

Form 5

Submission on notified proposal for policy statement or plan, change or variation.

Clause 6 of Schedule 1, Resource Management Act 1991

This is a submission on a private plan change.

Please complete this form if you wish to make a submission to the Mangawhai Hills private plan change.

Private plan change number: PPC84 | Private plan change name: Mangawhai Hills Limited

Submissions must be received by 5pm on Tuesday 26 September 2023.

Overview of the Private Plan Change Proposal

The purpose of the private plan change is to rezone an area in Mangawhai to a Residential Zone. The key features of the plan change are:

- Rezone 218.3 hectares of land between Tara Road, Cove Road, Moir Road, and Old Waipu Road in Mangawhai.
- The creation of a Mangawhai Development Area with core provisions, that to protect ecological features, promote high-quality urban design, provide open space and connectivity; and
- Any necessary consequential amendments to the Kaipara District Plan Maps.

You can read the Private Plan Change application documentation on the [Kaipara District Council website](#).

- **PRIVACY ACT NOTE:** Please note that all information provided in your submission is considered public under the Local Government Official Information and Meetings Act 1987 and may be published to progress the process for the private plan change and may be made publicly available.

You can make a submission on more than one provision using this form.

Each textbox can take up to 4000 characters. If your submission has more than 4000 characters, there is an option at the bottom of this page to upload your submission as a document.

- Please provide your details *
1A

Your first and last names	Doug Iloyd on behalf of Mangawhai Matters Soc.Inc.
Street number and name	81 AVOCADO LANE, RD5
Town	WELLSFORD
Contact phone	0212225657

**Email address for
correspondence (one email
address only)**

doug.lloyd3@gmail.com

- Please select your preferred method of contact *
1B

- Email
- Postal

- Do you have an agent who is acting on your behalf? *
1C

- Yes
- No

- If you have any attachments that relate directly to your submission on PPC84, you can upload the file/s
1E here

- [Mangawhai Matters Inc Submission on Private Plan Change 84.docx](#)

- If you are a person who could gain an advantage in trade competition through making a submission on PPC84 you may only make a submission if you are directly affected by an effect of PPC84 that:

1. adversely affects the environment, and
2. does not relate to trade competition or the effects of trade competition.

Clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

- Trade competition and adverse effects - select one: *
2A

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

- Would you like to present your submission in person at a hearing? *
2C

- Yes
- No

- If others make a similar submission, will you consider presenting a joint case with them at the
2D hearing? *

- Yes
- No

- Please submit on ONE provision at a time. You can submit on further provisions in this form.

- **The specific provision of the proposal that your submission relates to:**

3A

(For example - Zoning)

Please see attachment

- Do you support or oppose the provision stated above?

3B

- Support
- Oppose

- What decision are you seeking from Council?

3C

- Retain
- Amend

- Add
- Delete

- Your reasons.
3D

please see attachment

**Example -
supports
the growth
of
Mangawhai**

3E Do you want to make a submission on another provision? Add another submission point
 I'm finished

- Thank you for your submission, it has been forwarded to the District Planning Team who will contact you if any further information is required.

A copy of your responses will be emailed to you shortly so that you can save a copy for your files. Please check your spam, updates and promotion folders if it does not appear in your inbox.

If you have any queries at all please email the District Planning Team: districtplanreview@kaipara.govt.nz or phone 0800 727 059

• [PublicVoice](#)



Mangawhai Matters Inc Submission on Private Plan Change 84 “Mangawhai Hills”

Prepared 26th Sept 2023

We wish to be heard in support of this submission.

1. Introduction

Mangawhai Matters Inc (MMI) came into existence when Private Plan Change 82 (Mangawhai Central) was notified, to defend Mangawhai’s future from adverse amenity, economic, and environmental effects of a high density development within metres of the Mangawhai Estuary, and with unquantified and uncertain network infrastructure costs. Among the outcomes of costly and protracted public defence actions mounted by residents of Mangawhai - which exposed the inadequacy of Council’s processes particularly in regard to the provision and funding of wastewater services and its management of growth generally – were increases in minimum lots sizes and an imposition by Environment Court decision that the assessment of any and all related subdivision applications on that land must include consideration of whether the provision and funding of public components of necessary wastewater infrastructure was provided for in a Council Long Term Plan.

Since that time, Kaipara District Council (KDC) has adopted with scant public input a non-statutory Spatial Plan encouraging and supporting further urban growth in rural areas around Mangawhai, but without commensurate public funding or regulatory methods in place to manage that growth so that the natural environment and public amenity enjoyed by residents living here now are protected from the direct and cumulative effects of that proposed future growth.

While MMI is aware this is a Private Plan Change, it understands that development cannot happen without KDC working alongside the developer – for example in the provision of network infrastructure including roads, wastewater connections (should these be needed), and offsite stormwater infrastructure. But these are the minimum collaborations. Council responsibilities and opportunities extend to the provision of parks, reserves, walkways, and cycleways – through reserve contributions and other mechanisms – all of which can be enjoyed by the public, not just private residents. And they extend to the provision, expansion and protection of community infrastructures used by all residents such as libraries, galleries, museums, boat ramps, and beaches.

In the absence of any supporting documentation from KDC, or any agreement or contract between KDC and the applicant other than existing minimal development contributions, submitters to PPC84 have no guarantee that KDC recognises its responsibilities to the broader public in processing this private application, nor the public opportunities that exist, nor that it intends to engage with them.

MMI considers that in seeking submissions on PPC84 alone, unsupported by KDC commitments or requirements is not good process. That said, on the understanding that some sort of agreement will

have to be prepared between the applicant and KDC, MMI in good faith makes the following specific submissions, some of which advise what KDC needs to bring to the table.

2. Summary of Submissions

MMI acknowledges that the Mangawhai Hills proposal and structure plan is intended to provide the planning framework for a high quality residential development built within a natural landscape which already exists on the site, and that there are intentions to restore and enhance indigenous vegetation and biodiversity within the Mangawhai Hills development area.

MMI's concerns primarily relate to direct, indirect and cumulative offsite effects, which are not addressed, or insufficiently addressed by the proposed planning framework.

These offsite effects include:

- Stormwater runoff volumes and overland flowpaths
- Ridgeline development affecting the Mangawhai landscape and views toward Brynderwyns
- No apparent consideration of funding and provision of public network infrastructure
- Inadequate consideration of provision of community infrastructure for public enjoyment

3. Stormwater Submissions

3.1 The existing site suffered several visible major slips along its eastern edge, indicating the vulnerability of the ridgeline edge in heavy rain. The main area of the development site drains into the headwaters of the Tara Stream catchment whose length along Tara Road has been the location of several flooding events in the past year. Thus downstream and offsite stormwater effects are already causing problems without any increases in flows offsite from impervious surfaces within the Mangawhai Hills catchment. There are no policies in DEV1 relating to the need to control and regulate offsite stormwater flows – either in terms of quality or volume. For example, the Mangawhai Point subdivision at Moir Point requires individual allotment developments to be hydrologically neutral – ie that offsite flows after development are not more than pre-development.

3.2 The Stormwater Management Plan approach is summarised by this paragraph in Section 11:

Based on our assessment of the available stormwater management devices, we proposed Option A (primarily at-source stormwater devices with infiltration capabilities) to be the preferred as this best closely resembles the pre-development scenario in terms of runoff and minimise the impact of constructing large communal devices on the environment. However, where certain restricts the use for at-source mitigation, communal devices are a practical replacement. Therefore, Option C (primarily at-source stormwater mitigation devices with some end-source stormwater mitigation devices) may be more practical for more complex areas within the PPC Area.

**Submission
Point 44.1**

The typo (“certain restricts”) probably refers to the availability of land to locate at-source devices – ie when there is insufficient land, the need for “end-source” approaches arises.

3.3 Dev1-R19 provides for subdivision, requires compliance with DEV1-S16 (the stormwater standard), and stipulates that Council’s discretion excludes stormwater. DEV1-S16 requires that all allotments must have devices to retain and detain stormwater (consistent with that part of the Stormwater Management Plan), but provides discretion “whether there is sufficient land” and “whether the downstream system is able to cater for increased runoff” and “whether infrastructure is able to link with existing systems outside the subdivision”.

3.4 DEV1-REQ1 indicates that consent applications are to be accompanied by a stormwater assessment which is not required to relate to the Stormwater Management Plan, but must be in accord with KDC’s engineering standards dated 2011. While it does mention Auckland Region standards for management devices (GD01), it does not make any reference to Auckland Council’s updated code of practice for land development and subdivision which accounts for changed rainfall patterns and an up to date understanding of best stormwater management and planning practice.

3.5 It is not MMI’s job to design the stormwater management systems needed for the Mangawhai Hills project, but we acknowledge and support the planning approach now adopted in Auckland for new development (as set out in The Auckland Code of Practice for Land Development and Subdivision: Stormwater – January 2022) , including:

- The stormwater system shall be designed for the maximum probable development of the entire upstream catchment and in accordance with TP108, with allowances for climate change...
- Primary stormwater systems include both open and closed conduits and shall be designed to cater for the flows generated by the event specified in the design standards in Section 4.3.5.2. As far as possible, the location of primary systems should be aligned with natural flow paths....
- A secondary stormwater system consists of ponding areas and overland flow paths with sufficient capacity to transfer the flows generated by the event is specified in the design standards in Section 4.3.5.2. As far as possible, the location of secondary systems should be aligned with natural flow paths. The existing constructed or natural flow paths shall be retained as far as practical....

3.6 While this Auckland Code of Practice relates to infrastructure that might be transferred to Auckland Council ownership and management, this does not negate their applicability here.

3.7 It is MMI’s submission that the “suck it and see” approach proposed in this application, ie leave it all to subdivision stage with no apparently planned sequence of development and no prior controls or restrictions for stormwater runoff from subdivisions, and no overall stormwater plan, is not appropriate on this steep land. Specific controls allotment by allotment will be necessary, but by themselves they amount to rearranging deck chairs on the Titanic.

3.8 For example DEV1-R2 allows up to two residential units on a 1,000 square metre site. The Mangawhai Point rules allow only one residential building on similar sized sites. This rule provides for more open space, and reduces the proportion of impervious coverage on a site, thereby providing space for site works which allow delivery of the hydrologic neutrality policy. Further, matters of restriction for this rule do not include consideration of offsite and downstream stormwater effects from individual sites.

3.9 While DEV1-R7 (Excavation and Fill) does provide discretion relating to site works that alter existing drainage and overland flow paths, this only applies in the event of site works greater than 500 cubic metres in a year period. This limit greatly exceeds the standard in the current District Plan (100 cubic metres), and in any case fails to recognise the fundamental importance of a more appropriate policy which is to require hydrologic neutrality for offsite stormwater flows and to follow existing overland flowpaths. The geology of much of Mangawhai is impervious clays which makes the consideration of and planning for runoff and overland flow paths, and their disruption and diversion, particularly important because of the subsequent and cumulative risk of flooding of properties “downstream” from where works are being carried out.

3.10 The Structure Plan accompanying the application provides explicitly for roading infrastructure, but does not indicate the sequencing of subdivision development, nor does it provide a plan for a stormwater infrastructure system which best practice indicates should be aligned with existing natural flowpaths. Either KDC steps up here and provides and manages publicly owned infrastructure, or those responsible for the plan change and its preliminary development provide for appropriate “whole of site” primary and secondary stormwater system installation as part of this application. Otherwise there is a risk of this infrastructure being designed and built piecemeal, risking system failure and flooding due to the lack of integrated planning.

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Point 44.2**

4. Ridgeline Development

4.1 Views from existing Mangawhai Heads urban areas, west, across the Estuary in some cases, and across its catchment in others, toward the Brynderwyns, are significant. At present the undeveloped ridgeline parallel to Old Waipu Road, with its predominantly bushy and soft edge, and backdrop to the Estuary, is visible from a large area of developed Mangawhai, and in MMI’s submission one of several outstanding landscapes that make Mangawhai what it is.

4.2 MMI submits that while there are landscape protection provisions within the provisions proposed in the application (eg DEV2-S2 relating to height of a building), these are ad hoc and likely to be incrementally and individually ignored, frustrating the policy intent, and leading to death by a thousands cuts as what first is deemed, “less than minor”, accumulates over time, delivering a fully developed ridge.

4.3 MMI submits that KDC consider taking into public ownership an equivalent of an esplanade reserve along the top of the ridge part of the subject land, and that the plan enforces setbacks from the reserve, rather than the edge of the ridge. One writer of this submission has walked the ridge edge of this land and is aware of the extraordinary views to the East across Managwhai and to the sea are afforded from the elevated position. This would be a more appropriate means of protecting the ridgeline from the visual effects – let alone stormwater runoff effects – of development.

**Submission
Point 44.3**

5. Public Network Infrastructure Planning and Funding

5.1 It is a matter of public record, and law, that in Environment Court proceedings initiated by Mangawhai Matters Inc and Clive Boonham and related to the provision of public wastewater infrastructure to service the Mangawhai Central development, any subdivision application needed supporting information confirming that such infrastructure had been provided for in a KDC Long Term Plan under the Local Government Act. The Mangawhai public interest in this matter was

essentially to ensure that growth paid for growth related infrastructure, and that its costs should not unfairly be loaded onto existing ratepayers.

5.2 MMI submits that a matter that must be included in the assessment of all and any subdivision applications that may follow this plan change being operative, is that any public infrastructure required must be explicitly provided for in a KDC Long Term Plan, including how the cost of that infrastructure is to be funded, and in particular what the level of the Development Contribution component from each lot is set at as the lot owner's financial contribution to the public cost of public infrastructure to service the development. This includes: roading, wastewater, freshwater, and stormwater infrastructure.

5.3 MMI notes that much of the debate and discussion around this matter has historically focussed on the costs associated with the transport, treatment and disposal of wastewater. However, MMI is aware that the current roading network more or less satisfactorily services the transport needs of urban Mangawhai as it currently exists, and that new public roads will be needed to service the travel needs of the new allotments and land uses proposed for the Mangawhai Hills development which should therefore bare their fair share of the construction costs of those new roads.

5.4 There is no information in the application about the cost of those new roads, nor how they will be paid for, nor what the level of Development Contribution should be set at for each new allotment. This is of great concern to MMI. Any decision relating to the proposed application must include due process for public decisions on new physical infrastructure, and must also ensure that any subdivision application contain information setting out KDC decisions about any necessary supporting infrastructure, its cost, and how that infrastructure is to be paid for.

6. Community Infrastructure, Parks and Reserves

6.1 As already noted, these submissions are as much about a Plan Change under the Resource Management Act, as they are an appeal to the KDC staff and Councillors to fully engage with the opportunities and responsibilities that arise when significant urban growth is proposed, such as Mangawhai Hills land.

6.2 For example, MMI is aware that the applicant has engaged with a number of community stakeholders, including Mangawhai Trackies in respect of its plans to construct walking tracks within the large area of regenerating native bush that forms part of the subject land. Several Trackies, on a voluntary basis, have spent about 50 man hours bush-bashing to advise the applicant on options for track placement, in the course of which several notable trees and unusual landscape features were discovered that can form attractions on these walks when completed.

6.3 This is one of the key purposes of local government. Securing land for public assets for community use at the zoning stages of development – before land has been rezoned residential, while the land is still rural farmland. This is not rocket science. It's called the reserve contribution and could form part of negotiations necessary to determine who pays for what, and how, and what tradeoffs need to be made to deliver the best overall outcome for the whole town – not just a piece of inaccessible private land with a few hundred houses on it.

6.4 MMI members have considerable experience of urban growth and plan changes in other parts of New Zealand where the responsible Council has effectively engaged with the land owner in order to secure for public use land necessary – not just for roads – but for parks, reserves, picnic areas which can be enjoyed by the new residents, but also contribute to the wider community and

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Point 44.4**

recreational asset base. MMI is unaware of any initiative of this kind at Mangawhai Hills despite the massive opportunity that exists there by virtue of the huge area of regenerating bush, the wetland areas with their birdlife and landscape value, walking tracks and potential for biking tracks extending the and connecting networks that are being developed elsewhere in Mangawhai.

6.5 MMI submits that the process for considering this application needs to include and provide for an opportunity for the public and certainly the Council and Councillors to consider options for working with the developer which lead to the establishment of either a separate entity or Council itself to take on ownership and management responsibilities for land areas including picnic and recreational areas, ridge esplanade strip, walking tracks, perhaps outstanding bush areas.

Doug Lloyd

Chairman

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