

**BEFORE THE KAIPARA DISTRICT COUNCIL'S HEARING PANEL**

**IN THE MATTER**

of the Resource Management Act 1991 ("**RMA**")

**AND IN THE MATTER**

An application for Private Plan Change 85 (**PPC85**) by Foundry Group Limited (formerly Cabra Mangawhai Limited) and Pro Land Matters Company (**the Applicant**) to rezone approximately 94-hectares of land at Black Swamp and Raymond Bull Roads, Mangawhai

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**STATEMENT OF EVIDENCE OF MARK ANDREW ROSS FOR**

**RIVERSIDE HOLIDAY PARK 2007 LIMITED**

**(PLANNING)**

**30 JANUARY 2026**

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## **1. INTRODUCTION, QUALIFICATIONS AND EXPERIENCE**

- 1.1 My full name is Mark Andrew Ross. I am a consultant planner. I have the qualifications of a Bachelor of Science specialising in resource and environmental planning from the University of Waikato. I am a full member of the New Zealand Planning Institute.
- 1.2 I have a total of 24 years planning experience working for local authorities and the private sector in New Zealand and the United Kingdom. In my current position with Planned Limited, I am responsible for managing my own caseload of private consents.

### **Code of conduct**

- 1.3 Although this is not a hearing before the Environment Court, I confirm that I have read and abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence before the Hearings Panel. This written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

### **Scope of Evidence**

- 1.4 I have prepared this evidence to assist the commissioners with their decision making in relation to PPC85 as proposed by the Applicant, which seeks to rezone approximately 94-hectares of land at Black Swamp and Raymond Bull Roads, Mangawhai.
- 1.5 I was engaged by Riverside Holiday Park 2007 Limited (**RHPL**), being the owner (comprising of 109 shareholders) of 41 Black Swamp Road, to prepare a submission on PPC85 with respect to the potential implications it will have on the on-going operation of their established holiday park activity. I also made a number of further submissions on the submissions received.
- 1.6 In preparing this evidence, I have read the following documents:
- (a) The originally lodged application, including the report titled '*Plan Change (Private) - Mangawhai East Development Area*',

prepared by The Planning Collective, dated July 2025, and its associated Appendices.

- (b) The Section 42A Report (**s42A Report**), prepared by Mr Jonathan Clease, Consultant Planner, dated 1 December 2025.
- (c) The Supplementary Statement of Evidence, prepared by Jonathan Clease, Consultant Planner, dated 23 January 2026.
- (d) The Statement of Evidence of Burnette O'Connor on behalf of the Applicant, dated 18 December 2025.

1.7 My statement of evidence focuses solely on the matters made in my submission on behalf of RHPL, which are summarised as follows:

- (a) Retention of the rural zoning for 41 Black Swamp Road.
- (b) Provision for no-complaints covenants for land that adjoins 41 Black Swamp Road.
- (c) The implementation of pedestrian and cyclist connectivity along Black Swamp Road
- (d) The need for pedestrian and cycling improvements across the Insley Street Bridge
- (e) The need for implementation of traffic control measures at the intersection of Black Swamp Road, Tomarata Road, and Insley Street.
- (f) Deletion of the 'Coastal Fringe Enhancement and Public Walkway' from the Structure Plan in Appendix 4.

## **2. SITE ZONING**

2.1 Matters associated with the zoning of 41 Black Swamp Road are set out in paragraphs 339 to 342 of the s42A Report. While the motivation for retaining the site's existing rural zoning is understood, the s42A Report concludes that an isolated pocket of rural zoned land would be incongruous with the type of development enabled by PPC85, resulting in a zoning pattern with little logic. Rezoning the site 'Rural Lifestyle' has been proposed as "*more justifiable option*" (paragraph 340).

- 2.2 This position has been adopted by the Applicant as set out paragraph 19 of Ms O'Connor's evidence on page 4 and is reflected in the updated Mangawhai East Structure Plan (**the Structure Plan**) included as Appendix 1 to her evidence. Also proposed as an update to the zoning is the inclusion of 'Low Density Residential' zoned land within the eastern portion of 25 Windsor Way, being the neighbouring site to the north. This is a change from the originally proposed 'Rural Lifestyle Zone'.
- 2.3 There is no opposition to changing the zoning at 25 Windsor Way noting that the 'Low Density Residential Zone' will only overlap a small portion 41 Black Swamp Road and the proposed minimum site size / density of 750m<sup>2</sup>.
- 2.4 RHPL have reviewed and carefully considered the proposed change. It is acknowledged that the now proposed 'Rural Lifestyle Zone' will ensure that the site maintains a rural zoning while reflecting the rural lifestyle character already established within portions of the subject environment. It is also acknowledged that this zoning will be consistent with overall thrust of PPC85 and the urbanisation outcomes sought.
- 2.5 However, with respect to the manner in which RHPL manage Riverside Holiday Park, the following is noted:
- (a) The site is not provided with any connections to Kaipara District Council Infrastructure. While there is a connection to public wastewater, RHPL funded its installation with a legal agreement in place that provides for their priority and an agreed number of connections.
  - (b) All roading, accessway and pathways within the site are maintained by RHPL
  - (c) Refuse and recycling are managed privately with no reliance on Kaipara District Council collection services.
- 2.6 As such, RHPL is completely self-sufficient, as is the case with most rural zoned sites.
- 2.7 Accordingly, the assessment within the s42A Report notwithstanding and while the proposed change to 'Rural Lifestyle Zone' is

acknowledged, RHPL maintain their position that the site's existing rural zoning remains appropriate and should be maintained, with this not resulting in any incompatibility issues with the general urban outcomes sought by PPC85.

### **3. NO COMPLAINTS / REVERSE SENSITIVITY**

3.1 Reverse sensitivity related to the matters outlined in RHPL's submission are addressed in paragraphs 323 to 327 of the s42A Report on pages 67 and 68.

3.2 In summary, the s42A Report considers that additional interface rules are not necessary for the following general reasons:

- (a) The holiday park is already bordered by lifestyle blocks along Windsor Way such that it should be operating in a manner that does not result in unacceptable *"beyond the boundary"* effects.
- (b) Camping ground activities are relatively benign and often located adjacent to residential dwellings, with on-site management required to curtail noise and nuisance effects.

3.3 RHPL accepts the assessment within the s42A Report and can confirm that Riverside Holiday Park operates and functions in a manner that minimises noise and disturbance effects beyond the site. It is also noted that the noise levels contained in DEV-X-G-S5 allows for louder noise levels (5 dB LA<sub>eq</sub>) between 7pm and 10pm than those of the current rural standards.

3.4 Upon review of the applicable evidence and noting the manner in which Riverside Holiday Park operates, RHPL is satisfied that a no-complaints covenant as requested in its submission is not required.

### **4. PEDESTRIAN AND CYCLIST CONNECTIVITY ALONG INSLEY STREET**

4.1 Matters associated with pedestrian and cyclist connectivity along Insley Street are addressed in paragraphs 205 to 229 of the s42A Report on pages 46 to 51.

4.2 In paragraph 219 of the s42A Report, the need for a shared path over the causeway (the location of the Insley Street Bridge) is identified as a

key walking and cycling route and that without its provision, the urbanisation as proposed would not be appropriate (paragraph 223). RHPL support this assessment and, as set out in its submission, considers this upgrade to be necessary.

- 4.3 In paragraph 224, amendments to policies and associated rules are recommended to ensure that the need for this upgrade work is recognised and to provide certainty around delivery. A 50 unit 'existing environment' trigger is considered an appropriate threshold for both land use and subdivision consents, with development beyond this and without the proposed upgrades being non-complying (paragraph 226).
- 4.4 It is accepted that a trigger is required for this upgrade work to occur and that 50 dwellings is an appropriate basis given that this is based on what the current environment could sustain in the absence of PPC85. This is proposed to be inserted into Standard 'DEV-X-SUB-S6 as set out in Appendix 1 to the s42A Report.
- 4.5 However, there are a number of queries that RHPL consider need further clarification, as set out as follows:
- (a) Does this standard apply to both land use and subdivision consents? This query is raised as there are separate standards under the heading 'Land Use Standards' that include the subheading 'LU'. The use of 'SUB' in this standard indicates that it may only be applicable to subdivision consents.
  - (b) The standard as worded states "*any subdivision application that will enable 50 or more residential units, or residential unit equivalents,...*". This would appear to confirm that this standard only relates to subdivision consents and not land use only consents. It would also appear to be only relevant to individual subdivision applications of 50 or more residential units and not to a cumulative / running total of 50, which it is assumed is the intention. This needs to be clarified, and if a cumulative / running total is intended, the standard needs to be reworded accordingly.
  - (c) How will the 50 residential units be calculated for a vacant lot subdivisions where there is the potential for lots to contain more than one dwelling?

- (d) Following on from (b) and on the assumption that the threshold is cumulative, there is often a 'race' to the threshold and then development stagnates afterwards as the developer of the 50<sup>th</sup> dwelling does not want to be burdened with the cost of the upgrade. Will there be a targeted contribution towards the upgrade works for the development of residential units 1 to 49?
- (e) Is non-complying activity status strong enough to allow decision makers to decline an application where the required link is not proposed and the associated development threshold exceeded? In my opinion, that would only be the case if there is an accompanying 'avoid' objective or equivalent to highlight its importance and that urban scale intensification will almost certainly be refused in its absence. Otherwise, prohibited activity status should be considered.

4.6 Accordingly, subject to the matters outlined in 4.5 (a) to (e) being satisfactorily resolved to ensure that the shared path connection along Insley Street and the causeway can be achieved and delivered prior to the additionally enabled urban intensification occurring, RHPL consider that this component of their submission can be addressed.

## **5. PEDESTRIAN AND CYCLIST CONNECTIVITY ALONG BLACK SWAMP ROAD**

5.1 As with pedestrian and cyclist connectivity along Insley Street, matters associated with pedestrian and cyclist connectivity along Black Swamp Road are addressed in paragraphs 205 to 229 of the s42A Report on pages 46 to 51.

5.2 In paragraph 207 of the s42A Report it is noted that Black Swamp Road will be upgraded to an urban collector road standard, with paragraph 215 confirming that all collector roads will include a 3m wide shared path. However, in paragraph 209 it is stated that upgrades required are not shown on the Structure Plan and that this plan should be updated accordingly.

5.3 RHPL concur with the assessment within the s42A Report and consider that the Structure Plan must be updated to reflect this key requirement. Black Swamp Road is the main point of entry to PPC85 land from both the north and south and it is critical to the urban function of this area

that this upgrade occurs, including the provision of a shared pedestrian and cycle path.

- 5.4 However, similar to the issues associated with the Insley Street and causeway shared path connection, it is uncertain how this will be delivered. There appear to be not standards linking its delivery to a quantum of future urban development and while referenced in Policy DEV X-P3, 1, it simply states “*upgrade Black Swamp Road to an Urban Collector standard in conjunction with urban development*”. There is concern that this is not a sufficiently robust delivery mechanism, particularly noting the apparent lack of a development trigger.
- 5.5 Subject to the delivery mechanism being resolved and robust measures being confirmed for implementation, RHPL considers that its submission on with respect to the provision of a safe and comprehensive walking and cycling network along Black Swamp Road can be addressed.

## **6. TRAFFIC CONTROL MEASURES**

- 6.1 Traffic control measures at the intersection of Black Swamp Road, Tomarata Road, and Insley Street are addressed in paragraphs 205 to 229 of the s42A Report on pages 46 to 51.
- 6.2 As noted in its submission, a number of the shareholders of RHPL have expressed concern with this intersection and ‘not feeling safe’ when using it. While it is acknowledged that this is not expert evidence, it is important lay person evidence from people that use this intersection on a frequent basis.
- 6.3 Noting this, RHPL supports the assessment in paragraph 211 of the s42A Report and relies on the evidence of the Council’s Traffic expert, Mr van der Westhuizen, that a roundabout is a better solution than the right turn bay currently proposed.
- 6.4 That notwithstanding, the implementation issue is once again noted, with the only reference to this upgrade appearing to be within Policy DEV X-P3, 2, noting that this does include the 50-dwelling trigger.
- 6.5 Again, subject to there being the necessary level of certainty that the roundabout will be implemented when the baseline level of urban



development is exceeded, RHPL consider that this submission point will be addressed by PPC85.

## **7. COASTAL FRINGE ENHANCEMENT AND PUBLIC WALKWAY**

- 7.1 Within paragraphs 215 to 218 of the s42A Report on page 48, the proposed coastal walkway, being the 'Coastal Fringe Enhancement and Public Walkway' identified on the Structure Plan is addressed.
- 7.2 Within paragraph 218, it is noted that the coastal walkway will be located primarily within existing esplanade reserve land and will be consistent with the key purpose of such land to provide public access to coastal and riparian margins. Works associated with the provision of this walkway will be subject to a range of rules in respect of earthworks and vegetation removal, along with Regional Plan rules and, potentially, Wildlife Act requirements. While RHPL's submission is understood, the s42A Report considers that the walkway can be provided in a manner than manages the interests of competing demands, which will be facilitated through future resource consent and public space leasing processes.
- 7.3 RHPL acknowledges this assessment and accepts that such an amenity would be consistent with the purpose of esplanade reserve land. However, this notwithstanding, RHPL maintains its position that such a walkway is not appropriate for the following reasons:
- (a) The location of the walkway within a Coastal Inundation Overlay is such that it will likely be difficult and costly to construct and will be prone to damage. As it will become a vested Council asset, it will be the responsibility of Council to maintain, being a potential burden of Kaipara District ratepayers.
  - (b) The esplanade reserve to the south of Riverside Holiday Park and adjacent to Lot 1 DP 74423 is, in portions, on steep land that is close to the deep inlet channel. The practicalities of constructing a walkway along this portion will likely be impractical and costly, and again, subject to damage from coastal processes with the need for continual maintenance. Without the ability to construct the walkway through this portion, the proposed connection with Raymond Bull Road cannot be achieved.

- (c) Relative to the costs required to construct it, the walkway would likely be seldom used given its limited extent. There will be no pathway beyond Raymond Bull Road with only a shared pathway proposed within its western portion. While looking 'pretty on paper', the real-world situation is such that it would likely be a 'white elephant' for Council and ratepayers.

7.4 Of further note is that the land within which the coastal walkway is proposed is already esplanade reserve. As such, there is already an ability to provide a walkway within it. The fact that this has not occurred serves to reinforce the matter outlined above in terms of feasibility and cost verses resulting public benefit.

7.5 Accordingly, RHPL maintains its submission that the 'Coastal Fringe Enhancement and Public Walkway' is unnecessary and considers that it should be deleted from the Structure Plan.

## **8. CONCLUDING COMMENTS**

8.1 RHPL considers that some of the matters raised in its submission have been suitably addressed by amendments proposed within the s42A report. This includes not requiring the use of a no-complaints covenant.

8.2 Matters in respect of road, pedestrian and cycle upgrades have generally been addressed, subject to resolving matters around practical implementation.

8.3 However, matters in respect of the 'Coastal Fringe Enhancement and Public Walkway' remain in contention, with RHPL maintaining its position that this component be deleted. It is also the position off RHPL that the site's current rural zoning be retained.

8.4 Subject to resolving the matters outlined above and summarised in paragraphs 8.2 and 8.3 above, RHPL has no objection to PPC85 being granted.

8.5 RHPL wish to be heard at the Council Hearing commencing 17 February 2026

A handwritten signature in black ink, appearing to read 'Mark Andrew Ross'.

**Mark Andrew Ross**

**30 January 2026**