

Attachment C

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Strategic Direction and Zoning

BACKGROUND

All district plans include strategic direction to establish the overarching objectives and policies for their district or city. They also all include zones (e.g. rural, commercial and residential areas) to ensure activities are situated in appropriate locations in order to minimise adverse effects. Rules manage the effects of the activities anticipated within each zone, as well as the subdivision densities and requirements.

The strategic direction element of Kaipara's new District Plan will outline the key strategic and significant resource management matters for our District over the next 10–20 years and set out objectives to address these matters and guide decision-making.

Under the National Planning Standards 2019 (Planning Standards), councils are required to include a strategic direction chapter on 'Urban Form and Development'. However other chapters can and should be developed, to meet the specific needs of each district or town. Given the nature of much of the Kaipara District, a 'Rural Issues' chapter will likely be appropriate to provide strategic direction for the rural areas of the District.

The Planning Standards also require the new District Plan to include 6 different zones and these may be further split into individual sections if required. While the Operative District Plan contains zones, these are now required to be aligned with the Planning Standards.

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 rural environment should also be valued for its landscape, natural character and amenity, and this needs to continue to be provided for in the new District Plan.

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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.

IWI INTERESTS AND IWI MANAGEMENT PLANS

Strategic direction is an important topic for iwi as it impacts on the way in which land is developed. Two Iwi Management Plans are relevant to the Kaipara District.

Nga Ture mo Te Taiao o Te Roroa 2009

This Iwi Management Plan includes direction from Te Roroa on multiple matters including: relationship building; cultural landscapes; retention of Māori land and relationships with marae; soil and mineral extraction and use; biodiversity and ecosystem management tolerating plantation forestry; bioprospecting; climate change; and control of genetic engineering. Each of these matters will influence the strategic direction of the new District Plan.

Te Uri o Hau Kaitiakitanga o Te Taiao 2011

This Iwi Management Plan includes direction from Te Uri o Hau in respect to similar matters as Te Roroa, including: relationship building; cultural landscapes; avoiding inappropriate development; minerals and extraction; biodiversity; cultural landscapes; economic development; forestry; windfarms; agriculture; tourism; sites of significance and access; Mangawhai development; and the important role of the Kaipara Moana Settlement. Each of these matters will influence the strategic direction of the new District Plan.

SUMMARY OF OPERATIVE DISTRICT PLAN PROVISIONS

Chapter 3 of the Operative District Plan outlines Kaipara District Council's Land Use and Development Strategy. Zones are provided in separate chapters within the Operative District Plan and include provisions for both landuse and subdivision. Further details of these provisions can be found in Appendix 1.

PROPOSED CHANGES

The strategic direction chapter of the new District Plan will be aligned with the 'Kaipara District

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Spatial Plan Ngā Wawata 2050 – Our Aspirations', which includes the following direction:

- Kaipara District in a regional context
- recognition of rural production (including findings from the Kaipara Kai report), coastal significance (both coastal areas and the harbour), as well as the role and function of towns and settlements
- protection of the unique ecological network, outstanding landscapes and outstanding features, and the natural character of the coastal environment
- celebration of the cultural richness of the Kaipara District and its inhabitants
- recognition of the importance of transport connections between the Auckland markets and Northland, including water traffic.

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 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. They will enable a range of lifestyle options and types of buildings while recognising the constraints to development in the District.
- Direction on the appropriate location, shape and form of future urban development in the Kaipara District.
- Provision for a range of lifestyle choices and types of development, whilst managing the impact of urban development on existing activities and valued resources.
- Provisions which enable appropriate residential growth and development that is consolidated, compact, feasible; and well designed with the emphasis on:
 - infill housing
 - contiguous development (that shares a common border with other development, as opposed to leapfrog development)
 - higher densities around activity nodes transitioning to lower densities on the outskirts of urban areas
 - choice availability.
- Recognition of the importance of liveability, connectivity and affordability.
- Provide for expansion of both commercial and industrial development across Kaipara.

The applicability of the National Policy Statement on Urban Development (NPS-UD) is currently being debated in relation to the key urban areas of Kaipara. Regardless of whether Kaipara District is deemed to have one or more 'urban areas', the principles of good planning will be incorporated into the Urban Form and Development chapter.

The Rural Issues chapter in the new District Plan will be rationalised changing the single Rural Zone to the four possible following zones:

- General Rural Zone

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- Rural Production Zone (to provide For Kaipara Kai)
- Rural Lifestyle Zone
- Rural Settlement Zone

New objectives and policies are to be developed to assist in the management of the Rural Area 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. While Council has some discretion regarding proposed zones, some matters are prescribed. The following table provides an indicative suite of potential zones based on the requirements, as well as the specific circumstances within the Kaipara District.

Residential zones	Industrial zones
General residential	Light industrial
Medium density residential	General industrial
Low density residential	Heavy industrial
Large lot residential	
Rural zones	Open space zones
General rural	Natural open space
Rural production	Open space
Rural lifestyle	Sport and active recreation zone
Rural settlement	
	Special purpose zones
Commercial and mixed-use zones	Future urban
Commercial	Māori purpose
Town centre	Treaty settlement
Mixed use	
	Precincts/development areas
	Estuary estates/Mangawhai central

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

NEXT STEPS

Some input from technical experts may be required to develop the framework of objectives and policies covering rural areas, urban form and development, open spaces and regional infrastructure.

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RELEVANT LEGISLATION AND NATIONAL DIRECTION

Resource Management Act 1991	
Part 2 Sections 5, 6, 7 and 8	All of Part 2 will apply to the Strategic Direction and zoning Chapters of the new District Plan, as these matters form the basis of the District Plan framework.
National Policy Statements	
New Zealand Coastal Policy Statement (NZCPS)	All of the listed Policy Statements have various implications for the Strategic Direction and Zoning Chapters of the new District Plan.
National Policy Statement on Urban Development (NPS-UD)	
Proposed National Policy Statement for Highly Productive Land (NPS-HPL)	
Proposed National Policy Statement on Indigenous Biodiversity (NPSIB);	
National Environmental Standards for Plantation Forestry (NES-PF);	
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS).	

REGIONAL GUIDANCE

Regional Policy Statement for Northland	
1.5 (Introduction)	Integrated management
Issue 2.4	Regional form
Issue 2.6	Issues of significance to tangata whenua – natural and physical resources
Issue 2.7	Natural hazards
Issue 2.8	Natural character, features/landscapes and historic heritage
Objective 3.11	Regional form
Objective 3.14	Natural character, outstanding natural features, outstanding natural landscapes and historic heritage
Part 4-8 Policies and Methods	The Policies and Methods Package 5.1 – Regional form is particularly relevant
Appendix 1	Mapping methods
Appendix 2	Regional development and design guidelines (see Appendix 2 Part A(t) regarding adopted growth strategies)
Appendix 3	Regionally significant infrastructure
Appendix 4	Outstanding natural areas
Appendix 5	Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments

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OPERATIVE KAIPARA DISTRICT PLAN 2013 – RELEVANT PROVISIONS

Part A	The chapters which are most relevant to the Strategic Direction are included in Part A of the current District Plan. This includes the District Wide Strategy, particularly Chapter 3.
Chapter 3	Land Use and Development Strategy. This chapter states that the provisions of this Plan seek to provide direction to avoid ad hoc expansion of settlements, the underutilisation of existing Residential and Business zoned land, and to avoid intensive developments in areas which may be more appropriate for lower density or rural uses in the future.
Chapter 2	District Wide Resource Management Issues
Chapter 3A	Mangawhai Growth Area
Chapter 4	Overlays such as Ecological Areas (SNA (Significant Natural Area)), Outstanding Landscapes, Coastal Environment, Natural Character Areas and Outstanding Natural Features
Chapter 5	Tangata Whenua Strategy
Chapter 12	Rural
Chapter 13	Residential
Chapter 14	Business, Commercial and Industrial
Chapter 16	Estuary Estates

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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. The rohe of each Treaty Partner area is set out in Figures 1–3.

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.

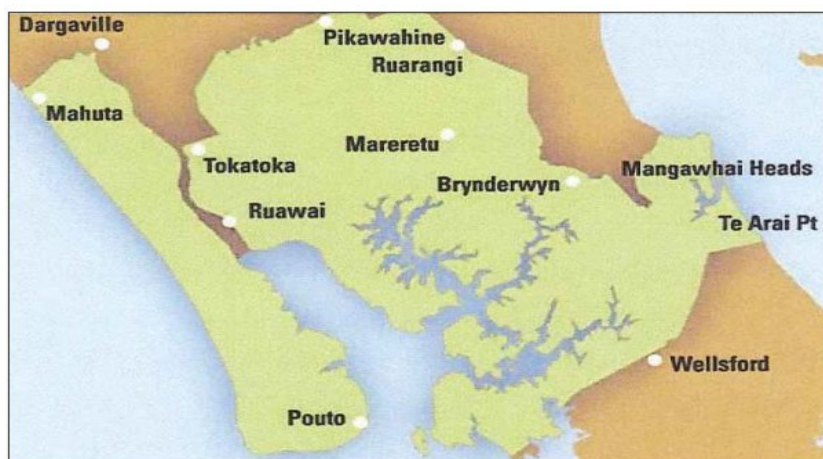
Figure 1. Te Roroa Rohe

Source: <http://teroroa.iwi.nz/our-rohe.html>



Figure 2. Te Uri o Hau Rohe

Source: Te Uri o Hau Settlement Trust Website <http://www.uriohau.com>



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Figure 3. Ngāti Manuhiri Rohe.

Source Ngāti Manuhiri Settlement Trust website <https://www.Ngātimanuhiri.iwi.nz/kaupapa>



Kaipara District Council has a Mana Enhancing Agreement (MEA) with Te Roroa and a Memorandum of Understanding (MoU) with Te Uri o Hau, to support their status as Treaty partners. These are important documents that also provide direction for Council on district planning matters.

Te Roroa and Te Uri o Hau are referred to in the remainder of this document as 'Iwi Partners'.

The Treaty Settlement process generally results in the formation of Iwi Authorities. These are defined under the Resource Management Act 1991 (the RMA) as those authorities which represent an iwi and which are recognised by that particular iwi as having the authority to do so.

Both Iwi Partners have developed Iwi Management Plans (IMPs). District plans are required to take IMPs into account, and more details on these two IMPs are provided in the relevant section in this document. Ngāti Manuhiri has not yet developed an IMP for the Kaipara District.

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.

Additionally, there are matters of importance to Council's Iwi Partners, which also need to be reflected in the new District Plan. These matters include:

- an overview of key resource management issues from a Māori world perspective,
- provisions for the development of Māori land, including Papakāinga housing and development; and
- the identification and protection of sites and areas of significance to Māori.

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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.
- Tangata Whenua and our Iwi Partners have indicated to Council a desire to enable housing and economic development of Māori landholdings across the Kaipara District. The new District Plan will need to ensure provisions are enabling for this type of development to occur.
- 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.
- 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.

IWI INTERESTS AND IWI MANAGEMENT PLANS

As previously stated, there are two Iwi Management Plans (IMPs) that the new District Plan must take into account:

- Nga Ture mo Te Taiao o Te Roroa 2009
- Te Uri o Hau Kaitiakitanga o te Taiao 2011

Both documents provide an overview of the history of the Kaipara area, information pertaining to their Treaty Settlements information, and each iwi's aspirations (including objectives, policies and methods) regarding resource management planning. These documents aim to ensure that any adverse effects are managed and mitigated to protect the environment where any land use activity, subdivision or other development occurs.

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As has been outlined in this Discussion Document, the focus of the Tangata Whenua chapter of the new District Plan will be on defining objectives and to provide a strategic overview of how resource management matters should be considered through Te Ao Māori/a Māori world view. As such the new

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District Plan will be strongly informed and guided by all the objectives, policies and methods contained within these Plans.

SUMMARY OF THE OPERATIVE DISTRICT PLAN PROVISIONS

The Operative District Plan includes the Tangata Whenua Strategy (Chapter 5) which provides an overview of significant issues for Tangata Whenua/Mana Whenua, as well as objectives, policies and methods. This chapter is further supported by Chapters 4, 15A, 15B and 17. Further information on these provisions is provided in Appendix 1.

PROPOSED CHANGES

- Council will develop the Tangata Whenua chapter in collaboration with our Iwi Partners to ensure alignment of the objectives, policies, and methods with the respective Iwi Management Plans and the Maori world view.
- Provisions for Papakāinga Development will be reviewed and updated to ensure they enable development of Papakāinga to ensure the provisions support and encourage whānau to return to their whenua and develop.
- It is envisaged that the new District Plan will include provisions that support the development of Māori owned land, to ensure economically sustainable outcomes for landowners, which support whānau returning to their whenua and enable future generations to remain on the land.
- The new District Plan must protect sites and areas of significance to Māori and ensure appropriate consultation and/or a cultural assessment is undertaken with Tangata Whenua.

NEXT STEPS

Council is working collaboratively with its Iwi Partners to develop the draft Tangata Whenua chapter.

For the sites and areas of significance to Māori, as discussed in the Historic Heritage Discussion Document, both Iwi Partners will undertake work to identify the sites and areas of significance, which they would like mapped on the new District Plan maps, with the exception of the sites required to stay private and confidential (for which another process will apply). Provisions will also need to be developed to ensure activities which are likely to generate adverse effects on the cultural values of these sites and areas are appropriately managed through the new District Plan.

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RELEVANT LEGISLATION AND NATIONAL DIRECTION

Resource Management Act 1991	
Section 6	<p>Matters of National Importance</p> <p>Section 6(e) requires recognition of the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. Section 6(g) recognises the protection of protected customary rights.</p>
Section 7	<p>Other Matters</p> <p>Sections 7(a) and 7(aa) require local authorities to have particular regard to kaitiakitanga and the ethic of stewardship.</p>
Section 8	<p>Treaty of Waitangi</p> <p>Section 8 requires councils to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) when managing the use, development and protection of natural and physical resources.</p>
Section 42	<p>Protection of Sensitive Information</p> <p>This section is particularly relevant to sites and areas of significance to Māori, as it enables councils to protect information which is sensitive to Māori, such as the location of wāhi tapu.</p>
Direction 3	<p>Requires District Plans to include the following matters in the 'Recognition of iwi/hapū' chapter:</p> <ul style="list-style-type: none"> • a history of the iwi/hapū within the rohe, the iwi/hapū relationship with the rohe, environmental management perspective and values • a description of resources of significance to tangata whenua • where agreed with the iwi authorities, a list of relevant iwi authorities (where possible this should include a link to iwi authority websites) • a description of the relationship of iwi or hapū with ancestral lands, water, sites, wāhi tapu, and interests in resource management • an explanation of how iwi and hapū values have been considered when preparing the Plan, or are reflected in the Plan • an overview of the outcome of resource management arrangements from Treaty Settlement and Post-Treaty Settlement Agreements • a list and explanation of what the statutory acknowledgements for the district and region are (where possible this should include a link to the relevant statutory acknowledgement legislation) • a brief explanation of how statutory acknowledgements affect the Plan and/or how statutory acknowledgements are reflected in specific objectives, policies, and methods, including rules (if any).

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Direction 4	Requires the following matters to be included in the 'Tangata Whenua – local authority relationships' chapter: <ul style="list-style-type: none"> if any statutory acknowledgement requires a specific resource management process, identification of that process, and a list of any formal relationship agreements between tangata whenua and a local authority. Those formal relationship agreements may include any memoranda of understanding, Mana Whakahono a Rohe/iwi participation arrangements, co-management agreements, joint management agreements and transfer of powers under RMA 1991 section 33, as they relate to resource management functions.
Direction 5	Requires the following matters to be addressed in Plans in the 'Iwi and hapū planning documents' chapter: <ul style="list-style-type: none"> a list of iwi and hapū planning documents lodged with a local authority (where possible this should include a link to planning documents) a description of how the local authority has taken the iwi/hapū planning documents into account in the Plan a flowchart of how iwi and hapū planning documents are used if relevant and agreed, parts of the iwi/hapū planning documents.
Direction 6	Requires the following matters to be addressed in the 'Consultation' chapter: <ul style="list-style-type: none"> any specific consultation processes with tangata whenua (as required by the RMA) any relevant consultation processes from iwi and hapū planning documents a description of best practice consultation and engagement processes as agreed with specific iwi or hapū a flowchart of the consultation process used or supported a link/reference to external best practice process documents an explanation of the purpose of any consultation processes reference to how the consultation processes are given effect to.
Te Ture Whenua Maori Act 1993	
Various sections	The Act applies to all Maori Freehold Land. While it does not necessarily apply to the District Plan, it is important to understand how land is managed under this Act and how the Maori Land Court processes interact with District Plan processes (i.e. hapu partitions, occupation orders).
Te Uri o Hau Claims Settlement Act 2002	
Various sections	This document is the key piece of legislation providing redress to Te Uri o Hau. Of note is Part 4, which relates to specific properties within the Kaipara District boundaries.
Te Uri o Hau Claims Settlement (Resource Consent Notification) Regulations 2003	
Section 4	Requires a summary of resource consent applications to be forwarded to Te Uri o Hau Settlement Trust.
Te Roroa Claims Settlement Act 2008	
Various sections	This document is the key piece of legislation providing redress to Te Roroa. Of note is Part 2, subpart 2, which relates to specific properties within the Kaipara District boundaries.
Ngāti Manuhiri Claims Settlement Act 2012	
Various sections	This document is the key piece of legislation providing redress to Ngāti Manuhiri.

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REGIONAL GUIDANCE

Regional Policy Statement for Northland	
Issue 2.6	Issues of significance to tangata whenua – participation in resource management
Objective 3.12	Tangata whenua role in decision making
Policy 8.1.1	Tangata whenua participation
Policy 8.1.2	The regional and district council statutory responsibilities
Policy 8.1.3	Use of Mātauranga Māori
Policy 8.1.4	Māori concepts, values and practices
Policy 8.3.1	Kaitiaki role
Policy 8.3.2	Marae and Papakāinga
Policy 8.3.3	Provision of information
Method 8.3.4	Statutory plans and strategies The regional and district councils shall, as soon as practicable after the Regional Policy Statement becomes operative, initiate a joint review of regional and district plans to identify and implement agreed opportunities to improve the ability of tangata whenua to develop marae and papakāinga, and achieve greater consistency in management approaches.
Method 8.1.5	Statutory plans and strategies The regional and district councils shall: (a) Engage with iwi authorities at the earliest possible stage of any review and / or change to plans developed under the Resource Management Act 1991(RMA) to agree appropriate mechanisms for tangata whenua participation and consultation; and (b) Include an analysis of the effects of any resource consent application on tangata whenua and their taonga, including details of any proposed measures to avoid, remedy, or mitigate effects and consultation undertaken, in all regional and district council reports on resource consent applications
Method 8.1.7	Advocacy and education

OPERATIVE KAIPARA DISTRICT PLAN 2013 - RELEVANT PROVISIONS

Chapter 5	Tangata Whenua Strategy This chapter provides an overview of significant issues for Tangata Whenua, as well as objectives, policies and methods.
Chapter 4	Overlays This chapter recognises the importance of protecting coastal and waterway environments and other taonga in the District.
Chapter 15A	Māori Purposes: Māori Land This chapter relates to Māori land zoning.
Chapter 15B	Māori Purposes – Treaty Settlement Land This chapter relates to land included as part of the recent Treaty Settlements between: <ul style="list-style-type: none"> Te Uri o Hau, Ngāti Whatua and the Crown; and Te Roroa and the Crown.
Papakāinga provisions	Papakāinga provisions have been included in Chapters 15A and 15B of the Plan to support whānau/hapū/iwi communal development on Māori and Treaty Settlement Land. The Plan currently provides for no more than 10 individual units per site if the relevant standards are met
Chapter 17	Historic Heritage This chapter included Appendix 17.2 – Nohoanga Areas and Areas of Significance to Māori. (This topic is also discussed in the Historic Heritage discussion document.)

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General District-wide Matters

BACKGROUND

The new District Plan needs to include District-wide chapters related to:

- activities on the surface of water
- earthworks
- light
- noise
- signs
- temporary activities

The new District Plan does not have to include a chapter on managing Genetically Modified Organisms (GMOs). However, if this topic is included, this chapter will be in the District-wide Matters section of the new District Plan.

Activities on the surface of water

It is important to recognise the special values of our District's water bodies (e.g. Kai Iwi lakes, Kaipara Moana) and manage any impacts on these places. The general District-wide Matters chapter may include provisions to manage the use of boats, buildings or structures and recreational activities on the inland waters of the District, including the surfaces of rivers, lakes and wetlands. (Public access to these water bodies is addressed in a separate discussion document)

Earthworks

Earthworks occur as part of subdivision and land use development, as well as other rural activities across the Kaipara District. The Operative District Plan provisions need to ensure any earthworks are appropriately managed and do not result in detrimental impacts on the environment (including the landscape and amenity values, or sedimentation of waterways). In general, district plans allow small scale earthworks in urban environments and other sensitive environments (such as outstanding natural landscapes) and permit larger volumes of earthworks in rural locations or less sensitive environments.

Northland Regional Council also has responsibilities for managing and controlling earthworks, particularly for larger scale developments and bulk earthworks. A separate set of earthworks provisions is included in the Regional Plan for Northland (Appeals Version – August 2020).

Light

Lighting and glare are environmental effects that must be considered in any subdivision and land use development. Lighting has the potential to generate significant effects on amenity, and the health and wellbeing of neighbours, if it is not appropriately controlled. This issue can particularly affect residential environments, such as stadium/recreational park lighting or industrial lighting near residential properties.

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There is also a growing awareness of the value of having 'dark skies' which are free from light pollution. The Kaipara District is perfectly positioned to protect its night skies from light pollution, and the new District Plan can assist with this protection.

Noise

Noise can impact on the amenity of the local environment, and the health and wellbeing of people. For this reason, activities must be managed to ensure they do not generate excessive noise. For example, Council may place limits on the operational hours of industrial or commercial activities which generate a significant amount of noise for a long time, particularly where this activity is occurring near a residential area.

Signs

Signage in the Kaipara District supports local businesses, events and infrastructure, and provides information and directions. The new District Plan needs to include controls on the location, size and design of signs to ensure any amenity and traffic safety effects are managed.

Council currently also controls signs through its Bylaws as well through an Election Hoarding Policy. Part of the work on this topic will be to ensure these three documents are appropriately aligned in the future.

Temporary activities

Temporary activities such as markets, sports events, fire work displays and concerts contribute to the vitality of communities within our District. These events are usually infrequent and only occur for a short period of time, but they can cause effects such as high traffic numbers and noise. District Plan provisions can be used to ensure any effects from temporary activities are appropriate for the location.

Genetically Modified Organisms (GMOs)

The use of GMOs has the potential to generate significant impacts on people, the environment and the economy. There is a lack of information, as well as scientific uncertainty about the effects of GMOs. The risk of irreversible effects could be significant if GMOs are not controlled.

While the Environmental Protection Agency (EPA) is responsible for approving field trials in New Zealand under the Hazardous Substances and New Organisms Act 1996, a High Court Appeal case (*Federated Farmers of New Zealand Inc v Northland Regional Council* [2016] NZHC 2036) questioned whether councils (both regional and district) had jurisdiction to manage GMOs. The Court concluded that councils do have jurisdiction and therefore can include provisions in their regional and district plans.

Our neighbouring territorial authorities (Far North and Whangarei District Councils and Auckland Council) have adopted an adaptive precautionary approach to managing the risks of outdoor use,

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storage, cultivation, harvesting, processing or transportation of GMOs. Some activities such as research within contained facilities, some veterinary vaccines and certain medical applications are permitted activities.

Kaipara District Council is the only council north of the Waikato District which has not adopted provisions for the management of GMOs, as we have been awaiting direction from the Northland Regional Policy Statement.

KEY ISSUES

Activities on the surface of water

- There are no specific provisions in the Operative District Plan related to activities on the surface of water. 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.

Earthworks

- The current provisions relating to earthworks within each zone needs to be reviewed, as the provisions have proven to be more lenient than the community would like to see, especially in the rural, industrial and commercial zones. There have been report of considerable negative impacts as a result of large earthworks occurring. Similarly, it has become evident that the limit of 200m³ is overly restrictive, with a large number of enquiries regarding consents and also complaints received.
- 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.
- The thresholds for earthworks within outstanding natural landscape areas, natural character areas and significant natural areas need consideration, as these are more sensitive environments where the impacts of earthworks activities can have significant effect on the affected area.
- Earthworks close to the National Transmission Gridline need consideration, as earthworks activities within proximity to the transmission lines is a hazard which has the potential to affect the distribution of electricity both nationally and regionally.

Note: Mining, quarrying and extraction activities are considered in the Energy, Infrastructure and Transport discussion document.

Noise

- The current plan does not align with industry best practice and national standards for assessing noise.
- Noise sensitive activities, such as residential activities and retirement villages, require specific policy and provisions related to noise.

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Lighting

- The current plan does not align with national standards for measuring glare and lighting and industry best practice.
- Opportunity to provide for the value of 'dark skies' across the District.

Signs

- Review the current provisions for signs, both in terms of best practice and whether the sign size requirements are working in practice

Temporary activities

- 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.
- Some temporary activities may 'slip through the gaps' of the current (effects-based) plan, for example temporary storage of shipping containers.

Genetically Modified Organisms (GMOs)

- The Operative District Plan doesn't include any GMO provisions. There is a comment in the Operative District Plan (Chapter 2.1.2) indicating that Kaipara District Council will give effect to provisions included in the Northland Regional Policy Statement.
- Theoretically, the absence of GMO rules leaves the District at risk of liability if genetically modified matter crossed from the Kaipara District into another district and contaminated crops or livestock, where regulations are in place.
- The new District Plan needs to give effect to the Regional Policy Statement for Northland by introducing provisions similar to Kaipara District's neighbouring Council's. The District Plan needs to manage GMO matters related to land use activities, as the Regional Plan for Northland only provides for GMO matters within the Coastal Marine Area (CMA).

IWI INTERESTS AND IWI MANAGEMENT PLANS

All General District-wide Matters are of interest to Iwi, as these provisions impact the way in which land is developed and how activities can be carried out. Of notable mention are activities on the surface of water, earthworks and GMOs. Activities on the surface of the water can have a direct impact on the mauri (life force) of the water body and earthworks can disturb historic and cultural heritage. GMOs have the potential to cause significant issues to existing land use activities, including who is ultimately accountable if GMO's are released in an uncontrolled manner.

There are two Iwi Management Plans (IMPs) that must be taken into account:

- Te Uri o Hau Kaitiakitanga o Te Taiao 2011
- Nga Ture mo Te Taiao o Te Roroa 2009.

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Both IMPs refer to activities on the surface of water, and earthworks and GMOs. Particularly, the IMPs emphasise that any adverse effects generated by activities on the surface of water, earthworks and GMOs are managed and mitigated to ensure the protection of the environment.

SUMMARY OF THE OPERATIVE DISTRICT PLAN PROVISIONS

The Operative District Plan includes rules for earthworks, with different provisions applying for earthworks within an Outstanding Natural Landscape. The Plan also includes rules for lighting, noise, signs and temporary activities. It does not currently include any specific provisions for activities on the surface of water or GMOs. For further detail of the Operative District Plan provisions, refer to Appendix 1.

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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NEXT STEPS

As Council develops provisions for the new District Plan, technical experts such as noise consultants and geotechnical engineers may be engaged to assist with drafting the technical aspects of the noise and earthworks provisions. A review of best practice and accepted standards will further inform some elements of the General District-wide Matters chapters.

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APPENDIX 1

RELEVANT LEGISLATION AND NATIONAL DIRECTION

Resource Management Act 1991	
Section 13	Restriction on certain uses of beds of lakes and rivers
Section 16	Duty of avoid unreasonable noise
Section 17	Duty to avoid, remedy, or mitigate adverse effects
Hazardous Substances and New Organisms Act 1996	
Numerous sections in the legislation apply to the development and release of new organisms.	

REGIONAL GUIDANCE

Regional Policy Statement for Northland	
Issue 2.6	Issues of significance to tangata whenua – natural and physical resources
Policy 6.1.2	Precautionary approach
Proposed Regional Plan for Northland (Appeals Version)	
The earthworks provisions in the Regional Plan may apply in conjunction with District Plan requirements.	

OPERATIVE KAIPARA DISTRICT PLAN 2013 – RELEVANT PROVISIONS

Activities on the Surface of Water	The Operative District Plan does not currently include any specific provisions for activities on the surface of water, however many of the rules use the banks of rivers, lakes, streams as a trigger for activities requiring a resource consent. For example, if a building or structure were proposed to be constructed on a water body, the building or structure would require a resource consent as it would trigger rules such as the setback requirements.
Earthworks	There are multiple rules applying to earthworks in the Operative District Plan within the Rural, Industrial/Commercial and Maori Purposes Maori Land/Maori Purposes Treaty Settlement Land and depends on whether the site is within an overlay area or not.
Light and Glare	There are multiple rules applying to light and glare in the Operative District Plan within the Rural, Industrial/Commercial and Maori Purposes Maori Land/Maori Purposes Treaty Settlement Land which require a measurement of 10 lux at any point on the boundary of any Residential zoned site.
Noise	There are multiple rules applying to noise in the Operative District Plan within the Rural, Industrial/Commercial and Maori Purposes Maori Land/Maori Purposes Treaty Settlement Land which require different measurements depending on which zone the noise rules apply to and are measured either at or within any other site zoned Residential, or within the 'notional boundary' of a dwelling in the Rural or Maori Purpose Zones.
Signs	There are multiple rules applying to signs in the Operative District Plan within the Rural, Industrial/Commercial and Maori Purposes Maori Land/Maori Purposes Treaty Settlement Land and includes signs on and adjacent to roads and on buildings.

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Temporary Activities	Temporary Activities are defined in the Operative District Plan as follows: <i>Temporary Activities</i>
	<i>An activity which is undertaken for a short term, not exceeding five days duration or more than 500 attendees, either as an isolated event or as a series of events where the cumulative period of operation is less than 12 days in a calendar year, and includes any gala, sports event, festival, hui or other community activity.</i> As the Operative District Plan is an effects-based plan (as opposed to an activities-based plan or hybrid), a temporary activity is a permitted activity if the proposed activity complies with the performance standards set out in the zone chapters. Where the proposal does not meet the performance standards, the activity may become a controlled, restricted discretionary, discretionary or non-complying activity.
Genetically Modified Organisms (GMOs)	There are no provisions in the Operative District Plan relating to Genetically Modified Organisms (GMOs), apart from the following comments included in Chapter 2.1.2 (District Wide Resource Management Issues).

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Subdivision

BACKGROUND

Subdivision is the process of dividing a site or building into one or more additional sites or units or changing an existing boundary. The way in which land is subdivided is important as it determines the character of development and can have impacts 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 subdivision development is supported by infrastructure, and that environmental impacts and natural hazard risks are managed prior to development occurring. In the rural context it is important to ensure the productive potential of the rural environment is given primacy and is protected. Issues regarding zoning provisions are also discussed in the Strategic Direction and Zoning Discussion Document.

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 Council's Spatial Plan).
- 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.

IWI INTERESTS AND IWI MANAGEMENT PLANS

Subdivision is a matter of interest to Iwi, as it has impacts on the way in which land is developed. There are two Iwi Management Plans that Kaipara's District Plan must take into account:

- [Nga Ture mo Te Taiao o Te Roroa 2009](#)
- [Te Uri o Hau Kaitiakitanga o Te Taiao 2011](#)

Both documents refer to subdivision and development and aim to ensure that any adverse effects from subdivision are managed and mitigated to protect the environment.

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SUMMARY OF OPERATIVE DISTRICT PLAN PROVISIONS

While subdivision is addressed in various parts of the Operative District Plan, the main rules around subdivision are provided in Chapters 12, 13 and 14.

In general, the minimum site area for residential subdivision is 600m² where it is connected to reticulated wastewater infrastructure and 3,000m² where it is not connected to reticulated wastewater infrastructure. In general, the minimum site area for rural subdivision is 12ha (outside of Overlay areas) and 20ha in the overlay areas. Further details on these provisions can be found in Appendix 1.

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.
- 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 Ngā Wawata 2050.

NEXT STEPS

Urban Zones

The development and adoption of the **‘Kaipara District Spatial Plan Ngā Wawata 2050 – Our Aspirations’**, includes significant direction on suitable subdivision densities and this will inform the drafting of the relevant chapters. Further work will be required to determine lot sizes in conjunction with the availability of services and infrastructure, and to ensure that the land to be zoned for smaller lots is suitable for the recommended sizes.

Rural Zones

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Additional work is required to define the required rural zones. These zones need to provide for general rural land, rural production and horticulture (Kaipara Kai) as well as rural residential or lifestyle lots. This work will be undertaken by planning experts who will use various sources of information, including available soil classifications and key land use activities to support their recommendations. Once this definition stage is completed, further analysis will be required to determine subdivision options for these zones.

Further research is required to ensure the zoning for rural residential or lifestyle properties achieves the right balance between allowing for such development in appropriate locations, not undermining existing rural activities and jeopardising future urban development.

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APPENDIX 1

RELEVANT LEGISLATION AND NATIONAL GUIDANCE

Resource Management Act 1991	
Section 31(1)	Requirements for Council to control the effects of subdivision development and for ensuring there is sufficient capacity for housing and business land development.
Section 11	Restrictions on subdivision of land
Section 87	Resource consent for subdivision
Section 108 and 220	Conditions on consents generally and for subdivision consents
Section 218	Meaning of subdivision of land and includes definition of allotment.
Section 230	Includes requirements for esplanade reserves or esplanade strips to be vested in Council.
Section 406	Includes grounds of refusal of subdivision consent.
National Policy Statements	
National Policy Statement on Urban Development 2020 (NPS-UD)	If parts of the District are considered to be an urban environment, the NPS-UD would apply meaning that densification is required.
Proposed National Policy Statement for Highly Productive Land (NPS-HPL)	While still not enacted, the NPS-HPL will require all land Classified as Land Use Capability 1,2 and 3 to be preserved for primary production purposes.
New Zealand Coastal Policy Statement 2020 (NZCPS)	The NZCPS requires the protection of the coastal environment. As part of assessing subdivision within the coast, the NZCPS will apply.

REGIONAL GUIDANCE

Regional Policy Statement for Northland	
Policy 5.1.1 – Planned and co-ordinated development	Directs subdivision, use and development to be located, designed and built in a planned and co-ordinated manner using criteria (a) – (h).
Policy 5.1.2 – Development in the coastal environment	Directs how subdivision, use and development is to be carried out in the coastal environment.
Policy 5.1.3 – Avoiding the adverse effect of new use(s) and development	Directs the avoidance of effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on primary production activities, commercial and industrial activities, regional infrastructure and regionally significant mineral resources.
Policy 7.1.2 – New subdivision and land use within 10-year and 100 year flood hazard areas	Directs that new subdivision, built development and land use change may be appropriate provided criteria (a) – (g) are met.
Policy 7.1.3 New subdivision, use and development within areas potentially affected by coastal hazards (including high risk coastal hazard areas)	Ensures new subdivision, use and development within areas potentially affected by coastal hazards will be managed.
Policy 7.1.6 Climate change and development	Directs that when managing subdivision, use and development in Northland that the effects of climate change are taken into account.
Proposed Regional Plan for Northland	
C.8 Land use and disturbance activities	C.8.3 would apply to any large-scale earthworks required for subdivision.

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Residential Zone			
Provision	Zone/Overlay	Summary of Rule	Activity Status
Rule 13.11.1 General Residential Subdivision	Residential Zone	<ul style="list-style-type: none"> Minimum net site area of 600m², where connected to reticulated wastewater infrastructure. Minimum net site area of 3,000m² where not connected to reticulated wastewater infrastructure. Needs to comply with Performance Standards. Not within an Outstanding Natural Landscape. 	Controlled
	Overlay Areas	<ul style="list-style-type: none"> Minimum net site area of 1,000m², where connected to reticulated wastewater infrastructure. Minimum net site area of 3,000m² where not connected to reticulated wastewater infrastructure. Needs to comply with Performance Standards. Not within an Outstanding Natural Landscape. 	Controlled
Rule 13.11.2 Boundary Adjustment	Residential Zone	<ul style="list-style-type: none"> The boundaries of two or more adjacent allotments are adjusted. No additional allotments will be created. Net site area of the boundary is the same as, or does not differ by more than 10% of, the net site area as it existed prior to the adjustment. 	Controlled
Rule 13.11.3 Preservation of Natural and Cultural Heritage	Residential Zone	<ul style="list-style-type: none"> Permanent physical and legal protection of the feature is achieved. Lot created must contain either an historic site; an area of significance to Māori or a heritage feature, or a Notable Tree. Minimum net site area of 375m², where reticulated wastewater infrastructure is available with the exception of the lot containing the mapped site or feature. Minimum net site area of 3,000m² where there is no connection to reticulated wastewater infrastructure. 	Controlled
	Overlay Areas	<ul style="list-style-type: none"> Permanent physical and legal protection of the feature is achieved. Lot created must contain either an historic site; an area of significance to Māori or a heritage feature, or a Notable Tree. Minimum net site area of 750m², where reticulated wastewater infrastructure is available with the exception of the lot containing the mapped site or feature. Minimum net site area of 3,000m² where there is no connection to reticulated wastewater infrastructure. 	Controlled

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Rule 13.12.1 Integrated Development (for up to 10 lots)	Residential Zone	<ul style="list-style-type: none">• Where connection to reticulated wastewater infrastructure is available the number of total lots shall be at least 1 lot per 500m² with a minimum net site area of 375m².• Where connection to reticulated wastewater infrastructure is not available the number of lots shall be an average of at least 1 lot per 3,000m² with a minimum net site area of 2,000m² per lot.• Where connection to reticulated wastewater infrastructure is not available but a private wastewater system is proposed to be established to service all lots in the subdivision, the number of lots shall be an average of at least 1 lot per 500m² with a minimum net site area of 375m² per lot.	Restricted Discretionary
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		<ul style="list-style-type: none"> The site is not within an Outstanding Natural Landscape. 	
	Overlay Areas	<ul style="list-style-type: none"> Where connection to reticulated wastewater infrastructure is available the number of total lots shall be at least 1 lot per 900m² with a minimum net site area of 750m². Where connection to reticulated wastewater infrastructure is not available the number of lots shall be an average of at least 1 lot per 3,000m² with a minimum net site area of 2,000m² per lot. Where connection to reticulated wastewater infrastructure is not available but a private wastewater system is proposed to be established to service all lots in the subdivision, the number of lots shall be an average of at least 1 lot per 900m² with a minimum net site area of 750m² per lot. The site is not within an Outstanding Natural Landscape. 	Restricted Discretionary
Rule 13.13.1 Integrated Development (for more than 10 lots)	Residential (excluding overlay areas)	<ul style="list-style-type: none"> Where connection to reticulated wastewater infrastructure is available the number of total lots shall be at least 1 lot per 500m² with a minimum net site area of 375m². Where connection to reticulated wastewater infrastructure is not available the number of lots shall be an average of at least 1 lot per 3,000m² with a minimum net site area of 2,000m² per lot. Where connection to reticulated wastewater infrastructure is not available but a private wastewater system is proposed to be established to service all lots in the subdivision, the number of lots shall be an average of at least 1 lot per 500m² with a minimum net site area of 375m² per lot. The site is not within an Outstanding Natural Landscape. 	Discretionary
	Overlays	<ul style="list-style-type: none"> Where connection to reticulated wastewater infrastructure is available the number of total lots shall be at least 1 lot per 900m² with a minimum net site area of 750m². Where connection to reticulated wastewater infrastructure is not available the number of lots shall be an average of at least 1 lot per 3,000m² with a minimum net site area of 2,000m² per lot. Where connection to reticulated wastewater infrastructure is not available but a private wastewater system is proposed to be established to service all lots in the subdivision, the number of lots shall be an average of at least 1 lot per 900m² with a minimum net site area of 750m² per lot. The site is not within an Outstanding Natural Landscape. 	Discretionary
Rule 13.13.2 Subdivision of a site within an Outstanding Natural Landscape	Residential Zone	<ul style="list-style-type: none"> Needs to meet Rules 13.11 or 13.12 but does not provide for the permanent physical and legal protection of Outstanding Natural Landscapes as stated in Rule 13.12.1. 	Discretionary

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Business Zones (Commercial, Industrial)			
Provision	Zone/Overlay	Summary of Rule	Activity Status
Rule 14.11.1 General Business Subdivision	Commercial Zone (not in an overlay)	<ul style="list-style-type: none"> Where connected to reticulated wastewater infrastructure is available the minimum net site area 250m². Complies with Performance Standards in 14.10 and 14.13. 	Controlled
	Industrial Zone (not an overlay)	<ul style="list-style-type: none"> Where connected to reticulated wastewater infrastructure is available the minimum net site area 500m². Complies with Performance Standards in 14.10 and 14.13. 	
	Industrial and Commercial Zones in an Overlay	<ul style="list-style-type: none"> Where connected to reticulated wastewater infrastructure is available the minimum net site area 1,000m². Complies with Performance Standards in 14.10 and 14.13. 	
Rule 14.11.2 Boundary Adjustment	Commercial and Industrial Zone	<ul style="list-style-type: none"> Minimum net site area of any proposed allotments is 250m² in the Commercial Zone or 500m² in the Industrial Zone, where sites can be connected to reticulated wastewater infrastructure. Minimum net site area of any proposed allotments is 2,000m² where sites are not connected to reticulated wastewater infrastructure. No additional allotments will be created. Net site area of any proposed allotment created by the boundary adjustment is the same as or does not differ by more than 10% of the net site area of that allotment as it existed prior to the boundary adjustment. Complies with Performance Standards in 14.10 and 14.13. 	Controlled
Rule 14.12.1 Subdivision - unserviced	Commercial and Industrial (excluding overlays)	<ul style="list-style-type: none"> No minimum site area for sites with no connection to reticulated wastewater infrastructure. Performance Standard 14.13.6 applies. Complies with Performance Standards in section 14.10 and 14.13. 	Restricted Discretionary

Rural Zone			
Provision	Zone/Overlay	Summary of Rule	Activity Status
Rule 12.12.1 General Subdivision	Outside Overlay Areas	<ul style="list-style-type: none"> Minimum net site area of 12ha. Complies with Performance Standards in sections 12.10 and 12.15. Allotment is not within an Outstanding Natural Landscape. 	Controlled

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	Inside Overlay Areas*	<ul style="list-style-type: none"> Minimum net site area of 20ha. Complies with Performance Standards in sections 12.10 and 12.15. Allotment is not within an Outstanding Natural Landscape. <p><i>*Kai iwi lakes, east coast, west coast, Mangawhai Harbour and Kaipara Harbour Overlays</i></p>	Controlled
Rule 12.12.2 Preservation of Natural and Cultural Heritage	All Rural Zone (including overlays)	<ul style="list-style-type: none"> Minimum net site area of 4,000m² and an area of at least 2,500m² exclusive of the heritage area being permanently protected. Balance lot must be a minimum net site area of 4 hectares. Complies with Performance Standards in sections 12.10 and 12.15. Allotment is not within an Outstanding Natural Landscape. 	Controlled
Rule 12.12.3 Boundary Adjustment	All Rural Zone (including overlays)	<ul style="list-style-type: none"> Between two or more adjacent allotments. No additional allotments will be created. Net site area is the same as or does not differ by more than 15% of the net site area. Resulting titles comply with the minimum lot size as a controlled activity, except where the existing lot size is already non-complying. Complies with Performance Standards in section 12.10. Allotment is not within an Outstanding Natural Landscape. 	Controlled
Rule 12.13.1 Environmental Benefit	All Rural Zone (including overlays)	<ul style="list-style-type: none"> Minimum net site area of 4,000m² with an area of at least 2,500m² exclusive of the area being protected. Balance lot shall be a minimum net site area of 4,000m². Complies with Performance Standards in sections 12.10 and 12.15. Allotment is not within an Outstanding Natural Landscape. 	Restricted Discretionary
Rule 12.13.2 Rural Amenity Lot (for lots existing at date of notification of the Plan)*	All Rural Zone	<ul style="list-style-type: none"> The parent lot existed at the date of notification (21 October 2009). No more than 2 Rural Amenity lots are created per parent site. Minimum net site area of 4,000m² and a maximum of 8,000m². If one Rural Amenity lot is being created in the Rural Zone (without an overlay), the balance shall be a minimum net site area of 4ha. If the site is in the Rural Zone with an overlay, the balance lot created shall be a minimum net site area of 20ha. If two Rural Amenity lots are being created and the site is in the Rural Zone (without an overlay) the balance lot shall be a minimum net site area of 8ha. Maximum of 2 lots. <p><i>*Rural Amenity Lot is a site of net site area of more than 4,000m² but less than 8,000m² within the Rural Zone for the purposes of countryside living within the rural area whilst maintaining the rural</i></p>	Restricted Discretionary

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		<i>amenity of the Zone. Rural amenity lots will be located in such a way so as to provide for the continued rural activities and character of the Zone</i>	
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Rural Zone			
Provision	Zone/Overlay	Summary of Rule	Activity Status
Rule 12.13.3 Small Lot Development (only for 5 hectare lots or less, existing at the date of notification)	All Rural Zone (provided it is not within an overlay area)	<ul style="list-style-type: none"> Parent site must be 5 hectares or less and held in a separate Certificate of Title as at the date of notification (21 October 2009). Minimum net site area of 4,000m² can be obtained, provided the minimum average lot size of 1 hectare can be achieved for the overall subdivision. No more than 3 additional lots are created per site. 	Restricted Discretionary
Rule 12.13.4 Integrated Development (for up to 10 lots)	Rural (excluding overlay areas) OR Coast (East and West) and Kai Iwi Lakes overlay areas OR Kaipara Harbour Overlay OR Mangawhai Harbour Overlay	<ul style="list-style-type: none"> One lot per 4 hectares of the parent title with a minimum net site area of 4,000m² per lot. The site is not located within an Outstanding Natural Landscape. <ul style="list-style-type: none"> Total lots obtainable shall be one lot per 12 hectares of the parent title in the Rural Zone. Minimum net site area of 4,000m² per lot. The site is not located within an Outstanding Natural Landscape. <ul style="list-style-type: none"> Total lots obtainable shall be one lot per 6 hectares of the parent title. Minimum net site area of 4,000m² per lot. Site is not located within an Outstanding Natural Landscape. <ul style="list-style-type: none"> Total lots obtainable shall be one per 6 hectares of the parent title. Minimum net site area of 4,000m² per lot. Total lots obtainable shall be one lot per 2 hectares of the parent title. Minimum site area of 4,000m² per lot, where there has been comprehensive mapping and identification by a suitably qualified ecologist of the valued natural environments on the whole of the site. The site is not within an Outstanding Natural Landscape. 	Restricted Discretionary

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Rule 12.14.1 Small Lot Development	Within an overlay area	<ul style="list-style-type: none">• Parent site must be 5 hectares or less and held in a separate Certificate of Title as of the date of notification (21 October 2009).	Discretionary
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(only for 5 hectare lots or less, existing at the date of notification of the Plan)		<ul style="list-style-type: none"> Minimum net site area of 4,000m² provided minimum average lot size of one hectare can be achieved for the overall subdivision. No more than 2 additional lots are created. Complies with Performance Standards in sections 12.10 and 12.15. 	
Rule 12.14.2 Integrated Development (for more than 10 lots)	Rural (excluding overlay areas) OR Coast (East and West) and Kai Iwi Lakes overlay areas OR Kaipara Harbour Overlay OR Mangawhai Harbour Overlay	<ul style="list-style-type: none"> No more than one lot per four hectares with a minimum net site area of 4,000m². Site not within an Outstanding Natural Landscape. <ul style="list-style-type: none"> Total lots one per 12 hectares. Minimum net site area of 4,000m² per lot. The site is not within an Outstanding Natural Landscape. <ul style="list-style-type: none"> Total lots one per 6 hectares. Minimum net site area of 4,000m². Not within an Outstanding Natural Landscape. <ul style="list-style-type: none"> Total lots one per 6 hectares. Minimum net site area of 4,000m². Total lots one per 2 hectares of the parent title with a minimum net site area of 4,000m² per lot where there has been comprehensive mapping and identification of the valued natural environments on the site. <p><i>*All proposed subdivision must comply with the Performance Standards under Rules 12.12 and 12.13.</i></p>	Discretionary
Rule 14.14.3 Subdivision of a site within an Outstanding Natural Landscape	Rural Zone	<ul style="list-style-type: none"> Needs to meet Rules 12.12, 12.13 or 12.14 but does not provide for the permanent physical and legal protection of Outstanding Natural Landscapes as stated in Rule 12.13.1. 	Discretionary
Estuary Estates Table 16.10.5-1	Multiple Zones	Various Activities and Provisions – Refer to Table 16.10.5-1.	Various

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Energy, Infrastructure, & Transport

BACKGROUND

Energy, infrastructure, and transport all contribute significantly to the well being of communities across the Kaipara District and includes assets of local, regional and national significance, such as roads, three waters infrastructure and network utilities, including the National Grid transmission lines.

While all of the elements of this topic come under the Resource Management Act definition of 'Infrastructure', this topic further splits these into energy, network utilities 'three waters' and transport as they have differing aspects and matters that are addressed in district plans.

Energy

Currently there is a demand for renewable energy sources to replace traditional energy generating methods, as renewable energy alternatives have significantly more benefits including reduced impacts on the environment and their contribution towards reducing greenhouse gas emissions.

The District Plan therefore has to provide policies to enable alternative energy sources to be developed and to set criteria against which applications have to be assessed with the aim to reduce greenhouse gas emissions.

Network Utilities

Network utility operators provide a variety of essential services to the community including airports, railways, electricity, radio communication, telecommunication and meteorological services, and gas supply and reticulation. Due to their essential nature, district plans must provide for the efficient operation, maintenance and upgrading of existing network utilities, and for the establishment of new services as required.

Three Waters

Three Waters infrastructure includes: water, wastewater and stormwater. Successfully implemented and managed three waters infrastructure has significant economic, social, environmental, and cultural benefits, and in some cases may need to be protected as regionally significant infrastructure if the infrastructure is critical to not only to the Kaipara District, but Northland as a region.

Provision must be made for three waters services when developing or subdividing land, to enable the anticipated use of that land, and to manage the potential adverse effects, if any.

In addition to District Plan provisions, Kaipara District Council may impose controls and restrictions on three waters management through bylaws. Additionally, consents may also be required from the

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Northland Regional Council with regards to stormwater, wastewater, and water supply.in terms of the Regional Plan through water permits, for instance taking of water from water sources as well as the discharge of water requires a Regional permit.

Transport

The transport network in the Kaipara District is essential to the accessibility and efficient functioning of the District. Kaipara District's transport network includes public roads (state highways and district roads) as well as private roads, railways, accessways, service lanes, walking and cycling facilities, and parking and loading areas.

KEY ISSUES

Energy

- 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). While the Operative District Plan includes provisions for this, it relies on applications being made to Council, rather than including more proactive ways of promoting and supporting the uptake of renewable energy generation, both in terms of commercial and individual options. While applications have been made to Council for larger scale projects, to date none have materialised.
- 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, especially if the area is large enough to create a surplus of electricity to return to the National Grid. There are ways the new District Plan could allow for incentivising this.
- Electric Vehicle (EV) charging stations while not necessarily creating renewable energy, promote the efficient use of energy. To support these activities, the new District Plan should include provisions for EV charging stations, including maintenance and upgrades, as part of any provisions on parking activities.

Network Utilities

- The National Planning Standards require network utilities to be addressed in one specific chapter of the new District Plan. Currently all necessary provisions for Network Utilities are scattered throughout the Operative District Plan, rather than being contained in one chapter. This cause confusion for network utility operators, especially where applicable provisions are different in the different zones where the network utility activity doesn't change. For instance, controls on trenching and earthworks related to network utilities or the height of infrastructure.

Three Waters

- The National Planning Standards require all infrastructure matters, including the 'Three Waters' to be addressed in one specific chapter in the new District Plan. Similar to the provisions relating

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to network utilities, the provisions for these are also currently scattered throughout the Operative District Plan within the zone chapters, rather than contained in one chapter.

Transport

- As directed by the National Planning Standards, all of the transport-related matters need to be brought together in one single Transport chapter. Subsequent cross referencing between the transport chapter and the zone chapters will be necessary to ensure transport and land use are integrated.
- A number of policy statements and guidelines have been published by Waka Kotahi to integrate transport and land use and the new District Plan needs to align with this.
- The One Network Road Classification (ONRC) classifies New Zealand's roads in six different categories based on how busy they are, whether they connect to important destinations, and are the only route available and the new District Plan should reflect these classifications:
 - National
 - Arterial
 - Regional
 - Primary collector
 - Secondary collector
 - Access.

Environmental Engineering Standards

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.

the current Kaipara District Council 2011 Environmental Engineering Standards (EES) are referred to within the Operative District Plan rules. This is a precise technical approach and should any changes to the EES be proposed or be necessary, this triggers a full plan change process in terms of the Schedule 1 procedure of the Resource Management Act 1991.

While this approach has some merits, it means that changes to the EES to allow for innovative approaches, new products or design methodologies can be stifled by the process required to make these changes. Changing the approach to only use the EES as a testing method to determine if resource consent conditions are being met, would resolve this issue. However, there are potential risks associated with this approach and Council must weigh up all matters to determine the best approach for the EES in the new District Plan.

IWI INTERESTS AND IWI MANAGEMENT PLANS

Nga Ture mo Te Taiao o Te Roroa 2009

Under Chapter 10, Climate Change Objective 5, Te Roroa will look at ways to improve their carbon footprint including improving energy efficiency and investigating opportunities for renewable energy

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generation and use in their rohe.

Under the heading “Utilities, Amenities and Infrastructure” in Chapter 6 the effect telecommunication and electricity facilities have on the value of cultural sites is outlined. This Chapter also discusses the need for electricity connection for papakāinga development and notes that energy is a cost factor in all development.

Chapter 8 refers to waterbodies rather than drinking water specifically, and the preservation of this resource is highly valued. There is a preference for small wastewater treatment plants rather than disposal to land or water. Stormwater runoff from farmland which is contaminated is not considered acceptable to Te Roroa.

Transport is an important to iwi as it impacts on the way land is developed. The IMP refers to the need for iwi participation in Regional Transport Plan actions, and the role of water in respect to transportation. Concerns are expressed about the effects of the transportation of forestry products, and the introduction of weeds and pests via transport routes. Another concern is the future cost of transportation due to the cost of energy sources.

Te Uri o Hau Kaitiakitanga o Te Taiao 2011

Chapter 42 discusses wind farms on the Pouto Peninsula. It is accepted that appropriate sustainable renewable electricity generation is needed to meet the reasonable needs of future generations of Te Uri o Hau and the wider community, however the document signals that consultation is required.

The Management Plan does not directly reference three waters infrastructure, however Chapter 29 discusses the importance of fresh water.

Additionally, transport is not directly referenced but there is a requirement for bilateral discussion on any matter that might affect the wellbeing of Mana Whenua in the area, with special reference to the Kaipara Harbour.

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.

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- 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.

NEXT STEPS

Council will review and update existing provisions in the Operative District Plan and develop new provisions where there are gaps. Council may engage technical experts to assist with the technical aspects of these topics during the preparation of the new District Plan and section 32 reports.

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APPENDIX 1

RELEVANT LEGISLATION AND NATIONAL DIRECTION

Energy

Resource Management Act 1991	
Part 1	Definition of infrastructure
Part 2 – Section 7 Other Matters	The purpose of the Act, especially sections 7(ba) – the efficiency and use of energy and (j) – the benefits to be derived from the use and development of renewable energy.
National Policy Statements	
National Policy Statement for Renewable Electricity Generation 2011	The NPS for Renewable Electricity Generation recognises the benefits of renewable electricity generation activities and promotes the use of resources for electricity generation.
National Policy Statement on Electricity Transmission 2008	The NPS on Electricity Transmission recognises the national significance of the electricity transmission network and provides for the need to operate, maintain, develop and upgrade the electricity transmission network.
National Environmental Standards	
National Environmental Standards for Telecommunication Facilities 2016	The NES for telecommunication facilities provides nationally consistent regulations in respect to telecommunications infrastructure across New Zealand.
National Environmental Standards for Electricity Transmission Activities 2010	The NPS on Electricity Transmission provides for activities within the National Grid transmission corridor. The provisions apply only to existing high voltage electricity transmission lines. Activities include the operation, maintenance and upgrading of existing lines. They set out which transmission activities are permitted, subject to conditions to control the environmental effects.

Network Utilities

Resource Management Act 1991	
Part 2 – Section 7 Other Matters	Purpose and especially sections 7(ba) – the efficiency of the end use of energy
Section 375 – Transitional provisions for public utilities	Provides specific requirements related to public utilities to be included in every district plan.

Other Legislation	
Electricity Act 1992	Provides for the regulation, supply, and use of electricity in New Zealand and to promote the prevention of damage to property in connection with the supply and use of electricity in New Zealand.
Electricity Industry Act 2010	Provides a framework for the regulation of the electricity industry. The Telecommunications Act 2001 regulates the supply of telecommunications services. The Electricity (Hazards from Trees) Regulations 2003 is also applicable insofar as it protects the security of the supply of electricity, and the safety of the public.
Telecommunications Act 2001	The provisions in section 135 of this Act make it clear that the construction, and maintenance of lines and wireless works on roads is permitted and that the local authority only has to be notified of these works.

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Three Waters

National Environmental Standards and Regulations	
National Environmental Standards for Fresh Water 2020	All of the listed NES are relevant to the three waters infrastructure. While some of these NES do not always directly affect the District Plan, they must be taken into account as part of the plan making process and district plan provisions generally cannot replicate these provisions.
National Environmental Standards for Sources of Human Drinking Water 2007 and draft amendments	
Measurement and Reporting of Water Takes Regulations 2010	
Regulation for Stock Exclusion 2020	
Proposed National Environmental Standards for Waste Discharges and Overflows	

The Local Government Act 2002	
Section 101B	Requires Council's to have an infrastructure strategy which identifies significant infrastructure issues over a 30 year period and identifies principal options for managing those issues and the implications.
Section 137	Refers to joint local government arrangements and joint arrangements with other entities.
Sub-Part 4 of Part 8	Provides powers in relation to water services and trade wastes.
Sections 126 and 195	Requirements for Council to provide assessments for water and other sanitary services and the discharge of sewage.

Transport

Arataki (the 10 year view of Waka Kotahi/NZTA)
<p>Arataki (version 2) is the 10 year view of what is needed to deliver on the government's current priorities and long-term objectives for the land transport system.</p> <p>The Urban Development principles of Arataki aim to integrate land use and transportation matters, as follows:</p> <ul style="list-style-type: none"> • Transform urban mobility and improve urban form – to ensure alignment with the National Policy Statement on Urban Development, 2020. • Significantly reduce harms – reflecting more recent data on personal and collective risk. • Tackle climate change – to reflect evidence contained in our National Resilience Programme.

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REGIONAL GUIDANCE

Energy, Network Utilities, Three Waters

Regional Policy Statement for Northland	
Policy 5.1.1	Planned and coordinated development
Policy 5.4.1	Recognising and providing for the benefits of renewable electricity generation activities and supporting the sustainable use and development of Northland's renewable energy resources which: (d) is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure.
Method 5.4.3	Statutory plans and strategies (2), (3) and (4).
1.1	Role
2.1	Issues with Fresh and Coastal Waters
3.2	Quality
3.3	Flows
4.1	Catchments
4.2	Quality
4.2	Quantity
5.2	Efficient and Effective Infrastructure
Appendix 2	Regional Development and Design Guidelines. Appendix 2 also refers to harvesting in 4.3.4.
Appendix 3	Regional Significant Infrastructure
Proposed Regional Plan for Northland	
D.2.10	Renewable Energy
Drinking Water	C.5.1 Permits; C.5.1 Taking of Water; D.4.2 Minimum Flow; D.4.26 Land Preparation; F.1.2 Water Quality; H4.3 and 4.4 Allocation.
Wastewater	C.6.1 Discharges; C.6.2 Treatment Plants; C.6.3 Land discharge; C.6.6 Industrial Trade waste; and D4.3 Municipal waste discharge.
Stormwater	C.6.3 Production Discharges; C.6.4 Stormwater Discharges; C.8.2 Land Preparation; C.8.3 Earthworks and C.8.4 Vegetation clearance.

Transport

Regional Policy Statement for Northland	
The Regional Policy Statement covers transport.	Relates to regionally significant infrastructure such as strategic transport networks.
Proposed Regional Plan for Northland	
The Proposed Regional Plan applies, including C.7.2.7	Relates to the discharges to air from the use of public roads by motor vehicles.
Transport Plans and Strategies	
The Regional Land Transport Plan (2015–2021)	The District Plan provisions must take into account the provisions of the Regional Land Transport Plan to ensure provisions in the new District Plan are consistent with this document.
The Draft Regional Transport Plan for Northland 2021–2027	

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OPERATIVE KAIPARA DISTRICT PLAN 2013 – RELEVANT PROVISIONS

Energy

Issue 2.3.13	The District has physical resources which provide opportunity for renewable energy production that can contribute to the social and economic wellbeing of the District. Kaipara District has the opportunity to provide for significant generation of renewable energy through its resources (such as the wind or solar resources). The development of these resources increases security of supply and social and economic wellbeing providing it is undertaken in a way that avoids, remedies, or mitigates significant adverse effects.
Objective 2.4.14	To encourage and promote the efficient use of energy and enable the greater use, development, operation, and maintenance of renewable energy resources whilst managing potential adverse effects.
Policy 2.5.10	By providing for and promoting the efficient use of energy and the greater use and development of renewable energy resources in all areas of the District, where the potential adverse effects can be appropriately avoided, remedied, or mitigated.
Coastal overlay 4.3.1	There is a need to provide for the appropriate use and development of the natural and physical resources in all Overlays (except Kai Iwi Lakes) in order to provide for the social, economic, and cultural wellbeing of people, communities, and the region. Some activities have a functional need to be in a coastal location and have access to the resources of the coastal environment. For example, this would include activities requiring access to the sea, such as wharves and boat haul-out facilities or activities such as renewable energy generation (e.g. wind and wave resources of the coastal environment).
West Coast Objective 4.4.7	To recognise wind energy as a significant natural resource in the West Coast Overlay.
Rural Issue 12.4.6	Farming, forestry, mineral extraction and processing, and renewable energy generation support the social and economic wellbeing of the District and have the potential to be adversely affected by incompatible neighbouring activities (e.g. residential). It is recognised that these activities are constrained by locational, operational, and technical factors.
Landscapes (Resource Management Act Requirements) 18.2	<p>Under the Resource Management Act 1991 the Council has a responsibility to manage landscapes and natural features and the contribution of landscapes to environmental quality as defined below:</p> <p>Section 7 of the Resource Management Act sets out 'Other Matters' that those exercising functions and powers under the Resource Management Act shall have particular regard to. Of relevance to this Chapter, are:</p> <ul style="list-style-type: none"> ○ The maintenance and enhancement of amenity values. ○ Maintenance and enhancement of the quality of the environment. ○ The benefits to be derived from the use and development of renewable energy.

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Network Utilities

National Policy Statement on Electricity Transmission 2008	The District Plan has objectives and policies to give effect to this.
National Policy Statement for Renewable Electricity Generation 2011.	The District Plan has objectives and policies to give effect to this.
Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009	<p>These Standards set out the controls for an activity that relates to the operation, maintenance, upgrading, relocation, or removal of an existing electricity line, including the following activities of relevance to the District Plan:</p> <ul style="list-style-type: none"> • a construction activity; • an activity relating to an access track in proximity to an existing transmission line; and • undergrounding an existing electricity transmission line.
National Environmental Standard for Telecommunication Facilities (2008)	<p>This Standard sets out controls for the following activities:</p> <ul style="list-style-type: none"> • planning and operation of telecommunication facilities (such as mobile phone transmitters) that generate radiofrequency fields • the installation of telecommunication cabinets in the road reserve, including their size and location • noise from telecommunication equipment cabinets located in the road reserve • the installation or replacement of masts and aerials on existing structures in the road reserve. <p>The District Plan acknowledges the National Grid as well as the Electricity Transmission Corridors in all the zoning chapters and includes setbacks and encroachment control. In terms of Outstanding Landscapes, it recognises the functional, technical, or operational need for the activity to locate within the feature or landscape. In the case of electricity transmission activities, technical and operational requirements include route selection.</p> <p>For subdivision to be a permitted activity, a connection to a telecommunications system at the boundary of the net site area is required. However, the ability for the allotments to be provided with alternative phone coverage (e.g. mobile phone coverage) can be considered as an assessment criterion for a Discretionary Activity. Reference is made to the provisions of the Environmental Engineering Standards 2011 when resource consents are required.</p>

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Three Waters

Issue 2.3.7	The safe and efficient development and management of infrastructure, including transport networks, utilities, utility networks, to support growth and contribute to the social and economic wellbeing of the community.
Objective 2.4.9	The safe and efficient development and management of infrastructure, including transport networks, utilities, utility networks, to support growth and contribute to the social and economic wellbeing of the community.
Policy 2.5.9	By providing for the development and operation of network utilities and the transport network in all areas of the District where the potential adverse effects can be appropriately avoided, remedied, or mitigated.
Method 2.7.8	Infrastructure, utilities, transport networks and renewable energy generation that support the District and its growth in a sustainable manner as well as zoning.
Chapter 10 (Network Utilities)	<p>This chapter provides the requirements for all Infrastructure facilities including:</p> <ul style="list-style-type: none"> • 10.3 – The Kaipara District Council Engineering Standards, which were updated in 2011 and reflect New Zealand engineering design standards appropriate to the Kaipara District's environment and conditions. • 10.10 – Network Utilities rules are then included in the Zone chapters (Rural; Residential; Business; Commercial and Industrial; Māori Land; and Treaty Settlement Land).

Transport

Chapter 11	Transport is mainly dealt with in Chapter 11 of the District Plan (Transport Network All Zones Network).
Appendix 25C	Parking and Manoeuvring
Appendix 25F	Traffic Intensity Factor Guidelines
Appendix D	Roading Hierarchy
Land-use zones	Reference is made to transport within the relevant land-use zones, and how it will affect the development of that zone.
Hierarchy	The hierarchy used to classify the various transport routes has not yet been amended to the national standard (the One Network Road Classification) which affects the width, sight distances, distances and location of vehicle crossings and distances between intersections.

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Hazards and Risks

BACKGROUND

Many parts of the Kaipara District are susceptible to risks associated with:

- hazardous substances
- contaminated land
- climate change
- flooding
- coastal hazards.

Hazardous Substances

Hazardous substances are used in a wide range of activities within the Kaipara District, including industrial operations (such as chemical warehousing, manufacturing plants and bulk storage facilities), workshops, agricultural and horticultural activities, and in some cases home occupations. The sites where such activities take place are defined as a hazardous facility.

While the use, storage and disposal of hazardous substances allows people to provide for their social and economic wellbeing, such activities also create potential risks of adverse effects on human health and the wider environment. Harm can occur as a result of an accidental release, spill, unintended chemical reaction, fire or explosion. The management of hazardous substances is addressed in both the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Health and Safety at Work Act 2015 (HSWA) and related regulations, which are managed and enforced by Worksafe NZ.

Contaminated Land

Land can become contaminated when hazardous substances have not been used, stored or disposed of appropriately. Traditional primary industries have left a legacy of land contamination in the Kaipara District (such as sheep dips and orchards). We need to manage activities on land where contamination has been identified to prevent risks to human health and safety, and to the environment.

Any resource consent application for a land use activity or subdivision, which involves soil disturbance or a change in the use of the land, may be subject to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS), which may require a detailed site investigation to determine if a site is contaminated or not. Information about site contamination is kept on the Council property file and is available through the Land Information Memorandum (LIM) and Project Information Memorandum (PIM) processes. The status of some activities on contaminated land (such as soil disturbance) is determined by the requirements of the NESCS.

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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 drought conditions. The continued, future scale of climate change impacts depends on both global efforts to reduce greenhouse gas emissions and on local planning and adaptation efforts. The scale of negative impacts will increase significantly if climate change scenarios and climate response requirements are not planned for appropriately by local government and the community. The 'Current and Future Climate of Kaipara District' report prepared by NIWA in 2020 shows that temperatures will increase across all possible future emissions scenarios.

The Climate Change Response (Zero Carbon) Amendment Act 2019 established the Climate Change Commission to advise on actions to reduce national emissions and to meet the national targets. This Act also identifies councils as a reporting body, able to be called upon to report on their climate change work.

Urgent action is required by all levels of government to respond to climate change and to contribute to meeting the long-term goals of the Paris Agreement. The new District Plan will need to respond to any central government directives and include provisions related to adaptation planning and decision making. Adaptation planning work will happen in conjunction with the development of the new District Plan, under the proposed climate change work programme.

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.

The main areas prone to flooding in the Kaipara District are the lower reaches of the Kaihu, Manganui and Northern Wairoa rivers, with Dargaville being the most notable flood-prone area. We currently live with the legacy of earlier decisions regarding the appropriate locations for villages and settlements. These are often located next to rivers on flat, alluvial floodplains.

Northland Regional Council (NRC) has published detailed flood hazard maps (priority rivers) for certain catchments within the District, including Paparoa, Kaihu, Maungataroto and Dargaville. NRC is also undertaking a region-wide flood hazard assessment to determine which areas are the most susceptible to flooding. Updated information will be released in late 2021/early 2022, to inform people of the potential hazards and enable decisions to be made.

Coastal Environment and Coastal Flood Hazards

Kaipara District includes extensive areas of coastline around the Kaipara Harbour as well as the East and West Coasts of the District.

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Mapping work completed by both NRC and Kaipara District Council indicates that many areas across the District are exposed to coastal erosion and inundation (flooding).

NRC further investigated coastal hazards more recently and released associated draft coastal hazard maps in April 2021. These maps identify areas of the coastline which are susceptible to coastal inundation and coastal erosion.

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. As part of this work, Council contracted a consultant to provide a report on geotechnical hazards in the Kaipara District in 2019 which can be found on Council's website [here](#).

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.
- 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.

Geotechnical hazards have been identified for several general areas across the District. However, further detailed site-specific information about geotechnical hazards often remains outside of the District Plan (as it is often included in building and resource consent applications). When Council receives any new geotechnical hazard information it should also be made publicly available. This includes any reviews of land instability now that LiDAR is available, which includes better contour intervals. (LiDAR is a remote sensing method that uses laser to measure the elevation of the ground, forest, and buildings).

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IWI INTERESTS AND IWI MANAGEMENT PLANS

There are two Iwi Management Plans (IMPs) which must be taken into account:

- Te Uri o Hau Kaitiakitanga o te Taiao 2011
- Nga Ture mo Te Taiao o Te Roroa 2009.

Both IMPs refer to hazards and risks. Given these matters are clearly identified, Council's focus will be to undertake the review with these concerns in mind. All the hazard and risk matters are of interest to iwi, as these provisions impact on the way land is developed and how activities can be carried out. It particularly affects marae which might be located within a hazard-prone area or be subject to land instability issues.

SUMMARY OF OPERATIVE DISTRICT PLAN PROVISIONS

Chapter 8 of the Operative District Plan includes objectives and policies related to managing hazardous substances and contaminated land. Chapter 7 includes objectives and policies relating to: flooding, mass movement including land slips, coastal erosion, climate change/sea level rise and wild fire. Minimum floor levels apply in Coastal Environment Overlay areas. Additional details on the Operative District Plan provisions are included in Appendix 1.

PROPOSED CHANGES

- The hazardous substances provisions need to reflect the new approach to hazardous substances required by legislation and avoid duplications under these. Recent case law (*Taranaki Energy Watch Incorporated v South Taranaki District Council* 2020 NZEnvC 165) discusses the implications of 'significant hazardous facilities', in particular petroleum activities. While the Kaipara District does not currently have any activities that could be defined as 'significant hazardous facilities', the new District Plan needs to provide for these types of activities potentially occurring in the future.
- Ensure the 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 addressing the effects of climate change, specifically provisions relating to adaptive management and, in some cases, managed retreat. This work needs to be developed in conjunction with affected communities, particularly in areas where sea level rise will have a detrimental impact in future.
- Review provisions for managing the effects of flood hazards in the District, in consultation with communities which are located within flood prone areas. For some communities where the risk of flooding is high, this may mean any future subdivision or development is restricted.
- Ensure the relevant maps in the new District Plan reflect Northland Regional Council's maps, ensuring coastal hazards and areas at risk of coastal inundation are identified. Where coastal

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hazard risk is high, consider developing provisions to enable adaption planning and decisions to be developed in conjunction with affected communities.

- Review provisions for managing geotechnical hazards across the District and ensure communities are aware of the hazards, particularly where already identified and what this means for future subdivision and development opportunities.

NEXT STEPS

Hazardous Substances

Council will engage a technical expert to review the Operative District Plan's quantity thresholds for hazardous substances, and work with staff to ensure the provisions do not duplicate the functions of HSNO and HSWA.

Contaminated Land

It is not likely Council will require expert input on contaminated land issues, as the new plan will likely rely on the NESCS.

Climate Change

Climate change expertise will be required to assist Council to work with communities to discuss adaptive management planning and decision-making strategies and to assist in drafting provisions which will meet the legislative requirements for addressing climate change. Technical expertise will also be needed to ensure Council is aligning with the National climate change work programme.

Flood Hazard Risk

Staff will work with Northland Regional Council on the flood hazard maps and may require technical assistance in developing revised rules for managing flood hazard risks.

Coastal Environment and Coastal Hazard Risks

Staff will work with Northland Regional Council on the coastal hazard mapping and may require technical assistance in developing revised rules for managing these areas.

Geotechnical Hazards

Staff will consider available information on geotechnical hazards and may require additional technical expertise to assess particular hazard prone areas or to make informed decisions.

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APPENDIX ONE

RELEVANT LEGISLATION AND NATIONAL DIRECTION

Resource Management Act 1991	
Section 6(h)	requires Council to provide for the management of significant risks from natural hazards, which includes flood hazard risks.
Section 6(d)	Requires the maintenance and enhancement of public access to and along the coastal marine area (CMA).
Section 31	Prior to the Resource Legislation Amendment Act 2017 (LGAA) amendments, councils had an explicit function to control the adverse effects of the storage, use, transportation and disposal of hazardous substances pursuant to section 31. The LGAA amendments in 2017 also removed from the RMA the explicit function of regional councils to include provisions for hazardous substances in a Regional Policy Statement.
Section 44A	Directs that a District Plan cannot replicate or conflict with the rules contained in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)
Section 106	Any subdivisions may be refused if Council considers there to be a significant risk from natural hazards.
Building Act 2004	
Sections 71(1) and 72	Provides for the refusal of a building consent in hazard areas, or approval if the hazard risks are mitigated.
Section 133AD	Relates to seismic risk.
Hazardous Substances and New Organisms Act 1996 (HSNO)	
Section 4	Sets out that the purpose of this legislation is to protect the environment, and the health and safety of people and communities by preventing or managing the adverse effects of hazardous substances and new organisms.
Health and Safety at Work 2015 (HWSA)	
Section 3	<p>Sets out the purpose of the legislation and is clear that it is to provide for a balanced framework to secure the health and safety of workers and workplaces by 'protecting workers and other persons against harm to their health, safety and welfare by eliminating or minimising risks arising from work'.</p> <p>Clause 2 is also very clear that 'regard must be had to the principle that workers and other persons should be given the highest level of protection against harm to their health, safety and welfare from hazards and risks arising from work or from specified types of plant as is reasonably practicable'.</p> <p>Mandates enforcement undertaken in workplaces relating to hazardous substances.</p>
Climate Change Response (Zero Carbon) Amendment Act 2019	

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Provides momentum for territorial authorities to take action on climate change. The Local Government Act already provides the mandate for councils to ensure the wellbeing of communities. This is in addition to Council's current obligations in respect to Section 7(i) of the RMA which requires Council to have particular regard to the effects of climate change. Council will also be required to implement the proposed Climate Change Adaption Act once it has been passed into law.	
New Zealand Coastal Policy Statement 2010	
Policy 24	Requires Council to identify coastal hazards.
Policy 25	Provides direction on subdivision, use and development in areas of coastal hazard risk
National Environmental Standards for Plantation Forestry (NES-PF)	
Includes provisions for quarrying activities associated with forestry. These activities are controlled by the NES-PF, particularly extreme erosion limitations or hazards on steep land, i.e. Land Use Capability (LUC) 8e Erosion Susceptibility Classification.	
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NЕСS)	
<p>The NESCS establishes a nationwide set of planning controls that regulate activities on contaminated or potentially contaminated land and provides for a nationwide approach to site investigations and reporting by referencing the Ministry for the Environment's best practice guidelines for investigating and reporting on contaminated or potentially contaminated land.</p> <p>This regulation provides restrictions for five specific activities on land where soil may be contaminated in such a way as to be a risk to human health. The potential for the soil on a piece of land to be contaminated is determined by the likelihood of the previous and/or current activities being undertaken on that piece of land, to be potentially contaminating activities. Potentially contaminating activities are listed on the current version of the Ministry for the Environment's Hazardous Activities and Industries List (HAIL).</p>	

REGIONAL GUIDANCE

Regional Policy Statement for Northland	
2.7 Natural Hazards	Issue statement indicating that natural hazards have the potential to create significant risk to human life, property, community and economic wellbeing in Northland.
3.13 Natural Hazard Risk	Objective 3.13
4.5 Identifying the Coastal Environment	Policy 4.5.1 which directs the identification of the coastal environment.

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<p>7.1 & 7.2 Policies and Methods – Natural Hazards</p>	<p>Policy 7.1.1 provides the general risk management approach to development in natural hazard prone areas.</p> <p>Policy 7.1.2 provides for new subdivision and land use within 10-year and 100-year flood hazard areas.</p> <p>Policy 7.1.3 provides for new development within areas potentially affected by coastal hazards (including high risk coastal hazard areas).</p> <p>Policy 7.1.4 provides for existing development in known hazard-prone areas.</p> <p>Policy 7.1.5 provides for regionally significant infrastructure and critical infrastructure.</p> <p>Policy 7.1.6 provides for climate change and development.</p> <p>Policy 7.1.7 provides for statutory plans and strategies, which includes the requirement for district councils to notify a plan change to incorporate finalised flood hazard maps into district plans.</p> <p>Method 7.1.7 (6) requires district councils to ensure before zoning land for intensification of use that the risks of natural hazards are assessed.</p> <p>Method 7.1.8(2) & (3) requires district councils to gather information and collate all research on natural hazards and create a database of hazards in conjunction with the regional council.</p>
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Appendix 1 Coastal Environment Assessment Criteria	Provides the Coastal Environment assessment criteria.
Proposed Regional Policy Statement (Appeals Versions)	
F.1.10 Natural hazard risk	<p>States that the risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and the regional economy are minimised by:</p> <ol style="list-style-type: none"> 1. Increasing the understanding of natural hazards, including the potential influence of climate change on natural hazard events and the potential impacts on coastal biodiversity values, becoming better prepared for the consequences of natural hazard events, and; 2. not compromising the effectiveness of existing natural and man-made defences against natural hazards, and 3. enabling appropriate hazard mitigation measures to be implemented to protect existing vulnerable development, and 4. promoting long-term strategies that reduce the risk of natural hazards impacting on people, communities and natural systems, and 5. recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard-prone areas, and 6. anticipating and providing for, where practicable, landward migration of coastal biodiversity values affected by sea-level rise and natural hazard events.

OPERATIVE KAIPARA DISTRICT PLAN 2013 – RELEVANT PROVISIONS

Hazardous Substances and Contaminated Land – Chapter 8	Addresses hazardous facilities and contaminated sites and includes objectives and policies related to managing hazardous substances and contaminated land. The provisions rely on Appendix 25D which includes a quantity threshold table (Table 1) for the various classes of hazardous substances. Table 1 identifies the quantities/volumes of hazardous substances permitted within each zone. Table 2 includes the conditions for all permitted activities.
Climate Change and Flood Hazards – Chapter 7	<p>Includes objectives and policies relating to: flooding, mass movement including landslips, coastal erosion, climate change/sea level rise and wild fire.</p> <p>Rules for hazards are incorporated through the zone rules, such as the rules for dwelling floor levels, rules which provide minimum floor levels for habitable buildings designed with a minimum freeboard height to floor level of 500mm above the 100 year average recurrence interval flood level.</p>
Coastal Environment Overlay	<p>The District Plan includes Coastal Environment Overlay areas, including the East Coast overlay, the West Coast overlay, the Kai Iwi Lakes overlay and the harbour overlay which restricts activities within these areas.</p> <p>In the overlay areas the following minimum floor levels apply:</p> <ul style="list-style-type: none"> • 5.0m above mean sea level in the West Coast and East Coast overlays • 3.0m above mean sea level in the Mangawhai Harbour Overlay • 3.5m above mean sea level in the Kaipara Harbour Overlay <p>3.5m above mean sea level in Dargaville as defined by the Drainage District boundary</p>

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Geotechnical Hazards – Chapter 2 and 7	<p>Chapter 2 District Wide Matters includes several provisions which relate to geotechnical hazards, including sections 2.3.8, 2.4.10, 2.5.12, 2.5.14 and Appendix 3.1.</p> <p>Chapter 7 relating to Natural Hazards also includes provisions relating to geotechnical hazards, including sections 7.1.2, 7.1.2, 7.4.1, 7.4.3, 7.4.5, 7.5.1, 7.5.2, 7.5.3, 7.5.4 and 7.6.5.</p>
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Attachment C

Minerals and Quarrying

BACKGROUND

The mineral deposits in the Kaipara District, even if these are limited, are of considerable social and economic importance to the district, region, and the nation. Mineral extraction and processing, and associated land restoration can provide an opportunity to enhance the land resource and landscape and has done so in the past. However, the extraction and processing of mineral resources also has the potential to have significant adverse effects on soil, water, and air resources, as well as landscape and historic heritage values, if not appropriately controlled.

Access to Crown owned minerals is addressed in the Minerals Act 1991, while the effects of mining activities are managed under the Resource Management Act 1991. The activities of exploration, quarrying, mining, and any other disturbance of land is regulated through district plan provisions. These provisions acknowledge the need for mineral (including aggregate) resources to be available for infrastructure and development and manage reverse sensitivity effects.

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.

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- 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.

IWI INTERESTS AND IWI MANAGEMENT PLANS

Nga Ture mo Te Taiao o Te Roroa 2009

The Iwi Management Plan includes discussion in respect to prospecting, exploration and mining activities which can adversely affect areas significant to Te Roroa including waahi tapu, waterways, mahinga kai and other places. The direction indicates that extraction should not be allowed but states that innovative methods be used to address the issues including rehabilitation, for which plans must be submitted.

Te Uri o Hau Kaitiakitanga o Te Taiao 2011

Item 37 within the Iwi Management Plan deals extensively with minerals and the Treaty arrangement for the extraction of minerals, with full consultation expected for proposed extraction activities. Item 43 requires both compensation and the preservation of the natural environment. Sand extraction is specifically highlighted.

SUMMARY OF OPERATIVE DISTRICT PLAN PROVISIONS

Issue 2.3.10, Objective 2.4.12 and Policy 2.5.15 relate to minerals and quarrying. Rural Issue 12.4.6 and Policies 12.6.11 and 15B.6.18 are also relevant, as well as Issue 18.4.2. Further details on these provisions can be found in Appendix 1.

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.

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- 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.

NEXT STEPS

- Northland Regional Council is responsible for identifying possible mineral deposits that should be protected against development that might impede its extraction. Any deposits identified will need to be reflected in the new District Plan, with methods to provide adequate protection, particularly regarding dust, odour, noise, and additional traffic movements.
- Quarry sites in the Kaipara District will need to be identified and mapped. These sites need to be protected against inappropriate development that could impede access to the aggregate source.
- In many cases aggregate deposits coincide with Outstanding Natural Features or Outstanding Landscapes due to their geological formation. There needs to be a careful balance between the protection of Outstanding Natural Landscapes or Features and use of aggregate resources to provide for social and economic wellbeing. For example, the Landscape or Feature might be unique whilst the same type of aggregate might be available in a less significant location. Mapping of all the potential aggregate sources will assist in providing for access to the most suitable quarry areas.

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APPENDIX 1

RELEVANT LEGISLATION AND NATIONAL DIRECTION

Resource Management Act 1991	
Part 2, Section 7(g)	As a matter of National importance, particular regard shall be had to any finite characteristics of natural and physical resources.
National Environmental Standards	
National Environmental Standards for Plantation Forestry 2017	Quarrying associated with forestry is controlled by these National Environmental Standards.

A Minerals and Petroleum Resource Strategy for Aotearoa New Zealand: 2019–2029	
Principle 5	Supports a circular economy by meeting resource needs through resource efficiency, recycling, and reuse. (The circular economy is about a systemic shift away from a ‘take, make, dispose’ economic model to an economy which maximises the use and reuse of the same resources for as long as possible.
Principle 15	Seeks innovative ways to improve the resource efficiency of extraction operations; and minimise the negative impacts of these operations.

REGIONAL GUIDANCE

Regional Policy Statement for Northland	
Objective 3.6	Economic activities – reverse sensitivity and sterilisation
Policy 5.1.3	Avoiding the adverse effects of new use(s) and development Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following: (d) The use and development of regionally significant mineral resources
Policy 5.1.4	Regionally significant mineral resources Mineral resources will be considered regionally significant.
Method 5.1.5	Statutory plans and strategies (2) district councils shall: (a) Show regionally significant mineral resources in accordance with Policy 5.1.4, in district plan maps, where the existing extraction rates are known, or once the mineral resources are identified by the regional council
Method 5.1.6	Monitoring and information gathering The regional council will encourage the district councils to consider including adverse effects arising from regionally significant infrastructure and regional significant mineral resources on land information memorandum reports.
Appendix 2	Regional development and design guidelines (h) Be directed away from regionally significant mineral resources and setback from their access routes to avoid reverse sensitivity effects.

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OPERATIVE KAIPARA DISTRICT PLAN 2013 – RELEVANT PROVISIONS

Definition – Mineral Extraction and Processing Activities	The excavation of overburden rock, sand, and clay; blasting; processing (crushing, screening, washing, and blending); the storage, distribution, and sale of minerals, including aggregate; ancillary earthworks; deposition of overburden; treatment of wastewater; landscaping and rehabilitation works, including clean filling; ancillary buildings and structures; and residential accommodation necessary for security purposes.
Definition – Sustainable Management	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 well-being and for their health and safety while – <ul style="list-style-type: none"> • Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and • Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and • Avoiding, remedying, or mitigating any adverse effects of activities on the environment.
Issue 2.3.10, Objective 2.4.12 and Policy 2.5.15	To enable the efficient extraction and processing of minerals and aggregates where benefits to the wider community are demonstrated and adverse effects on the environment will be avoided, remedied, or mitigated.
Outcome 2.7.12	The operation of aggregate and mineral extraction and processing adds to the economic and social wellbeing of the community in appropriate locations and is managed to minimise adverse effects on the environment.
Issue 12.4.6 and 15B.4.10	Farming, forestry, mineral extraction and processing, and renewable energy generation support the social and economic wellbeing of the district and have the potential to be adversely affected by incompatible neighbouring activities (e.g., residential). It is recognised that these activities are constrained by locational, operational, and technical factors.
Policy 12.6.11 and Policy 15B.6.18	Where activities such as mineral extraction and processing, industrial or intensive rural activities seek to establish in the Rural Zone, consideration must also be given to adverse effects on existing adjoining activities.
Issue 18.4.2	The need to identify and protect Outstanding Natural Landscapes from inappropriate subdivision, use and development. There needs to be a careful balance between the protection of Outstanding Natural Landscapes and use of these resources (to provide for social and economic wellbeing) in achieving sustainable management.

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Public Access

BACKGROUND

Access to and along the coast and waterways is very important to many of us. This value is reflected in the Resource Management Act (RMA) and the New Zealand Coastal Policy Statement (NZCPS), which requires councils to recognise and provide for the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers as a matter of national importance. Public access to inland areas can provide opportunities to explore and experience the natural environment. Public access in urban environments is usually about ensuring walking and cycling opportunities are provided to allow for connectivity and alternative transport options.

Public Access, which is a form of 'Open Space' can be provided on land owned or controlled by the Council, by Crown Entities, such as the Department of Conservation, as well as on private land. These differing ownerships mean there are different ways in which public access can be provided for and district planning mechanisms can provide for these various options.

The Kaipara District includes an East and a West Coast, and the Kaipara Harbour, which is New Zealand's largest estuarine harbour. The Te Araroa Trail traverses through the District on the East Coast and the New Zealand Cycle Trail encompasses sections of the West Coast.

Valued walkways in the District are the Brynderwyn hills walk, the Tangihua forest nature walk, the Kai iwi lakes coastal track and Mount Tutamoe track. Kaipara District Council is also planning and developing the Kaihu Valley Trail which will link Donnelly's Crossing with Dargaville, following the old railway corridor.

Often walking and cycling opportunities are part of the roading network in the District, but there are also other trails, including walkways, cycleways, and bridleways (for horse riding) that are not part of the roading network but generally located on public land. In some cases, these are situated within an esplanade reserve, which is a 20 metre wide reserve along a coastline, lake edge or river. District plans can support the creation of new walkways, cycleways and bridleways to ensure new developments, particularly residential subdivisions, are connected to existing public access networks

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

- The boundary of an esplanade reserve is measured from its bank where it is a river or stream, or its margin where it is a lake, or from the mean high water springs (MHWS), where it is in a coastal area. In all cases, the landward boundary is a fixed survey line of generally 20 metres width.

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- Esplanade reserves may be required when land is subdivided, when land is reclaimed, developed, or when a road is stopped under the Local Government Act 1974. They can also be created voluntarily. These areas are classified as reserves under the Reserves Act 1977 once the land is transferred to a territorial authority.
- The boundary of an esplanade reserve is measured from its bank where it is a river or stream, or its margin where it is a lake, or from the mean high water springs (MHWS), where it is in a coastal area. In all cases, the landward boundary is a fixed survey line of generally 20 metres width.
- Depending on the circumstances and rules in the relevant district plan, usually in relation to the size of the esplanade reserve to be created as part of a subdivision, compensation must be paid to the land owner by councils as part of that process.

Esplanade Strips

- While for esplanade reserves the ownership of the land transfers to the council, esplanade strips are a legal instrument (similar to an easement) created between a landowner and a territorial authority. They are registered on a property's title, but the land within the strip remains in the ownership of the landowner and does not need to be formally surveyed.
- Esplanade strips may be required by a rule in a district plan when land is subdivided, reclaimed, developed or when a road is stopped. An esplanade strip may also be created voluntarily at any time by agreement.
- Unlike esplanade reserves, the width of an esplanade strip remains unchanged within the same allotment. For example, if a riverbank erodes by 2 metres, the width of the esplanade strip then extends beyond its old boundary by 2 metres to offset the lost ground.
- Councils may negotiate with a landowner to provide a public esplanade strip where there is a significant benefit for the community.
- As for esplanade reserves, in certain circumstances, compensation must be paid to the land owner to create an esplanade strip.

Access Strips

- Access strips use an easement as the legal mechanism to enable public access, both to or along water bodies or inland public land. The easement can be established at any time by agreement between the landowner and the territorial authority. Equally, access strips may be cancelled at any time by agreement between the landowner and the territorial authority.
- Access strips are surveyed and fixed, but their ownership remains with the landowner.
- There is no legal requirement to pay compensation to the landowner when an access strip is created. However, because it is a voluntary agreement, compensation could be payable.

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Land locked land

Landlocked land is a piece of 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.

Other types of public access

To be able to fully understand the public access network within the District, the following two elements of public access have been included for completeness. However as these are both controlled through different legislative provisions, there are no district planning mechanisms that can be considered to add to the public access network through these.

Paper Roads (Unformed Legal Roads)

Paper roads are more precisely called 'unformed legal roads' and have the same legal status as any other legal road, meaning they provide public access. Very often these are located on farmland. While paper roads may be marked on survey plans, generally they are difficult to identify on the ground because they are not formed. While councils are responsible for paper roads, they are not legally obliged to form, repair or maintain paper roads.

Marginal strips

Marginal strips are strips of land adjoining the coast, lakes larger than eight hectares in area, and rivers greater than three metres in width which are administered by the Department of Conservation (DOC). The Kaipara District has several marginal strips, which often adjoin road reserves or paper roads, providing public access to many remote areas of the District.

Marginal strips are created under Part 4A of the Conservation Act 1987 and are deemed to be created automatically when Crown land is sold or transferred to another party. This includes many new properties created between April 1990 (when the relevant provisions came into force) and June 2007. Confirming the location of the marginal strips allows Council to develop a full picture of all public access provisions in the District which would support the development of appropriate provisions to create desirable public access networks across the entire District.

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.

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- 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. 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.

IWI INTERESTS AND IWI MANAGEMENT PLANS

Public access is a key topic of interest to iwi given that many Māori landholdings adjoin the coastline, rivers and lakes. Consideration needs to be given to the cultural values of these areas.

Two Iwi Management Plans are relevant to the Kaipara District.

- Te Roroa Iwi Environmental Policy 2009
- Te Uri o Hau Kaitiakitanga o Te Taiao 2011

Both of these only touch lightly on the topic of public access. The primary focus of these plans is to manage and mitigate the adverse effects of subdivision and development in the coastal environment and along the margins of rivers and lakes.

SUMMARY OF OPERATIVE KAIPARA DISTRICT PLAN PROVISIONS

The current provisions in chapters 4, 12, 13, 14 and 20 of the Operative District Plan are relevant to the public access topic. Further details on these provisions can be found in Appendix 1.

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.

NEXT STEPS

Council has engaged technical experts to assist with the identification of all Open Spaces, including public access, across the District. This work will assist to identify where priority esplanade areas, and which key walking, cycling and bridleway linkages need to be included in the new District Plan.

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APPENDIX 1

RELEVANT LEGISLATION AND NATIONAL DIRECTION

Resource Management Act 1991	
Section 6(a)	seeks to preserve the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers, and their margins, and the protection of them from inappropriate subdivision use and development.
Section 6(d)	requires maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.
Sections 229–237H	apply directly to esplanade reserves and esplanade strips.
Sections 238 and 239	apply to vesting of roads and reserves, which provide public access.
Sections 230 and 231	determine what land can be vested as esplanade reserves or esplanade strips when subdivision occurs, and where these requirements can be waived.
Section 230(3)	outlines the situations in which an esplanade reserve needs to be 20 metres wide.
New Zealand Coastal Policy Statement	
Policy 18	recognises the need for public open space within and adjacent to the coastal marine area, including the important role of esplanade reserves and strips in meeting the need for public open space.
Policy 19(2)(c)	states that opportunities to enhance or restore public walking access should be identified where: <ul style="list-style-type: none"> -connections between existing public areas can be provided; or -improving access would promote outdoor recreation; or -physical access for people with disabilities is desirable; or -the long-term availability of public access is threatened by erosion or sea level rise; or -access to areas or sites of historic or cultural significance is important; or -subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.

REGIONAL GUIDANCE

Regional Policy Statement for Northland	
Policy 5.1.2	Development in the coastal environment

OPERATIVE KAIPARA DISTRICT PLAN 2013 - RELEVANT PROVISIONS

Chapter 12 – Rural	<p>Policy 12.6.20 requires the establishment of Esplanade Reserves and Strips when land is subdivided into lots less than 4ha.</p> <p>Policy 12.6.21 facilitates the provision of public access to existing Esplanade Reserves and Strips in the District which are currently land locked or isolated from other public access areas.</p> <p>Rule 12.15.9 Esplanade Management for lots less than 4ha is a discretionary activity. Where an allotment of less than 4ha is created on subdivision of land which adjoins the sea, rivers over 3m in width or lakes over 8ha in area, an esplanade reserve or strip of 20m in width shall be set aside.</p>
Chapter 13 – Residential	<p>Issue 13.4.3 Land use and development has the potential to restrict public access to and along the coast, lakes and rivers.</p> <p>Issue 13.4.5 Lack of linkages (e.g. pedestrian, vehicular, open space) between residential areas has the potential to adversely impact on the amenity, health and wellbeing of communities.</p>

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	Policy 13.6.5 Subdivision adjoining the coast, rivers and lakes is generally only acceptable when it maintains or enhances public access (by the vesting of public access roads, reserves and pedestrian access ways and access strips) and esplanade reserves and/or strips.
Chapter 14 – Business Commercial and Industrial	Policy 14.6.11 By requiring the establishment of esplanade reserves and strips when land is subdivided in the Residential and Business Zones of the District. Policy 14.6.12 By facilitating the provision of public access to existing esplanade reserves and strips in the District which are currently land locked or isolated from other public access areas.
Chapter 20 – Reserve Management Units (RMUs)	Identifies Reserves and Open Spaces, which also includes public access. Objective 20.5.2 Where appropriate, to establish reserve management linkages that provide physical connections between ecosystems, in order to enhance biodiversity and recreational opportunities.

Attachment C

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. These habitats support a unique range of plants and animals, including many species classified as 'Threatened' and 'At Risk'. The Kaipara Harbour (the largest harbour in the Southern Hemisphere) provides a nationally and internationally important habitat for migratory and non-migratory bird species.

Currently, 9.4% of the Kaipara District land shown in the Operative District Plan as being legally protected by either a conservation covenant under the Reserves Act 1977 or Queen Elizabeth Trust covenant and less than 16% of our unique Kaipara ecosystems remain. As a result, any remaining natural areas are valuable and need to be protected.

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.

KEY ISSUES

Section 75(3)(c) of the RMA requires district plans to give effect to the RPS for the region. However, the Operative Kaipara District Plan was developed before the RPS was made operative, so it does not give effect to the SNA related provisions of the RPS. In particular, the District Plan does not include ecological areas on private land, and it does not apply the criteria set out in Appendix 5 of the RPS for identifying these areas.

The Operative 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. This covers about 35,000ha of conservation land. It does not include Council covenants or QEII covenants that were created mainly through environmental benefit lot subdivisions. An environmental benefit lot subdivision is a lot that has been created from the legal protection of an area of indigenous vegetation or wetland.

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IWI INTERESTS AND IWI MANAGEMENT PLANS

Nga Ture mo Te Taiao o Te Roroa 2009

- The effects and importance of biodiversity are discussed throughout this document. Chapter 9 (Biodiversity) deals with the loss of biodiversity and ways to curb the loss through both incentives and rules. Plantation forestry and bio-prospecting (ecosystem services) are also discussed.

Te Uri o Hau Kaitiakitanga o Te Taiao 2011

- This plan includes a provision to protect the biodiversity of the marine and coastal area, and the Kaipara and Mangawhai Harbours through sustaining the mauri of ecological systems within harbours and estuaries in accordance with Te Uri o Hau customary practices and lore.
- Item 38 focuses on biodiversity, with the aim to achieve Te Uri o Hau hapū, marae and whānau participation in the management of indigenous biodiversity within the statutory area of Te Uri o Hau.

- Part 5 Management of Natural Resources includes matters on plantation forestry

SUMMARY OF THE OPERATIVE DISTRICT PLAN PROVISIONS

Issues identified for the Kaipara Harbour are identified in section 4.3.8 of the Operative District Plan and includes adverse impacts on ecological values and habitats. Chapter 6 (Ecological Areas) includes an issue, policy and method related to ecological areas. Chapter 18 (Landscapes and Natural Features) includes a policy related to voluntary protection and there is a method in both the Rural and Residential Zones to promote voluntary protection mechanisms. Appendix 25G – Assessment of Ecological Significance – provides criteria for assessing ecological features. Additional details are included in Appendix 1.

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.

NEXT STEPS

Once the Proposed National Policy Statement for Indigenous Biodiversity (NPSIB) becomes legally operative (which is expected to be in late 2021) Council will need to understand what it needs to do to give effect to the NPSIB staff will then engage with potentially affected landowners and key stakeholders, including iwi about potential SNA sites. Resources will be made available to respond to specific questions about SNAs and where SNA's have been potentially identified.

After feedback from landowners on the identification of SNAs has been received and considered, the SNA provisions will be developed in collaboration with landowners and key stakeholders during plan drafting.

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APPENDIX 1

RELEVANT LEGISLATION AND NATIONAL DIRECTION

Resource Management Act 1991	
Part 2 Section 6(c)	The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is identified as a matter of national importance.
Part 2 Section 7(d)	Requires decision makers to have particular regard to the intrinsic values of ecosystems.
Section 30(1)(c)(iia)	Regional councils are responsible for the maintenance and enhancement of ecosystems and coastal water.
Section 30(1)(ga)	Regional councils are responsible for the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity.
Section 31(1)(b)(iii)	Territorial authorities are responsible for the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the maintenance of indigenous biological diversity.
Part 5 Section 74	Standards, policy statements and plan (matters to be considered by territorial authority).
Part 5 Section 75	Standards, policy statements and plan (contents of district plans).
National Policy Statement	
Proposed National Policy Statement on Indigenous Biodiversity	The Proposed National Policy Statement on Indigenous Biodiversity (NPSIB) is presently under consideration by central government. It is likely to require all local authorities to identify and preserve Significant Natural Areas, as signalled in the draft released in early 2020.

REGIONAL GUIDANCE

Regional Policy Statement for Northland	
Issue 2.2 – Indigenous ecosystems and biodiversity	The key pressures on Northland's indigenous terrestrial, freshwater, and coastal marine ecosystems and species include: (d) Fragmentation, loss and isolation of populations and communities of indigenous species due to habitat loss, land use changes and vegetation clearance.
Policy 4.4.1 - Maintaining and protecting significant ecological areas and habitats	Avoid, remedy or mitigate adverse effects on indigenous vegetation.
Method 4.4.3 – Statutory plans and strategies	Subject to Method 4.4.3(3), within two years after the Regional Policy Statement becomes operative the district councils are required to amend district plans to ensure the plans implement Policy 4.4.1 on land outside of the beds of rivers and lakes, wetlands, and the coastal marine area. Methods of implementation include: (a) Controls on the disturbance of land and the clearance of vegetation; and (b) Controls on the introduction or keeping of species with recognised pest potential.

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Appendix 5 (criteria)	Areas of significant indigenous vegetation and significant habitats of indigenous fauna in terrestrial, freshwater and marine environments.
Proposed Regional Plan for Northland (Appeals Version – August 2020)	
Policy D.2.16 (2)	Managing adverse effects on indigenous biodiversity (noting that this is for areas outside the coastal environment).
Policy D.2.17	Managing adverse effects on land-based values and infrastructure.
Policy D.2.18	Precautionary approach to managing effects on significant indigenous biodiversity.

OPERATIVE KAIPARA DISTRICT PLAN 2013 - RELEVANT PROVISIONS

Resource Description 2.1.1- Natural and Physical Resources (Ecology)	Ecological values in the District are based on ecological districts as summarised in protected natural area reports prepared by the Department of Conservation.
4.3 – Significant Issues for Environment Overlay Areas	Sensitive area overlays such as the Coast and the Harbours provide for the preservation of ecological areas
4.3.8 (Kaipara Harbour)	Land use and development on the catchment of the Kaipara Harbour significantly contributes to the social and economic wellbeing of the community. However, some activities in the catchment have the potential to degrade the values of these sensitive environments, and may result in: <ul style="list-style-type: none"> • Loss of public access to and along the Harbour; • Adverse impacts on ecological values and habitats; • Changes to landscape; • Loss of amenity values; • Loss of cultural and heritage sites; and • Degradation of water quality.
Objective 4.4.9 (Kaipara Harbour)	To recognise and provide for the protection of habitats and ecological values.
Chapter 6 – Ecological Areas 6.1 – Introduction	Most of the major ecological areas are in Crown ownership and held for conservation purposes. The Crown estate which is managed by the Department of Conservation stands at around 20,000 hectares. This represents about 8% of the total land area in the district.
6.4 – Ecological Area Issues	Issue 6.4.1 – Unsustainable land development or land use activities adjacent to or on lakes, rivers and coastal margins or within the catchments of these environments can result in loss or degradation of significant ecological areas.
Policy 6.6.5	By providing incentives in the Plan which encourage measures to protect and enhance indigenous vegetation and habitats of indigenous species.
Method 6.7.2.3	The Council will progressively develop guidelines to assist landowners in the protection and enhancement of ecological areas.
Rural Zone Method 12.7.2.4 and Residential Zone Method 13.7.2.4	Promotion of voluntary protection mechanisms regarding heritage, ecological and landscape areas/items (e.g. Biodiversity fund and Heritage Assistance Fund) as identified in the Kaipara District Council's Annual Plan and Long Term Plan.

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Chapter 18 - Landscapes and Natural Features	Policy 18.6.4 – To encourage the voluntary protection and enhancement of Outstanding Natural Landscapes recognising the benefits afforded to the wider community by these actions.
Appendix 25G	Assessment of Ecological Significance (provides the criteria for assessing the ranking of ecological features).

Attachment C

Coastal Environment

BACKGROUND

The Kaipara District coastal environments comprise large areas ranging from the Kaipara Harbour, Mangawhai Harbour and the Ripiro Beach coastline, which are all highly valued areas by our communities for their natural beauty, cultural and recreational values and scenic landscapes.

The Operative District Plan includes overlays for specific coastal environments, based on their sensitivity and value:

- Northern Wairoa River
- The West Coast
- The East Coast
- The Kaipara Harbour
- The Mangawhai Harbour (including its valued natural environments)
- Kai Iwi Lakes, given the interaction of processes and activities within the coastal environment and receiving environments (such as waterways).

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) outlined in Policy 1 – extent and characteristics of the coastal environment. 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.

KEY ISSUE

The specific 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.

Attachment C

IWI INTERESTS AND IWI MANAGEMENT PLANS

Nga Ture mo te Taiao o Te Roroa 2009

- Coastal issues are discussed throughout, including those relating to the 'Coastal Marine Area' as defined in the Resource Management Act 1991. In addition, the issue of 'Our Relationship with Developers' as addressed in the document discusses the increasing desire for coastal lifestyles, and the northward expansion from Auckland.

Te Uri o Hau Kaitiakitanga o te Taiao 2011

- Chapter 11 – Plan Purpose – Sustainable coastal development (and water use and allocation)
- Chapter 31 – Takutai Moana: Marine and Coastal Area and Harbours
- Objective – Integrated management of the marine and coastal area and the Kaipara and Mangawhai harbours
- Policy – Develop protocols with the Crown and their representative agencies, neighbouring hapū and iwi, and the wider community for the transfer and management or co-management of the marine and coastal area.

SUMMARY OF THE OPERATIVE DISTRICT PLAN PROVISIONS

Chapter 4 of the Operative District Plan includes objectives, policies and methods related to the coastal environment. Further details on these provisions can be found in Appendix 1.

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.

NEXT STEPS

In preparing the new District Plan, Council will need to make changes to the coastal environment overlays to be included on the planning maps. This will mean that the extent of the new coastal overlay maps will be a reduction from what is presently shown in the Operative District Plan.

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APPENDIX 1

RELEVANT LEGISLATION AND NATIONAL DIRECTION

Resource Management Act 1991	
Part 2 Section 6(a)	Section 6(a) states that where the coastal environment is identified as a matter of national importance.
Section 30(1)(a) and (b)	Management of the natural and physical resources of the region, especially where these are of regional significance – functions of a regional council.
New Zealand Coastal Policy Statement 2010	
Objective 1	To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land.
Policy 1	Defines the extent and characteristics of the coastal environment.
Policy 7 Strategic planning	<p>In preparing regional policy statements, and plans:</p> <p>(a) consider where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment at a regional and district level, and:</p> <p>(b) identify areas of the coastal environment where particular activities and forms of subdivision, use and development:</p> <p>i) are inappropriate</p> <p>i) may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Resource Management Act process; and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.</p>

REGIONAL GUIDANCE

Regional Policy Statement for Northland	
Policy 4.4.1-	<p>Maintaining and protecting significant ecological areas and habitats</p> <p>(2) In the coastal environment, avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision, use and development.</p>
Policy 4.5.1	<p>Identification of the coastal environment, outstanding natural features and outstanding natural landscapes and high and outstanding natural character.</p> <p>The areas identified in the Regional Policy Statement – Maps will form Northland's: (a) Coastal environment.</p>

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Policy 5.1.2- Development in the coastal environment	Enable people and communities to provide for their wellbeing through appropriate subdivision, use, and development that: (a) Consolidates urban development within or adjacent to existing coastal settlements and avoids sprawling or sporadic patterns of development; (b) Ensures sufficient development.
Proposed Regional Plan for Northland (Appeals Version)	
D.2.15	Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features.
D.2.16	Managing adverse effects on indigenous biodiversity.
D.5.22	Reclamation.
F.1.11	Natural character, outstanding natural features, historic heritage and places of significance to tangāta whenua.

OPERATIVE KAIPARA DISTRICT PLAN 2013 – RELEVANT PROVISIONS

Objective 4.4.1	To promote the preservation, restoration, rehabilitation and enhancement of the natural character of the coastal environment.
Objective 4.4.4	To recognise the functional need for activities in the coastal environment and encourage greater integration of landward and maritime land use planning.
Policy 4.5.1	By encouraging consolidation of coastal settlements where it contributes to the avoidance of sprawling or sporadic patterns of development in the coastal environment.
Policy 4.5.2	By managing the location, scale and design of subdivision, use and development to minimise the potential adverse effects on the natural character of the coastal environment.
Policy 4.5.9	By managing the scale, location and design of activities, particularly with respect to built form to protect natural character from inappropriate use and development and maintain and enhance the amenity values.
District Plan Methods 4.6.1	The use of Zoning to provide direction on the appropriate activities and effects of activities that will occur in geographic areas of the District. The use of Overlays to identify sensitive environments where additional resource management measures are considered appropriate. Requiring applicants to undertake the mapping of sites, features and units where specific resource management and methods are required.

Attachment C

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 of coastal and freshwater areas from inappropriate subdivision, use and development. The Regional Policy Statement for Northland (RPS) provides criteria to use when assessing natural character in Northland (these criteria are listed in Appendix 1 of this discussion document).

Natural character areas are not mapped in the Operative District Plan. However, the RPS includes maps of high and outstanding natural character areas for the coastal environment. Accordingly, the new District Plan will need to include these maps.

KEY ISSUES

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.

IWI INTERESTS AND IWI MANAGEMENT PLANS

Te Uri o Hau Kaitiakitanga o Te Taiao 2011

Chapter 31 of the Iwi Management Plan discusses the use and abuse of the marine and coastal areas, harbours, and estuaries within the statutory area of Te Uri o Hau has been an ongoing concern.

Nga Ture mo Te Taiao o Te Roroa 2009

Increasing desire for coastal lifestyles, the northward expansion from Auckland, increasing awareness of the value and importance of our beautiful environment and increasing tourism are all factors in the development explosion we have witnessed in the past decade.

SUMMARY OF THE OPERATIVE DISTRICT PLAN PROVISIONS

The Operative District Plan recognises the unique characteristics of several different coastal environments in the Kaipara District but does not identify the full extent of the coastal environment, as defined in the New Zealand Coastal Policy Statement (NZCPS) and the RPS. However, Objective 6.5.4 relates to protection of the natural character of the coast. For further detail of the Operative District Plan provisions, refer to Appendix 1.

PROPOSED CHANGES

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

NEXT STEPS

As discussed in the previous sections, identification (and mapping) of any additional natural character areas must be in accordance with the RPS assessment criteria.

Attachment C

APPENDIX 1

RELEVANT LEGISLATION AND NATIONAL DIRECTION

Resource Management Act 1991	
Part 2 – Sections 6(a) and 7(d)	Natural character is identified as a matter of national importance, that decision makers must have particular regard to. It is a district function to control the effects of activities on land that might affect the natural character of the coastal environment.
New Zealand Coastal Policy Statement 2010	
Objective 2	Refers to protection of the natural character of the coastal environment.
Policy 13	Relates specifically to the preservation of natural character.
Policy 14	Relates specifically to the restoration of natural character.

REGIONAL GUIDANCE

Regional Policy Statement for Northland	
Issue 2.8	Natural character, features/landscapes, and historic heritage
Objective 3.14	Natural character, outstanding natural features, outstanding natural landscapes, and historic heritage
Objective 3.15 Active management	Maintain and/or improve: (a) The natural character of the coastal environment and freshwater bodies and their margins
Policy 4.5.1	Identification of the coastal environment, outstanding natural features and outstanding natural landscapes and high and outstanding natural character
Method 4.5.4	Statutory plans and strategies (2) The coastal environment, and areas of high and outstanding natural character within the coastal environment, and outstanding natural features and outstanding natural landscapes as shown in the Regional Policy Statement – Maps may be changed, provided the changes are: (i) Undertaken using the attributes and criteria listed in Appendix 1 of the RPS; and (ii) Shown in the regional or district plan.
Policy 4.6.1	Managing effects on the characteristics and qualities natural character, natural features, and landscapes

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Regional Policy Statement for Northland cont... Appendix 1	<p>The natural character assessment criteria include the following matters, to identify a range of natural character from pristine to modified:</p> <ul style="list-style-type: none"> a) Natural elements, processes, and patterns; b) Biophysical, ecological, and geomorphological aspects; c) Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs, and surf breaks; d) The natural movement of water and sediment; e) The natural darkness of the night sky; f) Places or areas that are wild or scenic; and g) Experiential attributes, including the sounds and smell of the sea; and their context or setting. <p>As a guide:</p> <ul style="list-style-type: none"> • Outstanding natural character generally means entirely natural (such as near to pristine indigenous land cover, negligible human features e.g., buildings, structures, paved surfaces, roading or vehicle tracks) and a very strong experience of naturalness. • High natural character generally means a high proportion of indigenous vegetation cover, visually unobtrusive land management
	<p>(e.g., low intensity pasture), few and visually subservient human features and a strong experience of naturalness.</p> <ul style="list-style-type: none"> • Areas where natural character is less than high generally means one or more of the following: Mostly modified land cover (e.g., pasture, plantations), limited remnant indigenous vegetation, obvious land management patterns, obvious or prominent human structures, and a modest experience of naturalness.
Northland Regional Council Northland Mapping Project	Natural Character Methodology includes a full copy of the assessment worksheets and methodology used for evaluating coastal natural character. This information is available from Northland Regional Council.
Proposed Regional Plan for Northland	
C.1.1.21	Structure in General
C.1.1.22, C.1.1.23	Hard protection structures (Marine Zones)
C.1.1.27	Fresh water structures
C.2.1.10	Flood defences
C.2.1.12	Dams
C.3.1.2	Rivers
C.3.1.10 and specifically D.2.15	Managing the effects on natural character areas and land-based activities
D.2.17	Managing adverse effects on natural character, outstanding natural landscapes, and outstanding natural features

OPERATIVE KAIPARA DISTRICT PLAN 2013 - RELEVANT PROVISIONS

Policy 3.5.6	By requiring new residential and business development to comprehensively consider (on a catchment wide basis) potential: Adverse effects on the natural character of the coastal environment, lakes, rivers, wetlands, or their margins
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Chapter 4 – Overlays	<p>This chapter recognises the natural character of the coastal environment and notes: The Regional Policy Statement includes mapping of natural character and natural features of the coastal environment.</p> <p>As noted above, the mapping of Overlays in the District Plan is based on existing available information and there is still work required to bring more detailed mapping of values into the District Plan (e.g., those features that contribute to natural character of the coastal environment).</p> <p>Once the Regional Policy Statement is operative Council will review the defined Overlay areas, particularly for the West and East Coast Overlays, and other plan provisions to ensure the District Plan gives effect to the Regional Policy Statement.</p>
Objective 6.5.4	<p>There are a number of objectives and policies that refer to protecting natural character and retaining amenity values, including Objective 6.5.4:</p> <p>To protect the natural character of the coast, rivers and lakes and their margins within the District by avoiding, remedying, or mitigating the adverse effects of surface water activities.</p>
Rural Chapter 12 Residential Chapter 13 Commercial Chapter 14 Māori Purpose land Chapter 15A	<p>Assessment criteria for a range of rules or subdivision rules include the effects on natural character such as for the non-rural or non-residential uses, setbacks, traffic intensity, benefit, and amenity lots, integrated developments, esplanade areas.</p>

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Outstanding Natural Features

BACKGROUND

Natural features are distinct geographic and/or geological landforms, or other features that were formed by natural processes rather than man-made. These include mountains, hills, valleys, lakes, streams, wetlands, native forests, sand dunes and beaches.

Natural features and landscapes can change over time due to various natural or human-induced processes. These changes can reduce the characteristics and qualities that make a natural feature or landscape unique, distinctive and/or special.

Under section 6(b) of the Resource Management Act 1991 (RMA) the protection of Outstanding Natural Features (ONFs) and landscapes from inappropriate subdivision, use and development is 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.

IWI INTERESTS AND IWI MANAGEMENT PLANS

Nga Ture mo te Taiao o Te Roroa 2009

This Iwi Management Plan discusses wāhi tapu sites that are part of a cultural landscape, which is highly valued by Te Roroa. The document reflects the importance of protecting the natural values of these sites given their high value to hapū.

Te Uri o Hau Kaitiakitanga o Te Taiao 2011

- Part 3 Mātaurangi Māori: Māori World View includes reference to sacred places, tribal history and songs in reference to natural features.
- Chapter 34 refers to Whenua: (land) and states that natural features and landscapes are valued for their unique characteristics, strategic location, or historical importance.
- Chapter 40 discusses cultural landscapes. It states that understanding significant features, relationships, and traditions associated with a place or site of significance is important not only for Te Uri o Hau, but also for the wider community and education about cultural landscapes is needed in order to protect these sites.

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SUMMARY OF THE OPERATIVE DISTRICT PLAN PROVISIONS

Chapter 18 includes objectives and policies relating to ONFs. Further detail is provided in Appendix 1.

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 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.

NEXT STEPS

Council will undertake a review of the existing ONFs in the Operative District Plan and evaluate the inclusion of additional features based on a study already undertaken for the District. Council will develop draft provisions in the new District Plan to support the protection of ONFs.

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APPENDIX 1

RELEVANT LEGISLATION

Resource Management Act 1991	
Section 6(b)	Outstanding Natural Features are identified as a matter of national importance.

REGIONAL GUIDANCE

Regional Policy Statement for Northland	
Issue 2.8	Natural character, features/landscapes, and historic heritage Many of Northland's natural features and landscapes, natural character, and historic heritage have been compromised and remain at risk.
Objective 3.14(b)	Natural character, outstanding natural features, outstanding natural landscapes, and historic heritage. Identify and protect from inappropriate subdivision, use and development.
Policy 4.6.1	Managing effects on the characteristics and qualities natural character, natural features, and landscapes
Appendix 1	Mapping Methods: Outstanding Natural Features
Appendix 4	Identifies those natural features that are likely to warrant being identified as Outstanding Natural Features. However further work is required to be undertaken to map the spatial extent of the identified ONF.

Proposed Regional Plan for Northland	
D.2.15, D.2.17 and F.1.11	Some of the provisions relating to natural character, Outstanding Natural Features, historic heritage, and places of significance to tangata whenua with reference to mapping are still subject to appeals.

OPERATIVE KAIPARA DISTRICT PLAN 2013 – RELEVANT PROVISIONS

Chapter 18 - Landscapes and Natural Features	This chapter includes the following: Kaipara District includes a number of natural features, some of which may be considered 'Outstanding Natural Features' (ONFs). At the time of preparing the Operative District Plan, specific mapping, or identification of ONFs had not been undertaken. The District Plan therefore only identifies issues, objectives and policies for these
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	features and identifies the process for how ONFs will be identified and protected within the Kaipara District.
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Outstanding Natural Landscapes

BACKGROUND

Kaipara District has a diverse range of landscapes, ranging from exposed coasts, sheltered estuaries, rivers, steep bush clad hills, riverside flats and rolling farmland. Collectively, these varied landscapes contribute to the character and identity of the Kaipara District and are highly valued by the public. Some of these landscapes have been assessed and identified as Outstanding Natural Landscapes (ONLs).

Landscape areas are classified as ONLs if they strongly display the physical characteristics and character associated with a particular landscape type. These landscapes are prominent, lend a measure of spectacle or sense of place, and have an uninhabited or sparse level of built development or modification, with a relatively low capacity to absorb change. They make a significant contribution to the District's identity and are highly valued by the public. ONLS 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.

IWI INTERESTS AND IWI MANAGEMENT PLANS

Nga Ture o te Taiao o Te Roroa 2009

The landscape sections of this document predominantly refer to the cultural landscape of an area, accepting that the natural landscapes play an important role in the cultural interpretation of these landscapes.

Policies in Chapter 6 – Te Aho Tapu Mātauranga Te Roroa Wāhi Tapu and cultural landscapes are particularly relevant to management within these areas.

Te Uri o Hau Hapū Iwi Management Plan 2011

Chapter 35 – Growth and Development issues state that inappropriate development and uncontrolled growth are having adverse effects on the environment and taonga.

As cultural landscapes are of high value to Te Uri o Hau, these landscapes are discussed in further detail within this Plan.

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SUMMARY OF THE OPERATIVE DISTRICT PLAN PROVISIONS

There are 23 ONLs listed in the Operative District Plan, and Appendix 18A provides a description of each ONL. Chapter 18 includes objectives and policies related to these areas. Additional details are provided in Appendix 1.

PROPOSED CHANGES

The new District Plan will need to map all identified ONLs and include objectives, policies and rules to ensure protection of these landscapes and to manage activities within the ONLs.

The following areas have been identified that will need to be addressed in the relevant chapter in the new District Plan:

- **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.

- **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.

NEXT STEPS

Further work will be undertaken to identify and draft the relevant policies and objectives for ONLs.

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APPENDIX 1

RELEVANT LEGISLATION AND NATIONAL DIRECTION

Resource Management Act 1991	
Section 6(b) – Matters of National Importance	The protection of outstanding natural landscapes from inappropriate subdivision, use and development is identified as a matter of national importance.
New Zealand Coastal Policy Statement	
Policy 15 - Natural features and natural landscapes	Policy 15 seeks to protect the natural features and landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use and development.

REGIONAL GUIDANCE

Regional Policy Statement for Northland	
Issue 2.8 - Natural character, features/landscapes and historic heritage	<p>This issue states that many of Northland's natural features and landscapes, natural character, and historic heritage have been compromised and remain at risk as a result of the impacts of inappropriate subdivision, use and development.</p> <p>The primary activities of concern are built development, earthworks, significant water extractions/discharges to water, vegetation clearance and coastal structures.</p>
Policy 4.5.1- Identification of the coastal environment, outstanding natural features and outstanding natural landscapes, and high and outstanding natural character	<p>The areas identified in the Regional Policy Statement – Maps will form Northland's:</p> <ul style="list-style-type: none"> (a) Coastal environment; (b) High and outstanding natural character areas within the coastal environment (except where the coastal marine area beyond harbours/estuaries remain unclassified); and (c) Outstanding natural features and outstanding natural landscapes. <p>Where, following further detailed assessment, an area in the Regional Policy Statement – Maps has been amended in accordance with Method 4.5.4, and the amended area is operative in the relevant district or regional plan, it shall supersede the relevant area in the Regional Policy Statement – Maps.</p>
Rule D.2.6	This rule provides for minor adverse effects arising from the establishment and operation of regionally significant infrastructure. It enables the establishment and operation (including re-consenting) of regionally significant infrastructure by allowing any minor adverse effects.
Rule D.2.15	Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features.
Rule D.2.17	Managing adverse effects on land-based values and infrastructure.

OPERATIVE KAIPARA DISTRICT PLAN 2013 – RELEVANT PROVISIONS

Chapter 18	This chapter comprehensively covers the landscapes and natural features topic and includes objectives and policies.
Appendix 18A	This appendix is the schedule of Outstanding Natural Landscapes (ONLs) within the Kaipara District, which includes 23 Outstanding Natural Landscapes.

Attachment C

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 these assets need to be included in the following historical and cultural values chapters of the new District Plan, to apply across the whole District:

- historical heritage
- sites and areas of significance to Māori
- notable trees.

Historical Heritage

Given the rich history of the Kaipara District from early Māori settlement, the early pioneering days, and more recent modern history, there are many items, buildings and areas within the District which are of significance to our communities because of their associations with the past. Some examples include: wāhi tapu sites from early Māori settlement; sites associated with timber milling and gum digging areas; and historic homes, where European settlers lived and contributed to their respective communities.

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

The Kaipara District has a rich Māori history. 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.

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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.

District plans provide an additional layer of protection regarding the identification of these sites. Rules can ensure Mana Whenua have an opportunity to provide an assessment of both cultural and archaeological values associated with significant sites and areas to Māori.

Notable Trees

Notable trees make a valuable contribution to the history and amenity of the Kaipara District. They often have historic, scenic or scientific significance. One of the district's existing notable trees (the Morton Bay Fig tree at Pahi Domain) is subject to a Heritage Order.

Any subdivision, use, and development which affects a notable tree listed in the District Plan needs to be carefully assessed in conjunction with the proposed landuse development. 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). This scoring method resulted in six stands of trees and five individual trees being identified as notable trees and listed in Appendix 19.1 of the Operative District Plan.

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.

Attachment C

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.

IWI INTERESTS AND IWI MANAGEMENT PLANS

Heritage and sites of significance to Māori are held in great esteem to Māori and hapū and Iwi wish to protect their sites from destruction or modification.

Two Iwi Management Plans (IMPs) must be taken into account:

- Te Uri o Hau Kaitiakitanga o te Taiao 2011
- Nga Ture mo Te Taiao o Te Roroa 2009

Both IMPs refer to the protection of wāhi tapu sites and taonga and emphasise protection against adverse effects where land use, subdivision and development occur.

SUMMARY OF THE OPERATIVE DISTRICT PLAN PROVISIONS

Chapter 17 of the Operative District Plan covers Historic Heritage, including archaeological sites. A Schedule of Heritage Resources is provided in Appendix 17.1, and Nohoanga Areas and Areas of Significance to Māori are listed in Appendix 17.2. A Schedule of Notable Trees is in Appendix 19.1. Further details of the provisions are included in Appendix 1.

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.

NEXT STEPS

No technical experts have been engaged at this stage. However, Council is planning to engage technical experts to review and assess historic heritage sites and review the notable tree assessment framework, during the preparation of the draft District Plan and section 32 reports.

Technical expertise is also being sought from Te Roroa and Te Uri o Hau Iwi Authorities for advice and guidance regarding the identification of sites and areas of significance to Māori and developing provisions to protect these sites and areas.

Attachment C

APPENDIX 1

RELEVANT LEGISLATION AND NATIONAL DIRECTION

Resource Management Act 1991	
Section 6(e) Matters of National Importance	Provides for the recognition as a matter of national importance the relationship of Maori and their culture and tradition as with their ancestral lands, water, sites, wāhi tapu, and other taonga.
Section 6(f) Matters of National Importance	Provides for the recognition as a matter of national importance the protection of historic heritage from inappropriate subdivision, use and development.
Heritage New Zealand Pouhere Taonga Act 2014	
Section 3 Purpose	To promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.
Section 4 Principles (a) – (d)	Recognises that the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand takes into all relevant cultural values, knowledge and disciplines. It also takes into account cultural heritage value and safeguards the options of present and future generations and requires that information be fully researched, documented and recorded where culturally appropriate.

REGIONAL GUIDANCE

Regional Policy Statement for Northland	
Issue 2.8	Natural character, features/landscapes and historic heritage.
Objective 3.14	Requires the integrity of historic heritage to be identified and protected from inappropriate subdivision, use and development.
Policy 4.6.2	Provides strong policy direction to Council to avoid significant adverse effects of subdivision, use and development on historic heritage.

OPERATIVE KAIPARA DISTRICT PLAN 2013 – RELEVANT PROVISIONS

Chapter 17	Covers Historic Heritage, including archaeological sites. It refers to Category A and Category B heritage resources. Category A includes heritage resources registered with the Historic Places Trust, and these are given some protection in District Plan rules related to the maintenance or repair of a Category A resource or feature. In contrast, Category B heritage resources are of local significance. They are not registered with the Historic Place Trust and are not protected through District Plan rules. They are listed in the Plan to encourage recognition and protection, and to raise awareness of them.
Multiple Chapters across the District Plan	There are District Plan provisions related to development within the vicinity of a Category A resource or feature, earthworks within an Area of Significance to Māori and development on a site listed in Schedule 17.2 – Nohoanga Areas and Areas of Significance to Māori.
Appendix 17.1	Includes the Schedule of Heritage Resources, with 85 entries.
Appendix 17.2	Nohoanga Areas and Areas of Significance to Māori.
Chapter 19	Notable Trees.
Appendix 19.1	Schedule of Notable Trees has 10 entries.