

BEFORE THE KAIPARA DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Private Plan Change 85 (PPC85)
Mangawhai East Development Area

AND IN THE of submissions by Black Swamp Limited
MATTER

STATEMENT OF EVIDENCE OF BRETT LEWIS HOOD

(PLANNING)

30 January 2026

1. INTRODUCTION AND QUALIFICATIONS

- 1.1 My name is Brett Lewis Hood. I am a planning consultant and Director at Reyburn and Bryant 1999 Limited, a multidisciplinary land development consultancy based in Whangārei.
- 1.2 I hold a Bachelor of Social Science (Geography) from the University of Waikato and a Master of Philosophy (Resources and Environmental Planning) from Massey University. I am a Full Member of the New Zealand Planning Institute (MNZPI).
- 1.3 I have over 28 years' experience practising as a resource management planner, primarily in Northland. My professional work includes leading and providing expert planning evidence on complex resource consent applications, plan changes (including private plan changes), notices of requirement, and strategic land-use planning projects.
- 1.4 I am very familiar with the Kaipara District, the Mangawhai area, and the statutory planning framework applying to the PPC85 area, including the Operative and Proposed Kaipara District Plan, the Regional Policy Statement for Northland, and relevant national policy statements.
- 1.5 I prepared and lodged the original submission and further submission on PPC85 on behalf of my client, Black Swamp Limited (BSL). I am familiar with the subject site at 25 Black Swamp Road (Lot 8 DP 565865), its physical characteristics, consent history, and surrounding land uses.
- 1.6 I have read the Section 42A Report prepared for the hearing and the submissions and further submissions relevant to BSL's relief.
- 1.7 I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. My evidence is given independently and within my area of expertise.

2. SCOPE AND PURPOSE OF EVIDENCE

- 2.1 In my evidence I:
 - a. Provide an executive summary of my key conclusions;
 - b. Describe the site and planning context relevant to BSL;
 - c. Summarise PPC85 and the rationale for the zoning pattern affecting the BSL land;

- d. Assess the relief sought by BSL in planning terms;
- e. Address the scope issue raised in the Section 42A Report from a planning perspective;
- f. Respond to the key matters raised in the Section 42A Report relevant to BSL's submission; and
- g. Provide my overall planning conclusions and recommendations to the Hearing Panel.

3. EXECUTIVE SUMMARY

- 3.1 BSL supports the strategic intent of PPC85 to enable coordinated urban growth in Mangawhai East. However, BSL seeks refinement of the notified zoning pattern as it applies to its land at 25 Black Swamp Road (Windsor Way). In my opinion, once the hazard-based justification for the notified zoning has fallen away, there is no sound planning basis for retaining a lower-density zoning outcome on the BSL land.
- 3.2 Importantly, I note that both the Council (through the Section 42A Report) and Ms O'Connor support rezoning the developable, hazard-free portion of the BSL land to LDRZ. In my opinion, that agreement reflects a shared understanding that, because the flood hazard constraint has effectively been removed by the granting of an earthworks consent, the application of LDRZ is the most appropriate and sustainable zoning outcome for this land. The remaining issue for determination is therefore limited to the most appropriate planning framework for the existing brewery.
- 3.3 The sole reason the BSL land was proposed to be zoned Rural Lifestyle Zone (RLZ) in PPC85 was the presence of coastal inundation and flood hazard constraints identified at the time PPC85 was prepared. This is expressly confirmed in the applicant's Section 32 report which records that the RLZ was applied specifically to land affected by coastal inundation and other natural hazard constraints, rather than as a preferred urban form or transitional zoning outcome.¹
- 3.4 Those constraints have since been materially and lawfully addressed through Northland Regional Council resource consent AUT.046759, that authorises permanent filling and stormwater infrastructure such that the developable area will no longer be subject to the identified coastal inundation hazard.

¹ Kaipara District Council, *Section 42A Report – Private Plan Change 85*, para 53, p.14 and paras 331–335, p.69; The Planning Collective, Mangawhai East Development Area – *Private Plan Change Planning Report (July 2025)*, p.3.

- 3.5 As a result, the planning assumptions underpinning the application of RLZ to the BSL land are no longer valid. Retaining RLZ now creates an internal inconsistency within the Mangawhai East Development Area and undermines the efficiency, coherence, and responsiveness objectives of PPC85.
- 3.6 In my opinion, rezoning the developable portion of the BSL land to Low Density Residential Zone (LDRZ), and recognising the existing brewery through appropriate commercial zoning, represents the most efficient and effective planning outcome. This relief gives better effect to the NPS-UD, the RPS, and the stated objectives of PPC85.
- 3.7 From a planning perspective, the relief sought is well within the scope of PPC85. It does not expand the plan change area, introduce new development typologies, or create effects beyond those already assessed. Rather, it is a logical and appropriate refinement responding to updated factual circumstances.

4. THE SITE AND ITS CONTEXT

- 4.1 The BSL land comprises Lot 8 DP 565865 at 25 Black Swamp Road, Mangawhai. The total site area is approximately 10.6 hectares, of which around 5.4 hectares is developable. The balance of the site comprises a protected salt marsh subject to a covenant.
- 4.2 The site sits entirely within the PPC85 plan change boundary. It adjoins land proposed for LDRZ under PPC85 and forms part of the same landform, drainage catchment, and future urban environment.
- 4.3 The site contains an established and lawfully authorised brewery (RM210463), which operates as a local destination and employment generator, with plans to expand including a taproom and restaurant as part of its evolution as a local destination.
- 4.4 At the time PPC85 was notified, the BSL land was identified as subject to coastal inundation and flood hazard constraints. On that basis, the site was zoned RLZ rather than LDRZ.
- 4.5 Subsequent to notification of PPC85 (14 July 2025), Northland Regional Council granted consent AUT.046759 on 23 July 2025, which authorises filling above RL 3.7m NZVD2016 and associated stormwater works. The effect of this consent is to remove the previously identified flood hazard constraint from the developable part of the site. This outcome aligns directly with the zoning logic adopted by the PPC85 applicant, which applies the LDRZ to land that is not subject to coastal inundation risk.

4.6 I note that the PPC85 planning and Section 32 material does not refer to the Northland Regional Council consent AUT.046759. In my opinion, this is likely a matter of timing, as the consent was granted during the latter stages of the PPC85 process and may not have been known to, or available for consideration by, the applicant when the zoning framework was finalised. The effect of that consent, however, is that the physical and hazard context of the BSL land has now materially changed.

5. PPC85 AND THE ZONING OF BSL LAND

5.1 PPC85 seeks to establish the Mangawhai East Development Area as a coordinated, serviced urban growth area. The plan change relies heavily on objectives of efficiency, integration, and effective use of land and infrastructure.

5.2 In my opinion, rezoning the hazard-free portion of the BSL land to LDRZ is strongly consistent with the objectives of the Mangawhai East Development Area. In particular, it gives effect to DEV X-O1 by providing for an efficient and connected urban form, DEV X-O7 by enabling development that appropriately responds to amenity and interface considerations, and DEV X-O10 by ensuring land capable of being serviced by reticulated infrastructure is used accordingly. Retaining the RLZ in this location would not advance these objectives and would instead undermine the coordinated urban outcome envisaged by PPC85.

5.3 Retaining RLZ on the BSL land following lawful hazard mitigation would result in an anomalous outcome where land that is physically and functionally equivalent to surrounding LDRZ land remains subject to a lower-density zoning without any corresponding planning rationale. As both the Council and the PPC85 applicant now accept, LDRZ is the appropriate zoning response once the hazard constraint has been addressed.

6. PLANNING ASSESSMENT AND RELIEF SOUGHT

6.1 In my opinion, rezoning the developable portion of the BSL land to LDRZ is the most appropriate planning response for the following reasons:

- a. Efficiency and effectiveness: LDRZ enables more efficient use of serviced, hazard-free land adjoining the Mangawhai East urban area, consistent with Section 32 principles and the PPC85 objectives. Retaining RLZ on the BSL land would fail the efficiency limb of section 32 by constraining development without any corresponding environmental benefit.

- b. Integration and coherence: Applying LDRZ achieves a seamless and logical urban form with adjoining land, avoiding abrupt density transitions that are not supported by physical or environmental constraints.
- c. Responsiveness: The relief responds appropriately to changed circumstances, namely the lawful removal of flood hazard constraints.
- d. National and regional policy alignment: The relief better gives effect to the NPS-UD, particularly Policies 1 and 2, and Regional Policy Statement provisions that require responsive planning and enabling of urban development where constraints have been addressed.

6.2 For the reasons outlined in Section 5 above, and noting the agreed position of both the Council and the PPC85 applicant, rezoning the hazard-free portion of the BSL land to LDRZ is the most appropriate planning response.

NPS-UD

6.3 The NPS-UD places a strong emphasis on enabling urban development that contributes to well-functioning urban environments and on ensuring that planning decisions are responsive to evidence and changing circumstances. Policy 1 requires that urban development be enabled where it supports the efficient use of land and infrastructure and contributes to resilience, including in relation to natural hazards. Policy 2 further requires that planning decisions be informed by up-to-date evidence and respond to material changes in the underlying factual context.

6.4 In this case, the zoning applied to the BSL land under PPC85 was based on coastal inundation modelling that assumed existing ground levels and unmitigated flood risk. The subsequent granting of NRC consent AUT.046759 materially alters that factual context by authorising hazard mitigation works that remove the identified constraint. In my opinion, continuing to apply a low-yield zoning outcome in reliance on superseded hazard assumptions would not represent a responsive planning approach and would be inconsistent with the enabling direction of Policies 1 and 2 of the NPS-UD.

RPS

6.5 The relief sought is also consistent with the relevant objectives and policies of the RPS. Objective 3.5 seeks to enable economic wellbeing, and Objective 3.11 anticipates that urban growth and development will be managed in an integrated manner across the region. Policy 6.1.1 further directs that regional and district plans be efficient and

effective, focus on managing effects, and enable subdivision, use and development that gives effect to the RPS.

- 6.6 The BSL land forms part of an identified urban growth area under PPC85. Where the environmental constraint that informed the original zoning differentiation has now been lawfully mitigated, enabling an urban zoning outcome that aligns with surrounding development supports integrated regional form and avoids the unnecessary underutilisation of land. In my opinion, the relief sought is consistent with, and gives effect to, the relevant direction of the RPS.

7. PLANNING AND SECTION 32 ASSESSMENT OF MIXED-USE ZONING FOR THE EXISTING BREWERY

Context

- 7.1 The Section 42A Report and the evidence of Ms O'Connor support rezoning of the developable (hazard free) portion of the BSL land to LDRZ but do not support rezoning of the existing brewery to a MUZ, primarily on the basis that the brewery is authorised by an existing resource consent (RM210463) and that any expansion could be addressed through a discretionary consenting pathway.
- 7.2 While the existing brewery building has been authorised by RM210463, that consent does not provide a comprehensive or enduring planning framework for the ongoing operation and future evolution of the brewery once the underlying zoning changes through PPC85. In the absence of a zoning that anticipates commercial and hospitality activity, continued reliance on historic permissions or continuation mechanisms introduces uncertainty for both the operator and surrounding landowners and does not provide the clarity or certainty expected in a planned urban environment.
- 7.3 In my opinion, the approach taken in the Section 42A report conflates the question of whether an activity can lawfully continue with the separate and more fundamental plan-making question of whether the District Plan should positively recognise and provide for an established activity within a planned urban environment.
- 7.4 For completeness, and separate from the planning principles discussed above, I note that while Ms O'Connor's evidence supports rezoning the portion of the BSL site subject to the Northland Regional Council earthworks consent to Low Density Residential Zone, the amended zoning map attached to her evidence does not fully reflect the spatial extent of the authorised earthworks area. I understand that this is a mapping refinement rather than a matter of planning principle, and that Ms O'Connor intends to provide an

amended plan through her addendum evidence to accurately align the zoning with the extent of the earthworks consent.

Plan-led versus consent-led

- 7.5 Reliance on an existing land use consent and as the primary planning mechanism for an established commercial activity within a future urban area is inherently reactive. Resource consents are site-specific, time-bound, and effects-focused instruments. They do not provide the same level of certainty, legibility, or integration as zoning, particularly in a growth area where land use patterns are being deliberately structured through a plan change.
- 7.6 In contrast, zoning is a forward-looking, plan-led tool. It signals anticipated land use outcomes to landowners, neighbours, infrastructure providers, and the wider community. In a Development Area such as Mangawhai East, reliance on repeated discretionary consents under a residential zoning to legitimise an established activity is, in my opinion, an inefficient substitute for appropriate zoning.

Comparison of effects: Mixed Use Zone versus LDRZ

- 7.7 The MUZ sought is deliberately limited in extent, applying to approximately 5,450m² around the existing brewery and its immediate operational area. It is not intended to establish a new commercial centre or enable large-scale retail activity.
- 7.8 Importantly, rezoning the brewery site to Mixed Use does not create a materially different or greater effects envelope than would apply under the LDRZ. Under the LDRZ, commercial and non-residential activities are discretionary, requiring a full effects assessment and consent in any event.
- 7.9 Under the MUZ, commercial and food and beverage activities up to 200m² gross floor area are restricted discretionary activities, with larger activities defaulting to discretionary status. This framework does not remove Council's ability to manage effects. Rather, it provides a more proportionate and transparent consenting pathway for small-scale, local commercial activities while retaining full discretion for activities of greater scale.
- 7.10 In practical terms, the MUZ provides greater certainty for activities that are already occurring, without enabling outcomes that would not otherwise be subject to effects-based assessment under the LDRZ.

7.11 While I acknowledge that expansion or change to the existing brewery would require discretionary consent under both the LDRZ and the MUZ, the planning context within which that discretion is exercised is fundamentally different. Under the LDRZ, commercial and hospitality activities are assessed as exceptions to a residential environment. Under the MUZ, those activities are expressly anticipated and assessed as consistent in principle with zone intent. In my experience, that distinction materially influences the focus of the assessment, the weight given to residential amenity expectations, and the likelihood of reverse sensitivity constraints being imposed. The MUZ therefore provides a more enabling, certain, and plan-consistent framework for the future evolution of the brewery, even where discretionary consent remains required.

Consistency with PPC85 objectives and policies

7.12 The MUZ sought for the brewery site is consistent with the intent of PPC85 in relation to commercial and non-residential activities. DEV X-O8 expressly anticipates the provision of supporting commercial and non-residential land uses to serve the local community and location-based activities. The existing brewery is a clear example of such an activity, operating as a local destination and employment generator.

7.13 Further, DEV X-P8 directs that commercial and non-residential activities be enabled where they are of a scale and character that complements the coastal location and surrounding residential environments. The MUZ framework, including restricted discretionary thresholds at 200m² GFA and discretionary status for larger activities, provides precisely the level of control envisaged by this policy. In my opinion, reliance on a residential zoning and ongoing discretionary consents under that zone does not give effect to DEV X-O8 or DEV X-P8 as effectively as a plan-led MUZ outcome.

Section 32 evaluation

7.14 From a section 32 perspective, applying the MUZ to the brewery site is both more effective and more efficient than reliance on an underlying residential zoning and ongoing discretionary consents. The conclusions in this section are supported by, and consistent with, the detailed section 32 assessment prepared for applying the MUZ to the brewery site, which evaluates effectiveness, efficiency, and risk in accordance with section 32 of the Act.

7.15 The MUZ more effectively achieves the objectives of PPC85 by positively recognising an established local commercial activity within the Development Area and integrating it into

the planned urban structure, rather than treating it as an ongoing exception to a residential zoning framework.

- 7.16 From an efficiency perspective, the MUZ avoids the repeated costs, uncertainty, and procedural inefficiency associated with successive discretionary consent applications for activities that are already established and anticipated. It achieves this without increasing environmental effects relative to the baseline.
- 7.17 In regard to the risk of acting or not acting, retaining a residential zoning relies on continued discretionary consenting and creates uncertainty as surrounding residential development occurs. In contrast, applying the MUZ provides a clear and stable planning framework that reduces long-term risk for both the landowner and future residents.
- 7.18 Taken together, the national and regional policy considerations outlined above reinforce my conclusion that, where the sole constraint underpinning the notified zoning has been lawfully addressed, it is both appropriate and necessary for the district planning framework to respond by enabling an urban zoning outcome that aligns with the surrounding Development Area.
- 7.19 In relation to the existing brewery, the Section 42A Report notes that the activity is able to continue operating pursuant to its current resource consent and that any future expansion could be considered through a discretionary consenting pathway. While I acknowledge that this is technically correct, I do not consider reliance on ongoing consent pathways to represent best practice in a plan-led urban development context. Reliance on site-specific consents provides limited certainty for landowners, neighbours, and future development outcomes, and does not positively recognise the role of an established activity within the planned urban structure. In my opinion, recognising the brewery through appropriate commercial zoning is a more efficient and transparent planning response, as it embeds the activity within the Development Area framework, provides clarity about anticipated land use outcomes within a local centre context, and reduces reliance on ad hoc consenting over time. This approach better aligns with the integrated and coordinated urban form envisaged by PPC85.

8. SCOPE CONSIDERATIONS

- 8.1 The Section 42A Report raises the possibility that the relief sought by BSL may be out of scope. I acknowledge that scope is ultimately a legal question for the Hearing Panel, informed by legal submissions.

- 8.2 From a planning perspective, however, I consider the relief to be well within scope for the following reasons:
- a. The relief does not extend the PPC85 boundary or introduce development outside the notified plan change area.
 - b. The LDRZ is a core and dominant zoning within PPC85. Submitters were clearly on notice that standard urban residential development was proposed across the Mangawhai East Development Area.
 - c. The relief does not introduce new or different categories of effects. The effects of LDRZ development have been comprehensively assessed on a Development Area-wide basis.
 - d. The relief arises directly from matters already in issue, namely the appropriateness of RLZ based on flood hazard constraints that have since been removed.
- 8.3 In my opinion, the relief sought represents an internal refinement of the notified zoning pattern rather than a fundamental alteration to the nature or scale of development envisaged by PPC85. Given that the notified zoning differentiation within PPC85 was expressly driven by hazard constraints, revisiting that differentiation in light of updated hazard information represents a logical and foreseeable refinement of the notified proposal.

9. RELIEF SOUGHT

9.1 For clarity, the following relief is sought:

(1) That the planning maps be amended to:

(a) apply the MUZ to an area of approximately 5,450m² encompassing the existing brewery and its immediate operational area on the Black Swamp Limited land, as shown on the plan in **Appendix 1**.

(b) apply the LDRZ to an area of approximately 4.8544ha, as shown on the plan in **Appendix 1**.

(2) That any consequential amendments required to give effect to this relief be made, including to zoning tables, overlays, and definitions as necessary.

10. OVERALL CONCLUSIONS

10.1 For the reasons set out above, I consider that:

- (1) The original justification for applying RLZ to the BSL land no longer applies;
- (2) Retaining RLZ creates an internal inconsistency within the Mangawhai East Development Area;
- (3) Retaining RLZ on the BSL land would fail the efficiency limb of Section 32 by constraining development without any corresponding environmental benefit.
- (4) Rezoning the developable portion of the site to LDRZ, and recognising the existing brewery by applying the MUZ will represent the most efficient and effective planning outcome; and
- (5) The relief sought is appropriate to be considered and granted within the scope of PPC85.

10.2 I therefore recommend that the Hearing Panel accept BSL's submission and grant the relief sought.

Brett Hood

30 January 2026

Attachments

1. Section 32 Assessment (Mixed Use Zone)

SECTION 32 ASSESSMENT

(Mixed Use Zoning – Existing Brewery)

1. Purpose and scope

- 1.1 This Section 32 assessment has been prepared to evaluate the appropriateness of zoning the land occupied by the existing brewery on the Black Swamp Limited (BSL) site to Mixed Use Zone (MUZ), as sought in the BSL submissions on Private Plan Change 85 (PPC85).
- 1.2 This assessment is deliberately limited in scope. It does not revisit the broader Section 32 evaluation for PPC85, nor the zoning of the balance of the BSL land to LDRZ, which is supported by both Council officers and Ms O'Connor.
- 1.3 The purpose of this assessment is to assist the Hearing Panel in undertaking its section 32AA evaluation in relation to the specific relief sought for the brewery site.

2. Description of the site and activity

- 2.1 The brewery occupies approximately 5,450m² within the BSL landholding. The activity is lawfully established and authorised by land use consent RM210463.
- 2.2 The brewery operates from a building authorised by land use consent RM210463. At the time of establishment, the brewery activity itself was permitted under the Operative District Plan.

3. Rationale

- 3.1 The rationale for zoning the brewery site MUZ is:
 - To positively recognise an existing, lawfully established commercial activity;
 - To provide a plan-led framework for ongoing operation and modest evolution of that activity;
 - To integrate the activity into the Mangawhai East Development Area; and
 - To avoid reliance on discretionary consent processes for an activity that is already anticipated to remain.

- 3.2 In particular, the rationale recognises that reliance on historic permissions or activity status under the Operative District Plan does not provide an enduring or plan-led framework once zoning is updated through PPC85.
- 3.3 Although discretionary consent would still be required for expansion under both LDRZ and MUZ, the MUZ provides a materially different policy framework by recognising commercial and food and beverage activities as anticipated land uses rather than as exceptions to a residential environment.
- 3.3 The MUZ is not sought to establish a new commercial centre or to enable large-scale retail or employment activities.

4. Statutory context

Resource Management Act 1991

- 4.1 Section 32 requires an evaluation of whether provisions are:
- the most appropriate way to achieve the purpose of the Act; and
 - the most effective and efficient means, having regard to costs, benefits, and risks.
- 4.2 Section 32AA requires a further evaluation where changes are made following submissions.

PPC85 framework

- 4.3 PPC85 is a plan-led growth initiative that seeks to structure land use outcomes across the Mangawhai East Development Area.
- 4.4 Zoning differentiation within PPC85 is intended to reflect site-specific circumstances, constraints, and anticipated land use outcomes.

5. Applying LDRZ to the brewery

- 5.1 The preferred option in the Section 42A report is to zone the brewery site LDRZ. The implications of this are:
- the brewery would continue to operate under its existing consent; and
 - any expansion or change would require a discretionary activity consent under the LDRZ.

5.2 While this provides a consenting pathway, it relies on:

- ongoing site-specific consenting;
- repeated effects assessments for an established activity; and
- a residential zoning that does not reflect the existing land use.

5.3 While the existing consent provides a lawful pathway for the continuation of the brewery, it does not provide a plan-led framework that recognises the activity as an anticipated land use within the Development Area. From a Section 32 perspective, reliance on site-specific consents is a less appropriate and less efficient mechanism than zoning for managing established land use patterns over time.

5.4 In addition, while the brewery currently operates lawfully, its continued operation and future evolution would, under the status quo, rely on historic permissions and future discretionary consenting within a residential zoning framework. From a section 32 perspective, this introduces an element of uncertainty that is inconsistent with a plan-led approach to managing established non-residential activities within a planned urban growth area.

6. Alternative option — Mixed Use Zone

6.1 Under the MUZ:

- commercial and food and beverage activities up to 200m² GFA are restricted discretionary;
- activities exceeding 200m² default to discretionary status; and
- Council retains full control over scale, effects, and compatibility.

6.2 In this respect, the MUZ does not enable any activity to occur as a permitted activity that would otherwise require consent under the LDRZ, and therefore does not materially expand the effects envelope anticipated under PPC85.

7. Appropriateness of the Mixed Use Zone

7.1 In addition to being effective and efficient, applying the MUZ to the brewery site represents the most appropriate way to achieve the relevant objectives of PPC85. Zoning is the primary plan-making tool for signalling anticipated land use outcomes

within an urban growth area. In this context, reliance on an underlying residential zoning coupled with repeated discretionary consents is a less appropriate mechanism for managing an established and anticipated commercial activity.

7.2 The MUZ provides a clear, transparent, and proportionate planning framework that aligns zoning with existing land use, while retaining appropriate regulatory oversight through restricted discretionary and discretionary activity thresholds. In my opinion, this approach is more appropriate than continued reliance on consent-based exceptions within a residential zoning framework. In this context, the appropriateness of the MUZ does not lie in removing regulatory oversight, but in ensuring that future consent decisions are made within a framework that anticipates, rather than resists, the continued presence and evolution of a local commercial activity. In contrast, reliance on the continuation of historic permissions or activity status under a superseded planning framework is a less appropriate regulatory method for achieving PPC85 objectives.

8. Evaluation of effectiveness

8.1 The MUZ is more effective than the status quo because it:

- aligns zoning with an existing and anticipated land use;
- recognises the brewery as part of the Development Area's structure; and
- avoids treating the activity as an ongoing anomaly within a residential zone.

8.2 In particular, the MUZ directly gives effect to DEV X-O8 by enabling a supporting commercial activity that serves the local community and functions as a location-based activity, and to DEV X-P8 by enabling such activities only where they are of a scale and character compatible with surrounding residential environments. The zoning framework achieves this through clear activity thresholds and retained discretion for larger-scale activities.

8.3 Retaining LDRZ and relying solely on consent pathways does not positively recognise the activity and is therefore less effective in achieving the objectives of PPC85.

8.4 Under the MUZ framework, discretionary assessment is directed toward managing scale, design, and effects of an anticipated activity. Under LDRZ, discretionary assessment must first grapple with whether a non-residential activity should occur at

all within a residential zone. From an effectiveness perspective, the MUZ provides a clearer and more outcome-focused framework for achieving PPC85 objectives.

9. Evaluation of efficiency

9.1 The MUZ is more efficient because it:

- reduces the need for repeated discretionary consent applications;
- provides greater certainty to landowners, neighbours, and Council; and
- lowers transaction costs over time.

9.2 These efficiencies are achieved without increasing environmental effects, as Council discretion is retained for activities of greater scale. This efficiency is not derived from reducing regulatory scrutiny, but from reducing the need to repeatedly justify the fundamental appropriateness of a commercial activity within a residential zoning context. This increased efficiency also arises from providing clarity and certainty to both operators and future residents about the anticipated land use outcome, rather than relying on the ongoing exercise of discretion to manage what is, in practice, an established activity.

10. Risk assessment

Risk of zoning the brewery MUZ

10.1 Zoning the brewery site to MUZ carries a perceived risk that additional commercial activity could occur over time or that the zone could be relied upon to justify commercial expansion beyond what is appropriate in a predominantly residential environment. These concerns are primarily addressed through the limited spatial extent of the zoning, the restricted discretionary activity thresholds within the MUZ, and the retention of full discretionary control for activities of greater scale.

Risk of zoning the brewery LDRZ

10.2 Zoning the brewery site LDRZ relies on the continued operation of the brewery as an exception within a residential zoning framework, supported by historic permissions and future discretionary consents. This approach carries a risk of ongoing uncertainty for the operator, increased reverse sensitivity pressures as surrounding residential

development occurs, and a repeated need to justify the fundamental appropriateness of a commercial and hospitality activity within a residential environment.

Comparative risk evaluation

10.3 When assessed comparatively, the risk associated with zoning the brewery LDRZ is greater than the risk associated with zoning it MUZ. The MUZ provides a clear, plan-led framework that anticipates non-residential activities and enables effects to be managed through defined activity thresholds, whereas the LDRZ zoning perpetuates uncertainty and reactive decision-making.

Overall risk conclusion

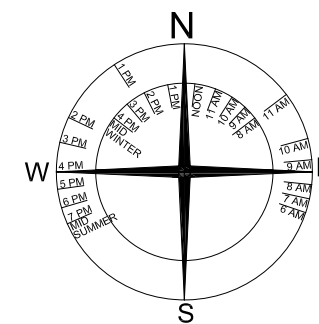
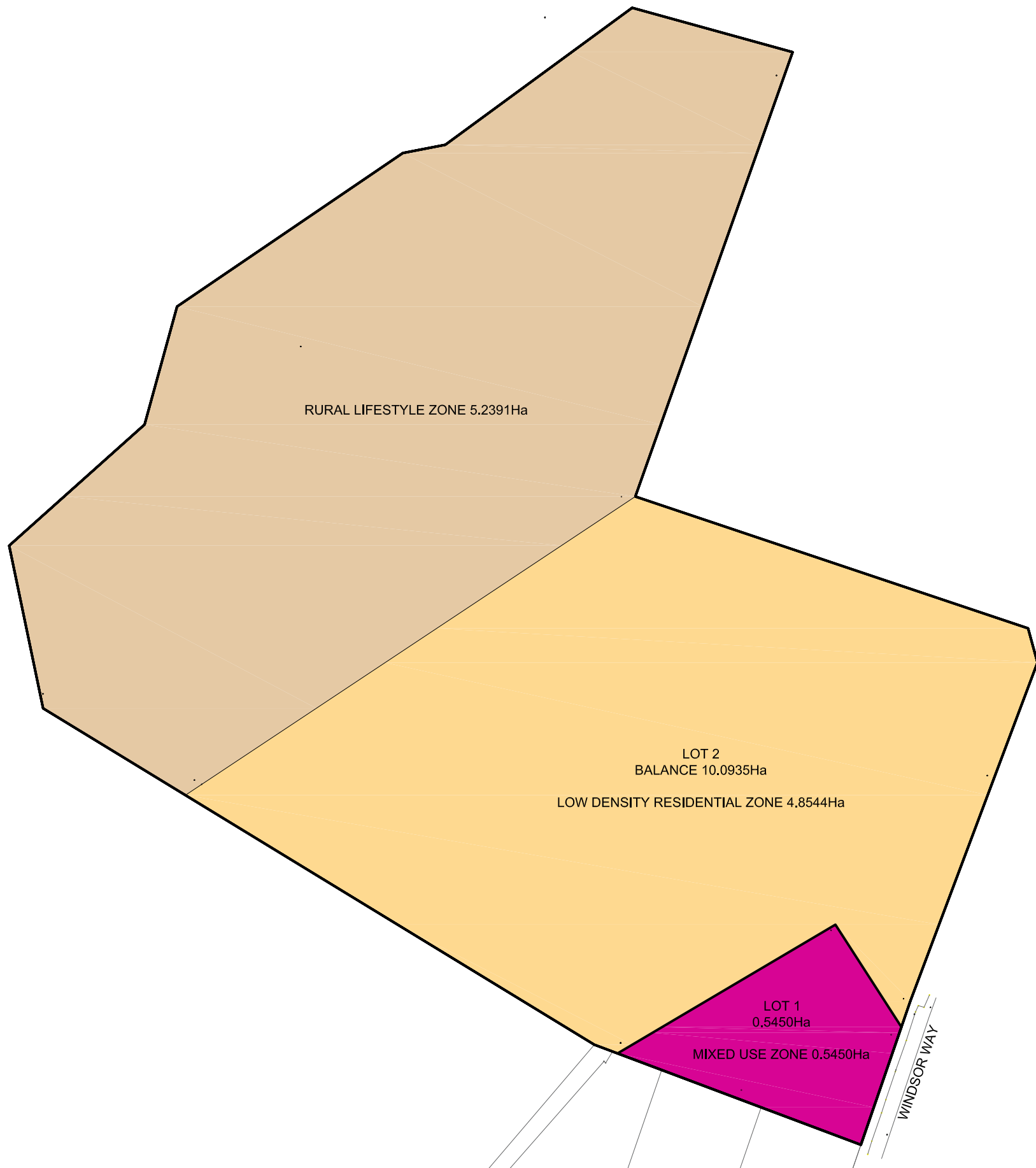
10.4 On balance, the risk of not zoning the brewery site MUZ outweighs the risk of zoning it LDRZ. The MUZ zoning provides greater certainty, better integration with the Development Area, and a more effective and efficient framework for managing effects over time.

11. Conclusion

11.1 The application of the MUZ to the brewery site is the preferred option. It provides a clear, plan-led framework that anticipates commercial and food and beverage activities, aligns zoning with existing land use, and integrates the brewery into the structure of the Mangawhai East Development Area.

11.2 Alternative approaches, including retention of residential zoning and reliance on historic permissions or future discretionary consents, are less appropriate. While they provide a lawful pathway for continued operation, they do not offer the same level of certainty, integration, or clarity for future decision-making and rely on reactive, site-by-site assessment rather than plan-led direction.

11.3 For the reasons set out above, the MUZ zoning of the brewery site represents the most appropriate way to achieve the relevant objectives of PPC85 under section 32 of the Resource Management Act. It is more effective in giving effect to those objectives, more efficient than continued reliance on discretionary consenting, and does not increase the environmental effects anticipated under the plan.



LEGEND

- MAJ CONTOUR
- MIN CONTOUR
- PROPERTY BDY
- FENCE
- RETAINING WALL
- TOP OF BANK
- BOTTOM OF BANK
- SANITARY SEWER
- STORMWATER
- FLOWLINES
- DRAIN
- RURAL LIFESTYLE ZONE 5.2391Ha
- LOW DENSITY RESIDENTIAL 4.8544Ha
- MIXED USE ZONE 0.5450Ha

NOTE:

- ANY QUERIES SHOULD BE DIRECTED TO PACIFIC COAST SURVEYS LTD.
- COORDINATES ARE IN TERMS OF MOUNT EDEN CIRCUIT 2000.
- VERTICAL DATUM ASSUMED.
- MAJOR CONTOUR LINES ARE AT 1m INTERVALS.
- ALL AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL LT SURVEY.



PACIFIC COAST SURVEYS

09 431 5353 | 0800 PACIFIC | 0800 722 4342
 info@pacificcoastsurvey.co.nz
 www.pacificcoastsurvey.co.nz

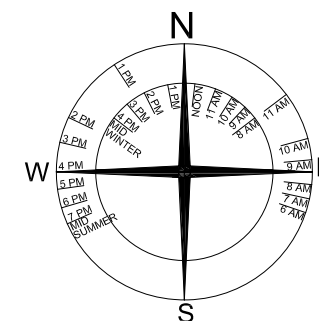
SITE PLAN
PROPOSED ZONE CHANGE

WINDSOR WAY, MANGAWHAI















CLIENT
BLACK SWAMP LTD

FILE 3056
 REVISION REV 6
 DATE JANUARY 2026
 SCALE 1:2000 @ A3
 COUNCIL FILE RM
 PAGE 1 OF 2

**PROPOSED SUBDIVISION OF
LOT 8 DP 565865**



LEGEND

-  MAJ CONTOUR
-  MIN CONTOUR
-  PROPERTY BDY
-  FENCE
-  RETAINING WALL
-  TOP OF BANK
-  BOTTOM OF BANK
-  SANITARY SEWER
-  STORMWATER
-  FLOWLINES
-  DRAIN
-  RURAL LIFESTYLE ZONE 5.2391Ha
-  LOW DENSITY RESIDENTIAL 4.8544Ha
-  MIXED USE ZONE 0.5450Ha

NOTE:

- ANY QUERIES SHOULD BE DIRECTED TO PACIFIC COAST SURVEYS LTD.
- COORDINATES ARE IN TERMS OF MOUNT EDEN CIRCUIT 2000.
- VERTICAL DATUM ASSUMED.
- MAJOR CONTOUR LINES ARE AT 1m INTERVALS.
- ALL AREAS AND MEASUREMENTS ARE SUBJECT TO FINAL LT SURVEY.



PCS PACIFIC COAST SURVEYS
 09 431 5353 | 0800 PACIFIC | 0800 722 4342
 info@pacificcoastsurvey.co.nz
 www.pacificcoastsurvey.co.nz

SITE PLAN
 PROPOSED ZONE CHANGE

WINDSOR WAY, MANGAWHAI

CLIENT: BLACK SWAMP LTD
 FILE: 3056
 REVISION: REV 6
 DATE: JANUARY 2026
 SCALE: 1:2000 @ A3
 COUNCIL FILE: RM
 PAGE: 2 OF 2

PROPOSED SUBDIVISION OF
LOT 8 DP 565865