

## PPC 83

### ORAL SUBMISSIONS OF CLIVE BOONHAM

There are two issues I wish to address.

#### **AMENITY VALUES AND URBAN CHARACTER**

All of the documentation presented in this plan change is based on the necessity for further development and the provision of infrastructure to enable that development.

The Mangawhai Spatial Plan was prepared by consultants at the instigation of KDC staff and designated the plan change area as appropriate for future development.

Development in itself is seen as a goal. We are seduced by the slogan that Mangawhai is the fastest growing town in the North Island. Is that a desirable goal?

The problem is that Mangawhai is physically limited in that it lies along the estuary and can only develop in one direction. It also has very limited amenities which are already under threat from population growth.

Mangawahi Central has been a dismal learning curve and this latest plan change must be approached with a huge amount of concern.

**Can Mangawhai cope with all this development without its facilities and amenities being swamped? And can the ratepayers of Mangawhai and the District support the burden of debt that such developments will require?**

These decisions should be made by the elected members in discussions with the community.

At present development is being driven by developers, who have the right to apply for plan changes. My concern is with the enthusiasm of the KDC staff in endorsing proposals even where it is abundantly clear that the amenities of the township are struggling to cope with the current and plan-approved population growth such as Mangawhai Central.

It is blindingly obvious to anyone in Mangawhai that there are insufficient amenities and infrastructure to contemplate any future development.

There is already a huge outstanding debt that exists because of historic mismanagement of the MCWWS funding. There is quite simply no ability to fund additional amenities and provide additional infrastructure without government assistance.

#### **WASTEWATER**

The Section 32 report states at page 45 that disposal capacity of the MCWWS is at its limit but that the KDC is investigating options to extend the MCWWS.

It concludes:

*JAS Civil Limited have acknowledged the disposal capacity constraints, concluding that this does not prevent the rezoning of the plan change area, and that future Resource Consent applications will require a robust assessment to be undertaken at the time of development. Furthermore, the proposed provisions ensure that there are engineering solutions available to service future development. Precinct provisions ensure that at time of development, wastewater disposal will be provided by way of either connection to reticulated infrastructure where capacity if available or onsite disposal.*

In other words no wastewater capacity is available for the development and none has been planned and funded. There is no timescale for adequate capacity being available.

Onsite disposal is not an option. It contravenes the policy of the KDC that all new developments must connect to the MCWWS to protect the health of the estuary.

### **Appendix 3a**

Appendix 3a is the land development report by *Chester* dated 20 December 2023 that provides updated information on the planned capacity of the MCWWS

[Appendix 3a Land Development Report.pdf \(kaipara.govt.nz\)](#)

At page 15 is the Wastewater section:

Total plant capacity – connections	3,000
No of connections at September 2023	2,764
Available capacity	236

It notes that the reserve capacity of 236 to be taken up by summer 2024.

There is no mention of the approximate 200 “connectable” properties which are rated on the basis that they can be physically connected to the system. If no capacity is available for their connection then the rates are not payable.

Stage 1 (2023/2034) increases capacity of the plant to 3,550.

That, according the document, makes an available 786 connections available. (But does not take into account the above connectables and other new connections post September 2023.)

In addition, stage 2 over 2025/2026 will increase the number of connections to 5470, meaning an additional number of connections of 2,470

This is based on the report that went to Council at the October 2023 meeting:

[Mangawhai Wastewater Scheme Stage 1 and 2 Approval – October 2023 \(escribemeetings.com\)](#)

That KDC report includes:

### **Risks and mitigations**

*There is a risk that the stage 1 works will not be completed by June 2024 if approval is not provided. Further, there is a risk with not proceeding with the stage 2 works, if the Management of the Golf Club loses interest in providing Council with the option to dispose of the treated wastewater in specific areas of the Mangawhai Golf Course. If this is the case, then Council will have limited alternative disposal options.*

**In other words, the whole proposal hinges on the golf course proposal.**

In its summary the Chester report, on behalf of the KDC, states:

*2. The existing Mangawhai CWWTP has capacity which is being aligned to the rate of development and the PPC area is considered to be within the area of benefit where growth is anticipated.*

*3. The Council has committed funding for the wastewater upgrades in Mangawhai to support growth as shown in Figure 8-4 and detailed in the presentations to the elected members of the Council.*

This reference is to:

*We note that in revision 6 of the Draft Kaipara Infrastructure Strategy published February 2021 there is a Major Capital Expenditure allowance of \$37M for Wastewater Growth in Mangawhai which confirms the commitment of capital expenditure to increase the capacity of the existing wastewater network and disposal system.*

Those assumptions by Chester are not correct. The increase in capacity is only at the discussion stage. The Council has not committed funding for upgrades. Such funding can only be approved through the adoption of the Long Term Plan later this year. That is not a certainty.

### **KDC's section 42A report of 7 February 2024**

The section 42A report is here:

[Section 42A Report.pdf \(kaipara.govt.nz\)](#)

Note that the section 42A report is commissioned by the council to report... *"....on information provided on any matter described in [section 39\(1\)](#) by the applicant or any person who made a submission."*

The report states on page 3:

*5. This report effectively acts as an audit of the detailed information lodged (and subsequently updated) with the plan change request.*

It is an objective assessment of the proposal and the submissions.

At paragraph 83 it uses the same figures for wastewater increases as the Chester report and concludes:

*This will enable both the PPC83 site and other existing residentially zoned but unbuilt areas such as Mangawhai Central and the adjacent block to the east to be serviced.*

Is that an objective assessment?

The report continues:

*84. The golf course discharge upgrade will be subject to obtaining any necessary regional and land use consents. Whilst subject to a future consenting process, I understand from Mr Cantrell that the proposed discharge solution is plausible. Mangawhai is the fastest growing township in Kaipara District and as such the Council is committed to delivering servicing solutions to enable growth in line with recent structure planning exercises i.e. in the unlikely event that the golf course solution does not proceed, the Council will need to deliver an alternative solution.*

A plausible proposal plus pure spin in respect of the KDC's "commitment" to enabling growth.

Is the council itself (i.e. its elected members) **committed** to growth when the options before it are not certain and the issue of financing growth has not been resolved?

Or is the KDC staff committed to growth?

Surely the feasibility and the funding come before committing to growth?

What are the alternatives if the golf course proposal does not go ahead?

This is followed by paragraph 85:

*85. I also note that the build-out of rezoned land invariably occurs in stages over a number of years. Local examples are the block to the east of the site which has been zoned for residential use but is yet to be developed. The large Mangawhai Central development is likewise being built in stages spread across several years. As such it is realistic that if PPC83 is approved, the development of occupied dwellings (and therefore additional wastewater generation) will occur gradually and with timing that aligns with the programmed upgrades.*

Realistic? Rather wishful thinking and no concern for feasibility or the source of funding.

The final conclusion is:

*90. In summary, I am satisfied that there is sufficient programmed capacity in the MCWWS to meet the likely servicing demand for the PPC83 site and other residentially zoned but unbuilt areas in Mangawhai. **In the unlikely event that the planned upgrades cannot obtain the necessary consents, then the onus will be on the Council to deliver an alternative solution to meet the growth needs of the fastest growing township in the District.** The proposed subdivision rules enable a detailed assessment of capacity at the time development occurs, and enable subdivision consents to be declined if sufficient capacity is not available and alternative solutions are not acceptable. [My emphasis added.]*

So, the KDC endorses the application. The burden is then on the KDC to provide infrastructure to meet its reputation of being the fastest growing township in the North. In other words the burden falls on the ratepayers of Kaipara.

The specific report on wastewater is annexed:

#### **Appendix 4 Wastewater Servicing (SCO Consulting)**

[Appendix 4 Wastewater Servicing.pdf \(kaipara.govt.nz\)](#)

The information provided is more or less the same as that provided in the Chester report. It then goes on to consider the issue of capacity of the development:

4.1 *As set out in the plan change documents, full development of the plan change area is expected to yield an additional 380 connections to be serviced by the WWTP. Based on existing remaining capacity of approximately 236 connections and additional capacity for another 550 connections resulting from near term upgrades that will be completed in mid-2024, the WWTP appears to have sufficient capacity for the maximum potential property yield from this development.*

**But what of the uncertainties about the proposals? Where does the funding come from? Won't other developments be competing for connections?**

4.2 *In the medium term, the capacity of the MCWWS is expected to be upgraded to capacity for 5,470 connections, through the discharge of treated wastewater at the Mangawhai Golf Club (expected to be completed in 2026/2027). This will provide capacity for a further 2,700 connections in Mangawhai. This will provide significant further capacity for growth in Mangawhai and sufficient capacity to service growth from PPC83 (380 connections),*

These figures omit the points raised above about updating the connection figures and taking into account the number of "connectable" properties.

They also fail to take into account the annual increase in connections from small developments.

They also fail to take into account PC78 Mangawhai Central, which was consented on the basis of adequate wastewater capacity but has now become a white elephant.

They also fail to take into account the fact that the proposed increases in capacity have not been funded and consented through a long term plan.

They have also failed to take into account the fact that the proposed increases in capacity are wholly dependent on certain factors including finance. With the Three Waters proposal being ditched the KDC is going to struggle to pay off the current debt on the plant while funding about \$71 million in the proposed upgrades.

In addition, the feasibility of using of the golf course for discharge is now being reassessed.

If that does not go ahead then the plans for future capacity cannot proceed.

At 4.5 the report avoids all of those issues takes a very optimistic approach of the situation:

*In summary, KDC's plans for upgrade at the wastewater treatment plant and the conveyance network appear to be well planned and will provide sufficient capacity for the development proposed by PPC83*

Really? The expert writing the report should have heard what the General Manager Structural Services had to say about these issues at the KDC LTP briefing of 21 February 2024.

### **Latest information**

At the council briefing on the long term plan on 21 February 2024 comments were made by Anin Nama KDC (General Manager Infrastructure Services) that raise some serious concerns doubts about the availability of the golf course for alternative discharge.

[Long Term Plan Briefing - 21 February 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

At 2:27:50 the comments of Anin Nama advise that there are a lot of issues with the Brown Road disposal field relating to wind issues and flood issues. He also expresses concern over whether the proposal to discharge to the golf course is viable, and that further considerations are ongoing. If that option is not available then the increases in capacity are in doubt.

Also a female staff member's voice advises that testing on the golf course would take a year to assess its viability.

Those concerns will not be available to the hearing commissioners, except Councillor Howard was present at the briefing and clearly expressed concern at what he heard.

### **My concern**

My concern is that the Panel will rely on the expert testimony of the KDC's experts and the applicant's experts on the issue of wastewater infrastructure, even though the evidence is overstated and in doubt.

That is exactly what happened in the PC78 hearing.

In that hearing the KDC staff and experts misstated the existing capacity of the MCWWS when assuring the panel that there was enough capacity for the proposed development.

The experts for Mangawhai Central also misstated the existing capacity of the plant.

When submitters rebutted these representations the KDC staff presented further information about proposed and funded capacity.

The Panel denied the submitters the right to make submissions in respect of this new information challenging the correctness of the further information.

In reaching its conclusion the Panel relied on the evidence of the KDC and the experts and recommended that the KDC approve the plan change. The KDC adopted that recommendation.

The matter was appealed to the Environment Court and the Court ruled that before any future consents could be issued no consents could be issued:

*That there is adequate existing wastewater infrastructure, or funding for adequate wastewater infrastructure to support the development is identified in a long-term plan.*

That should be the minimum basis on any plan change decision.

I would go further and suggest that given the current financial indebtedness of the KDC and the capital cost of providing infrastructure to meet further development, no plan changes should be approved until the KDC can resolve its funding issues and examine the effect of further development on the amenities of the township.

### **Summary**

The evidence being presented to the PPC83 hearing is based on a very optimistic view of the feasibility of the KDC's proposal to increase capacity, and its ability to fund those proposals.

The situation has changed dramatically since the cancellation of Three Waters.

The new concerns of the KDC's General Manager of Structural Services raises uncertainty about the KDC being unable to provide the necessary wastewater infrastructure to meet demand.

The issue ignored by all parties is how the KDC can possibly cope with paying off the existing MCWWS debt (\$30 million plus) and fund new development (\$71 million). It is fine to argue that the debt will be paid by development contributions, but that is over the long term. In the interim the interest on the debt has to be met by all the ratepayers in the District.

In the past the KDC has failed miserably to collect sufficient development contributions to pay off the debt. If the proposals go ahead the current ratepayers of the District will be paying interest on a huge debt for many years to come.

Before endorsing further development should we not be waiting to see if funding is available and if increasing wastewater capacity is feasible?

Surely we also need to decide, as a community, if we want and can afford further development.

The shadow of Mangawhai Central hangs over us. Despite all the promises of the developer, the KDC staff, and the experts, there was no water, no wastewater capacity, and no electricity.

Its new buildings are substandard and it is white elephant wasteland.

We need to put a hold on all development until the community and the elected members together make some sensible decisions about the future of the Mangawhai and not be driven by developers and KDC staff.

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