



# Private Plan Change Request

Rezone The Rise/Cove Road Residential Zone and  
Precinct.

The Rise/Cove Road Mangawhai

Assessment of Effects and Section 32 Evaluation Report

18 November 2022

**B&A**

Urban & Environmental

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The Rise Limited

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## Abbreviations

List of Abbreviations used in this Report	
Integrated Transport Assessment	ITA
Iwi and Hapū Environmental Management Plans	IMP / HEMP
The Rise Limited	TRL
National Environmental Standards	NES
National Planning Standards	NP Standards
National Policy Statement on Urban Development	NPS-UD
Northland Regional Policy Statement	RPS
Northland Regional Plan (Appeals Version)	PRP
Operative Kaipara District Plan	ODP
Resource Management Act 1991	RMA
Section 32 of the RMA	S32
Kaipara District Council	KDC

## The Applicant and Property Details

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<b>To</b>	Kaipara District Council
<b>Attention</b>	Michael Day
<b>Applicant's Name</b>	The Rise Limited
<b>Address for Service</b>	Barker & Associates Ltd PO Box 37 Whangarei 0140 Attention: Melissa McGrath Email: <a href="mailto:melissam@barker.co.nz">melissam@barker.co.nz</a>
<b>Legal Description</b>	Various - Refer to Records of Title list as Appendix 1
<b>Plan Change Area</b>	56.9 hectares
<b>District Plan Zoning</b>	Residential Zone Harbour Overlay Indicative Growth Area – Mangawhai Structure Plan Policy Area – Rural Residential Indicative Area – Greater Growth Area Catchment
<b>Brief Description of Proposal</b>	Private Plan Change request to rezone 56.9 hectares of land at Cove Road, Mangawhai to Residential Zone with a precinct to protect ecological features, promote high quality urban design, ensure a safe transport network and enhance landscape and amenity.

## 1.0 Executive Summary

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The Rise Limited (**TRL**) are applying for a Private Plan Change (**the plan change**) to the Kaipara District Plan (**ODP**) to rezone and modify planning provisions on 56.9 hectares of land at The Rise/Cove Road, Mangawhai. The purpose of the plan change is to rezone the location to a Residential Zone. The key features of the plan change are:

- Rezone 56.9ha of land at Cove Road, Mangawhai from Rural Zone with Harbour Overlay to Residential Zone, including consequential amendments to the ODP Maps;
- The creation of a precinct (Cove Road North Precinct) over top of the Residentially Zoned land with core provisions that to protect ecological features, promote high quality urban design, ensure a safe transport network and enhance landscape and amenity; and
- Any necessary consequential amendments to the ODP provisions.

Pre application meetings have been held with Council staff prior to the lodgement of the plan change. Consultation is also being undertaken with a number of stakeholders including mana whenua and other landowners within area on an ongoing basis. Feedback from Council and stakeholders have informed the development of the approach and provisions of the plan change.

This report details the comprehensive evaluation in accordance with section 32 of the Resource Management Act 1991 (**RMA**) that has been undertaken to confirm the appropriateness of the plan change. The proposed provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of section 32.

Overall, it is considered that the proposed provisions represent the most efficient and effective means of achieving the sustainable management purpose of the RMA, objectives of other higher order planning documents and the relevant objectives of the ODP.



## 2.0 Introduction

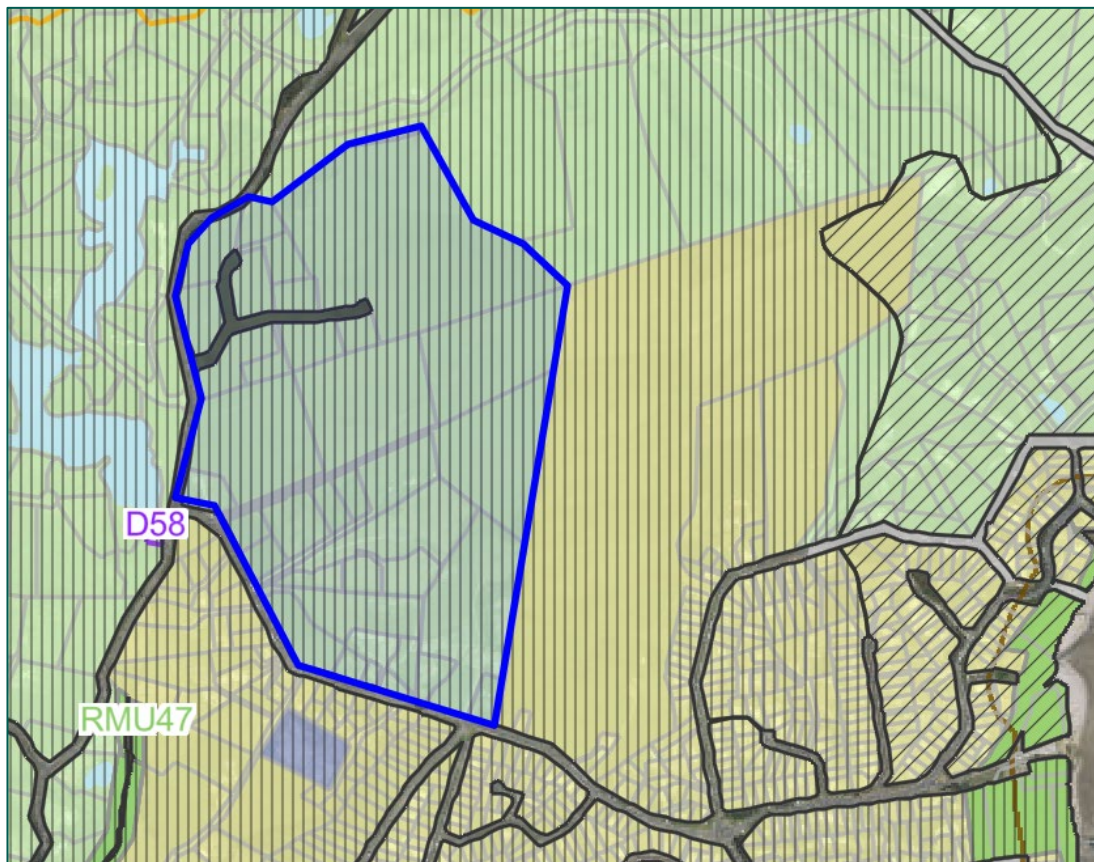
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### 2.1 Background

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The Rise Limited (TRL) is a major landowner of land currently zoned as Rural Zone within the operative Kaipara District Plan (ODP). TRL envisages that the proposed plan change will provide viable and sustainable residential development which integrates with surrounding residential uses and provides residential capacity and growth opportunities within Mangawhai.

The land subject to this application is defined on the zoning plan provided in support of the Plan Change (**Appendix 2**). **Figure 1** below illustrates the ODP zoning and identified plan change area:



**Figure 1: Zoning plan.**

### 2.2 Pre-application meetings

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Two pre-application meetings were held with KDC staff. At the first pre-application meeting on 25 November 2021, the concept of the plan change was generally discussed with Council Policy Staff. This included a discussion regarding the status quo of the ODP and the potential zoning under the impending draft District Plan.

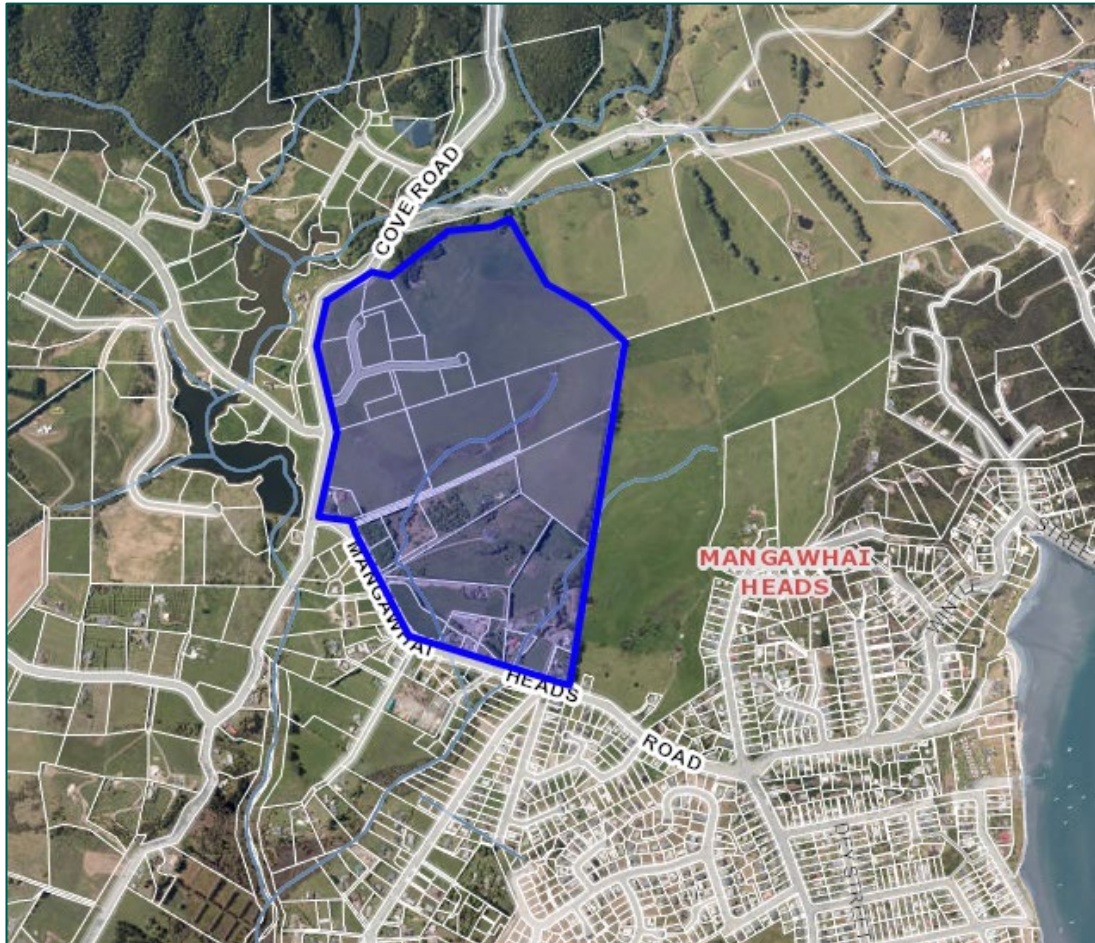
A second pre-application meeting was held on 11 April 2022 with Council Infrastructure Staff, where the capacity of Council reticulated services was discussed.

These discussions have informed the final provisions and details of the private plan change application as lodged.

## 3.0 Plan Change Location and Description

### 3.1 Site Description

The area for the plan change comprises 56.9 hectares of land located at Cove Road, Mangawhai approximately 1.8km north east of the commercial area of Mangawhai heads. See **Figure 2** below.



**Figure 2: Aerial photograph of the plan change area (Source: Emaps).**

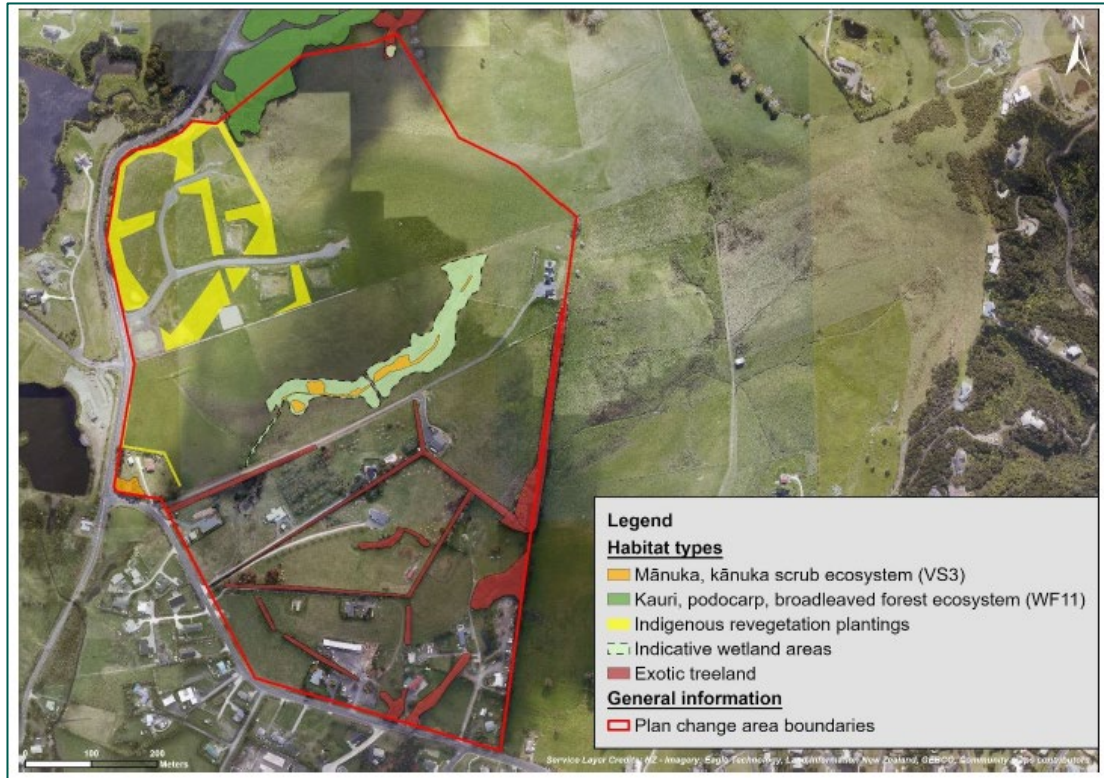
The plan change area is located towards the northern end of the existing residential zoning north of Mangawhai Heads Road, and follows the existing residential development along the eastern edge of Cove Road. The area is undulating, comprised of a range of valleys extending to flatter topography adjacent to Mangawhai Heads Road. The plan change area is bounded by Mangawhai Heads Road forming the southern boundary and Cove Road forming the western boundary; the existing Residential Zone boundary forms the eastern boundary, being the cadastral boundary of existing allotments, which gain access from Pigeonwood Place form the northern boundary.

Numerous smaller allotments have been included in the plan change area, which have existing vehicle crossings onto both Cove Road and Mangawhai Heads Road. Access to the larger vacant portions of the plan change area is obtained via Pigeonwood Rise. Residential dwellings and accessory buildings are located within the smaller allotments to be rezoned.

The plan change area is primarily dominated by exotic pasture, the exception is an area of regenerating bush extending along the site's northern boundary (subject to an existing

conservation covenant), and some small, scattered areas of indigenous vegetation extending primarily along the central aspect of the site.

Isolated areas identified as ‘indicative wetland areas’, are also located within the central part of the site. These are of moderate ecological value in the context of the site location on the residential fringes of Mangawhai. Aquatic habitats within the PPC area boundaries generally drain through exotic pasture within the northern and central aspects of the site and through built-up residential areas along the southern aspect. The terrestrial and aquatic habitats within the site are detailed in Figure 3 below.



**Figure 3: Terrestrial and aquatic habitats within the proposed Cove Road North Precinct (Source: Wild Ecology, Ecological Assessment).**

### 3.2 Surrounding Locality

Mangawhai Heads commercial area is located approximately 1.8km south east of the plan change area, providing convenience-based retail services. Including a supermarket, medical centre and pharmacy, as well as financial, real estate and food and beverage services. Immediately to the south of the area is predominantly residential in nature being dominated by residential dwellings, and larger residential lifestyle development which extends to the west of the plan change area. The surrounds immediately to the north predominantly rural lifestyle in nature dominated by large rural holdings.

The Mangawhai Activity Zone public recreation area is located approximately 2.8km south of the plan change area. Mangawhai Beach Primary school is located approximately 6km south of the Site, within the Mangawhai Residential zone, while secondary education includes Rodney College, approximately 36km to the south.

With regards to the surrounding roading network, Cove Road provides a north south link to Mangawhai from state highway 1, intersecting at Waipu in the north and Kaiwaka or Wellsford in the south.

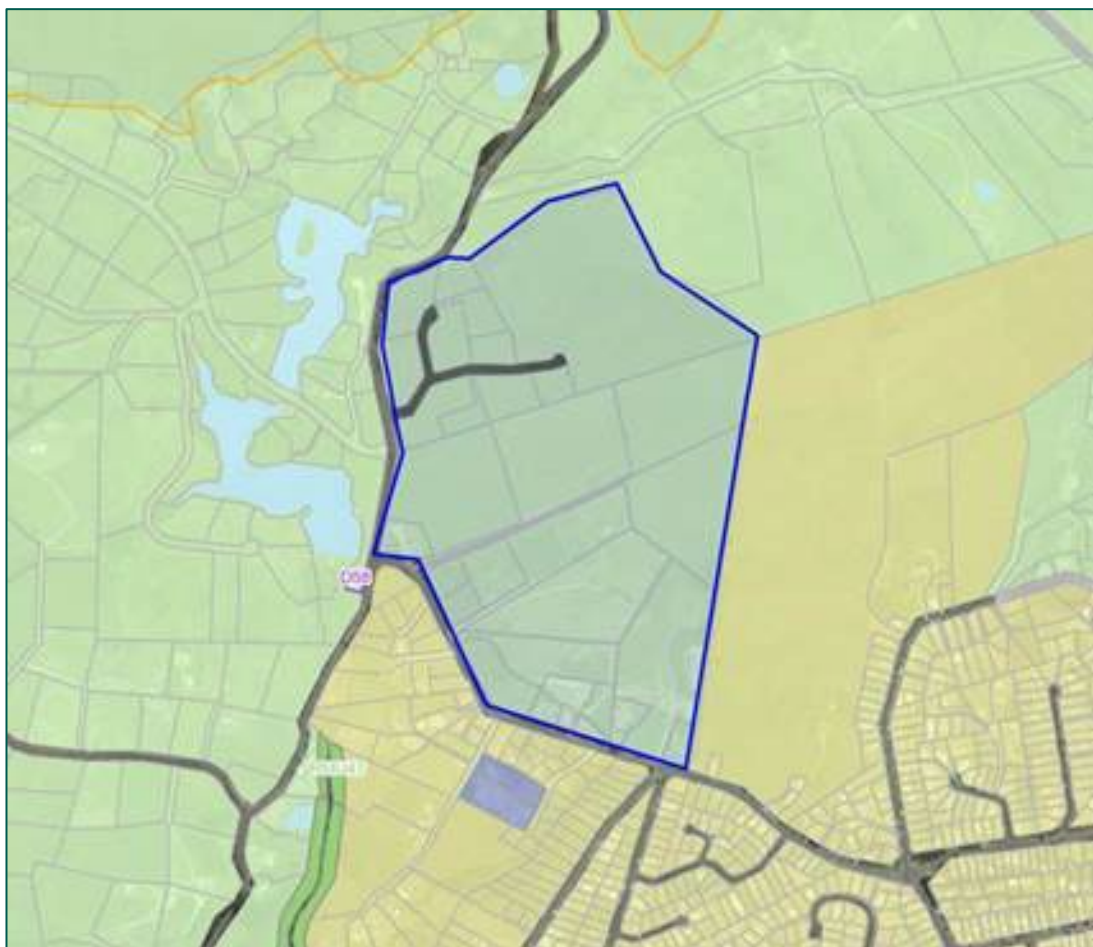
## 4.0 Planning Context

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### 4.1 Operative Kaipara District Plan

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The plan change area is zoned Rural Zone in the ODP and is subject to the Mangawhai Harbour and the Indicative Growth Area - Greater Growth Area Catchment Overlay see **Figure 4** below. Land to the east and south are zoned Residential Zone, and land to the west and north is situated within the Rural Zone.



**Figure 4: ODP Zone Map (Source: KDC Website – ODP Eplan).**

### 4.2 Regional Policy Statement and Proposed Regional Plan

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The plan change area does not contain any Outstanding Natural Landscapes or Features, or areas of High or Outstanding Natural Character, however, the Outstanding Natural Landscapes named *Sentinel Rock Coast (ID: ONL 19)*, *Bream Tail Coast (ID: ONL 18)* and *Bream Tail – Brynderwyn Ranges (ID: ONL 14)* are located in close proximity to the north and east of the site.

The plan change area is not located within the Coastal Environment as identified within the Regional Policy Statement for Northland (RPS). Further, the site does not contain any Heritage Features, known Sites of Cultural Significance to Māori and is not located within any Statutory Acknowledgement areas.

The plan change area is classified as class 4s4 and 4e5 Land Use Classification (LUC) and is not classed as highly productive land. Figure 5 below includes a map showing the Land Use Capacity.

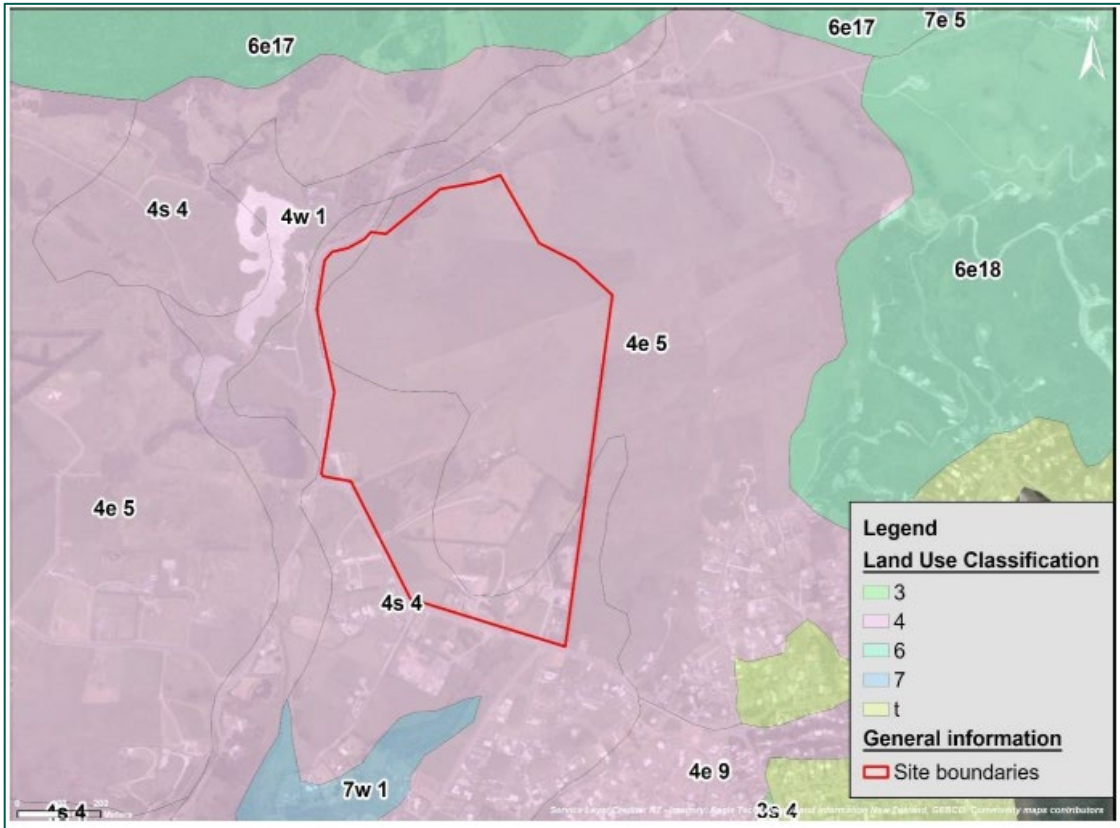


Figure 5: Map showing land use capability (Source: NZLRI).

With regards to the Proposed Regional Plan (PRP), the site is subject to a number of resource overlays, including:

- Groundwater Management Unit: Coastal Aquifer;
- River Water Quantity Management Units: Coastal river; and
- Lowland Country area.

An assessment of these resource features with regards to the plan change is provided within section 7 of this report below.

## 5.0 Description of the Plan Change Request

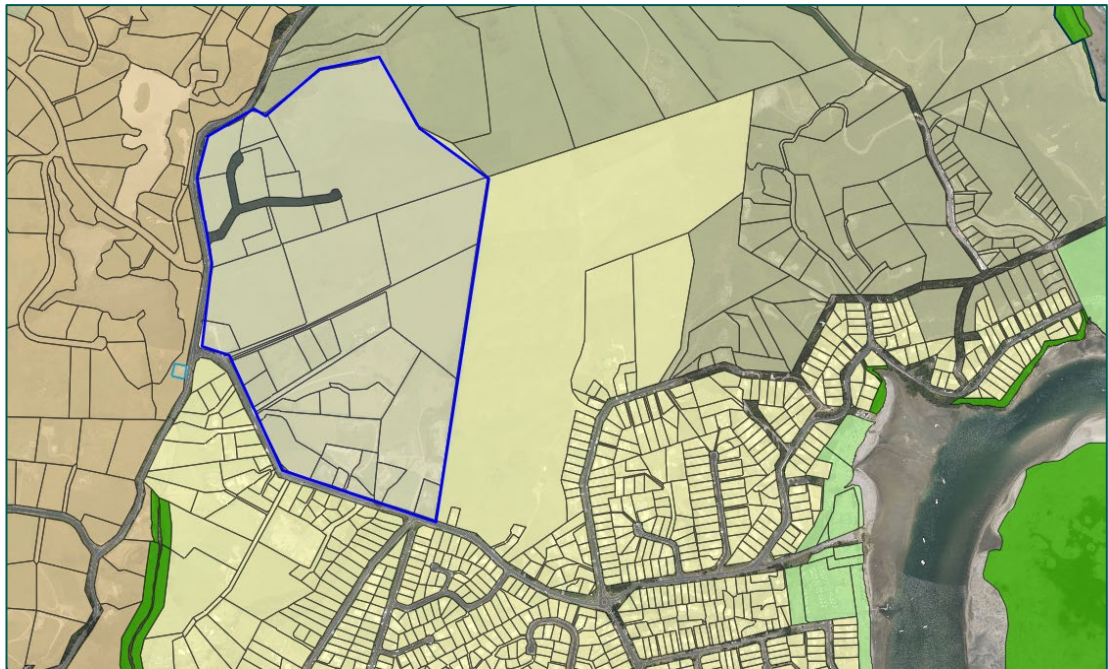
### 5.1 Description of the Proposal

The plan change seeks to rezone the plan change area to the Residential Zone and introduce a precinct (Cove Road North Precinct) that will apply across the plan change area.

It is proposed to apply the Cove Road North Precinct to the plan change area with a suite of objectives, policies, and rules that will guide development, provisions are detailed in **Appendix 9**.

### 5.1.1 Relationship with KDC Draft Plan

Council has released its Draft District Plan for feedback. The Draft District Plan, zoned the northern portion of Mangawahi Low Density Residential Zone (**LRZ**), with no overlays. This is detailed in Figure 6 below. The draft LRZ promotes a residential rezoning of the proposed plan change area, with a minimum density and lot size of 750m<sup>2</sup> of net site area.



**Figure 6: Extract from Draft Kaipara District Plan (Source Kaipara District Council).**

The Draft District Plan has no legal weight, and while it is recognised that Council is planning to progress to a Proposed District Plan, there is no guarantee of this being adopted for formal notification.

The plan change has been proposed to blend into the ODP, recognising that the precinct will be accommodated into any future Proposed District Plan.

## 5.2 Purpose and Reasons for the Plan Change

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Clause 22(1) of the RMA requires that a plan change request explains the purpose of, and reasons for the proposed plan change.

The purpose of the plan change is to deliver viable and sustainable residential zoning. The plan change also seeks to apply a precinct to the plan change area to provide for future residential development.

The reason for this plan change is that the Applicant, who is a major landowner of the plan change area, intends to develop the site in a manner consistent with the proposed land use pattern. Technical assessments have demonstrated that the current rural zoning is not the most appropriate zoning of the site.

This report provides an assessment of effects of the plan change and an evaluation of the plan change prepared in accordance with Section 32 (S32) of the RMA. Supporting expert assessment reports are appended to the report. The evaluation of plan change concludes that these amendments are the most appropriate way to achieve the purpose of the RMA.

Wherever possible, consistency with the structure of the ODP under the National Planning Standards (NP Standards).

### 5.3 Accepting the Plan Change Request (Clause 25)

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The Council has discretion to accept or reject a plan change request in accordance with Clause 25 of Schedule 1 of the RMA, subject to the matters set out in Clause 25(4)(a)-(e). Given that the ODP has now been operative for more than two years, the Council is able to reject the plan change request only on the following grounds:

- The plan change request is frivolous or vexatious (clause 25(4)(a));
- The plan change request is not in accordance with sound resource management practice (clause 25(4)(c));
- The plan change request would make the plan inconsistent with Part 5 - Standards, Policy Statements and Plans (clause 25(4)(d)).

In relation to (a), considerable technical analysis has been undertaken to inform the plan change, which is detailed in the report below. For this reason, the proposal cannot be described as frivolous or vexatious.

‘Sound resource management practice’ is not a defined term under the RMA, however, previous case law suggests that the timing and substance of the plan change are relevant considerations. This requires detailed and nuanced analysis of the proposal that recognises the context of the plan change area and its specific planning issues.

In this context, the plan change is considered to be in accordance with sound resource management practice as it is generally in accordance with the Mangawhai Structure Plan and is consistent with the more recent Mangawahi Spatial Plan. It is also consistent with the higher order policy framework of the ODP.

The proposed zoning and precinct provisions seek to enable residential development whilst protecting ecological features, enhancing residential amenity and character, ensuring a safe transport network and maintaining landscape values. Furthermore, all necessary statutory requirements have been met, including an evaluation in accordance with S32 of the RMA with supporting evidence.

In relation to (c), the plan change is considered to be consistent with the sustainable management purpose of the RMA as detailed throughout this report.

On this basis, the merits of the proposal should be allowed to be considered through the standard Schedule 1 process.

## 6.0 Policy Framework

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### 6.1 National policy documents

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The following national policy documents prepared under the RMA are considered relevant to this application:

- National Policy Statement on Urban Development;
- National Policy Statement for Freshwater Management; and
- National Policy Statement for Highly Productive Land.

#### 6.1.1 Proposed National Policy Statement on Urban Development

The National Policy Statement on Urban Development 2020 (**NPS-UD**) recognises the national significance of:

- Having **well-functioning urban environments** that enable all **people and communities** to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; and
- Providing sufficient development capacity to meet the **different needs of people and communities**.

This is about ensuring New Zealand’s towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. It removes overly restrictive barriers to development to allow growth ‘up’ and ‘out’ in locations that have good access to existing services, public transport networks and infrastructure.

The NPS-UD is specifically designed to improve the responsiveness and competitiveness of land and development markets. In particular, it requires local authorities to open up more development capacity, so more homes can be built in response to demand. The NPS-UD provides direction to make sure capacity is provided in accessible places, helping New Zealanders build homes in the places they want – close to jobs, community services, public transport, and other amenities our communities enjoy.

The NPS-UD applies to all local authorities that have all or part of an “urban environment” within their district and applies to planning decisions by any local authority that affect an “urban environment.” The NPS-UD does not specifically list Tier 3 local authorities, relying upon the definition of urban environment<sup>1</sup> to determine whether or not the NPS-UD applies. Applying a conservative approach, Mangawhai could be considered to fall within the definition of urban environment<sup>2</sup>.

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<sup>1</sup> Urban environment - means any area of land (regardless of size, and irrespective of local authority 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.

<sup>2</sup> See Paragraph 57 of the Commissioners Recommendation Report, dated 12 March 2021.

<https://pub-kaipara.escribemeetings.com/filestream.ashx?DocumentId=3434>.



For completeness, the NPS-UD objectives, policies and outcomes relevant to Tier 3 local authority include:

- **Objective 1 and Policy 1** – New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. Planning decisions need to directly contribute to delivering this concept of well-functioning urban environments, which at a minimum, have or enable a variety of homes that: (i) meet the needs, in terms of type, price, and location, of different households; (ii) have or enable a variety of sites that are suitable for different business sections; (iii) **have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.**
- **Objective 3 and Policy 5** – Regional policy statements and district plans apply to urban environments, heights and density of urban form **which is commensurate to the level of accessibility by existing or planned active or public transport to a range of commercial and community services, or relative demand for housing and business use in the location.**

**Table 1: NPS-UD Policy Assessment**

NPS-UD Policy	Comment
<p><i>Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: have or enable a variety of homes that: (i) meet the needs, in terms of type, price, and location, of different households; and (ii) enable Māori to express their cultural traditions and norms; and have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and support reductions in greenhouse gas emissions; and are resilient to the likely current and future effects of climate change.</i></p>	<p>The plan change provides for a variety of residential densities, located in proximity to existing community facilities and the central business area of Mangawhai. The plan change will enable the integration with the existing residential built environment to the south and future residential development to the east.</p> <p>The proposed precinct provisions will ensure protection of the ecological features within the plan change area and the plan change area is within walking distance of the Mangawhai surf club and Mangawhai heads beach.</p> <p>The proposal has been prepared giving careful consideration to climate change. The subject site is free of natural hazard risk being well setback from the coastal environment. Development will be required to comply with the Council Environmental Engineering Standards to ensure adequate management of stormwater.</p> <p>The plan change will enable the ability to establish a range of housing typologies with significant opportunities to incorporate</p>

	<p>sustainable design measures to support climate resilience. For example, water efficiency measures that promote water reuse and smart attenuation and energy efficiencies through positive solar access (via proposed layout of the residential component of the site).</p>
<p><i>Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.</i></p>	<p>The plan change will provide capacity for residential development, contributing to the capacity of Mangawhai to meet housing demand.</p>
<p><i>Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of: the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or relative demand for housing and business use in that location.</i></p>	<p>The plan change will enable heights and density of residential development appropriate to meet the demand for development within Mangawhai, recognising the limited public transport but close proximity to commercial activities and community services from the site.</p>
<p><i>Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters: (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement; (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes: (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and (ii) are not, of themselves, an adverse effect; (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1); (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or</i></p>	<p>It is considered that this plan change will be consistent with the planned urban built form anticipated for Mangawhai giving effect to the Mangawhai Spatial Plan and the Mangawhai Structure Plan.</p> <p>The plan change is supported by an Urban Design Assessment which has considered the suitability the area for residential zoning, and recommended particular outcomes to ensure a well-functioning urban environment is created.</p> <p>As detailed further in this assessment the plan change will enable the creation of a well-functioning urban environment.</p>

<p><i>realise development capacity; € the likely current and future effects of climate change.</i></p>	
<p><i>Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well functioning urban environments, even if the development capacity is: unanticipated by RMA planning documents; or out-of-sequence with planned land release.</i></p>	<p>It is acknowledged that this plan change application seeks to bring forward residential zoning ahead of Council’s Draft District Plan, however the residential zoning is anticipated in the Mangawhai Spatial Plan. It is considered that this plan change application will add significant residential development capacity to Mangawhai. As such, Council should be responsive.</p>
<p><i>Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must: involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and operate in a way that is consistent with iwi participation legislation.</i></p>	<p>The applicant is underway with preliminary consultation with hapū, and the assessment has considered all relevant hapū management plans, statutory acknowledgements within this assessment. It is considered that this plan change application has taken into account the principles of the Treaty of Waitangi.</p>

### 6.1.2 National Policy Statement for Freshwater Management

The fundamental concept of the National Policy Statement for Freshwater Management (NPS-FM) is “Te Mana o te Wai” the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community. The only objective of the NPS-FM is:

#### 2.1 Objective

(1) *The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*

(a) *first, the health and well-being of water bodies and freshwater ecosystems*

(b) *second, the health needs of people (such as drinking water)*

*(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

Policies of the NPS-FM focuses upon the management of freshwater in an integrated way to ensure that the health and well-being of water bodies and freshwater ecosystems is maintained and improved.

The plan change area contains a number of wetlands, intermittent and permanent streams located along the southern and eastern boundary of the proposed Residential Zone as confirmed by the Ecological Assessment prepared by Wild Ecology Limited (**Appendix 6**). Therefore, policies 3 and 6 are considered to be particularly relevant to the plan change.

To give effect to the NPS-FW, proposed objective 1, policy 4, and rule 13.13X “Cove Road North Precinct Subdivision”, have been included within the proposed Cove Road North Precinct to provide integrated management of future development within the proposed Residential Zone to ensure that the wetlands are protected and enhanced. Wild Ecology Limited have confirmed that the proposed precinct provisions are sufficient and appropriate to give effect to the NPS-FW.

For these reasons, it is considered that the plan change is consistent with the relevant NPS-FM policies and achieves objective 1.

### 6.1.3 National Policy Statement for Highly Productive Land

Purpose of the National Policy Statement for Highly Productive Land (**NPS-HPL**) is to protect highly productive land for the use in land-based primary production, both for now and for future generations. Part 3 of the NPS-HPL details the implementation, 3.4 requires regional council to map land as highly productive which is in a general rural zone or rural production zone and is predominantly LUC 1, 2 or 3 land, and forms a large and geographically cohesive area. Until such time as a RPS containing highly productive land maps is operative each territorial authority must apply the NPS-HPL as if references to highly productive land were references to land that:

- (a) *Is*
- (i) *Zoned general rural or rural production; and*
  - (ii) *LUC 1, 2 or 3 land; but*
- Is not:*
- (i) *Identified for future urban development; or*
  - (ii) *Subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.*

The plan change area is zoned rural zone in the ODP, but is not classed as LUC 1, 2 or 3 land. The site is identified in both the Mangawhai Structure Plan and Mangawhai Spatial Plan for future urban development. Therefore, it is considered that the plan change area is not highly productive land under the NPS-HPL.

## 6.2 National Planning Standards

The National Planning Standards (**NP Standards**) came into effect on 5 April 2019. These are established under s58B – J of the RMA. The purpose of the NP Standards is to improve consistency in plan and policy statement structure, format and content throughout the country. These codify

the structure, mapping, definitions and noise/vibration metrics of District, Regional and Unitary Plans.

The ODP was not prepared under the NP Standards; however, it is acknowledged that the Council has prepared a Draft District Plan seeking to implement the NP Standards.

Mandatory direction 12 of the NP Standards specify when a type of spatial layer should be utilised, options have been considered further in s32 evaluation refer to **Appendix 11**. It is considered that a precinct is the most appropriate spatial layer to utilise as it will apply additional place-based provisions which refine urban design, landscape features, protection of ecological features and open space within the plan change area.

In accordance with mandatory direction 8 of the NP Standards, it is considered that a Special Purpose Zone is not appropriate for this private plan change as the proposed land use activities and anticipated outcomes do not meet the specified criteria:

- *Mandatory direction 8.3a. Significant to the district, region or country:*

The proposed private plan change will provide additional residential capacity within Mangawhai, however, the rezoning is not considered to be of a scale that is significant to the district, region or country. The proposed Precinct introduces a level of urban design and connectivity, and protection of ecological features and maintenance of landscape values beyond that of the ODP Residential Zone however, these provisions are not considered to be significant to the district, region or country.

- *Mandatory direction 8.3b. are impractical to be managed through another zone:*

The proposed private plan change seeks to rezone the site for residential development whilst creating urban design, connectivity and protection of ecological features and open space. These outcomes go beyond that of the ODP Residential Zone, there is not an equivalent zone available within the ODP and is impractical to be achieved via another zone given signalled intention of Council in the Draft District Plan.

- *Mandatory direction 8.3c. are impractical to be managed through a combination of spatial layers:*

The proposed private plan change seeks to rezone the site for residential development whilst creating a high level of urban design, connectivity and protection of open space, it is practical to manage this via the ODP residential zone and proposed Precinct.

The plan change recommends consequential amendments to the provisions of the ODP to reflect an efficient and user-friendly set of provisions, and the insertion of a bespoke Cove Road North Precinct with provisions that are consistent with the ODP structure.

It is acknowledged that the NP standards require implementation of mandatory district plan structure and standard definitions, however, this plan change does not propose to implement NP standards definitions to ensure consistency with the ODP, avoiding complicated dual definitions applying to the proposed Precinct.

Overall, it is considered that the proposed private plan change provisions appropriately take into account and are consistent with the gazetted NP Standards.

## 6.3 National Environmental Standards

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National Environmental Standards (**NES**) are regulations issued under the RMA. They prescribe technical standards, methods and other requirements for environmental matters. Section 44A of the RMA requires local authorities to recognise NES and Section 44A requires local authorities give effect to the NES in their plans. There are currently nine National Environmental Standards:

- National Environmental Standards for Air Quality 2004;
- National Environmental Standards for Sources of Human Drinking Water 2007;
- National Environmental Standards for Telecommunication Facilities 2016;
- National Environmental Standards for Electricity Transmission Activities 2009;
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011;
- National Environmental Standards for Plantation Forestry 2017;
- National Environmental Standards for Fresh Water 2020;
- National Environmental Standards for Marine Aquaculture 2020; and
- National Environmental Standards for Storing Tyres Outdoors 2021.

In accordance with Section 74 of the RMA, the plan change has been prepared in accordance with the relevant national environmental standards and will not result in any conflict with the provisions of the standards.

## 7.0 Regional Policy Statement and Plans

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### 7.1 Northland Regional Policy Statement

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The Northland Regional Policy Statement (**RPS**) provides broad direction for managing Northland's natural and physical resources. The policies and methods contained in the RPS provide guidance for territorial authorities for plan making.

As stated within section 4 of this report, the site for the plan change is void of any landscape or coastal overlays and natural hazards under the RPS. In addition, the site is not located within any statutory acknowledgement areas. This aside, of particular relevance to the proposed plan change, are the provisions of the RPS pertaining to economic wellbeing, regional form, tangata whenua participation in resource management and water quality.<sup>3</sup>

#### **Economic Wellbeing**

The RPS seeks to sustainably manage Northland's natural and physical resources in a way that is attractive for businesses and investment that will improve the economic wellbeing of Northland

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<sup>3</sup> Objectives: 3.2 Region-wide water quality, 3.5 – Enabling economic wellbeing, 3.6 – Economic activities - reverse sensitivity and sterilization, 3.7 – Regionally significant infrastructure, 3.8 – Efficient and effective infrastructure, 3.11 – Regional form, and 3.12 – Tangata whenua role in decision-making.

Policies: 4.2.1 Improving overall water quality, 5.1.1 – Planned and coordinated development, 5.1.3 – Avoiding the adverse effects of new use(s) and development, 5.2.1 – Managing the use of resources, 5.2.2 – Future-proofing infrastructure, 6.1.1 – Regional and district plans, 8.1.1 – Tangata whenua participation 8.1.2 – The regional and district council statutory responsibilities.

and its communities. The plan change seeks to rezone the site from Rural to Residential Zone increasing the residential development opportunities within Mangawhai, which intern will enable population growth to improve the economic wellbeing of the Kaipara District, Northland and its communities.

### **Regional Form**

The RPS requires subdivision, use and development to be located, designed and built in a planned and coordinated manner, as well as being well-integrated with transport and three waters infrastructure. The plan change has been designed in accordance with these provisions as follows:

- The plan change has been designed in accordance with the Regional Urban Design Guidelines, particularly with regards to encouraging quality urban design within urban environments. The provisions of the plan change encourage future development to recognise and respond to the unique context and cultural identity of the locality, while offering a choice in urban lifestyle, and a range of housing options for residents;
- The plan change area is not located within high classed soils. As such, the plan change does not further materially reduce the potential for soil-based primary production on land containing highly versatile soils;
- The plan change area is bounded on two sides by residential zoning, and site topography accompanied with proposed setback provisions will ensure reverse sensitivity is appropriately managed on major transport corridors and adjoining land uses; and
- Changes in sense of place and character are consistent with the Mangawahi Spatial Plan and the Residential Zone of the ODP.

Overall, the proposal represents an efficient use of resources and will result in a consolidated, high-quality urban centre that is well serviced by existing infrastructure.

### **Tangata Whenua Participation**

TRL recognises the role of Te Uri o Hau as kaitiaki within the Mangawahi area and accordingly, is underway with pre-liminary consultation. It is noted that Te Uri o Hau will provide further inputs during the plan change process if deemed necessary.

### **Water Quality**

The RPS seeks to improve the overall quality of Northland's water resources by, establishing freshwater objectives, reducing loads of sediment, nutrients and faecal matter to water and promoting and supporting the active management, enhancement and creation of vegetated riparian margins and wetlands. The plan change area contains a number of wetlands, intermittent and permanent streams located along the southern and eastern boundary of the proposed Residential Zone as confirmed by the Ecological Assessment (**Appendix 6**).

The importance of these natural features has been recognised and the proposed Precinct includes objective 1, policy 4, and rules 13.13X Subdivision and 13.14.5(3) Stormwater which will ensure integrated management of future development within the proposed Residential Zone to ensure that the wetlands and streams are protected and enhanced as an integrated network.

### **RPS Summary**

Overall, the private plan change has been developed with a view of striking an appropriate balance between providing for the efficient residential development of Mangawhai, whilst ensuring that

adverse effects are managed to an acceptable level. The plan change is therefore considered to be consistent with the provisions of the RPS.

## 7.2 Regional Plans

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There are a number of operative Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan, Air Quality Plan and the Coastal Plan. The Proposed Northland Regional Plan (**PRP**) combines the operative Regional Plans applying to the coastal marine area, land and water and air, into one combined plan. It is considered that the proposed provisions of the private plan change are generally consistent with the PRP.

As stated within section 4.2 of this report, the plan change area is subject to a limited number of regional plan resource mapping overlays, of which largely relate to the impacts of land use activities on water and air quality (such as stock care, mass land disturbance, discharges etc.). Given the site is proposed to accommodate urban development, these overlays will have little to no impact on the plan change. The provisions of the PRP will be addressed at the time of development if and when required.

## 7.3 Kaipara District Plan (Operative 2013)

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The ODP has a number of policy chapters which detail the outcomes expected for the Kaipara District. Relevant objectives and policies are discussed below, noting that the proposed provisions have been considered in accordance with section 32, in section 9 of this report:

### 7.3.1 Chapter 2 District Wide Resource Management Issues

District wide resource management issues objectives and policies seek in summary to:

- (a) to maintain and enhance opportunities for sustainable resource use, to enable economic development and growth;
- (b) to recognise the importance of providing for the relationship of Māori, including their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga;
- (c) to recognise and enhance the amenity of character of the District;
- (d) to protect and enhance historic heritage, ecological and landscape values;
- (e) to provide guidance on areas for long term growth and land use change while recognising the limited resources of Council;
- (f) take a precautionary approach to natural hazards.

It is considered that the plan change will be consistent with these objectives and policies, seeking to provide for residential development within a location that is or is planned to be serviced by reticulated services, adjacent to existing Residential Zone of Mangawhai, without significant areas of historic heritage or landscape, free of natural hazards, and which appropriate protection of ecological natural features via proposed precinct provisions is achieved.

### 7.3.2 Chapter 3 Land Use and Development Strategy

Chapter 3 provides objectives and policies for Council to respond to growth and economic development opportunities. Chapter 3 specifically notes that Council will consider how a private plan change proposal contributes the objectives and policies of this Chapter including, where



relevant, the Structure Plan outcomes contained in Appendix 3.1 to Chapter 3. Chapter 3 links directly to chapter 3A the Mangawhai Structure Plan.

Each of the relevant objectives and policies are evaluated as follows:

**Table 2: ODP Chapter 3 Land Use and Development Strategy – Objectives Assessment**

ODP – Chapter 3 Objective	Comment
<p><i>3.4.1 To encourage and establish an effective and sustainable supply of residential and business land to meet the current and future demands of the Kaipara District and enable the community to provide for their social and economic well-being.</i></p>	<p>The plan change will provide capacity for residential development, contributing to the ability of Mangawhai to meet housing demand.</p> <p>The plan change provides for a variety of residential densities, located in proximity to existing community facilities and the commercial areas of Mangawhai. The proposed precinct provisions enable the integration with the existing residential built environment to the south and east, and will ensure future development is connected pedestrian and cycleway connections creating accessibility for residents.</p>
<p><i>3.4.2 To minimise the ad hoc expansion of residential and business activities in the rural heartland, where such activities have the potential to give rise to adverse environmental effects and issues of reverse sensitivity.</i></p>	<p>It is considered that the plan change will not result:</p> <ul style="list-style-type: none"> <li>a. in ad hoc expansion of residential activities in the rural heartland; and</li> <li>b. in adverse effects on sensitive receiving environments.</li> </ul>
<p><i>3.4.3 To restrict growth of residential and business activities in inappropriate locations where such activities have the potential to give rise to adverse effects on sensitive receiving environments.</i></p>	<p>The plan change seeks to rezone an area of rurally zoned land north-east of Mangawahi Heads Road, directly adjacent to existing residentially zoned land.</p> <p>The plan change will be consistent with the planned urban built form anticipated for Mangawhai giving effect to the Mangawhai Structure Plan and Mangawhai Spatial Plan.</p> <p>The topography of the plan change area combined with proposed precinct provisions (specifically Policy 1 and Rule 13.10.7) will ensure that future residential development will not result in reverse</p>

	sensitivity effects on the rural land to the east.
<i>3.4.4 To ensure emissions, discharges and effects of residential and business development are managed so that adverse effects on the surrounding environment, including existing settlement areas, are comprehensively addressed.</i>	The potential adverse effects of the proposed rezoning have been assessed within this report and supporting technical assessments. It is considered that this application and proposed precinct provisions have comprehensively addressed potential adverse effects.
<i>3.4.5 To provide appropriate infrastructure and servicing in advance of or alongside future residential and business development.</i>	The Land Development Report has assessed the potential infrastructure and servicing demand from the proposed residential zone and future development. This concludes that appropriate infrastructure can be provided at the time of development.
<i>3.4.6 To provide clear direction on the information, planning and management requirements considered to be required to enable future changes in land use within the identified development areas.</i>	It is considered that this application and proposed precinct provisions have comprehensively addressed plan change requirements.
<i>3.4.7 To minimise potential conflicts between natural and physical limitations, including hazards and future residential and business areas.</i>	The potential natural and physical limitations of the plan change area have been considered and addressed via proposed precinct provisions as necessary.

The following policies are considered to be relevant:

**Table 3: ODP Chapter 3 Land Use and Development Strategy – Policies Assessment**

ODP Chapter 3 Policy	Comment
<i>3.5.1 By providing for clear direction and certainty for a range of residential and business land use activities throughout the Kaipara District.</i>	<p>It is considered that the plan change is in accordance with both the Mangawhai Structure Plan and Mangawhai Spatial Plan direction for residential land use activities.</p> <p>The plan change will be consistent with the planned urban built form anticipated for Mangawhai giving effect to the Mangawhai Structure Plan.</p> <p>The proposed provisions are consistent with the ODP residential zone, seeking to implement area specific outcomes to ensure</p>

	connectivity, high level of urban design and protection of ecological features.
<i>3.5.2 By establishing standards for minimum site sizes, for each Zone in the District</i>	The plan change seeks to establish minimum allotment sizes that are considered to be appropriate to enable a range of residential activities. Appropriateness is evaluated further in section 9.
<i>3.5.3 By providing for a diverse range of residential and business opportunities in appropriate locations that enable their effects to be effectively managed.</i>	<p>The plan change provides for a variety of residential densities, located in proximity to existing community facilities and the central business area of Mangawhai.</p> <p>The plan change will be consistent with the planned urban built form anticipated for Mangawhai.</p> <p>The proposed provisions are consistent with the ODP Residential Zone, seeking to implement area specific outcomes to ensure connectivity, high level of urban design and protection of ecological features and manage effects of future residential development.</p>
<i>3.5.4 By establishing a Land Use and Development Strategy, including nominated future Growth Areas, which ensures protection of natural character and ecological, amenity and landscape values and enables adequate opportunity for residential and business land to meet future demand.</i>	<p>The plan change area is located on the edge of the future growth area of Mangawhai, with portions identified as future residential growth area and greater structure plan policy area.</p> <p>The characteristics and values of the plan change area have been identified and where appropriate protected via proposed precinct provisions.</p>
<i>3.5.5 By ensuring infrastructure and servicing (e.g. transport, stormwater and sewerage reticulation and treatment systems and networks) for new development areas are designed and provided for at the outset of development, so that any adverse effects on the environment or existing systems are adequately avoided, remedied or mitigated.</i>	The Land Development Report has assessed the potential infrastructure and servicing demand from the proposed residential zone and future development. This concludes that appropriate infrastructure can be provided at the time of development to avoid, remedy or mitigate potential adverse effects.
<i>3.5.6 By requiring new residential and business development to comprehensively</i>	As detailed in earlier sections of this report, it is considered that this application has

<p><i>consider (on a catchment wide basis) potential:</i></p> <p><i>a) Adverse effects on the natural character of the coastal environment, lakes, rivers, wetlands or their margins;</i></p> <p><i>b) Adverse effects on areas of significant indigenous vegetation or significant habitats of indigenous fauna;</i></p> <p><i>c) Adverse effects on outstanding natural features, landscapes and heritage resources;</i></p> <p><i>d) Adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;</i></p> <p><i>e) Conflicts with areas where natural hazards could adversely affect the physical resources of residential and business development or pose risks to people’s health and safety;</i></p> <p><i>f) Conflicts with finite resources which can reasonably be expected to be valuable for future generations (including highly productive and versatile soils and aggregate resources). (For example, where residential and business development could adversely affect the availability of finite resources); and</i></p> <p><i>g) to identify mechanisms to avoid, remedy or mitigate such impacts.</i></p>	<p>comprehensively considered and addressed all potential adverse effects.</p>
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Method 3.6.3 focuses on structure planning, stating that Council will prepare a structure plan for growth areas to direct land use change and future rezoning, stating that a private plan change in advance of a structure plan must be assessed against the outcomes of Appendix 3.1. The Mangawhai Structure Plan is identified as a ‘template’ for a structure plan, therefore it is considered that no assessment against Appendix 3.1 is required.

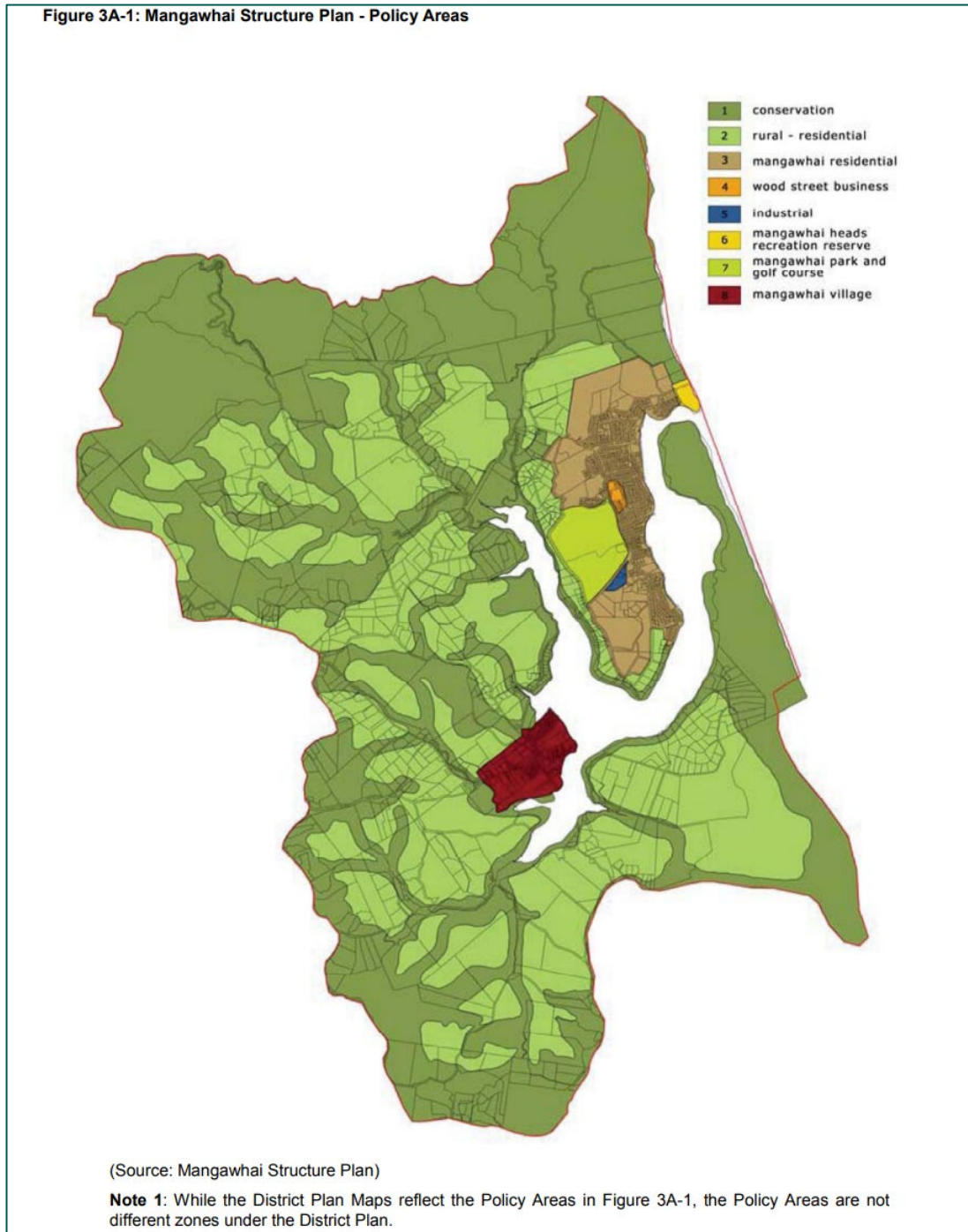
As illustrated in **figure 7** below, the plan change area is located within an area indicated for growth being future rural residential zone. It is noted that Council has more recently released a Spatial Plan for Mangawhai and this is addressed in further detail at Section 7.4.

For completeness the Mangawhai Structure Plan outcomes – Chapter 3A is evaluated below.

### 7.3.3 Chapter 3A Mangawhai Structure Plan

Chapter 3A, summarises the methods to implement the Mangawhai Structure Plan, which was adopted by Council in January 2005 and provides a strategic framework to help guide decisions on development, infrastructure management and environmental matters for Mangawhai. The

plan change area is largely located within the Rural Residential Policy Area, with a small portion in the Conservation Policy Area.



**Figure 7: Mangawhai Structure Plan - ODP (Source: KDC Website – ODP Eplan).**

The proposed plan change is evaluated against the objectives and policies of Chapter 3A as follows:

**Table 4: ODP Chapter 3A Mangawhai Structure Plan – Objective and Policy Assessment**

Objective/Policy	Comment
<i>3A.4.1 To encourage residential development that complements the traditional and valued</i>	The proposed plan change will rezone the plan change area Residential Zone with a Precinct,

<p><i>beach settlement character of Mangawhai and is consistent with the outcomes of the Mangawhai Structure Plan.</i></p>	<p>with provisions which will protect the natural and physical features within the plan change area. This is considered to complement the character of Mangawhai, giving effect to the outcomes of the Mangawhai Structure Plan.</p>
<p><i>3A.4.2 To ensure provision of efficient infrastructure and roading network systems to provide for properly serviced and orderly development within Mangawhai.</i></p>	<p>The Land Development Report confirms that development within the Plan Change Area can be efficiently serviced. The Traffic Report concludes that the rezoning will not result in adverse effects to the road network.</p> <p>The provisions ensure that future development will occur in an orderly fashion, with future connections for multi-modes of transport.</p>
<p><i>3A.4.4 To protect existing, and require new, public open space and reserve connections in conjunction with development in the Mangawhai Structure Plan Area.</i></p>	<p>The plan change area does not include any existing public open space which does not require protection. Provisions ensure that esplanade reserves are provided in accordance with the RMA. Provisions encourage the provision of public open space.</p>
<p><i>3A.4.6 To ensure development of the Mangawhai Structure Plan Area is managed appropriately so as to ensure the protection of landscape elements, areas of ecological value, waterways and the enhancement of degraded areas of land within the Mangawhai Structure Plan Area.</i></p>	<p>The proposed Precinct provisions seek to protect natural ecological features of the site as supported by the Landscape and Ecological Reports.</p>
<p><i>3A.5.1 By providing guidance on design and environmental standards to direct development consistent with the vision for the Mangawhai Area.</i></p>	<p>The plan change has been evaluated against the Mangawhai Structure Plan design guidelines and relevant provisions are proposed in <b>Appendix 9</b>.</p>
<p><i>3A.5.2 By providing guidance on infrastructure provision (in accordance with the rules and performance standards in the Part B Chapters or the Kaipara District Council Engineering Standards 2011) for the Mangawhai Structure Plan Area.</i></p>	<p>The Land Development Report has confirmed that the proposed plan change can be appropriately serviced.</p>
<p><i>3A.5.3 By the implementation of low impact urban design stormwater management</i></p>	

<p><i>principles in all infill and “greenfield” housing developments.</i></p>	
<p><i>3A.5.4 By requiring that all new wastewater disposal systems within Mangawhai provide for connection to Council’s public (EcoCare) system.</i></p>	
<p><i>3A.5.8 By providing for the efficient staging of development to ensure an overall integrated development is achieved through the subdivision process. This will include consideration of the timing for the provision of open space, the protection of natural or heritage features, including ecological corridors, and the provision of key infrastructure services.</i></p>	<p>The proposed Precinct provisions seek to protect natural ecological features of the site as supported by the Landscape and Ecological Reports.</p>

### 7.3.4 Chapter 4 Overlays

Chapter 4 Overlays, provides policy direction with respect to all overlays identified in the ODP. The plan change area is located within the Mangawhai Harbour Overlay.

**Table 5: ODP Chapter 4 Overlays – Objective and Policy Assessment**

Objective/Policy	Comment
<p><i>4.4.1 To promote the preservation, restoration, rehabilitation and enhancement of the natural character of the coastal environment.</i></p>	<p>The plan change area is located outside of the coastal environment as identified by the RPS.</p>
<p><i>4.4.2 To enable subdivision, land use and development in the Overlays, where it recognises and provides for: · The protection of natural character; and · Maintenance or enhancement of the water quality of receiving environments; and · Maintenance or enhancement of amenity values; and · Any other specific values identified in an Overlay.</i></p>	<p>The proposed Precinct provisions ensure the protection of natural character within the area, including existing indigenous vegetation, wetlands and streams.</p> <p>The proposed Precinct provisions ensure protection of wetlands and manage stormwater to enhance the water quality.</p> <p>Proposed Precinct provisions seek to maintain amenity values, via strong urban design and landscape requirements within the proposed residential zone.</p>

<p><i>4.4.3 To maintain and enhance public access to and along the Coastal Marine Area in the Overlays.</i></p>	<p>The proposed plan change area is not adjacent to the CAM.</p>
<p><i>4.4.4 To recognise the functional need for activities in the coastal environment and encourage greater integration of landward and maritime land use planning.</i></p>	<p>The proposed plan change area is not located within the coastal environment.</p>
<p><i>4.4.11 To recognise and provide for the protection of habitats and ecological values.</i></p>	<p>The proposed Precinct provisions ensure the protection of natural character within the area, including existing indigenous vegetation, wetlands and streams.</p>
<p><i>4.4.12 To recognise and where appropriate protect cultural, heritage and amenity values, including the special sense of place of land within the Mangawhai Harbour Overlay</i></p>	<p>The proposed Precinct provisions set out to protect cultural, heritage and amenity values through the management of lot sizes, locations, and associated built form and development.</p>
<p><i>4.4.13 To enable growth in the Mangawhai Harbour Overlay in a manner that protects and enhances the identified valued natural environments which includes: · Coastal dune systems and coastal edge; · Estuarine wetland and saltmarsh systems; · Terrestrial wetland systems and associated riparian corridors; · Significant areas of contiguous bush remnants and regenerating bush shrubland areas; · Visually prominent ridgelines; · Significant wildlife habitats and corridors; and · The Brynderwyn Range.</i></p>	<p>The proposed Precinct provisions ensure the protection of natural character within the area, including existing indigenous vegetation, wetlands and streams.</p> <p>The precinct includes a northern area which seeks to maintain larger lots, with building controls which respond to the sensitivity of the northern flanks of the northern ridge, given its relationship with the Brynderwyn Range.</p>
<p><i>4.5.1 By encouraging consolidation of coastal settlements where it contributes to the avoidance of sprawling or sporadic patterns of development in the coastal environment.</i></p>	<p>The plan change area is adjacent to residentially zoned land to the south and east, the proposed rezoning to residential will provide a continuation of urban form whilst providing a contained form of development avoiding sprawl.</p>
<p><i>4.5.2 By managing the location, scale and design of subdivision, use and development to minimise the potential adverse effects on the natural character of the coastal environment.</i></p>	<p>The plan change area is not located within the coastal area. As previously discussed, the proposed provisions will ensure subdivision and development protects the natural features such as indigenous</p>



	vegetation, wetlands and streams within the plan change area.
<i>4.5.16 By requiring careful management of subdivision, land use activities including their location, design and operational arrangements (including wastewater and stormwater systems) so as to avoid, remedy or mitigate adverse effects (including discharges) arising from these activities on sensitive receiving environments.</i>	The proposed Precinct provisions include development and subdivision rules which ensure location, design and layout of development manages the potential effect on the environment. Subdivision in particular is required to be designed protect natural features to avoid adverse effects.
<i>4.5.17 By managing the scale, location and design of activities in the Mangawahi Harbour Overlay.</i>	
<i>4.5.18 By identifying areas where public access to and along the Mangawahi Harbour needs to be improved, cognisant of the on-going development and population pressure in this area.</i>	The plan change area is not located adjacent to the Mangawahi Harbour.
<i>4.5.19 By requiring the identification and mapping of areas of valued natural environment at the time of subdivision and development.</i>	The plan change area is not located within the coastal area. As previously discussed, the proposed provisions will ensure subdivision and development protects the natural features such as indigenous vegetation, wetlands and streams within the plan change area.
<i>4.5.20 By protecting those areas identified as valued natural environments from inappropriate use and development, particularly by: · Locating those activities which have the potential to discharge contaminants and adversely impact on waterways and the sensitive receiving harbours out of these areas; · Carefully managing the scale, location, operation and design of activities, particularly in respect to built form and vegetation.</i>	

### 7.3.5 Conclusion

For the reasons detailed above, it is considered that the proposed plan change is consistent with and will implement the relevant higher order objectives and policies of the ODP.

### 7.4 Council Strategic Plans and Policies

KDC have a number of strategic plans and policies which are considered relevant to the plan change in accordance with Section 74 of the RMA. These are assessed as follows:

#### 7.4.1 Kaipara District Spatial Plan – Ngā Wawata 2050 – Our Aspirations

The Kaipara District Spatial Plan sets a spatial plan framework for growth of Kaipara, including project objectives, outcomes, background and history providing the overall context for how the spatial plan has reached the recommended direction and supporting key moves required to achieve the desired growth. The Spatial Plan identifies key urban areas, including Mangawhai. Mangawhai has a separate spatial plan adopted in December 2020.

The plan change seeks to implement Kaipara District Spatial Plan, providing residential capacity within a location identified for residential growth in the Mangawhai Spatial Plan (**MSP**).

#### 7.4.2 Mangawhai Spatial Plan

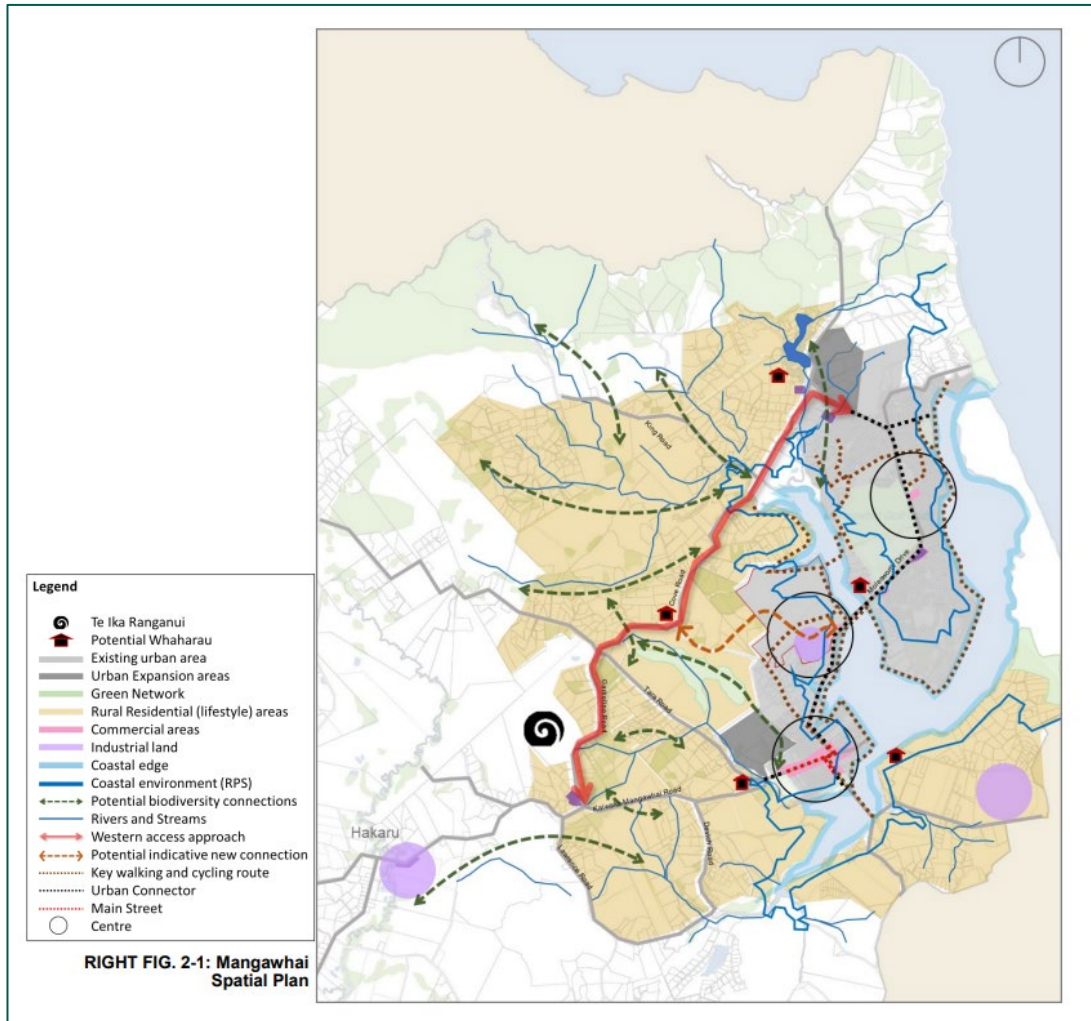
The Mangawhai Spatial Plan aims to provide a high-level ‘spatial picture’ of how Mangawhai could grow over the next 20-25 years, address the community’s social, economic and environmental needs, and respond to its local context.

The MSP vision is

*A cohesive Mangawhai community that:*

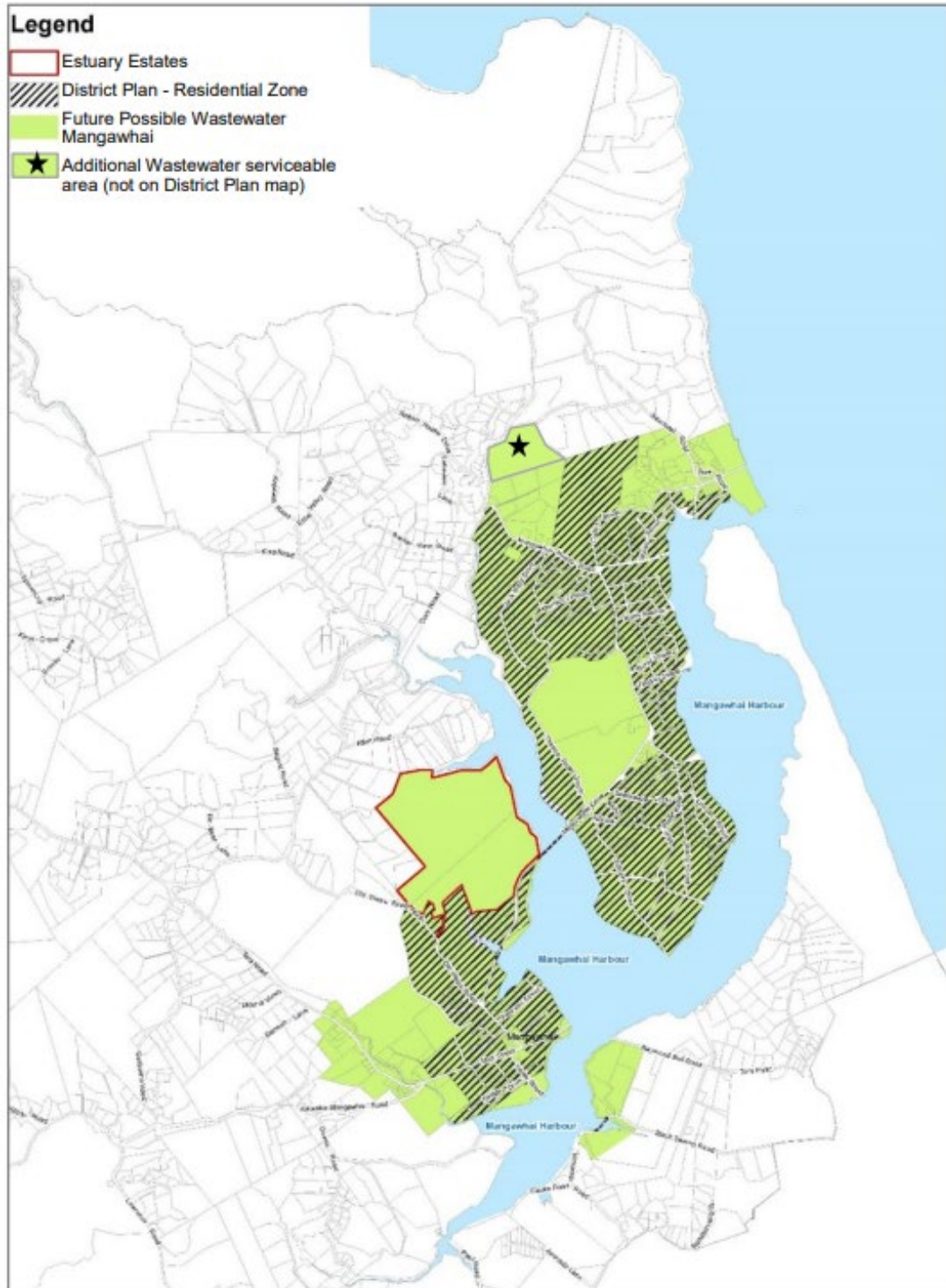
- *Respects its natural setting;*
- *Offers diverse and affordable living and working choices; and*
- *Celebrates its iwi culture, its heritage, and embraces the future.*

The MSP includes an overall plan of the growth for Mangawhai. The MSP identifies the plan change area as an Urban Expansion Area with a potential biodiversity connection (refer to Figure 8).



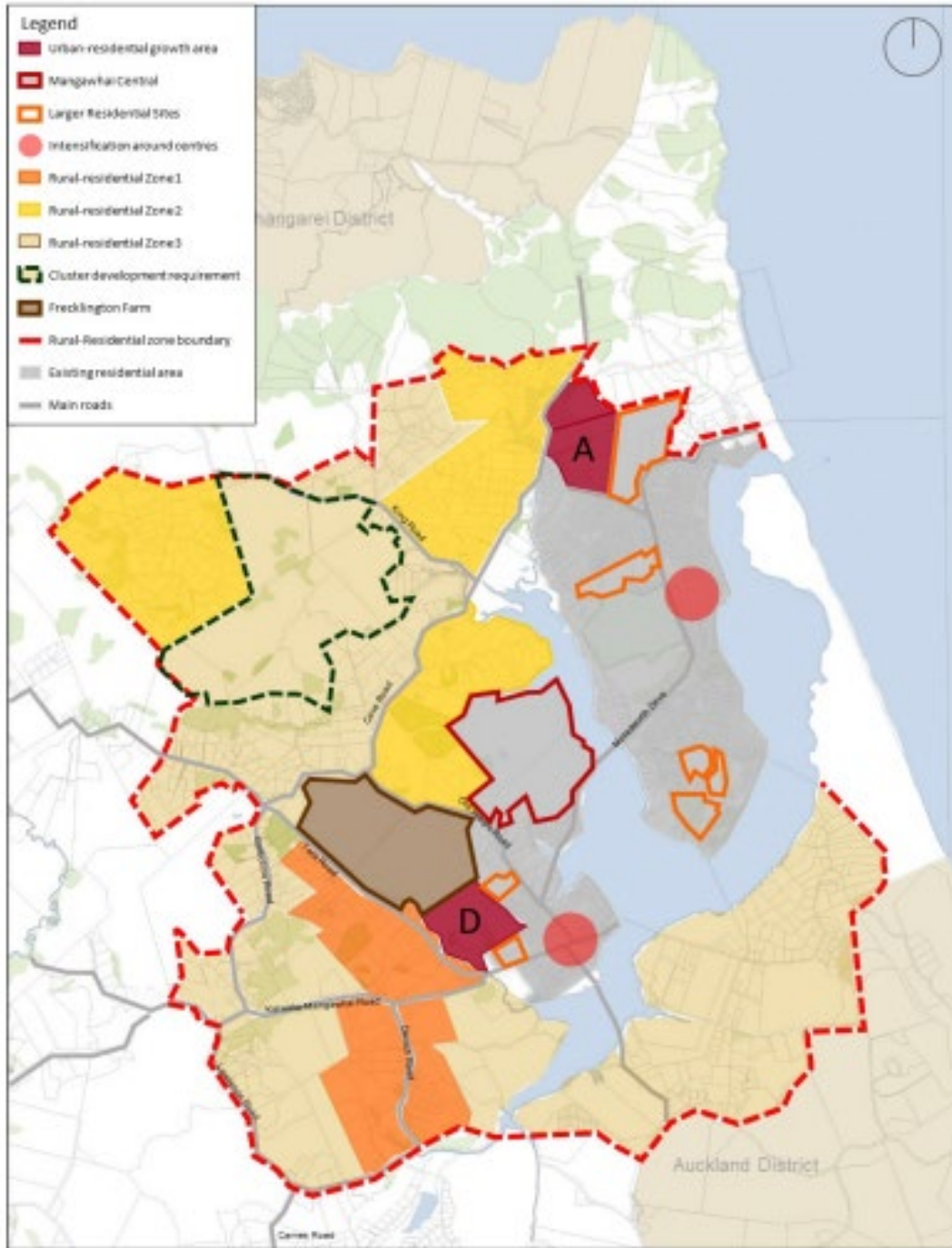
**Figure 8: Mangawahi Spatial Plan (Source: MSP)**

The MSP identifies the entire plan change area as being serviceable in the future for wastewater (refer to Figure 9):



**Figure 9: Waste Water Network (Source: MSP)**

The plan change area is identified as an urban-residential growth area projecting a minimum lot area of 600m<sup>2</sup> (refer to figure 10).



**Figure 10: Proposed new residential growth areas A and D and possible residential intensification around centres and Mangawhai Central (Source: MSP)**

**Comment:** The plan change seeks to rezone an area of land identified an urban residential growth area, as Residential Zone with the Cove Road North Precinct which will provide for a level density consistent with that anticipated by the MSP.

It is considered that the plan change is entirely consistent with the MSP and will achieve all of the outcomes sought.

### 7.4.3 Infrastructure Strategy 2018- 2048 (June 2021)

The Infrastructure Strategy seeks to outline how Kaipara District Council will manage the provision of infrastructure roads, water, wastewater, stormwater and flood protection to meet population growth and economic demands. The Infrastructure Strategy anticipates the total capital and operating expenditure over the 30 year period.

The Infrastructure Strategy identifies a number of significant projects relevant to Mangawhai, including the Mangawhai library and wastewater treatment plan upgrades (up to 7000 connections), waters storage and security of waters supply, town centre upgrades.

The plan change seeks to rezone the area from Rural to Residential Zoning, the proposed zoning is consistent with the anticipated growth of Mangawhai in accordance with the MSP which has been provided for within the Infrastructure Strategy. As such the plan change is consistent with the expected growth and strategic direction anticipated and provided for within the Infrastructure Strategy.

### 7.4.4 Long Term Plan Mahere Wā Roa 2021-2031

The Long Term Plan 2021-2031 (**LTP**) seeks to grow a better Kaipara which is supported by six community outcomes:

- Climate Smart - Climate change and its impacts are reduced through community planning
- Healthy Environment - Our natural environment is protected and open to the community
- Celebrating Diversity - Our local heritage and culture are valued and reflected in the community
- A Trusted Council - An open organisation working for our community
- Prosperous Economy - Development is encouraged, supported and sustainable
- Vibrant Communities - Kaipara communities offer an attractive place to live and visit

Planned improvements for Mangawhai includes:

- Completion and adoption of an updated stormwater catchment management plan;
- Mangawhai Community Wastewater Scheme - resource consent variation application, extend the irrigation system, upgrade the existing reticulation and pump stations; and upgrade the treatment plant, extend the reticulation system;
- Deliver a programme of works in partnership with Taharoa Domain, Mangawhai Community Park and Pou Tu Te Rangi Harding Park Governance Committees;
- Continue to develop the Mangawhai Heads-to-Mangawhai Village all-tide coastal walkway; and
- Deliver agreed projects in the Mangawhai Community Plan.

The plan change seeks to rezone the site from Rural to Residential Zoning, the proposed zoning is consistent with the anticipated growth of Mangawhai Spatial Plan. As such the plan change is consistent with the expected growth and strategic direction anticipated and provided for within the LTP.

## 7.5 Iwi & Hapū Management Plans

According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

There are four iwi and hapū that are recognised as Iwi Authorities for the purposes of the RMA, within the Kaipara District:<sup>4</sup>

- Te Roroa
- Te Uri o Hau
- Ngāti Manuhiri
- Ngātiwai

In terms of Treaty of Waitangi settlement process all groups have completed the process except Ngātiwai<sup>5</sup>. The settlement legislation contains obligations for government agencies including territorial authorities.

Both Te Roroa and Te Uri o Hau have lodged their Iwi Management Plan's with KDC. Under the RMA these plans must be "taken into account when making changes to the District Plan".<sup>6</sup> The plan change area is located within the Te Roroa rohe.

The relevant parts of these plans are discussed below.

### 7.5.1 Nga Ture mo te Taiao o Te Roroa – Te Roroa Iwi Environmental Policy Document (Reviewed Versions 2019)

Te Roroa have prepared and lodged the Te Roroa Iwi Environmental Policy Document (**TRIEPD**) with KDC. TRIEPD has been prepared to encourage and promote partnerships, facilitate communication, and express resource management issues to all government agencies including district and regional councils for the purposes of the RMA and Local Government Act 2002 (**LGA**). The TRIEPD contains useful guidance on policies and processes for kaitiakitanga, mātauranga Māori and tikanga in the management of resources within their rohe. TRIEPD expressly refers to KDC and identifies the ODP as a key planning document including noting the role of Statutory Acknowledgements identified in the Te Roroa Deed of Settlement. Further, there are direct policies that outline their desire for participation in statutory planning processes including plan making and resource consenting.

In terms of the plan change, the following policies are most relevant:

- Land

Policies 2 and 3 seek to ensure that development within the rohe is not at the expense of the relationship of Te Roroa with that land, culture and heritage or at the expense of the environment. That development should be preceded by proper infrastructure planning.

- Soils and Minerals

<sup>4</sup> By Te Puni Kōkiri's Te Kahui Māngāi Directory of Iwi and Māori Organisations – see <http://www.tkm.govt.nz/> and as advised by staff from KDC staff.

<sup>5</sup> At the time of writing this report Ngatiwai had not completed its Treaty Settlement claim.

<sup>6</sup> Section 74(2A) Resource Management Act 1991

Policies 3 and 4 seek that the district plan requires compliance with stringent environmental performance standards for permitted earthworks and that integrated earthworks management plans are required for earthworks consent applications detailing how erosion, sediment control, possible archaeological or cultural sites and rehabilitation are to be managed, and how risks will be identified and minimised.

- Utilities, Amenities and Infrastructure

Policies 1 – 5 seek to ensure that Te Roroa are involved with all decision-making processes for development and management of utilises, amenities and infrastructure, innovative means of providing for infrastructure should be encouraged and public services to green field developments should not be at the expense of existing communities, and public reserves should be adequately managed.

- Waste Management

Policy 1 Te Roroa seek a zero-waste rohe.

- Water

Policies 1 – 10 seek to ensure protection of water, discharge human effluent, treated or untreated, directly to water is culturally repugnant. All discharges of pollutants or contaminants to natural waterbodies should be avoided. Policies support an integrated catchment management planning and implementation programme that includes all waterbodies in our rohe. All aquifers will be protected from contamination and over allocation, puna and repo will be protected from inappropriate use and development and Te Roroa and council are to develop management strategies to allocate and monitor all waterbodies in the rohe.

- Biodiversity

Policies 1 – 7 recognise, Te Roroa as kaitiaki, seeking that activities which involve modification of existing indigenous flora or habitats of indigenous fauna are to be preceded by thorough biological audits to identify indigenous species and potential impacts, Te Roroa will only support negative impacts on indigenous flora and fauna after effective engagement and agreed remediation or mitigation.

- Climate Change

Policies 1 – 4 recognises that climate change is a serious and immediate issue, that now is the time for the review of catchment management to recognise and respond to major changes in climatic conditions. Effective catchment management includes large scale enhancement of indigenous ecosystems.

### 7.5.2 Te Uri o Hau Kaitiakitanga o te Taiao (TUoHKT)

Te Uri o Hau Kaitiakitanga o te Taiao (TUoHKT) is a comprehensive plan that sets out Te Uri o Hau's role as kaitiaki and their rangatiratanga as it relates to natural resource management within their rohe. TUoHKT provides important cultural, historical, and environmental context and includes sites of cultural significance to Te Uri o Hau. It includes directions for consultation and guiding relationship principles for government agencies, including district and regional councils, resource consent applicants and the wider community. Further, reference is made to Te Uri o Hau Claims Settlement Act 2002, and the relevant Statutory Acknowledgement Areas and resource consent requirements afforded within the settlement legislation.



In terms of the plan change, the following policies are most relevant:

- Wai: Fresh Water

Policies which seek to protect indigenous species within all freshwaters; protect, restore and maintain existing wetlands in collaboration with NRC, Auckland Council and land-holders; monitoring of pollutants and advocacy of appropriate planning of subdivisions to avoid, remedy or mitigate adverse effects to freshwater.

- Whenua: Land

Policies seek protection of existing indigenous plants and animals, restoration of habitat through developing strategies for plant and pest control, education and promotion of sustainable land management and appropriate resource consent advice in the planning of subdivisions to minimise adverse effects to the environment while protecting Te Uri o Hau wahi tapu/wahi taonga and the biodiversity of the whenua.

- Growth and Development

Policies directly relate to growth and development which seek to:

- Any proposed development or subdivision shall avoid, remedy or mitigate adverse effects of natural hazards including erosion, flooding and inundation, landslips, rock fall, alluvion (deposition of alluvium), avulsion (erosion by streams and rivers), unconsolidated fill, soil contamination, subsidence, and fire hazards.
- Where no reticulated water supply is available, the ability to provide individual water supply on any respective allotment within a subdivision/development.
- The adequacy of the supply of water to every allotment being created on the subdivision, and its suitability for the likely land use, e.g. the installation of filtration equipment if necessary, and water supplies for fire fighting purposes.
- The provision of allotments with a means for the disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces, in such a way to mitigate any adverse effects of storm-water runoff on receiving environments.
- Control of water-borne contaminants, litter and sediments, and the effectiveness and environmental impacts of any measures proposed for by avoiding or mitigating the effects of storm-water run-off, including low impact design principles.
- All plantings to be locally sourced native species.
- Where connection is not available for sanitary sewage disposal, all allotments in urban, rural and coastal zones shall be provided with a means of disposing of sanitary sewerage within the neat area of the allotment, except where the allotment is for a road, or for access purposes, or for a purpose of activity for which sewerage is not necessary.

- Biodiversity

Biodiversity policies generally seek to recognise the biodiversity of Te Uri o Hau sites of significance and the protection and preservation of plants and animals of all kinds, air, water and soil in or on which any plant or animal lives or may live, systems interacting with any living organisms, and their environment; and any other interest in natural resources for future generations.

- Cultural Landscape

Cultural landscape policies seek, legal protection of a cultural landscape, archaeological sites or sites of significance through a covenant registered on a certificate of title and restoration of a cultural landscape, archaeological sites or sites of significance as a joint project, including access agreements between landowners and Te Uri o Hau.

**Discussion:**

The plan change will be consistent with the TRIEPD and TUoHKT for the following reasons:

- The plan change area does not contain any known or identified areas of waahi tapu, waahi taonga or Statutory Acknowledgement areas;
- Land development and potential earthworks which will be managed via ODP provisions;
- The land development report confirms that the proposed rezoning to residential can be serviced via reticulated services or onsite solutions whilst avoiding adverse effects;
- The proposed precinct and policies will ensure protection and rehabilitation of wetlands and streams within the plan change area; and
- The subject site is not identified as susceptible to flooding hazard.

## 7.6 Statutory Acknowledgements

A statutory acknowledgment is formal recognition by the Crown of the particular cultural, spiritual, historic and traditional associations that an iwi or hapū has within a statutory area. Statutory acknowledgements may only apply to Crown land and may consist of land, rivers, lakes, wetlands, a landscape feature or a particular part of the coastal marine area. KDC is legally obliged to have regard to statutory acknowledgments and to record them in the District Plan. The ODP currently lists statutory acknowledgements in Appendix 17.2: Nohoanga Areas and Areas of Significance to Māori. **Table 6** below provides a full list of statutory acknowledgements within the KDC's boundaries as identified in the relevant settlement legislation.

**Table 6: List of settlement legislation**

Iwi	Deed of Settlement Legislation	Location(s)
Te Roroa	Te Roroa Claims Settlement Act 2008	- Tokatoka Scenic Reserve
Te Uri o Hau	Te Uri of Hau Claims Settlement Act 2002	- The Mangawhai Marginal Strip - Oruawharo River Stewardship Area - Pouto Stewardship Area - Pukekararo Scenic Reserve - Kaipara Harbour - Mangawhai Harbour

**Comment:** The locations identified in the statutory acknowledgements are not located within the plan change area. However, it is recognised that the plan change area is located in proximity to the Mangawhai Harbour. As such any future development within the plan change area has the potential to have an effect on harbour. As detailed within this assessment the plan change is considered to have less than minor potential adverse effects and the proposed residential zoning is appropriate.

## 7.7 Consultation & Engagement

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Consultation, consisting of informal meetings with other landowners within the plan change site, and key stakeholders has been undertaken February 2022 – November 2022.

## 8.0 Assessment of Environmental Effects

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Section 76 of the RMA states that in making a rule, the territorial authority must have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect. This section details the actual and potential effects that the plan change provisions may have on the environment. This assessment is based on analysis and reporting undertaken by various experts, which are attached as appendices to this report.

### 8.1 Quality Built Environment

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The Urban Design Assessment prepared by Urbanismplus Limited (refer **Appendix 7**) identifies the opportunities and constraints presented by the plan change area provided a high-level yield and established the following urban design outcomes and which has informed the precinct provisions of the plan change:

- (1) Residential density and minimum lot size, promoting a mix of allotment sizes with supporting assessment criteria which achieve best practice urban design;
- (2) Movement network establishing connections to Cove Road, Mangawahi Heads Road and adjacent residentially zoned land.;
- (3) Open space network along stream corridors, wetlands and the promotion of urban parks.
- (4) Public streets and open space networks should be well connected, legible and safe while enhancing environmental and ecological values.
- (5) Where private development adjoins future public open space, a safe positive and open edge condition should be provided.

These outcomes have been incorporated into the proposed Plan Change provisions (**Appendix 9**). The Urban Design Assessment concludes:

*This report concludes that the proposed plan change:*

- 1. Is considered in line with best practice urban design and planning, in that it aims for efficient urban development, increases densities within the urban area, and provides for diverse housing needs;*

2. Will enable development that will be well integrated into the urban fabric through the provision of the required connections, and also through the transitional density in the northern part of the Site;
3. Will allow for new dwellings with massing that responds appropriately to the surrounding private and public realm, including overshadowing, outlook, and passive surveillance;
4. Will allow for dwellings which will have the required residential amenity, taking into account functionality, solar orientation, privacy, and indoor-outdoor relationship; and
5. Will promote walking and cycling through the way the movement network will be laid out and through provisions that contribute to an attractive streetscape.

*The proposed plan change is therefore supported from an urban design point of view.*

For these reasons the proposed plan change is considered to have less than minor urban design effects.

## 8.2 Ecology

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The Ecological Assessment (**Appendix 6**) prepared by Wild Ecology identifies the ecological features of the plan change area and assesses the potential effect of the proposed Residential Zoning. Wild Ecology have assessed the magnitude and level of effects of the plan change before and after potential mitigation have been considered in detail in Table 6 of the Ecological Assessment.

As a part of the ecological assessment, Wild Ecology considered at a high level the potential ecological effects on terrestrial and aquatic values attributable to the plan change and subsequent subdivision and development of the site, before and after the implementation of recommended mitigation and management actions. The subsequent level of ecological effects (with mitigation measures) is considered to be low in accordance with the EINAZ (2018).

Wild Ecology conclude that the plan change is generally consistent with the policies and objectives relating to ecological protection and enhancement as outlined under NP-SFM, ODP, Proposed Regional Plan for Northland (Appeals Version) and Kaipara Spatial Plan.

Wild Ecology consider that there are no significant constraints to the proposed rezoning of the plan change area, and the potential adverse effects on the environment can sufficiently be avoided, remedied or mitigated through low impact integrated design principles, current KDP, NRC, NESFW controls in addition to the proposed 'Cove Road North Precinct' provisions. Should any subsequent land development within the Cove Road North Precinct be in accordance with the applicable performance standards, it would provide an opportunity to protect and enhance the ecological features contained within the PPC boundaries.

For these reasons It is considered based upon this report and proposed precinct provisions, that the effects of the proposed plan change on ecology will be less than minor and acceptable.

## 8.3 Transport

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Traffic, access and parking matters have been considered in the Assessment of Traffic Effects Report prepared by Engineering Outcomes Ltd (see **Appendix 4**). Engineering Outcomes Ltd have undertaken an assessment of the potential traffic effects of rezoning the site Residential Zone with a Precinct. This assessment has considered the existing transport environment, internal access and the traffic generation, origins and destinations.

Engineering Outcomes Ltd identified the key factors for internal roads include lot accessibility and likely sight distances from intersections and likely driveway connection points. This was tested using a ground model and potential future internal road network has been created. The following was found:

- *Roads can be constructed to all parts of the precinct with gradients within the limits specified by the Engineering Standards 20119 and reasonable vertical alignment (such that visibility from driveway connections and internal intersections will be at least adequate); and*
- *Lot accessibility will not be a significant challenge. In particular, it is not difficult running most roads close to perpendicular to the contour so there will be minimal need for driveways to chase the slope of the ground either up or down.*

Engineering Outcomes Ltd note that whilst a plan of possible indicative roads and walking and cycling paths is provided with the Precinct Plan, the proposed district plan provisions support to connection points and connectivity, providing significant flexibility for future developers on the locations of the roads and pathways. The report concludes that:

*Overall, it is concluded that the precinct area will be easily accessible for all anticipated development, that the effects of the generated traffic can be readily managed internally and that external road network has ample surplus capacity for it.*

Based on the conclusions drawn in the Traffic Assessment Report, it is considered that, the plan change area is suitable to be rezoned Residential Zone with a Precinct and potential effects with respect to transportation will be less than minor.

## 8.4 Three Waters Servicing

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The provision of three waters infrastructure to service the development has been considered in the Land Development Report prepared by JAS Civil. Their report is attached as **Appendix 3**. JAS Civil have undertaken an assessment of the potential effects of rezoning the site Residential based upon the potential yield based upon the proposed minimum lot size. Three waters infrastructure provision is assessed as follows:

### **Water Supply:**

JAS Civil concludes that there is no reticulated water available nor is there any intention to provide reticulated water within the life of the District Plan. As such onsite potable water will be supplied.

The plan change does not seek to change the ODP provisions relating to water, the rezoning of the area would result in 13.14.4 Water Supply applying to any future development of the site. Rule 13.14.4 will ensure that water supply or engineering solutions will be in place at the time of development.

### **Waste Water:**

Council reticulated wastewater system extends along Mangawahi Heads Road, a number of the properties within the plan change area could connect as part of future subdivision. JAS Civil Limited have indicated that it is possible to install a new wastewater line to extend up into the northern extent of the plan change area which would enable connection to reticulated services.

KDC have released reports confirming that disposal capacity through the current Mangawahi Community Wastewater System (**MCWWS**) irrigation reticulation is at its limit. In order to increase connections to the plant, the reticulation needs to be extended to other parts of the drainage area

and the disposal capacity needs to also increase. KDC are investigating and evaluating options to extend the MCWWS, this includes a Master Plan Strategy and the establishment of a Mangawahi Wastewater Treatment Plant Advisory Group.

Whilst the capacity limitations of the MCWWS are acknowledged, the plan change area is provided for as a growth area within the Mangawahi Spatial Plan (2020), as such residential development within this location is included in forecasting and future disposal capacity.

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.

**Stormwater:**

JAS Civil Limited have assessed the potential effect of the rezoning with respect to stormwater, remarking that the notable difference is the increase of impermeable coverage from the existing Rural permitted activity coverage of 15% to proposed permitted activity coverage of 60%.

To manage the potential increase in stormwater and related potential increase in flood and downstream erosion risk resulting from the proposed increase in impermeable surface coverage, the precinct provisions proposed additional consideration of stormwater design. The precinct provisions also seek to amend Rule 13.14.5, to ensure that stormwater management is appropriately designed at subdivision stage, following best practice of Stormwater Management Devices in the Auckland Region (GD01) and requiring a detailed stormwater assessment and management plan to be prepared and submitted in support of any subdivision application.

JAS Civil Limited have reviewed these provisions and confirm that these are sufficient to mitigate the potential effects on the receiving environment from residential development. It is considered that this confirms that potential effects of stormwater as a result of the proposed rezoning can be managed.

On the basis of the assessment from JAS Civil Limited, it is considered that the effects of the proposed plan change on three waters infrastructure will be less than minor and acceptable.

## 8.5 Geotechnical

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The Geotechnical Letter prepared by Wiley Geotechnical included as **Appendix 5** sets out the site conditions and constraints. This letter confirms that the area is generally suitable for residential intensification, noting that the further investigations at subdivision stage will be required.

Furthermore, Wiley Geotechnical note that the central area contains watercourses which could pose constraints to residential development. The Precinct provisions seek to protect and enhance these water courses, which will address the matter, including the natural management of stormwater.

On the basis of the assessment from Soil and Rock, it is considered there are no adverse effect from rezoning the area Residential.

## 8.6 Urban Character and Density

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The plan change seeks to introduce the ODP Residential Zone with a Precinct to include bespoke provisions. As previously discussed, the plan change will see a change in character within the plan change area and immediate surrounds.

The Precinct provisions seek to provide for an increased range of housing opportunities and densities and it is acknowledged that this will create a further change to the future urban character from that of the ODP Residential Zone. The plan change also seeks tailored bulk and location controls to enable an efficient use of land for residential purposes while maintaining privacy, outlook and access to sunlight. The appropriateness of the proposed Precinct provisions is considered further in accordance with section 32 in Section 9 of this report.

It is considered that the proposed Precinct provisions provide for an efficient use of land for residential purposes and the change in character will be appropriately managed in accordance with best practice urban design principles as previously discussed.

In overall terms, it is considered that the intensity of development is reasonable and the urban character and density of future development within the proposed plan change area will have less than minor and acceptable effects to the character and amenity of the surrounding residential zones.

## 8.7 Landscape and Rural Character Effects

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The plan change area is zoned Rural Zone under the ODP, it currently displays a residential/ rural residential character. The rural character of the area is afforded to the natural features of indigenous vegetation and wetlands, linear patterns of fence lines.

It is acknowledged that rezoning of the plan change area to Residential Zone will result in a change in character and the residential to rural transition of built development will occur further to the north than in the ODP. A significant level of residential built form has been established within the southern portion of the plan change area, particularly along Mangawahi Heads Road, creating an existing interface between rural and urban land uses and a compromise in the existing rural character of the plan change area.

The transition and proposed zone interface, with the Rural Zone to the north, is proposed to be managed via the northern precinct area, specific Precinct provisions seek to maintain a larger lot size and the protection of the existing indigenous vegetation at the northern plan change area boundary.

The Landscape Assessment Effects prepared by Simon Cocker Landscape Architecture, has evaluated the potential effects to rural character and landscape, and concludes:

*“The Cove Road North Precinct will form an interface between residential and rural zones and built form should establish a transition between zones, and maintain an open frontage to Cove Road...The assessment has determined that the sensitivity of the northern flanks of the northern ridge are sensitive to change, given its relationship with the Brynderwyn Range (overlain by an Outstanding Natural Landscape overlay). The PPC has resounded to this sensitivity by recommending a larger lot sub-precinct across the northern slope, with associated design controls to moderate the prominence of built form.*”

*The potential adverse landscape effect of the proposal is assessed as being moderate, given the change in the character of the landscape as a consequence of the land use change. The abiotic change arising from the proposal will be localised and any adverse effects arising from the biotic changes in the landscape can be mitigated. Experiential changes, and consequential adverse effects (including visual amenity effects) are assessed as being low for the majority of individuals, but moderate, or moderate to high for a small number of proximate residential receptors.”*

It is considered that the plan change will result in no more than minor adverse rural character effects.

## 8.8 Rural Productivity and Reverse Sensitivity

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The plan change area is currently zoned Rural and is utilised as pasture, the soil class is LUC 4s4 and 4e4 which is not classed as being highly productive land. The site is identified in both the Mangawhai Structure Plan and Mangawhai Spatial Plan for future urban development. Therefore, it is considered that the plan change area is not highly productive land under the NPS-HPL.

The plan change area is currently occupied by residential activities, and is largely fragmented. The ability to utilise the site for a range of productive uses has been compromised not only due to soil types and access to water but also due to the adjacent residential zoning and land uses. As a result of the proposed zone boundaries, there will be no risk of reverse sensitivity effects to existing rural production activities.

As such it is concluded that the plan change will result in less than minor and acceptable effects on rural productivity and reverse sensitivity.

## 8.9 Connectivity and Open Space

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Provision of connectivity and open spaces has been a key urban design element considered by the plan change and the proposed precinct requires the establishment of:

- A movement network including street, off street and on street pathways establishing connections to Cove Road, Mangawahi Heads Road and the residentially zoned land to the east.
- Protection and enhancement of the network of ecological features.
- Promotion of urban parks providing focal points along the stream corridor and movement network.

The outcomes described above have been indicatively identified on the Cove Road North Concept Plan with subdivision rule assessment criteria included to ensure consistency. Pedestrian walking tracks are proposed to create north south connectivity through the plan change area and to the adjacent residential development to the east.

The proposed precinct provisions go beyond that of the ODP and it is considered that the proposed open space and connectivity will positively contribute to the onsite and wider environment amenity, openness and general community wellbeing.

## 8.10 Landscape

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The Assessment of Landscape Effects prepared by Simon Cocker Landscape Architecture (**Appendix 8**) has evaluated the landscape effects of the proposed rezoning. The plan change area is not



identified by the RPS or ODP as an Outstanding Natural Landscape or containing an Outstanding Natural Feature, however, it is recognised that the forested Ranges to the north and north east are identified in the RPS and ODP as Outstanding Natural Landscapes (Brynderwyn Ranges and bush margins, and Bream Tail coastal headland).

It is accepted that the proposed rezoning will result in a change in character and amenity, and the sensitivity of the landscape to the north has been carefully considered. It is considered that the Residential Zone bulk and location rules will manage the level of built development to avoid any adverse landscape effects across the majority of the plan change area. The Northern Precinct Area is proposed to ensure that the interface between the proposed Residential Zone and Rural Zone is carefully managed and visual effects mitigated. Simon Cocker Landscape Architecture supports these mitigation measures.

The report concludes that the landscape effects:

*The assessment has determined that the sensitivity of the northern flanks of the northern ridge are sensitive to change, given its relationship with the Brynderwyn Range (overlain by an Outstanding Natural Landscape overlay). The PPC has resounded to this sensitivity by recommending a larger lot sub-precinct across the northern slope, with associated design controls to moderate the prominence of built form. The potential adverse landscape effect of the proposal is assessed as being moderate, given the change in the character of the landscape as a consequence of the land use change. The abiotic change arising from the proposal will be localised and any adverse effects arising from the biotic changes in the landscape can be mitigated. Experiential changes, and consequential adverse effects (including visual amenity effects) are assessed as being low for the majority of individuals, but moderate, or moderate to high for a small number of proximate residential receptors.*

Based on the above assessment, it is considered that any adverse effects with respect to landscape will be less than minor.

### 8.11 Heritage

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The plan change area does not contain any known historic heritage features, sites or areas of significance to Māori or archaeological sites. It is considered that the plan change will not result in any adverse effects to historic heritage, furthermore the accidental discovery protocol under the Heritage New Zealand Pouhere Taonga Act will apply to any future development under the proposed Residential Zone.

### 8.12 Tangata Whenua

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The ODP does not identify recorded sites of significance to Māori within the plan change area. The plan change area is also not located within an identified area of cultural significance and the regional plan does not identify recorded sites of significance to Māori within the immediate area.

Proposed provisions will ensure that integrated management of future development within the proposed Residential Zone will occur in a manner that is responsive to any identified areas of matters of cultural significance. In particular, provisions will ensure that the natural features such as indigenous vegetation, wetlands and streams are protected and enhanced, and that earthworks are managed to avoid, remedy and mitigate adverse effects on any sites of significance to Māori that may be discovered.

The precinct provisions also seek to amend Rule 13.14.5, to ensure that stormwater management is appropriately designed at subdivision stage, following best practice of Stormwater Management Devices in the Auckland Region (GD01).

Based on the above assessment, it is considered that any adverse cultural effects will be less than minor.

## 9.0 Section 32 Analysis

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### 9.1 Appropriateness of the Proposal to Achieve the Purpose of the Act

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Section 32(1)(a) of the RMA requires an evaluation to examine the extent to which the objectives of the proposed Plan Change are the most appropriate way to achieve the purpose of the RMA.

#### 9.1.1 Objectives of the Plan Change

The purpose of the Plan Change is to deliver additional land for residential use with a supporting network of connections and management of landscape, ecological, infrastructure transport, and character and amenity effects are managed.

The proposal seeks to rezone the plan change area residential zone, consistent with the ODP which will apply the objectives listed in Chapter 13.5 of the ODP. The proposed Cove Road North Precinct incorporates the following objective to guide development within the Plan Change area:

- *PRECX-01 The Cove Road North Precinct Residential Living*  
*Residential living opportunities and housing choice is enabled in the Cove Road North Precinct whilst landscape, ecological, infrastructure, transport, and character and amenity effects are managed.*

#### 9.1.2 Assessment of the Objectives against Part 2

The plan change seeks to apply the ODP Residential Zone objectives (Chapter 13.5), which have been established following a statutory process in accordance with schedule 1 of the RMA. Therefore, this assessment is focused upon the proposed Cove Road North Precinct objective.

Section 5 of the RMA identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

The proposed Core Road North Precinct objective is consistent with Section 5 of the RMA for the following reasons:

- The plan change will provide quality housing opportunities and housing choice on land adjacent to the existing residential zone of Mangawhai, and in proximity the Mangawahi Heads business area, enabling communities to provide for their social and economic well-being.

- Development will be coordinated with the delivery of required infrastructure, resulting in sustainable development.
- The effects on the transport network from proposed residential development will be managed appropriately.
- The plan change will ensure protection and enhancement of significant ecological features (indigenous vegetation, wetlands and streams) within the plan change area.
- The plan change will provide open space to support the wellbeing of surrounding and future residents.

Section 6 of the RMA sets out a number of matters of national importance which need to be recognised and provided for in achieving the purpose of the RMA. This includes the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins; protection of outstanding natural features and landscapes, the protection of areas of significance indigenous vegetation and significant habitats of indigenous fauna; maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers; the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; the protection of historic heritage; the protection of protected customary rights and the management of significant risks from natural hazards.

The plan change area is not located within the coastal environment (as mapped by Northland Regional Council), there is no known protected historic heritage, natural features or landscapes on within the area. Furthermore, mana whenua engagement is underway with respect to the proposal.

The plan change area does contain areas of indigenous vegetation, wetlands, and intermittent and permanent streams, as such section 6c is considered relevant to this evaluation. The need to recognise and provide for the protection of these ecological features is given effect to via the proposed Cove Road North Precinct objective and further by policy PRECX-P4 and P6, and rule 13.13X Subdivision.

It is considered that the proposed Cove Road North Precinct objective in combination with the ODP objectives will most appropriately give effect to section 6 of the RMA. Proposed objective PRECX-O1 will in particular give effect to section 6c of the Act.

Section 7 of the RMA identifies a number of “other matters” to be given particular regard by Council. Specific matters from section 7 that are relevant to the Plan Change include:

*b) The efficient use and development of natural and physical resources* - The Plan Change will support the efficient use of natural and physical resources by applying precinct provisions that will provide for a more achievable and practicable land use pattern including a higher level of residential development to meet the needs of the Mangawhai community.

*c) The maintenance and enhancement of amenity values and f) Maintenance and enhancement of the quality of the environment* - The proposed precinct provisions will enable a well-connected and high quality urban environment to be achieved that responds to the specific land characteristics of the site and edge conditions.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. It is considered that this proposal will not offend against the principles of the Treaty of Waitangi. In particular, the Applicant is underway with ongoing consultation with mana whenua.

The Plan Change is a more effective means of achieving the sustainable management purpose of the RMA than the current planning framework or an alternative (as detailed below in section 9.4 of this report). Overall, it is considered that the objectives of the Plan Change are the most appropriate way to achieve the purpose of the RMA.

### 9.1.3 Assessment of the Objectives against Higher Order Policy

The Plan Change proposes to introduce the Cove Road North Precinct to the ODP Residential Zone, it will effectively sit on top of the underlying zone with additional provisions or exemptions to specified Residential Zone provisions. As such it is necessary to evaluate the proposed objective against the settled higher order objectives of the ODP. The Plan Change has been evaluated against the higher order objectives of Chapters 2 District Wide Resource Management Issues, Chapter 3 Land Use and Development Strategy, Chapter 3A Mangawhai Growth Area and Chapter 4 Overlays in Section 7.3 of this report. It is considered that all Residential Zone objectives contained in 13.5.1 – 7 of the ODP remain is the proposed plan change were to take effect.

Objectives of the Residential Zone seek:

- 13.5.1 *To maintain and where appropriate enhance the amenity values of the residential environment.*
- 13.5.2 *To ensure that the servicing of new subdivision and development does not adversely affect the environment, particularly sensitive receiving environments.*
- 13.5.3 *To maintain and enhance public access to the coast, rivers and lakes as a result of land use and subdivision development.*
- 13.5.4 *By managing the effects of those activities which have the potential to adversely affect residential amenity (e.g. building location, earthworks and vegetation clearance).*
- 13.5.5 *To enhance linkages (e.g. pedestrian, vehicular, open space) between adjoining residential uses.*
- 13.5.6 *To maintain sites and buildings during development to avoid adverse visual amenity effects.*
- 13.5.7 *To recognise business and economic activity that enables people and communities of the District to provide for their social, economic and cultural wellbeing, while avoiding adverse effects (including reverse sensitivity effects) on the environment.*

Proposed Cove Road North Precinct objective PRECX-O1 is consistent with ODP residential zone objectives 13.5.1 – 7 but seeks to achieve outcomes specific to the plan change area. The objective addresses residential opportunities and housing choice which is not referenced in the ODP objectives; therefore, the objective will achieve a more directive outcome than that of the ODP residential zone objectives.

The language of the objective is consistent with objectives 13.5.1 and 13.5.4 seeking to manage effects, whilst being more specific with respect to what effect must be managed (reverse sensitivity) and what effects must be managed on (character and amenity and ecology).

Overall, it is considered that the proposed Cove Road North Precinct objective PRECX-O1 will appropriately give effect to higher order policy of the ODP and be consistent with the Residential Zone objectives 13.5.1-7.

## 9.2 Appropriateness of the Provisions to Achieve the Objectives

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Section 32(1)(b) of the RMA requires an evaluation to examine whether the provisions (e.g. policies and methods) of the proposed plan change are the most appropriate way to achieve its objectives by:

- Identifying other reasonably practicable options for achieving the objectives;
- Assessing the efficiency and effectiveness of provisions in achieving the objectives; and
- Summarising the reasons for deciding on the provisions.

Any assessment under section 32(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.*

If the proposed will:

*amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under section 32 (1)(b) must relate to:*

- (a) *the provisions and objectives of the amending proposal; and*
- (b) *the objectives of the existing proposal to the extent that those objectives—*
- (i) *are relevant to the objectives of the amending proposal; and*
  - (ii) *would remain if the amending proposal were to take effect.*

The Plan Change seeks to both amend the ODP and introduce a new Cove Road North Precinct. Therefore, the above assessment must relate to the proposed amendments to the ODP and the provisions and objectives of the proposed Precinct. The Plan Change does not seek to amend the ODP objectives, but proposes a new precinct objective. The relationship of the proposed precinct objective with the Residential Zone objectives and the appropriateness of the proposed precinct objective is considered in section 9.1.3 of this report.

**Appendix 11** provides a detailed evaluation of the efficiency and effectiveness of the Residential Zone provisions and the amendments proposed.

## 9.3 Other Reasonably Practicable Options for Achieving the Objectives

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In determining the most appropriate method for achieving the objectives of the Plan Change, consideration has been given to the following other reasonably practicable options:

### **Option 1:** Status quo (Rural Zone)

This option involves retaining the operative Rural Zone, zoning and provisions.

**Option 2:** Rezone Plan Change area ODP Residential Zone

This option involves rezoning the Plan Change area Residential Zone. The rezoning will apply standard ODP residential zone, relying upon the zone and district wide provisions to control development and does not introduce bespoke provisions.

**Option 3:** Rezone a new proposed zone Low Density Residential Zone (consistent with Draft District Plan)

This option involves rezoning the plan change area a new proposed Low Density Residential Zone with new provisions to allow for living opportunities.

**Option 4:** Seek for Residential Zone change via Structure Plan or Urban Development Area.

This option involves rezoning the plan change area Residential Zone by way of inserting a Structure Plan into the ODP following the directions of chapter 3.

**Option 5:** Rezone the plan change area with a Precinct that sits within the ODP Residential Zone chapter.

This option involves rezoning the plan change area ODP residential zone with consequential amendments. This option introduces a precinct to the plan change area that includes bespoke controls for subdivision, urban design, protection and enhancement of ecological features, provision of open space and reverse sensitivity.

Evaluation of the alternative options have been summarised in **Appendix 10**.

Option 5 is the preferred option. Rezoning the plan change area Residential Zone with a precinct, is the most appropriate mechanism for achieving the objectives of the plan change. This option enables residential development and the use of land more efficiently. The precinct will ensure that urban growth is integrated with the protection and enhancement of ecological features, management of provision of infrastructure and mitigation of landscape effects.

## 9.4 Assessing the Efficiency and Effectiveness of Provisions in Achieving the Objectives

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### 9.4.1 Proposed Cove Road North Precinct Policies

The proposed objective PRECX-O1 is achieved through the application of policies and methods, in this case the use of land use and subdivision rules. The policies proposed for inclusion (See **Appendix 9**) are considered to achieve the objective by:

- Providing for a range of allotment sizes that are appropriate in the precinct.
- Promoting good subdivision design.
- Managing adverse effects on residential amenity and character.
- Achieving a well-connected, legible and safe, open space, pedestrian and transport network.
- Protecting and enhancing the ecological values of all natural wetland features, intermittent and permanent streams, and indigenous vegetation.
- Protection of sensitive landscapes and transition between zones.
- The provision of open spaces that provide for the recreation and amenity needs of the residents.

The proposed policies are considered the most appropriate for achieving the objectives and provide a coherent link to the methods and rules of the Cove Road North Precinct. The use of clear and direct policies improves the effectiveness of methods in achieving the Precinct objective. Table 5 below demonstrates that the policies proposed for the Cove Road North Precinct implement the proposed objective, and that the rules implement the proposed policies:

**Table 5: Linking of proposed Cove Road North Precinct Provisions**

Proposed Objective	Proposed Policies	Proposed Methods
<p>PRECX-O1 The Cove Road North Precinct Residential Living</p> <p>Residential living opportunities and housing choice is enabled in the Cove Road North Precinct whilst landscape, ecological, infrastructure, transport, and character and amenity effects are managed.</p>	<p>PRECX-P1 Cove Road North Precinct Subdivision</p>	<p>13.13X (Subdivision)</p> <p>13.14.2.3 (Road, private way formation and property access)</p> <p>13.14.3 (Provision for the extension of services)</p> <p>13.14.5.3 (Stormwater disposal)</p> <p>13.14.6A (Wastewater disposal)</p>
	<p>PRECX-P2 Cove Road North Precinct Residential Amenity</p>	<p>13.10.3a.2 (Dwelling, density, orientation and mass)</p> <p>13.10.7.3 (Setbacks)</p> <p>13.10.7a (Fencing and landscaping)</p> <p>13.10.11.2 (Private open space)</p> <p>13.10.12.2 (Permeable surface)</p> <p>13.10.13.2 (Building coverage)</p> <p>13.10.14 (Retirement Facility)</p> <p>13.13A.8 (Subdivision, allotment sizes rules)</p>
	<p>PRECX-P3 Cove Road North Precinct Connectivity</p>	<p>13.13.X (Subdivision, road layout rules)</p>
	<p>PRECX-P4 Cove Road North Precinct Ecological Values</p>	<p>13.13X (Subdivision, ecological enhancement rules)</p>
	<p>PRECX-P5 Cove Road Character</p>	<p>13.10.7.3 (Setbacks)</p> <p>13.10.7a (Fencing and landscaping)</p>
	<p>PRECX-P5 Northern Sub-precinct</p>	<p>13.10.5c (Maximum height)</p> <p>13.10.15 (Buildings and accessways within the Cove</p>

		Road North Precinct – Northern Sub-precinct)  13.13.X (Subdivision, Northern Sub-precinct)
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### 9.4.2 Proposed Cove Road North Precinct Boundaries

Spatial mapping is considered to be an appropriate method of achieving the objective of the Cove Road North Precinct as it identifies where the proposed new objectives and provisions do and do not apply. In order to assess the appropriateness of the proposed spatial extent of the Precinct in achieving the objectives of the Plan Change and PRECX-O1 the following three options are evaluated, it is considered that options are appropriate methods and would be effective and efficient with respect to spatial mapping, however the evaluation must determine the most effective and efficient.

- Option 1:** Status Quo: Do not map a Precinct and instead retain the Rural Zone.

Option 1 maintains status quo, the costs and benefits of this option have been evaluated within **Appendix 11** and is considered that this option will not give effect to PRECX-O1 and is therefore not an effective and efficient method.
- Option 2:** Map the Residential Zone and Cove Road North Precinct based on the Mangawhai Spatial Plan extent of the Residential Growth Area A following cadastral boundaries.

The MSP has been established following a comprehensive constraints and opportunities analysis, community consultation and capacity analysis of future development areas. Growth Area A follows both Cove Road and Mangawahi Heads Road as physical boundaries, residential zoning to the east and utilises cadastral boundaries to establish northern boundaries. Therefore, it is considered that Option 2 is the most efficient and effective method to achieve the plan change outcomes and objective PRECX-O1.
- Option 3:** Map the Residential Zone and Precinct based upon topographical and physical features.

Natural wetlands, intermittent and permanent streams, indigenous vegetation and rolling topography are present within the Plan Change area. Option 4 would zone the Residential Zone and Precinct to the boundary of these physical features excluding them from being rezoned. It is considered that Option 4 is not efficient and effective because it will not provide the ability to protect and enhance the natural features at the time of development.

### 9.4.3 Method – Proposed Precinct Rules

**Appendix 11** provides a detailed evaluation of the efficiency and effectiveness of the Residential Zone provisions and the amendments proposed.

### 9.5 Risk of Acting or Not Acting

In this case, it is considered that there is sufficient information about the subject matter of the provisions to determine the range and nature of environmental effects of the options set out in the evaluation above. For this reason, an assessment of the risk of acting or not acting is not required.



## 10.0 Conclusion

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This report has been prepared in support of TRL's request for a plan change to the provisions of the ODP. The Plan Change seeks to rezone the plan change site Residential Zone and apply a bespoke Cove Road North Precinct, and amend the Residential Chapter in respect of rules that affect the Plan Change area.

The request has been made in accordance with the provisions of Schedule 1; Section 32 of the Resource Management Act 1991.

Based on an assessment of environmental effects and specialist assessments, it is concluded that the proposed Plan Change will have positive effects on the environment in terms of the social and economic well-being of the community. Other potential effects are able to be managed through the application of the ODP zone and district-wide provisions.

An assessment against the provisions of section 32 of the RMA is provided in section 9 of the report. This includes an analysis with respect to the extent to which the objectives of the plan change are the most appropriate to achieve the purpose of the RMA and an examination of whether the provisions of the plan change are the most appropriate way to achieve the objectives.

For the above reasons, it is considered that the proposed Plan Change accords with the sustainable management principles outlined in Part 2 of the RMA and should be accepted and approved.

