

## **PRIVATE PLAN CHANGE 84 – MANGAWHAI HILLS LIMITED**

Clause 6 of Schedule 1, Resource Management Act 1991

### **Submitter details**

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

**I would like to present my submission in person at the hearing.**

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### **UNCERTAINTY OVER LEGISLATIVE FRAMEWORK**

PPC 84 is based on objectives and purposes in the KDC Operative District Plan and the RMA. It also draws support from the Mangawhai Spatial Plan.

The RMA is being replaced by Natural and Built Environment Act (NBA) along with National Planning Framework (NPF) that will provide direction on matters of national significance, environmental limits and targets, as well as identifying and resolving conflict among outcomes if possible.

The NBA works alongside the Spatial Planning Act, which creates a new requirement for long-term regional spatial planning.

This new legislation will be introduced gradually but there is no doubt that it will change the approach to future development in New Zealand.

This will of course have as substantial impact on the district plans of local authorities in New Zealand, and how new developments are to be undertaken.

In addition the legislation regarding the three waters is up in the air. If there is change of government then it is likely that current Water Services Entities Act and other legislation will be repealed or fundamentally changed.

We therefore have no idea how three waters infrastructure will be planned and funded in the future and what role local authorities will have in providing those services.

In short, it is my view that no further development on the scale of PPC 84 be approved until there is legislative certainty about the direction of new development, and certainty about how infrastructure is to be planned and funded.

The Operative District Plan is outdated and the proposed amendments to the Plan are not legally binding. There is no certainty that they will reflect the approach and direction that will be embodied in the new legislation.

We should therefore suspend all development until the legislation relating to development and the funding of infrastructure is clarified.

#### **KDC'S LACK OF DEVELOPMENT STRATEGY**

From 2010 onwards all large scale developments in Mangawhai were based on the ability to connect to the EcoCare Wastewater Scheme (now the MCWWS). All properties in its catchment area were obliged to connect to the scheme. The catchment area was extended progressively with all properties within the area being obliged to connect to the Scheme even though they had their private wastewater arrangements.

The degradation of the Harbour was the main reason given for this approach.

With the MCWWS now fast approaching capacity there is uncertainty about the future of the scheme and the ability of the community to bear the costs of extensions. It is unclear if the KDC will decide to extend the catchment area to cover such developments as PPC 84 and require connection to the scheme. Or, it may be that the KDC will permit a development to provide its own sewerage scheme for the proposed development, or it may even revert to allowing individual septic tanks.

The KDC is in difficult position because it cannot second-guess what the new legislation will include or how the infrastructure for development is to be planned and funded.

No one knows what the outcome will be. It therefore appears to be premature for any decision to be made on developments until the election is over and the new government charts the direction in which development is to be undertaken in the future.

#### **WE MUST LEARN FROM MANGAWHAI CENTRAL**

Mangawhai Central and PPC78 have established a precedent for the incompetent planning and funding of a large scale development.

The development was proposed on the basis that there was adequate waste water capacity in the MCWWS to service the whole development. In addition water was to be provided via streams and ground water via a reservoir and reticulated to each lot.

The infrastructure proposals and capacity assertions were supported by KDC staff, KDC consultants and consultants for the developer. Originally those parties stated that there was adequate capacity for the whole scheme in the MCWWS. When that was proved to be incorrect, the parties maintained that there was adequate planned wastewater capacity. However, the Environment Court agreed with the views of submitters that development could only proceed if adequate wastewater infrastructure was in place, or it was planned and funded through a long term plan.

In respect of water supply, the court agreed to a minimum lot size increase to 500 m<sup>2</sup> to provide adequate space for water tanks.

The concerns of objectors to Mangawhai Central have proved to be right. There is insufficient wastewater capacity available for further development of the residential lots. The reticulated water supply appears to have been abandoned, and water will presumably be provided through rainwater harvesting on each lot. In addition, it appears that there is insufficient electricity for the development and a new substation is in the process of being built.

Despite all the representations of the KDC staff and consultants and other independent consultants, the promised infrastructure was not available.

It is unclear at this stage how Mangawhai Central will proceed. Wastewater infrastructure and water supply will be the major considerations, and, again, any future progress will depend on the outcome of the election, and the way in which the new government deals with the relevant legislation relating to planning and funding such developments.

Mangawhai Central is a lesson to be learnt. Plan changes that allow development on the scale of PPC 84 are simply putting the cart before the horse. Development cannot proceed on such a scale unless it is mandated by the future strategy of the KDC for the development of Mangawhai, and it is based on the new legislation that will follow the election. That includes decisions as to how infrastructure is to be provide to large developments in respect of water and wastewater, and how it is to be funded.

To change the rules in the District Plan to allow such development without an overall strategy based on newly changed legislation is a complete waste of time, effort and money, and will end up with white elephants like Mangawhai Central scattered throughout Mangawhai.

### **FINANCIAL BURDEN OF DEVELOPMENTS**

Mangawhai Central has also exposed the financial mismanagement by the KDC from 2010 to 2022 in respect of wastewater infrastructure for new development.

All lots connected to the MCWWS paid a development contribution levy. The levy was to be calculated so that the capital cost of the Scheme and all interest etc would be repaid by the combined levies over the following years.

Successive councils in those years failed to ensure that the levies were calculated adequately. By the time the Jason Smith mayoralty came to an end in 2022 there was still \$26 million (or more and still growing with interest accruing)) still outstanding on the debt with the scheme approaching full capacity.

It is in effect a stranded debt with no means of repayment unless it is paid by the whole community through a special rate. The previous council was hoping that a Three Waters payment would write off the debt. That is now doubtful.

The problem is that if infrastructure is provided by the KDC and funded by KDC debt, there is no guarantee, based on history, that the debt will be managed appropriately. We could end up with a greater burden to be borne by the ratepayers.

Whatever happens in the election it is clear that when it comes to three waters infrastructure there is going to be much greater oversight on planning and funding. We need to wait and see what new rules and processes eventuate.

PPC 84 appears to “going it alone” in respect of infrastructure. We need to ask if that is the appropriate strategy given the issues and considerations referred to above, and given that there must be an overall strategy for the appropriate development of Mangawhai, that has a substantial community input.

We also have to remember that, at the end of the day, the local authority is responsible for any emergencies under the Health Act 1956 and may end up being required to remedy any issues relating to public health that could result from the failure of private wastewater schemes. That would be at the cost of all ratepayers.

## **PUBLIC SERVICES, AMENITIES AND SUSTAINABILITY**

Very little consideration is given to the availability of public services and amenities when considering plan changes. Growth and development are seen as natural requirements and the end purpose for villages like Mangawhai. Plan changes are justified using high-level terminology such as:

*The proposed land uses have been assessed to be the most optimal to achieve the objectives of the Operative Kaipara District Plan, and the purpose of the RMA, in this location.*

And:

*The proposed use will be an efficient and effective method for achieving the sustainable management purpose of the RMA, objectives of other higher order planning documents and the relevant objectives of the ODP.*

And:

*The detailed site and context analysis completed as part of this Plan Change as well as the Mangawhai Hills Structure Plan and Design Statement, demonstrates that the proposed use will be an efficient and effective method for achieving the sustainable*

*management purpose of the RMA, objectives of other higher order planning documents and the relevant objectives of the ODP.*

The proposal relies on documents that are general in nature, aspirational and over-stated, and outdated, and which are based on a belief that development per se is an objective and a natural event that is bound to happen, and must be allowed to happen.

*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 general 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.*

With respect, the “*expected growth and strategic direction anticipated*” originates from consultants and developers who are in the business of profiting out of development.

The Foreword to the Mangawhai Spatial Plan by the previous Mayor, Jason Smith, states:

*Nothing stays the same forever. Kaipara is the fastest growing district in Northland, which is a trend we expect to continue for some time. This plan is a step towards directing growth in a planned and sustainable way over the next 30 years. It will lay the foundations for future strategies and actions, for refreshing our District Plan and for building infrastructure that will meet the demands of the growing community.*

He goes on:

*We know people are attracted to Mangawhai for many reasons; the incomparable beaches and clean harbour, the coastal walks, the easy lifestyle, the proximity to Auckland, the tight community feel and much more. While these attractants will continue to evolve as we grow, we have sought to capture the essence of what Mangawhai is all about.*

He appears to suggest that meeting the demands of a growing community is compatible with the “easy lifestyle” that residents currently enjoy, and that those features of Mangawhai that attract people “will continue to evolve as we grow”. That is unlikely. The better approach is found on page 26 of the Spatial Plan:

*A managed approach to the population growth and residential development of Mangawhai is required. This would better provide for the needs of a changing community ..... and respond to the desire of the community to retain the unique coastal landscape character and amenity of Mangawhai.*

The comment in the last sentence - *respond to the desire of the community to retain the unique coastal landscape character and amenity of Mangawhai* – would resonate with the majority of the community. Ask the residents of our township and they may want some development, provided that it is planned and funded appropriately, but they will mostly agree that a village such as Mangawhai can only expand to a limited amount before the population overwhelms the facilities and amenities that make it an attractive place to live. The “golden

egg” that attracts people to the township can easily be destroyed by ad hoc, unplanned development that is not sustainable.

This leads on to the other important point made by Mayor Smith:

*This plan will allow the Council to be master, not servant, of growth, allowing options for development, while also placing boundaries around what is sustainable and what is not. Growing like topsy is not a phrase to be applied to Mangawhai.*

That is the essence of the debate about future development. Is development and growth in itself the purpose of planning? Should any development be permitted simply because it meets the requirements of the Operative District Plan, or a change to that plan? Or should we be considering the feasibility and the desirability of having future development that destroys the character and overloads the amenities of our township? And should we allow developments to proceed on the basis of ad hoc services cobbled together in the absence of any actual infrastructure and without any cohesive infrastructure plan for a consistent and planned future development of Mangawhai?

Some would argue that calling a halt to further development is nimbyism - those who already live there try to block others moving in. In fact it is simply a matter of preserving the essential qualities of a location. All locations that have high appeal have limits to how much they can increase their population without destroying those qualities that make them appealing.

Mayor Smith suggests that the Council should be the master of growth, and not the servant of developers. Unfortunately Mayor Smith’s unconditional support for Mangawhai Central - which his Council allowed to proceed without a water supply, without wastewater infrastructure, and without an adequate power supply - suggests that it was a case of development at any cost at the behest of the developer.

Having learned our lesson the hard way, the community needs to ensure that in the future it has a much greater say in how development should proceed. The KDC should listen to it ratepayers and residents.

That is one reason why a development such as PPC 84 should not proceed on the basis of a plan change application. If the development requires a fundamental change to the Operative District Plan then it should be the subject of the much broader consultation process through the adoption of the new Operative District Plan, not just the minimal and narrow consultation for a plan change. That is the only way that the community as a whole can have a say on the broader significance of future development, on planned infrastructure, and the effects on the amenities of the township.

## **CUMULATIVE EFFECT OF DEVELOPMENT**

Mangawhai has inherited a blighted development in Mangawhai Central, and, without any improvement in infrastructure or the funding to provide it, it is now looking down the barrel of substantial development proposals in The Rise, Mangawhai Hills, and several others that

have not yet been formally accepted by the KDC. Thousands of new lots are anticipated in development proposals in the pipeline.

Both developments named are ad hoc developments in that the land in question is owned by many separate owners with no common goal, no planned infrastructure because of the diverse ownership, a lack of water and wastewater infrastructure, and without there being an overall plan for the future of Mangawhai based on the feasibility of expansion, and on the views of the people of Mangawhai.

Unbridled development on the scale now being proposed by the cumulative developments may benefit developers and consultants, and eventually provide a windfall in rates for the KDC, but if not planned and funded correctly, as in the past, the overall effects on Mangawhai could be disastrous.

We will also have a massive increase in population which will simply overwhelm the services and amenities of our village. Growth in Mangawhai is constrained because of its location being bordered by the sea and harbour. Its services and amenities are already stretched, and are breaking-point during the summer season. There is simply no room for the development that is being allowed to happen without any consideration of whether Mangawhai can actually cope with it.

The most important question is: Is the development proposed in this plan change, along with other similar plan changes, actually sustainable given the limited services and amenities available in Mangawhai?

#### **OTHER CONSIDERATIONS**

I also have serious concerns about the following matters:

- Storm water and flooding
- Pollution of the streams and estuary
- Water supply
- Wastewater infrastructure
- Earthworks
- Roothing
- Urban character and density

These will be considered in more detail in my further submissions and in my presentation at the hearing.

## SUMMARY

In short, Mangawhai needs to take a breather. The forthcoming election is pivotal for New Zealand. It will dictate New Zealand's future on the large stage, but it will also impact greatly on the future of land development in New Zealand. Current legislation and policies will be swept away and there will be a completely new way of funding development.

It would be unwise at this stage to allow a plan change that permits random, ad hoc development which may conflict or not sit comfortably with what is in store for us in the very near future and would lead to development that is not sustainable.

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**I do not support the application. [Submission Point 6.1](#)**

"Clive Boonham"

26 September 2023