

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: Kylie McLaughlin

Phone: 0212700215

Organisation: Evolve Planning and Landscape Architecture
(*the organisation that this submission is made on behalf of)

Email: kylie@evolveplng.co.nz

Postal address: po box 80 Mangawhai Northland

Postcode: 0573

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

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

Kylie

Digitally signed by Kylie
McLaughlin
Date: 2025.06.19
14:33:47 +12'00'



Signature: McLaughlin

Date: 6/19/25

(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: 25083

20th June 2025

Kaipara District Council

Submission on Proposed District Plan – Evolve Planning and Landscape Architecture

Point of Submission 1.

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

The entire Proposed District Plan (PDP).

2. My submission is that:

I oppose the PDP.

The PDP has been altered drastically from the Spatial Plan adopted by Council which was translated into the Exposure Draft Plan which went out for informal consultation. The Spatial Plan and the Exposure Draft Plan was prepared by experts and undertaken with community wide consultation, the PDP has been altered drastically with no public input or consideration of any sound planning rationale or any public consultation that was undertaken on the Exposure Draft Plan.

The Plan fails to meet statutory requirements under Part 2 of the RMA (purpose and principles), the National Policy Statement for Urban Development (NPS-UD), National Policy Statement for Highly Productive Land (NPSHPL) and the Regional Policy Statement. These matters are raised in further points of submission below.

It is also noted that the PDP does not align with Councils Long Term Plan.

3. I seek the following decisions from Kaipara District Council.

That the PDP be replaced with the Exposure Draft Plan and incorporate those recent Plan Changes that have been approved and include changes below, where relevant.

Point of Submission 2.

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

The Mangawhai Hakaru Managed Growth Area.

2. My submission is that:

I oppose the Mangawhai Hakaru Growth Area Overlay and Mapped Extent 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.

Reason 1

The Managed Growth Overlay is inconsistent with Part II of the RMA, especially Section 5 – sustainable management of natural and physical resources and section 7b) efficient use and development of natural and physical resources.

The MGO provides a blanket restriction over a large area and constraints development within an area close to / containing existing services and infrastructure. This MGO encourages inefficient land use and exacerbates pressure on more distant general rural and rural lifestyle zones and small townships which are isolated and has limited infrastructure (servicing, business and community).

Reason 2

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.

Whilst Council has determined that KDC is not a Tier 1,2 or 3 Council and therefore does not need to consider the NPS-UD, I would disagree that Mangawhai is not Urban.

Whilst parts of the District are not Urban, Mangawhai / Mangawhai Heads is clearly urban and can be considered an urban growth area.

The definition of urban environment in the NPS-UD includes *“any area of land (regardless of size, and irrespective of local authorities or statistical boundaries) that: is or is intended to be, predominantly urban in character and is or is intended to be part of a housing and labour market of at least 10,000 people.”*

The definition of an urban environment also includes the word “or is intended to be”.

There are areas of residential zoned land that have yet to be developed, private plans change areas which have recently been approved as well as consented yet unimplemented developments and vacant sections that would likely tip the population or expected population to be over this threshold.

The 2023 census results outlined that Mangawhai (Mangawhai Rural, Heads, Mangawhai) had a population of 6834 people. Whilst this takes into consideration

some of Mangawhai rural extent, It is likely that the population has grown since the 2023 census.

It is also noted that on the infometrics.co.nz website that Mangawhai expected population in 2024 was 7180, up from 3% in 2023.



The following objectives and policies of the NPS-UD apply (not limited to):

Objective 1 – Promoting well functioning urban environments;

Objective 2- Requiring responsive planning for urban growth;

Policy 1 – Supporting growth and change in urban environments.

These must be given effect to in Regional and District Plans under s75 of the RMA.

Mangawhai has experienced a high population growth rate in recent years and has been increasing consistently higher than the national average, clearly showing that Mangawhai is a desirable place for people to live and work.

The PDP Managed Growth Overlay does not enable and ensure co-ordinated subdivision and development. Therefore, the PDP does not appropriately give effect to this national direction.

Turning to the Northland Regional Policy Statement the PDP does not meet the requirements of the NRPS where key points of the NRPS with respect to urban form and development are covered in:

Objective 3.5 – Efficient and effective infrastructure and urban development

Policy 5.1.1 Planned and co-ordinated development

Policy 5.1.3 Integration of Land use and Infrastructure

This policy framework aims to ensure that urban development is strategically planned, integrated with infrastructure and is located in appropriate areas and consolidated compact urban form, which is the opposite of what the Managed Growth Area achieves.

Reason 3

The Overlay is inconsistent with the Councils Long Term Plan which states

Kaipara is projected to grow steadily, reaching a population of 35,700 in 2054, however most growth will continue to be centred on Mangawhai due to its proximity to Auckland and coastal lifestyle offerings.

The adopted spatial plans provide for the blueprint for sustainable growth not only in Mangawhai, but also in new areas that are developing such as Kaiwaka, Maungaturoto and Dargaville.

Reason 4

The Managed Growth Overlay which essentially restricts infill residential development and directs this to large land holdings which have been subject to recent private plan changes (Mangawhai Hills, Cove Road North Precinct and Estuary Estates / Mangawhai Central) is non sensical and has no sound planning rationale behind this approach.

Future residential development is being directed to areas (Cove Road North Precinct and Mangawhai Hills) that are currently un-serviced in terms of community wastewater, stormwater, footpaths and the like, where are those areas that infill is restricted (Residential Zone within this Overlay) are serviced with Council wastewater and stormwater infrastructure and generally have good public infrastructure such as footpaths and are within close proximity to shops, amenities and community facilities.

Mangawhai is experiencing significant growth and demand for housing and the overlay acts as a constraint rather than a growth management tool, it discourages proposals that could assist in delivering affordable, diverse and well located housing options.

Reason 5

Turning to the MGO and the General Rural Zone, this area proximate to Mangawhai and Hakeru, is not rural in nature and has very limited rural character (provided for by perhaps 5 or 6 large farms that exist between Mangawhai and Kaiwaka, the remainder of this 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 is outlined in a separate point of submission, however the MGO over this extent is inappropriate.

The MGO including the large extent of rural catchment when the policy behind this Overlay (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.

As aforementioned, 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.

Reason 6

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

The policy framework for the justification of this Overlay (which is also detailed in a separate point of submission) is based on ensuring consolidation of infrastructure including transportation and social infrastructure to sustainably manage future growth.

This is also weakly outlined in the s32 report which states:

- The more limited subdivision opportunities in the Mangawhai/Hakaru Managed Growth Area will ensure that infrastructure in this area is utilised efficiently and not placed under undue pressure resulting from infill or rural lifestyle subdivision, which could result in negative environmental outcomes.

The more restrictive approach to subdivision in the Mangawhai/Hakaru Managed Growth Area will be effective in ensuring the under-pressure infrastructure assets and networks in this location are not placed under further pressure resulting from subdivision opportunities that are enabled elsewhere in the General Residential and General Rural Zones.

As outlined above, rural development is generally serviced via on site infrastructure and with respect to urban development, as aforementioned the restrictions are placed on infill where Council services are available and directed to areas where there are no services available which is contradictory and provides an inefficient use of existing infrastructure.

Any strain on Council owned infrastructure (wastewater, stormwater, roading) 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.

It is also noted that there is no logic behind this restriction when a minor dwelling is a permitted activity in the PDP and are required to be serviced. A subdivision creates no further effects on infrastructure than permitted by the PDP where a minor dwelling is permitted.

3. I seek the following decisions from Kaipara District Council.

- Delete the Mangawhai and Hakaru Managed Growth Overlay entirely from the District Plan;
- Delete any policy framework associated with this Overlay from the District Plan including but not limited to
 - SD UFD P7, Sub-P6, Sub P12

- Consequential amendments to Sub P8,
- Remove and any methods including rules associated with this Overlay from the District Plan, including the following rules but not limited to:
 - Sub R2.11

Point of Submission 3.

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

General Rural Zoning in Mangawhai and Hakaru

2.My submission is that:

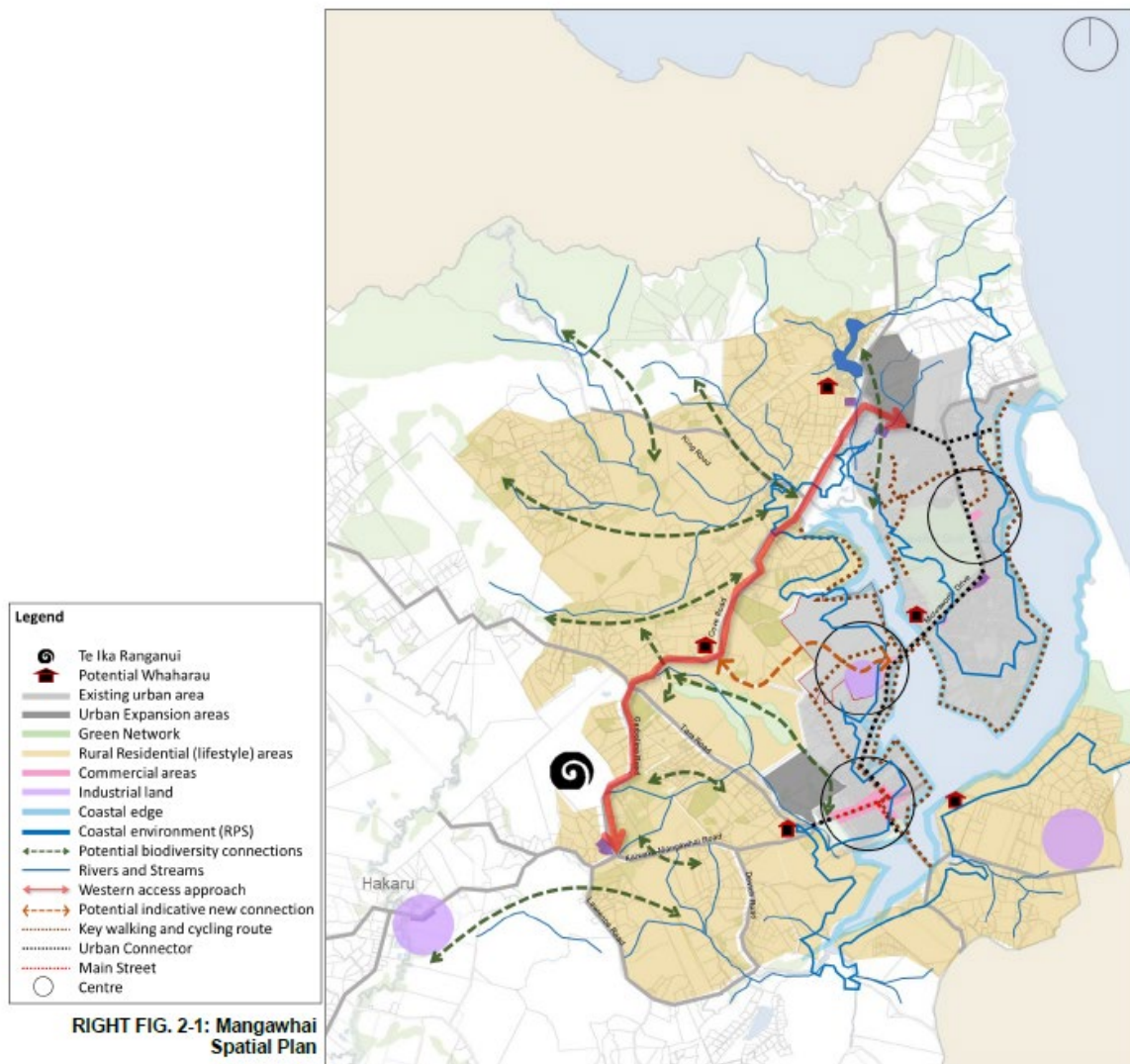
I oppose the General Rural Zoning within the Mangawhai and Hakaru area, it is inappropriate and does not reflect the existing character of the area.

Reason 1

General Rural Zone blanket covers 78% of the District, the GRUZ outlines that the zone *"The General rural zone is a diverse environment with a wide range of primary production activities, rural landscapes, cultural values, and natural environment values. The purpose of the General rural zone is to provide for primary production activities as the predominant land-use. The General rural zone also provides for other activities that support primary production activities and have a functional or operational need to be in a rural environment, such as rural industry."*

Where as the Rural Lifestyle Zone is described as *"The Rural lifestyle zone provides opportunities for people who seek a rural lifestyle to locate in more rural areas of the district. The Rural lifestyle zone is concentrated in appropriate locations, closer to urban areas with good access to services and transport networks. Historically, rural lifestyle subdivision has occurred throughout the rural environment, which has led to undesirable outcomes such as ongoing fragmentation of the rural land resource (particularly in areas containing highly productive land) and reverse sensitivity effects on existing primary production activities."*

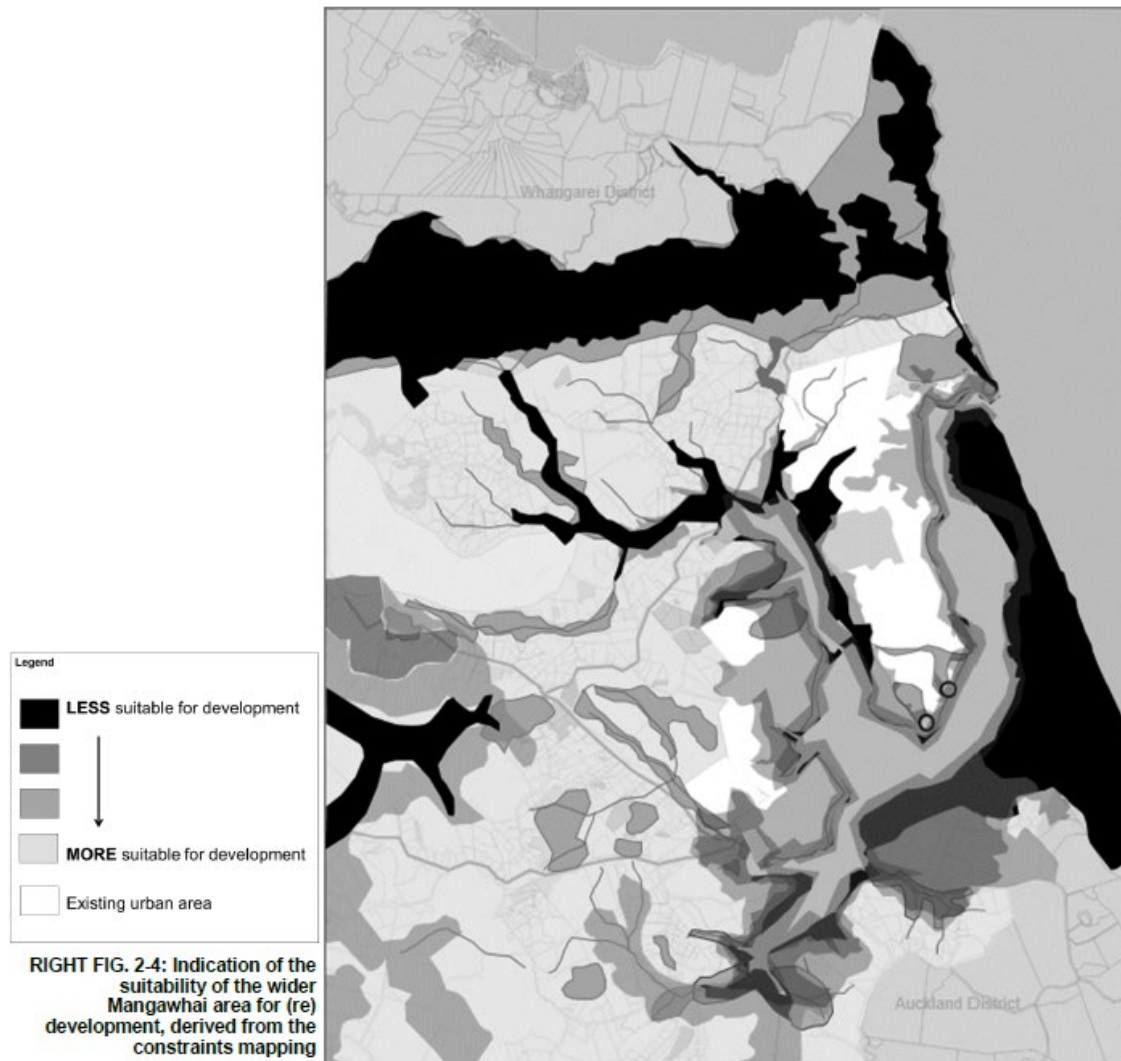
It is distinctively clear that Mangawhai and Hakaru do not meet the zone overview, however falls into the Rural Lifestyle Zone which is clearly shown in the Mangawhai Spatial Plan as shown below:



As the Spatial Plan was produced in 2020, this rural lifestyle area extends to “Lake View” gated community which is rural lifestyle and includes a consented (yet unimplemented) rural lifestyle development.

This area was identified as suitable for development within the constraints mapping for Mangawhai as shown below.

or
I;
is



It is also noted that this zoning is inconsistent with the adopted Spatial Plan.

Reason 2

Reverse sensitivity issues from having a general rural zone over an area that is predominantly rural lifestyle in Mangawhai and Hakaru, where rural production activities are permitted and may result in reverse sensitivity effects.

Reason 3

There is no adequate buffer zone between residential and general rural within Mangawhai and Hakaru, generally the rural lifestyle zone is provided between residential zone and general rural to provide a buffer between these two significantly different zones.

Reason 4

From a landscape perspective General Rural is typically characterised by a high level of rural character.

Rural character values can be assessed on a continuum from high rural character being a landscape derived from an intrinsic sense of openness where the landscape is generally dominated by pasture and open spaces with a high degree of visual permeability and spaciousness.

Rural character generally has limited buildings / residential dwellings with a very high ratio of open space to any such residential land use, where there is generally considerable separation between houses and buildings relative to those found on neighbouring properties. Rural character includes the presence of rural land use such as farm animals, horticulture activity, shelterbelts and buildings and structures associated with the rural use of the site such as sheds, fences, races, accessways with topography and vegetation patterns that characterize the landscape.

At the other end of the continuum is rural lifestyle and rural residential development where rural residential character is predominantly characterized by the visual presence of individual dwellings or clusters of dwellings and associated accessory buildings and amenities which results in a smaller grain and scale of development within the landscape which is generated by smaller lot sizes providing a presence of built form, a domestic scale and "cultured nature" landscape treatment such as gardens, amenity planting, small paddocks of open grass and the presence of amenity features such as pools, ponds and the like.

It is clearly evident that Mangawhai and Hakaru, is rural lifestyle in character, nor general rural.

3. I seek the following decisions from Kaipara District Council.

- That a Rural Lifestyle Zoning be introduced to Mangawhai rural residential extent and Hakaru extent to reflect the actual character of the area.
- This could include the areas identified as rural lifestyle within the Exposure Plan which was logical and also extend to include areas that have been approved for rural lifestyle subdivisions that were approved after the Exposure Plan was prepared.

Point of Submission 5

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

I oppose the entire General Residential Zone

2 My submission is that:

I oppose the blanket residential zoning across the District.

Having one Residential Zone for the District is inappropriate, the residential area in Mangawhai is not the same as the residential area in Dargaville or smaller settlements such as Kaiwaka or Ruawai.

As Mangawhai is a growing and desired coastal settlement and should reflect good urban planning which includes varying residential zones.

3 I seek the following decisions from Kaipara District Council.

- Provide for large Lot residential, medium density residential and high density residential within Mangawhai and Mangawhai Heads General Residential Zone
- Provide for varying type residential zones where suited – e.g. Dargaville may suit medium density residential zones where smaller settlements may suit a large lot residential zone.

Point of Submission 6

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

I oppose the General Rural Zone within the District

2 My submission is that:

I oppose the General Rural Zone within the District in relation to Highly Productive Soils.

Reason:

There is no protection of Productive Soils where the General Rural Zone provides for sites of 12ha as a Controlled Activity which is contrary to the NPSHPL

3 I seek the following decisions from Kaipara District Council.

That a Rural Production Zone with appropriate rules is introduced covering areas of Class 1 and 2 Soils with Class 3 covered under the General Rural Zone.

Point of Submission 7

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

I oppose the entire Objectives and Policy Framework in the Subdivision Chapter.

2 My submission is that:

I oppose the wording of the objective and policy framework within this chapter because the objective and policy framework is light on protecting rural character and amenity values at the time of subdivision as well as ecology and natural features.

3 I seek the following decisions from Kaipara District Council.

Provide additional objectives and policies framework within the Subdivision Chapter to protect:

- 1)Character (rural, rural lifestyle, residential)
- 2)Amenity values (in line with the definition of the RMA).
- 3)Ecological values and natural features.

Point of Submission 8

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

I oppose in full the subdivision rules in the General Rural and Rural Lifestyle Zone.

2 My submission is that:

I oppose the wording of these rules as they are permissive and will result in poor development outcomes across the District within the General Rural Zone, Rural Lifestyle Zone and Outstanding Natural Landscape.

When subdivisions are controlled there is no ability for a subdivision to be declined and the assessment criteria does not include any aspects related to the natural environment including ecology, landscape and the like.

The environmental benefit type provision provide for the same number of Lots as the general rule which provides no incentive to protect or restore any natural features.

The title date reference provides no use and within the Operative Plan is not upheld.

There is no provision to require the protection of Outstanding Natural Landscapes, Outstanding Natural Features or areas of Outstanding Natural Character at the time of subdivision which is contrary to Part II of the RMA and other high level national and regional planning documents.

3 I seek the following decisions from Kaipara District Council.

1.SubR3 Remove 11

2.Sub R3 Should not be controlled, should be Restricted Discretionary or Discretionary

3.Sub R3 assessment criteria should be added in relation to character and amenity values;

4.Sub R3 should be reworded based on the above.

5.Sub R4 – Should not be controlled, should be Restricted Discretionary or Discretionary

6.Sub R4 assessment criteria should be added in relation to character and amenity values;

7.Sub R4 remove the title date

8.Sub R4 – remove reference to Growth Area

9.Sub R5 Should not be controlled, should be Restricted Discretionary or Discretionary

10. Sub R5 assessment criteria should be added in relation to character and amenity values;
11. Sub R6 Should not be controlled, should be Restricted Discretionary or Discretionary
12. Sub R6 assessment criteria should be added in relation to character and amenity values as well as ecological value;
13. Sub – R6 Remove the title date
14. Sub – R6 provide for further Lot entitlements to allow for further incentives
15. Sub -R6 is confusing and hard to understand re- write with Ecological input
16. Sub R7 – is confusing and hard to understand, revise with Ecological input and landscape architect input.
17. Sub R7 – Remove title date
18. Sub R7 Should not be controlled, should be Restricted Discretionary
19. Sub R7 assessment criteria should be added in relation to character and amenity values as well as ecological value;
20. Subdivision Provisions include a rule for subdivisions within the Outstanding Natural Landscapes, Outstanding Natural Features and High Natural Character to provide protection for these features at the time of subdivision and ensure development is appropriate.
21. Provide an integrated development type provision for subdivision similar to the rule in the Operative Plan.

Point of Submission 9

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

I oppose the entire NFL – Natural Features and Landscapes Chapter

2 My submission is that:

I oppose the Objectives and Policies Framework of this chapter as it does not adequately protect ONL, HNC, ONF and is inconsistent to the purpose and principles of Part II of the RMA, NSCPS, NRPS.

The rules are weak and offer no protection to these features either through land use or subdivision.

There is also oddly exclusions provided that are site specific that should not be within the District Plan, their consent and associated conditions should be relied upon, it is inappropriate.

The colour rule provides for colours that are not appropriate, this is also within the Coastal Environment Overlay which I have come across in the Whangarei District where a bright blue was used, however was complying with the LRV. Both these rules need revising to be specific in terms of colours.

3 I seek the following decisions from Kaipara District Council.

1. Include additional objectives and policies – use Whangarei District Plan as an example.
2. Provide for more rules within this chapter – use Whangarei District Plan as an example
3. Require the protection of these features through subdivision and development.
4. Delete all reference to *“This rule does not apply to: The defined Exclusive Use Areas shown on the Survey Plan for lots 1-29, 32,34,40,41 and 45 DP 348513 consented by RM050086 (Bream Tail) provided that the other conditions of the Consent Notices (dated 2 February 2004) on these titles are complied with, which shall rely on Rule 12.10.3c.2 in Chapter 12 of the Kaipara Operative District Plan.” within the ONL Chapter.*
5. Delete all references to Lots 1-4 and 6-14 as shown on the Survey Plan consented by RM090103 for Lot 2 DP 316176 (Mangawhai Heads Holdings Limited)
6. Update NFL R3 and CE-S2 to include under A Colours to be natural and in keeping with the landscape

Point of Submission 10

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

Oppose Rule GRZ-R11

2 My submission is that:

The increase in impervious areas permitted in the residential zone is not appropriate with the extent of flooding and stormwater issues within the District.

3 I seek the following decisions from Kaipara District Council.

Retain the current impervious surfaces percentage in the Rural Zone.

Point of Submission 11

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

I oppose the General Rural Zone Rules

1 My submission is that:

There is no impervious area rules in the General Rural Zone which is inappropriate given the size of General Rural Zone sites, that the majority of Hakaru and Mangawhai fall within this zone and the extent of flooding and stormwater issues within the District.

2 I seek the following decisions from Kaipara District Council.

Provide an appropriate impervious area rule within the General Rural Zone that adequately mitigates any increase in impervious areas and is related to the site of the site.

Point of Submission 12

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

I oppose the Financial Contribution Rules

3 My submission is that:

Development contributions are better dealt with outside the District Plan. The methods should refer to the Councils Development Contributions Policy.

4 I seek the following decisions from Kaipara District Council.

Delete Financial Contribution Rules and provide a method that relies on Councils Development Contribution Policy.

Submission Prepared by



Evolve Planning + Landscape Architecture Limited

Kylie McLaughlin-Brown

Director . Planner . Landscape Architect
BLA (MNZILA Registered)
MPLANPRAC (Hon) (MNZPI)

Po Box 80
Mangawhai
Mobile: 021 27 00 215
Email: kylie@evolveplanning.co.nz