

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:

Phone:

Organisation:

(*the organisation that this submission is made on behalf of)

Email:

Postal address:

Postcode:

Address for service: name, email and postal address (if different from 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:



Date:

(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

(1) The specific provisions of the Proposed Plan that my submission relates to are:		(2) My submission is that: <i>(include whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)</i>		(3) I seek the following decisions from Kaipara District Council. <i>(Please give precise details for each provision. The more specific you can be the easier it will be for the Council to understand your concerns.)</i>
Chapter/Appendix/ Schedule/Maps	objective/policy/rule/ standard/overlay	Oppose/support (in part or full)	Reasons	

Add further pages as required – please initial any additional pages

Submission on Kaipara PDP

Full Name: Mangawhai Hills Limited Attn: Patrick Fontein
Mobile: 027 726 4333
Address for Service: Mangawhai Hills Limited, patrick@studiod4.co.nz & Alisa Neal,
alisan@barker.co.nz
Date: 30 June 2025
Re: Submission on Proposed Kaipara District Plan (**PDP**) – Mangawhai Hills Limited

Submission Information:

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

The specific provisions of the PDP that MHL submission relates to are attached.

MHL opposes/supports/seeks amendment to the specific provisions as listed in the attached document. The reasons are provided in the attached document.

The decisions that MHL wishes Kaipara District Council (**KDC**) to make to ensure the issues raised by MHL are dealt with are also contained in the attached document.

MHL wishes to be heard in support of this submission.

If others make a similar submission, MHL will consider presenting a joint case with them at a Hearing.

Patrick Fontein

Mangawhai Hills Limited

1.0 Introduction

MHL recently completed Private Plan Change 84 which rezoned 218.3 hectares of land between Tara Road, Cove Road, Moir Road, and Old Waipu Road in Mangawhai and created the Mangawhai Hills Development Area with core provisions, that to protect ecological features, promote high-quality urban design, provide open space and connectivity.

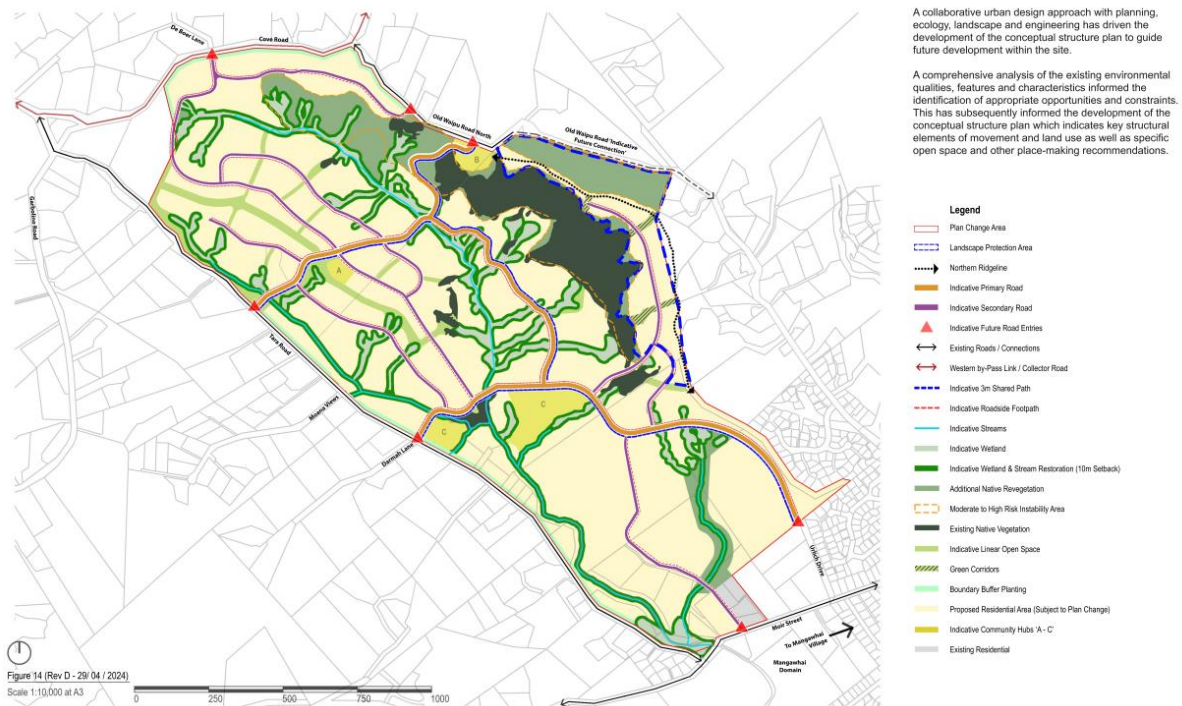


Figure 1: Mangawhai Hills Development Area Plan

Private Plan Change 84 became operative on 1 June 2025. MHL has commenced resource consent processes to realise the zoning.

2.0 General Feedback

MHL supports the incorporation of the Mangawhai Hills Development Area into the PDP and appreciate the work undertaken by Council. However, MHL seek changes listed in **Attachment 1** to the PDP to reflect the approved plan change and improve effectiveness and efficiency of the PDP.

3.0 Conclusion

In conclusion, MHL seeks the following relief:

- MHL's general feedback in Section 2.0 and specific feedback in **Attachment 1** is addressed and necessary changes incorporated into the PDP.
- Any further necessary consequential amendments required to achieve (a) above.

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MHL looks forward to working collaboratively with KDC to address the above relief and is happy to meet with KDC policy staff or consultants to work through these matters.

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Attachment 1: Specific Submission Points on PDP

Sub #	Feedback Topic	Support/Oppose/Seek Amendment	Comments / Reasons	Relief Sought
HOW THE PLAN WORKS – RELATIONSHIP BETWEEN SPATIAL LAYERS				
1	Spatial Layers	Seek amendment	TRL notes that the spatial layers listed does not include reference to Development Areas.	Amend the section as necessary to provide clarity for the plan user.
2	Spatial Layers	Seek amendment	The provisions do not provide any direction for split zoned sites.	Amend the section as necessary to provide clarity for the plan user and be clear that provisions apply only to the extent of the mapped area.
STRATEGIC DIRECTION				
3	SD-VK O1	Support	MHL support the intent of this objective being to promote social, economic and cultural wellbeing through providing for appropriate activities and outcomes in the zones.	Retain as notified.
4	SD-VK O4	Support	MHL support this objective and the directive to provide for growth in appropriate areas whilst protecting HPL and primary production activities.	Retain as notified.
STRATEGIC DIRECTION – URBAN FORM AND DEVELOPMENT CHAPTER				
5	SD-UFD-O1	Support	Development of residential, commercial and industrial land to meet current and predicted future demand is supported.	Retain as notified.

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6	SD-UFD-O5	Support	MHL support consolidation and integration of future growth.	Retain as notified.
7	SD-UFD-P1	Support	Provision of sufficient development capacity is consistent with the NPS-UD.	Retain as notified.
8	SD-UFD-P7	Oppose	Provision of infrastructure and services can be provided to meet the requirements of urban areas without applying an arbitrary spatial limitation. SD-UFD-P1 is inconsistent with FC-O1.	Delete SD-UFD-P7.
SUBDIVISION				
9	SUB Overview	Seek Amendment	Precinct exemption clause provides clarity for plan user.	Insert an exemption clause similar to that in the Transport Chapter.
10	SUB-O2	Oppose	As proposed SUB-O2 urban subdivision applies to all subdivision <u>within</u> urban zones, which include commercial, light and heavy industrial zones. It is considered that this objective as proposed is too narrow to accommodate all types of subdivision in all urban zones. For example, Clause 1 requires subdivision to be sympathetic to the context and characteristics of the site and clause 5 requires the contribution to creating a sense of place these may be extremely limiting, particularly if a site has been appropriately zoned for Light or Heavy Industrial. Clause 3 seeks to	Delete SUB-O2.

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			consolidate urban development which is completely unnecessary as the spatial distribution of zoning has already been identified based upon consolidation.	
11	SUB-P1	Delete	SUB-P1 outlines general subdivision design and location outcomes, which apply to all zones. Clause 1 seeks the incorporation of and response to existing site features and characteristics, including landforms, vegetation, buildings and cultural and amenity values. Again, it is considered that this policy is too narrow when applied to all zones, particularly those zones which have a lower level of amenity and are expected to have a high level of modification such as the commercial, light and heavy industrial zones. Not all vegetation should be incorporated in a subdivision design and it is considered that the Natural Environmental Values provisions afford sufficient protection.	Delete SUB-P1.
12	SUB-R3	Seek amendment	MHL does not support the limitation of develop based upon the proposed Mangawhai/Hakaru Managed Growth Area. For reasons previously discussed this is an arbitrary area with no s32 justification. Limitation	Delete rule 11.

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			of subdivision is not efficient and effective.	
TRANSPORT CHAPTER				
13	Transport overview	Seek amendment	An overview section does not have legal effect. The proposed approach to not zone roads will result in confusion and inconsistent plan implementation, particularly for activities undertaken within a road corridor that are not transport activities.	Amend to apply zones to roads.
14	Transport overview	Seek amendment	Precinct exemption clause provides clarity for plan user.	Amend to apply exemption to Mangawhai Hills Special Purpose Zone
15	Transport rules: TRAN-R1, TRAN-R4	Seek amendment	Third party approval within a permitted activity is ultra vires.	Amend to remove reference to Council or road authority approval.
16	TRAN-R2 Exemption for Precinct	Seek amendment	Clause provides clarity for plan user and should apply to Mangawhai Hills Special Purpose Zone.	Amend to apply exemption to Mangawhai Hills Special Purpose Zone
17	TRAN-R3 Land Use and Development	Oppose	Land use and development are open and all-encompassing terms, which could result in unintended consequences of all activities being permitted. Transport Rules specific to the Mangawhai Hills Development Area (Special Purpose Zone) are included within the Proposed Special Purpose zone and do not require	Amend to apply exemption to Mangawhai Hills Special Purpose Zone to remove uncertainty and unnecessary duplication.

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			additional rules in order to be efficient and effective.	
18	TRAN-R4, and TRAN-R5 - Exemption for Precinct	Seek amendment	Clause provides clarity for plan user however should apply to Mangawhai Hills Special Purpose Zone.	Amend to apply exemption to Mangawhai Hills Special Purpose Zone
19	TRAN Standards	Seek amendment	The standards interchange between specifying limits within the district plan and cross referencing to compliance with the Engineering Standards. This is confusing for plan users and will result in duplication and unnecessary costs.	Amend to remove all duplication of standards. Amend to apply exemption to Mangawhai Hills Special Purpose Zone to remove uncertainty and unnecessary duplication.
MANGAWHAI HILLS SPECIAL PURPOSE ZONE				
20	MHSPZ-R2 Residential Unit	Seek amendment	The PDP seeks to introduce a 600m ² minimum site area for residential units. It is considered that consistency with this minimum lot size is appropriate within the Residential Area of the Mangawhai Hills Special Purpose Zone, where the sites adjoin Shared Open Space, or where the sites are within 300m of the Commercial Hub to be efficient and effective.	<p>Amend as follows</p> <p>MHSPZ-R2 Residential unit – permitted where: a. Each residential unit has a minimum net site area of 1,000m² per residential unit, where the site is connected to a public or private reticulated wastewater network; or</p> <p>Each residential unit has a minimum net site area of 600m² per residential unit, where the site is connected to a public or private reticulated wastewater network; and</p> <p>ii. adjoining a shared open space area; or</p> <p>iii. within 300m of Community Hub Areas A, B or C on the Mangawhai Hills Structure Plan.</p>

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21	MHSPZ-R5 Commercial Activities	Seek amendment	It is considered that the Rule as notified is overly restrictive and a change to the activity status will achieve better efficiency and effectiveness	<p>Amend as follows:</p> <p>MHSPZ-R5 Commercial Activities</p> <p>1. Activity status: Restricted Discretionary Permitted</p> <p>Where:</p> <ul style="list-style-type: none"> a. The activity is located within Community Hub Areas A – B shown on the Mangawhai Hills Structure Plan. b. The activity operates within a building with a maximum GFA of 250m² or within a maximum site area of 500m². c. The cumulative total of commercial activities and community facilities within each hub does not exceed 1000m² net floor area. <p>2. Activity status when compliance not achieved: Restricted Discretionary</p> <p>3. Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. Character and amenity. b. Design and layout. c. Effects on the role and function of Commercial zones and Community Hubs. d. Scale of activity and hours of operation.
22	MHSPZ-SUB-R1 Subdivision to create new allotments in the	Seek amendment	Typographical error.	<p>Amend as follows:</p> <p>Activity status: Permitted Restricted Discretionary</p>

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	Mangawhai Hills Special Purpose Zone			
23	MHSPZ-EW-R1 Earthworks	Seek amendment	As notified this rule does not cross-reference the standard. Amendment will improve the effectiveness of the plan.	Amend as follows: 1. Where: a. The excavation and fill comply with the Standards within the Earthworks chapter regarding Excavation and Fill. <u>MHSPZ-EW-S1 Earthworks.</u> OR
24	MHSPZ-EW-S1 Earthworks	Seek amendment	It is considered that the 100m ² limit is overly restrictive and does not enable efficient use of land. The Development Area has to be comprehensively designed, resulting in bulk earthworks being addressed during subdivision design.	Amend as follows: 1. The total volume of excavation or fill (excluding excavation associated with the undergrounding of water storage tanks) shall not exceed 100m³ per <u>1000m³ of net</u> site area in any 12-month period; and
25	MHSPZ-S4 Setbacks from any site boundary other than a road boundary within Landscape Protection Area	Seek amendment	It is considered that the 5m setback from side boundaries is overly restrictive and does not enable efficient use of land. The Development Area has to be comprehensively designed, with consideration of Landscape Values at subdivision stage, therefore additional setbacks in this location are considered to be ineffective.	Amend as follows: MHSPZ-S4 Setbacks from any site boundary other than a road boundary 1. Buildings, accessory buildings, and structures except within the Landscape Protection Area shall be setback a minimum of 3m from any boundary other than a road boundary, except: a. No setback is required for fences adjacent to boundaries. b. No setback is required for uncovered decks or swimming pools that are less than 0.5m in height above ground level.

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				<div>2. Within the Landscape Protection Area, Buildings, accessory buildings, and structures shall be setback a minimum of 5m from any boundary other than a road boundary, except:<div><div>a. No setback is required for fences adjacent to boundaries.</div><div>b. No setback is required for uncovered decks or swimming pools that are less than 0.5m in height above ground level.</div></div></div>				
26	MHSPZ-TRAN-S1 – Traffic Generation	Seek amendment	As notified this rule does not reference the correct standard. The Traffic Intensity Standard in the Operative MHDA-S10 version was considered to be effective and efficient. Amendment will remove unnecessary duplication and improve the effectiveness of the plan.	<div>Amend as follows:</div> <div>Replace entire MHSPZ-TRAN-S1 Traffic Generation Rule with the following:</div> <table><tr><th>MHDA-S10</th><th>Traffic Intensity</th></tr><tr><td><div>1. The total traffic generated from each site shall not exceed 20 daily one-way movements, where the traffic generated by single residential unit, and construction traffic are excluded.</div><div>2. The total traffic generated from each Community Hub A-C shall not exceed 200 daily one-way movements, where construction traffic is excluded.</div><div>Note: Trip generation for each activity is contained within Appendix 25F of this Plan.</div></td><td><div>2. Where compliance is not achieved with MHDA-S10 matters over which discretion is restricted:</div><div><div>a. The trip characteristics associated with the proposed activity.</div><div>b. The design of features intended to ensure safety for all users of the access site, and/or intersecting roads including but not limited to vehicle occupants, vehicle riders and pedestrians.</div><div>c. Land transport network safety and efficiency, particularly at peak traffic times (of both the activity and road network).</div><div>d. Mitigation to address adverse effects, such as:<div><div>i. Travel/trip planning and timing.</div><div>ii. Providing alternatives to private vehicle trips.</div><div>iii. Contributing to improvements to the road network, where appropriate.</div><div>iv. The effect of traffic on the amenity and</div></div></div></div></td></tr></table>	MHDA-S10	Traffic Intensity	<div>1. The total traffic generated from each site shall not exceed 20 daily one-way movements, where the traffic generated by single residential unit, and construction traffic are excluded.</div> <div>2. The total traffic generated from each Community Hub A-C shall not exceed 200 daily one-way movements, where construction traffic is excluded.</div> <div>Note: Trip generation for each activity is contained within Appendix 25F of this Plan.</div>	<div>2. Where compliance is not achieved with MHDA-S10 matters over which discretion is restricted:</div> <div><div>a. The trip characteristics associated with the proposed activity.</div><div>b. The design of features intended to ensure safety for all users of the access site, and/or intersecting roads including but not limited to vehicle occupants, vehicle riders and pedestrians.</div><div>c. Land transport network safety and efficiency, particularly at peak traffic times (of both the activity and road network).</div><div>d. Mitigation to address adverse effects, such as:<div><div>i. Travel/trip planning and timing.</div><div>ii. Providing alternatives to private vehicle trips.</div><div>iii. Contributing to improvements to the road network, where appropriate.</div><div>iv. The effect of traffic on the amenity and</div></div></div></div>
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27	MHSPZ-SUB-S1 Minimum allotment sizes	Seek amendment	The PDP seeks to introduce a 600m ² minimum lot size. It is considered	<div>Amend as follows:</div>				

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			<p>that consistency with this minimum lot size is appropriate within the Residential Area of the Mangawhai Hills Special Purpose Zone, where the sites adjoin Shared Open Space, or where the sites are within 300m of the Commercial Hub to be efficient and effective.</p>	<p>MHSPZ-SUB-S1 Minimum allotment sizes</p> <p>1. Proposed allotments have a minimum net site area of 1,000m², except where the proposed allotment is an access allotment, utility allotment or road to vest in Council; or</p> <p><u>2. Proposed allotments have a minimum net site area of 600m² except where the proposed allotment is an access allotment, utility allotment or road to vest in Council, where the lot</u></p> <p><u>i. adjoins a shared open space area; or</u></p> <p><u>ii. is within 300m of Community Hub Areas A, B or C on the Mangawhai Hills Structure Plan; or</u></p> <p>3. Proposed allotments have a minimum net site area of 3,000m², where no connection to reticulated wastewater infrastructure or community wastewater system is available; or</p> <p><u>4. Except that no minimum net site area requirement applies to any allotment created around an existing or proposed residential unit that forms part of a development under Rule MHSPZ-R2 for which a resource consent or building consent has been granted (excluding minor residential units)".</u></p> <p><u>5. Activity status when compliance not achieved:</u> Discretionary</p>
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28	MHSPZ-SUB-REQ4 Moderate to high risk instability area soil assessment, retirement and rehabilitation management plan	Seek amendment	The requirement for a Soil Assessment, Retirement and Rehabilitation Management Plan coincides with the requirement for an Ecological Planting, Restoration and Management Plan (MHSPZ-SUB-REQ5) within the same area. Amendment will remove unnecessary duplication and improve the effectiveness of the plan.	<p>Amend as follows:</p> <p>MHSPZ-SUB-REQ4</p> <p>1. Any subdivision consent application that is on a site that contains areas identified as moderate to high risk instability shown on the Mangawhai Hills Structure Plan shall be supported by a Soil Assessment, Retirement and Rehabilitation Management Plan, prepared by a suitably qualified soil scientist or engineer with input from a suitably qualified ecologist or landscape architect, which shall include:</p> <p>a. An assessment of the suitability of the existing conditions of the site and land to be retired and rehabilitated including the following:</p> <ol style="list-style-type: none"> Topography and slope analysis; Existing vegetation; Hydrology; Soil analysis; and Any factors that will influence the successful implementation of the area to be retired and rehabilitated. <p>b. An Enhancement and Management Plan setting out (to the extent relevant to the proposal):</p> <ol style="list-style-type: none"> The key protection and enhancement objectives and outcomes to be met, including the qualities and characteristics of the environmental protection area that are to remain protected in perpetuity; and The protection and ongoing management methods required to achieve the objectives and outcomes, including but not limited to: <ol style="list-style-type: none"> Weed control. Pest animal control.
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				<div>3. Pest organism control, including kauri dieback disease and myrtle rust.</div> <div>4. Re-vegetation and restoration opportunities.</div> <div>5. Fencing plan.</div> <div>6. Fire risk management.</div> <div>7. Access limitations.</div> <div>8. Nutrient and sediment control.</div> <div>iii. The on-going monitoring methods to measure the success or otherwise of the implementation of the management methods, including feedback to Council and provision for review of the management plan.</div> <div>iv. The mechanisms to ensure that the management plan applies to and binds future owners as responsible for the costs of implementing the management plan.</div>				
29	MHSPZ-TRAN-Table 1: Mangawhai Hills special purpose zone road - private way, cycle way and property access legal and construction widths	Seek amendment	It is considered that the requirement for private access serving up to 6 units/lot to include a 0.5m footpath is not efficient or effective.	<div>Amend as follows</div> <table><tr><td>Road hierarchy</td><td>Minimum cycleway / footpath width</td></tr><tr><td>Private access serving up to 6 units/lots and less than 50m in length</td><td>0.5m (one side only where footpath is not provided separately)</td></tr></table>	Road hierarchy	Minimum cycleway / footpath width	Private access serving up to 6 units/lots and less than 50m in length	0.5m (one side only where footpath is not provided separately)
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