to the Property

Look at Series 1 Planning Maps in Part E to confirm the zone and whether the property is in an Overlay.

2 - Confirm if there is a Site, Feature or Unit Relevant to the Property

Look at Series 2 Planning Maps in Part E of the Plan to confirm relevance.

3 - Confirm the Activity Status

If the property has a specific site, feature or unit identified on it, review the activity under Part C of the District Plan if specific rules apply to the proposed activity. Secondly, review the activity under Part B of the District Plan to confirm activity status.

4 - Prepare a Resource Consent Application

If the activity is controlled, restricted-discretionary or discretionary, the District Plan provides guidance on the assessment criteria which will be applied to the activity. These will provide direction on matters to be covered in the Resource Consent. If the activity is discretionary or non-complying, consideration should also be given to the outcomes being sought and the Objectives and Policies of the District Plan (including those in Part A of the Plan). With the exception of Controlled Activities, consideration will also be given to the likelihood of notification or limited notification of the application (some direction on this is provided in the assessment criteria for Performance Standards in Part B of the Plan).

5 - Receive the Consent Decision

When an application for Resource Consent is processed, Council will consider the application in accordance with Sections 104 and 105 of the Resource Management Act. This includes, subject to Part 2, consideration of the effects of the activity on the environment and provisions of national, regional and district Policy statements and plans.

Part B

The categories of activities are explained in Section 1.3.5

Part C

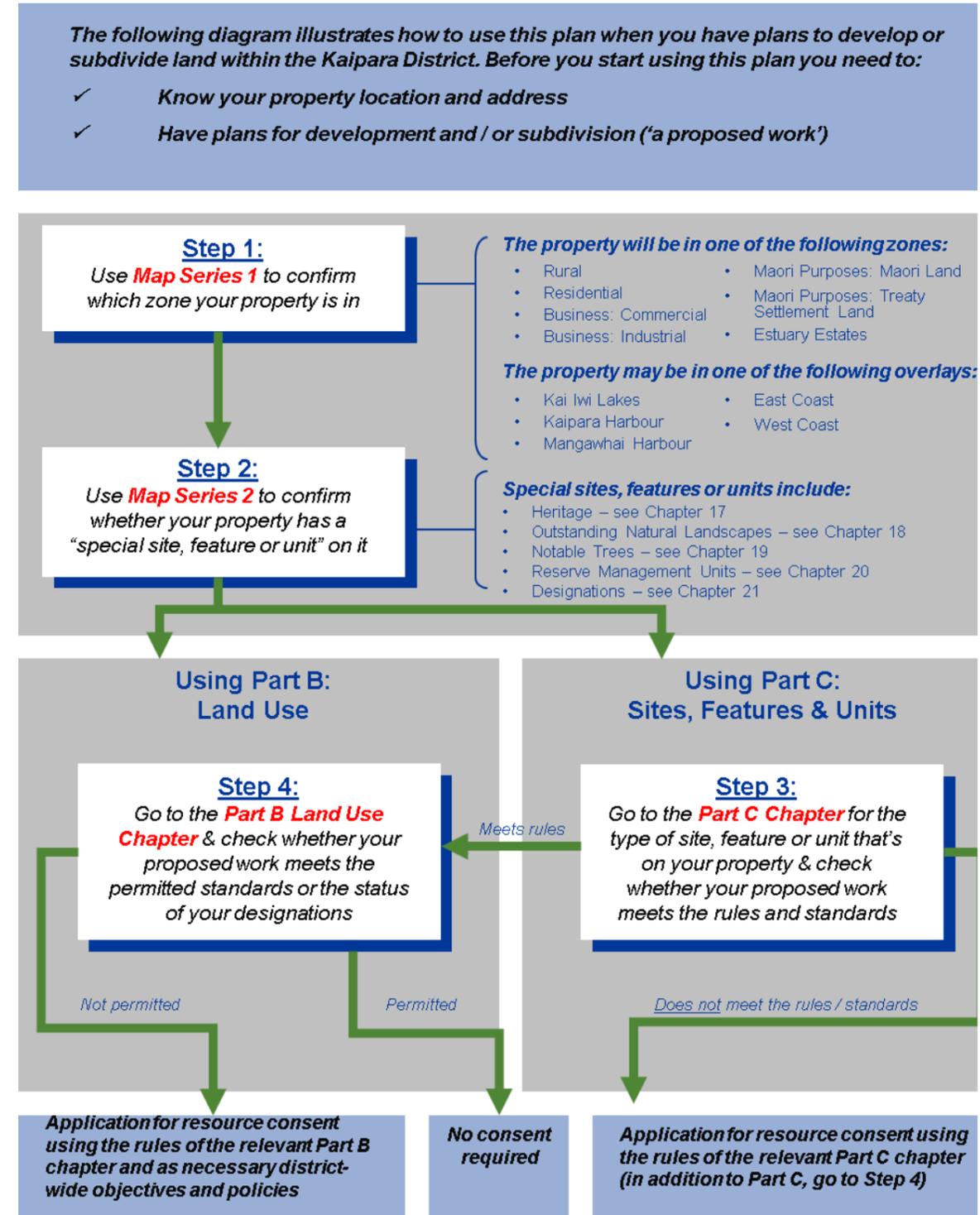
Part A

You don't need consent for activities established before the District Plan was notified

All Overlay provisions are within the Zone Chapters

Section 1.3.5

Figure 1-2: How to Use this District Plan



1.3.5 Consents Required Under the District Plan

Activities in this District Plan are identified as being one of the following:

Permitted:

A Permitted Activity is one where a Resource Consent is not required to undertake the activity, if it complies with the Standards, terms and conditions set out in this District Plan. The District Plan generally provides for land use activities to be 'permitted' unless they are specifically listed as having a different activity status.

Consents may be required under other legislation, for example a Building Consent under the Building Act.

Controlled:

A Controlled Activity is one where the District Plan has specifically identified terms or conditions which must be complied with and over which the Council has reserved its management. An application for a Controlled Activity will not be declined, provided that the terms and conditions are met. Council's intention is to exercise control over such activities rather than manage whether or not they should/could be undertaken. The Plan also identifies the matters over which council reserves control and these are limited in scope to the effects of most concern for the Controlled Activity.

Consent must be given in most cases.

Restricted Discretionary:

A Restricted Discretionary Activity is one where Council has specified the Standards, terms or conditions that must be complied with. The District Plan identifies those matters to which Council has restricted its discretion in considering these activities. While Council can decline a Restricted Discretionary Activity Consent, this can only be on those matters to which it has limited its discretion.

The Council may grant or refuse consent but will only consider those 'matters' provided for in the District Plan.

Discretionary:

A Discretionary Activity is one which either does not comply with the Performance Standards, terms or conditions of the District Plan (for which an infringement is confirmed as having a Discretionary Activity status). Generally, these are activities which are considered either not suitable in all locations in a zone, where the potential effects of the activity are considered variable and Performance Standards cannot feasibly be identified in advance to manage potential effects or where Performance Standards are not met. Council may decline Discretionary Activity Consents, subject to consideration of the Objectives and Policies of the District Plan and Part 2 of the Resource Management Act.

The Council may grant or refuse consent and will give consideration to the Objectives and Policies of the District Plan.

Non-Complying:

For an application for a Non-Complying Activity to be granted, it needs to be demonstrated that the adverse effects on the environment will be minor or the application is not contrary to the Objectives and Policies of the District Plan.

The application will be refused unless effects of activity are minor, or not contrary to Objectives and Policies of this District Plan.

1.3.6 Plan Changes and Review of the District Plan

The Resource Management Act requires Council to undertake a review of a provision of the District Plan, if the provision has not been subject of a proposed plan, a review or a change by the Local Authority during the previous ten years. In addition, review of the Plan will be required to ensure that effect is given to any legislation, reviews of existing National and Regional Policy Statements and Plans and the release of any new Policy Statements, Plans or National Standards (with respect to National Policy Statements, such review can be taken without need to follow Schedule 1 of the Resource Management Act 1991).

[Chapter 3](#)

[Chapter 23](#)

Council also anticipates Plan Changes to be initiated by Council to respond to growth planning (Structure Planning) and/or in response to strategic and management plans prepared by the Council and/or the Regional Council, for example the Regional Growth Strategy. In addition, Council anticipates that Plan Changes and comprehensive Management Plan subdivisions may be initiated by others, particularly to give effect to the future Growth Areas, discussed in this District Plan.

Plan Changes are also anticipated as often as biennially (though may be less frequently) to update Schedules of the District Plan or in response to monitoring outcomes.

1.3.7 Information required for Resource Consents

The Resource Management Act sets out the process for Council to follow in considering an application for Resource Consent and Section 88 sets out the information required.

[Chapter 24](#)

Council produces and updates user guides and application forms for specific land use and subdivision activities. These may be obtained from Council offices and the Kaipara District Council website (www.kaipara.govt.nz). The District Plan provides a summary of information that needs to be submitted with an Integrated Development subdivision application. General requirements are set out in the Appendices of this District Plan.