KAIPARA DISTRICT

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Submission Form (Form 5)

Submission on Proposed Kaipara District Plan

Form 5: Submissions on a Publicly Notified Proposed District Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991

Return your signed submission by Monday 30 June 2025 via:

Email: districtplanreview@kaipara.govt.nz (subject line: Proposed District Plan Submission)

Post: District Planning Team, Kaipara District Council, Private Bag 1001, Dargaville, 0340

In person: Kaipara District Council, 32 Hokianga Road, Dargaville; or
Kaipara District Council, 6 Molesworth Drive, Mangawhai

If you would prefer to complete your submission online, from 28 April 2025 please visit:
www.kaipara.govt.nz/kaipara-district-plan-review/proposed-district-plan

All sections of this form need to be completed for your submission to be accepted. Your submission will be checked for completeness, and you may be contacted to fill in any missing information.

Full name: Garry Allen Crosbie & Heather Crosbie **Phone:** 021-243 9157

Organisation:
(*the organisation that this submission is made on behalf of) GA & H Crosbie Partnership

Email: crosbieh@xtra.co.nz.

Postal address: c/- Evolve Planning and Landscape Architecture Po Box 80
Mangawhai

Postcode: 0540

Address for service: name, email and postal address *(if different from above):*
C/- Evolve Planning and Landscape Architecture, Attention Kylie McLaughlin-Brown, kylie@evolveplng.co.nz
postal address as above.

Trade Competition

Pursuant to Schedule 1 of the Resource Management Act 1991, a person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that:

a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

Please tick the sentence that applies to you:

☑ I could not gain an advantage in trade competition through this submission; or

☐ I **could** gain an advantage in trade competition through this submission.
If you have ticked this box please select one of the following:

- ☐ I am directly affected by an effect of the subject matter of the submission
- ☐ I **am not** directly affected by an effect of the subject matter of the submission

Signature: [signature] **Date:** 24/6/25

(Signature of person making submission or person authorised to sign on behalf of person making the submission.)

Please note: all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

☐ I **do not** wish to be heard in support of my submission; or

☑ I do wish to be heard in support of my submission; and if so,

☐ I would be prepared to consider presenting my submission in a joint case with others making a similar submission at any hearing

Ref: 25085

20th June 2025

Kaipara District Council

Submission on Proposed District Plan – GA and H Crosbie

Introduction

GA and H Crosbie have an interest in 115A Black Swamp Road held in title Lot 2 DP 569577 which has a total site area of 7.69577ha

This submission considers the implications of the General Rural Zoning (GRZ), Mangawhai Hakaru Managed Growth Overlay (MGO) within the Proposed District Plan (PDP) with respect to this site.

Site Context and Background

The site is currently zoned Rural under the Mangawhai Harbour Overlay within the Kaipara District Plan (Operative Plan) and has existing land use consents approved for buildings and hardstand areas which are used for a variety of light industrial / commercial uses. Businesses that operate from the site includes (but not limited to: Mangawhai Engineering, Scott Electrical, Intek Kitchens, air conditioning business

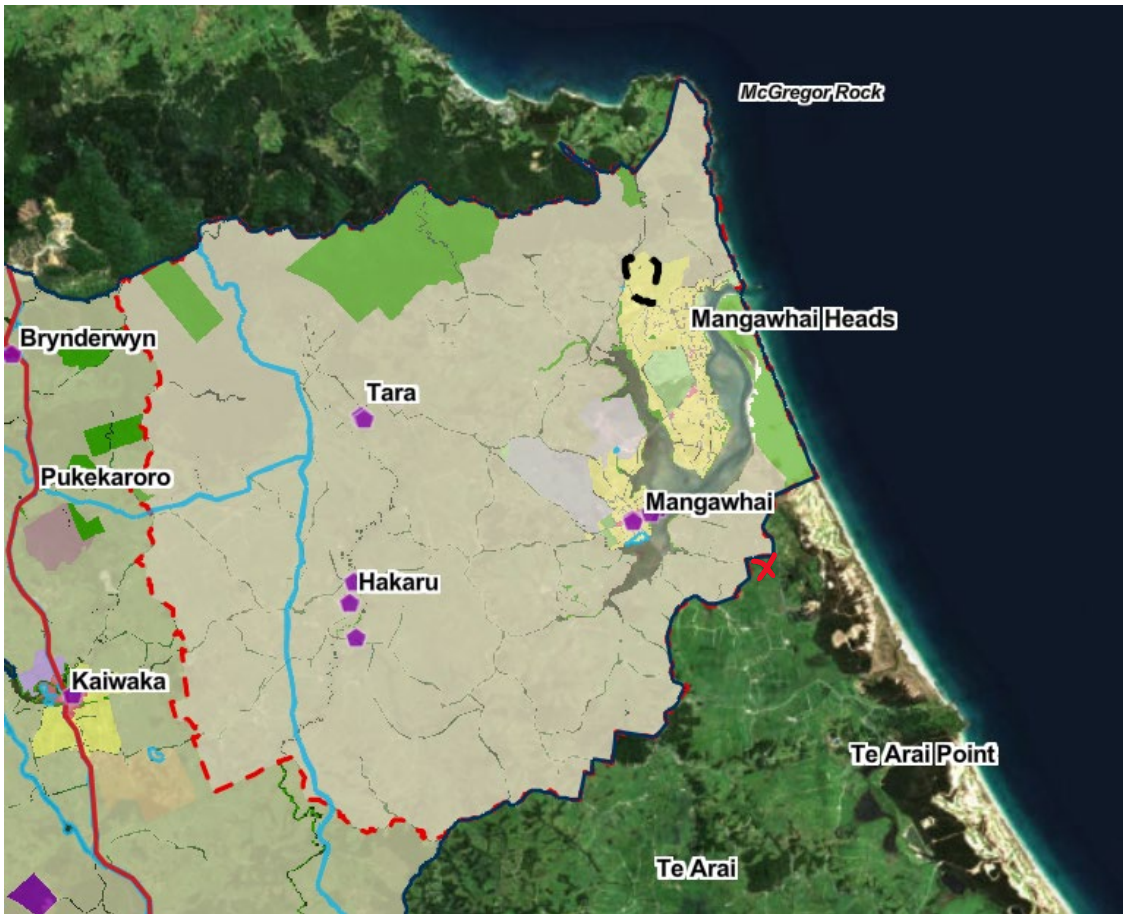
The site is shown below:

The site is also within Class 3 soils on the Our Environment Mapping however highly unlikely to meet NPSHPL, reporting is underway at the time of preparing this submission.

Proposed District Plan in relation to the site

The site is zoned General Rural under the PDP and is within the MGO as shown below.

General Rural Zone



Managed Growth Area

Points of submission are outlined below within Councils format within the Form 5:

Point of Submission 1.

1. **The specific provisions of the Proposed Plan that my submission relates to are:**

The Mangawhai Hakaru Managed Growth Overlay Area.

2. **My submission is that:**

GA and H Crosbie oppose the Mangawhai Hakaru Growth Area Overlay and Mapped Extent with respect to 115A Black Swamp Road as well as well as the associated provisions including but not limited to SD UFD P7, SUB P6, Sub P 12, Sub P8, SubR2.11 and any other reference to this Growth Area within the Plan.

Reasons:

The Managed Growth Overlay is inconsistent with Part II of the RMA, section 7b) efficient use and development of natural and physical resources.

The Managed Growth Overlay and Mapping Extent does not appropriately give effect to national direction of the National Policy Statement for Urban Development (NPS-UD) and the Northland Regional Policy Statement.

The PDP does not meet the requirements of the Northland Regional Policy Statement with respect to urban form and development.

The Overlay is inconsistent with the Councils Long Term Plan

The site is proximate to Mangawhai the surrounding environment is not rural in nature and has very limited rural character, the Hakaru / Mangawhai catchment is rural lifestyle / rural residential in nature where lots are predominantly in the 4000m2 to 1.5ha range, with some larger 2-4ha sites although less common.

The inappropriateness of this zone in relation to the site is outlined in a separate point of submission, however the MGO over the site is inappropriate.

This restriction within this area enables creating smaller sites elsewhere in the District creating a level or rural sprawl and adverse effects on rural character within the wider District.

The policy behind this Overly (Sub-P12) is related to infrastructure is nonsensical when all rural developments are serviced via on site servicing (wastewater, stormwater, water supply) and do not rely on any council infrastructure aside from roading, where appropriate and targeted development contributions can offset and mitigate any potential effect on transportation infrastructure.

There is no sound justification or planning rationale behind this Overlay.

The policy framework for the justification of this Overlay is based on ensuring consolidation of infrastructure including transportation and social infrastructure to sustainably manage future growth.

As outlined above, rural development is generally serviced via on site infrastructure and any strain on Council owned infrastructure can be adequately mitigated through appropriate development contributions which is the intent of development contributions.

With respect to social infrastructure, it is unclear as to what this means, this is not elaborated on within the definitions of the plan and there is no reference to social infrastructure in the s32 report.

There is no recognition of the current commercial and light industrial uses on the site which have been consented.

3. **GA and H Crosbie seek the following decisions from Kaipara District Council with respect to 115A Black Swamp Road**

   - Delete the Mangawhai and Hakaru Managed Growth Overly from 115A Black Swamp Road;

Point of Submission 2.

1. **The specific provisions of the Proposed Plan that my submission relates to are:**

General Rural Zoning of 115A Black Swamp Road Mangawhai

2. **My submission is that:**

GA and H Crosbie oppose the General Rural Zoning of 115A Black Swamp Road in particular.

Reasons

The zoning is inappropriate and does not reflect the existing character of the site or immediate area nor most importantly the existing commercial and light industrial land uses on the site that have been consented though various land use consents.

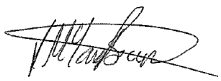
The site does not meet NPSHPL

The zoning does not meet the consented use of the site and may give rise to reverse sensitivity effects

3. **GA and H Crosbie seek the following decisions from Kaipara District Council.**

- That the 115A Black Swamp Road be re-zoned to at the least light industrial zoning or commercial zone

Submission Prepared by



Evolve Planning + Landscape Architecture Limited

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On behalf of GA and H Crosbie

Soil and Resource Report for 115 Black Swamp Road, Mangawhai.

Prepared By: Ian Hanmore

Prepared For: Heather Crosbie

24th June 2025

Hanmore Land Management

TABLE OF CONTENTS

1.0 INTRODUCTION

This report has been prepared at the request of the client to assess the Land Use Capability (LUC) classifications at 115 Black Swamp Road, Mangawhai. The New Zealand Resource Inventory (NZLRI) maps have classified the site as LUC class 3. As such, it could potentially fall under the National Policy Statement for Highly Productive Land (NPS-HPL).

The purpose of the report is to map the site and identify any HPL as defined by the NPS-HPL. To achieve this a site visit was carried out to map the soils and land use capability units on this area and assess them in relation to the NPS-HPL.

This report presents the description of each of the soil types identified on the property as well as descriptions of each of the LUC units mapped. This information is then used to determine and quantify any highly productive land present. This information is accompanied by LUC, soil and soil classification maps along with the relevant LUC unit and soil profile descriptions.

2.0 MAPPING METHOD

A site visit was carried out on the 11th of June 2025 to evaluate and describe the soil types and the LUC units present. The property was mapped at a scale of 1:5,000.

LUC mapping was carried out in accordance with the methods described in the 3rd Edition of the Land Use Capability Survey Handbook (Lynn et al 2009). This process involves making a land resource inventory (LRI) of the property in which soil types, soil parent materials, land slopes, erosion type and severity and land cover are recorded. Whenever any of these land features changes a new unit is made.

Specific field work activities include digging and describing soil profiles on each landform with supporting holes dug or profiles observed on bank/drain cuttings to establishing soil boundaries, measuring slopes with a clinometer, and gathering any other data that may be of assistance in assessing the suitability of the land for primary production such as erosion, susceptibility of the land to flooding, winter wetness and/or cold, high temperatures, exposure to salt winds, aspect, and accessibility. This information is then used to determine the specific LUC units, as described in the Land Use Capability Classifications of the Northland Region (Harmsworth, 1996) for the area. At times when mapping at a scale finer than Harmsworth (1996) of 1:50,000, new LUC units are recorded and are noted with an * in the LUC description table.

3.0 SITE DESCRIPTION

The site is located at 115 Black Swamp Road and covers 7.7ha. The majority of the site is an old low-lying interdune swamp with the northern end of the site being formed on old sand

dunes. Poorly drained peat soils cover most of the site with the northern portion including well to excessively well drained sand soils. A significant portion of the site has been developed and is occupied by commercial businesses. The remainder of the site is used to for grazing horses, for a residence and includes a restored wetland.

3.1 Soil Profiles and Descriptions

The soils identified on the proposed site are described in the table below with their distribution shown on the soil map in Section 6.

Soil Profile	Soil Profile Description
	**Soil Name:** Ruakaka peaty sandy loam (RK) **Soil classification:** Organic soils from the Ruakaka suite **Parent material:** Peat and sand **Soil description:** 0-250mm: Friable, strongly developed, 2-5mm crumb, non-sticky, non-plastic, black (10yr 2/1), peaty sandy loam. 250mm: Water table. **Overall drainage:** Poorly drained
	**Soil Name:** Red Hill sand (RLa) **Soil classification:** Moderately to strongly leached yellow-brown sands from the Pinaki suite. **Parent material:** Sand. **Soil description:** 0-180mm: Friable, moderately developed, 3-5mm crumb, very dark grey (7.5yr 3.1), non-sticky, non-plastic, sandy loam. 180-310mm: Friable, moderately to weakly developed, 2-5mm crumb, dark yellowish brown (10yr 4.6) to yellowish brown (10yr 5.8) non-sticky, non-plastic, loamy sand with lumps of consolidated sand. **Overall drainage:** Well drained

3.2 Land Use Capability Descriptions

LUC classifications categorize land into eight classes according to its long-term capability to sustain one or more productive uses.

- Classes 1-4 have arable potential with limitations to this land use moving from class one being the most versatile, multi-use land with minimal physical limitations for arable use and increasing to severe limitations under class four land. These classes are also suitable to viticulture, berry production, pastoralism, tree crops and production forestry.
- Classes 5-7 are suitable for pastoral farming and production forestry.
- Class 8 land has no productive use and is rather managed for catchment protection and conservation purposes.

The LUC units mapped on the proposed site are presented in the table below. An LUC map showing the distribution of the mapped units is contained in Section 6.

Resource information	Luc unit	Total area (ha)	Parent material	Dominant soil type	Slope (degree)	Land Cover	Erosion degree & severity		Landuse suitability	Stock carrying capacity (su/ha) Forestry site index (FSI)
							Actual	Potential		
3s 4 Flat to undulating slopes on valley floors, swales, and sand plains between old coastal dune hills.		0.49	Unconsolidated sand	Yellow-brown sands and organic soils on aeolian sand.	0-7º	Pasture	Nil	Slight to moderate wind and sheet when cultivated.	Root green fodder crops. Horticulture. Intensive grazing. Forestry	Average: 13 Top farmer: 15 Potential: 18 FSI:29-32m
4w 3 Flat to gently undulating slopes on peat and alluvium within narrow valleys with severe wetness limitation		3.02	Peat, peat/sand complex	Ruakaka peaty sandy loam.	0-7⁰	Pasture Rushes	Nil	Nil	Intensive grazing Root and green fodder crops.	Average: 17 Top: 20 Potential: 24 FSI: <18 **Revised** Average: 13 Top: 15 Potential: 18

Land use capability unit descriptions are taken from the author's field work, and the Land use capability classification of the Northland region (Harmsworth, 1996).

Revised stock carry capacities are taken from a review of Harmsworth (1996) stock carry capacities by Bob Cathcart in 2017

4.0 SOIL CLASSIFICATION

4.1 Highly Productive Land

The NPS-HPL came into effect on 17th October 2022 and was updated in August 2024 with the amendments taking effect from 14th September 2024. This policy seeks to protect highly productive land for use in land-based primary production, both now and for future generations. The policy statement defines highly productive land as land that has been mapped in accordance with clause 3.4 of the NPS-HPL and is included in an operative regional policy statement as required by clause 3.5. There is an interim regime for identifying highly productive land prior to a regional policy statement containing maps of highly productive land in the region is operative. Under clause 3.5(7) of the NPS-HPL, highly productive land in the interim period includes land that is: (i) zoned general rural or rural production; and (ii) LUC 1, 2, or 3 land; but is not: (i) identified for future urban development; or (ii) subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

The following definition of LUC 1, 2, or 3 land is taken from section 1.3, page 4 of the NPS-HPL:

> *LUC 1, 2, or 3 land means land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification.*

A recent Environment Court ruling (Blue Glass Limited v Dunedin City Council) concluded that during the interim period the mapping by the NZLRI is the means by which LUC classes 1-3 are defined and more detailed mapping carried out since the NPS-HPL came into effect cannot be used to redefine those classifications.

4.2 Site Classifications

The table below shows the LUC area breakdown for the proposed site as well as the percentage of highly productive land.

LUC Unit	Area (ha)	HPL Classification	% of total Area
3s 4	0.49	HPL	6.4
4w 3	3.02	Not HPL	39.5
Unproductive	4.14	Not HPL	54.1
Total area	**7.65**		
Area HPL	**0.49**	**Total % HPL**	**6.4**
Total area non-HPL	**7.16**	**Total % non-HPL**	**93.6**

4.3 NZLRI Mapping

The NZLRI is based on an LUC assessment of the whole of New Zealand and has been carried out at a scale of 1:50,000. It is intended for regional use and planning and is not meant to be used at a farm scale. The 3rd Edition of The Land Use Capability Survey Handbook (Lynn et al

2009) cautions against enlarging LUC data beyond the scale at which it was gathered as it can produce unreliable and misleading results and at time results that are nonsense.

At a scale of 1:50,000, on average one mapping observation is made every 25ha but could be a little as one every 100ha (Hewitt and Lilburne 2003, Grealish 2019). As such, it is likely that very little to no ata has been gathered from the proposed site. For the purpose of this report, with a site covering 7.7ha the appropriate scale of mapping is 1:5,000 or one to four observations per hectare (Lynn et al 2009).

Using the NZLRI for site specific information is outside of its intended purpose and outside of its parameters of reliability. At best it can only provide an indication of the possible LUC units present. The correct process for mapping soil types and LUC at a site of this size is to carry out a site survey at the correct scale by a suitably qualified person as has been done for this report.

4.4 Reclassified LUC Units

Due to the coarseness of the NZLRI mapping farm scale changes in physical features such as soil type and slope as well as site development are not identified. The detailed survey carried out for this report has identified the changes in these physical features at the site. This more detailed information has resulted in the reclassification of one of LUC units mapped by the NZLRI and the addition of unproductive areas. The LUC units are described in the LUC table in Section 3.2 with their distribution shown the LUC map in Section 6.

Areas at the site mapped as unproductive include the residential dwelling, associated buildings and gardens, site development for commercial use, an area of bare earthworks and a retired and planted wetland. These areas cannot be used productively and as such have not been given an LUC classification.

5.0 SITE ASSESSMENT

5.1 Highly Productive Land

An assessment of the site has been made based on the definition of HPL under the NPS-HPL. It is acknowledged that for technical purposes based on the Blue Grass ruling referred to in Section 4.1 of this report that the whole 7.7ha site is classified as HPL as shown in Figure 1 below. However, for the reasons outlined in Section 4.3 of this report the findings of this report are relevant to the productive use of the site and its potential use in a highly productive capacity.

Figure 1. The site mapped as LUC units 3w 4 in blue shading and 3s 5 in orange shading by the NZLRI.

5.2 Productivity Assessment

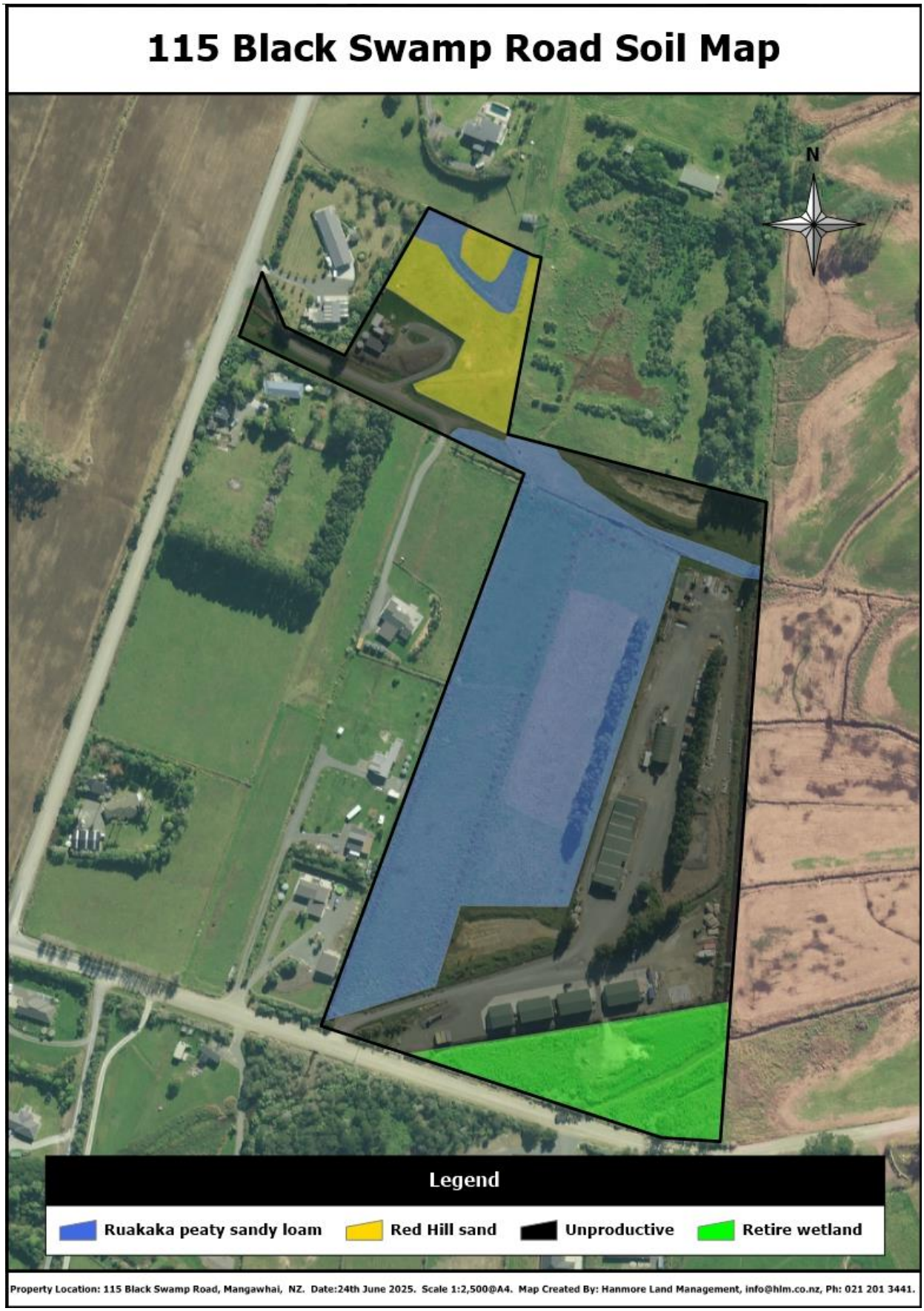
The site-specific survey found a significant area of the site has been developed and used for commercial and residential purposes. These areas cannot be used for primary production and are therefore excluded from the HPL classification. The southern corner of the site forms a small wetland which has been planted in native plants and retired from any productive use. As such, this area is also outside of the HPL classification. A small area at the northern end of the peat flats has undergone earthworks which has removed the soil to a depth of approximately 1m leaving bare subsoil and patchy grass. This area has negligible productive potential and is classified as unproductive and outside of the HPL classification. These unproductive areas cover 4.14ha or 54.1% of the site.

The majority of the rest of the site - 3.02ha or 39.5% - has been mapped as LUC unit 4w 3 rather than the 3w 4 unit mapped by the NZLRI. This has been done due to water tables at the site being at the soil surface with surface water and ponding. This reclassification is consistent with Harmsworth's (1996) description of the 4w 3 unit having a severe wetness limitation to arable use due to water tables being at or near the surface in winter months. The class 3 unit

does not include water tables at the soil surface and as such has a moderate wetness limitation to arable use.

The remaining area of the site is mapped as LUC unit 3s 4 and has moderate soil limitations to arable use which limit the choice of crops that can be grown and the intensity of cultivation undertaken. These limitations include the weak structure and excessive drainage of the sand soils which makes them unsuitable for continuous cropping and requires cropping to be carried out in conjunction with pasture rotation.

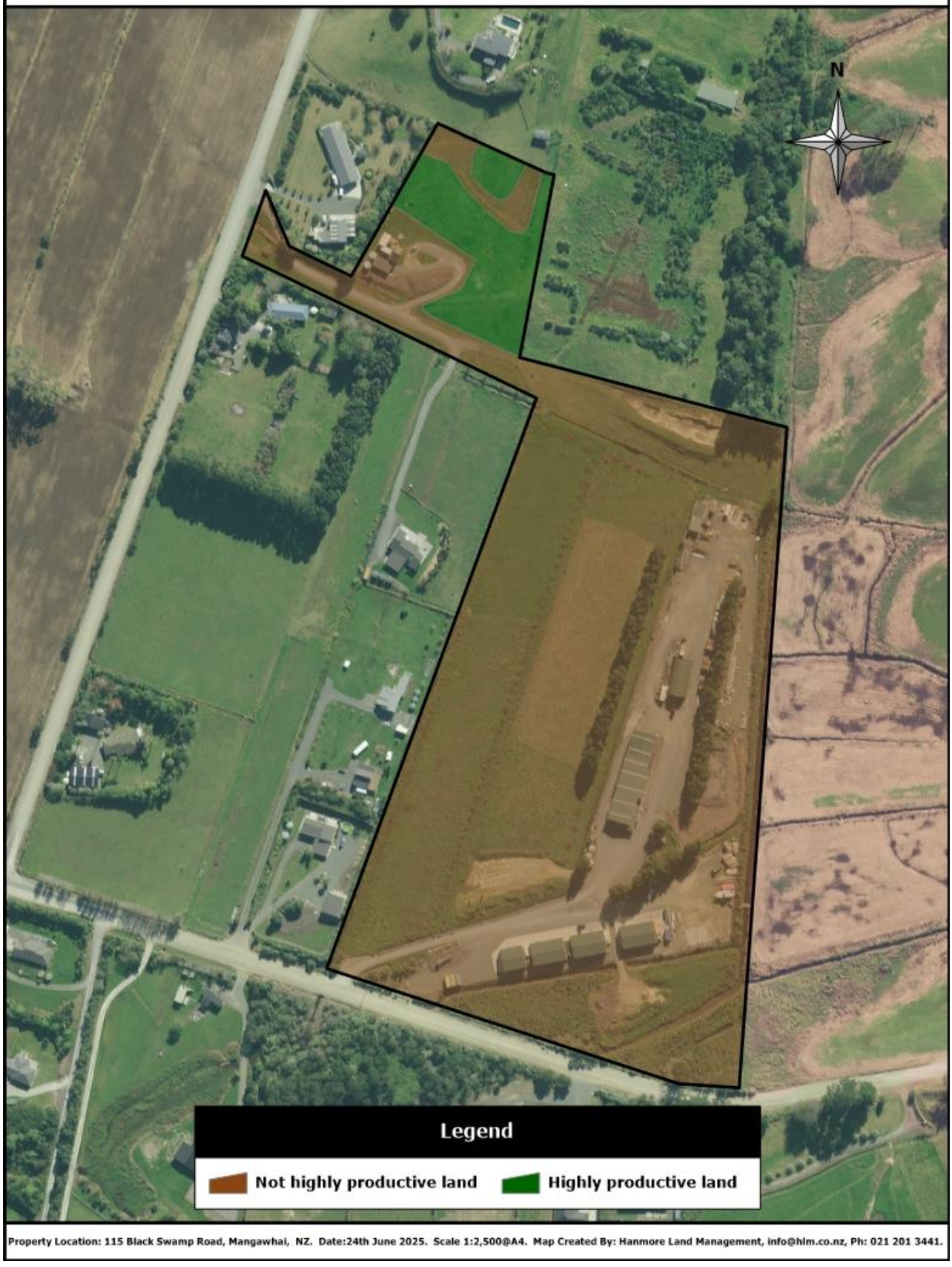
6.0 MAPS


115 Black Swamp Road Soil Map
N
Legend
Ruakaka peaty sandy loam
Red Hill sand
Unproductive
Retire wetland
Property Location: 115 Black Swamp Road, Mangawhai, NZ. Date:24th June 2025. Scale 1:2,500@A4. Map Created By: Hanmore Land Management, info@hlm.co.nz, Ph: 021 201 3441.

115 Black Swamp Road Land Use Capability Classifications

Property Location: 115 Black Swamp Road, Mangawhai, NZ. Date:24th June 2025. Scale 1:2,500@A4. Map Created By: Hanmore Land Management, info@hlm.co.nz, Ph: 021 201 3441.

115 Black Swamp Road Highly Productive Land



Property Location: 115 Black Swamp Road, Mangawhai, NZ. Date:24th June 2025. Scale 1:2,500@A4. Map Created By: Hanmore Land Management, info@hlm.co.nz, Ph: 021 201 3441.

7.0 REFERENCES

[2024] NZEnvC 083 Blue Glass Limited v Dunedin City Council

Grealish G. 2019. New Zealand soil mapping protocols and guidelines. Manaaki Whenua – Landcare Research.

Harmsworth, G.R. 1996. Land Use Capability classification of the Northland region. A report to accompany the second edition (1:50,000) NZLRI worksheets. Landcare Research Science Series 9. Lincoln, Manaaki Whenua Press.

Hewitt A, Lilburne L 2003. Effects of scale on the information content of soil maps. NZ Soil News 51: 78-81

Lynn IH, Manderson AK, Page MJ, Harmsworth GR, Eyles GO, Douglas GB, Mackay AD, Newsome PJF 2009. NZ Land Use Capability Survey Handbook – a New Zealand handbook for the classification of land 3rd Edition. Hamilton, AgResearch; Lincoln, Landcare Research; Lower Hutt, GNS Science.

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