

# Attachment A

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## Strategic Direction and Zoning

### BACKGROUND

All district plans need to include a strategic direction section to establish the overarching objectives and policies for the district. They also include zones, such as rural and residential areas. Zone rules manage the effects of activities which are likely to occur in each of the zones, as well as the subdivision requirements.

#### Urban Form and Development

Urban form refers to the physical layout and design of the urban area. The way in which settlements and towns grow, and their resulting urban form, can have significant impacts (both positive and negative) on the environment, residents' quality of life and the economic wellbeing of businesses.

The location and form in which urban development occurs in the District also affects how efficiently services (such as water supply and wastewater) can be provided. Inefficient design in terms of layout and density can lead to an environment that is less physically and socially sustainable.

#### Rural Issues

Kaipara District benefits from an extensive rural area with a wide range of attributes and resources which are necessary for productive rural activities. This includes a variety of soils, mineral resources and landscapes which sustain a diverse range of economic activities. A productive rural environment is critical to the economic health of the District and the wider region. The values of landscape, natural character and amenity are also important aspects to be provided for.

### KEY ISSUES

- The Operative District Plan is outdated and does not give effect to the various new and revised National Policy Statements and National Environmental Standards which will influence the strategic direction and zone chapters in the new District Plan.
- The Operative District Plan is overly complex and difficult to navigate and interpret.
- The current rural objectives, policies and methods in the Operative District Plan have proven to be too permissive and has resulted in multiple subdivision applications being granted on highly productive soil. This fragmentation reduces the productive potential of highly productive land.
- The adoption of the '**Kaipara District Spatial Plan Ngā Wawata 2050 – Our Aspirations**' provides significant strategic direction in respect to future zoning and this needs to be reflected in the new District Plan.

### PROPOSED CHANGES

- The strategic direction chapter of the new District Plan will be aligned with Ngā Wawata 2050.
- The strategic direction chapter(s) will also need to set out how resource management issues of significance to the relevant Iwi Authorities are addressed in the new District Plan, in accordance

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with the Planning Standards. This matter is detailed in the Tangata Whenua Discussion Document.

- The Urban Form and Development Chapter will include new objectives and policies to assist in the management of urban growth.
- The Rural Issues chapter in the new District Plan will be rationalised, changing the single Rural Zone to the four available zones of the Planning Standards.
- New objectives and policies are to be developed to assist in the management of the rural environment to promote the productive characteristics and to control the non-rural land-use activities.
- Provision will be made for the preservation of environmentally sensitive areas and consideration will be given to offsetting the effects using incentives.
- The Proposed National Policy Statement for Highly Productive Land (NPS-HPL) and the Proposed National Policy Statement on Indigenous Biodiversity (NPSIB) are likely to be finalised in late 2021 and these documents will further guide the strategic direction chapters of the new District Plan.
- The Planning Standards also provide direction on zoning for the new District Plan, which will incur changes from the current format. While Council has some discretion regarding proposed zones, some matters are prescribed.

Further matters on the urban and rural zones are discussed in the Subdivision Discussion Document.

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## Tangata Whenua

### BACKGROUND

Tangata Whenua is a term used to describe either the Māori people of a particular locality, or as the original inhabitants of Aotearoa/New Zealand. Being one of the first areas settled by Māori, the Kaipara District boasts a rich Māori history. Tangata Whenua experienced substantial losses of their land, culture and identity following the signing of Te Tiriti o Waitangi/The Treaty of Waitangi (Te Tiriti). Grievances against the principles of Te Tiriti are settled through the Treaty Settlement process.

The Kaipara District Council currently has three Treaty partners who have settled their historical Treaty grievances with the Crown and whose rohe (tribal area) is within the Kaipara District Council's boundaries. They are: Te Roroa, Te Uri o Hau and Ngāti Manuhiri.

Ngāti Wai, Ngāti Whatua and Ngā Puhi are still in the process of negotiating their Treaty claims. However, it is anticipated that their area of interests will cover parts of the Kaipara District once settled.

Section 8 of the RMA requires Kaipara District Council to take into account the principles of Te Tiriti and the environmental management plans (also known as IMPs) of Iwi Authorities as part of the plan-making process and decision-making.

A 'Tangata Whenua' chapter is required to be included in the new District Plan, which has close links to the matters described in the Strategic Direction and Zoning Discussion Document. The purpose of the chapter is to provide objectives and a strategic overview of how resource management matters should be considered through a Te Ao Māori/ Māori world view.

The Kaipara District includes marae and hapū groups that do not affiliate or belong to Te Roroa, Te Uri o Hau or Ngāti Manuhiri. While these groups may be non-affiliating Tangata Whenua, Council will be seeking their input into the development of the new District Plan to ensure all views are sought.

### KEY ISSUES

- The new District Plan needs to reflect the matters of key interest to Tangata Whenua and acknowledge the existing agreements between the Council and Te Uri o Hau and Te Roroa.
- The rohe of the Iwi Partners extends beyond the Kaipara District Council boundaries to our neighbouring local authorities (Auckland Council, Far North District Council and Whangarei District Council). This means navigation of up to three different sets of district and regional plans. Where possible and appropriate, consistent policy should be developed to be more effective and efficient across the rohe boundaries.
- Where there may be cultural impacts on sites or areas of significance to Māori or the use of natural resources, Tangata Whenua and Iwi Partners have a strong interest and wish to be consulted.

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- As more growth and development occurs, Tangata Whenua strive to protect the mauri of the natural environment. Therefore, there is an increasing need to ensure these matters are provided for in the new District Plan.
- The new District Plan must ensure sites and areas of significance to Māori are protected and where necessary ensure privacy associated with particular taonga and wāhi tapu sites, which Tangata Whenua do not wish to disclose to public or remain confidential. This issue is also discussed in the Historic Heritage Discussion Document.

## PROPOSED CHANGES

- **Review of Objectives, Policies and Methods**

Council will develop the Tangata Whenua chapter in conjunction with the iwi partners to ensure the objectives, policies and methods align with iwi environmental management plans. Throughout the District Plan review process Kaipara District Council needs to give primacy to the role of Tangata Whenua in decision making, including mātauranga Māori (knowledge), to ensure a collaborative approach occurs.

- **Papakāinga Development**

While there are papakāinga provisions in the current District Plan, it is Council's intention to workshop with iwi, hapū and marae to understand what the iwi partners would like to include in the new District Plan to ensure development is enabling and provides pathways for whānau to return to their lands and develop them.

- **Sites and areas of significance to Māori**

It will be important to identify sites and areas of significance to Māori, and to ensure the District Plan provides protection of these sites through the resource consent process. This will enable Mana Whenua to undertake a cultural impact assessment of these areas, and to ensure sites of significant value are not destroyed by earthworks or development.

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## General District-wide Matters

### BACKGROUND

The District-wide Matters chapters of the new District Plan will cover the matters described in the following table.

Activities on the surface of water	The use of boats, structures and recreational activities on the surface of rivers, lakes and wetlands needs to be managed so that they do not have a negative impact on these waterbodies.
Earthworks	In general, district plans allow small scale earthworks in urban environments and other sensitive environments and permit larger volumes of earthworks in rural locations or less sensitive environments.
Light	Lighting and glare can affect how pleasant an area is, as well as the health and wellbeing of neighbours, if it is not appropriately controlled. The value of having 'dark skies' is also being increasingly recognised..
Noise	Noise can impact on how pleasant an area is, as well as the health and wellbeing of people.
Signs	Signs provide useful information, but they can detract from the appearance of an area and distract drivers.
Temporary activities	Temporary activities such as markets, sports events, fireworks displays and concerts contribute to the vitality of communities. District plan provisions can manage effects such as noise and traffic.
Genetically Modified Organisms (GMOs)	Our neighbouring councils have adopted provisions for managing the risks of outdoor use, storage, cultivation, harvesting, processing and transportation of GMOs.

### KEY ISSUES

Activities on the surface of water	<ul style="list-style-type: none"><li>Given the cultural and ecological significance of the District's waterways, the new District Plan should provide clear policy related to activities on the surface of water to ensure Council can take into account any potential effects on the values of waterways.</li></ul>
Earthworks	<ul style="list-style-type: none"><li>The earthworks rules in each zone need reviewing. They are quite lenient in some zones and overly restrictive in other zones.</li><li>Earthworks associated with subdivision need to be considered in conjunction with other land use rules to ensure a consistent approach that supports an overall positive outcome.</li><li>The thresholds for earthworks within outstanding natural landscape areas, natural character areas and significant natural areas need consideration.</li><li>Earthworks close to the National Transmission Gridline need consideration.</li></ul>
Noise	<ul style="list-style-type: none"><li>The current plan does not align with industry best practice and national standards for assessing noise.</li><li>Noise sensitive activities, such as residential activities and retirement villages, require specific policy and provisions related to noise.</li></ul>
Light	<ul style="list-style-type: none"><li>The current plan does not align with national standards for measuring glare and lighting and industry best practice.</li><li>Opportunity to provide for the value of 'dark skies' across the District.</li></ul>
Signs	<ul style="list-style-type: none"><li>Review the current provisions for signs, both in terms of best practice and whether the sign size requirements are working in practice</li></ul>
Temporary activities	<ul style="list-style-type: none"><li>The lack of specific rules for temporary activities places more reliance on these activities meeting the performance standards in the Plan (for permitted activities). Similarly, the activity status for the proposal is dictated by which performance standard cannot be complied with.</li><li>Some temporary activities are currently 'slipping through the gaps', for example temporary storage of shipping containers.</li></ul>

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Genetically Modified Organisms	<ul style="list-style-type: none"><li>• The new District Plan must give effect to the Regional Policy Statement and also consider risks relating to GMOs.</li></ul>
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## PROPOSED CHANGES

- New provisions are to be developed in the new District Plan which will provide details of what types of activities, buildings or structures on the surface of water need to be controlled and in what locations to ensure the intrinsic values of waterways are appropriately recognised.
- The existing provisions for earthworks in the Operative District Plan will be revised to ensure that the adverse effects of both subdivision and land use activities are appropriate for the scale of the earthworks and their location (for example, whether some of the current thresholds are too restrictive or too lenient).
- The noise provisions for each zone will be developed and updated to reflect national standards for assessing noise, and to align with industry best practice.
- The provisions for lighting and glare will be developed and updated to reflect National standards for measuring glare and lighting, to align with industry best practice.
- The provisions for signage will be developed in the new District Plan. Amendments to the signage provisions may be required to achieve a practical approach to signage across the district, considering the amenity and character values associated with the relevant zone as well as traffic safety implications.
- In the development of the new District Plan, clear direction will be provided on temporary activities (such as concerts, markets and cultural events), particularly where adverse effects are likely to occur.
- A chapter on managing GMOs which aligns with the approach being taken by neighbouring territorial authorities (Auckland Council, and the Far North and Whangarei District Councils).



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## Subdivision

### BACKGROUND

The way in which land is subdivided affects the character of development and can impact on neighbouring sites. It also determines the future use of the land. In the urban context, it is critically important to ensure land zoned for further subdivision and development is supported by infrastructure, and that environmental impacts and natural hazard risks are managed prior to development occurring. It is also important to prioritise and protect the productive potential of rural zones.

### KEY ISSUES

- The current rules framework, both in the rural area as well as in the towns and settlements is complex and confusing.
- The new District Plan needs to include subdivision design outcomes to achieve the purpose and function of the relevant zone. This may include urban design guidance and infrastructure requirements, particularly in the urban zones.
- Subdivision densities need to reflect the desired outcomes for towns and settlements, as identified in **'Kaipara District Spatial Plan Ngā Wawata 2050 – Our Aspirations'**.
- In the urban context, infrastructure must be planned for in an integrated way to ensure connectivity occurs between different land parcels.
- In the rural context, non-reticulated areas require detailed consideration, to ensure primacy is given to the development potential of the land, as well as site suitability for building platforms and sites for non-residential development.
- Provisions are needed in the District Plan to create esplanade reserves and strips where subdivision occurs on lots with frontages to waterways and the coastline. Esplanade Reserves and strips are also discussed in the Public Access Discussion Document.

### PROPOSED CHANGES

- Subdivision provisions included in the new District Plan could provide for boundary adjustments, general subdivision, environmental benefit subdivision and other types of subdivision.
- New provisions are needed to ensure subdivisions are designed and located to suit the role and function of the particular zone.
- Requirements for the management of earthworks associated with subdivision need to be provided.
- Subdivision design, particularly in the urban context, should achieve high levels of amenity.

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- Connected and integrated infrastructure will need to be provided as part of subdivision design.
- Access to, and linkages between, open spaces and recreational areas need to be provided for in residential zones.
- Subdivision design and stormwater guidelines need to be developed.
- Consideration of a more restrictive subdivision regime in the rural zones to reduce fragmentation of productive land.
- Subject to the National Policy Statement on Highly Productive Land (NPS-HPL) being finalised, the relevant provisions in the new District Plan will be required to give effect to this.
- Higher density subdivision development within the urban and settlement areas will be promoted in accordance with the recommendation in **‘Kaipara District Spatial Plan Ngā Wawata 2050 – Our Aspirations’**.

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## Energy, Infrastructure & Transport

### BACKGROUND

Energy, network utility and transport networks contribute to the functioning of Kaipara District's communities. The table below provides an overview of each topic.

Energy	The Resource Management Act requires councils to have particular regard to energy efficiency, and the use and development of renewable energy.
Network Utilities	Network utility operators provide a variety of services to the community including: airports, electricity, radio communication, telecommunication and meteorological services, and gas supply and reticulation.
Three Waters	The 'three waters' are drinking water, wastewater and stormwater. Connection to a public, reticulated three waters network is required when undertaking subdivision, if sufficient capacity is available and connection is practicable. Connection is also encouraged where this would be a logical extension of the network. An alternative private system is required if it is not practicable to connect to the public network.
Transport	The transport network in the Kaipara District is essential to the accessibility and efficient functioning of the district and the region. This includes public and private roads, railways, walking and cycling facilities, and parking and loading areas.

### KEY ISSUES

Energy	<ul style="list-style-type: none"><li>• The new District Plan must include consideration of renewable energy generation in accordance with the requirements of the National Policy Statement for Renewable Electricity Generation (NPS REG).</li><li>• The policies and rules relating to solar cells for large areas and for private systems on rooftops should be reviewed to support this type of renewable energy generation</li><li>• Electric Vehicle (EV) charging stations while not necessarily creating renewable energy, promote the efficient use of energy and the new District Plan could include provisions for EV charging stations as part of any parking activities.</li></ul>
Network Utilities & Three Waters	<ul style="list-style-type: none"><li>• Currently the provisions for these matters are dispersed throughout the Operative District Plan making it very difficult for users to easily access and understand all relevant provisions.</li></ul>
Transport	<ul style="list-style-type: none"><li>• Similarly all transport related matters are dispersed throughout the Operative District Plan.</li><li>• There are a number of policy statements and guidelines as well as the One Network Road Classification that the new District Plan should align with.</li></ul>

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## ***Environmental Engineering Standards (EES)***

Most councils have a set of engineering standards relating to infrastructure matters, which provide best practice technical standards that provide further details on appropriate design, location and specification matters to support the implementation of district plans.

Consideration of how the new District Plan should reflect and incorporate the EES is important so that they are robust but also allow for innovation and best practice approaches.

## **PROPOSED CHANGES**

Infrastructure, energy and transport will be important chapters in the new District Plan to ensure growth occurs across the District in a co-ordinated way and that the use of renewable energy is promoted and appropriately provided for, including the following:

- Promote and encourage the use of renewable energy resources and provide for these activities as permitted activities where appropriate (i.e. wind farms, solar, EV charging stations).
- Ensure provisions relevant to network utility providers protect infrastructure of regional and national importance and do not replicate existing national direction.
- Include provisions in the District Plan to ensure connection to public reticulated three waters networks are provided within reticulated stormwater, wastewater areas, and water supply areas and where this is not possible, promote private connections.
- Ensure provisions encourage and facilitate active transport and public transport modes which are integrated to the existing network.
- Adopt revised Environmental Engineering Standards to support consistent design of infrastructure across the District.

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## Hazards and Risks

### BACKGROUND

Many parts of the Kaipara District are susceptible to certain risks. The table below provides an overview of each key risk that requires consideration in terms of district planning.

Hazardous Substances	Harm can occur because of an accidental release or spill, an unintended chemical reaction, fire or explosion associated with a hazardous substance.
Contaminated Land	Land can become contaminated when hazardous substances are not used, stored or disposed of appropriately. Activities on land where contamination may have occurred in the past must be managed, to prevent risks to human health and safety and to the environment.
Climate Change	Climate change is already happening in Aotearoa New Zealand, and Kaipara communities are experiencing more frequent and more extreme weather events such as heavy rainfall events and prolonged droughts. The new District Plan will need to respond to any central government directives related to climate change and include provisions to help communities to adapt to impacts such as sea level rise and more intense rainfall events.
Flood Risk	Flooding is a major natural hazard risk within the Kaipara District. Subdivision and land use development need to be carefully planned and managed in areas which are susceptible to flood hazard risks.
Coastal Environment and Coastal Flood Hazards	Northland Regional Council released draft coastal hazard maps in April 2021 which identify the areas of the coastline which are susceptible to coastal erosion and coastal inundation (coastal flooding). This information will need to be reflected in the new District Plan, along with policies and rules to manage activities in the high hazard areas.
Geotechnical Hazards	Council is collating information relating to Geotechnical Hazards to help identify where potential development may occur within the Kaipara District, taking into account the hazards, risks and opportunities within the District. This work (along with all the other hazard information described above) will inform where development may occur in future and where it should be avoided.

### KEY ISSUES

- The current provisions for hazardous substances need to be reviewed to reflect legislative changes, as they may duplicate HSNO and HSWA responsibilities.
- The current provisions for contaminated land need to be reviewed to ensure they reflect the NESCS.
- The Operative District Plan does not reflect current science and national direction on climate change matters
- The current provisions for managing flood risk areas need to be reviewed to reflect the most recent available information.

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- The coastal environment maps (and provisions) need to be updated to reflect the mapped coastal environment in the Regional Policy Statement for Northland
- The current provisions for managing the effects of coastal inundation, and coastal erosion areas, need to be reviewed to reflect new information from Northland Regional Council.
- While some information on geotechnical hazards will inform the new District Plan in terms of identifying suitable growth areas, additional information on this topic will inform other processes, such as building consents and needs to be kept up to date and publicly available for these purposes.

## **PROPOSED CHANGES**

- Amend the hazardous substances provisions to reflect the new approach to hazardous substances required by legislation.
- Ensure provisions for contaminated land continue to reflect the National Environmental Standard for Assessing and Managing Contaminants to Soil to Protect Human Health (NESC).
- Develop new provisions related to climate change adaptation, which in some cases may require managed retreat. This work needs to be developed in conjunction with affected communities, particularly in areas where sea level rise will have a significant impact in future.
- Review provisions for managing the effects of flood hazards, in consultation with communities which are located within flood prone areas. Future subdivision or development may need to be restricted in some areas where the flood risks are high.
- Ensure coastal hazards, including areas at risk of coastal inundation, are identified in the District Plan. Where coastal hazard risk is high, consider developing specific provisions in conjunction with the affected communities.
- Review the provisions for managing geotechnical hazards. Ensure communities are aware of these hazards and the implications for future subdivision and development.

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## Minerals and Quarrying

### BACKGROUND

Any significant mineral extraction activities are identified and managed through district plan provisions. Smaller scale mineral extraction activities which are directly associated with rural production (such as farm quarries) are managed through relevant zone provisions. More restrictive rules may apply to farm quarries and mineral extraction activities in areas with significant or sensitive features.

### KEY ISSUES

- The Operative District Plan does not include maps identifying the location of mineral resources in the District, or the suitable areas for quarry material to be used for roading and house building. This means applications for extracting minerals are dealt with on an ad hoc basis as these are submitted.
- A 'Mineral Resources Assessment of the Northland Region' prepared in 2007, concluded that the potential for economic mining in Kaipara District is limited, but sand and aggregate quarrying continue to be important sources of natural resources. Presently, every application to extract these resources requires a resource consent, with the requirement for effects to be contained within the property boundary. However, it has been recognised in case law that the effects of mineral extraction may be felt beyond the boundaries of the activity and external buffers can be provided for in a district plan.

Therefore, there is a need to identify and notify these areas, and the proposed buffers, so that affected landowners can submit on the proposal. Once such areas have been identified and confirmed in the new District Plan, they can be included in Land Information Memoranda (LIMs) and Project Information Memoranda (PIMs). This means owners and prospective buyers of affected properties will be aware of the mineral extraction activity occurring over their boundary, and the likely effects beyond that boundary.

- During the development of the **Kaipara District Spatial Plan – Ngā Wawata 2050 - Our Aspirations**, the matter of adequate and right aggregate provision was raised in feedback received. This included the requirement that those quarries need to be located close to their relevant markets to reduce costs, congestion, and carbon emissions and that the associated planning provisions should address this need. An option to address this is to use overlays on maps to identify quarry areas to avoid adverse environmental effects on people, the environment and to manage reverse sensitivity effects resulting from the quarry operation.

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## PROPOSED CHANGES

- The Regional Policy Statement indicates that the Northland Regional Council will identify mineral resources and that the District Plan must map and provide for these resources to be secured. If the Regional Policy Statement for Northland identifies areas of potential minerals, these should also be reflected in an overlay in the new District Plan. No mapping has been undertaken to date but may be undertaken during the lifespan of the new District Plan. This will assist with ensuring that access to regionally significant mineral resources will not be adversely affected by developments such as residential subdivision. Once these resources become embedded in planning maps, relevant parties, such as developers, will be aware of their locations and will be able to plan accordingly.
- Potential quarry sites should be investigated and mapped as an overlay on the District Plan maps and buffer zones provided should the effects such as: noise, vibration and visual effects be likely to occur beyond the boundary of the property. This approach would provide certainty to construction and roading projects in the District which need to use the aggregate and additionally it would provide information to current and future owners of affected properties.



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## Public Access

### BACKGROUND

Being able to access the coast and waterways is very important to many of us. Generally there are four ways district plan provisions can ensure more public access. Two are focussed on the coast, lakes and rivers, and two can also provide for inland urban and rural access provisions.

- Esplanade reserves, which transfers ownership of 20 metres of land adjacent to a water body to a council, are usually created as part of a subdivision.
- Esplanade strips are similar to esplanade reserves but the ownership remains with the landowner and an easement over land located beside a waterway is created and the public has a right to access them.
- Councils may negotiate with a landowner to provide a public access strip where there is a significant benefit for the community and these are usually inland strips rather than adjacent to water.
- Landlocked land is land to which there is not reasonable physical access by road, esplanade reserve, esplanade strip, access strip or marginal strip. District plan provisions can promote access to these landholdings where there is an opportunity, generally through subdivision provisions.

District Plan provisions can be used to support the creation of public access through new walkways and cycleways (particularly in residential subdivisions) which are well connected to the existing network.

Paper Roads (unformed legal roads) and Marginal Strips provide other types of public access but these cannot be created through district planning provisions.

### KEY ISSUES

#### Priority Esplanade Areas

- The Operative District Plan maps do not indicate where Council would like to create new esplanade reserves and strips. This is incurring missed opportunities both at the time of developments/subdivision and when other opportunities present themselves to enhance public access to our coast and waterways.
- The Operative District Plan does not include incentives to encourage property owners to set aside esplanade reserves or strips in situations where subdivision will not occur due to the property not being eligible for additional subdivision development.

#### Identification of additional walking, cycling and bridleway networks

- There are no provisions in the Operative District Plan showing the desired location of future walking, cycling and bridleway networks, with connections to existing transportation networks.

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This planning is particularly important in the residential and business zones to ensure people can easily walk and cycle in neighbourhoods and commercial areas and which will support the transition to alternative transport options.

## **PROPOSED CHANGES**

- Identify priority areas for future esplanade reserves and strips and include these on the new District Plan Maps.
- Review the Operative District Plan subdivision provisions related to creation of esplanade reserves and strips.
- Identify the key existing walking and cycling networks on the new District Plan maps.
- Identify future walking and cycling transportation linkages in the various zones on the new District Plan maps. This will ensure these linkages are created if subdivision occurs.
- Identify landlocked titles where public access is desirable.

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## Ecosystems and Indigenous Biodiversity

### BACKGROUND

Ecosystems and Indigenous Biodiversity includes all the plants and animals that occur naturally in the area and have evolved or arrived without any assistance from humans. Our Ecological and Indigenous Biodiversity in the Kaipara District is unique and special and includes significant areas of indigenous forest, shrubland, wetlands, dune lakes and dunelands of high ecological value.

Section (6c) of the Resource Management Act 1991 (RMA) requires district councils to identify and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. The Regional Policy Statement for Northland 2016 (RPS) requires district councils to identify Significant Natural Areas (SNAs) in their District Plans using the criteria set out in the RPS.

The benefits of identifying and protecting areas of SNA in a District Plan mean that these areas will not be further degraded by land-use and subdivision development, for example vegetation clearance or earthworks. Identifying land as an SNA in the District Plan does not automatically change how landowners can and cannot use their land. New provisions will not apply until the Plan is notified, following formal public consultation. If there are any new rules applying to SNAs, the public will get the opportunity to have their say through a formal process.

Identifying land as a Significant Natural Area does not automatically change how landowners can and cannot use their land. New provisions will not apply until the District Plan is notified, following public consultation.

### KEY ISSUES

The current Kaipara District Plan does not reflect the Regional Policy Statement requirement to identify and protect Significant Natural Areas. In particular, the District Plan:

- does not apply the criteria set out in Appendix 5 of the Regional Policy Statement for identifying these areas
- does not include ecological areas on private land. (The current District Plan contains a chapter on Ecological Areas but only areas managed by the Department of Conservation and a few Kaipara District Council forests are identified.)

### PROPOSED CHANGES

- New provisions are yet to be developed following public consultation on SNAs. Once Council has developed the provisions further, Council can then discuss with landowners and key stakeholders (including iwi) what this will mean for areas of SNA in the Kaipara District.

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## Coastal Environment

### BACKGROUND

The Kaipara District coastal environments comprise large areas which are all highly valued areas by our communities for their natural beauty, cultural and recreational values and scenic landscapes.

The Operative District Plan identifies these specific coastal environments:

- Northern Wairoa River
- The West Coast
- The East Coast
- The Kaipara Harbour
- The Mangawhai Harbour
- Kai Iwi Lakes.

The 2016 Regional Policy Statement for Northland (RPS) has mapped a more comprehensive coastal environment area for the entire region, which reflects the definition for coastal environment in the New Zealand Coastal Policy Statement (NZCPS)

The definition provides that the coastal environment includes:

- a. the coastal marine area; -
- b. islands within the coastal marine area; -
- c. areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these; -
- d. areas at risk from coastal hazards; -
- e. coastal vegetation and the habitat of indigenous coastal species including migratory birds; -
- f. elements and features that contribute to the natural character, landscape, visual qualities or amenity values; -
- g. items of cultural and historic heritage in the coastal marine area or on the coast;
- h. inter-related coastal marine and terrestrial systems, including the intertidal zone; -
- i. physical resources and built facilities, including infrastructure, that have modified the coastal environment.

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## **KEY ISSUE**

The coastal overlays in the Operative District Plan do not match the full extent of the coastal environment as defined in the NZCPS and as mapped in the RPS **PROPOSED**

## **CHANGES**

The new District Plan needs to give effect to the RPS by replacing the specific coastal overlays (which are based on catchments) to the broader coastal environment mapped in the RPS. Making this change will reflect the requirements of the New Zealand Coastal Policy Statement 2010.

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## Natural Character

### BACKGROUND

From the rugged beauty of Ripiro beach, the powerful Kaipara Harbour through to the idyllic Mangawhai on the East Coast, the Kaipara District proudly contains many areas that have high or outstanding natural character. It is vital to maintain and enhance these areas as these environments undoubtedly contribute towards our District's distinct identity.

The Resource Management Act 1991(RMA) requires protection of the natural character and the Regional Policy Statement for Northland (RPS) provides criteria to use when assessing natural character in Northland .

### KEY ISSUE

Natural character areas are not mapped in the Operative District Plan which means the Operative District Plan does not give effect to the natural character provisions in the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland. The next District Plan will need to include these maps.

### PROPOSED CHANGES

The policy framework and protective rules need to be developed in order to avoid significant adverse effects on outstanding natural character areas.

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## Outstanding Natural Features

### BACKGROUND

Natural features include mountains, hills, valleys, lakes, streams, wetlands, native forests, sand dunes and beaches. Natural features can change over time as a result of natural processes or human activities. These changes can reduce the characteristics and qualities that make a natural feature or landscape unique, distinctive and/or special.

The Resource Management Act 1991 requires Council to protect outstanding natural features from inappropriate subdivision, use and development, as a matter of national importance.

### KEY ISSUES

- The Operative District Plan does not have any assessment criteria, maps, policies or rules for the protection of ONFs or the types of activities within ONFs which may need to be controlled in the District Plan to protect these from inappropriate development.
- The Operative District Plan does not contain any mapped ONFs to support any rules.
- Inconsistent identification and protection of ONFs across the Northland region has led to differing levels of protection of features, especially where an ONF spans two neighbouring council boundaries.

### PROPOSED CHANGES

- The Regional Policy Statement for Northland (RPS) includes maps of ONFs for Northland. The inclusion of Kaipara features from these maps needs to be included in the new District Plan with provisions to ensure their qualities and characteristics are protected.
- The new District Plan should include a policy and rule framework for the protection of ONFs.
- The new District Plan should recognise that existing forms of development (including primary production) may be appropriate on ONFs, provided the use does not compromise any identified characteristics and qualities

# Attachment A

## Outstanding Natural Landscapes

### BACKGROUND

A diverse range of landscapes occur in Kaipara District, ranging from exposed coasts, sheltered estuaries, rivers, steep bush clad hills, riverside flats and rolling farmland. These varied landscapes contribute to the character and identity of the Kaipara District and are highly valued by the public.

Landscape areas are classified as ONLs if they strongly display the physical characteristics and character associated with a particular landscape type and can either be in public and private ownership, and in some cases, these landscapes are situated within working farms.

### KEY ISSUES

- The Regional Policy Statement for Northland (RPS) was published in 2016, and it identifies and maps the Outstanding Landscapes within the Northland region. The new District Plan must align with the RPS. At present there are additional ONLs that have been mapped in the RPS, which are not identified in the Operative District Plan currently. These areas include Sentinel Rock and the Brynderwyn ranges. There are also changes to the RPS which need to be reflected for the Tutamoe/Kaihu Marlborough Forest boundaries.
- Chapter 18 of the Operative District Plan describes the ONLs, however does not contain any rules controlling activities within the ONLs meaning there is a current risk that subdivision, use or development could affect these landscapes if not carefully managed.

### PROPOSED CHANGES

- **Sentinel Rock**

The area identified as Sentinel Rock Coast extends from the south of the Bream Tail Outstanding Landscape Area for 2km to Sentinel Rock at the mouth of the Mangawhai Harbour. The area is confined to a narrow coastal belt, typically extending to the upper edge of the coastal ridge. Sentinel Rock has not been identified as an ONL in the Operative District Plan, but it has been in the RPS. It is not clear why it was not previously identified, but it must be identified in the new District Plan as required by the RPS.



# Attachment A

- **Brynderwyn Ranges**

The Brynderwyn ranges and bush margins have been identified as an ONL in the Whangarei District Plan, on the northern escarpment of the Brynderwyn ranges. The RPS includes this area as an ONL on its maps and therefore it requires protection as an ONL in the new District Plan. However, it is clear from the aerial photography that the southern slopes of the Brynderwyn ranges, are being intensively farmed and therefore it is questionable whether this part needs to be protected in the new District Plan or not and further investigation is required.

- **Tutamoe / Kaihu / Marlborough Forest**

Tutamoe/Kaihu Marlborough Forest boundaries have slightly changed from those shown in the RPS, with some additional areas needing to be included in the new District Plan as an ONL. The forest boundary has been discussed by Council with Northland Regional Council staff and it was agreed that localised changes can be accommodated. Discussions are underway to make parts of the additional area a QEII covenanted area, in accordance with the Operative District Plan maps.

- **Tokatoka**

The extent of the Tokatoka mountain area differs when following the cadastre map compared to the road alignment. Corrections may be required for the new District Plan.

# Attachment A

## Historical Heritage, Sites and Areas of Significance to Māori and Notable Trees

### BACKGROUND

The Kaipara District has a wealth of historical buildings, landmarks, notable trees and sites and areas of significance to Māori.

Provisions related to protection of historical heritage, sites and areas of significance to Māori and notable trees need to be included in the new District Plan.

#### Historical Heritage –

Many of the Kaipara District's sites are also considered to be of national importance and have protection as registered buildings or sites with Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014.

Section 6(f) of the Resource Management Act requires local authorities to protect this historic heritage from inappropriate subdivision, use and development.

#### Sites and areas of significance to Māori –

Historical and archaeological sites, ancestral lands, waterways, wāhi tapu and other taonga are significant to Māori.

Numerous pa sites, terraces, pits and middens are present along the coasts, and further inland in some areas as the Kaipara District was one of the first areas settled by Māori in New Zealand. These sites and areas need to be protected from damage or destruction as a result of subdivision, use and development of land.

The Heritage New Zealand Pouhere Taonga Act 2014 provides legal protection for all archaeological sites in New Zealand, and any activities seeking to damage, modify or destroy an archaeological site need to be authorised by the New Zealand Historic Places Trust.

#### Notable Trees –

To be considered notable and worthy of protection, trees need to be identified and evaluated using the Standard Tree Evaluation Method (STEM) developed by Ron Flook in 1996. This assessment method is widely accepted and has been adopted by the New Zealand Institute of Horticulture and the NZ Arboricultural Association.

Trees (or stands of trees) with a score of 150 or greater under STEM were considered suitable to be included in the Operative District Plan as notable trees (subject to landowner consent to their inclusion).

# Attachment A

## KEY ISSUES

### Historical Heritage

- The only sites that are protected in the Operative District Plan are those which already have protection through Heritage New Zealand (HNZ) under the Heritage New Zealand Pouhere Taonga Act 2014.
- A number of heritage homes and buildings across the District which are not listed with HNZ are potentially at risk of modification or removal and have no protection afforded to them through the District Plan. For instance, there are a number of villas in Dargaville which may be considered for inclusion in the District Plan due to the heritage, amenity, and community values associated with them

### Sites and areas of significance to Māori

- The current provisions relating to sites and areas of significance to Māori are not aligned with current best practice in terms of involving iwi and hapū in identifying sites that are culturally significant.
- There needs to be more recognition and protection of sites and areas of cultural and historical significance in the District Plan.

### Notable Trees

- A review of the existing list of notable trees in the District Plan is needed.
- The review also needs to consider whether the existing STEM score number of 150 is still the most appropriate score to use when deciding whether a tree can be considered notable.

## PROPOSED CHANGES

The District Plan must include provisions to protect and maintain historical heritage sites, sites and areas of significance to Māori, and notable trees. This may include provisions related to undertaking minor works on heritage buildings or trimming notable trees.

Proposed earthworks and disturbance activities close to sites and areas of significance to Māori need to be carefully managed to ensure adverse effects are appropriately managed. The new provisions are likely to include triggers for cultural assessments to be undertaken by Mana Whenua to ensure they are appropriately consulted.