

BEFORE THE HEARING PANEL APPOINTED BY KAIPARA DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER OF the hearing of submissions on Proposed Private Plan
Change 83: The Rise Limited

**OPENING LEGAL SUBMISSIONS BY COUNSEL FOR KAIPARA DISTRICT
COUNCIL**

DATED 22 MARCH 2024

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MAY IT PLEASE THE HEARING PANEL:

1. INTRODUCTION

1.1 I have been asked to present these legal submissions by Kaipara District Council (**Council**) staff, and the author of the section 42A Report for Proposed Private Plan Change 83: The Rise Limited (**PPC83**), Mr Jonathan Cleese.

1.2 As the Hearing Panel will be aware, PPC83:

- (a) is a plan change request seeking changes to the Operative Kaipara District Plan (**Operative District Plan**) lodged by The Rise Limited (**the Applicant**) and accepted by the Council under clause 25(2)(b) of Schedule 1 of the Resource Management Act 1991 (**RMA**);¹
- (b) seeks to re-zone 56.9 hectares of land adjoining Cove Road and Mangawhai Heads Road, Mangawhai (**the plan change area**), from Rural Zone to Residential Zone and include in the Operative Kaipara District Plan (**Operative District Plan**) a Precinct (known as the Cove Road North Precinct);² and
- (c) PPC83, as notified, originally included provisions enabling subdivision to a minimum lot size of 400m².³ The applicant has since amended the minimum lot size to 600m², in response to concerns raised by submitters.⁴ Overall, PPC83 has an estimated yield of 380 residential lots. Wastewater servicing is proposed to be provided by connecting the plan change area to the Mangawhai Community Wastewater Scheme (**MCWWS**). Water supply is proposed to be provided by rainwater tanks.

1 The Council's decision to "accept" PPC83 was made on 28 June 2023.

2 Section 42A Report, paragraphs 41-44.

3 Apart from in the Northern Precinct, where a minimum lot size of 1,000m² was and still is proposed.

4 As set out in the revised PPC83 provisions received by the Council on 31 January 2024.

1.3 PPC83 has been comprehensively assessed by the Council’s reporting planner, Mr Clease, and in the expert assessments provided in support of the section 42A Report.⁵ Overall, there is a high degree of alignment between Mr Clease and the other experts called in support of the section 42A Report, and the applicant’s experts. Mr Clease supports PPC83 and recommends it be granted, subject to amendments set out in **Attachement 1** to his rebuttal evidence.

1.4 Overall, the key remaining areas of disagreement between the section 42A team and the applicant are confined to:

- (a) **Multi-unit housing:** Mr Clease does not support the proposed provision of multi-unit housing as part of PPC83 (as a restricted activity) on the basis of concerns relating to urban form, and advice from Ms Parlane raising concerns regarding the feasibility of supplying potable water to multi-unit development from rainwater tanks.⁶
- (b) **Matter of discretion enabling assessment of the effects of cats and dogs:** Mr Brown considers the introduction of cats and dogs into the plan change area has the potential to adversely affect threatened and regionally significant wildlife in nearby forested areas and reserves.⁷ Based on this, Mr Clease supports the inclusion of a matter of discretion enabling these effects to be considered, and controls on cats and dogs potentially imposed (if justified) as part of the subdivision consent process.⁸
- (c) **Transportation effects:** There is now general agreement between Mr van der Westhuizen for the Council and Mr Kelly

5 Water Supply Assessment by Ms Melissa Parlane, Asset Management and Capital Delivery Manager, KDC; Stormwater Assessment by Mr Carey Senior, Awa Environmental; Wastewater Servicing Assessment by Mr Clinton Cantrell, SCO Consulting Limited; Transportation Assessment by Mr Lukas van der Westhuizen, Flow Transportation Specialists; Ecological Review by Mr Stephen Brown, Wildlands; and the Economic Assessment by Mr Derek Foy, Formative Limited.

6 Rebuttal evidence of Mr Clease, paragraphs 4.8-4.11 and paragraphs 4.23-4.26.

7 Rebuttal evidence of Mr Brown, paragraphs 4.2-4.5.

8 Rebuttal evidence of Mr Clease, paragraph 4.33.

for the applicant in relation to transportation matters. However, Mr van der Westhuizen has a residual concern regarding the safety of providing new vehicle access points onto Cove Road, if the speed limit on Cove Road remains at 80kph (as at present). Mr Cleese considers any traffic safety effects can be adequately assessed under the existing District Plan rules and matters of discretion. However, in the event the Hearing Panel wished to provide for explicit consideration of this matter, he has proposed an additional matter of discretion.⁹

1.5 By way of high level overview of the key matters raised by submitters, and the section 42A team's position in response:

- (a) **Submission No. 56 by R&R Davies:** seeks that four records of title located in the south eastern portion of the plan change area adjoining Mangawhai Heads Road containing existing commercial activities be re-zoned to a commercial or industrial zoning; or zoned residential with a sub precinct.¹⁰ The Hearing Panel will need to make a finding whether or not the relief sought in this submission is within scope. I address scope in paragraphs 7.1-7.25 of these legal submissions.
- (b) **Submission No. 14 by Dayahn Cornelius and Odette Rowan:** seeks amendments to PPC83 to address concerns they have regarding potential reverse sensitivity effects on their farm at 8 Tangaroa Road.¹¹ Mr Cleese does not consider any amendments are required to PPC83 to address reverse sensitivity effects.¹²
- (c) **Submission No. 26 by Heritage New Zealand:** raises a concern that an archaeological assessment was not undertaken and

9 Rebuttal evidence of Mr Cleese, paragraphs 4.34-4.36.

10 Evidence of Keogh, paragraphs 5.4-5.7.

11 As outlined in the evidence of Ms Philips.

12 Rebuttal evidence of Mr Cleese, paragraphs 4.43-4.44.

submitted with PPC83.¹³ Mr Clease considers any potential effects on archaeological values will be assessed as part of applications for resource consent for earthworks when the site is developed. In addition, the disturbance of any archaeological material will require an archaeological authority from the New Zealand Historic Places Trust. Accordingly, in his view, no amendments to PPC83 are required.¹⁴

- (d) **Submission by Mr Boonham:** Mr Boonham raises concerns regarding the capacity of the MCWWS and the ability of the Council to finance the future upgrades to the MCWWS required to service growth in Mangawhai.¹⁵ The current capacity of the MCWWS and increases in capacity from planned future upgrades of the MCWWS is comprehensively addressed by Mr Cantrell.¹⁶ The relevant legal requirements that must be satisfied in relation to the provision of wastewater infrastructure to service PPC83 are addressed in paragraphs 6.1-6.8 of these legal submissions.

1.6 These submissions address the following legal issues:

- (a) The legal framework under the RMA for the Council's decision on PPC83;
- (b) The applicability of the National Policy Statement on Urban Development 2020 (**NPS-UD**) to Mangawhai and to PPC83;
- (c) The applicability of the National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**) to PPC83;

13 Evidence of Ms Morris.

14 Rebuttal evidence of Mr Clease, 4.49-4.52. ,

15 Oral submissions of Clive Boonham, page 7.

16 See Mr Cantrell's Memorandum dated 26 January 2024, Attachment 4 to the section 42A Report.

- (d) The relevance and weight the Hearing Panel should place on Chapter 3 of the Mangawhai Structure Plan included in the Operative District Plan, compared to the Mangawhai Spatial Plan 2020;
- (e) The relevant legal requirements that must be satisfied in relation to the provision of wastewater and water supply infrastructure for PPC83; and
- (f) Whether there is scope for the Hearing Panel to grant the relief sought in Submission No. 56 by R&R Davies seeking part of the plan change area be re-zoned to a commercial or business zoning, or in the alternative the site be re-zoned residential but subject to a sub-precinct.

2. THE LEGAL FRAMEWORK FOR THE DECISION ON PPC83

2.1 The Hearing Panel has been delegated the power to make a recommendation on PPC83 to the Council, and the Council will then make a decision.¹⁷

2.2 The Council's decision-making on PPC83 sits within a comprehensive framework established under the RMA. While these provisions are no-doubt well-known to the Hearing Panel, it is useful to set them out.

The relevance of PPC83 being a plan change request

2.3 As I have already noted, PPC83:

- (a) is a plan change request that was lodged with the Council by the applicant on 18 November 2022 under clause 21 of Schedule 1 of the RMA; and

17 Decision of the Council appointing Hearing Commissioners dated 18 December 2023.

(b) was “accepted” by the Council under clause 25(2)(b) of the RMA on 28 June 2023.

2.4 In terms of the requirements that apply to plan change requests that are accepted by the Council the:

(a) process for submissions and hearing is set out in clause 29 of Schedule 1 of the RMA. It is, subject to some modifications, the normal process under Part 1 of Schedule 1 of the RMA; and

(b) Council is required to make a decision on PPC83 and submissions under clause 10 of Schedule 1. The statutory framework that applies to that Council’s decision is the same as for any plan change under the RMA.

The statutory framework for the Panel’s decision on PPC83

2.5 These submissions now address the statutory framework for the Hearing Panel’s recommendation and the Council’s decision on PPC83.

2.6 Under section 74(1) of the RMA, the Council must change its district plan *in accordance with*:

(a) Its functions under section 31; and

(b) The provisions of Part 2; and

(c) A Ministerial direction (not applicable here); and

(d) Its obligations to prepare a section 32 assessment and have particular regard to it;

(e) A national policy statement, a New Zealand coastal policy statement, and a national planning standard; and

- (f) Any regulations.

2.7 When changing a district plan, the Council *must have regard to*:¹⁸

- (a) Any proposed regional policy statement (not applicable because the Northland Regional Policy Statement is operative); and
- (b) Any proposed regional plan (here the Proposed Northland Regional Plan); and
- (c) Any management plans and strategies prepared under other Acts; and
- (d) Any relevant entry on the New Zealand Heritage List required by the Heritage New Zealand Pouhere Taonga Act 2014; and
- (e) Any fisheries regulations to the extent that their content has a bearing on resource management issues in the district; and
- (f) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities; and
- (g) Any emissions reduction plan made in accordance with section 5Z1 of the Climate Change Response Act 2002 (in this case, the Te hau marohiki anamata – Towards a productive, sustainable and inclusive economy; Aotearoa New Zealand’s First Emissions Reduction Plan, 16 May 2022); and

(h) Any national adaptation plan made in accordance with section 5ZS of the Climate Change Response Act 2002 (in this case the National Adaptation Plan 2022).

2.8 The Council must also *take into account* any relevant planning document recognised by an Iwi authority.¹⁹

2.9 Finally, Council *must not have regard to* trade competition or the effects of trade competition when changing a district plan.²⁰

Content of a district plan

2.10 Under section 75(3), a district plan *must give effect to*:

- (a) Any national policy statement; and
- (b) Any New Zealand coastal policy statements; and
- (c) A national planning standard; and
- (d) Any regional policy statement.

2.11 The Supreme Court in *King Salmon*²¹ found the words "give effect to" mean "implement". On the face of it, this is a strong directive, creating a firm obligation on planning authorities.

2.12 A district plan *must not be inconsistent with*:²²

- (a) A water conservation order; or
- (b) A regional plan for any matter specified in section 30(1).

19 Section 74(2A).

20 Section 74(3).

21 *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd* [2014] NZSC 38 at [77].

22 RMA, s 75(4).

2.13 Finally, under section 75(1), district plan policies *must* implement objectives while any rules *must* implement the policies. Section 76(1) requires rules to achieve the objectives and policies of the plan. In making a rule, Council *must have regard to* the actual or potential effect on the environment of activities, including any adverse effect.²³

Section 32 Evaluation

2.14 PPC83 was lodged with a section 32 assessment prepared by consultants on behalf of the applicant.²⁴

2.15 Under section 32(1), an evaluation must:

- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
- (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by:
 - (i) identifying other reasonably practicable options for achieving the objectives; and
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - (iii) summarising the reasons for deciding on the provisions; and
- (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and

23 Section 76(3) RMA.
24 The Private Plan Change Request, pages 50-56.

cultural effects that are anticipated from the implementation of the proposal.

2.16 Each objective must be examined during the evaluation, but it is not necessary that each objective individually be the most appropriate way of achieving the purpose of the Act. The High Court has held that it may be through their interrelationship and interaction that the purpose of the Act is able to be achieved.²⁵

2.17 Under Section 32(2) an assessment of the efficiency and effectiveness of the provisions (policies, rules or other methods) under subsection (1)(b)(ii) must:

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - (i) economic growth that are anticipated to be provided or reduced; and
 - (ii) employment that are anticipated to be provided or reduced; and
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

25 *Rational Transport Society Inc v New Zealand Transport Agency* [2012] NZRMA 298 HC at [46].

Section 32AA further evaluation

2.18 Under section 32AA, a further evaluation is required only for changes made after the evaluation report was completed at notification. A further evaluation must be undertaken in accordance with section 32(1) to (4) and must be undertaken at a level of detail that corresponds to the scale and significance of the changes.

Part 2

2.19 The role Part 2 plays in decision-making processes for plan changes was refined by the Supreme Court in *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited*²⁶ (“*King Salmon*”).

2.20 The Supreme Court held that in the absence of invalidity, incomplete coverage or uncertainty of meaning in the relevant higher order statutory planning documents, there is no need to refer back to Part 2 of the RMA when determining a plan change.²⁷ This is because the higher order planning document is assumed to already give effect to Part 2. However, if one or more of these three caveats apply, reference to Part 2 may be justified and it may be appropriate to apply the overall balancing exercise.²⁸

2.21 Simply because a higher order planning instrument is operative does not remove the possibility of any of the three caveats applying.

The Council's Decision

2.22 The Council is required under clause 10 of Schedule 1 to give a decision on PPC83 and submissions, including reasons for its decisions.

26 King Salmon, above note 9.

27 At [85] and [88].

28 At [88].

2.23 When giving reasons, the Council may address submissions by grouping them according to the provisions or subject matter.²⁹ The Council is not required to address each individual submission.³⁰

3. THE APPLICABILITY OF THE NPS-UD TO MANGAWHAI AND PPC83

3.1 The Hearing Panel, in its recommendation, needs to make a finding whether Mangawhai comes within the definition of “urban environment” under the NPS-UD, and accordingly the NPS-UD applies to PPC83.

3.2 The NPS-UD came into force on 20 August 2020, and was amended in May 2022 (in response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021).

3.3 It applies to:

- (a) all local authorities that have all or part of an “urban environment” within their district or region; and
- (b) “planning decisions” (including, as here, decisions on a plan change to an operative plan) by any local authority that affect an urban environment.³¹

3.4 Certain areas of New Zealand are urban environments under the NPS-UD by virtue of being identified as tier 1 or tier 2 urban environments in the NPS-UD.³² Mangawhai is not identified in the NPS-UD as a tier 1 or tier 2 urban environment. However, Mangawhai would be a tier 3 urban environment if it comes within the definition of “urban environment” under the NPS-UD.

3.5 If the Hearing Panel finds that Mangawhai is a tier 3 urban environment, then the consequence of this is that:

29 Schedule 1, CI 10(2).

30 Schedule 1, CI 10(3).

31 NPS-UD, clause 1.3.

32 As listed in Appendix: Tier 1 and tier 2 urban environments and local authorities.

- (a) PPC83 must give effect to objectives and policies in the NPS-UD that apply to tier 3 urban environments; and
- (b) The Kaipara District would be required to comply with obligations in the NPDS-UD on tier 3 local authorities.³³

3.6 “Urban environment” is defined under the NPS-UD as:

“Urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- a) Is intended to be, predominantly urban in character; and
- b) Is, or is intended to be part of a housing and labour market of at least 10,000 people.”

3.7 In relation to the NPS-UD, Mr Cleese is of the opinion that:

- (a) The NPS-UD does not apply to PPC83 because Mangawhai does not come within the definition of “urban environment”. In particular, in his view, Mangawhai township is clearly urban in character. However, he notes that Mangawhai is well short of having a population of over 10,000 people, with this population not being reached even with the development of Mangawhai Central or other currently urban zoned areas. Mr Cleese further considers that Mangawhai is also sufficiently separated from other townships that it does not form part of a combined housing and labour market of more than 10,000 people; and
- (b) While the NPS-UD does not apply to PPC83, Mr Cleese notes that he nonetheless considers the direction set out in the NPS-

33 These include: meeting obligations on Tier 3 local authorities to provide sufficient development capacity (Part 3, Subpart 1); undertaking specified monitoring of land supply etc (Part 3, Subpart 3); specify “development outcomes” for zones in “urban environments” (Part 3, Subpart 7) and remove rules specifying minimum parking requirements from the District Plan (Part 3, Subpart 8).

UD to be “helpful”, and has been “mindful” of it in preparing his assessment.³⁴

3.8 Mr Clease’s opinion that Mangawhai does not come within the definition of “urban environment” in the NPS-UD is consistent with the findings of an assessment undertaken for the Council by Formative that concluded the NPS-UD does not apply to the Kaipara District on the basis that nowhere in the District reaches the threshold for being an urban environment. The assessment by Formative was adopted by the Council in a resolution passed on 29 March 2023.³⁵

3.9 Ms McGrath and Ms Neal for the applicant appear not to express a view, one way or the other, on whether Mangawhai comes within the definition of “urban environment” under the NPS-UD. However, similar to Mr Clease, they state that they have taken the NPS-UD into account as part of their assessment.³⁶

3.10 Overall, the only evidence before the Hearing Panel on whether Mangawhai is an “urban environment” is from Mr Clease. Mr Clease’s opinion is that Mangawhai does not come within the definition of urban environment under the NPS-UD. Accordingly, in my respectful submission, although the planners have been mindful of the NPS-UD in preparing their evidence, the NPS-UD does not apply to PPC83, and PPC83 is not required to give effect to the objectives and policies in the NPS-UD relating to Tier 3 urban environments.

4. THE APPLICABILITY OF THE NPS-HPL TO PPC83

4.1 PPC83 was lodged with the Council on 18 November 2022, approximately one month after the NPS-HPL came into force on 17 October 2022³⁷ with

34 Section 42A Report, paragraph 129-33.
35 Council Minutes of 29 March 2023, agenda item 5.7.
36 Evidence of Ms McGrath and Ms Neal, paragraph 7.6.
37 NPSHPL, clause 1.2.

the aim of ensuring “highly productive land” is protected for use in land-based primary production, both now and for future generations.³⁸

4.2 Under the NPS-HPL “highly productive land” is defined as:

...land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore cases to be highly productive land)

4.3 As at the time of this hearing, the Northland Regional Council has not yet notified changes to its Regional Policy Statement to give effect to the NPS-HPL. This means that the “transitional” definition of highly productive land in clause 3.5(7) applies. This provides as follows:

Until a regional policy statement containing maps of highly productive land in the region is operative, each relevant territorial authority and consent authority must apply this National Policy Statement as if references to highly productive land were references to land that, at the commencement date:

- (a) is
 - (i) zoned general rural or rural production; and
 - (ii) LUC 1, 2 or 3 land; but
- (b) 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.

4.4 In relation to the applicability of the NPS-HPL to PPC83, the plan change area was zoned rural at the commencement date of the NPS-HPL on 17 October 2022. However, as outlined in the section 42A Report, the plan change area does not contain any LUC 1, 2 or 3 land.³⁹

4.5 Accordingly, in my respectful submission, there is no highly productive land, (as defined under the NPS-HPL) present on the Site, and the NPS-HPL does not apply to PPC83.

5. THE WEIGHT THE HEARING PANEL SHOULD PLACE ON THE CHAPTER 3A MANGAWHAI STRUCTURE PLAN PROVISIONS IN THE OPERATIVE DISTRICT PLAN COMPARED TO THE MANGAHAWHAI SPATIAL PLAN

5.1 Mr Clease has asked that I address in legal submissions the weight the Hearing Panel should place on the Chapter 3A Mangawhai Structure Plan provisions included in the Operative District Plan, compared to the weight it should place on the Mangawhai Spatial Plan 2020.

5.2 As outlined by Mr Clease in his section 42A Report:

- (a) Chapter 3A of the Operative District Plan includes, as part of the District Plan, “Mangawhai Structure Plan – Policy Areas” based on a structure planning exercise undertaken in 2005. The Mangawhai Structure Plan – Policy Areas (now nearly 20 years old) identify the Plan Change Area for “rural residential development.” In addition, Appendix A in the Operative District Plan provisions includes “growth areas”. Appendix A shows approximately two thirds of the site as being an anticipated

39 Section 42A Report, paragraph 222 and Figure 13.

growth area for residential (rather than rural residential) development; whereas

- (b) The Mangawhai Spatial Plan was adopted by the Council in 2020. It identifies the plan change area as being one of only two “priority growth areas” for urban density residential development in Mangawhai.⁴⁰

5.3 In terms of the relevance of the plan change area being located within the Mangawhai Structure Plan Policy Area contained in Chapter 3A of the Operative District Plan, I note that the underlying zoning is still rural. However, the Hearing Panel is required to assess PPC83 against the outcomes of the Mangawhai Structure Plan, the Mangawhai Design Guidelines, and against the additional objectives and policies contained in Chapter 3 of the Operative District Plan.⁴¹ Accordingly, the relevance of the site being located within the Mangawhai Structure Plan Policy Area is that the plan change application must be assessed against the settled objectives and policies contained in Chapters 3 and 3A of the Operative District Plan.

5.4 In terms of the Mangawhai Spatial Plan 2020, in my submission, the Hearing Panel is required to “have regard” to the Spatial Plan under section 74(2)(b)(i) of the RMA as a document prepared under another Act. In this case, the Spatial Plan meets these requirements as it has been the subject of consultation and adopted by the Council under the Local Government Act 2002. See for example *Middle Hill Ltd v Auckland Council* [2022] NZEnvC 162 and *Kiwi Property Holdings Ltd v Christchurch CC* [2012] NZEnvC 92.⁴²

5.5 In terms of the requirement on the Hearing Panel to “have regard” to the Spatial Plan, the High Court in *Unison Networks v Hastings DC* held in

⁴⁰ Section 42A Report, paragraphs 138-146.

⁴¹ See 3A2: How to use this Chapter of the District Plan.

⁴² In *Middle Hill Ltd* the Court found it was required to have regard to a Spatial Plan. In *Kiwi Property Holdings Limited* the Court had regard to a wide range of other plans and documents including area plans and urban development strategies prepared under the LGA02.

relation to the requirement under the RMA to “have regard” to a particular matter that:

“The phrase is not synonymous with “shall take into account”; all of any of the appropriate matters may be rejected or given such weight as the case suggests is suitable: R v CD [1976] 1 NZLR 436 (SC). Nor is the phrase synonymous with “give effect to”, so that such matters for consideration may be rejected or accepted only in part, provided they are not rebuffed at outset by a closed mind so as to make the statutory process some idle exercise: New Zealand Fishing Industry Association Inc v Minister of Agriculture and Fisheries [1988] 1 NZLR 544(CA). The matters must be given genuine attention and thought, and such weight as it considered to be appropriate, but the decision maker is entitled to conclude the matter is not of sufficient significance either alone or together with other matters to outweigh other contrary considerations which it must take into account in accordance with its statutory function.”

5.6 Accordingly, the requirement on the Hearing Panel to “have regard to” the Spatial Plan means the Spatial Plan must be given consideration, but does not necessarily need to be followed.

5.7 In my respectful submission, in terms of the relevance and weight that should be placed on the Mangawhai Spatial Plan in the Hearing Panel’s recommendation:

(a) The Spatial Plan is relevant to the Hearing Panel’s assessment of PPC83. It has had the benefit of public consultation and community engagement and at the current time, sets the Council’s high level vision for future growth and development in Mangawhai: see for example *Middle Hill Ltd v Auckland Council* [2022] NZEnvC 162

(b) However, the weight that the Hearing Panel should give to the Spatial Plan is, in my submission, relatively limited. The Hearing Panel’s primary focus in its assessment of PPC83 must be on the RMA statutory planning documents. While the Spatial Plan

signals an expectation that this site will be re-zoned “residential” this is not “set in stone”. It is open to the Hearing Panel to find that another zoning is “more appropriate” in section 32 terms.

5.8 In light of the above, although the Mangawhai Spatial Plan 2020 sets out a more up-to-date vision for urban development in Mangawhai, in my respectful submission the Mangawhai Structure Plan provisions contained in Chapter 3 and 3A form part of the settled objectives and policies of the Operative District Plan, and must be accorded greater weight by the Hearing Panel.

5.9 In terms of the Chapter 3 and 3A provision of the Operative District Plan, while zoned rural, the plan change area is identified for Rural-Residential growth and development in the Mangawhai Structure Plan – Policy Areas Map. Notwithstanding this, approximately two thirds of the site is also identified in the Appendix A growth area maps as a “growth area” for residential (rather than rural residential) development. Accordingly, as explained by Mr Cleese in the section 42A Report, there is an “element of tension” between these mapped outcomes. However, while the plan change area may be mapped in this way, what is ultimately required is for the plan change application to be assessed against the objectives and policies in Chapter 3 and 3A of the Operative District Plan. Mr Cleese considers that, overall, PPC83 is consistent with these objectives and policies.⁴³ While carrying less weight, the fact that the Mangawhai Spatial Plan identifies the plan change area as a “priority growth area” for urban density residential development is also a consideration.⁴⁴ Mr Cleese will be available at the Hearing to answer any questions that the Hearing Panel has in relation to these matters.

6. THE RELEVANT LEGAL REQUIREMENTS THAT MUST BE MET IN RELATION TO THE PROVISION OF RETICULATED WASTEWATER AND POTABLE WATER SUPPLY TO PPC83

⁴³ Section 42A Report, paragraphs 138-142.

⁴⁴ Section 42A Report, paragraphs 143-147.

6.1 With respect to the wastewater and water supply infrastructure required to service the plan change area, the applicant has proposed that:

- (a) All wastewater from the site will be treated at the MCWWS; and
- (b) Potable water, including for any multi-unit development would be provided by rainwater tanks.

6.2 In my submission, it is important to acknowledge that this hearing is a hearing for the proposed re-zoning of land, in response to a private plan change request, not a resource consent application. With plan changes, and in particular (as here) a private plan change request, it is very often the case that the infrastructure necessary to service development has not been built yet. However, it does not need to be. As the Environment Court held in *Foreworld Developments Limited v Napier City Council*⁴⁵, the Environment Court stated that (my emphasis):

[15] It is bad resource management practice and contrary to the purpose of the Resource Management Act - to promote the sustainable management of natural and physical resources; to zone land for an activity when the infrastructure necessary to allow that activity to occur without adverse effects on the environment does not exist, and there is no commitment to provide it. In McIntyre v Tasman District Council (W 83/94) the Court said:

We agree with Mr Robinson that in this case the extension of services such as the sewage system and roading should be carried out in a coordinated progression. We hold that if developments proceed on an ad hoc basis they cannot be sustainably managed by the Council- an aspect which is not commensurate with section 5 of the Act.

There are similar comments in decisions such as Prospectus Nominees v Queenstown-Lakes District Council (C 74/97), Bell v Central Otago District Council (C 4/97) and confirmation that the approach is correct

in the High Court decision of Coleman v Tasman District Council [1999] NZRMA 39.

6.3 In light of the above, in my respectful submission:

- (a) There is no requirement for the Hearing Panel to be satisfied that all of the wastewater infrastructure necessary to service PPC83 and other “live zoned” residential land in Mangawhai exists at present; however
- (b) The Hearing Panel needs to be satisfied that where the infrastructure does not already exist, providing it is feasible and that there is a commitment to providing it.

6.4 Given this is a plan change, if it were to be approved, it is also important that the plan provisions provide the Council with appropriate matters of discretion and assessment criteria to allow the Council to assess, at the resource consent stage, whether adequate wastewater supply can be provided for a particular proposal at the time that land comes to be developed.

Wastewater Servicing

6.5 The current capacity of the MCWWS and increases in capacity due to planned future upgrades of the MCWWS is comprehensively addressed by Mr Cantrell.⁴⁶ As Mr Cantrell explains:

46 See Mr Cantrell’s Memorandum dated 26 January 2024, Attachment 4 to the section 42A Report.

- (a) The Council requires all new development in urban Mangawhai to connect to the MCWWS and encourages existing development to connect, due to improved environmental outcomes and because this will result in lower average costs.
- (b) There are currently 2,764 connections to the MCWWS, with capacity for this to increase by a further 236 to a total of 3000 connections. The capacity of the MCWWS will increase to 3,550 connections as a result of the installation of an inDENSE system that has been purchased by the Council and will be commissioned by June this year.
- (c) The capacity of the MCWWS is planned to be further increased to provide capacity for a total of around 5,470 connections by 2026/2027 through the discharge of treated wastewater to the Mangawhai Golf course. This has been assessed as technically feasible. It is acknowledged that this will require a resource consent, and agreement from the Golf Club.
- (d) Overall, Mr Cantrell considers that will be sufficient capacity in the MCWWS to service PPC83 (380 connections) following the installation of the inDENSE system that will increase the capacity of the MCWWS to 3,550 connections. The discharge of treated wastewater to the Mangawhai Golf Club will provide capacity for a further 2,700 connections in Mangawhai. This will provide significant further capacity for growth from PPC83 (380 connections), development at Mangawhai Central (estimated at 1,000 connections) as well as from other future plan changes.⁴⁷

6.6 In terms of the funding of these upgrades, the Council has approved funding for Stages 1 and 2 of proposed upgrades to the MCWWS (which

⁴⁷ Memorandum from Clinton Cantrell dated 26 January 2024, paragraphs 2.1-2.4.

includes the inDENSE system referred to by Mr Cantrell).⁴⁸ Funding for the works required to enable the discharge of treated wastewater to the Mangawhai Golf course will be confirmed through the Council's 2024-2027 Long Term Plan, with consultation on this scheduled to commence next month.

6.7 In light of the above, the evidence before the Hearing Panel establishes that it is feasible to upgrade the MCWWS to service PPC83, and that the Council is committed to doing this. Furthermore, in the event that PPC83 is confirmed and at the particular time an application for subdivision or land use consent is made there is not sufficient capacity in the MCWWS, the provisions in the Operative District Plan allow this to be addressed. For example, through declining the application for consent. Or in the alternative, granting an application for subdivision consent subject to conditions requiring consent notices to be registered on the records of title, requiring the Council to confirm there is sufficient capacity available in the MCWWS before lots can be developed.

6.8 Overall, in my respectful submission, there is no wastewater related reason to decline PPC83.

Potable water supply

6.9 With respect to potable water supply, the applicant has proposed that that all potable water for PPC83 be provided by rainwater tanks. To ensure that an adequate supply of potable water is provided the applicant has proposed, as part of the PPC83 provisions, a table of minimum rain water tank sizes based on roof size and likely demand (based on number of bedrooms).⁴⁹

6.10 Ms Parlane for the Council accepts the adequacy of this for conventional one unit per lot development. However, she has concerns that it is not

⁴⁸ See the Minutes of the Council Meeting held in October 2023, attached to Mr Cantrell's Memorandum as Attachment C.

⁴⁹ See the evidence of Mr Rankin, paragraphs 5.3(a) to (g).

feasible from a technical perspective to service multi-unit development with water from rain water tanks for the reasons outlined in her rebuttal evidence. By way of summary, these include:

- (a) Multi-unit development will necessarily involve smaller roof sizes than conventional one storey development. For example, a 2 bedroom town house might have a roof area of only 50m². Ms Parlane considers this is insufficient to harvest enough rainwater, irrespective of the rainwater tank size; and
- (b) In addition, where multi-units have a combined roof catchment, shared tank storage may be required. Water usage varies per unit. Ms Parlane considers this has the potential to create conflict between neighbours if top-ups are required from water carriers.⁵⁰

6.11 Mr Clease is not aware of any other District Plans that provide a restricted discretionary activity consenting pathway for multi-unit typologies in locations in other parts of the country, reliant on rainwater supply.⁵¹

6.12 In light of the above, in my respectful submission, the evidence before the Hearing Panel establishes that there is no potable water related reason to decline PPC83 (noting that most of Mangawhai and much of Northland is serviced by rainwater tanks). However, servicing multi-unit development from rainwater tanks is not considered feasible. Accordingly, the rule providing for multi-unit development as part of PPC83 (as a restricted discretionary activity) should be deleted, as proposed by Mr Clease.⁵²

7. WHETHER THERE IS SCOPE TO GRANT THE RELIEF SOUGHT IN SUBMISSION NO. 56 BY R&R DAVIES

7.1 Submission No. 56 by R&R Davies seeks that four titles located in the southeastern corner of the plan change area containing existing

50 Rebuttal evidence of Ms Parlane, paragraph 4.2.

51 Rebuttal evidence of Mr Clease, paragraph 4.25.

52 Rebuttal evidence of Mr Clease 4.26.

businesses (Orang-otang Tree Trimmers, Te Whatu Ora Health NZ – Te Tai Tokerau and food trucks) be:

- (a) Re-zoned to either a commercial or industrial zoning, (rather than residential zoning as proposed by PPC83); or
- (b) If the land is re-zoned residential, it be subject to a sub-precinct providing for permitted activity earthwork limits, traffic movements and signage limits aligned with the permitted activity standards for these activities in the rural zone, an increased permitted activity height for fences, and changes to permitted activity rules for stormwater.

7.2 The evidence of Mr Keogh clarifies that:

- (a) The relief in relation to stormwater is no longer being pursued.⁵³
- (b) In terms of zoning, the Davies seek that their land be re-zoned Business Commercial zone on the basis that he considers this to be the most appropriate zoning for the land. Or in the alternative the land be zoned residential subject to a sub-precinct;⁵⁴and
- (c) Commercial activities are currently being undertaken on two of the four sites owned by the Davies, and subject to the submission. Mr Keogh considers the existing activities, although on rural zoned land, have existing use rights. However, the Davies wish to establish commercial activities on the other two vacant tiles where there are currently no activities. In relation to this, he is currently preparing an

⁵³ On the basis their concerns have been addressed through the additional information provided. Evidence of Mr Keogh, paragraph 5.2.

⁵⁴ Evidence of Mr Keogh, paragraph 6.4.

application for resource consent for commercial activities on RT 911116.⁵⁵

7.3 In addition, Mr Keogh attaches to his evidence a section 32AA assessment of the proposed changes.⁵⁶

7.4 As outlined in the section 42A Report, the relief sought by R&R Davies gives rise to an issue of whether the relief sought in the submission is within scope, and can be granted by the Hearing Panel.

7.5 In my respectful submission, for the reasons that follow:

(a) Re-zoning the land business commercial is not within scope; however;

(b) Re-zoning the land residential (as per PPC83) and providing for a relatively limited sub-precinct with more enabling rules in some respects is, on balance, within scope. If the Hearing Panel agrees, it will then need to proceed to an assessment of the merits of doing this from a planning perspective.

Case law on scope

7.6 Case law provides that for the Hearings Panel to have jurisdiction to make changes to PC83 in response to submissions:

(a) The changes must be within the scope of a submission; and

(b) The submission must be “on” PP83.

7.7 With respect to whether proposed changes are within the scope of a submission, the test is whether the proposed changes were “reasonably and fairly raised” in a submission on the plan change: *Countdown*

⁵⁵ Evidence of Mr Keogh, paragraph 4.4.

⁵⁶ Evidence of Mr Keogh, Attachment 1.

*Properties (Northlands) Limited v Dunedin City Council*⁵⁷. Case law sets out a number of key principles in relation to this:

- (a) This will usually be a question of degree to be judged by the terms of the plan change and the content of the submissions;⁵⁸
- (b) The question of scope should be approached in a realistic workable fashion rather than from the perspective of legal niceties;⁵⁹
- (c) Another way of considering the issue is whether the amendment can be said to be a "foreseeable consequence" of the relief sought;⁶⁰
- (d) To take a legalistic view and hold that a decision-maker could only accept or reject the relief sought in any given submission would be unreal;⁶¹ and
- (e) The whole relief package detailed in submissions should be considered when determining scope.⁶²

7.8 The leading authority⁶³ on whether a submission is "on" a plan change is the High Court decision in *Clearwater Resort Ltd v Christchurch City Council*,⁶⁴ which sets out a two limb test:

- (a) First, whether the submission addresses the changes to the pre-existing status quo advanced by the plan change; and

57 [1994] NZRMA 145 at 166.

58 At 166.

59 *Royal Forest and Bird Protection Society Inc v Northland District Council* [1997] NZRMA 408 (HC) at 413.

60 *Westfield (NZ) Ltd v Hamilton CC* [2004] 10 ELRNZ (HC) 254 at [73]. This decision related to whether an appeal provided scope for the changes made by the Environment Court.

61 *General Distributors v Waipa District Council* (2008) 15 ELRNZ 59 (HC) at 72.

62 *Shaw v Selwyn District Council* [2001] 2 NZLR 277 (HC).

63 As confirmed by the High Court in *Turners & Growers Ltd v Far North District Council* [2017] NZHC 764.

64 *Clearwater Resort Ltd v Christchurch City Council* AP 34/02, 14 March 2013, Young J.

- (b) Second, whether there is a real risk that people affected by the plan change (if modified in response to the submission), would be denied an effective opportunity to participate in the plan change process.

7.9 A submission can only fairly be "on" a proposed plan if it meets both these limbs. The *Clearwater* test has been adopted in a number of High Court decisions. In *Option 5 Inc v Marlborough District Council*⁶⁵ the High Court stated that the first limb may not be of particular assistance in many cases, but the second limb of the test will be of vital importance in many cases and may be the determining factor in some cases.⁶⁶

7.10 The *Clearwater* test was applied by Kos J in *Palmerston North City Council v Motor Machinists*.⁶⁷

7.11 In relation to the first limb of the *Clearwater* test Kos J:

- (a) Described the first limb in the *Clearwater* test as the dominant consideration, namely whether the submission addresses the proposed plan change itself. This was said to involve two aspects: the degree of alteration to the status quo proposed by the notified plan change; and whether the submission addressed that alteration. Or, as Kos J said, to put it another way, whether the submission reasonably falls within the ambit of the plan change.⁶⁸

- (b) In relation to the first limb (whether the submission addresses the plan change) Kos J also observed that the section 32 evaluation report in support of a plan change involves a comparative evaluation of the efficiency, effectiveness and appropriateness of options. Accordingly, for variations advanced in submission to be "on" the plan change, they should

65 *Option 5 Inc v Marlborough District Council* CIV 2009-406-144 28 September 2009, HC Blenheim.

66 At [29].

67 *Palmerston North City Council v Motor Machinists* [2013] NZHC 1290.

68 At [80] to [81].

be assessed in the section 32 assessment. If a change advanced in a submission is not a matter that was addressed, or should have been addressed, in the section 32 evaluation, then in his Honour's view, the change is unlikely to meet the first limb of the test in *Clearwater*.⁶⁹

7.12 In relation to the second limb of the *Clearwater* test Kos J in *Motor Machinists* stated:

(a) The second limb in *Clearwater* concerns procedural fairness. It is whether there is a real risk that persons directly or potentially affected by the additional changes proposed in the submission (so called "submissional side-winds") have been denied an opportunity to respond to those proposed changes.⁷⁰

(b) In particular, the specific concern is whether the amendment to the plan change sought in a submission, if confirmed, would change who the Council considers to be likely to be directly affected by the proposed plan, noting that directly affected persons are required to be served with notice of the plan change under clause 5(1A)(a) of the RMA. In relation to this his Honour stated:

"A core purpose of the statutory plan change process is to ensure that persons potentially affected, and in particular those "directly affected", by the proposed plan change are adequately informed of what is proposed. And that they may then elect to make a submission, under clauses 6 and 8, thereby enabling them to participate in the hearing process. It would be a remarkable proposition that a plan change might so morph that a person not directly affected at one stage (so as to have received notification initially under clause 5(1A)) might then find themselves directly affected but speechless at a later stage by

69 At [76].
70 At [83].

dint of a third party submission not directly notified as it would have been had it been included in the original instrument. It is that unfairness that militates the second limb of the Clearwater test.”⁷¹ (my emphasis)

Whether the relief sought by R&R Davies is within scope

7.13 In my submission, for the reasons that follow, re-zoning the land business commercial is not within scope. However, re-zoning the land residential (as per PPC83) and providing for a relatively limited sub-precinct with more enabling rules in some respects is, on balance, within scope.

Whether the relief sought is “reasonably and fairly raised” in submissions

7.14 Submission No 56 by R&R Davies seeks in clear and unambiguous terms that either the four titles owned by R&R Davies be re-zoned Business: Industrial or Commercial; or if the land is re-zoned residential that it be amended to include permitted activity standards for earthworks, fence height, traffic movements and signage as per the rural zone.⁷²

7.15 Accordingly, the relief sought is fairly and reasonably raised in the submission.

Whether the relief sought is in a submission “on” the Plan Change

7.16 Given this, the issue then becomes whether the relief sought is “on” PPC83 in terms of the two limb test set out in *Clearwater*, and confirmed in *Motor Machinists*.

The first limb of the Test in Clearwater

7.17 As set out above, the first limb of this test is whether the submission addresses the changes to the pre-existing status quo advanced by PPC83.

⁷¹ Paragraph [77].

⁷² See paragraphs 5.1-5.3 of the submission.

7.18 In my submission, applying this to the relief sought in the Davies' submission:

- (a) In relation to the part of the submission seeking that the four titles be re-zoned business commercial, on balance, it is difficult to see this relief as relating to the change to the pre-existing status quo advanced by the plan change. Fundamentally, PPC83 is a plan change that seeks to re-zone land for residential purposes. Unlike some other plan changes, there is no inclusion of a commercial or industrial component. Consideration of commercial or industrial zoning is not a matter covered in the section 32 assessment. An alternative view would be to categorise the change to the pre-existing status-quo more broadly, and say that PPC83 is a plan change that seeks to re-zone the plan change area from rural to an "urban zoning". Viewed in that way, the Davies' submission, and any submission seeking an alternative urban zoning, would relate to the change to the pre-existing status quo advanced by the plan change. However, in my view, it is problematic to take such a broad approach. The more correct analysis is that PPC83 is a plan change seeking residential zoning only.
- (b) The alternative relief sought by the Davies is that their four titles be re-zoned residential (as sought under PPC83) but contain more enabling rules in some respects, included in a sub-precinct. In my view, where land is being re-zoned, it must be open to submitters to seek changes to the rule framework that applies to that re-zoned land. The changes being sought here are relatively modest.
- (c) Accordingly, in my submission, while re-zoning the land business commercial does not relate to the pre-existing change to the status quo advanced by the plan change, re-zoning the

land residential with some changes to the rules through a sub-precinct does.

The Second Limb of the Test in Clearwater

7.19 Then there is the second limb of the test in *Clearwater* that must be met and involves questions of procedural fairness. In particular, in my submission this involves consider of whether there are parties who the Council considered directly affected by the plan change and were served with notice of the plan change under clause 5(1A) of Schedule 1 of the RMA but decided not to submit, who might have changed their minds if they had known that (in this case) the Davies' properties would be re-zoned business commercial, rather than residential, or alternatively subject to a sub-precinct in response to the Davies' submission.

7.20 **Attached** to these legal submissions as **Attachment A** is a map provided by Mr Waanders at the Council showing all of the properties who were served notice under clause 5(1A) of Schedule 1 of the RMA.

7.21 **Attached** to these legal submissions as **Attachment B** is a map and table showing the names and addresses of parties who have, and have not, submitted on PPC83. In relation to this:

- (a) Properties near the four titles that the subject of the Davies' submission that have submitted are shown on the map at Attachment B in green. Properties where the owners or occupiers have not made a submission are shown in red.
- (b) As can be seen from the map and table at **Attachment B** there are three properties adjoining the Davies' land (numbered 1,2 and 5 on the map) who were served with notice under clause 5(1A) but chose not to submit; and
- (c) Four properties on the other side of Mangawhai Heads Road numbered 6, 9, 14 and 16) that were served with notice under clause 5(1A) but chose not to submit.

7.22 As outlined above, in my submission, the part of the Davies' submission seeking their land be re-zoned business commercial does, on balance, not relate to the change to the pre-existing status quo advanced by PPC83 which is fundamentally a plan change seeking to re-zone land for residential purposes. Accordingly, the first limb of the test in *Clearwater* is not met. However, in case the Hearing Panel disagrees with that assessment, I consider the second limb of the test in *Clearwater* in relation to this relief. In relation to this, I note that re-zoning the land business commercial rather than residential is likely to result in a more intensive level of adverse effects. A commercial zoning will typically involve more people coming onto a site, greater vehicle movements and noise, and overall, a higher intensity of activity than a residential zoning - the later typically being regarded as relatively benign. Accordingly, in my submission it is possible that the relief sought by the Davies i.e. re-zoning the land business commercial could have changed the position of at least some of the 7 parties (identified in paragraphs 7.21 above) who were served notice but did not submit, as the plan change was seeking to re-zone land residential.

7.23 In relation to the part of the Davies' submission seeking the four titles be re-zoned residential but subject to rules that are slightly more enabling in some respects contained in a sub-precinct, the effects of this relief are, I understand, less significant than if the land was re-zoned business-commercial. In my submission, on balance, it seems unlikely that the parties who chose not to submit on the plan change would have decided to do so had they known of this relief. Nor does the relief sought (arguably) change the nature of the plan change in a fundamental way. Albeit if the Hearing Panel wished to take a conservative approach on this issue, I accept it might reach a different view.

7.24 For the reasons set out above, in my respectful submission:

- (a) Re-zoning the land business commercial is not within scope;
however;

- (b) Re-zoning the land residential (as per PPC83) and providing for a relatively limited sub-precinct with more enabling rules is, on balance, within scope.

7.25 If the Hearing Panel agrees with these submissions on scope that is, of course, not the end of the matter. The Hearing Panel will need to undertake an assessment of the merits of re-zoning the Davies' land residential and including a sub-precinct. In relation to this, I note that Mr Clease does not support this from a merits perspective. In summary, he considers that:

“Whilst Mr Keogh’s alternative relief has some attraction as a ‘compromise submission’, ultimately I consider that it would be inappropriate for a residentially zoned site, surrounded by other residentially zoned properties to be subject to rules designed to deliver rural context outcomes.”⁷³

8. CONCLUSION

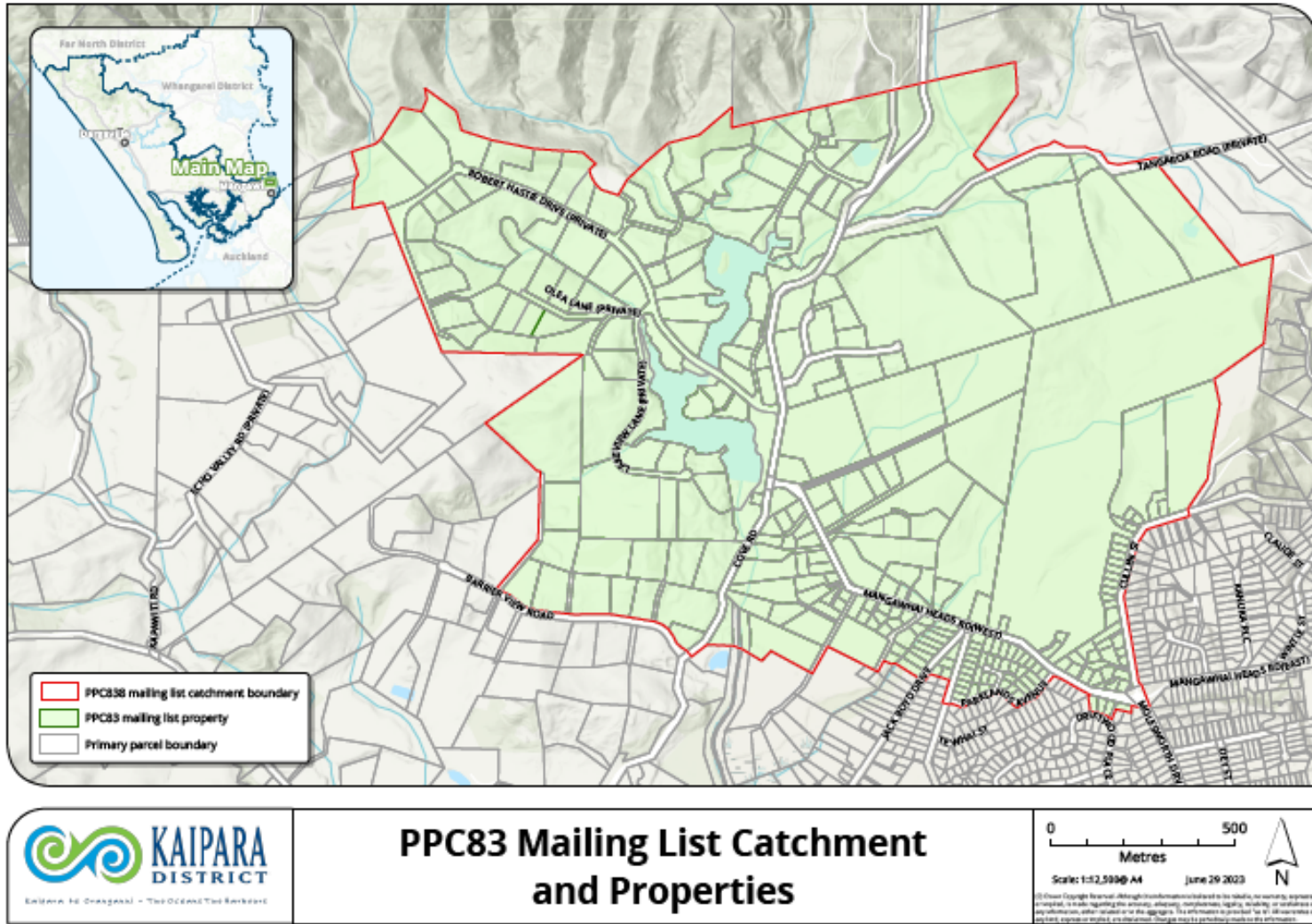
8.1 The section 42A team recommend that PPC83 be confirmed, subject to the amendments contained in **Attachment 1** to Mr Clease’s rebuttal evidence, for the reasons set out in the section 42A report, rebuttal evidence and these submissions.



⁷³ Rebuttal evidence of Mr Clease, paragraph 4.42.

Warren Bangma
Counsel for the Kaipara District Council
22 March 2024

Attachment A – Map showing properties served with notice of PPC83 under clause 5(1A) of Schedule 1 of the RMA



Attachment B – Map and table showing parties who have and have not submitted on PPC83



PPC83: Properties affected by R&R Davies re-zoning submission

Map Key	Registered Owner	Address	Record of Title	Submitter
1	Tineka Aimee Bright	126 Mangawhai Heads Road	837714	No
2	Stephen Brian Lay	90 – 126 Mangawhai Heads Road	874576	No
3	Martin James Davies, Denise Robyn Davies	126 Mangawhai Heads Road	874575	Yes (N. 43, M Davies)
4	Betty Patricia Gardner	76 Mangawhai Heads Road	694006	Yes (N. 67 T Gardner)
5	Zhi Ling Zeng	88 Mangawhai Heads Road	694005	No
6	Thomas Hohepa Tawhai, Cherry Dale Tawhai	115 Mangawhai Heads Road	NA82B/627	No
7	Christine Joy Blanchfield, Gary James Cameron Duff	113 Mangawhai Heads Road	763722	Yes (N. 26 G Duff).
8	Kevin Stephen, Lorraine Clare Stephen	111 Mangawhai Heads Road	763726	No
9	Doreen Ann Stedman	105 Mangawhai Heads Road	763723	No
10	Harrington Turnbull, Susan Meryl Turnbull, Ann Robyn Turnbull, Christopher Adam Turnbull	107 Mangawhai Heads Road	763728	No
11	Peter Rogers, Barbara Ramsey-Turner	103 Mangawhai Heads Road	763724	Yes (N. 5, B Ramsey Turner and P Rogers)
12	Tanya Michelle Yandall and Bradley Erin Hargreaves	93 Mangawhai Heads Road	763730	No
13	James Reed Harrison, Kasia Harrison	101 Mangawhai Heads Road	763725	Y (N. 69 by Forgesson)
14	Christina Leigh Stroud	97 Mangawhai Heads Road	772675	No
15	Paul James Hobson, Justine Leonie Hobson	95B Mangawhai Heads Road	772676	No
16	Thomas Matthew Fraser, Ekaterina Andreevna Fraser	2 Jack Boyd Drive	772677	No
17	Michael Alwyn Gillam, Naomi Hana Gillam and John Alwyn Gillam	4 Jack Boyd Drive	772678	No

