18 February 2026

Verbal Submission for Independent Hearing Commissioners

Regarding the matter of Kaipara District Plan Private Change 85

Supplementary to written submission by:

Arthur Rutherford and Jocelyn Rutherford (nee Bull)

1. The submitters own properties at 4 and 4A Black Swamp Rd, Mangawhai (lots 1 & 2 DP392239). The submitters have submitted on the Kaipara District Council proposed district plan (pdf). Copy of submission prepared by Civil Plan attached. These properties form the south western boundary to Proland Matters property.

2. This verbal submission is in addition to the written submission already lodged.

3. We acknowledge the Commissioners, the Council, the Developers (including the specialists giving evidence for both sides), and Submitters for contributing in such a rigorous process which hopefully results in the best outcomes for Mangawhai's future.

4. As a result of the quality of information being presented by both sides within this process, we feel (as submitters) somewhat less concerned over the proposed Private Plan Change 85 than our initial position. We feel that the process will drive good outcomes in the majority for the betterment of Mangawhai.

5. We would like to give some history and make a point to the Commissioners regarding an area of dissatisfaction based on the Developers' proposal of having a turning bay versus a roundabout at the intersection of Black Swamp Rd and Insley St/Tomarata Rd.

6. Historically, my wife's family (Jocelyn Rutherford -nee Bull) have, on two occasions, provided land at no cost to the Kaipara District Council for the potential improvement of the Mangawhai – Tomarata – Insley Rd – Black Swamp Rd intersection.
    a. The first gift of land was provided by Helen Dalziel (nee Matthews) and Hilary Bull (nee Matthews) over 35 years ago. This land was on the western side of Mangawhai Tomarata Rd / Insley St, on the southern side of the bridge. This land has subsequently been sold in recent times by the Kaipara District Council and a house built on the land. This has occurred within the last 5 years.

b. The second gift of land relates to Hilary and John Bull, surveying land off in 2000 – 2001, from the northern end of 4 Black Swamp Rd to further provide for the widening and future improvement of the turning into and out of Black Swamp Rd as Mangawhai developed and grew.

7. It was envisaged that the gift of this land would provide for a roundabout as it was always discussed that there were so many benefits for the community if a roundabout was to be placed there. These benefits are, as we see them, safety for traffic turning on to and coming out of Black Swamp Rd; reductions in congestion including holiday traffic congestion (often vehicles towing boats, trailers, caravans and campers). Now with further development it is predicted that an increased number of service vehicles, trade vehicles and trucks would be turning in to and out of Black Swamp Rd; traffic volumes are estimated by the developer as increasing from 500 movement to 5000 movements per day along Black Swamp Rd. Further benefits that were always discussed and envisaged from the gift of the land and the placement of a roundabout, were the slowing of traffic heading towards and coming from the school on the causeway along Insley St and Tomarata Rd. This slowing of traffic would have considerable safety benefits for pedestrians using the shared path that is proposed, as well as school traffic/children. A further benefit of slowing the traffic is noise reduction, as our property at 4 Black Swamp Rd is being overcome by noise and as Mangawhai continues to expand this will only get worse with future growth/increased traffic volumes.

8. A roundabout at the intersection of Black Swap Rd and Insley St/Mangawhai Tomarata Rd is also required because the queuing area along Black Swamp Rd quick reaches a blind corner. The roundabout would effectively reduce queues along Black Swamp Rd and go some way towards mitigating the risk posed by the blind corner in the approach to the intersection.

9. Our verbal submission is that we would encourage all parties to think beyond the now with relation to Mangawhai's growth. The Developers have proposed Black Swamp development as a 4th node to Mangawhai's expansion. If this is truly seen as the potential and direction of Mangawhai, then it is vital to provide infrastructure (a roundabout) that makes it easy and safe for users well into the future.

10. In conclusion, Arthur and Jocelyn Rutherford generally accept that the robust process between the Developers and Kaipara District Council will produce quality outcomes for Mangawhai. It is our position that based on history, gifts of land, pedestrian/traffic safety, reduction of noise pollution, reducing queue risk for the blind corner on Black Swamp Rd, and passion towards future proofing the 4th node vision proposed by the Developers, that a roundabout must be placed at the intersection of Black Swamp Rd, Insley St/Tomarata Rd.

Form 5

Submission on the Kaipara District Plan Private Plan Change 85: Mangawhai East

To: Kaipara District Council

Name of Submitter: Arthur and Jocelyn Rutherford

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1. Arthur and Jocelyn Rutherford ("the Submitters"), c/- CivilPlan Consultants at the address for service above, makes this submission on Private Plan Change 85: Mangawhai East ("PPC85") to the Kaipara District Council's ("the Council").

2. The Submitters own the property at 4 and 4A Black Swamp Road, Mangawhai (Lots 1 and 2 DP 392239). The Submitters have also submitted on the Kaipara District Council Proposed District Plan ("PDP").

Specific provisions of the proposal that this submission relates to

3. Prior to the notification of PPC85, the Submitters have been engaged with by the Applicant and provided feedback to their proposal. The following submission points are generally consistent with the feedback that has been provided through the pre-notification engagement.

Zoning and Subdivision

Residential zones

4. The Submitters are generally supportive of the proposed 'Low Density Residential' zone over parts of 4 and 4A Black Swamp Road and the minimum net site area of 750m². This zoning is over an area located close to the main road for access and located on the lower, buildable areas and considered to be an appropriate land area for residential development that can be publicly serviced.

5. The Submitters are opposed to the minimum 1,000m² site size in the 'Large Lot Residential' zone and instead this large lot zoning should only provide a minimum 2,000m² (for un-serviced sites). The 1,000m² land area is not considered appropriate site size for the large lot zoning, and instead the zoning should be associated with 2,000m² (unserviced) sites sites, that provides a clear differentiation between the urban (750m²) and more rural typologies.

6. The proposed 'Medium Density Residential' zone that anticipates minimum net sites areas of 600m², where these sites are publicly serviced, is supported. However, the integrated residential developments (on parent sites over 2,000m²) to create 350m² sites will result in an over intensification of this Development Area. The site size is not present in the operative or proposed District Plans or close to the Mangawhai town centre. Accordingly, this level of intensification is not appropriate and is not supported.

7. The Submitters consider that there are an unnecessary number of residential zones/site sizes within the Development Area i.e. there are four residential zones, where the PDP has one General Residential zone and Precincts to address site/area specific requirements. This is at odds with the PDP. Instead, a simpler residential zoning configuration of medium density (600m²), low density (750m²) and large lot (2,000m²) would be sufficient and are appropriate typologies for this rural-urban transition anticipated by the Development Area, simpler to administer and achieve more alignment with the current PDP.

Business zones

8. The proposed Neighbour Centre and Mixed Use zones are located adjacent and enroute to Turn Point and Tara Iti which are premium residential areas and the level of investment/quality of development will be reduced by the introduction of ad hoc commercial activities. There needs to be a limit or restriction on the commercial development along Black Swamp Road as it does not meet the quality and enhancement that has occurred.

9. The Mangawhai township is 1km from the Development Area – an appropriate distance to walk or cycle to access commercial services that it would not warrant provision of further business zoned land. Additionally, given the available business zoned land that is currently undeveloped in Mangawhai, it is considered unnecessary for additional business land to be zoned in this area.

Design review

10. The PPC85 provision have not included specific Design Guidelines for development in this rural-urban transition Development Area. As this has previously been discussed with the Applicant to ensure quality outcome of the development, the Design Guidelines needs to be included in the provisions. These include design and amenity elements such as building materiality, landscaping and retaining wall finishes.

Infrastructure and Transportation

11. To accommodate this scale of development, the Submitters would like to see local improvements to the safety and function of the roading network, particularly at the Insley Street and Tomarata Road / Black Swamp Road intersection. Infrastructure and transportation provisions need to be adequately provided / constructed prior to enabling any further subdivision within the Development Area.

12. The Submitters consider that a roundabout intersection would better accommodate traffic volumes and safety for traffic flowing into and out of Black Swamp Road. The Applicant has forecasted traffic volume increasing from 500 movements per day to 5000 movements per day along Black Swamp Road. Without a roundabout controlling traffic movements at this intersection, there will be significant congestion and safety concerns along Black Swamp Road as well as on Tomarata Road (turning into Black Swamp Road).

13. Specifically, the Submitters will not be able to access their driveway at 4 and 4A Black Swamp Road. Hazards of stopped traffic waiting to turn on both Black Swamp (blind corner just after 4 Black Swamp) and Tomarata Rd/Insley Street, waiting to turn in coming from Auckland, held up by traffic leaving Mangawhai.

14. In relation to the provision of a connection between the Development Area and Mangawhai township, a grade separate pedestrian and cycle connection should be provided on the estuary edge of Black Swamp Road where there are clearer sightlines, less road crossings and suitable topography to accommodate this path.

Submission and Relief Sought

15. The Submitters have identified a number of notified PPC85 provisions which are include in this submission, with associated reasons and requested amendments (refer to **Attachment 1**). For those provisions which it opposes, the Submitter considers that the requested amendments will better promote the purpose and principles of the Resource Management Act 1991 ("RMA").

Summary

16. The relief sought has been detailed in the above submission.

17. The Submitter reserves the right to revise their position in response to other submissions or changes to the notified provisions.

18. The Submitters confirm:

    a. They could not gain an advantage in trade competition through this submission.

    b. They wish to be heard in support of their submission.

    c. If others make a similar submission, the Submitter will consider presenting a joint case with them at a hearing.

19. The Submitter agrees to participate in mediation or other alternative dispute resolution, and would be pleased to discuss the content of this submission with Council staff, as required.

Signature: .....
Natasha Rivai – Director, CivilPlan Consultants Ltd
on behalf of Arthur and Jocely Rutherford

Date: **18** August 2025

Document1

Attachment 1: Submission Points

	Zoning Map		Oppose the business zoning along Black Swamp unnecessary and an oversupply of commercially zoned Mangawhai.	Remove Business zoning.

	DEVX-LU-S1 Site coverage		The site coverage between the different residential zc clearly outlined. As drafted, any residential zone (bei low density and medium density) can have a building net site area. There are not other GFA limitations wh that a nearly half the large lot and low density site area accordance with the subdivision minimum site are could be built or over half impervious – this would c intent of the zone. Site coverage for Large Lot and Low Density zones sho of the purpose of the zone which is effectively a rural- The building coverage should be 20% and impervious being between the residential and rural lifestyle zones	If the Low Density Residential zone is kept, then as follows: Low Density Residential Building coverage – 20% Impervious surface – 40% Large Lot Residential Building coverage – 20% Impervious surface – 35%
				intersection prior to s.224c approval for any development within the Development Area. 2. The roundabout intersection shall be designed to Austroad standards. 3. The intersection shall include landscaping and design features to achieve a quality entrance to the Development Area.

				4. A pedestrian footpath and cycleway, connecting the Development Area with Mangawhai township, along the estuary edge of Black Swamp Road shall be constructed to the engineering standards in conjunction with the any development in the Development Area.
	DEVX-SUB-S1 Density / Minimum Site Size Large Lot Residential zone a. 1,000m² when connected to a reticulated wastewater network.		The density for the Large Lot Residential zone servic sites is not supported. This zoning should only h 2,000m² net site area. The 1,000m² site size is not appr Lot Residential zone.	DEVX-SUB-S1 Density / Minimum Site Size Large Lot Residential zone a. 2,000m².

	DEVX-SUB-S1 Density / Minimum Site Size Low Density Residential zone 750m²		The density for the Low Density Residential zone is sup	